

APPLICATION DETAILS

1. SITE

- 1.1 The application site lies to the north of the Marl Pits sports complex on Newchurch Road and to the south of Hurst Lane, Rawtenstall. The site currently forms part of an open field which lies adjacent to a rugby pitch. The application site rises from a point below the level of the rugby pitch and then rises to a point level with the rugby pitch before inclining steeply to the north.
- 1.2 The site is overlooked by sporadic residential properties to the north and west and at a further distance from the east as well as from the rear of properties fronting Newchurch Road.
- 1.3 The application site lies within the Countryside although immediately adjacent to a Greenlands Area and a Recreation Area as designated in the Rossendale District Local Plan.

2. RELEVANT PLANNING HISTORY

2009/0624 – Golf Driving Range – Withdrawn due to concerns raised by officers and consultees, particularly in relation to insufficient information for the application to be properly assessed, in particular, in relation to finished floor levels, earthworks and lighting. Furthermore, there were concerns in relation to the design of the building given it would not be locally distinctive or appropriate to a Countryside location which together with the potentially harmful lighting and uncertain details regarding other minor matters, would harm the intrinsic character of the Countryside and visual amenity of the surrounding area. For completeness, members should be aware there were 8 neighbour responses, 4 objections and 4 letters of support.

3. THE PROPOSAL

- 3.1 The applicant seeks consent for a 32-bay Golf Driving Range which would be formed by a two storey / single storey light portal frame building measuring 6.9 metres high at the second storey ridge height by 13 metres deep by 46.5 metres wide. The building would be constructed from galvanised steelwork. Cladding is proposed to the structure which is to be colour graded in a horizontal way with the darkest green at the bottom and a lighter shade above. The two shades will be cut so as to introduce a design of the Rossendale hills. The windows would be at ground floor level. The building would be set on a level area of land to the west of the existing field gate in to the site and the building would be surrounded to the south by a 33 space car park of which 4 would be disabled parking bays. The car park would be surfaced in porous consolidated limestone and would be bounded to the south by robust landscape planting. In order to help ease congestion up to the site along the

access road the scheme proposes 15 overspill parking spaces for the rugby club adjacent to the site.

- 3.2 The access to the site would be taken from Newchurch Road heading north past the main Marl Pits complex up to the site. It is proposed to provide passing places along the existing access road and to resurface the access road in tarmac with white line delineation for pedestrians.
- 3.3 The driving range itself would be formed by the rising land form. Players would drive out of the building in a north-easterly direction. The applicant's agent explains that the scheme was orientated in this direction to improve visibility and avoid players driving balls into the sun. It is stated that the scheme would require minimal grading of the existing land. The applicant has confirmed that there would be markers on the range which is intended to simulate a fairway on a traditional golf course.
- 3.4 There would be 3 FTE employees and the facility is proposed to open in the evenings and weekends as well as daytime, though specific times have not been provided. The scheme proposes to floodlight the site from lights mounted on the proposed building. The forms state that the bin storage would be within the car park with the plans indicating this will be to the side of the proposed building.
- 3.5 The applicant asserts that the scheme would accord with national, regional and local planning policy, that there have been no new leisure facilities in Rossendale for sometime and there is a significant pent up demand for such a scheme which would sit well with the proposals to develop Marl Pits further. The scheme has an existing access, is an essentially urban fringe location, would bring tourism benefits, and would be screened from view, would maintain the openness and green nature of the area and create jobs.

4. POLICY CONTEXT

4.1 National Planning Guidance

PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Economic Development
PPS7 – Sustainable Development in Rural Areas
PPG13 – Transport
PPG 17 – Planning for Open Space, Sport and Recreation
PPS 23 – Planning and Pollution Control
PPG24 – Planning and Noise

4.2 Regional Spatial Strategy Policies

Policy DP 1 Spatial Principles
Policy DP 2 Promote Sustainable Communities
Policy DP 3 Promote Sustainable Economic Development
Policy DP 4 Make the Best Use of Existing Resources and Infrastructure
Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 6 Marry Opportunity and Need
Policy DP 7 Promote Environmental Quality
Policy DP 8 Mainstreaming Rural Issues
Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy W 1 Strengthening the Regional Economy
Policy W 6 Tourism and the Visitor Economy
Policy W 7 Principles for Tourism Development

Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision

Policy RT 1 Integrated Transport Networks
Policy RT 2 Managing Travel Demand
Policy RT 3 Public Transport Framework
Policy RT 4 Management of the Highway Network

Policy EM 1 Integrated Enhancement and Protection of the Region's
Environmental Assets

4.3 Saved Policies of the Rossendale District Local Plan

DS5 – Development Outside the Urban Boundary and Green Belt
DC1 – Development Criteria
DC4 – Materials

4.4 Other Material Planning Considerations

Lancashire Landscape and Heritage SPD

5. INTERNAL CONSULTATIONS

5.1 RBC – Forward Planning –

Development in the Countryside

Saved Policy DS.5 of the **Rossendale Local Plan** states that “*development will be restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area*”. Sustainable tourism and leisure facilities are supported as appropriate rural developments in **PPS7** (Para. 34), providing they don't harm the character of the countryside. Although unadopted at present (and therefore carrying no statutory weight), Policy RLDF1 in the **emerging Core Strategy** refers to maximising visual quality and improving links to and the quality of local open spaces and green infrastructure. Policy EM1 of the **RSS** is also pertinent in respect of landscape protection and enhancement. Policy RLDF17 of the **emerging Core Strategy** also supports the sustainable use of the natural environment.

PPS4 (Para. EC6.2) places a responsibility on LPAs to “*support diversification for business purposes that are consistent in their scale and*

environmental impact with their rural location". **PPG17** (Para. 16) suggests that LPAs may wish to allow small scale structures in open spaces where these would provide facilities for new recreational uses. However, it must be noted that a high standard of building and landscape design, and a contribution to environmental quality are required by saved policy DC.1 of the **Rossendale Local Plan**.

Development Location and Accessibility

RSS policy DP2 encourages "*promoting physical exercise through opportunities for sport and formal / informal recreation...*" and **PPS7** (Para. 35) supports "*the provision of general tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres*" – but proposals should demonstrate a commitment to encourage accessibility by sustainable modes of transport in order to satisfy policy DP5 of the **RSS**. **PPS1** (Para. 27) does however recognise the difficulties of providing access by sustainable means in rural areas, and **PPG13** (Para. 5) adds that "*The car will continue to have an important part to play and for some journeys, particularly in rural areas, it will remain the only real option for travel*".

Design and Lighting

The overall design impact on the locality in question must be carefully assessed, as **PPS1** (Para. 13) states that "*Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted*". It is noted that the proposal includes floodlighting, and that such lighting could potentially be in use for long periods of time especially in the winter months. The visibility of such lighting and its impact on local amenity should be given careful consideration and appropriate discussions with the applicant should be held. Indeed, **PPG17** (Para. 19) specifically advises that "*In considering planning applications for floodlighting, local authorities should ensure that local amenity is protected*".

In addition, the **Re-use of Buildings in the Countryside SPD** (Para. 5.13) states that "*External lighting should be kept to an absolute minimum, commensurate with need*".

Flood Risk and Water Management

The **Level 1 SFRA** does not identify the site as being in a Flood Zone.

Conclusion

The proposal should be supported subject to detailed design and lighting considerations.

5.2 RBC – Environmental Health –

Health and Safety –

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The fence appears to be 5 meters high by 40 meters long. The end of the fence is approx 60 metres from the driving points. This would appear to be reasonable as the distance a ball is struck will depend on the skill of the player. Without any “standard” I am aware of it would seem reasonable.

In the event that issues arise then one would require/assume that the operator will revise his risk assessment and take appropriate action.

Pollution –

The planning application explains that floodlighting will be provided by directed lighting attached to the proposed building. The applicant considers that there will be the minimum dispersal of light beyond the facility.

Information provided in the application by TamLite Technical state in their luminaire data that the high performance large area projector floodlights allow for accurate aiming angles. Given this information it is clear that the direction of light from the floodlights can be altered and re-directed should that need arise.

