

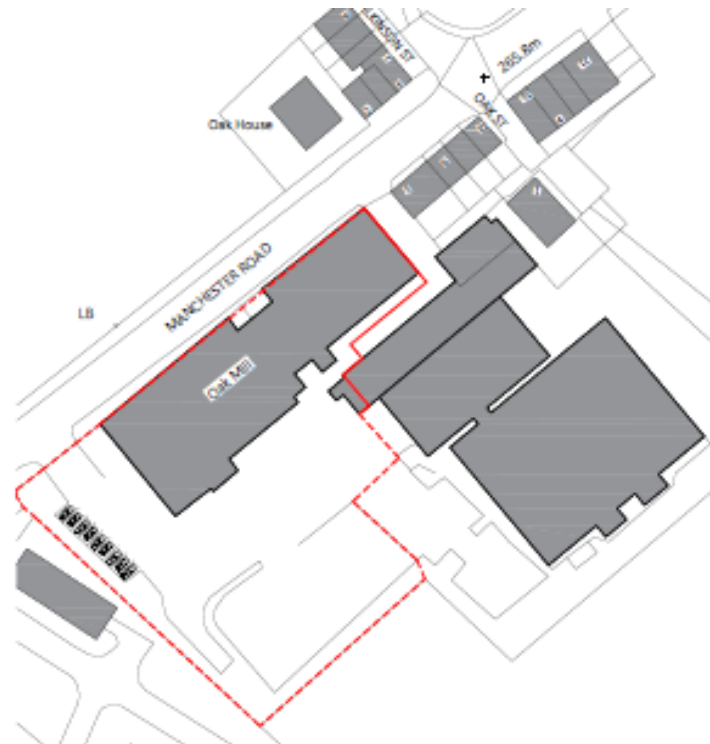
Application Recommended for Approval
Coalclough with Deerplay Ward

APP/2016/0531

Full Planning Application

Proposed change of use from B2 General Industrial to Sui Generis use (Events company) and part D2 use (Gym) and erection of 2m high security fence

OAK MILL MANCHESTER ROAD DUNNOCKSHAW BURNLEY



Background:

The site is situated to the South of Burnley Borough on the border with Rossendale. The site lies on Manchester Road which is a main access Road from Rossendale to Burnley and East Lancashire. The Mill has had many uses over the year however most recently it has been split into several business units, all mainly used for General Industry. Access to the site is from Manchester Road. This access serves this building on this site but also a unit owned by Calder Print, who has access rights. The Mill is located close to water Treatment Works, a large scale farm and slaughter building and several residential houses in detached and terraced rows. The site also lies on a bus route between Burnley and Manchester / Skipton.

Over time the mill has fallen into a poor state of repair, and the last user ceased trading in the early part of 2016 when the applicant company took ownership of the entire mill. The applicant company previously worked out of a commercial unit in Crawshawbooth, however due to expansion over a very quick rate they required a larger building to incorporate their business. They have moved the majority of the business to Oak Mill already. Oak Mill was purchased as it is ideally placed and of a sufficient size that will allow good access for large deliveries, parking and storage/office space as well as the opportunity to allow areas of the Mill to be allocated to either further expansion or indeed allow other businesses in need of expansion the space to do so.

This application seeks the change of use of the existing B2 classification to both Sui Generis and Part D2 (Gym). The gym too is a business seeking to expand from its current location and see this location as a perfect location for its type of offer. The application also seeks to apply for the erection of a 2m high metal security fence and improvements and modifications to the external façade of the mill, to include a new entrance and reception along with a new car park for both the workers at BPM-SFX and the users of the proposed Gymnasium at the rear. The car park will also create an expanding car park for Calder Print who themselves have expanded recently and struggle with parking for their staff.



Oak Mill

An objection to the proposal has been received.

Relevant Policies:

Burnley Local Plan Second Review

GP2 - Development in the Rural Areas

GP3 - Design and Quality

GP5 - Access for All

GP7 - New Development and the Control of Pollution

GP8 - Energy Conservation and Efficiency

GP9 - Security and Planning Out Crime

EW3 - New Leisure, Tourist, Arts and Cultural Development Outside Town Centres

EW4 - Expansion and Improvement of existing businesses

E21 - Gateways and throughroutes

National Planning Policy Framework

Site History:

No relevant recent planning history (over the past 25 years).

Consultation Responses:

Lancashire County Council (Highways

- Developer Support)

Following the submission of agreed amended plans, subject to the amended plans being implemented placing the gym access to the rear of the property, no objection is raised on highway safety grounds. This shall be subject to condition.

Burnley BC (Environmental Protection Officer)

No objection to the proposal subject to conditions relating to construction works hours and the prevention of amplified music being played within the D2 (gym) unit.

