

Application Number:	2012/0341	Application Type:	Outline
Proposal:	Residential Development (1.3ha), with access from Dark Lane	Location:	Rossendale United FC, Dark Lane, Rawtenstall
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	11 th December 2012
Applicant:	Rossendale Utd Holdings Ltd	Determination Expiry Date:	2 nd January 2013
Agent:	Maze Planning Solutions		

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	x
Other (please state):	MAJOR

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 Permission be **Refused** for the reasons set out in Section 9.

2. SITE

This application relates to an irregularly shaped site, of approximately 1.3ha in area, situated to the south side of Staghills Road, to which it has a short frontage. To the west of the site runs Dark Lane, which is an unadopted road (over which runs a Public Footpath), which provides access to a number of drives and garages of house to its west side and terminates at the entrance to St Nicholas Primary School. To the east and south-east it is bounded by houses that front to Queensway, whilst to the south-west is an open field that is bounded to its south by an area of mature woodland.

The site is occupied by the now un-used football pitch, with dilapidated stands/buildings around it, and has other derelict/boarded-up buildings near the car park towards its northern end. There are a number of trees on its boundaries.

The site and the surrounding are located within the Urban Boundary of Waterfoot. The pitch (together with the surrounding stands/buildings) are identified as a Recreation Area and are part of an extensive area of Greenlands that includes the adjacent field and woodland to the south.

3. RELEVANT PLANNING HISTORY

2005/724 Erection of Youth Shelter on land to the southern end of Dark Lane (between the football ground and school grounds)
RBC proposal - Approved

4. THE PROPOSAL

Outline Permission is being sought for residential re-development of the site and for the intended means of access. Although the application is accompanied by a Layout Plan showing how the site could accommodate 50 houses the matters of Scale, Layout, Appearance and Landscaping have been reserved for later consideration.

The submitted Layout Plan shows how houses could be erected that face towards Dark Lane, whilst the only means of vehicular access to them and the other houses on the site would be from a new road to join Dark Lane at a point approximately 70m from its junction with Staghills Road.

The Plan shows how Dark Lane would be improved, entailing use of part of the site to form a carriageway of not less than 6m in width from Staghills Road to the School entrance, with a footway of 2m in width to each side. Towards the junction with Staghills Road the carriageway is pushed still further away from the hedge bounding the garden of the neighbouring house in order to improve visibility of drivers exiting the junction.

The improvement of Dark Lane in this manner would necessitate loss of the handful of trees that presently front the lane.

The application is also accompanied by:

A Planning Statement that states:

- Rossendale United ceased to be an active football club in Summer 2010, with significant debts and no way of balancing the books - it was not a going concern.
- Prior to its demise the ground and associated social club had been offered for sale, marketing having started in Autumn 2009, but no offers were received.
- Unoccupied the ground and its associated facilities quickly became a target for vandalism and in January of this year an arson attack led to a fire that devastated the main stand.
- The recently adopted Core Strategy indicates the site to be within the Urban Boundary of a settlement where residential development is encouraged.
- The Council does not have the 5-year housing land supply required by Government guidance. This is a deliverable site that should be brought forward for housing as the Council presently has only a 4.6 year rolling housing land supply, historic pattern of low completion rates and lack of sites coming through the planning permission process.
- The Applicant acknowledges the affordable housing requirements of Policy 4 of the Core Strategy; see Affordable Housing Statement below.
- Whilst Policy 7 of the Core Strategy seeks to resist the loss of social infrastructure and cultural facilities - which could include the former football club and its ground - there loss is justified as the club had been supported financially for 10 years by the owner, being

unviable. Rossendale United Supporters association made efforts to establish a new football club here and elsewhere without success. Although there is a small body of support for the former football club, the loss to the local community is minimal, the level of active support for the club in the community as a whole being relatively low.

