

Application Number:	2017/0260	Application Type:	Full
Proposal:	Change of use of land to a garden centre, including the erection of a single storey sales building and a polytunnel, construction of a retaining wall, and associated landscaping and access works.	Location:	Land at Golf Rossendale, Newchurch Road, Rawtenstall, Rossendale, Lancashire, BB4 7SW
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	18/07/2017
Applicant:	Mr Robert Killelea	Determination Expiry Date:	11/08/2017
Agent:	Mr Steven Hartley		

Contact Officer:	James Dagleish	Telephone:	01706 238643
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):	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

Approve full planning permission subject to the conditions.

2. SITE

Golf Rossendale is a golf driving range and practice facility, located to the north of the Marl Pits sports complex on Newchurch Road and to the south of Hurst Lane, Rawtenstall. The site in question is within the same ownership as the golf driving range and currently forms part of an open field which lies to the south of the facility and its car park.

The application site slopes downwards from north to south, and is screened on its east / south east side by a stand of mature trees. The site is overlooked by residential properties located some 150m to the north.

The site shares the same access as the golf driving range, which constitutes a single width tarmac road (with passing places) leading from Marl Pits sports centre and Newchurch Road to the south. Part of the access road is within the Council's ownership.

The application site is situated on land designated as Countryside.

3. RELEVANT PLANNING HISTORY

2009/0624 - Golf driving range (Withdrawn)

2010/0150 - Golf driving range (Approved)

4. PROPOSAL

Planning permission is sought for the change of use of the land (which is currently agricultural land) to a small scale garden centre.

Although the proposed scheme is described as a garden centre, it is noted that the proposed scheme is not a typical 'garden centre' with the usual retail focus – instead it would be a horticultural nursery with a very small ancillary retail element to allow the sales of plants grown on the site to visiting members of the public.

The scheme would include re-profiling the site (which is currently sloping from north to south) to make it level with the adjacent access road and car park to the north. On the south edge of the site, a natural stone faced retaining wall would be constructed (up to a maximum height of around 3m). The land adjacent to the retaining wall (to the south) would be extensively planted with Beech and Hawthorn.

The proposed scheme includes the construction of a single storey timber-clad building on the western portion of the site to act as a point of sale for the proposed development. The building would have a footprint of around 8m x 6m and would measure around 4m from ground level to the apex of its pitched roof (which would be constructed of felt sheeting).

On the eastern portion of the site, a polytunnel would be erected to facilitate the growing of plants on site. The polytunnel would have a footprint of around 20m x 10m and would measure around 4m in height. The remainder of the site would be used for outdoor planting in beds.

The proposed development would share access with the adjacent golf driving range, and would share its car park. It is not proposed that car parking spaces would be specifically allocated for the separate facilities.

It is proposed that the facility would employ the equivalent of one full time and two part time staff. The proposed opening hours are Mon-Fri 09:30-21:00 and Sat-Sun 09:30-17:30.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

Section 1	Building a Strong Competitive Economy
Section 2	Ensuring the vitality of town centres
Section 4	Promoting Sustainable Transport
Section 7	Requiring Good Design
Section 11	Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 4	Rawtenstall
Policy 1	General Development Locations and Principles
Policy 9	Accessibility
Policy 11	Retail and Other Town Centre Uses
Policy 18	Biodiversity and Landscape Conservation
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Consultee	Comment
LCC (Highways)	No objection
RBC Property Services	No comments have been received
United Utilities	No comments have been received

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order two site notices were posted on 19/06/2017 and 9 letters were sent to neighbours on 19/06/2017.

One letter of objection has been received, the contents of which are summarised below:

- Scheme may set a precedent for future expansion of retail element.
- Submitted documents do not address access to the site properly.
- Scheme will adversely affect other recreational uses of the wider Marl Pits site.
- Site is not allocated for the proposed use and is open countryside.
- Retail uses should be sited within town centres, and there are more suitable sites available.
- Site is in an unsustainable location, with poor public transport links.

- The development would generate relatively high levels of vehicular traffic and would be detrimental to highway safety and access.
- Harm to visual amenity and the character of the countryside.
- Questions whether the applicant has a right to use the proposed access.
- Inadequate parking provision for the proposed development.
- The proposed scheme is not in accordance with the Development Plan.
- Harm to the general amenity of the area.

The Chairman of Rossendale Rugby Club has made the following comments on the scheme on behalf of the club:

- Do not object to this application however they do have concerns about the issue of safety of players and pedestrians using this access road from the Club house to the pitches at Meadowhead.
- The unsafe situation is mainly created by irresponsible parking on the access road.
- The Chairman has discussed this with the applicant who recognised the problem and has agreed to erect steel post and a rope or chain fence up the right-hand side of the road to restrict/prevent parking and this will therefore provide a safe pedestrian walkway between the road and the Playing fields.
- On that basis Rosendale Rugby Club do not object to this application.

8. **ASSESSMENT**

The main considerations of the application are:

1) Principle; 2) Visual Amenity and Countryside Impact; 3) Neighbour Amenity; and 4) Access, Parking and Highway Safety.

Principle

Policy 1 of the Core Strategy seeks to locate the majority of new development within the defined urban boundary, unless it has to be located in the countryside.

