

Application Recommended for Approve with Conditions

FUL/2020/0204

Trinity

Town and Country Planning Act 1990

Retain use of open yard for Class B8 storage, construct new access at Hargher Street and erect 10 no. units for Class B1(c) light industrial and Class B8 storage use (total 1015sqm) (partly retrospective application)

Hargher Clough Works Hargher Street Burnley Lancashire

Background:

The proposal is for the retention of an open storage use (Class B8) and the erection of ten small business units with a new centrally positioned vehicular access to the site. Then proposed new units would be used for either Class B1(c) light industrial use (that can be carried out in a residential area) or Class B8 (storage and distribution).

The site contains the remnants of a former mill, demolished in 2015 and used since then for mainly open storage with a small number of remaining buildings around the edges and a high wall bounding Hargher Street. The site is used by numerous operators, including the storage of pallets, tyres and equipment. A building close to the site entrance is used for cleaning vehicles.

View into the site from Site Entrance



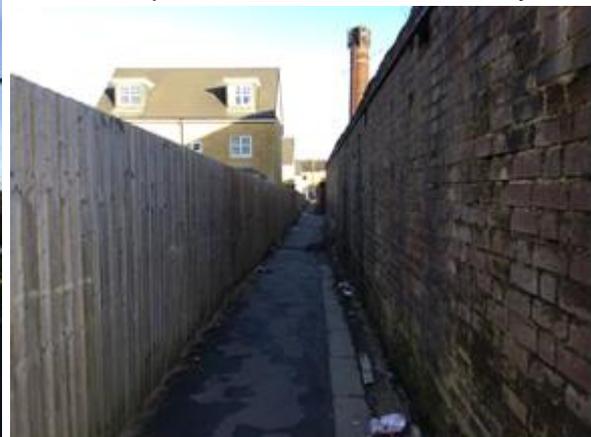
Existing Site Entrance



Site boundary on Hargher Street



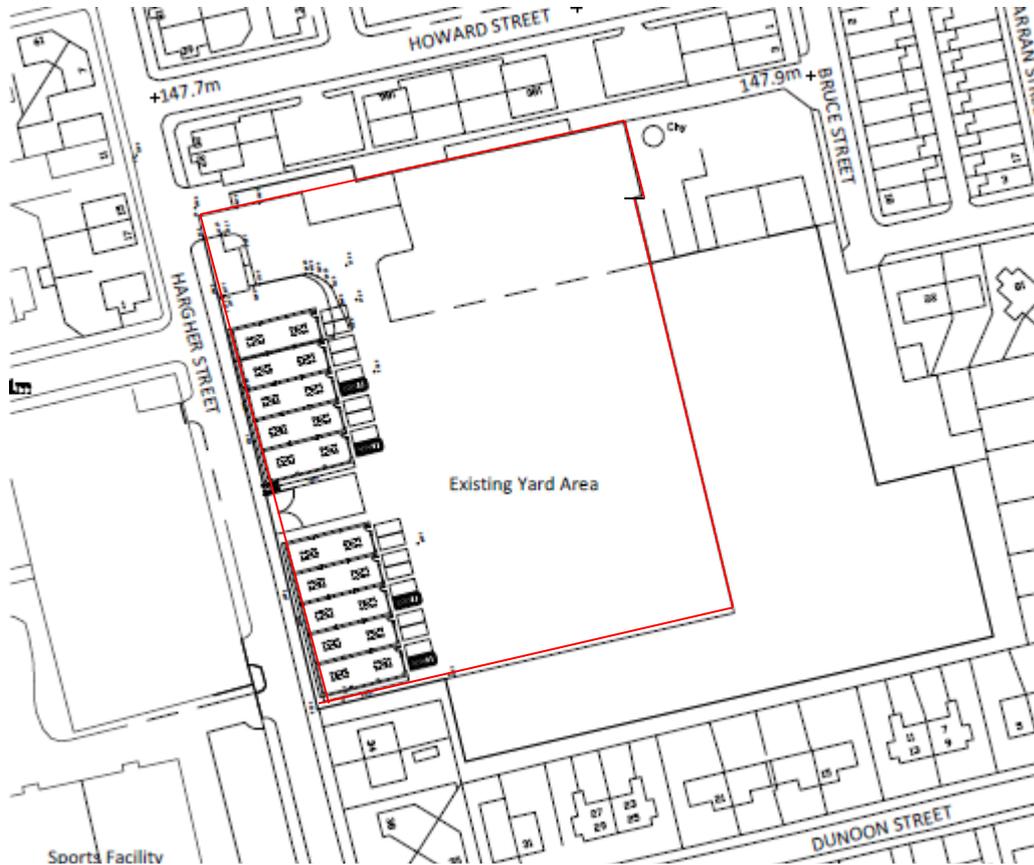
Footpath to north site boundary



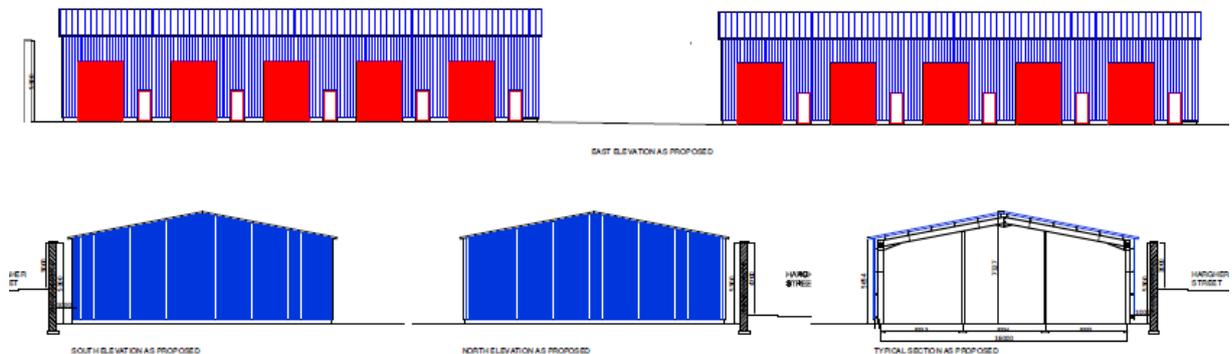
The site's northern boundary bounds a ginnel that connects Hargher Street and Bruce Street and is flagged by relatively new housing on Howard Street. The proposed scheme has been modified to take account of neighbour concerns in respect of the

site entrance. The amended layout which indicates the closure of the existing access and the construction of a new access to the site with a proposed group of five units in portal framed structures either side of the new access.

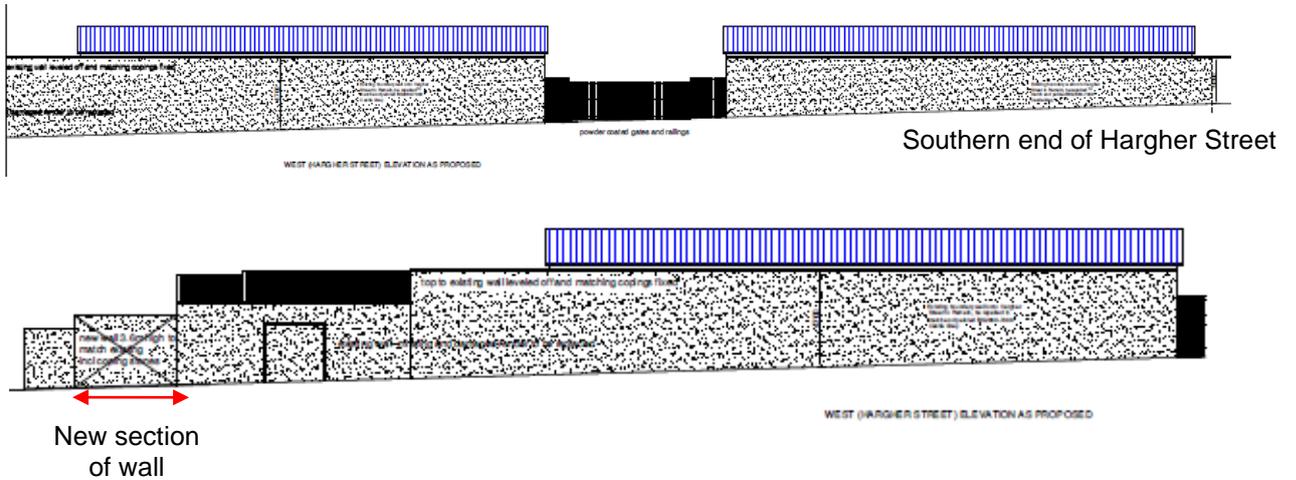
Location of proposed new access and proposed units