- There would be a wider community benefit gained from redeveloping the redundant ground, which is blighting the Dark Lane area, and directing some of the resulting development profit towards the improvement of community play spaces and recreation. Significant sports facilities exist nearby at Marl Pits, which is the focus for formal sport and recreation provision.
- Whilst Policy 17 of the Core Strategy seeks to prevent the fragmentation of Greenlands, part of this site is not Greenland and the part that is on the fringe and its loss will not fragment or harm the integrity or function of the remaining designated area.

An Affordable Housing Statement acknowledges the need to make a contribution towards Affordable Housing, but indicates that the contribution to be made in this regard will depend upon the other contributions sought and viability considerations. Accordingly, this will need to be a matter for discussion.

Assessment suggests a total figure for contributions of about £60k could be supported by the proposal. The applicant regards the 'sporting legacy' as the most important component of a S.106 and, in the absence of other influences, would direct 100% of the available monies to that end.

In respect of other financial contributions the Agent has advised:

"The Council's default requirement is £1366 per dwelling for public open space - equating to £68,300 for the 50 unit application scheme. That figure exceeds the total figure that can be realized on development."

LCC Education's request for £209k has been queried with it as *"it is contrary to indications received from local schools...On that basis, and given the viability picture, the Applicant does not accept the County Council's assessment and proposes a zero contribution"*.

Statement of Community Involvement which explains the consultation process undertaken prior to submission of the application and how the comments received informed the content of the submitted scheme.

A Design & Access Statement setting out the manner in which the site could be developed with 50 houses of 2-storey construction, each possessing 2-4 bedrooms and its own private garden space and parking facilities.

A Transport Assessment that indicates the site is in a highly sustainable location and, subject to improvement of Dark Lane as proposed, that there are no highway capacity issues.

A Flood Risk Assessment that indicates the site is not within a Flood Zone.

A Ground Condition Assessment that concludes the site is suitable for residential development, although this should not be undertaken until further investigations have been carried out to establish the foundation design and whether there is need for remediation as a result of the existing/former buildings and made-ground within the site.

A Tree Report that indicates the boundary trees requiring removal if residential development of the site is to be undertaken, and Dark Lane widened as proposed, will have negligible impact on visual amenity, but protection from harm during construction will need to be given to those boundary trees warranting retention.

An Ecological Assessment concluding that there are no significant ecological concerns or constraints on residential development of the site - it possesses very low potential for occurrence of roosting bats and nesting birds - and presents opportunities for biodiversity enhancements.

5. POLICY CONTEXT

National Planning Policy Framework (2012)

- Section 1 - Building a strong, competitive economy
- Section 4 - Promoting Sustainable Transport
- Section 6 - Delivering a Wide Choice of High Quality Homes
- Section 7 - Requiring Good Design
- Section 8 - Promoting Healthy Communities
- Section 10 - Meeting the challenges of climate change, flooding & coastal change
- Section 11 - Conserving & enhancing the Natural Environment

Development Plan

Regional Spatial Strategy for the NW of England (2008)

- Policy DP1 Spatial Principles
- Policy RDF1 Spatial Priorities
- Policy L1 Health, Sport, Recreation, Cultural & Education Services Provision
- Policy L4 Regional Housing Provision
- Policy L5 Affordable Housing
- Policy RT2 Managing Travel Demand
- Policy RT4 Managing the Highway Network
- Policy RT9 Walking & Cycling
- Policy EM1 Environmental Assets
- Policy EM2 Remediating Contaminated Land
- Policy EM3 Green Infrastructure
- Policy EM5 Integrated Water Management
- Policy EM18 Decentralised Energy Supply

Rossendale Core Strategy DPD (2011)

- AVP3 Area Vision for Waterfoot, Lumb, Cowpe & Water
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 4 Affordable and Supported Housing
- Policy 7 Social Infrastructure
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity, Geodiversity & Landscape Conservation
- Policy 19 Climate Change & Low Carbon & Zero Carbon Sources of Energy
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

RBC Open Spaces & Play Equipment Contributions SPD

6. CONSULTATION RESPONSES

Sport England

It has considered the application in the light of its playing fields policy, which reads as follows: “Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies.”