Policy 11 of the Core Strategy states:

“Retail development, together with other town centre uses, including offices, leisure, arts, culture and tourist facilities, will be focused within the defined town and local centres.”

A new retail development would not be appropriate on the application site, which is not within a town centre and lies in open countryside.

However, in this case the primary element of the proposed development is horticultural use rather than a ‘typical’ retail garden centre. Horticulture is considered to be an appropriate use of land within the countryside. The retail element of the development would serve primarily for the sales of plants grown on site at the horticultural nursery rather than for the sales of plants and goods imported into the site from elsewhere.

In accordance with guidance contained within the Framework new retail development should be located within town centres and should only be considered at out of centre locations such as this if there are no sequentially preferable sites for the development. The

applicant has submitted a documentation demonstrating that there are no sequentially preferable sites within or on the edge of town centres which could better accommodate the proposed ancillary retail element of the scheme.

In terms of sustainability given that the main purpose of the business is to sell products grown on the site this will actually reduce vehicular journeys which would otherwise be required to transport plants from the nursery to a point of sale located elsewhere within a town centre.

The site is not in a particularly sustainable location in terms of accessibility on foot and by public transport and if a 'traditional' garden centre was being proposed (with a focus on retail sales of plants, garden furniture, accessories, tools, etc., and the likely generation of higher numbers of visitors and deliveries) it is unlikely that it would be considered as sustainable development in this location. To ensure that the development does not develop into a more traditional garden centre restrictive conditions are proposed in respect of the sale of imported products from the site.

Growing for horticultural purposes is an appropriate use of the land in question and whilst the use of the land will not wholly be for horticulture use, given that members of the public will access the land to view the plants for sale, the very small and ancillary scale of the proposed retail element ensures that the scheme as a whole is unacceptable or unsustainable provided that it is appropriately restricted.

It is considered necessary to include conditions restricting the activities on site to ensure that the main use of the site remains as a horticultural nursery and to prevent the creation of an unrestricted retail-focused garden centre of a scale and type which would be unacceptable in policy terms and unsustainable in this location.

Subject to the suggested conditions, scheme is considered acceptable in principle.

Visual Amenity and Countryside Impact

The proposed structures on the site would be relatively small in scale and massing, and whilst they would be visible in the wider landscape, it is not considered that they would appear unduly prominent or incongruous.

The appearance of the proposed timber-clad building (which would not be dissimilar to that of a small stable building) would have an affinity with the site's countryside setting and the proposed polytunnel would not be an uncommon feature in a rural location.

Whilst the proposed retaining wall would be a substantial structure, it would not be unduly prominent owing to the topography of the land and would be largely screened from the east and south by mature trees. In any case, the retaining wall would have a high-quality finish (natural stone cladding) and would be screened effectively by the proposed planting of Beech and Hawthorn trees along its elevation.

Policy 1 of the Core Strategy restricts development in countryside locations unless it has to be located within the countryside. The small scale retail element of the scheme is preferable in this location given its direct affinity to the plants grown at the site which reduces vehicular movements to the site. As such the proposed development is considered to be acceptable in terms of Policy 1 of the Core Strategy

Neighbour Amenity

No parts of the scheme would significantly affect the daylight, privacy or outlook enjoyed by occupants of any nearby residential properties.

Whilst the scheme may increase the number of people visiting the site it is not considered that this would lead generally to a significantly greater likelihood of noise nuisance to surrounding residential properties given the separation distances involved. The proposed opening hours are considered appropriate.

The scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

Concerns have been raised by a member of the public relating to potential conflict between vehicular users of the access road to the site and pedestrians. Similar concerns have been raised by the Rugby Club linked to irresponsible parking on the access road.

The access road is already used by vehicles accessing the golf driving range which is a significantly larger facility than that being proposed. Whilst there may be some linked trips between people visiting the driving range and the proposed development it is considered that the development proposed will become a 'destination' in its own right and will generate its own customer base with associated vehicle movements. Despite the fact that the access road does not carry any public rights of way it is considered that the road is nevertheless wide enough to safely allow a vehicle to pass any pedestrians who may be using it. It has been noted that the applicant has agreed with the Rugby Club to erect a steel post and a rope or chain fence up the right-hand side of the road to restrict/prevent parking and to provide a safe pedestrian walkway between the road and the playing fields. The agent has been requested to submit a plan demonstrating this part of the scheme and Members will be updated on the Update Report.

The Local Highway Authority has been consulted and has no objection to the scheme and has not raised concern over the available parking provision, which is proposed to be shared with the adjacent golf driving range. The concerns of the resident in respect of the conflict between the development of the recreational users of Marl Pits is noted although the Rugby Club raise no objection subject to the safe, fenced pedestrian arrangement. The Highway Authority's comments in this regard will be reported on the Update Report.

9. Summary Reason for Approval

The scheme is considered acceptable in principle and, subject to conditions, would not detract to an unacceptable extent from visual and neighbour amenity. The development is in accordance with Policies AVP4, 1, 9, 11, 18, 23 and 24 of the adopted Core Strategy DPD and the National Planning Policy Framework.

10. RECOMMENDATION

Approve full planning permission subject to the conditions below.

