

Application Number:	2013/0586	Application Type:	Full
Proposal:	Change of use of vacant garage court to allotments, inc raised beds, boundary fencing & gates, sheds/ greenhouses/polytunnels, tree felling, planting & pathways	Location:	Land off Blackwood Road, adj to Stacksteads Riverside Park, Stacksteads
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	25 February 2014
Applicant:	Stacksteads Allotment Society	Determination Expiry Date:	31 March 2014
Agent:	Proffitts CIC		

Contact Officer:	Neil Birtles	Telephone:	01706-238645
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Partly Council-owned 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 Permission be granted subject to the conditions set out in Section 10.

2. SITE

This application relates to a broadly triangular site, taking vehicular access from Blackwood Road, Of approximately 1.9 hectares in area, the site is owned in part by Rossendale BC and in part by Lancashire County Council.

Beyond lockable-bollards on the site frontage to Blackwood Road is a 3.7m wide rolled-stone road leading to the main body of the site, which is bounded on its north side by properties fronting Newchurch Road and Bowlers Wood, to the south by a path running alongside the River Irwell and to the west by a Public Footpath, beyond which are houses fronting Blackwood Court.

The access track and northern part of the site were formerly occupied by a railway line, whilst the southern part of the site was occupied by commercial premises. More recently it has been used as a garage court.

When the site is now visited, around the flat and (presently) rather boggy central area the land rises up to varying degrees and is covered by native-species shrubs & trees planted in the late 1980's/early 1990's, supplemented by saplings that have established of their own accord. Several of the trees have bird-boxes attached to them. A number of (unadopted) paths criss-cross the site, connecting with the riverside path, Blackwood Road, Newchurch Road (adjacent to No 304 and the Rose 'n' Bowl)

Whilst the built-development bounding the site lies within the Urban Boundary, the application site and open land to its east and south are designated as Countryside and the Riverside Path forms part of a long-distance recreational route identified as a Valley Way.

3. RELEVANT PLANNING HISTORY

None

4. PROPOSAL

The Applicant advises that the site is little used, other than by dog-walkers. Permission is sought to make it available as allotments, for which there is said to be an un-met local need.

The Design and Access Statement accompanying the application states :

“It is proposed to create a new allotment with 18 plots for local people.

The site will include :

- New hard surfacing to create paths around the allotment to give access for all and at the entrance to allow for deliveries, to be constructed of compacted stone-to-dust over a geotextile membrane.
- New raised beds for easy access for growers and to ensure the crops aren't growing into the existing ground, to be constructed using timber and logs reclaimed from site where possible; as the site was a garage colony and part of the railway in former times, the Allotment Society are keen not to disturb the ground or to grow crops directly into the ground.
- Standard timber sheds with felt roofs and metal and glass/plastic green houses. These will have water butts to collect any water run-off for use by the allotment holders.
- A new green powder-coated steel paladin boundary fence and vehicular access gate at 2.2m high; this will protect the site from vandalism and anti-social behaviour.

In order to accommodate the new allotment, some tree felling and crown lifting is proposed in order to allow light into the site.

Some levelling of the site will take place in order to accommodate the allotment plots, but it is intended that a mound be retained around the west, south and east of the site to provide protection and screening.

The appearance of the area will be much the same as it is at present as we are retaining as many trees and earth mounding as we can along the boundary with Blackwood Court and the Riverside

Park. It will mainly appear natural when viewed from these areas. The new fence will be set at the bottom of the earth mound so it isn't as visible from the rear of Blackwood Court.

Access to the site via Blackwood Road is already very good. There is 3.7m wide vehicular path accessed via removable bollards and the track has a good stone to dust surface. This will allow vehicles around the site as required for deliveries of soil etc.

The project was initiated several years ago by Stacksteads Riverside Park Group. It was then continued by Stacksteads Countryside Park Group. More recently, the work has been picked up by Stacksteads Allotment Society who will be moving the project forward and taking on running of the site."