As part of the assessment of this consultation, Sport England has contacted the Football Association. The FA comment that:

The FA are not in support of any proposals based on the current minimal amount of information available. The cost of re-building this type of facility would be in the region of £2million – new infrastructure, clubhouse, ground enclosure and designed to Grade D of the FA’s Ground Grading document. There is significant potential in this area to build a good community facility and the FA would be interested in exploring any potential with regards to this.

Sport England has also contacted the Lancashire County FA who comment that:

We can confirm that Lancashire FA have never been consulted over this project. The ground was used by Rossendale Utd Juniors on Saturday mornings for mini-soccer purposes and we are aware of a number of one off games being played on that pitch by the local community ie Mini-soccer, end of season games for junior club, semi-finals / finals occasionally. The club bar and function room was also used for presentations and club meetings by the local junior team.

Sport England has assessed this application against the exceptions of its Playing Fields Policy. The salient exceptions that relate to this proposal are Exceptions E1 and E4:

Exception E1 states:

“E1 A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.”

From the information available we are not aware that a carefully quantified documented assessment of current and future needs has been undertaken. We also understand that Rossendale does not have a current and up to date Playing Pitch Strategy that demonstrates that the facility is surplus to needs.

We note in the Planning Statement that they have marketed the site and there has been no interest, however this in itself does not demonstrate that the facility is surplus to requirements. The comments of the Lancashire FA show that the ground was used by the community and therefore serves a local need.

We can find no evidence the applicant has approached the Football Association and the Lancashire Football Association for assistance, nor is there any details of the other sports that have been considered that could make use of the stadium and any consultation with them.

The fact that the club has amassed debt is not a reason to dispose of a sport facility.

We note that the Pre-application Consultation Report, under paragraph 4.27 lists principle issues including ‘extent of consultation with Sport England about the loss of the football pitch’. However, Sport England can find no records of a pre application consultation.

Given that there is no carefully quantified documented assessment of current and future needs has been undertaken, the proposal is not considered to meet our exception E1.

Policy Exception E4 states:

“E4 The playing field or playing fields that would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.”

We can find no evidence that there is any intention to replace the facility. We understand that the proposed section 106 agreement intends to contribute £60,000 as a ‘sporting legacy’. This figure would be insufficient to replace the facility which the FA estimate would be in the region of £2,000,000.

The proposal is therefore not considered to meet exception E4.

Sport England’s exceptions E1 and E4 are reflected in paragraph 74 of the NPPF which states:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*

In light of the above, Sport England objects to the proposal because it is not considered to accord with any of the exceptions in its own playing fields policy or paragraph 74 of the NPPF.

Sport England concludes its letter as follows:

Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit.

Environment Agency

No in principle objection to the proposal. However, further information on flood risk is required as the Flood Risk Assessment carried out by Waterco (June 2012) does not confirm that the existing impermeable areas will drain to the surface water sewer system. We note that United Utilities are prepared to accept a rate of 30l/s into the existing surface water sewer. As the sewer is likely to discharge to Whitewell Brook we consider this approach would only be acceptable if the existing buildings on site are also proven to connect to this sewer.

Accordingly, it recommends the following condition:

The development hereby permitted shall not commence until such a scheme of surface water regulation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall retain excess volumes of run-off up to a 1% AEP event (including 30% climate change). It shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

RBC Environmental Health

No objection in principle to the residential redevelopment of the site. However, as recommended in the submitted Ground Condition Report, there is need for further intrusive investigation to establish the appropriate form of foundation design/remediation.

It has no further comments in relation to noise / dust / fumes.

LCC Highways

Do not object in principle to the application on highway grounds having regard to the capacity of the local highway and traffic generation from in the order of 50 houses constructed upon this site.

