

Application No: 2009/0624	Application Type: Full
Proposal: Golf Driving Range	Location: Land at Marl Pits Adjacent the top Rugby/football pitch Rawtenstall Lancashire
Report of: Executive Director - Business	Status: For Publication
Report to: Development Control Committee	Date: 2 nd March 2010
Applicant: Golf Rossendale Ltd	Determination Expiry Date: 18 th March 2010
Agent: Mr. S Hartley	

REASON FOR REPORTING **Tick Box**

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:
Reason for Call-In:

More than 3 objections received

Other (please state)

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.

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

- 2.1 None.

3. THE PROPOSAL

- 3.1 The applicant seeks consent for a 32-bay Golf Driving Range which would be formed by a two storey mono-pitched building measuring 6.9 metres high at ridge height by 13 metres deep by 46.5 metres wide. The building would be constructed in profiled metal cladding, since submission the stone columns have been deleted. The windows would be at first floor level with upvc frames. 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 tarmacadam.
- 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 although to date, details of levels are awaited to demonstrate this. 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 between 08:00 – 22:30 Monday to Sunday. 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 building, earlier plans indicated bin storage in the car park but the most recent plans have no bin storage indicated on the plans.
- 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, 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 –

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 –

1. The scale of some of the drawings appears to be incorrect, the Agent is checking to see if this needs to be rectified.
2. The manoeuvring space behind, or in between, the parking areas needs to be 6m minimum.
3. The number of disabled spaces should be increased to 10% (4no.)
4. The number, locations, signage, dimensions and design of passing places will need to be agreed but could be controlled by a condition.
5. The movement of traffic, both pedestrian and vehicular, in the area of the baths and stadium, needs to be considered. The provision of some footways and/or traffic calming, could improve safety in this area.
6. Drainage of the improved access road will need to be addressed to minimise the risk of rainwater causing problems in the baths/stadium area.

The applicant has submitted further information to the Highways Authority but to date, no confirmation has been received that these issues have been overcome.

Contributions –

No requests other than a possible transport contribution.

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 8 responses received.

4 letters received objecting to the proposal on the following grounds:

- Current access to the site is inadequate
- Concern that traffic may use an alternative route along Edge Lane
- That the proposal should be fully sign-posted from Newchurch Road
- That the scheme would exacerbate informal use and parking along Edge Lane
- The current access to the rugby pitch is used by ramblers, dog walkers and joggers
- Traffic and floodlighting will detrimentally affect wildlife on the site
- The proposal would be detrimental to the rural character of the area

- The proposed development would be visible from properties along Newchurch Road
- The development would create light pollution
- The effect of the lighting on the surrounding environment
- This could cause blight on the Valley side
- The proposed flood lighting would operate for longer periods of time than other facilities on the site
- The location of the development is a sensitive location therefore the materials should be sympathetic and sustainable
- The current design represents a crinkly tin shed
- 24 hour/7days a week opening would not be acceptable to local residents
- Need for traffic calming past the existing Marl Pits complex
- Conditions should be imposed requiring the operator to close the barrier after hours, preventing a link being created from Chapel Hill to Newchurch Road, covering the build quality of the access road and a condition requiring the site to be returned to its current state once the use on the site ceases
- Concern that granting this scheme would set a precedent for other development outside of the Urban Boundary.

4 letters received supporting the application on the following grounds:

- A golf driving range would complement the existing excellent facilities at Marl Pits
- The scheme would enhance the local area
- Those overlooking the site would benefit from the development
- Good to see investment coming into the Valley
- The facility would encourage more people to visit Rossendale
- Rossendale residents currently have to travel outside of the Borough to access such facilities.
- This results in money being spent outside of the Borough

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. However, the proposed design of the driving range at two storeys high, constructed in profiled coated metal sheeting is considered not be appropriate to the rural, hillside location. The design is considered not to constitute good quality development which enhances the local distinctiveness and intrinsic qualities of the Countryside for the benefit of all. Furthermore, the impact of the development cannot be properly assessed as the applicant's agent, despite officer requests, has not yet provided details of the finished floor levels, car park levels or the proposed works to the hillside. As such the scheme could have a considerable impact on the intrinsic character of the Countryside which conflicts with the core principle in PPS 7 of raising the quality of the environment in rural areas. As such, thought the proposed use would be in an acceptable location, the proposed built development and earthworks are considered to be unacceptable in principle.
- 8.4 In addition to the lacking information on levels and earthworks, the plans initially indicated external bin storage although the Design and Access Statement said these would be within the building. Subsequent amended plans deleted the external bin store but this has not been shown internally. The development has not demonstrated it would not harm the local biodiversity, how it has considered security and personal safety issues and or how it would contribute to the needs of the visitor economy. The scheme has not demonstrated how it would encourage accessing the site by walking, cycling or public transport.
- 8.5 Notwithstanding 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 difficult to quantify in the absence of detailed levels, earthworks, bin storage, fencing and course markers. In terms of the lighting, whilst the applicant has submitted some details of lighting positioning and output there is no lighting assessment on the impact the lighting would have on short and long distance views across the valley side. In response, the Council has appointed a lighting consultant to assess the impact of the proposed lighting, however, the