It is not possible for Environmental Health to comment further without a full lighting study which would have to be carried out by an external Consultant Lighting Engineer to evaluate the total effect on the overall visual amenity of the area.

I would ask is it possible that a planning condition be attached to the application [should the Members be minded to grant approval], to the effect that the floodlights will be altered to re-direct any stray light dispersal in order to protect the amenity of occupiers of surrounding properties.

Finally, my observation about opening hours is that the facility should close down and floodlights switched off around the 10.00pm mark in the evenings.

5.3 RBC – Drainage –

The developer is encouraged to implement Sustainable Urban Drainage Systems (SUDS) techniques. SUDS are effective in reducing the impact of surface water discharges. If it is proposed to discharge surface water from any development of the site to any watercourse it will be necessary for the discharge to be restricted. Environment Agency procedure ‘Preliminary rainfall runoff management for developments’ (EA/DEFRA W5-074/A) offers guidance. Details and calculations will be required for the Council's approval.

Recommends a condition be attached if approved requiring the provision of a surface water regulation system

- 5.4 **RBC – Estates** – No comments
- 5.5 **RBC – Legal** – No comments received.

6. **EXTERNAL CONSULTATIONS**

6.1 **Lancashire County Council –**

Highways –

Details of the proposed drainage for the area and the access road will be required before formally recommending the application for approval. Drainage is mentioned briefly within the application but is not full explained.

Contributions –

No requests other than a possible transport contribution.

Lancashire County Ecology Service –

Recommend that, if Rossendale Borough Council is minded to approve this application, the applicant should be required to submit further details (***prior to determination***) to demonstrate that lighting proposals would not impact upon adjacent bat foraging habitat.

Recommend that the applicant should be required to submit a stand-alone method statement detailing how badgers will be protected both during and after construction. The method statement should be submitted to Rossendale Borough Council for approval in consultation with specialist advisors. The approved method statement should be implemented in full. This should form the basis of a ***planning condition***.

7. **REPRESENTATIONS**

- 7.1 A press notice was published on 08/01/2010. Two site notices posted on 08/01/2010 as shown on the site plan. 129 neighbours were notified by letter on 21/12/2010 to accord with the General Development Procedure Order.
- 7.2 2 responses received.

One letter supports the proposal on the following grounds:

- Minimal visual impact
- Will provide a valuable social facility
- Will provide employment opportunities

One letter indicating from a resident of Conway Street indicating they did not wish to oppose the plan but express concern:

- that the proposals could have the potential to affect Conway Street and in particular the road surface

Additional non statutory responses
Lancashire Badger Group

Request a condition that prior to commencement of any ground braking or land improvement a meeting is held with all site contractors and subcontractors to discuss the protected status of badgers and to mark and physically protect any vulnerable setts or paths through the fences.

8. REPORT

- 8.1 The main considerations of the proposal are the principle of the development being located in the Countryside and its impact on the intrinsic character of the Countryside in terms of the building, earthworks, lighting and ancillary development; also the impact on visual amenity in terms of the immediate area and aesthetics of the scheme as well as on residential amenity and highway safety.
- 8.2 The proposed development would lie outside of the Urban Boundary as designated in the Rossendale District Local Plan. The land therefore lies in the Countryside and falls to be determined against Countryside policies. PPS 7 promotes improving the quality and sustainability of local environments, sustainable economic development and diversification, good quality, sustainable development which enhances local distinctiveness and the intrinsic qualities of the countryside and the continued protection of the of the open Countryside for the benefit of all. PPS7 also supports focussing most development in or next to existing towns and providing appropriate leisure opportunities. Development should also be good quality and carefully sited where it would be accessible. PPG17 states that developments for new sport and recreational facilities should promote accessibility by walking, cycling and public transport, avoid a significant loss of amenity to residents, neighbouring uses or biodiversity, improve the quality of the public realm, add to and enhance the existing range and quality of facilities, consider security and personal safety, meet regeneration needs, consider the use of any surplus land, assess the impact of the facilities on social inclusion and consider the recreational needs of visitors and tourists. Urban fringe areas can be valuable locations for sports facilities and such facilities are encouraged to be located in these areas in rural locations although these should be designed and sited with great care and sensitivity.
- 8.3 The application site is an urban fringe location adjacent to an existing town which would be a sustainable location in terms of accessibility by public transport. The scheme would provide an economic development opportunity and would provide a leisure opportunity which would fill an apparent gap in provision, sited in an appropriate location. Following withdraw of the previous