No objection to permission being granted subject to Conditions/S.106 Obligations in relation to the following:-

- Church Lane adjacent to Blue Bell PH – road width is an issue and improvements need to be investigated
- Junction Dark Lane / Staghills Road – visibility to the west is an issue. There is a school sign that requires moving and the area needs surfacing to provide a continuous footway.
- A turning head is required at the bottom of Dark Lane to allow parents to turn and exit in forward gear.
- All properties without garages should have a secure cycle store.
- A S.106 contribution of £80,000 (based on the accessibility score for the site and construction on it of the 10 4-bed properties and 40 3-bed properties indicated) which would be used for a TRO for school keep-clear markings in the new turning head, a new bus shelter on Staghills Road and upgrade of the public footpath 205 which connects the development to Newchurch Road to a cycleway.

In amplification, it has advised that:

There is an issue with the primary school adjacent to the site and the current parking regime. The parents are currently parking on the football club car park and walking down Dark Lane to access the school on foot. The caretaker at the school currently closes the staff car park gate at 8.30am to prevent the parents using the school car park for to drop off/ turn their vehicles.

If the development goes ahead the parents will park on Dark Lane itself, creating a problem as there is no turning facility at the bottom of Dark Lane and the parents would need to reverse their vehicles into the new access road junction to turn and exit onto Staghills Road in forward gear.

To overcome this problem a turning head should be constructed at the southern end of Dark Lane, necessitating setting back of the school gates and removal of the youth shelter. The owners of this land will need to agree to the proposal.

LCC Education

This consultation response seeks to draw the Council's attention to impacts associated with the above development and proposes mitigation for these impacts through a planning obligation. Failure to secure the contributions sought would mean that the County Council cannot guarantee that children living on this development would be able to access a school place within a reasonable distance from their homes.

The 50 houses proposed can be expected to have a population of 18 children of primary school age and 13 of secondary school age.

Latest projections for the local primary schools (within 2 miles of the application site) show there to be a shortfall of approximately 45 places available in 5 years' time. This being the case, a contribution of £209,442 is sought to add to primary school capacity in the local area for the full pupil yield of the development.

Latest projections for the local secondary schools (within 3 miles of the application site) show there to be 121 places in 5 years' time. With an expected pupil yield of 13 from this development no contribution is required in respect of secondary school places.

LCC Ecology

It seems reasonably unlikely that the proposed development would have any significant ecological impacts provided the following matters are addressed at the reserved matters stage / by planning conditions:

- All trees being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. *BS5837: 2005 Trees in relation to construction - Recommendations*) and as recommended in the arboricultural impact assessment report.
- Tree felling, vegetation clearance works, demolition work, development works or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.
- No works shall commence until a fully detailed habitat creation/landscaping plan has been submitted and approved in writing by Rossendale Borough Council in consultation with their ecological advisors. The scheme shall demonstrate adequate replacement planting of native species appropriate to the locality to compensate for losses of trees and shrubs.

In amplification/addition, it states:

- The structures on the site have some potential to support roosting bats, albeit low /very low. Based on the submitted ecology report it seems reasonably unlikely that bats are currently using this potential. However, bats are likely to be foraging/commuting in the area and there is potential that they could start to use the suitable features prior to commencement of works. It would therefore be appropriate to attach to any approval conditions requiring:
 - A further precautionary bat inspection/assessment of the wall of structure 3 (an ancillary building on the western edge of the site) immediately prior to commencement of works.
 - The precautionary measures relating to bats detailed in section 4.3.1 of the *Ecological Survey & Assessment Report*, Ribble Ecology, August 2012 shall be implemented in full.
 - External lighting associated with the development be low level, directional and/or hooded/screened lighting, designed to avoid excessive light spill, and shall not illuminate trees, shrubs, hedgerows, woodland edge or roofs of buildings in the area.
- NPPF states that planning decisions should address the integration of new development into the natural environment (Para 61) and opportunities to incorporate biodiversity in and around developments should be encouraged (Para 118). In addition, NPPF states that planning should contribute to enhancing the natural environment (Para 14). There are good opportunities to enhance the biodiversity value of the site:
 - Dead and decaying wood is particularly valuable for wildlife and should be left in situ unless required due to health and safety issues.
 - Boundary treatments should be designed to allow movement of wildlife through the site (such as amphibians and small mammals), for example by leaving adequate gaps

between the bottom of boundary treatments and the ground and/or leaving adequate gaps in the boundaries in appropriate locations.

