

Application Number:	2018/0484	Application Type:	Full
Proposal:	Erection of 2.7m high paladin fencing and access gate the south east accessing Burnley Road.	Location:	Brookside Business Park, Burnley Road, Rawtenstall, Rossendale, BB4 8LP
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	29/11/2018
Applicant:	Mr Gillespie	Determination Expiry Date:	Friday 21 st December 2018
Agent:	Mr Joe Mayoh		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	3+ Objections received.
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.

1. RECOMMENDATION

Grant planning permission subject to the conditions.

APPLICATION DETAILS

2. SITE

The application site relates to Brookside Business Park to the west of Burnley Road, Rawtenstall. The river Limey Water flows parallel to the north of the site and Byway open to all traffic 14-4-

BOAT 239 runs to the west of the site. The site can be accessed via 2 entrances, one via Leebrook Road and the other immediately off Burnley Road.

The property is located within the designated urban boundary

3. RELEVANT PLANNING HISTORY

None

4. PROPOSAL

Planning permission is sought for the erection of a 2.7m high black paladin fence which will span the entire southern boundary and almost the entire western boundary.

A new 2.7m access gate will be installed onto the entrance immediately accessible from Burnley Road to the south east. Another 2.7m high access gate was proposed to be installed on the north access point off Leebrook Road, but the applicant has removed this proposal from the application as it was not located on land within their ownership.

5. POLICY CONTEXT

RELEVANT PLANNING POLICIES

National

National Planning Policy Framework (2018)

Section 12 Achieving well-designed places

Development Plan

RBC Core Strategy DPD (2011)

AVP 4 Strategy for Rawtenstall, Crawshawbooth, Goodshaw and Loveclough

Policy 1 General Development Locations and Principles

Policy 23 Promoting High Quality Designed Spaces

Policy 24 Planning Application Requirements

6. CONSULTATION RESPONSES

LCC Highways – No objection

LCC PROW Officer - Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, this is the responsibility of the landowner to ensure that this is done following the appropriate legal procedures. A temporary closure will only be granted where it is the intention to re-open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way.

The development must not commence until the necessary procedures are in place, either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side roads orders, or if it is necessary to divert the above listed Public Rights of Way, then the necessary Orders must be

confirmed prior to construction to avoid enforcement action should the above Public Footpath become affected. There is no provision under the Town and Country Planning Act 1990 to allow a retrospective diversion of paths that are already affected by either partially completed or completed development.

Cadent Gas - Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

7. REPRESENTATIONS

To accord with the General Development Procedure Order, 27 neighbours were notified by letter on the 27th September 2018 and a site notice was posted on the 2nd October 2018.

6 objections were received stating the following:

- Fencing would restrict parking/access on Margaret Street
- Impact on light for residents of Margaret Street
- Height of fence unacceptable
- Restriction on BOAT 239
- Presence of Japanese knotweed
- Unable to determine exact location of fencing
- Removal of trees/bushes to facilitate fencing would cause land erosion for properties on Collinge Street
- Colour of fencing unacceptable
- Out of keeping with area

Whilst the assessment of the development is detailed below Officers can confirm that the proposed section of fencing that runs parallel to Margaret Street would be sited away from the residential parking area on Margaret Street and therefore no access or parking availability would be restricted as a result of the fence. The green line on proposed site plan 110-102 clearly indicates the siting of the proposed fencing.

8. REPORT

The main considerations of the application are:

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; and 4) Access, Parking and Highway Safety

Principle

1. The site is located within the Urban Boundary where most new development is directed to by Policy 1 of the Core Strategy. Accordingly the proposal is acceptable in principle.

Visual Amenity

2. Policy 24 of the Core Strategy DPD requires new development to be compatible with its surroundings to ensure that the visual amenity of existing development is not impaired: new development should most importantly be of an appropriate scale, density and style.
3. The proposed fencing is of a design and style that would be appropriate given the context of it as a boundary fence surrounding an industrial business park. It is therefore considered that the proposal has reasonable regard to safety and security, including helping to design out the potential for crime.
4. The proposed section of fencing parallel with Margaret Street would not look visually obtrusive from this street scene owing to the proposed paladin design which allows uninterrupted views through the fencing.
5. It is noted on the submitted proposed site plan 110-102 Rev A that the fencing to the south west of the site is within close proximity to the rear boundaries of No's 2 and 4 Collinge Street. However, it is considered that the proposed section of fencing closest to the rear of these properties on Collinge Street would not detract from the visual amenity of the area. Having benefitted from a site visit at No 2 Collinge Street, it is considered that owing to the siting of the fencing on the steep declining slope to the rear of these properties, it would ensure that this particular section of fencing would not be unduly intrusive. It is not considered that the remaining section of fencing that spans to the south west of the site would have an unacceptable visual impact.
6. The development is considered acceptable in terms of visual amenity.

Neighbour Amenity

5. Objectors' comments are noted. However, although the proposed fencing will be visible from the rear of properties at Collinge Fold Cottages, Holland Avenue, Margaret Street and Collinge Fold Lane, owing to the design, siting, orientation and location of the proposed fencing it is not considered that the scheme will have an unduly detrimental impact on the daylight, outlook or privacy enjoyed by the occupants of any neighbouring residential properties.
6. The development is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

7. LCC Highways have no objection and such the scheme is considered acceptable with regards to highway safety.

9. SUMMARY REASON FOR APPROVAL

The proposed development is acceptable in principle and subject to conditions the fencing would not detract to an unacceptable extent from visual amenity, neighbour amenity or highway safety. The development is therefore considered to accord with the National Planning Policy Framework and Policies AVP 4, 1, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

10. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the submitted application form signed 21st June 2018 and the submitted plans unless otherwise required by the conditions below:
 - a. 'Location Plan 1:1250 – No. 110-100'.
 - b. 'Proposed Site Plan No. 110-102 Rev A'.

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

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

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.

2. The applicant should be aware that it is an offence to obstruct a PROW and Lancashire County Council would consider commencing criminal proceedings if the PROW becomes blocked. The applicant is therefore advised to ensure they have read the LCC PROW Officer's comments submitted as part of the consultation of this application.
3. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land.

The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588