

## **Application Recommended for Delegation**

Hapton with Park Ward

**APP/2018/0479**

Full Planning Application

Use of land for siting of storage containers (resubmission of APP/2017/0485)

THORNEY BANK INDUSTRIAL ESTATE BURNLEY ROAD HAPTON

### **Background:**

The application is brought to the Committee under the Development Control Call-in Procedure

The application relates to development already carried out in mid-2017 without planning permission.



An application was submitted to regularise the planning position. Following negotiations the applicant was requested to redesign the scheme, setting back the front line of the containers by a substantial distance, rear of dense landscape planting.

The applicant declined to amend the scheme and the application was refused in May 2018. The applicant was requested to remove the containers to avoid enforcement action; the response to that request has been awaited for some time; and, the present application has now been received.

**Officers are firmly of the opinion that this matter can and should be resolved by negotiation and suitable amendment to the development. The support of the Committee is sought in the recommendation to delegate authority to negotiate a better scheme or refuse the application.**

**Relevant Policies:**

Burnley's Local Plan (2018)

SP1: Achieving Sustainable Development

SP4: Development Strategy

SP5: Development Quality and Sustainability

EMP5: Rural Business & Diversification

CC5: Surface Water Management and Sustainable Drainage Systems

IC3: Car Parking Standards

**Site History:**

7/7/6016- C/U from colliery to motor vehicle testing station – Granted

7/7/6278 – AORM (Access and Landscaping) – Granted

7/7/7865 – C/U from garage store to bearing distribution – Granted

7/7/7905 – C/U from Depot stores to light engineering

7/7/7906 – Tyre store to joiners shop – Granted

12/78/0156: Change of use from motor vehicle testing station to motor vehicle testing station, general road haulage storage and distribution and trailer manufacture and repair, together with landscaping of site – Granted

12/98/0535: Use of units for paint manufacturing, ancillary storage and offices in compliance with Condition 9 [*restriction of use*] of 12/78/0156 – Granted

12/01/0505: Construction of bund wall and storage tanks in yard at existing factory – Granted

12/2002/0634: Use of land for residential development (all matters reserved for future approval) – Refused; Appeal Dismissed [see note re brown field land]

APP/2006/0200: Outline. Erection of new industrial building class B1/B8 using existing access to the site and including details of siting (design, external appearance and landscaping reserved for future approval) – Granted

APP/2006/0640: Proposed industrial unit (Class B1/B8) with associated car parking and landscaping – Granted

*Partly overlapping present site:*

APP/2007/0490: Proposed erection of 4 industrial units – Granted [Not carried out; now lapsed]

**Consultation Responses:**

Highway Authority – No objections. Concern that the planting shown may encroach into a visibility splay; a visibility splay measuring 2.4m x 70m (1m above carriageway height) should be provided.

Neighbouring residents - Letter from resident making objections, summarised as follows:

1. Increased commercial traffic onto A679; increased LGV and HGV to site; need for clear road sign.
2. Increased noise.
3. Increased flood risk from lack of adequate drainage.
4. Overshadowing of bungalows opposite.
5. Storage containers contents unspecified;
6. Hours of access unspecified.
7. Inadequate screening.

*Relating to previous application*

Neighbouring Residents – Letters from 3 neighbouring residents making objections as follows (summarised):

1. Concern that the development has caused increased surface water flooding
2. Concern about materials stored and possible fire risk
3. Likely noise and disturbance from users of the site.
4. No control of hours of operation.
5. View of large containers from dwelling is unacceptable.

**Planning and Environmental Considerations:**

Thorney Bank Industrial Estate (TBIE) has a long planning history.

The application site has its western part within TBIE and its eastern part on greenfield land. Those parts are roughly equal in area.

The whole site is outside the Development Boundary set by the adopted development plan

Additionally, the westerly part is on land required to be kept landscaped under the terms of a previous planning permission. The development is, therefore, actionably in breach of that condition.