The proposed Class B1(c) light industrial and/or Class B8 storage and distribution units would in part be occupied by current users of the site. Each unit measures approximately 6.1 m wide x 16.7m depth and constructed with a central ridge height of 7.3m above ground level. The rear elevation of the units would be constructed up against the existing perimeter wall and the fronts facing into the open yard would have roller shutter doors and forecourt parking at a rate of two spaces per unit. The portal framed structures would be clad in Kingspan profile steel sheeting in Anthracite grey. Proposed Elevations (seen from inside the site)

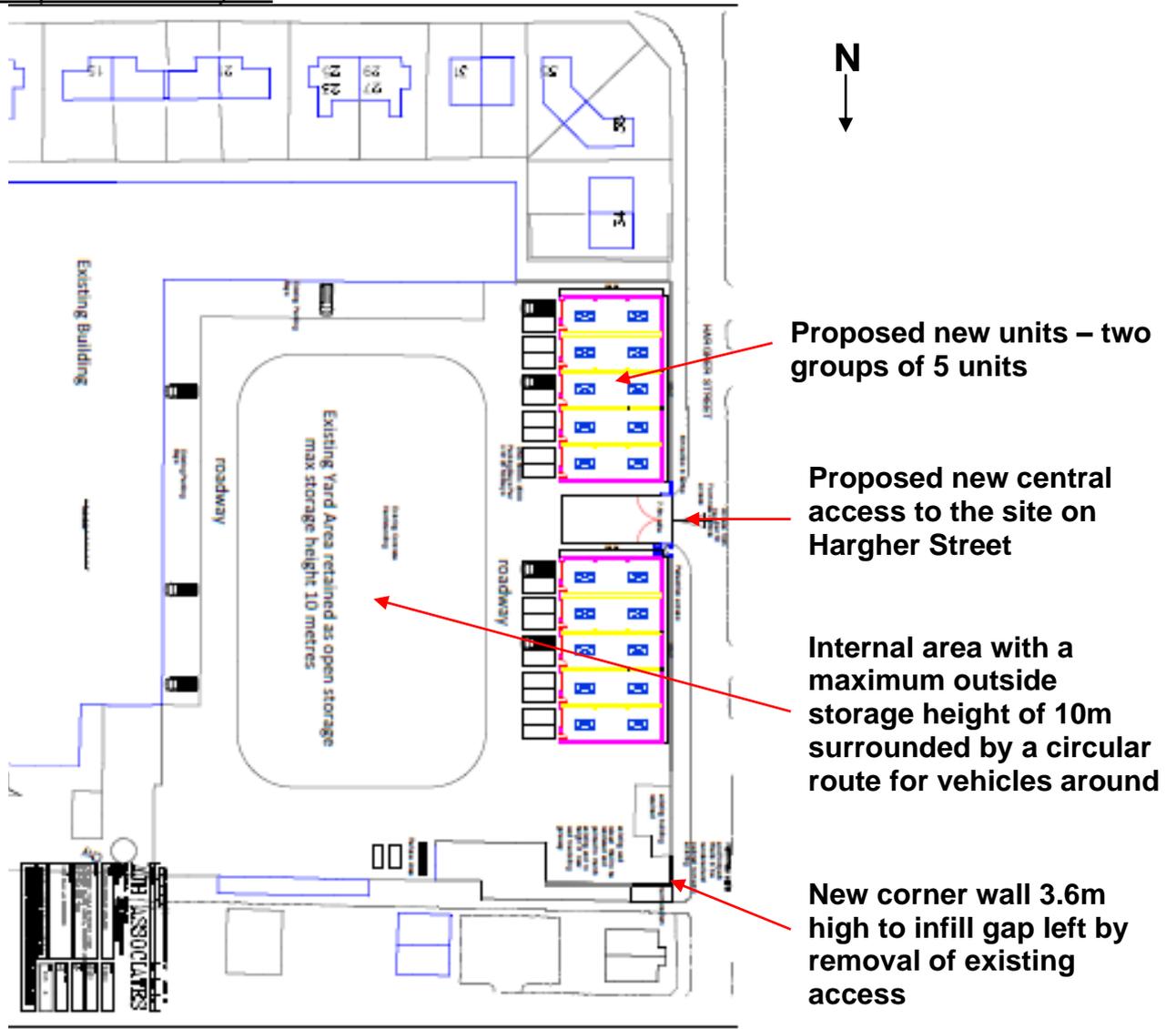


The roof of the new units would be visible over the height of existing perimeter wall on Hargher Street.



The proposal includes tidying up and repairing the current perimeter wall by levelling off the top edge and fixing a matching coping, replacing missing and damaged render and painting over the render in a grey colour. The proposed new section of wall at the north west corner of the site would be stepped down to 3.6m high and return around

Proposed Site Layout



the corner and raise the existing boundary wall height up to 3.6m high up the front of the brick building currently used for cleaning vehicles. The raised boundary wall is inset from the brick wall that bounds the footway and would not be affected by the proposal.

The proposal involves improving the internal layout of the open yard in order to provide an organised site with open storage within a central area with an upper height limit of 10m which would be surrounded on all sides by an access way with parking to the fronts of the perimeter buildings. The gates at the proposed site entrance would be powder coated in a colour that has not been specified.

Relevant Policies:

Burnley`s Local Plan (July 2018)

SP1 – Achieving sustainable development

SP4 – Development strategy

SP5 – Development quality and sustainability

HS1 (HS1/14) – Housing allocations – Former Gardner Site

EMP3 – Supporting employment development

NE5 – Environmental protection

CC4 – Development and flood risk

IC1 – Sustainable travel