- Creation of native species rich hedgerows along the site boundaries and boundaries of gardens.
- Installation of bird nesting / bat roosting opportunities within the site, in particular on trees / developed buildings on southern edge of the site near the woodland edge.
- Trees and shrub planting (over that required for compensation of losses) should aim to provide biodiversity value.

Lancashire Badger Group

Take issue with the submitted Ecology Report in respect of badgers.

It is quite possible that there are no badger setts within the site but to state that there are no records of badgers within 2km is incorrect. Our records indicate that there is an active sett within 0.5km and the possibility of a closer sett as badgers are frequently seen on Staghills Estate.

We would ask that a thorough survey of the surrounding area is conducted prior to approval.

Lancashire Constabulary

As an Outline Application it does not provide sufficient information to comment in respect of crime reduction issues; would be happy to comment when fuller details are submitted.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a press notice was published on 12/10/12, site notices were posted on 12/10/12 and neighbours were notified by letter on 10/10/12.

Rossendale Civic Trust

Object for the following reasons:

- 1) Rossendale needs to protect its open spaces. During the recent survey of open spaces and playing fields for the new District Plan, we became very much aware of both a shortage of playing field and issues with their condition, as well as certain threats to their survival. We would like to see the protection of all existing facilities.
- 2) Successive governments and many health organisations have and are promoting sport for well-being and to get young people to better use their leisure time. Apart from the pitch at Dark Lane it is hard to think of anywhere in Rossendale capable of accommodating such organised football games. Football teams and their facilities are much more than a few lads kicking a ball around on a Saturday afternoon. They are an asset to a town and even on a small scale should be carefully nurtured and developed.
- 3) Rossendale United was much more than a little local football team in old accommodation - it was something that had been going for many years and followed by many more people than attended matches. Many times Weavers' Cottage was visited by away fans from other towns and spending the day looking round the area. Other people took advantage of the social facilities and the uses to which the club room was put.
- 4) The Newchurch area is becoming overdeveloped. The development of the Dark Lane ground, on a prominent flat ledge above Waterfoot, will lead to sky-line building, visible in particular from the Townsend Street area and the approach to the valley from Booth Road. In terms of access, the development is too close to Newchurch School and constant

daytime use of Dark Lane by cars during school times is bound to increase problems in the area and danger to pedestrians.

Rossendale United Junior Football Club

We are a club that supports 200 kids via 17 football teams ranging between 7 and 18 years. Whilst associated by name we were financially independent from the senior club. Our younger age groups used the pitches for Sat/Sun morning games and we had storage facilities on the site.

Object on the following grounds:

The proposal appears to contravene the Council's planning policy being a green site.

We are aware the site is covenanted and should be offered to local teams to play on.

Once this site is lost an opportunity for a new site in the valley will be impossible to locate and create.

The valley has plenty of sites for residential development.

RUJFC has a proud history, is self-funding and if this site is developed for housing the dream of our lads playing for a senior club will be lost forever. At this moment we are looking for more playing fields for the younger end which we lost when the senior club shut the doors.

