

<b>Application Number:</b>	2017/0513	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of a storage building within the boundaries of the scrap yard (Retrospective)	<b>Location:</b>	Speedy Salvage Ltd 232 Dean Lane Water
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	27 February 2018
<b>Applicant:</b>	Mr I Ali	<b>Determination Expiry Date:</b>	28 February 2018
<b>Agent:</b>	Hussain Architectural Design Ltd		

<b>Contact Officer:</b>	<b>Neil Birtles</b>	<b>Telephone:</b>	<b>01706-238645</b>
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	<b>YES</b>
<b>Other (please state):</b>	

## 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

Grant planning permission subject to conditions.

## APPLICATION DETAILS

### 2. SITE

The applicant operates the long-established scrapyards to the north side of Dean Lane. It occupies a rectangular site having a 30m wide frontage to Dean Lane and a depth of 45m.

The scrap yard is bounded by 2.4m high green palisade fence, with open land to the north, west and east; the paddock to the east side is owned by the applicant. Although there is no residential property immediately opposite the scrap yard, there are a number nearby.

The greater part of the site is used for the storage of vehicles for breaking-up and salvage, a clear area kept just beyond the entrance gate. Prior to the erection of the application building the principal building on the site was an open-fronted shed to the west side of the access-point of 8m x 8m x 4m in height. To the opposite side of the access-point are cabins used for office purposes, etc.

The current application relates to land towards the rear of the scrap yard.

The application site lies within the Countryside.

### 3. RELEVANT PLANNING HISTORY

1996/62 Certificate of Lawfulness for an existing use for storage & breaking of salvage & scrap vehicles to a maximum of 4 m in height  
Granted

2010/669 Erection of perimeter railings, screen planting & alterations to front entrance (Retrospective)  
Approved 29/8/12

2011/52 Erection of open-fronted building for car dismantling & salvage work  
Approved 1/4/11

2015/302 Erection of a storage building  
This application sought Permission to erect a further building within the scrap yard, to have its back against the fence on the rear boundary. Approved on 9/9/15, it was to have a mono-pitch roof covered with grey-coloured profiled metal-sheeting and external walls of vertical timber-boarding above a blockwork wall of 1.5m in height, with no windows and the only door in the elevation facing the rest of the yard. It was to have a footprint of 9m x 13.5m, with the roof of 3.5m in height at the front and 4.5m in height at the back.

### 4. PROPOSAL

Following receipt of a complaint about the building under construction towards the rear of the scrap yard site, the site was visited by the Council's Enforcement Officer. The shell of the building was very nearly complete and in the position of the storage building approved under Permission 2015/302. However, it was found not to accord with the approved drawing in terms of its footprint, height and openings. The applicant advised Officers that they had departed from the approved drawing to accommodate differences in ground level they had encountered and to provide an additional doorway.

The current application seeks permission to regularise the storage building now to be seen and which only requires fitting of 2 doors to provide a weather-proof shell.

The resulting building will have a footprint of 10m x 16m, with a mono-pitch roof covered with grey-coloured profiled metal-sheeting and external walls of horizontal timber-boarding above a

blockwork wall, with a doorway in each side; the doorway in the east elevation will serve as the main entrance, the doorway in the west elevation being of narrower width and with steps outside.

By retaining the permitted floor-to-ceiling heights at each corner of the building, whilst switching the position of the entrance from the south-western corner of the building to the north-eastern corner, and carrying the floor-slab through at the height of its threshold, it has resulted in the building now being of 5.2m in height (rather than the permitted 4.5m) at its north-west corner and 4.9m in height (rather than 3.5m) at its south-west corner. Timber-boarding of the permitted height clads the upper part of the walls, with any overall increase in wall height in blockwork.

## **5. POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework**

- Section 1 Building a Strong, Competitive Economy
- Section 3 Supporting a Prosperous Rural Economy
- Section 4 Promoting Sustainable Transport
- Section 7 Requiring Good Design
- Section 11 Conserving & Enhancing the Natural Environment

### **Development Plan**

#### **Rossendale Core Strategy DPD (2011)**

- AVP3 Area Vision for Waterfoot, Lumb, Cowpe & Water
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 10 Provision for Employment
- Policy 18 Biodiversity, Geodiversity & Landscape Conservation
- Policy 19 Climate Change & Low Carbon & Zero Carbon Sources of Energy
- Policy 21 Supporting the Rural Economy and its communities
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

## **6. CONSULTATION RESPONSES**

### **RBC Environmental Health**

No comments

## **7. REPRESENTATIONS**

To accord with the General Development Procedure Order, neighbours were notified by letter and a site notice was posted.

Objections have been received from residents of 7 properties, raising the following issues :

- Affect local ecology
- Close to adjoining properties
- Over development / Development too high
- More open space needed on development
- Inadequate parking provision
- Inadequate access
- Increase in traffic
- Increase danger of flooding

- Increase of pollution
- Potentially contaminated land
- Noise nuisance
- Out of keeping with character of area
- Loss of residential amenity / privacy / light
- Strain on existing community facilities
- Conflict with Local Plan

## 8. ASSESSMENT

The main considerations of the application are:

- 1) Principle; and 2) Visual and Neighbour Amenity

### Principle

The site is located within the Countryside. Policy of the Core Strategy directs new development to the Urban Boundary unless it has to be located within the Countryside.

