

**Application Recommended for Delegation**  
Rosegrove with Lowerhouse Ward

**APP/2009/0615**

Full Planning Application

Variation of condition 4 on planning approval 2006/1101 to allow storage of recovered vehicles within containers and trailers within the rear yard

WARDS OF BURNLEY LTD 15 GANNOW LANE BURNLEY

**Background:**

The site is used for a vehicle recovery and storage business. The applicant works in conjunction with the police to recover and store vehicles securely, possibly after an accident or their use in a crime. They are securely stored prior to forensic examinations, or kept as evidence in criminal investigations.

The use operates mainly during the day although the business can operate on a 24 hour basis, recovering and storing vehicles in the industrial building as necessary.

The hardstanding area at the rear of the building is now used during the day for parking of the applicant's recovery vehicles only and no repairs or parking of recovered vehicles take place on this area. There are no repairs outside the building and the only repairs inside the building are to the recovery vehicles themselves.

The applicant requires additional secure storage for the recovered vehicles and has applied to site 19 containers and trailers in the rear yard area. Three containers are already in position on the site. A condition on the original permission limits the use of the yard to the storage of operational vehicles and staff and visitor parking only, in order to protect the amenities of the adjacent residents on Wilson Fold. This application seeks to vary this condition to allow, in addition, the storage of the recovered vehicles within the containers and trailers.

Objections have been received.



Rear yard area

## Summary of Reason for Recommendation

With the additional landscaping requested as set out in the report, the development would be generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

### Relevant Policies:

#### Burnley Local Plan Second Review

EW4 - Expansion and Improvement of existing businesses

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

GP6 - Landscaping and Incidental Open Space

TM15 - Car parking standards

### Site History:

APP/2005/1108 – Use of part as private hire booking office – granted

12/00/0564 – Telecommunications Mast – granted

APP/2006/1101 - Proposed change of use from engineering & transport to 24 hourly operation of the recovery & a storage area for motor vehicles – planning permission granted subject to conditions including Condition 4 which states:

*“There shall be no parking of vehicles on the land at the rear of the building, other than for the parking of operational vehicles, as indicated on the approved plan, or visitor or staff parking. All recovered vehicles shall be stored in the building and there shall be no outside storage of recovered vehicles”*

### Consultation Responses:

1. LCC (Highways) – raise no objections to the proposal.
2. Environment Agency – raise no objections providing vehicles are stored in such a way as to ensure that there is no risk of any oils or polluting substances entering the canal or other surface water drainage systems.
3. British Waterways raise no objections
4. Green Spaces and Amenities advise that additional screen planting between the backs of the containers and the existing fence would be beneficial.
5. Four letters of objection have been received making the following comments:
  - There is already disturbance experienced from the use
  - The visual appearance and security floodlighting are unacceptable
  - Landscaping has not been carried out satisfactorily as required by the previous permission
  - Windows of the dwellings overlook the site
  - The trailers and containers will tower above the fence and overshadow gardens
  - Security will be an issue with people able to climb on top of the containers.

## Planning and Environmental Considerations:

The main concern relates to the impact of the use on the amenity of the nearby residents.

**Policy EW4** allows for development which would lead to the improvement or expansion of existing business premises when the development is suitable in terms of size, layout, access, parking, design and landscaping; it would not harm the amenity of nearby occupiers; it would not harm the character, appearance or environment of the surroundings; includes measures to improve security; and has adequate access by a choice of transport modes.

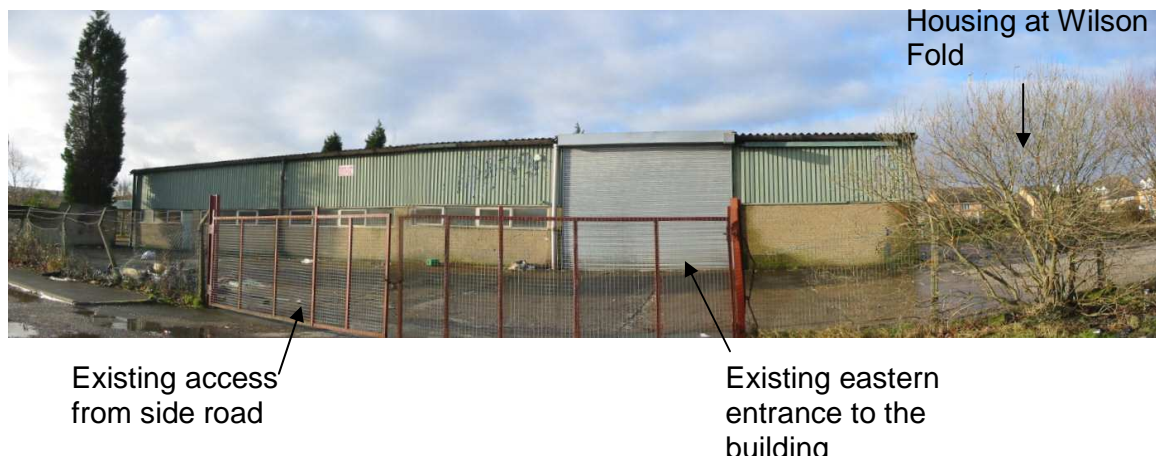
### Suitability of the site

The site is within an area of industrial properties, but is next to houses on Wilson Fold. It comprises an industrial building, set behind a landscaped frontage to Gannow Lane, with access gained from a side road adjacent to the building. There is an existing informal hardstanding area at the rear of the building, with rough unused land between the hardstanding and the canal. A large telecommunications mast has been in use on the land for several years. The existing building has been in use by the applicants for the vehicle recovery and storage building since permission was granted in 2006. The applicant made some improvements to the boundary treatment with additional planting but there are gaps which would benefit from additional planting to improve the screening of the site from residents.

In principle the storage of containers and trailers in an industrial yard is acceptable. It would be preferable to provide a new purpose built storage building, but as the applicant does not own the site, this is not possible. The use is one which is suitable for the site to enable the business to fulfil its requirements, providing it can be controlled so that it does not have an adverse impact on residents.

### Residential Amenity

It is not proposed to have open storage of recovered vehicles as this is not acceptable to the police. Vehicles arriving at the site would be taken directly into the building as they are now, via the entrance facing the lane, away from the houses.







View from end of cul-de-sac on Wilson Fold

The containers are to a maximum height of 3.1 metres and if suitable shrubbery and planting was undertaken, the impact on residents would be minimised. The containers would not be intrusive from main habitable room windows of the houses.

Providing the additional landscaping is undertaken, the visual impact on the residential properties would be acceptable within the context of the mixed industrial / residential character of the area.

The other conditions on the existing planning permission for the site, including a restriction of the hours of operation to no use outside 1800 hours and 0730 hours, except for emergency recovery of vehicles and limiting access to the building to the eastern door set away from the houses, still apply.

**Recommendation:** That the Head of Planning and Environment be delegated to approve the application to vary the condition as set out below, subject to amended plans indicating the proposed additional landscaping treatment between the containers and the existing fence:

#### Amended Condition

4. There shall be no parking of vehicles on the land at the rear of the building, other than for the parking of operational vehicles or visitor or staff parking. All recovered vehicles shall be stored in the building and there shall be no outside storage of recovered vehicles, other than those stored within the containers and trailers, to a maximum height of 3.1metres, laid out as shown on the layout plan hereby approved.

#### Reason

4. In the interests of visual and residential amenity having regard to Policies EW4 of the Burnley Local Plan Second Review.