11. Conditions

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

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

2. The development shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

- Application form date stamped 16th June 2017 by the Local Planning Authority.
- Site Location Plan date stamped 16th June 2017 by the Local Planning Authority.
- Proposed Site Plan, Section and Retaining Wall Elevation (Drawing Number RK-01-05-17-B) date stamped 16th June 2017 by the Local Planning Authority.
- Proposed Elevations and Site Plan (Drawing Number XXX) date stamped 16th June 2017 by the Local Planning Authority.
- Landscaping and Boundary Treatment Proposals document date stamped 16th June 2017 by the Local Planning Authority.

Reason: To ensure the development complies with the approved plans and submitted details.

3. The garden centre hereby permitted shall not be open to members of the public other than between the hours of 09:30-21:00 Monday to Friday and 09:30-17:30 on Saturdays and Sundays.

Reason: In the interests of neighbour amenity.

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

Reason: To safeguard the amenities of neighbours.

5. At no time shall any form of external illumination or sound amplification be attached, erected or used in association with the development hereby permitted, unless full details of such are first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the essentially open and rural character of the countryside from inappropriate development.

6. Notwithstanding what is shown on the submitted plans and documentation, the retaining wall forming part of the scheme hereby approved shall be faced in natural stone.

Reason: In the interests of visual amenity.

7. All new planting forming part of the approved scheme shall be carried out in the first planting season either following substantial completion of the development or following the date of its first use (whichever is the sooner). Any trees or plants which within a period of 5 years of first occupation of the final dwelling die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All planting located adjacent to the retaining wall hereby permitted shall be retained thereafter and any that dies or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and to enhance the biodiversity value of the site.

8. The polytunnel and the areas marked as 'outdoor planting' on approved drawing RK-01-05-17-B shall only be used for the growing and display of plants grown from seedlings or cuttings on the site, and shall not be used for the sale or display of plants or goods imported as finished products from elsewhere.

Reason: A horticultural nursery is an appropriate type of development on the site. A new retail development would not be appropriate on the application site, which is not within a town centre and lies in open countryside.

9. The retail sale of products on site shall at all times remain ancillary to the main use of the site for horticultural growing purposes.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities to those associated with horticulture, to ensure that the retail activities are ancillary to the main horticultural use of the site and to maintain the protection of the vitality and viability of existing retail centres in the surrounding area.

10. The products sold from the site shall primarily be grown at the site and no more than 15% of the total floorspace of the point of sale building, detailed on the approved plans, shall be used for the sale of products imported onto the site.

Reason: To define the nature of the approval hereby granted, to ensure that the retail activities are ancillary to the main horticultural use of the site and in the interests of highway safety relating to vehicular movements to and from the site.

12. INFORMATIVES

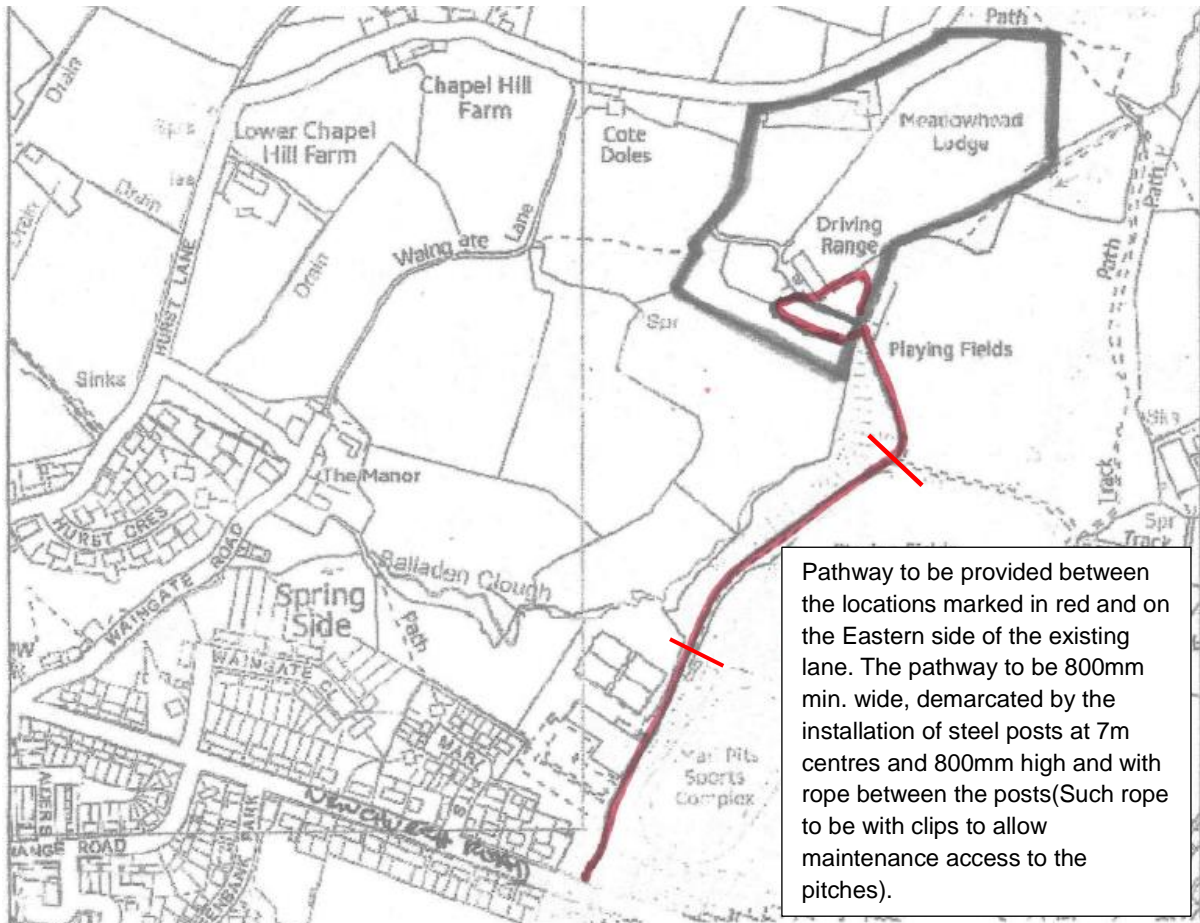
1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at: http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted
The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in formal pre-application discussions.