5 Other objections have been received, making the following points:

- Wish to see protection of Newchurch in terms of Dark Lane, archaeological & wildlife areas and spectacular views
- Staghills Road is not wide enough for an additional 100+ cars, as well as the existing cars and buses. Concern about its closure while connections to its sewers and other services are undertaken by the developer.
- More traffic and difficulties for children getting safely to/from the school/nursery at the bottom end of Dark Lane
- Diminish privacy within/light to/quiet enjoyment of back gardens of existing houses bounding the site
- A small number of residents of Queensway have garages in their rear gardens that are accessed from Dark Lane via the application site and access to them needs to be retained.
- There isn't anything in the area for children to do and increase groups hanging around/vandalism
- The viability of a league standard football club on the Dark Lane ground is unquestionable - the club was a profitable operation, but brought down by debts of a historic nature. A group of members of Rossendale United Supporters Club tried to establish a new club and this was a viable proposal but, despite extensive investigation, no ground was available that met the standards required by the league; sharing the facility at Marl Pits proved impractical. Nolan Reshaw were given the task of marketing the ground by the owner but they have no experience of dealing with the sale of football clubs and placed an unrealistic value on it, based on the amount the owner needed to raise.
- The tourism opportunities of having a league football club carrying the name of Rossendale throughout the north of England cannot be underestimated. The Dark Lane ground also provided active sports training for local people and apprenticeship opportunities.
- The site is clearly designated as a Recreation Area within Greenlands and as such there can be no justification for its development in the manner proposed.

1 letter of Support has been received, making the following points:

Feel the application has been well thought through - the proposed works to the road to St Nicholas's Primary School will be a vast improvement.

Additionally, they ask that construction works are limited to 8.30am to 5pm during weekdays, as construction traffic would otherwise cause significant noise and disturbance for local residents.

They also state that there is mention of some S.106 monies being available if the development proceeds. This would be best spent locally in Newchurch/ Higher Cloughfold rather than at Marl Pits or elsewhere; Marl Pits is currently having a major refurbishment and is actually quite distant from the development. A petition was recently got together by local children to improve the play area in Staghills. Also the woodlands between Tricketts Memorial Garden and Lea Bank would benefit from attention - with works to the trees, and footpath and signage improvements, the woodland could be an educational resource for the local primary school.

8. ASSESSMENT

In dealing with this application the main issues which need to be considered are :

- 1) Principle
- 2) Greenlands Policy
- 3) Housing Policy
- 4) Ground Conditions / Flood Risk
- 5) Access/Parking
- 6) Design & Appearance
- 7) Neighbour Amenity

Principle

Within the Urban Boundary and reasonably well served by public transport. To this extent the proposal is considered acceptable in principle.

Playing Pitches / Greenlands

Paragraph 73 of the National Planning Policy Framework (2012) states:

“ Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities....”

Paragraph 74 goes on to state:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*

The Regional Spatial Strategy and recently-adopted Core Strategy are consistent with Government guidance in seeking to protect Playing Pitches/Green Infrastructure. Most particularly, Policy 17 of the Core Strategy, relating to Rossendale’s Green Infrastructure, states :

“The Council will promote the protection, enhancement and where appropriate the expansion of the Green Infrastructure network in the following ways:

4. *Manage and appropriately enhance existing Green Belt, open spaces, river corridors, urban green corridors and woodlands (as shown on figure 23) and continue to protect Greenlands (policy E.1 as designated in the Rossendale District Local Plan 1995)....”*

The greater part of the application site is designated as a Recreation Area within Greenlands. Accordingly, there is an objection in principle to its residential redevelopment unless one of the criteria of Paragraph 74 of the NPPF are met.

Notwithstanding what the Applicant has stated in respect of viability, and the marketing exercise undertaken, I do not consider that the case has been made that this sports ground is *surplus to requirements*. Nor do I consider the 'sporting legacy' of £60,000 suggested by the Applicant would be adequate to provide a replacement facility with *equivalent or better provision*.

I am drawn to this conclusion having regard to the comments of Sport England (including the advice it obtained from the FA and Lancashire County FA), and its objection. I am also mindful of the sports/recreational use which was made of the ground by other than the senior football team, not least the comments of Rossendale United Junior Football Club. The Council's Locality Manager has advised me that it is not practical for the existing stadium at Marl Pits to be easily/cheaply modified to accommodate a league football team, even if ground-sharing was possible.

