

Application Number:	2013/0450	Application Type:	Full
Proposal:	Construction of Trail Centre Building associated with Lee Quarry Bike Trails, comprising Shop, Cafe, Showers, Workshop, Classroom/Function Space, and Parking	Location:	Land south of The Business Centre, Futures Park, Bacup
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	12 November 2013
Applicant:	Ride On	Determination Expiry Date:	4 December 2013
Agent:			

Contact Officer:	Richard Elliott	Telephone:	01706-238639
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Council Land

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

That Committee approve Permission for the reasons set out in Section 10.

2. SITE

This application relates to a site of approximately 0.8 hectares in area that is situated within Futures Business Park, which is owned by the Council. Comprising Plot 4 of five Plots associated with the reclaimed Lee Mill site. It is to the south of The Business Centre and the roadway leading

to the LCC Highways Depot.

With respect to the Lee Mill site as a whole : Outline Permission has previously been granted for erection of 5 industrial units, to be served off a new road; buildings and bridges have been removed from the land; the Business Centre has been completed on a plot which fronts Newchurch Road/New Line; and roads/sewers have been constructed to serve the other plots.

Plot 4 is a 'brownfield' site, of irregular shape, which is bounded by the River Irwell to the north and mature trees/woodland on its the east side. Adopted highway runs to its west site and to the south is Plot 5, which remains to be developed . The site is of unkempt appearance, vegetation having grown in from its fringes, and on the frontage to the highway has a bund intended to keep vehicles from entering it.

At present the highway is used by J&J Ormerod to park lorries and for parking associated with the popular Lee Quarry Mountain Bike Centre, located to the south and now a significant tourist destination within Rossendale and attracting an increasing number of visitors from outside of the borough.

The site lies within the Urban Boundary of Bacup, previously designated as an employment area within the former Rossendale District Local Plan.

3. RELEVANT PLANNING HISTORY

2002/0148 Demolition of buildings, construction of new road and erection of five industrial units
Approved

2003/0088 Erection of Business Centre (Plot 2)
Approved

2004/0056 Extension of Car Park approved under Application 2003/0088
Approved

2006/0256 Erection of building of approx 800sq m for Office/Industrial Use (Plot 3)
Approved - unimplemented

4. PROPOSAL

The applicant seeks permission to construct a building to be associated with Lee Quarry Mountain Bike Centre, with a Shop, Cafe, Showers, Workshop, Classroom/Function Space, and Associated Parking.

This 2-storey building would measure approximately 15m x 33m x 8m in height and be sited in the south east corner of the plot. It would be constructed with walls in a mix of stone and aluminium cladding coloured grey and blue, with glazing panels to the north and west elevations, under a powder-coated aluminium sheet roof. There would also be an outdoor first-floor terrace on the west elevation of 12m in width and 3m projection.

The submitted drawings show that there would be 141 car parking spaces, 14 motorcycle spaces and 50 cycle parking spaces. Forty one of the car spaces are for use only by those visiting the building. The additional parking is for general parking for events and other users of the area for leisure purposes. A bike washing facility will also be provided.

Additional landscaping is proposed to the south and west boundaries comprising a low level beech hedge to the north west corner in addition to a mix of large stone boulders and stone filled gabion retaining walls of no more than 1.5m in height to the south and west.

The Applicant envisages that the proposal would generate seven full-time and seven part-time jobs. Proposed opening times are 09.30-18.00 Monday to Friday, 09.30-16.00 on Saturdays and 09.00-17.00 Sundays and Bank Holidays.

Accompanying the application are the following documents:

- A Phase 2 contaminated land report:
 - This identifies contaminants within the site, however, not such that would rule out the principle of development. Accordingly, it recommends details of the remediation strategy be conditioned.
- A Design and Access Statement:
 - States that the building would not only support the bike park but also support the local economy, sustainable growth and expand/encourage tourism in the area.
 - The facing materials for the building have been chosen to reflect local & natural materials, including local, natural cut stone and timber cladding, with a sympathetic horizontal warm grey cladding to the upper portion of the building.
 - The choice of materials will help the building work within the landscape and against the backdrop of the surrounding hillsides & strike a balance between the natural landscape & the adjacent business park.
 - A tall glass facade framed in horizontal timber effect cladding creates an impressive entrance to the building and the use of an offset feature slab of colour accentuates the entrance and takes its slab influence from the quarry – giving a feeling of height and strength to the building.
- A Transport Statement
 - Concluding that the scheme accords with national and local policy, adjacent to very good transport linkages
 - The location has no capacity issues or safety issues expected to arise with the adjacent route to the site
 - The scheme would have little or no impact on the local road network
 - There are no substantive reasons why the scheme should not be approved from a transportation point of view.
- An Ecology Survey and Assessment
 - There are no substantive ecological constraints or concerns relating to the proposal, though a combination of essential legal precautions and best-practice measures for biodiversity retention will be needed.