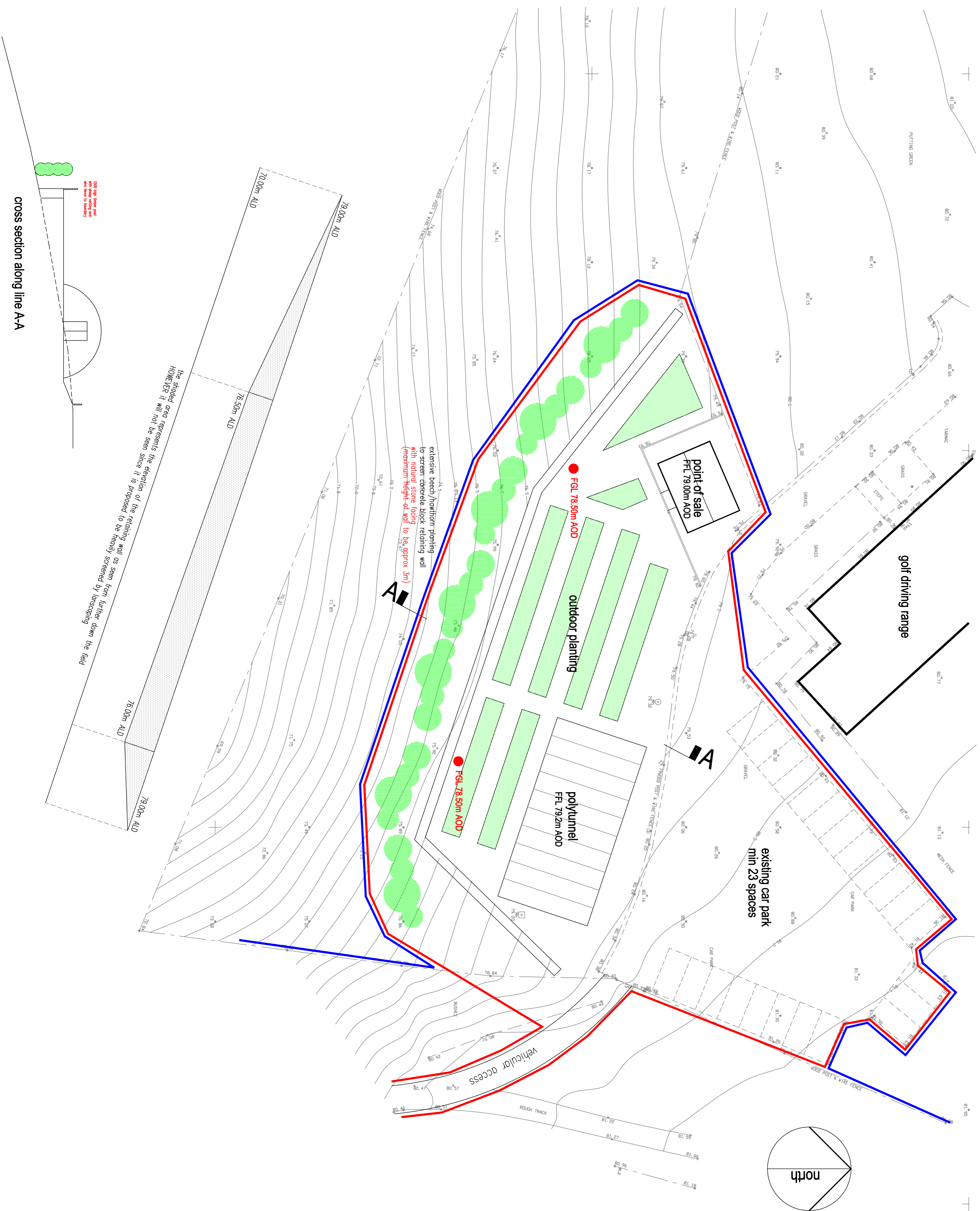
The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