IC2 – Managing transport and travel impacts

IC3 – Car parking standards

National Planning Policy Framework (2019)

Site History:

There have been no planning applications since the site was used for industrial purposes, last occupied by Gardner Aerospace prior to its demolition in 2015.

Consultation Responses:

LCC Highways

No objections to the revised position of a new access subject to conditions to require wheel washing facilities during construction, the re-instatement of footway to full kerb height, and a scheme for the construction of the site access and the off-street works of highway improvement and their implementation.

United Utilities

The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Conditions are recommended to require a surface water drainage scheme and to require drainage on separate systems.

Contaminated Land Officer

The preliminary risk assessment report ref BEK-20739-1 has identified potential risks from land contamination and landfill gas at the site to buildings, human health and controlled waters. Therefore, the further works, as recommended in section 6 of the report must be carried out. A condition to require the following is recommended:-

- a phase 2 site investigation, which must include a programme of landfill gas monitoring, a programme of groundwater monitoring and a quantitative risk

assessment in line with current UK policy and guidance including an updated conceptual site model

- a remediation strategy and report
- a full validation and verification report.

Environmental Health

Comments are made in respect of potential adverse impacts on residential amenity and air quality.

The *predictive* noise assessment by Miller Goodall, dated 6th August 2020 (report number 102372) has been reviewed and do not consider that the proposed development is unsuitable in terms of noise impact.

However, request that if the development is permitted, conditions are imposed relating to construction hours, a lighting scheme for external areas, refuse storage enclosures and hours of operation, restricting these to between 8am and 7pm Monday to Saturday with no working on Sundays or Bank Holidays.