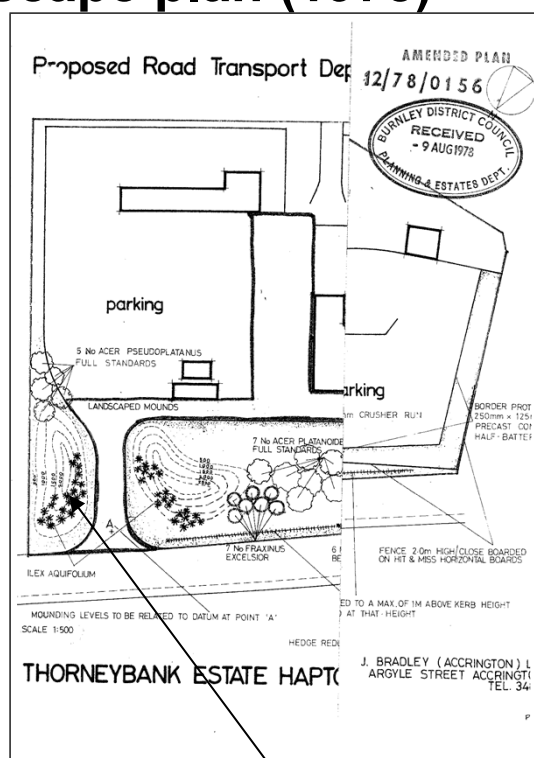
*Resume of planning history*

Following on from its use as a coal mine and National Coal Board Offices, it came into use for a variety of commercial vehicle and road haulage purposes.

**The 1978 permission** was granted subject to the following condition, which continues to apply to the land:

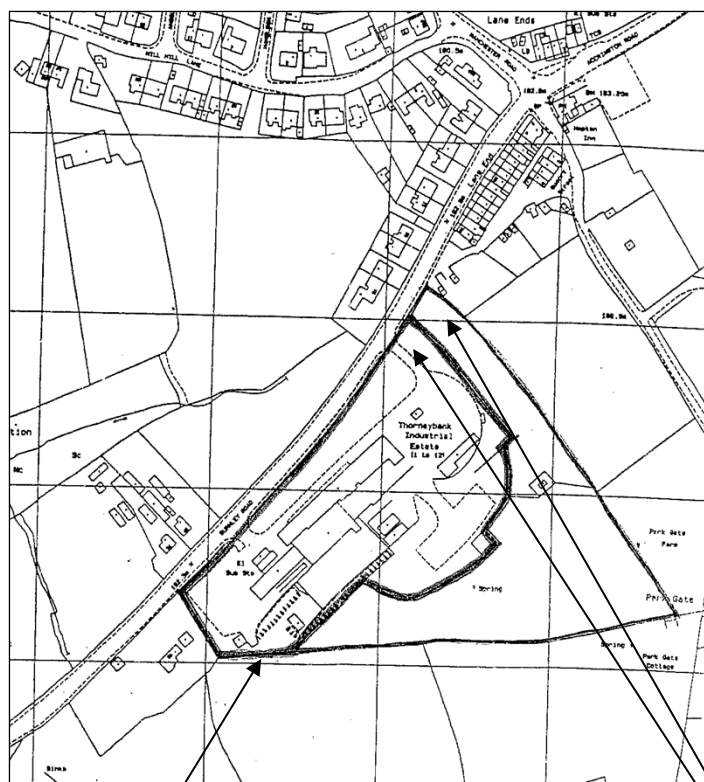
*Within 9 months of the date of this permission, the landscaping of the application site, including earth mounding, the planting of trees and shrubs and the erection of screen fencing, shall be carried out in complete accordance with the scheme shown on the approve plan and shall thereafter be maintained and trees and shrubs replanted where necessary in accordance with good horticultural practice*