Housing Policy

The NPPF sets out Government's view that there is need to significantly boost the supply of housing nationally and the importance it attaches to local planning authorities identifying and updating annually a supply of specific deliverable sites to provide 5 years worth of housing against their housing requirements, with an additional buffer to ensure choice and competition. The Forward Planning Section advise that the Council presently has sufficient sites to meet its requirement, and if it did not there are other sequentially preferable sites it would favour being developed to this designated Recreation Area within Greenlands.

The Forward Planning Section further advise that to comply with Policy 4 of the Core Strategy requires that 30% of the dwellings to be provided on the part of the site which is Recreation Area within Greenlands be affordable, and on the rest of the application site 20% be provided as affordable dwellings. The Applicant is not proposing any affordable units and has not demonstrated that the scheme would be unviable if it were to provide any affordable units.

I am satisfied that the site could be developed in a manner that provides its residents with the amenities they could reasonably expect to enjoy and do so without causing unacceptable harm to the amenities of neighbours.

Access/Parking

LCC Highways is satisfied that the local highway network could be improved sufficiently to accommodate the traffic likely to be generated if the site is developed for residential purposes. However, in addition to the improvements to Dark Lane the Applicant is proposing, in the interests of highway safety it considers it necessary that a turning-head for vehicles is provided at the southern end of Dark Lane, necessitating setting back of the school gates and removal of the youth shelter, to which the owners of the land would need to agree. Furthermore, it considers there to be a need for a school sign to the west side of the Dark Lane / Staghills Road junction to be moved & the area surfaced to provide a continuous footway and other costs borne by the developer for undertaking off-site improvement to the highway and to improve pedestrian/cycle links. The Applicant has provided no indication that they have secured agreement to use of the private land necessary for these works or agreed to pay the financial contribution LCC Highways is seeking.

Planning Contributions

To accord with the Council's approved open space and play equipment contributions SPD would require the developer to contribute £1,366 for each dwelling unit. LCC Education has also sought a contribution of £209,442 to add to primary school capacity in the local area.

The Applicant has provided no indication that they are willing to pay these financial contributions and has not demonstrated to my satisfaction that they are not required or would make the scheme unviable.

9. RECOMMENDATION

That Permission be Refused.

Reasons for Refusal

- 1) The proposal would result in the loss of a designated Recreation Area within Greenlands and it has not been demonstrated to the satisfaction of the Council that this sports ground is surplus to requirements or that the proposed 'sporting legacy' of £60,000 would be adequate to provide a replacement facility with equivalent or better provision. Accordingly, the proposal is contrary to the advice of Sport England, Section 8 of the National Planning Framework (2012), Policy L1 of the Regional Spatial Strategy for the NW of England (2008) and Policies 7 / 17 of the Council's Core Strategy DPD (2011). Nor has the Applicant advanced a sufficiently strong case to warrant an exception to policy being made in this instance by reason of a lack of sufficient deliverable sites to meet the Borough's housing land requirements or for other reasons.
- 2) The Applicant is not proposing Affordable Housing or other contributions towards Education & Public Open Space/Play Space provision and for the off-site highway works & improvement of pedestrian/cycle links sought by LCC Highways. Accordingly, the proposal is contrary to Sections 6 / 8 of the National Planning Framework (2012), Policies L1 / L5 / RT4 / RT9 / EM3 of the Regional Spatial Strategy for the NW of England (2008) and Policies 1 / 2 / 4 / 7 / 9 / 17 / 22 / 24 of the Council's Core Strategy DPD (2011). Nor has the Applicant advanced a sufficiently strong case to warrant an exception to policy being made in this instance by reason of unviability.
- 3) The application does not make provision for a turning-head for vehicles at the southern end of Dark Lane, necessitating setting back of the school gates and removal of the youth shelter, or for a school sign to the west side of the Dark Lane / Staghills Road junction to be moved & the area surfaced to provide a continuous footway. Accordingly, the proposal is contrary to highway safety, Policies RT4 / RT9 of the Regional Spatial Strategy for the NW of England (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (2011).