

Application Number:	2014/0112	Application Type:	Full
Proposal:	Allotments with associated communal allotment building with storage, sheds, composting toilet, hardstanding for 7 cars, fencing, landscaping, creation of site access and creation of pond.	Location:	Land west of Burnley Road A682 at Loveclough & to immediate south-west of the municipal recreation ground
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	22 April 2014
Applicant:	Limey Valley Allotment Association	Determination Expiry Date:	24 June 2014
Agent:			

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Major / Council Land

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That Committee grant permission for the reasons set out in Section 10.

2. **SITE**

This application relates to a site of approximately 1.9 hectares in area which lies within council ownership, and is located 50m-60m to the west of Burnley Road (A682).

A stone wall fronts the main road and over it the field to which the application relates can be little seen due to the fall of the land and the intervening field. The council-owned recreation ground on the north side is more open to view from the main road.

Whilst the residential properties to the east side of the main road are within the Urban Boundary, land to the west of Burnley Road (including the application site) is designated as Countryside. The open land here forms part of a distinctive gap in built-development between No.974 and No.1162 Burnley Road, the way in which it falls away from the main road ensuring that there are open views across it to the hills rising to the west.

Approximately 350m to the north-west, at a lower level than the application site, is the modern Penny Lodge Lane housing development at the foot of Commercial Street; permitted in 2002 in the Countryside as a re-development of a previously-developed former mill site. To the south-east, at a lower level than the application site, is Goodshaw Fold, which is a Conservation Area.

3. **RELEVANT PLANNING HISTORY**

2013/0124 Creation of allotment building, with hard standing for 7 cars & fencing
Withdrawn

2013/0256 Construction of 15 detached dwellings with a new access from Burnley Road. Access and infrastructure works to resident's allotments and infrastructure and facilities including growing houses and a community education building for a community allotment and garden scheme
Proposed by a different applicant. Refused at the Committee meeting on 8 October for the following reason :

The scheme would result in the development of an un-allocated Greenfield site within the Countryside for housing. The Applicant has not advanced the case to outweigh the harms arising from the proposal in terms of inappropriate development within the Countryside, lack of Affordable Housing and the contribution to accord with the Council's adopted Open Space & Play Equipment Contributions SPD (2008), and detriment to the essentially open and rural character of the area. The development is considered contrary to Sections 3, 6, 7, 8, 10, and 11 of the National Planning Policy Framework, and Policies 1, 2, 3, 4, 18, 22, 23 and 34 of the Council's adopted Core Strategy DPD (2011).

2013/0461 Allotments with associated communal allotment building with storage, composting toilet together with hardstanding for 7 cars, fencing, landscaping, site access improvement and creation of pond.
Considered by committee and approved in line with the officer's recommendation 16.12.14

2013/0537 The construction of 15 detached family dwellings with a new access to be incorporated from Burnley Road. The development also to include access and

infrastructure works to the proposed residents allotment, together with the infrastructure and facilities required for the community allotment and garden scheme.
Considered by committee on 25th March 2014 and refused in line with the officer's recommendation

4. PROPOSAL

This latest application is similar to the scheme previously approved under application 2013/0461 the report for which is appended to this report.

The only difference between the previous scheme approved and this one is in respect of access and position of the car park. Members may be aware that the access point for the previous scheme from Burnley Road required improvements / widening and involved land in the ownership of a 3rd party separate to the Council. The applicant advises that agreement to use this 3rd party land has not been possible.

Accordingly, in the revised scheme permission is sought for the site to now be accessed from Burnley Road using the existing access into the recreation ground (council owned) which is immediately to the north east of the site identified for the allotments. The proposals will involve widening the access from 3 metres to 5 metres, creation of 2 x 2 metre by 4 metre passing places on either end of the access track which runs along the southern boundary of the recreation ground. The surface to be upgraded / created using planings or similar material. The proposals indicate the track at its western end will cross over a small watercourse before leading to the new position for the car park of 7 spaces also to be formed out of road planings or similar.

The proposals for the allotments and associated communal building, composting toilet and structures /sheds / fencing, pond, landscaping, orchard planting, meadow and picnic area remain unchanged.

1. POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 3 Supporting a Prosperous Rural Economy
- Section 4 Promoting Sustainable Transport
- Section 7 Requiring Good Design
- Section 8 Promoting Healthy Communities
- Section 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan

Rossendale Core Strategy DPD (2011)

- AVP 4 Strategy of Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
- Policy 1 General Development Locations and Principles
- Policy 7 Social Infrastructure
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

None

2. CONSULTATION RESPONSES

RBC (Forward Planning)

Comments are as per the previous report for application

RBC (Environmental Health)

No objection as per the previous report

RBC (Property Services)

No objection to the application subject to acceptable lease terms being agreed with the Association.