The drawings accompanying the application show that to form the proposed allotment plots significant changes to ground levels/significant shrub and tree loss is proposed. Most particularly Plots 5 & 10 are shown to require over their full extent removal of material ranging in depth between 1m and 2m, and will require removal of the trees within them and to their east side. For those plots nearest to the riverside path and the Public Footpath running to the rear of the houses fronting Blackwood Court the ground level changes are to be of rather less in terms of their area and depth - not least because certain of them are intended for chickens/foraging - but nevertheless result in significant tree loss in their formation and to assist light to the allotment plots as a whole.

The proposed 2.2m high boundary fence will stand 4m from the riverside path whilst the Public Footpath immediately to the west of the site will run in a 4m strip of land between the 1.7m high solid timber fence to the rear of the houses fronting Blackwood Court and 2.2m high now proposed.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

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

Development Plan

Rossendale Core Strategy DPD (2011)

- AVP2 Area Vision for Bacup, Stacksteads, Britannia & Weir
- Policy 1 General Development Locations and Principles
- Policy 7 Social Infrastructure
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

None

6. CONSULTATION RESPONSES

LCC Highways

Version Number:	1	Page:	3 of 8
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Comments awaited

RBC (Environmental Health)

Comments awaited

RBC (Property Services)

Comments awaited

RBC Drainage

Comments awaited

Environment Agency

Comments awaited

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 7/2/14, site notices were posted on 3/2/14 and letters were sent to neighbours on 3/2/14.

No comments have been received.

8. ASSESSMENT

The main considerations of the application are:

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access/Parking: & 5) Other Matters.

Planning Principle

The site not of unattractive appearance in its present form and, having regard to the paths that criss-cross it and the adjacent wooded area extending behind the Rose 'n' Bowl, it is clearly being used at present for informal recreation. Nevertheless, there is no objection in principle to the provision of allotments here.

The site is located within Countryside that is immediately adjacent to the Urban Boundary of Stacksteads and to town centre facilities/bus services on Newchurch Road. The creation of allotments is appropriate in principle in the Countryside providing it is undertaken sensitively, the more so for being in such an easily accessible location by means of travel other than the private car.

Section 3 of the National Planning Policy Framework promotes the retention and development of local services and community facilities. Section 8 encourages the delivery of social, recreational and cultural facilities and services the community needs and which enhance the sustainability of communities and residential environments.

Policy 7 of the Council's adopted Core Strategy supports social infrastructure improvements and new provision at suitable locations. Policy 17 promotes the protection, enhancement and where appropriate the expansion of the Green Infrastructure network - allotments are identified as items of green infrastructure.

Visual Amenity

Much of the site is at present hidden from public view from the Riverside Path and the Public Footpath that runs immediately to the rear of the houses fronting Blackwood Court by earth mounding around these boundaries and the trees and shrub cover on them.

Whilst the proposal seeks to retain the earth mounding around these boundaries a significant amount of the trees/shrubs on the top of this mounding and as the down-slope into the site is to be

re-contoured, to a degree necessary to give adequate light to the allotment plots as a whole but in part the consequence of ground level changes the result of wishing to maximize the number/extent of allotment plots.

It is appreciated that for reasons of security it is necessary to erect a boundary fence and the use of 2.2m high green paladin boundary fencing is considered appropriate. However, by positioning it at the base of mounding, rather than setback in to the vegetation, means it will affect the amenity of the Riverside Path and the Public Footpath that runs immediately to the rear of the houses fronting Blackwood Court.

Allotment Plots 5 & 10 are shown on the submitted drawings to require over their full extent removal of material ranging in depth between 1m and 2m. This in itself will not be particularly evident from any public vantage point. However, it will result in removal of a substantial area of woodland, including both trees/shrubs within these plots and to their east side as intended ground level changes will have so affected tree roots.