As the development site is close to existing residential property, and the occupant/specific use of each unit is not yet known (and thus the actual noise levels likely to be emitted are also not known), in order to avoid an adverse effect on health and quality of life, recommend a condition to limit Noise Rating Levels.

A condition is also recommended to control noise from commercial vehicle alarms, stating that audible alarms to any commercial vehicle associated with the development, including forklift trucks, shall not be used at any time.

Publicity

Letters objecting to the application have been received from four neighbouring properties. A summary of their objections is provided below:-

- It is a very busy working site, not suitable in a residential area
- Vehicles come and go 7 days per week from 8am to 8pm
- Cars sometimes come during the night, disturbing residents when sleeping and causing sensory light to shine in bedroom windows
- Large lorries cannot enter the site when cars are parked outside houses and drivers knock on doors to request residents to move their cars
- It requires a better access to the site away from houses
- Object to the building construction works, causing a lot of extra noise, traffic, dust, pollution that will affect the mental health of occupants with autism.

Planning and Environmental Considerations:

Principle of Proposal

The site is located within an urban area of Burnley where Policy SP4 would seek to focus development, including a variety of large, medium and small sites to cater for new and existing business and employment opportunities. Hargher Clough Street Works is the site of a former weaving shed and as such has a deep history of industrial use. In more recent years, clearance of former streets and buildings close to the site has altered the site's context which now sits in a predominantly residential area. This is reflected in the housing allocation for this site at Policy H1/14 which identifies the whole of the former Gardner site as suitable for around 43 dwellings. The owner of the site wishes however to continue using the site for industrial purposes. This may prevent the site from coming forward for residential development

within the plan period. This would not lead to a policy objection in this case due to the number and variety of other sites that are available for this purpose. As such the housing delivery policies would not be significantly compromised.

The description of the application has been altered since first submitted to include a retrospective element to retain the use of the site for open storage in addition to the erection of 10 units for either Class B1(c) light industry (that can be carried out in a residential area) and/or Class B8 storage and distribution. Policy EMP3 states that the expansion and upgrading or establishment of new business premises within the Development Boundaries will be supported where the vehicle access arrangements do not have an unacceptable negative impact on surrounding uses or residential amenity and where it would not have an unacceptable impact on the townscape. The main issues to consider are therefore the impact of the proposal on the living conditions of neighbouring properties and the visual impact of the proposal.

Impact on residential amenities

Policy EMP3 which seeks to support the expansion and upgrading or establishment of new business premises within Development Boundaries where the operations or vehicle access arrangements would not have a negative impact on residential amenity or the environment. Policy SP5 requires development proposals to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users.

A number of objections have been received, most of which refer to the issues of noise, disturbance and inconvenience from the close proximity of the existing access to neighbouring houses. The current range of storage and industrial uses at the site create regular traffic movements at an inadequate access that is unsuitable for these purposes. In response to these concerns, the applicant has amended the scheme to provide a new access to the site which is centrally positioned within the Hargher Street frontage, taking it further away from houses at the north end of Hargher Street and Venice Street. This would make a significant improvement to the current conditions.

A Noise Assessment has been submitted with the application to demonstrate that the proposed new units would not significantly increase background noise levels. The applicant reports that some of the current occupiers of the site, currently using the site for open storage, will occupy the proposed new units. There would also be a number of new occupants and as such, there is a potential for increased levels of noise within the site. However, the proposed B1(c) use is a light industrial use that is capable of being carried out in a residential area. Use for Class B8 storage and distribution uses is mainly concerned with noise from comings and goings of vehicles. In this case, the units are small and less likely therefore to involve heavy traffic and large vehicles. The existing open storage use of the yard and the uses from the proposed ten industrial units are in principle therefore capable of being carried out in a residential area. Neighbour concerns have also referred to some late night comings and goings and bright lights that adversely affect living conditions. The application forms request operating hours between 7am and 8pm. The Council's Environmental Health Officer recommends a condition to restrict operating hours to between 8am and 7pm Monday to Saturday (with no working on Sundays or Bank Holidays). This would prevent early morning and late evening activity and would be more appropriate to a residential area. The Council's Environmental Health Officer recommends further conditions that would control noise and protect the amenities of neighbours and should therefore be imposed. In respect of a condition to remove reverse beepers on fork lift trucks, this

may lead to a conflict with health and safety working practices and is not therefore recommended. Notably, the site is well contained by a perimeter wall which would be further enclosed at the north west corner following the removal of the existing access and as such, this would provide an effective barrier to reduce background noise from the site.