5. POLICY CONTEXT National

National Planning Policy Framework (2012)

Section 1	Building a Strong Competitive Economy
Section 2	Ensuring the Vitality of Town Centres
Section 4	Promoting Sustainable Transport
Section 7	Requiring Good Design
Section 8	Promoting Healthy Communities
Section 10	Meeting the Challenges of Climate Change, Flooding, etc
Section 11	Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 2	Bacup, Stacksteads and Britannia
Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 11	Retail and other Town Centre Uses
Policy 14	Tourism
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity and Landscape Conservation
Policy 22	Planning Contributions
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

6. CONSULTATION RESPONSES

RBC (Environmental Health)

No objection

Recommend a condition to ensure submission and approval by the Council of the remediation strategy to be implemented in respect of the site.

RBC Property Services

It should be ensured that the scheme has appropriate landscaping and boundary treatments to keep the site secure.

LCC (Highways)

No objection in principle.

The proposed facility will not only serve as a new facility to promote cycling in the Borough of Rossendale but also service an existing demand / feature, namely the Lee Quarry mountain bike trail.

The new facility will provide suitable parking levels, both for the new usage and to serve existing usage. The parking area will not be adopted by the Highway Authority, but links to the existing adopted highway network within Futures Park. The proposed access is of an appropriate size to enable vehicles to enter and leave the site at the same time. The new parking will also reduce the amount of parking on the adopted highway that is generated by the Lee Quarry mountain bike trail.

The proposed surfacing for the car park is acceptable but will need to be monitored to ensure that gravel is not carried from the car parking area onto the adopted highway. All parking spaces should be marked out as shown on the proposed plan.

The application refers to the use of self draining gravel and ideally the routes of drainage should be shown. Drainage should not be onto the adopted highway.

The one concern over the proposed layout is that lorries servicing the new building are unable to enter and leave the servicing area in forward gear. Currently they are shown as using the proposed car park entrance to manoeuvre into and out of the servicing area and this could create conflict with other vehicles, leading to an increased risk of collision. This can and should be remedied.

Environment Agency

Comments awaited.

United Utilities

No objection provided that the following conditions are met :

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should not be allowed to discharge to foul/combined sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Electricity North West

The applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements associated with ENW.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order two site notices were posted on 10/10/13 and 10 letters were sent to neighbours on 10/10/13.

No comments have been received.

8. ASSESSMENT

The main considerations of the application are:

1) Principle; 2) Ground Contamination 3) Visual Amenity; 4) Neighbour Amenity; & 5) Access/Parking.

Principle

The site constitutes previously developed land and is located in a sustainable location within the Urban Boundary of Bacup.

The building would not be located within a Flood Risk Zone.

Whilst it was originally envisaged that the Lee Mill site would be developed for Industrial purposes, and a retail/cafe of so large a size should locate within a Town Centre, National Planning Policy is supportive of the creation of mixed use developments that are sustainable, encourage economic growth and promote tourism and recreation. Furthermore, the Council's Core Strategy strongly encourages the development of the tourist industry, and particularly the active sports industry in the east of the Borough. I am satisfied that at the foot of Lee Quarry, this site is an appropriate location for a facility that would both physically and functionally relate to, promote and enhance one of the Boroughs main tourist

attractions. The proposal will itself provide a number of jobs and other plots remain available for development for employment purposes.

Accordingly, the scheme is considered acceptable in principle, subject to a condition that the retail space created is not used for purposes other than bikes, thereby avoiding changes of use that may adversely affect the vitality and viability of Bacup Town Centre..

Ground Contamination

I concur with the view of the Council's Environmental Health Officer that the site can be remediated and made available for the proposed use. However, there is a need to ensure by way of a condition that prior to development of the site further intrusive investigations are undertaken to ascertain what (if any) remediation works should be carried out/protection measures should be used to protect occupiers of the building or users of the external areas.

Visual Amenity

Paragraph 60 of the NPPF states "*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*"

I do not consider that the scale or design of the proposed building inappropriate to the business park. Likewise, the facing materials proposed for it are characteristic of buildings within the locality, including use of natural local stone reflective of the historic character of Rossendale and glazing & blue cladding reflective of the adjacent Business Centre. The external first-floor terrace is a feature that might not be expected of a building on a business park but is not inappropriate having regard to the use intended for the building and will not appear unduly prominent or intrusive.