## Copy of landscape plan (1978)



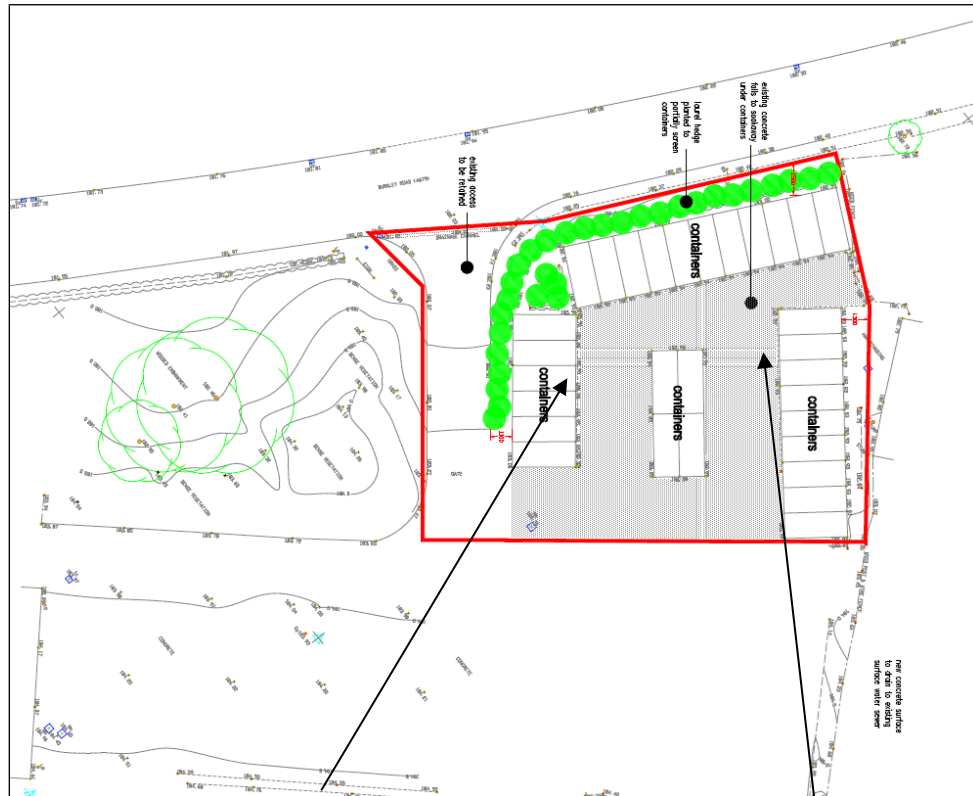
**Application site (west part)**

In 2012, a planning appeal established that the land comprised in the Thorney Bank Industrial Estate was previously developed/'brownfield' land, and this clarified the boundaries of the planning unit. The appeal plan is copied below.



### Planning Boundary of Industrial Estate.

The application site lies both sides of this boundary



**Part of site within Industrial Estate**

**Part of site on greenfield land**

### *Policies and Assessment*

**Policy EMP5** supports new/expanding business in the open countryside where they (as relevant to this application):

- a) *Support the retention or growth of an existing business or the establishment of a new enterprise and are at a scale that is appropriate to and in keeping with the area in which they are located;*
- b) *In the design of any buildings, access and car parking arrangements are in keeping in terms of their scale and character with the surrounding landscape and would not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network; and*
- c) *Do not have an unacceptably negative impact on residential amenity.*

The scheme as it is carried out/shown in the application is not appropriate as roadside development because of the stark, industrial appearance of the containers.

There is no identified concern about undue traffic generation, other than the concern about driver visibility at the Burnley Road access.

There is unacceptable impact on residential amenity. This part of Burnley Road has a mix of residential and commercial development and each should be expected to play a reasonable part in providing an amenable street scene. The containers, as they stand, are a harsh intrusion.

However, it needs be said that the containers are of good quality and the development is generally well formed, as indicated by the following images.



Properly sited, properly screened and drained, the development would be acceptable and the recommendation is made on that basis.

**Recommendation:**

That provided the application is amended to show the front line of the containers set back a substantial distance (around 8 – 10 m) from the highway, behind dense landscape planting, together with information sufficient to resolve concern about surface water management, the Head of Housing and Development Control is delegated to grant planning permission subject to any appropriate conditions; or, if negotiations are unsuccessful, to refuse the application for reasons of its conflict with the development plan in respect of building on land beyond the Development Boundary (policy SP4) adverse impact on visual amenity (policy SP5).

AR  
7.11.2018