Proposal for pedestrian walk way in association with horticultural nursery

Application no 2017/ 0260

1 to 500

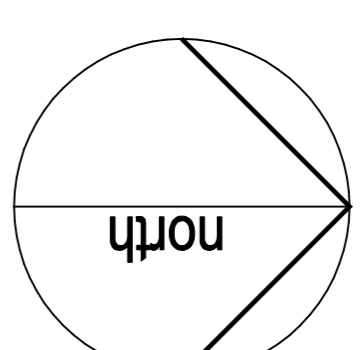




the shaded area represents the elevation of the retaining wall as seen from further down the field HOWEVER it will not be seen since it is proposed to be heavily screened by landscaping

extensive beech/hornbeam planting to screen concrete block with natural stone facing (maximum height of wall to be approx 3m)

cross section along line A-A

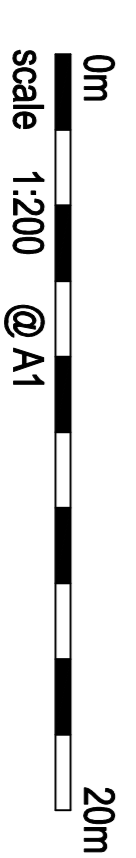


- amended 06-07-17 boundary fence described
- amended 13-06-17 finished ground levels added
- natural stone facing specified to retaining wall