In 1996 a Certificate of Lawfulness was granted for the use of an area of 30m x 45m as a scrap yard, breaking of salvage and scrap vehicle, with storage to a maximum height of 4m. Accordingly the erection of a building associated with this use is considered acceptable in principle. In addition, permission 2015/302 allowed the erection of a storage building within the boundaries of the existing scrap yard. It was to have a mono-pitch roof with a height at the front of 3.5m and at the back of 4.5m, thereby allowing no increase in the capacity for storage within the part of the site it occupied or for the site as a whole. The building for which retrospective permission is now sought is located within the boundaries of the scrap yard. Although it has a slightly greater footprint than the storage building previously permitted, it allows no increase in the capacity for storage within the part of the site it occupies or the site as a whole as it has the same floor-to-ceiling heights.

Accordingly, to permit the current application accords with the lawful use of the site and will not result in its extension or significant increase in the intensity of its use or greater likelihood of traffic congestion/need for parking, pollution/flood risk or adverse impact on ecology.

For the reasons above, the proposed development is found to be acceptable in principle.

### Visual and Neighbour Amenity

The decision to be made turns on whether the storage building for which retrospective permission is now sought will, by reasons of its greater size and different appearance and openings, detract to an unacceptable extent from visual and neighbour amenity. In arriving at a decision it is necessary to consider whether permitting the proposed development will result in materially greater detriment to visual and neighbour amenity than the scheme permitted by Permission 2015/302, which remains available to implement until September 2018.

The building for which permission is sought will not appear of significantly greater height or different appearance as viewed from that part of Dean Lane immediately fronting the scrap yard by reason of the intervening building and stacks of scrap cars. There are no occupied buildings directly opposite the scrap yard.

The building is no higher at the north-eastern corner than the storage building permitted by Permission 2015/0302. Accordingly, the eastern gable will not appear unduly prominent or

intrusive as viewed across the field to the east side from Dean Lane or the house at 240 Dean Lane (65m to the east). This field is owned by the Applicant and a hedge has been planted running the length of the 2.4m high fence on the eastern boundary of the scrap yard. It is now established and (with time) should now thicken and attain a height equal to/greater than the boundary fence and the doorway now formed in the gable 5m from this fence.

The building is 0.7m higher at the north-western corner than the storage building permitted by Permission 2015/0302. The western gable will not appear unduly prominent or intrusive as viewed from Dean Lane across the field to the west side. This field is not owned by the Applicant (giving the Applicant no opportunity to plant a hedge to this side of the scrap yard). However, an old hedge with gaps fronts Dean Lane and the door in this elevation is set back from the 2.4m high fence on this boundary of the scrap yard by 3m. The western gable of the building will be most open to public view from a private roadway to the west side, over which a Public Footpath runs. However, at a distance of 45m from the public footpath and more than this from the dwelling to its opposite side, the additional bulk of the application building, though evident, will not make it that much more prominent or intrusive than the building permitted by Permission 2015/302. Furthermore, the upper part of this gable and the rear elevation are clad with timber-boarding, thereby helping to play-down its prominence to a degree.

Accordingly, it is concluded that the impact of the changes to the building on both visual and neighbour amenity are not sufficient to warrant refusal of the application.

Many of the reasons advanced by local residents for objecting relate to the existence of the scrap yard and not to the development for which permission is sought.

## 9. SUMMARY REASON FOR APPROVAL

Notwithstanding that the site lies within the Countryside, the proposal is considered acceptable in principle as the application building is located within the boundaries of the existing scrap yard and intended for storage purposes associated with it. Subject to conditions, the proposal will not unduly affect visual and neighbour amenity or give rise to unacceptable pollution and highway safety risks or adverse impact on ecology. Therefore, it is considered that the development accords with Policies AVP3 / 1 / 8 / 9 / 10 / 18 / 19 / 21 / 23 / 24 of the Council's adopted Core Strategy DPD (2011) and the National Planning Policy Framework.

## 10. CONDITIONS

1. The building is permitted in accordance with the following:

- Location Plan received on 01 / 11 / 17
- Existing Site Plan (in so far as it relates to the siting of the building only) Ref HAD106 received on 01 / 11 / 17
- Existing/Proposed Plan Ref HAD106 01 received on 14 / 02 / 18.

Reason: To define the permission and in the interests of the proper development of the site.

2. The building hereby permitted shall only be used for the storage of vehicle parts taken from vehicles stripped on site.

Reason: To protect the amenities of neighbours and accord with Certificate of Lawfulness 1996/62 for the scrap yard.

## 11. **INFORMATIVES**

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:  
[http://www.rossendale.gov.uk/downloads/download/331/core\\_strategy\\_local\\_plan\\_part\\_1\\_adopted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted)

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.