consultants have reported that there is insufficient information to assess the scheme's impact from the application submitted. A full assessment including the lighting contours from the land outside of the site would be necessary to make a proper assessment. It is therefore considered that the application contains insufficient information for the impact of the proposed lighting to be properly assessed.

- 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 a 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 The development proposes a resurfaced access track with passing places leading up to the site. Initially the Highway Authority objected to the scheme on the grounds that the plans were not to scale, there was not sufficient manoeuvring space between parking bays, that the disabled parking bays needed to be increased in number, that the number, location and details of passing bays needed to be agreed, that traffic movement around the main Marl Pits complex needed to be addressed via footways and traffic calming and that drainage should be stipulated and adequate. To date, no confirmation has been received from the Highway Authority that these matters have been satisfactorily addressed. Nor has the need for a Travel Plan been raised although as the scheme would not meet the trigger of 1500 square metres floorspace, it is considered that one would not be required. The Highways Authority has not stated the construction details of the access road or traffic calming measures or the preferred mechanisms for securing the works. In addition, the proposed disabled parking bays would be constructed on crushed limestone which would not appear to be the most appropriate material for the mobility impaired.
- 8.8 In relation to the issues raised by objectors 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. Whilst a condition could be imposed requiring the site to be returned to its current state once the use ceases, it would need to be demonstrated why it would be necessary and that it would be enforceable which it is considered to be neither in this instance. Each application is treated on its own merit and for a scheme to be acceptable would need to conform to planning policy in both principle and detail. There are no considerations which are sufficient to outweigh the officer recommendation on this application.

9. CONCLUSION

- 9.1 That the application contains insufficient information for it to be properly assessed, in particular, in relation to finished floor levels, earthworks and lighting. The design of the building 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 and should therefore be refused.

10. RECOMMENDATION

- 10.1 That the application be refused.

11. REASONS FOR REFUSAL

1. The proposed development would, by reason of the size, height, levels, design and use of materials, be an intrusive and incongruous feature which together with the lack of detail in relation to a number of matters would not represent good design, would not raise environmental quality, would not reinforce local distinctiveness and would not protect the intrinsic character of the Countryside for the benefit of all. As such the proposal would conflict with PPS1, PPG17, Lancashire Landscape SPD, RSS polices DP7 and EM1 and the following policies of the Rossendale District Local Plan DC1 and DC4.
2. The proposed lighting would create an intrusive feature in the landscape which would be visible from some distance in several directions owing to its prominent location which would conflict with the imperative of raising the environmental quality of the Countryside and protecting the intrinsic character of the Countryside for its own sake. As such the proposal would conflict with PPS1, PPG17, Lancashire Landscape SPD, RSS polices DP7 and EM1 and the following policies of the Rossendale District Local Plan DC1 and DC4.
3. The application proposal contains inadequate and insufficient information in relation to finished floor and car park levels, earthworks, lighting impact, bin storage, fencing, markers, impact on bio-diversity, security and personal safety issues, how it would contribute to the needs of the visitor economy, how walking, cycling and use of public transport to access the site have been encouraged, for it to be adequately assessed against the principles of whether the development would represent good design, would raise environmental quality, would reinforce local distinctiveness, would protect the Countryside's intrinsic character for the benefit of all and would maintain the amenities of local residents. As such, the scheme conflicts with PPS1, PPG17, Lancashire Landscape SPD, RSS polices DP7 and EM1 and the following policies of the Rossendale District Local Plan DC1 and DC4.

Contact Officer	
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Name	Adrian Harding
Position	Principal Planning Officer
Service / Team	Development Control
Telephone	01706 238646
Email address	adrianharding@rossendalebc.gov.uk

ITEM WITHDRAWN