

Application Number:	2011/457	Application Type:	Full
Proposal:	Erection of 10 houses, including new club access & car parking	Location:	Loveclough Working Mens Club, Commercial Street, Loveclough
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	12 June 2012
Applicant:	Loveclough Working Mens Club	Determination Expiry Date:	14 June 2012
Agent:	Avalon Planning		

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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	<input type="checkbox"/>
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 be minded to grant Planning Permission subject to a Legal Agreement to secure payment of an Open Spaces/Play Equipment Contribution of £13,660, and a Section 278 Agreement with Lancashire County Council for off-site highway works which will include a Traffic Regulation; and the Conditions set out in Section 11.

2. SITE

The application relates to a broadly triangular site, of approximately 0.45 ha in area, at the junction of Commercial Street and A682 Burnley Road.

The site comprises of:

- (a) the land of the applicant which is occupied by the flat-roofed 1-storey brick building, and has a car park to its north side, accessed from Commercial Street; and
- (b) a wide well-maintained grass verge which fronts Burnley Road and is owned by the Council.

The grass verge slopes down from the main road, with a number of trees growing on it. To the rear of the verge runs a beech hedge which, through lack of maintenance, has become a line of trees, too tightly compressed to have properly grown but, effectively screening the Club building and its car park from view from the main road. Additionally, there are a number of ornamental species within and bounding the car park and a belt of mature shrubs/trees on the western boundary of the site.

Whilst there is a wide footway on the frontage of the site with Burnley Road, the frontage to Commercial Street possesses no footway, but there are a couple of speed bumps in the carriageway.

Although there are terraces of houses immediately to the south and west of the site on the frontages to Burnley Road and Commercial Street, to the opposite sides of these highways is open land. To the west of the site are mature shrubs/trees.

The application site lies within Countryside as too do the surrounding houses, and the nearby Loveclough Conservation Area and modern housing estate at the bottom end of Commercial Street.

3. RELEVANT PLANNING HISTORY

None.

4. THE PROPOSAL

Following amendment of the originally submitted scheme permission is sought to:

- erect a terrace of 8 houses fronting Commercial Street, to be of 2-storeys in height and natural stone/slate construction; the middle units would possess 3-bedrooms, each with 2 parking spaces to its front, and the end units would have an additional bedroom over their garage to the side, all behind a newly formed footway to Commercial Street.
- erect 2 detached houses to the southern end of the verge, to be of 2-storeys in height and natural slate construction; each would possess 4 bedrooms, with off street parking for 2 cars accessed from Burnley Road and with facility for vehicles to turn clear of the highway.
- relocate the public entrance to the Club building and its smoking shelter from the northern to the southern elevation, remove the illuminated signs on the northern elevation, and

replace 2 openable windows in this elevation with non-openable acoustic double-glazed windows.

- form a new vehicular access with footway to its north side that descends the 5m from Burnley Road to the south side of the Club building, giving access to 21 newly formed spaces to serve the Club.

In support of the application the applicant states that:

1. The Club is a not-for-profit members social club that was established in 1895 and moved to the present building in 1980. It strives to make its facilities available free of charge to a wide variety of local groups and its members, funded by its bar-sales and hire of its function room for private gatherings. However, for some years it has been experiencing severe financial difficulties. The aim of the current proposal is to raise capital to clear outstanding debts, and fund long over-due refurbishment of the premises in order to reverse the decline in revenue and bookings, thereby enabling the Club to continue to play a pivotal role in the local community.
2. The existing building is not particularly architecturally attractive and development of the Commercial Street frontage in the manner proposed will enhance the approach to Loveclough Conservation Area. With an enhanced frontage to the main road it is hoped to elevate the profile of the Club and attract a degree of passing trade.
3. It is recognised that the site is situated in open countryside wherein applications for residential development would usually be resisted. However Policy 2 of the Core Strategy specifies a need for "...at least 3,700 net additional dwellings over the plan period 2011-2026" in the Borough and Policy 3 stipulates that approximately 203 of this requirement will be provided in a number of smaller settlements including Loveclough. Policy 2 also prioritises the development of previously developed land, which for the most part this site is, and allows as exceptions, situations where it would deliver a significant social, economic and environmental benefit, which this proposal will.