RBC Drainage

In addition to the comments advised in the previous report to 2013/0461 the drainage officer advises it will be necessary to provide an adequate culvert beneath the access road where it passes over the existing watercourse, the design of the culvert and headwalls to be approved by the Council.

LCC (Highways)

In respect of application 2013/0461 advised: no objection in principle but makes the following detailed comments.

The proposal sees the creation of 31 allotments / gardening plots as well as an area for community usage.

There are no identified parking standards for this type of usage so it is proposed that a level of 1 space per 3 plots should be adopted, meaning that a site such as this will require 10 spaces, when currently the proposal is to provide 7. Within the application reference is made to the majority of people using the site being local but this cannot be guaranteed in the future as there does not appear to be any restrictions on who can apply. It is recognised that there may be some pedestrian usage of the site but given the nature of using an allotment many journeys are likely to be by car to move tools / pick vegetables etc.

The proposal is for the parking area to be surfaced with stone but given that the site is located in the countryside other less visually intrusive surfacing could be considered. It should also be noted that there is potential for the site to be expanded in the future and this will entail the provision of further parking. The allotments are to be surrounded by an area of community woodlands and meadows which may well attract visitors but I believe that the parking levels of 1 space per 3 plots would be able to accommodate traffic associated with this.

In relation to the revised scheme verbal comments have been given by the highways officer to indicate the proposals for the widening of the access and passing places reflect the previous discussions with the Highway Authority and are welcome. Visibility at the access point is also acceptable.

LCC (Ecology)

In respect of application 2013/0461 advised: no objection in principle but makes the following detailed comments.

That is the recommendations of the Pennine Ecological report appear largely appropriate and should be implemented as part of the approved scheme/ through planning condition.

However, my concern now in respect of badgers is not that the proposals would result in an offence/ impacts on any badger setts present, but that the potential presence of badgers may not be compatible with the proposed use of the land. Page 9 of the submitted ecology report refers to the proposed orchard, bulb planting areas, hedgerows, tree planting and allotments providing "*enhanced badger foraging habitat and food sources (e.g. Allotment soil will provide abundant earth worms).*" ...Whilst construction activities might not impact upon badgers, badgers will be likely to impact upon the development. This potential conflict of interest is not addressed within the report.

Officers consider the comments of the previous report remain valid.

Lancashire Badger Group

In respect of application 2013/0461 advised: no objection in principle but makes the following detailed comments. Officers consider the comments of the previous report remain valid. That is no objection subject to suitable ecological measures being put in place during construction works to address the potential presence of badgers in the locality.

Officers consider the comments of the previous report remain valid

3. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 28th March 2014 and site notices were posted on 26th March 2014 and 38 letters were sent to neighbours on 25/03/14.

No objections have been received

4. ASSESSMENT

The main considerations of the application are:

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Drainage;
- 5) Ecology; & 6) Access/Parking.

Planning Principle

The site is located within an area of Countryside outside of the Urban Boundary of Loveclough.

The use of agricultural land for allotments is not a use that technically requires planning permission, however, it is considered that the associated works do require planning permission.

The proposal is supported by national and local planning policies and, in line with the comments of Forward Planning outlined earlier in this report, is therefore acceptable in principle.

Visual Amenity

The access will require a short section of the wall fronting on to Burnley Road to be removed and a re-grading of the existing access and improvements and extension to its length to the proposed new car park area. However, given the existence of the current access, the slope of the topography down to the site for the allotment and the limited extent of the parking area together with suitable control over materials it is not considered that the

revised proposals will result in unacceptable detriment to the visual amenity of the countryside.

The field itself is some 50m-60m away from the main road and the land slopes down from it. The topography of the area assists in minimising the visual impact of the proposal. Details have also been submitted in respect of the ancillary structures, ie green houses, sheds and communal allotment building. It is considered that the individual structures - in terms of their siting, size, design & facing materials - are those that could be anticipated and are appropriate in conjunction with the use of the land for allotments.

The scheme is not considered to unacceptably erode the open nature of the countryside.

Neighbour Amenity

Due to the siting of the proposal some distance away from any nearby housing it will not lead to an unacceptable impact on neighbour amenity. Indeed, as the proposal includes community woodlands, pond and meadows, with an access path running through the site, it is considered to provide an improvement / resource for nearby residents and will not be of benefit just to allotment-holders.

It is acknowledged that there is likely to be a modest increase in vehicular movement at the junction point with Burnley Road, but it is not considered that this will impact unacceptably on the amenity of residential properties on the opposite side of the main road.

Drainage

The Council's Drainage Officer has highlighted that a minor watercourse runs through part of the site. They advise that the presence of this watercourse does not preclude the development in principle. However, they recommend a condition to ensure provision of an acceptable surface-water drainage plan and ground-levels and that the design of the culvert and headwalls over the watercourse to be approved by the Council. I concur with the advice and accordingly a condition is attached.