Dunnockshaw Parish Council

The Parish Council has no objections to the above planning application. The applicant has made an excellent job of the restoration of Oak Mill. The frontage was definitely an eyesore, and although work is not yet complete, it has been transformed and now looks 100% better. The PC welcome new businesses to the Parish, especially when there is the possibility that the village could have been left with a derelict building.

The Council however do have a slight concern with regard to any noise being generated from the Gym, as it is located rather near to the resident's homes in Dunnockshaw. It appears that the firm is taking some measures to mitigate this, but it would be reassuring to know if these are sufficient to make any noise generated inaudible in nearby dwellings.

[This will be conditioned accordingly]

Local consultation response

A local resident has raised a number of objections to this proposal and the material planning concerns raised have been summarised as follows,

1. The proposed fence is an absolute eye sore, and it resembles fencing surrounding a high security prison. It is not in line with the era and image of the rest of the mill and village.
[To be discussed]
2. Concern regarding the emergency access from the Mill via the side lane between Oak Mill and No. 5. The side lane is full of building rubble/rubbish left behind from contractors working on the front of the mill, and they may also may wish to reconsider this as they will be escaping one hazard right into another (a HGV lorry delivering to Calder Print.
[There is an existing fire escape to the rear that will be renovated, this is an existing route]
3. Concern regarding the use of the side land between Oak Mill and no. 5 by Calder Print as it has only been used for light goods over the past 25 years i.e. Cars/Transit vans, however now HGV's are using it to deliver. All HGV deliveries for 25 years have been delivered to rear of Oak Mill/Brandwood works. To me this has set a precedent over time that HGV deliveries to both mills have used the purpose built/safe entrance. However after speaking to a Calderprint employee I am advised that deliveries to the rear are no longer allowed. I have significant safety concerns over this, not only for users of Manchester Road but also my own family.

[This is a private and legal matter between the new owner of Oak Mill and Calder Print. The applicant and the Director of Calder Print are working together in relation to car parking and traffic management; however the delivery entrance between no. 5 and Oak Mill has been in situ for a large number of years. There are issue with HGV's delivering to Calder Print using this entrance however they are not material planning matters that relate to this application and are being investigated separately by Lancashire County Council Traffic Team].

4. If the gym company is already such a successful business why the need to relocate or expand into a countryside village location, 7metres from a row of country cottages. In the whole of Rossendale & Burnley, I do not know of one gymnasium which is 7 metres from a residential area. To live next to a proposed gym of this nature is worse than a normal gym, as the planning shows an astro turf and running tracks, the opening times are unacceptable and the use will create an unacceptable amount of noise.

[The Mills former use was for B2 General Industrial with no time limits on hours of use or operation. Such a use would create a significant impact on neighbours due to the nature of uses that fall within this use class (manufacturing etc.). As such, a tightly controlled use (as proposed) is not considered to be inappropriate at this location].

Planning and Environmental Considerations:

The main considerations in regards to this application are the principle of the proposed changes of use, whether or not the proposed development will have an acceptable visual impact and whether the proposal will cause any highways safety issues.

PRINCIPLE OF THE DEVELOPMENT

Local Plan Policy GP2 allows the re-use of existing buildings providing that the building is capable of re-use without complete or major reconstruction and such re-use does not have an adverse effect on the rural economy, or a materially greater impact on the rural environment than the existing development. The proposed use by the applicants company (a mixture of office, storage, workshop etc.) is considered wholly acceptable at this location, and is very similar to previous uses within the building.

The proposed D2 use (gym) is more commonly associated within town centre locations; however Local Plan Policy EW3 does allow proposals for new and expanded leisure facilities outside Burnley and Padiham town centre subject to the scheme meeting certain criteria. This includes that,

- the proposal is of a scale, character, design and appearance compatible with its surroundings;
- it does not harm the residential amenity of local residents;
- it would not create an unacceptable concentration of one use class;
- it is accessible, or potentially accessible, by a choice of means of transport; and
- The road network, with any suitable improvements proposed, is capable of accommodating predicted traffic levels.

Considering the size and scale of the gym proposed, the protection to neighbouring residents that can be achieved by suitable planning conditions, that the existing road outside is a major traffic route and that the site is located in an accessible location by

bus (three bus services pass this site including the Skipton/Manchester - X43), I consider that the proposed D2 use is acceptable in line with this policy.

PROPOSED VISUAL IMPACT OF THE SCHEME

The scheme also includes a number of external improvements to the external fabric of the building, a number of which have already been carried. This includes replacement and repair of existing windows, stone and brick cleaning externally, repointing of the building, repairs to the roof, the erection of a new security fence and gates and the creation of a new, glazed front entrance to the building. A number of these works have already been carried out/commenced, and they have already significantly improved the building and the area.