5. POLICY CONTEXT

National Planning Policy Framework (2012)

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 RDF2	Rural Areas
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 EM1	Integrated Enhancement & Protection of the Region's Environmental Assets

Policy EM2	Remediating Contaminated Land
Policy EM5	Integrated Water Management
Policy EM16	Energy Conservation & Efficiency

Rossendale Core Strategy DPD (2011)

AVP4	Area Vision for Rawtenstall, Crawshawbooth, Goodshaw & Loveclough
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
Policy16	Preserving and Enhancing Rossendale’s Built Environment
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 19	Climate Change & Low Carbon & Zero Carbon Sources of Energy
Policy 21	Supporting the Rural Economy and its Communities
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

6. CONSULTATION RESPONSES

RBC Environmental Health

No objection subject to appropriate measures to the club building to ensure its use does not result in unacceptable noise/disturbance for occupiers of the houses proposed on the Commercial Street frontage. Precise details of measures have been requested from the agent and an update report will be provided in this respect.

RBC Forward Planning

This application relates to a site that is predominantly previously developed, located in the countryside. In respect of the Adopted Core Strategy (2011), AVP 4 notes that ‘open land to the west of Burnley Road north of Crawshawbooth will be protected from development’ and Policy 1 resists development in the countryside unless it has to be located there. However Policy 1 also urges making best use of under-used land. Policies 2 to 4 consider housing, requiring at least 3700 net additional new homes to be built over the plan period, up to 2026, of which 65% should be on previously developed land. This area of the Borough has not been identified for significant levels of housing, with only about 20% expected to come forward from all the Tier 3 settlements in total, such as Loveclough. Given the site is previously developed in the main, an affordable housing contribution will not be required.

Policy 7 takes a positive approach to the development of new and enhanced social infrastructure, and it is understood that this development will retain and enhance the facilities at the Loveclough Working Mens Club, which is included within the red edge of this application. Policy 21 (Supporting the Rural Economy and its Communities) restricts development to existing rural settlement boundaries, with proposals outside these areas demonstrating social and/or economic needs/benefits for the local rural community. Strict consideration should be given to the impact on the countryside. This also relates to maintaining the openness of the west side of Burnley Road, though it is appreciated that this site includes a facility in use, namely the Working Mens Club. However, it is considered appropriate for the applicant to be required to submit a more detailed Business Plan, including details of how the Club will be maintained and enhanced in the short to medium term.

I also draw your attention to the last bullet point of Policy 23 that major residential schemes should be subject to a Building for Life assessment.

LCC Highways

It is recommended that the access road be built to adoptable standards, and there is no objection to the planning application on highway grounds subject to the following conditions:

- That the applicant enters into a Section 278 Agreement with Lancashire County Council for off-site highway works to improve sightlines along Burnley Road between Commercial Street and 1176 Burnley Road for the proposed detached houses.
- Restrict future developments in respect of restaurant or fast food drive-through.

LCC Ecology

There are no objections to this planning application on ecological grounds, subject to the following conditions:

- Should any trees be removed an assessment should be submitted on the impact on any bats/bat roosts, with appropriate proposals for mitigation/compensation, if appropriate.
- The site would appear suitable to support nesting birds and ideally construction works would avoid the nesting season (March to August inclusive). If this is not possible the absence of nesting birds should be confirmed prior to works, and if nesting birds are present then works must be delayed until nesting is complete.
- The applicant should compensate through landscaping for any losses to existing trees/vegetation.
- Consideration should be given to incorporating bat roosting and bird nesting opportunities.

United Utilities

No objection provided that:

- The site is drained on a separate system, with only foul drainage connected to the foul system.
- Highway drainage not connected to the public wastewater network.

It further advises that:

- There is a public sewer which crosses the site and it will not permit building over it or discharged to at a rate exceeding 15 l/s.
- A separate metered supply to each unit will be required at the applicant's expense.