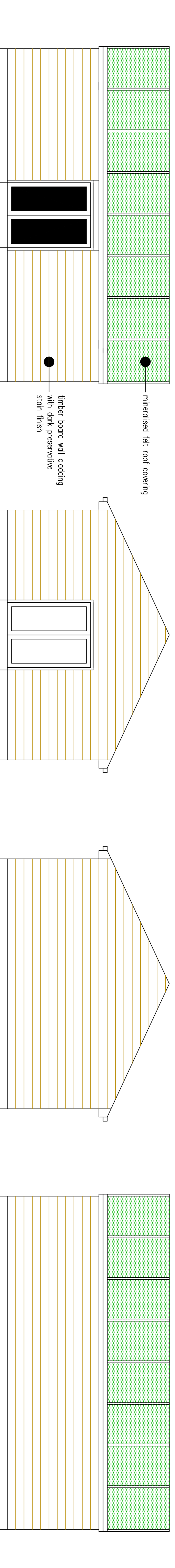
proposed site plan

proposed horticultural nursery associated with existing golf driving range at

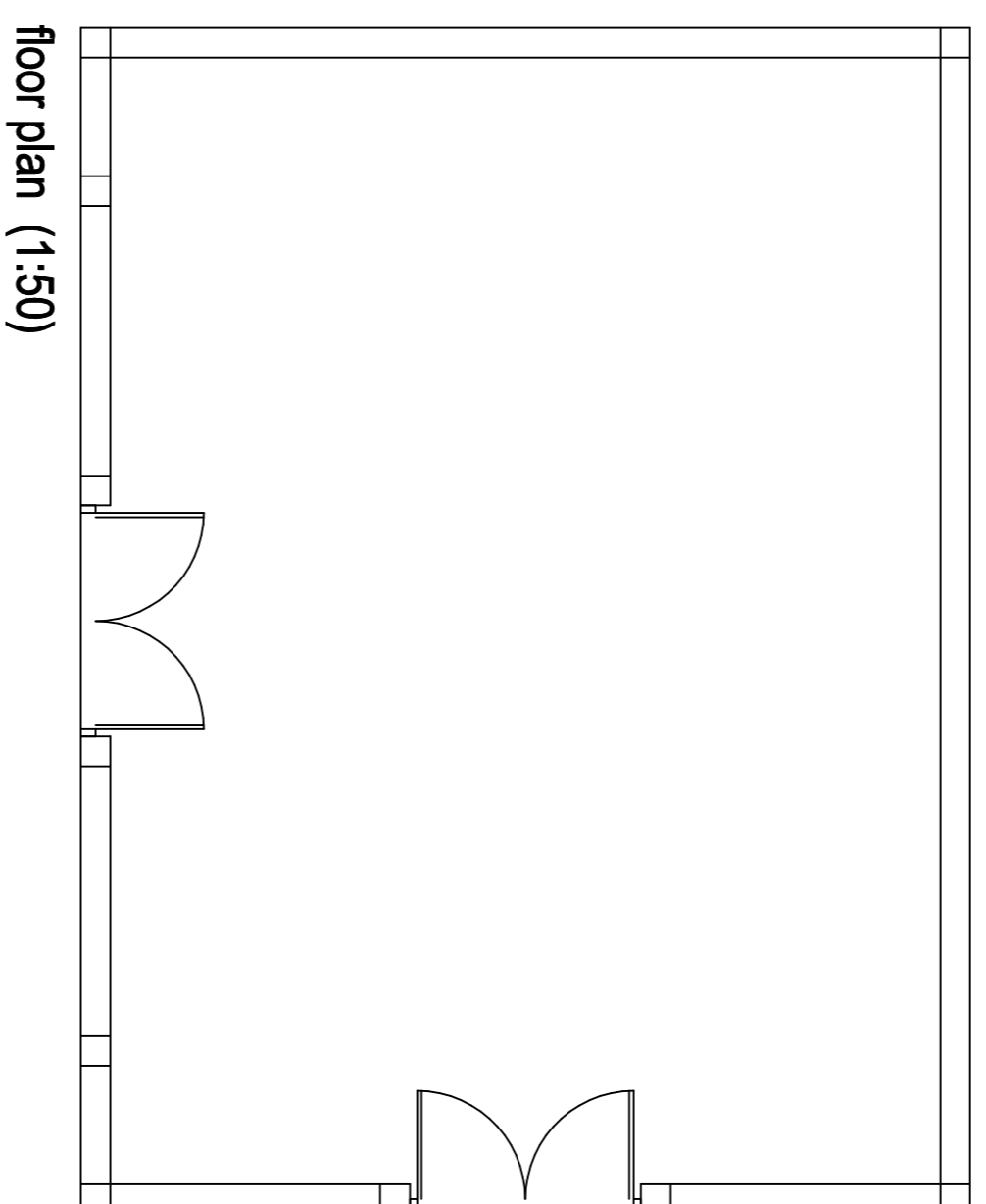
Marpits Rawtenstall



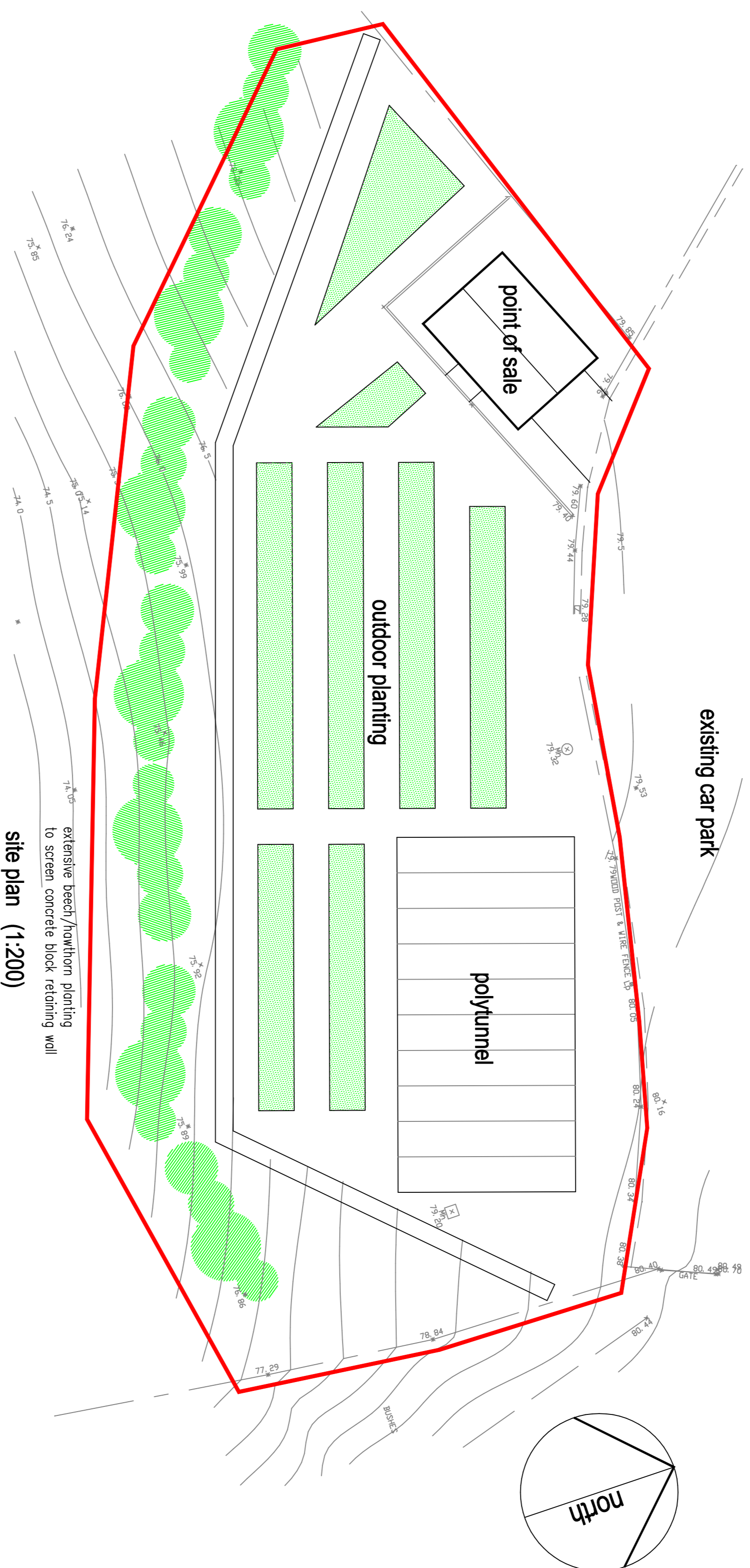
drawing number RK-01-05-17-B



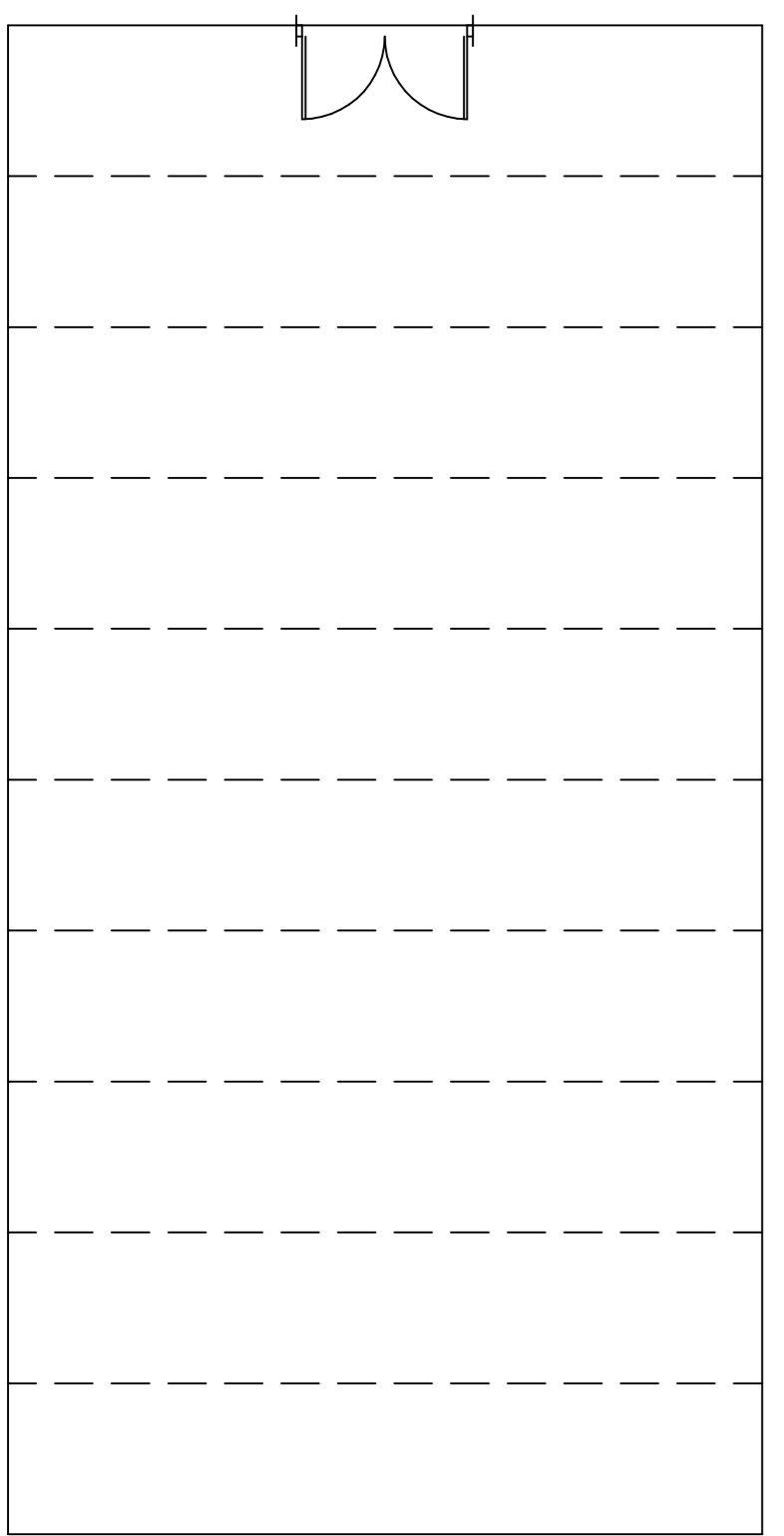
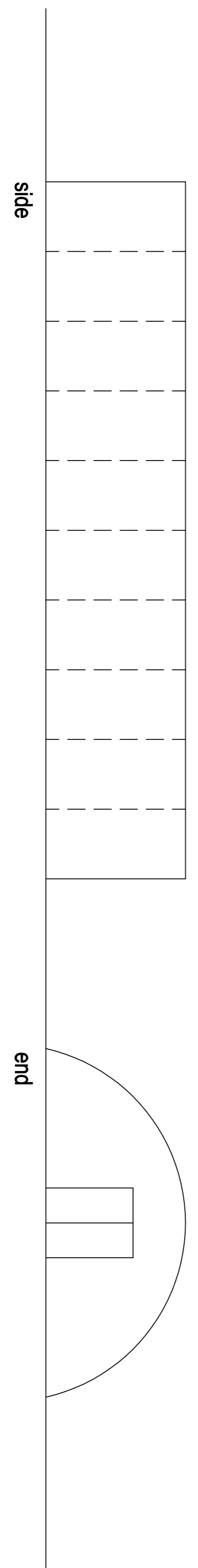
mineralised felt roof covering
 timber board wall cladding
 with dark preservative
 stain finish



proposed building to contain
 office, point of sale, and retail
 space for fertilizers and houseplants



extensive beech/hornbeam planting
 to screen concrete block retaining wall
 site plan (1:200)



proposed horticultural nursery
 associated with existing
 golf driving range at

Marpits Rawtenstall

0m 10m
 linear scale 1:100 @ A1
 plan scale 1:100 1:200 1:50 @ A1
 drawing number xxx

Full planning application for an horticultural nursery (Including a building to provide a sales point) as part of the golf driving range, Marl Pits, Newchurch Road, Rawtenstall, BB4 7SN

Sequential Test

The application relates to an agricultural area abutting the Rossendale Golf Driving Range and within the same ownership.