As the proposed allotment plots are to stand 5m away from the party-boundary with the bungalow and houses fronting Bowlers Wood the proposed the tree/shrub loss intended for the northern boundary of the site will not be so great and will not impact on visual amenity/wildlife value unduly.

Subject to retention of the perimeter mounding and sufficient of the vegetation I am satisfied that sheds/greenhouses/raised beds and hardstandings/paths of the size, design and facing materials intended can be accommodated within the heart of the site without unacceptable detriment to the character and appearance of the area.

Neighbour Amenity

I am satisfied that the proposal will not unduly impact upon the light, outlook or privacy of any neighbours. Most particularly :

- the proposed allotment plots are to be 5m away from the party-boundary with the bungalow and houses fronting Bowlers Wood, and are to be at a lower level.
- the proposed allotment plots are to be 11+m away from the rear boundary of the houses fronting Blackwood Court.

I do not envisage that the Environmental Health Unit will raise objection in principle to allotments, viewing them as a 'quiet' use. However, to avoid noise disturbance for neighbours, it is likely to recommend no cockerels are kept on the site; this can most appropriately dealt with through the Council's land ownership, rather than by way of a planning condition.

I am satisfied that the vehicular traffic making use of the existing track extending from Blackwood Road to access the allotments will not be so great in volume or at hours that it will cause unacceptable detriment to neighbours.

Access / Parking

I do not envisage that LCC Highways will raise objection in principle to allotments, subject to a condition regarding the provision / management of the parking to be made available for allotment holders in order to avoid on-street parking (because of the lockable bollards near the junction of the access road with Blackwood Road) or obstruction of public footpaths.

Members will re-call that in the case of allotments proposed at Loveclough LCC Highways advised that "there are no identified parking standards for this type of usage so it is proposed that a level of 1 space per 3 plots should be adopted". To apply the same standard to the current proposal would mean the site requires 6 off-street parking spaces as 18 plots are proposed.

I concur with the Highway Authority that on-street parking associated with the allotments needs to be avoided in the interests of highway safety, and the submitted scheme does not show how this level of parking can be adequately provided. However, I am satisfied that some off-street parking can be made available for use by allotment holders. I am also mindful that the majority of people using the site can be expected to live locally and this site is more easily accessed on foot / bike / bus than the Loveclough site.

Other Matters

The application is not accompanied by a Ground Condition Report or Ecology Report.

Having regard to the former uses of the site and intention now to grow food upon it the Environmental Health Unit has indicated that there is a need for the applicant to undertake a Ground Condition Investigation in order to establish the need for/form of works for remediation required in advance of the 'more sensitive' use now proposed for the site.

Resolution of the above matter may result in the need to further vary the intended ground levels and the drainage arrangements for the site. At this point in time it will also become possible to define the extent to which contaminated material will need to be removed from the site to a licensed tip and the extent to which clean soil will need to be imported to the site, and the implications of this for neighbour amenity and highway safety.

There is no reason to believe there is a badger sett or bat roost on or in 30m of the site. However, the proposed changes in ground level, and removal of shrubs/trees/bird nesting-boxes, will undoubtedly impact significantly in the first instance on the wildlife value of the site. Prior to commencement of development it is considered appropriate to require that a scheme is submitted to further demonstrate that the appropriate balance is being struck between the wish to make available allotment plots with the need to avoid/mitigate/compensate for loss of shrubs/trees/wildlife value.

Conclusion

Having regard to the above it is considered appropriate to recommend that permission be granted for the change of use of this site to allotments but, by way of conditions, require submission of further details of the site layout and level-changes rather than approve the submitted details in respect of these matters.