Electricity NW

No objection. The development must not adversely affect the infrastructure it has within/bounding the site.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a press notice was published, 2 site notices were posted on 27/3/12 and neighbours were notified by letter on 16/3/12.

Two objections have been received from local residents raising the following concerns:

- The extra cars associated with the development could exacerbate the traffic problems on Burnley Road, especially in wintry conditions

- The impact of the development on a small stream which runs from the side of Broading could cause flooding
- The land is designated as countryside
- Approving this application would set a precedent, allowing any business in financial difficulties to build in the countryside
- Contest that the club plays a vital community role, holding regular community events
- Provides a free venue, but for people from outside the village
- It will increase the pressure on the local school
- The proposed access is too close to parked cars, so would create a blind spot
- The proposal looks over-crowded, with little access to open space, and is not in keeping with the houses in the Burnley Road area.
- The degree of drop in the land is not shown on the plans
- Part of the site is owned by the local authority
- This is a key route for local wildlife, with badgers, foxes, owls and rodents regularly seen here
- There has been considerable noise for the residents on the Burnley Road block emanating from events held at the club, and the proposed houses would be even closer to the Club.
- The youth facility the Club tried to develop closed due to an excessive increase in vandalism.
- Locals regard the facilities in Crawshawbooth as their community centre
- Additional local meeting facilities are offered close by at the club at the bottom of Commercial Street.

A letter of support has been received from Limey Valley Residents Association (LVRA) noting that the scheme will enhance a brownfield site.

Several modifications to the scheme have been suggested, which relate particularly to the 8 houses proposed on Commercial Street. LVRA notes the houses must be appropriate to the setting, but suggest those on Commercial Street are aligned too far to the south, and the front areas will get very little sunlight, making the large areas in front of the houses unsuitable for gardens. Also the proposed vehicular access is misconceived and inappropriate because the access is very steep and very constricted, and its proximity to the Commercial Street junction poses a traffic hazard. LVRA submitted an alternative road plan. The main features of this being: parking to be sited at the rear of the new houses to avoid cars reversing out onto Commercial Street; apply a one-way traffic flow; access to the new houses and the Club to be provided by the proposed new road; and the additional land released to be assigned for parking by the Club.

A further representation has been received on 23/05/12 noting that the Club has attracted a new organisation to use the facility. The letter also notes that working mens clubs are part of this area's heritage and culture, acting as a central meeting point and community centre.

7. ASSESSMENT

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

- 1) Principle
- 2) Housing Policy
- 3) Design & Appearance
- 4) Neighbour Amenity
- 5) Access/Parking

Principle

This application is for a major housing scheme (i.e. comprising 10 houses) located outside the urban boundary, so in principle this proposal is contrary to the Policy 1 of the Adopted Core Strategy. However, the development site is predominantly on previously developed land, adjoining the Loveclough Working Mens Club. Furthermore due to the site's relationship to the terraced housing on Commercial Street which in turn leads down to the more recent development at Penny Dell Lodge / Loveclough Park, it is considered the site already has an urban feel and will not adversely affect the openness of the land to the west so according with Policy 2 and AVP 4.

Linked to this application is the benefit to retaining and enhancing a community facility, the Loveclough Working Mens Club. Policy 7 notes "a positive approach will be taken to the development of new and enhanced social infrastructure, especially where this creates options for a variety of uses and user groups and reduces the need to travel."

Housing Policy

Policy 2 identifies a housing requirement in Rossendale for 3,700 net additional homes over the plan period (up to 2026).

Bullet point 7 of Policy 2 prioritises the development of previously developed land. It sets out criteria for where un-allocated greenfield land will be permitted, including (ii) "It forms a minor part (up to 15% of the overall site size) ... of a major housing proposal (10+) dwellings on previously developed land, or (iii) it delivers a significant social, economic or environmental benefit". This site is predominantly previously developed and it is considered that only a minor part of this development site is greenfield.

Policy 3 discusses the distribution of this additional housing. Loveclough is identified under paragraph 3 where housing "will be permitted having regard to ... relative size and function, the need for urban regeneration, housing market renewal, the capacity for growth and past house building trends". It is expected that the combined total of the settlements named in Paragraph 3 (including Goodshaw, Britannia, Edenfield) will equate to about 20% of the overall requirement (this equates to about 740 houses).