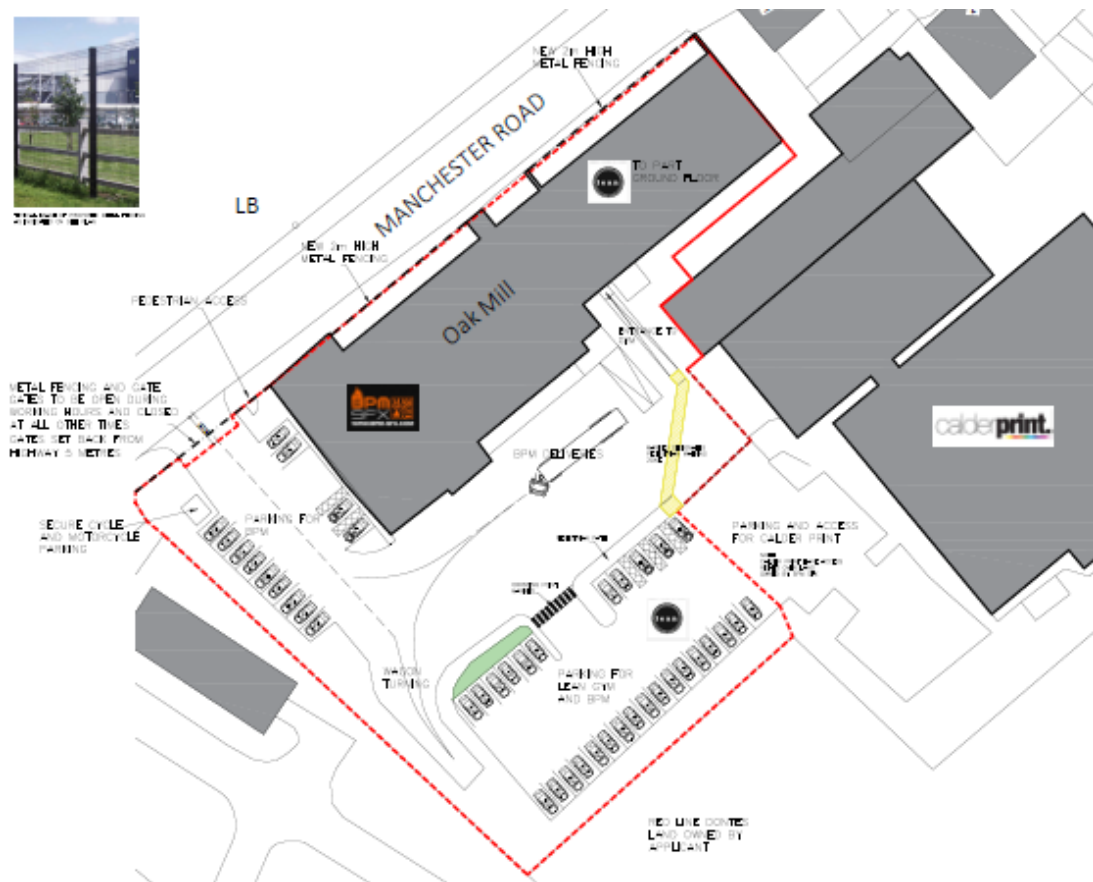
Elevation facing Manchester Road / Elevation facing no. 5 Manchester Road

The proposed new, black paladin fence and gates for the site have been chosen to blend in with the building as much as possible, and are preferable to a more traditional palisade fencing that is more commonly found on industrial sites. The site will be enclosed to the front for security reasons and the proposed method is considered acceptable as it will have an acceptable visual impact on the building and the surrounding area.

HIGHWAY SAFETY ISSUES

The existing access to the site is considered acceptable and requires no alterations. The new gate to this access will be set back from the entrance a minimum of 5m to allow cars to pull safely off the road to open it. There are no concerns with the access.

Whilst there are a number of existing entrances to the building directly off Manchester Road, the applicant has chosen to place all main entrances (to both the new gym and the rest of the building) with the site. The proposed new car parking and turning area also includes a safe pedestrian walkway from the parking area to the main entrances, and the use of this area will be subject to a planning condition.



Proposed car park and turning layout

Concerns have been raised regarding the use of the side land between Oak Mill and no. 5 by Calder Print for HGV deliveries. Whilst in the past larger deliveries to the building at the rear of Oak Mill may have been taken through the existing access to Oak Mill, a change in land ownership has meant a change in the type of access allowed/agreed between the two owners. This is a private and legal matter between the new owner of Oak Mill and Calder Print. The applicant and the Director of Calder Print are working together in relation to car parking and traffic management, however the delivery entrance between no. 5 and Oak Mill has been in situ for a large number of years and its use is not a planning issue that relates to this application. It is being investigated separately by Lancashire County Council Traffic Team, and this department will help where possible to overcome any issues.