Ecology

In light of the latest comments from LCC Ecology, there is no longer an objection in principle to the proposal.

The submitted ecology report has identified that there is a low potential for great crested newts in the area but cannot discount their presence beyond reasonable doubt. Accordingly, it recommends a precautionary approach for the period March to October only in relation to any works. A condition is attached which addresses this point.

Likewise, in relation to birds, it identifies a need for precautions to avoid works adversely affecting nesting birds. A suitably worded condition is attached.

In relation to bats, there are no roosts identified upon the site and no lighting is proposed as part of the proposal.

Finally, in relation to Badgers, LCC Ecology is satisfied that the proposed scheme will not result in undue impact for badgers - the greater likelihood is that badgers will cause loss / damage to the crops. The applicant advises that they intend to use temporary netting of beds as an interim measure and will erect fencing around the plots to provide a longer term solution. Having regard to the above, it is considered appropriate that a condition is attached requiring details of intended boundary treatments to be submitted.

Access / Parking

LCC Highways has no objection in principle to the proposal subject to the detailed comments set out in the consultee comments of this report. It is considered that by the use of condition requiring details of the materials to be used for the access, the access and parking arrangements proposed are acceptable.

Whilst it is noted that the application proposes 7 spaces and LCC highways have requested 10 spaces, there are no highway standards in respect of the proposed use and the site is well situated in relation to a well-used public transport corridor. Accordingly, it is not considered that this deficiency in spaces is so significant as to justify refusal. In addition, there is clearly additional un-utilised land immediately adjoining the proposed car park to enable its extension without significant or unacceptable harm in visual amenity terms.

Officers have also given consideration to any potential conflict between the track and the use of the recreation ground. However, it is considered that as the track will only be very lightly trafficked and will be positioned along the edge of the southern boundary to the rec ground and can be suitably designed to ensure low speeds that there will not be an unacceptable conflict arising.

9. SUMMARY REASON FOR APPROVAL

The application seeks permission for uses that are appropriate in principle in the Countryside and, subject to the conditions, the proposed development will not detract to an unacceptable extent from the essentially open and rural character of the area, neighbour amenity, biodiversity, flood risk or highway safety. The proposal has been considered with particular regard to the National Planning Policy Framework (2012), and Policies AVP4 / 1 / 7 / 8 / 9 / 17 / 18 / 19 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

That the application be approved subject to the conditions set out below.

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 "Layout Plan" date stamped 25th March 2014 and the Location Plan ref SD8126 date stamped 25th March 2014, unless otherwise required by the condition below or first agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to accord with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

3. Prior to commencement of development full details of a scheme for the mitigation of risk from flooding and for the provision for a surface-water drainage plan shall be submitted to the Local Planning Authority together with the design of the culvert and headwalls over the watercourse to be approved by the Council. Development shall not commence until the details have been approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: To reduce the danger from flooding, to accord with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

4. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.
Reason : To reduce the danger from flooding and to protect the appearance of the locality, to accord with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).
5. Prior to commencement of development a scheme of landscaping and boundary treatment shall be submitted to the Local Planning Authority to include details of: retaining walls/boundary walls/fences/gates/hard-surfaced external areas; measures for the protection of trees to be retained; trees to be retained and proposed planting. Any measures for the protection of trees to be retained forming part of the approved scheme shall be complied with for the duration of ground works / construction works associated with the development hereby approved. Any retaining walls/boundary walls/fences/gates/hard-surfaced external areas forming part of the approved scheme shall be completed prior to first occupation of the allotment plots, unless otherwise first agreed in writing by the Local Planning Authority. Any planting forming part of the approved scheme shall be carried out in the following planting season, and any trees or shrubs removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species, unless otherwise first agreed in writing by the Local Planning Authority. No system of external illumination shall be provided without first obtaining approval in writing of the Local Planning Authority.
Reason: To ensure that the development will be of satisfactory appearance and preserves/enhances biodiversity, in accordance with Policies 1 and 24 of the Council's Core Strategy DPD (November 2011).
6. Prior to commencement of development , full details of a scheme for the provision of the access arrangements and management of off-street parking to be made available for allotment holders shall be submitted to an approved in writing by the Local Planning Authority. The approved scheme shall be implemented/adhered to thereafter, unless first agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety, in accordance with Policies 1 and 24 of the Council's Core Strategy DPD (November 2011).
7. That the findings and recommendations of the submitted 'Extended Phase 1 Habit Survey & Protected Species Survey/Assessment' by Pennine Ecological (Nov 2013) are used to inform the scheme of landscaping and boundary treatment required by condition 5 and adhered to in the implementation of the permission hereby permitted.
Reason: To protect ecological interests in accordance with Policy 18 of the Council's adopted Core Strategy.