Concerns have also been expressed in relation to the sensitivity of some neighbours to increased noise and disturbance whilst construction work takes place. Unfortunately, there would inevitably be some disturbance during construction but this would be a temporary situation and can also be managed by limiting construction hours.

The outlook from neighbouring properties would be changed by the addition of the roofs over the proposed ten units which would be higher than the perimeter wall. In addition, the open gap created by closing up the existing access would be infilled by a wall up to 3.6m high. The scale of the development up to 7.3m at the ridge height of the roof which is set in from the site boundary would not cause a dominating or overbearing outlook. The new section of perimeter wall would be lower than the existing wall and would be set back from the ginnel on the northern boundary.

The retrospective use for open storage and the further development of the site with ten light industrial/storage units would therefore, following the revisions to the scheme to provide a new access away from houses, and subject to conditions to control hours and site conditions, be capable of taking place and providing adequate protection to the amenities of neighbouring occupiers. In this regard, the proposal would comply with Policies SP5 and EMP3.

Impact on highway safety

Policy IC1 requires, amongst other things, for development to promote sustainable travel by locating in areas well served by walking, public transport and cycling; to provide safe pedestrian, cycle and vehicular access; to secure adequate delivery, servicing and drop-off facilities; maintain the safe and efficient flow of traffic on the surrounding highway network; and provide or contribute towards the provision or improvement of on or off-site infrastructure.

The site is situated in an accessible area, although the nature of the business involves most journeys in motor vehicles. LCC Highways consider the existing access to be unsuitable due to poor sight lines and requested that the access be widened on its southern side. The applicant has however agreed to re-locate the access further from the existing access in order to deal with other concerns. LCC Highways is satisfied that the revised access would provide a safe access and that the levels of traffic from the site can be satisfactorily accommodated on the road network. Adequate parking and turning within the site are also provided.

The proposal, as amended, therefore would provide a safe and acceptable form of access. The conditions recommended by LCC Highways are necessary and should be imposed. As such, the proposal would comply with Policy IC1.

Visual Impact

Policy SP5 states that the Council will seek a high standard of design. The existing site display a poor level of visual amenity due to the condition of the perimeter walls

and the untidy nature of the site. Policy EMP3 also requires business and employment development to respect the townscape.

The proposal involves improving the external walls by levelling the top edges, adding a continuous coping, repairing damage and painting over the existing render/pebbledash. The proposed internal layout with a central area for open storage up to no more than 10m in height would provide a more organised layout and control the height of stacking or other storage. The perimeter walls would also enclose the views of the activities within the yard which would improve their outlook. The proposed new units would only be partially seen from Hargher Street and would not have a significant visual impact.

The proposals would therefore provide a satisfactory level of visual amenity in the local area and would not conflict with Policies SP5 and EMP3.

Other issues

United Utilities has requested conditions relating to surface water drainage which are necessary to ensure suitable drainage for the site. A condition to require a contaminated land assessment and subsequent remediation measures is also necessary to protect groundwaters and public safety.

Conclusion

The proposal would continue to provide employment on a site that has a long history of industrial use and subject to further controls to restrict operating hours and provide for environmental improvements to the site and its appearance, the amended scheme is acceptable.

Recommendation: Approve

Conditions

1. The development must be begun within three years of the date of this decision.

Reason: 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. The development hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. No unit shall be first occupied or permitted use of the site take place until the footway has been reinstated to full kerb height, following the existing vehicle crossover being made redundant, in accordance with the approved plans and the Lancashire County Council Specification for the Construction of Estate Roads.