CONCLUSION

Paragraph 7 of NPPF states 3 dimensions to sustainable development which are central to the planning system. The proposed development is considered to respond to these 3 dimensions to achieve sustainable development in the following way:

An economic role

- The proposed change of use would allow the business to naturally grow and expand creating jobs, and
- The proposal allows for other businesses to grow and expand within the building.

A social role

- The site is existing and has proven to be a sustainable location,
- The proposal also re-uses an existing building.
- The building will be repaired and maintained for future generations.
- The proposal is designed to work with existing surrounding uses and make a positive impact to the existing built environment.

An environmental role

- The proposal is to use a vacant building which Local policy urges the re-use of existing buildings.
- The site will not unduly impact on the existing services.
- The design ensures no impact on existing infrastructure.

Paragraph 19 of the NPPF also states that 'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth, and that planning should operate to encourage and not act as an impediment to sustainable growth'.

The applicants company is one of the UK & Europe's leading special effects companies. They supply a wide range of special effects including stage & indoor Pyrotechnics, Confetti & Streamer FX, Flame & Pyro FX, Lasers and more for a range of sporting, music, festival and many other occasions. It has expanded significantly over the last few years and has chosen a key gateway site within the Borough to expand to. The applicant has invested heavily in improvements, repair and maintenance to this building, and together with the help of Grant Funding from Pennine Lancashire, he seeks to invest in both the future of his and other companies at this location. This long term vision will not only save this building from becoming another derelict site within Lancashire, but also offer a renovated building for other potential businesses to expand to.

The change of use is considered to accord with both local and National Planning Policies and there are no material planning considerations that indicate that permission should not be granted for this proposal.

Recommendation:

That planning permission be granted subject to the following conditions,

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2016-10, 2016/10-02 Rev. A, 2016/10-08 Rev. A and 2016/10-09 Rev. A received 24th November 2016, 2016/10-05 Rev. A received 30th November 2016, 2016/10-01 Rev. B and 2016/10-03 Rev. B received 15th December 2016, 2016/10-04 Rev. C and 2016/10-06 Rev. D received 20th January 2017, and 2016/10-07 Rev. B received 1st February 2017.
3. The D2 use hereby approved shall not operate outside the hours of,
 - 0600 and 2100 Monday to Friday, and
 - 0800 and 1500 on Saturdays and Sundays.
4. There shall be no amplified music played within or outside the D2 unit hereby approved.
5. The main entrance/access to the gym (D2 use hereby approved) shall be from the rear of the building, as shown on plan drawing 2016/10-04 Rev. C. There shall be no direct access between the gym and Manchester Road. Any existing access shall be kept closed and restricted to the purpose of an emergency exit only.
6. Prior to the first use of the D2 unit hereby approved, the submitted scheme for the parking and manoeuvring of vehicles within the site shall be completed to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

The approved scheme shall then remain available for the parking of vehicles in connection with the development hereby approved at all times.

7. The submitted scheme for the parking and manoeuvring of vehicles within the site in connection with the Sui Generis Use hereby approved shall be completed to the satisfaction of the Local Planning Authority within six months of the date of this permission unless otherwise agreed in writing. The approved scheme shall then remain available for the parking of vehicles in connection with the development hereby approved at all times.
8. Within six months from the date of this permission, details of an agreed car parking and traffic management plan between the users of the car park and access to the site shall be submitted to the Local Planning Authority for consideration, unless otherwise agreed in writing. Once agreed, the plan shall be adhered to in perpetuity unless further changes on site are approved that significantly alter the layout.
9. No construction work shall take place outside the hours of 8am to 6pm Monday to Friday, 8am to 4pm on Saturday and not at any time on Sundays and Bank Holidays, including all works and ancillary operations in connection with the completion of the development, and the use of any equipment or deliveries to the site. Where permission is sought for works to be carried on outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To protect the amenities of nearby residents, in accordance with policies GP7 and EW3 of the Burnley Local Plan, Second Review.
4. In the interests of the amenities of the neighbouring occupiers, in accordance with policy EW3 of the Burnley Local Plan, Second Review.
5. In the interests of highway safety and residential amenity.
6. In the interests of highway safety and in accordance with policy EW3 of the Burnley Local Plan, Second Review.
7. In the interests of highway safety and in accordance with policy EW4 of the Burnley Local Plan, Second Review.
8. In the interests of highway safety, the safe movement of pedestrians and vehicles on site, and to seek to mitigate the impact of future deliveries to the site, in accordance with policies EW3 and EW4 of the Burnley Local Plan, Second Review.
9. To protect the amenities of the occupiers of nearby properties in accordance with policies EW3 and EW4 of the Burnley Local Plan, Second Review.

GDT

06/02/2017