9. SUMMARY REASON FOR APPROVAL

The application seeks permission for a use that is appropriate in principle in the Countryside and, subject to the conditions, the proposed development will not detract to an unacceptable extent from the essentially open and rural character of the area, neighbour amenity, biodiversity or highway safety. The proposal has been considered with particular regard to the National Planning Policy Framework (2012), and Policies AVP2 / 1 / 7 / 8 / 9 / 17 / 18 / 19 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. Notwithstanding the details shown on the submitted drawings, prior to the commencement of development full details shall be submitted to and approved in writing by the Local Planning Authority of the intended site layout / ground levels / drainage arrangements / tree & shrub removal. The submitted scheme shall be informed by the Remediation Statement, Scheme for the Provision / Management of Off-street Parking and Ecology Report referred to in the Conditions below. The development shall be undertaken in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : In the interests of visual and neighbour amenity, pedestrian/highway safety, prevention of pollution and flood risk, protection & enhancement of biodiversity, in accordance with Policies 1 / 17 / 18 / 24 of the Council's Core Strategy DPD.

3. Prior to the development commencing :

a) A contaminated land Phase 1 report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority.

b) Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to and approved in writing by the Local Planning Authority.

c) Should the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. The remedial scheme in the approved Remediation Statement shall then be carried out and a Site Completion Report detailing the action taken at each stage of the works (including validation works) shall be submitted to and approved in writing by the Local planning Authority prior to the first use or occupation of any part of the development hereby approved.

Reason: To ensure development of the site proceeds in a safe and satisfactory form, in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

4. Prior to commencement of development full details of the volume of material to be removed from the site and the volume of material to be brought onto the site to accord with the remedial scheme referred to in Condition 3 shall be submitted to the Local Planning Authority. Furthermore, this submission shall be accompanied by a Report for approval by the Local Planning Authority detailing :

a) the intended hours for undertaking these works; &

b) the arrangements to be made to avoid mud or other debris being deposited on the highway, on-street parking or obstruction of public footpaths while undertaking these works.

Development shall be undertaken in accordance with the agreed scheme.

Reason : In the interests of neighbour amenity and pedestrian/highway safety, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

5. Prior to commencement of development full details of a Scheme for the Provision / Management of Off-street Parking to be made available for allotment holders shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented/adhered to thereafter, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : In order to avoid on-street parking (because of the lockable bollards near the junction of the access road with Blackwood Road) or obstruction of public footpaths, in the interests of pedestrian/highway safety, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

6. Prior to commencement of development an Ecology Report to assess the actual/potential wildlife value of the site and its surrounds shall be submitted to the Local Planning Authority. Furthermore, this submission shall be accompanied by a Report for approval by the Local Planning Authority detailing the measures to be taken to avoid/mitigate/compensate for loss of shrubs/trees/wildlife value in the formation of the allotments. Development shall be undertaken in accordance with the agreed scheme.

Reason : To ensure the appropriate balance is being struck between the wish to make available allotment plots with the need to avoid/mitigate/compensate for loss of shrubs/trees/wildlife value, in accordance with Policies 1 / 17 / 18 / 24 of the Council's adopted Core Strategy DPD (2011).

7. Notwithstanding the details shown on the submitted drawings, prior to commencement of development a scheme of landscaping and boundary treatment shall be submitted to the Local Planning Authority to include details of: retaining walls/boundary walls/fences/gates/hard-surfaced external areas; measures for the protection of trees to be retained; trees/shrubs to be retained, pruning works and proposed planting. Any measures for the protection of trees to be retained forming part of the approved scheme shall be complied with for the duration of ground works / construction works associated with the development hereby approved. Any retaining walls/boundary walls/fences/gates/hard-surfaced external areas forming part of the approved scheme shall be completed prior to first occupation of the allotment plots, unless otherwise first agreed in writing by the Local Planning Authority. Any planting forming part of the approved scheme shall be carried out in the following planting season, and any trees or shrubs removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species, unless otherwise first agreed in writing by the Local Planning Authority. No system of external illumination shall be provided without first obtaining approval in writing from the Local Planning Authority.

Reason: To ensure that the development will be of satisfactory appearance and preserves/enhances biodiversity, in accordance with Policies 1 / 17 / 18 / 24 of the Council's Core Strategy DPD (November 2011).