proposals, the design has been amended. The new building design, whilst not locally distinctive (ie from stone which would be difficult to achieve given the ground conditions as a former tip) does seek to soften its impact in the landscape by the use green colour cladding, the building stepping up from single to two storey which helps to break up its bulk and the rounded roofscape design which provides softer edging from certain view points. Furthermore details have now been provided in respect of finished floor levels, car park levels and the proposed earth works to the hillside. It is considered this information particularly related to the earthworks allows an understanding of the scale of the remodelling of the ground profile and will not result in an unacceptable detrimental impact to the hillside. Furthermore, the applicant has agreed to enter into a unilateral undertaking legal agreement which will require the owner to remove at their own expense within 12 months of the use ceasing should the venture prove unsuccessful and restore the land upon which the proposal lies to an appropriate state. As such, the proposals when considered in conjunction with landscaping proposed would be acceptable in this location both in terms of use and in impact.

- 8.4 Furthermore, the applicant has submitted acceptable information in relation to bin storage. In relation to potential harm and biodiversity, consultation responses have indicated that impact can be addressed by appropriate conditions relating to landscaping and further details being submitted to address any impact from the proposed lighting. The applicant has now submitted a revised plan indicating hedge planting to address this concern. LCC Ecology have indicated subject to a suitable condition regarding the management of this hedgerow the revised plan is acceptable. Satisfactory details have also been provided in relation to security and safety issues and arguments have also been forwarded outlining the anticipated contribution the proposals could make to the visitor economy.
- 8.5 Having regard to the lie of the land and deciduous planting around the site, the impact of the development on the visual amenity of the surrounding area is quantifiable having regard to details provided on levels, earthworks, bin storage, fencing and course markers. In terms of the lighting, the applicant has appointed a lighting consultant who has submitted technical information together with a commentary indicating that through the orientation and careful positioning of lighting having regard to landscape contours and surrounding buildings / trees the impact on properties on Newchurch Road will be negligible with a glow being visible rather than individual light sources, whilst the two properties nearest the site will also not be affected to an unacceptable level given the minimal light spill. The Council has commissioned consultants to independently assess the information provided. This has concluded based on the information provided that the calculations submitted are accurate, there will be minimal light spillage beyond the perimeter of the driving range plus the lighting levels will be reduced on the road by the surrounding trees, and therefore concurs with the information provided.
- 8.6 The proposed development would not incur a loss of light, privacy or outlook to adjoining properties given the lower level of the application site and a minimum distance of 150 metres separation. The Environmental Health Team have

confirmed that the lighting would not cause a statutory nuisance and if the lighting was found to be problem to adjoining residential properties the lighting is capable of being adjusted. The issue of noise from the building could be controlled by a condition stipulating that no amplified music should be played within the building.

8.7 In respect of highway matters, subject to detailed matters being addressed in respect of drainage for the road which is to be tarmaced, there is no objection. It is considered this concern can be dealt with by condition.

8.8 In relation to the issues raised not already covered by the preceding analysis, the proposed access is from Newchurch Road via Marl Pits and not from Edge Lane and there is an existing barrier preventing access to the site from Edge Lane. The remaining highways matters including preventing pedestrian/vehicular conflict, traffic calming and informal parking along the access road, should be covered by the Highway Authority's response. No link is proposed from Chapel Lane to Newchurch Road under this application and would almost certainly require planning permission which could be controlled at that time.