The proposal will result in loss of some self-seeded trees and shrubs, but no more so than would development of the plot now for industrial purposes. It is considered appropriate to attach a condition regarding landscaping/boundary treatment having regard to the extensive areas of hardstanding intended for the parking and manoeuvring of vehicles.

Subject to suitable landscaping/boundary treatment, the scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

The plot to which this proposal relates is well away from residential properties. I am satisfied that the building itself, and the uses associated with it will not detract to an unacceptable extent from the amenities existing or future neighbours could reasonably expect to enjoy.

The scheme is considered acceptable in terms of neighbour amenity.

Access / Parking

LCC Highways is satisfied that the local highway network can accommodate the traffic likely to be generated by the proposed development and adequate space exists within the site to meet the servicing and parking needs of the proposed building. An amended layout plan is awaited from the applicant that will enable lorries to turn within the site, thereby addressing the concern of the Highway Authority that they may reverse out onto the highway.

9. Summary Reason For Approval

The scheme is considered acceptable in principle and, subject to conditions, would not detract to an unacceptable extent from the vitality & viability of Bacup Town Centre, visual and neighbour amenity, public and highway safety, or ecology, having regard to the National Planning Policy Framework (2012) and Policies 1 / 8 / 9 / 11 / 14 / 17 / 18 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

That the application be Approved subject to conditions below.

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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1995 and the Town and Country Planning (General Permitted Development) Order 1995, or any order amending or revoking and re-enacting those Orders, the building hereby permitted shall not be used for sale/hire/services of other than in respect of bikes (and their parts and associated products and services), nor the space occupied by the cafe extended, without submission and approval of an application for planning permission.
Reason : To ensure that the building hereby permitted retains its functional relationship with the nearby Lee Quarry Bike Trails, and does not detract from the vitality and viability of Bacup Town Centre, in accordance with Policies 1 / 13 / 14 of the adopted Core Strategy DPD (2011).
3. Prior to commencement of development the following shall be submitted to the Local Planning Authority:
 - a) A Remediation Strategy to address contamination risks shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The remediation scheme in the approved Remediation Strategy shall then be carried out and a Site Completion Report detailing the action taken at each stage of the works (including validation works) shall be submitted to and approved in writing by the Local planning Authority prior to first occupation of any part of the development hereby approved or as otherwise first agreed in writing by the Local Planning Authority.
Reason : To ensure the site is properly remediated and any risk to human health and controlled waters is minimised, in accordance with the recommendations of the submitted Ground Condition Reports and Policy 24 of the adopted Core Strategy DPD (2011).
4. Prior to the commencement of development a detailed method statement for the removal or the long-term management / control 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 that will be used to prevent the spread of Japanese knotweed during any operations e.g. 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, as amended. Development shall proceed in accordance with the approved method statement.

Reason : To ensure the development does not contribute to the further spread of Japanese knotweed, to accord with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

5. Prior to commencement of development full details of a scheme for the mitigation of risk from flooding and for the provision for a surface-water drainage (with foul water to drain to a separate system) shall be submitted to the Local Planning Authority. Development shall not commence until the details have been approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: To reduce the danger from flooding, and to accord with the submitted Flood Risk Assessment, the advice of United Utilities, and Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

6. The facing materials to be used in the construction of the buildings hereby permitted, and their colours, shall be as stated on the application form and approved drawings, unless otherwise first agreed in writing by the local planning authority.

Reason : In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

7. Prior to commencement of development a scheme of landscaping and boundary treatment shall be submitted to the Local Planning Authority to include details of : retaining walls/boundary walls/fences/gates/hard-surfaced external areas; systems of external illumination/cctv cameras; measures for the protection of trees to be retained; and proposed planting. Any measures for the protection of trees to be retained forming part of the approved scheme shall be complied with for the duration of ground works / construction works associated with the development hereby approved. Any retaining walls/boundary walls/fences/gates/hard-surfaced external areas/ systems of external illumination/cctv cameras forming part of the approved scheme shall be completed prior to first occupation of the building or as otherwise first agreed in writing by the Local Planning Authority. Any planting forming part of the approved scheme shall be carried out in the following planting season and any trees or shrubs removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will be of satisfactory appearance and the ecological value of land adjacent to the river is preserved and enhanced, in accordance with Policies 1 / 18 / 24 of the Council's Core Strategy DPD (November 2011).

8. Prior to first occupation of the building hereby permitted the proposed vehicle parking and manoeuvring areas shall be constructed, drained, surfaced and delineated in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority, unless otherwise first agreed in writing by the Local Planning Authority. Thereafter these areas shall be kept freely available for the parking and manoeuvring of vehicles at all times.

Reason : In the interests of pedestrian and highway safety in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.