Policy 4 considers affordable housing as only a small portion of the site is greenfield it is not considered that a contribution towards affordable housing will be required.

Design & Appearance (inc Trees / Ecology)

Policy 23 of the Core Strategy seeks to ensure development is of the highest standard of design that respects and responds to local context, distinctiveness and character.

The scheme will comprise of eight traditional stone built cottages in the form of a single two storey terrace fronting Commercial Street, with 2 detached stone built 2-storey detached houses on Burnley Road. Facing materials will be agreed prior to commencement. Given the site's proximity to Loveclough Fold Conservation Area, the comments of the Conservation Officer were sought at pre-application stage and the scheme was accordingly amended to a single 2-storey terrace of 8 houses to reflect the character of the area.

The openness of land on this side of Burnley Road is integral to the character of Loveclough, and is being maintained by the location of parking on the land adjoining Burnley Road. Overall, it is

considered this development sits within the overall context of Loveclough, with the site including the existing Loveclough Working Mens Club.

An arboricultural survey has been submitted setting out recommendations for tree retention, and the proposal is seeking to retain many of the trees, which contribute to the character of this area. However, a condition is recommended to ensure that notwithstanding the details submitted, a scheme of landscaping/boundary treatment be submitted for approval prior to any development commencing, including site clearance. The submitted details should specify which trees are to be maintained and how they should be protected. This should ensure many of the comments raised by LCC Ecology will be adequately addressed.

Neighbour Amenity

The proposed houses are within close proximity of the Working Men’s Club, and neighbour amenity has been a key consideration, with several amendments made to the original proposal. In particular the current principal access to the Club, and the smoking shelter, are to be re-positioned to the southern elevation, away from the proposed houses on Commercial Street. Other works include replacing windows to be non-openable and acoustically glazed on the northern elevation to the Club, which faces the proposed terrace on Commercial Street. Signage is also to be removed from this elevation. The Council will impose a condition to ensure this is undertaken prior to occupation.

Access/Parking

The proposal has scored a medium accessibility level. LCC Highways has withdrawn its objection to the scheme, based on the southern-most detached dwelling not having adequate sightlines, as the access has been moved. Other amendments have been made, taking on board LCC’s Highways comments to ensure appropriate sightlines are maintained, sufficient parking spaces are available, and that a footway is incorporated for pedestrians. This is subject to a 278 Agreement being achieved for off site highway works, and the Conditions set out below.

10. SUMMARY REASON FOR APPROVAL

Although located in the countryside, and therefore contrary to Policy 1 of the adopted Core Strategy, it is considered that the proposal accords with other policies, namely Policy 2 as it is a predominantly previously developed site, will not adversely affect the openness of land to the west of Burnley Road north of Crawshawbooth (Policy AVP 4) and exceptionally will contribute to the retention and enhancement of a community facility (Policy 7). Subject to the accompanying Legal Agreement and the Conditions, the proposed development will not result in detriment to neighbour amenity, loss of ecological interest or highway safety. It is therefore considered that the proposal accords with the provisions of the National Planning Policy Framework (2012), policies DP1, RDF1, RDF2, L1, L4, L5, RT2, RT4, EM1, EM5, EM16 of the Regional Spatial Strategy for the North West of England (2008) and Policies AVP 4 and Policies 2, 3, 4, 7, 16, 18, 21, 23 and 24 of the Adopted Core Strategy DPD for Rossendale (2011).