Reason: To maintain the proper construction of the highway, in the interests of pedestrian safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

4. Prior to the commencement of development, a scheme for the construction of the site access and associated off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority. No unit shall be first occupied until the approved scheme has been constructed and completed in accordance with the scheme details.

Reason: To ensure a satisfactory means of access to and from the site to serve the needs of the development, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of development to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

5. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

6. All works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

7. No part of the approved premises (including the open storage on the site and the approved units) shall operate and no deliveries shall be received or despatched other than between 08.00 hours and 19:00 Monday to Saturday and it shall not operate at all or have any deliveries received or despatched on Sundays or Bank/Public Holidays.

Reason: To ensure that the development can be satisfactorily carried out within reasonable working hours whilst respecting and safeguarding the residential amenities of nearby occupiers, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

8. Prior to the commencement of built development, a scheme for drainage of surface water, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out and completed prior to the completion of the development or the first occupation of any of the approved units, whichever is the sooner.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

9. Foul and surface water from the site shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies CC4 and NE5 of Burnley's Local Plan (July 2018).

10. Prior to the commencement of development, an intrusive investigation shall be carried out by a suitably competent person(s) in accordance with the submitted Preliminary Risk Assessment Report ref BEK-20739-1 to further assess the extent of contamination likely to affect all receptors at end-use and a written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, and shall be submitted to and approved in writing by the Local Planning Authority. Remediation work shall thereafter be carried out and completed in accordance with the approved scheme. In the event that previously unidentified contamination is discovered during any part of the works then further investigation and risk assessment shall be undertaken which shall together with an additional remediation scheme be submitted to and approved in writing by the Local Planning Authority before works continue. A Validation and Verification report to evidence that all remediation works have been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority before any of the approved units are first brought into use.

Reason: In order to deal appropriately and safely with the risks posed to the site and for future users from past industrial uses that may affect the site, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The site investigation, report and remediation scheme are required prior to the commencement of development to ensure that any mitigation measures that are found to be necessary through the investigation can be carried out at the appropriate stage in the development process.

11. Noise Rating Levels from cumulative noise, to include noise from external plant and machinery and commercial vehicles, at the development hereby permitted shall not exceed the existing background noise level (LA90) by more than 5dB(A) at the external façade of the nearest noise-sensitive premises, as assessed in accordance with British Standard 4142 (2014), or any subsequent replacement national standards. Alternative levels and monitoring locations may be used subject to the prior written approval of the Local Planning Authority.

Reason: To ensure there is no adverse effect on the health and quality of life of the occupiers of noise-sensitive premises and to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

12. Outside storage on the site shall be confined to the area marked on the approved plans and shall not at any time exceed a height in excess of 10.0m above ground level.

Reason: To ensure a satisfactory appearance to the site and ensure satisfactory conditions for access and manoeuvring purposes, in accordance with Policies SP5 and IC1.

13. The improvements to the perimeter boundary wall as indicated on the approved plans shall be carried out in their entirety and completed prior to any of the approved units being first brought into use.

Reason: To ensure the implementation of improvements to the external boundaries of the site, in the interests of visual amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

14. Prior to the commencement of built development, a scheme for external lighting that shall minimise light spillage outside of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved scheme and only external lighting that accords with the approved scheme shall be permitted to be installed or operate at the premises at any time.

Reason: To avoid external light spillage, glare or nuisance from sensor lights that would adversely affect residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (2018).

15. Prior to the commencement of built development, details of a Refuse Storage Enclosure to be constructed on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved Refuse Storage Enclosure shall be constructed, completed and made available for use prior to any of the approved units being first occupied and shall thereafter be retained at all times.

Reason: To ensure a suitable area for refuse, in the interests of maintaining a tidy site, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

16. The materials of construction to be used on the external walls and roof of the development shall be in accordance with the approved plans and the specifications on the application forms unless any variation to this is otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

17. No unit shall be first occupied until the associated parking spaces for that unit, as indicated on the approved plans, has been constructed, surfaced, drained and is available for use.

Reason: To ensure adequate parking arrangements for the proposed development, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).