9. CONCLUSION

9.1 That following withdraw of application 2009 / 0624, the applicant / agent have liaised with officers to address the concerns raised. As a result, the applicant has now provided sufficient information in relation to finished floor levels, earthworks and lighting and to address other minor matters previously not addressed. The design of the building has been amended which together with appropriate landscaping reduces the harshness of the appearance of the building in the landscape. Furthermore, whilst it is recognised that the design of the building would not be locally distinctive the applicant has agreed to a Unilateral Undertaking legal agreement that states that should the use of the building cease, the building will be removed at the owner's expense within 12 months of the use ceasing. The changes made to the original proposals coupled with the provision of further information now leads officers to conclude the proposal should be recommended for approval.

10 SUMMARY OF REASON FOR APPROVAL

The proposed development is considered acceptable having regard to the proposed use, given the economic and tourism benefits it would bring and as the proposals are of a scale and design and use of materials and appropriate landscaping that it is considered that the development is acceptable and would therefore accord with PPS1, PPS4, PPS7, PPG13 and PPG17, Lancashire Landscape SPD, RSS polices DP7 and EM1 and the following policies of the Rossendale District Local Plan DC1 and DC4.

11. RECOMMENDATION

11.1 That the application be approved.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. *Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.*
2. The development shall be carried out in accordance with the information supplied within the application forms and Design and Access Statement and drawings date stamped on 23rd March 2010 and the 19th May 2010 unless otherwise required by the conditions below or otherwise first agreed in writing by the Local Planning Authority. *Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.*
3. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am to 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. *Reason : To safeguard the amenities of nearby residential properties, in accordance with Policy DC1 of the Rossendale District Local Plan.*
4. The building hereby approved shall be constructed of materials as outlined in the Design and Access statement samples of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. *Reason: In the interests of the amenity of the area, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.*
5. The premises shall premises shall not be open for trading except between the hours of 08:00am and 22:00pm Sunday to Saturday and Bank Holidays. *Reason: In the interests of the amenity of the area, and in the interests of protecting European Protected Species (bats) and in accordance with Policy EM1 of the Regional Spatial Strategy and PolicyDC1 of the Rossendale District Local Plan.*
6. Prior to first use of the development hereby permitted all vehicle parking spaces shall be laid out and made available for use in accordance with the approved details with clear demarcation, and shall thereafter be kept freely available for use as such. *Reason: In the interests of highway safety in accordance with Policy DC1 of the Rossendale District Local Plan.*
7. Prior to the commencement of the re-surfacing of the access road, a scheme for a surface water regulation system will be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway authority. The development shall be carried out in accordance with the approved scheme. *Reason: To ensure satisfactory drainage of the site and to avoid flooding, in accordance with Policy DC1 of the Rossendale District Local Plan.*
8. Prior to the commencement of the development hereby approved, a scheme for the disposal of foul and surface waters within the site shall be submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure satisfactory drainage of the site and to avoid flooding, in accordance with Policy DC1 of the Rossendale District Local Plan.

9. No site clearance, site preparation or development work shall take place until a mitigation scheme for impacts on badgers has been submitted and approved by Rossendale Borough Council in consultation with specialist advisors. The approved scheme shall be implemented in full. *Reason: In the interests of protecting a protected species, in accordance with PPS9, Policy EM1 of RSS and Policy DC1 of the Rossendale District Local Plan.*
10. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved. *Reason:- In the interests of visual amenity and in the interests of protecting European Protected Species (bats) and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990, in accordance with Policy DC1 of the Rossendale District Local Plan*
11. Prior to the commencement of the development hereby approved a scheme indicating the provision of disabled car parking spaces and access to door details shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use. *Reason:- To ensure the satisfactory development of the site in the interests of highway safety, in accordance with Policy DC1 of the Rossendale District Local Plan.*
12. Subsequent to the provision of the floodlighting as per the approved plans dated 23 March 2010, monitoring and assessment will be undertaken within the first month of operation and the floodlights altered to –redirect any stray light dispersal identified from assessment. *Reason In the interests of residential amenity and impact on biodiversity adjoining the site, in accordance with Policy DC1 of the Rossendale District Local Plan*

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