11. RECOMMENDATION

That Permission be granted, subject to:

- a) Completion of a Legal Agreement(s) to secure payment of an Open Spaces/Play Equipment Contribution of £13,660.
- b) That the applicant enters into a Section 278 Agreement with Lancashire County Council for off-site highway works to improve sightlines along Burnley Road between Commercial Street and 1176 Burnley Road for the proposed detached houses. The works to include provision of a Traffic regulation Order.
- c) The following Conditions:

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) Prior to commencement of development samples of the facing materials to be used in the elevations and roofs of the buildings, and for any retaining structures, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with those details approved, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development, in accordance with Policy 24 of the RBC Core Strategy (2011).
- 3) The development hereby permitted shall not be commenced until such time as details of the proposed floor and external levels has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved details.
Reason: In the interests of visual and neighbour amenity, highway safety and to reduce the risk of flooding, in accordance with Policy 24 of the RBC Core Strategy (2011).
- 4) No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface-water regulation system has been submitted to and approved in writing by the Local Planning Authority. Foul-water shall drain to a separate system. The scheme shall be completed in accordance with the approved plans.
Reason: To reduce the risk of flooding, in accordance with PPS25, in accordance with Policy 24 of the RBC Core Strategy (2011).
- 5) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order amending or revoking and re-enacting that Order), garages forming part of the development hereby permitted shall be retained for the parking of a vehicle(s) and not converted to living accommodation without the submission and approval of an application for planning permission.
Reason: To ensure the retention of adequate off-street parking facilities, in the interests of highway safety, in accordance with Policy 24 of the RBC Core Strategy (2011).
- 6) Prior to the occupation of any dwelling the garage/drive/parking & maneuvering space to serve it shall have been provided with a hard permeable surface and thereafter kept freely available for the parking of vehicles.
Reason: To ensure adequate off street parking, in the interests of amenity and highway safety, in accordance with Policy 24 of the RBC Core Strategy (2011).
- 7) The new access road, footway and parking/maneuvering area to serve the club building shall be constructed in accordance with a scheme and programme to be agreed in

writing with the Local Planning Authority prior to commencement of the development. The development shall be undertaken in accordance with the agreed programme.

Reason: To ensure safe and satisfactory access arrangements, in accordance with Policy 24 of the RBC Core Strategy (2011).

- 8) Notwithstanding the details submitted, prior to the commencement of development (including site clearance) a scheme of landscaping/boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include: the location of all existing trees and hedgerows on the site and shall specify those that are to be retained and the measures to be taken to protect them during construction of the development; replacement native tree planting or plant species of value to biodiversity to be undertaken; the areas to be hard-surfaced; the fences/walls/gates to be erected; and any changes of ground-level proposed.

Reason: In the interests of visual & neighbour amenity and to protect and enhance ecological interest, in accordance with Policy 24 of the Council's adopted Core Strategy.

- 9) All hard-landscaping/gates/walls/fences in the approved scheme of landscaping/boundary treatment shall be implemented prior to first occupation of the dwellings, unless the Local Planning Authority gives written consent to any variation. All planting in the approved scheme of landscaping/boundary treatment shall be implemented in the first planting season thereafter, unless the Local Planning Authority gives written consent to any variation. Any trees or plants which within a period of five years of planting die, are removed or become diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives consent to any variation.

Reason: In the interests of visual & neighbour amenity and to protect and enhance ecological interest, in accordance with Policy 24 of the Council's adopted Core Strategy.

- 10) Prior to first occupation of any of the dwellings fronting Commercial Street hereby permitted the following works to the Club building shall have been completed to the satisfaction of the Local Planning Authority :
- a. The existing public entrance to the building and smoking shelter shall have been relocated from the northern to the southern elevation;
 - b. The illuminated signage on the northern elevation of the building shall have been removed; &
 - c. The 2 most easterly of the windows in the northern elevation of the building shall have been replaced with non-openable acoustically-glazed windows.

Reason: To protect the amenities of occupiers of the dwellings proposed on the frontage of Commercial Street, in accordance with Policy 24 of the Council's adopted Core Strategy.

11) Prior to any ground works or construction works associated with the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority providing details of the siting of the Construction Compound and means by which the wheels of those vehicles will be cleaned before leaving the site.

The approved scheme shall be implemented.

Reason: To protect the amenities of neighbours and avoid the possibility of the public highway being affected by the deposit of mud and/or loose material, in accordance with Policy 24 of the RBC Core Strategy (2011).

12) Any ground works or construction works associated with the development hereby approved shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours, in accordance with Policy 24 of the RBC Core Strategy (2011).