The proposal is small in scale, limited by the contours and extends to some 0.13ha (0.3 acres) and includes the following:-

- A polytunnel 20m by 10m
- A sales cabin /office/storage of fertilisers and equipment. 8m by 6m
- Outdoor planting beds

It will be run as part of Golf Rossendale Ltd

The NPPF is supportive of town centres where retail development would normally be concentrated and while it would normally require a sequential assessment for out of town retailing it makes it clear that this is not required for small scale retail development in rural areas:-

24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

25. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development (My highlighting)

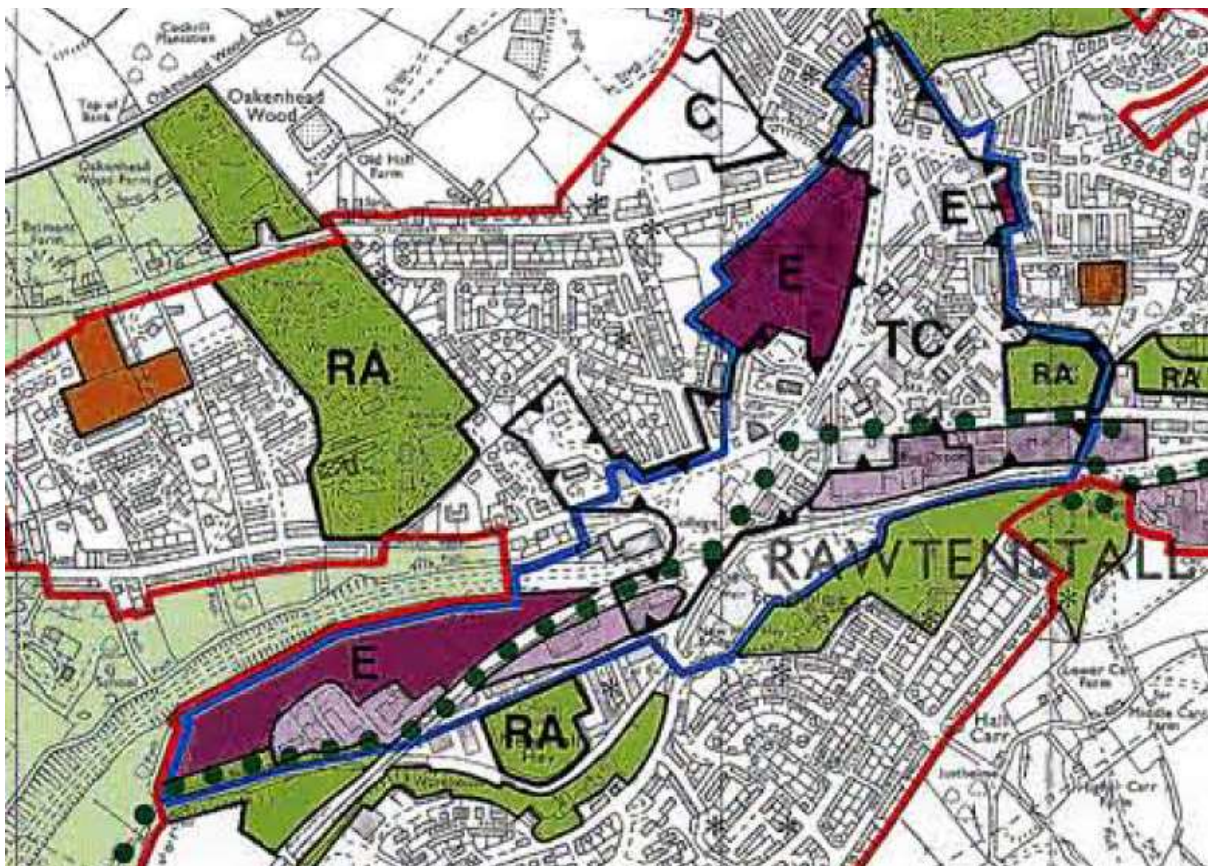
In addition it would be unreasonable for the business to have to operate with a retailing arm separate from the garden nursery and where the plants are grown. It would make the business unviable and would lead to unacceptable disruptions in the running of the business.

It cannot be reasonable, therefore, for customers to be expected to choose flowers or other produce and for these to then have to be taken into the town centre to alternative premises for payment.

Nevertheless and despite it not being necessary to submit it an assessment has been made of the potential for such retailing in the designated town centre.

Retail space within Rawtenstall designated town centre.

The area of the town centre is designated in the saved Rossendale District Local Plan (1996) by the blue line:-



with poly – tunnels might be located.

If, despite the fact that a sequential test is not necessary and despite the impracticality of splitting the nursery from the point of sale it is the case that retail space of the necessary size, quality, location in relation to the proposed business and which are ready to move into is not available or suitable as the following analysis of such space shows. Any such point of sale would need to be little more than a kiosk(The application site includes a small building measuring only 8m by 6m and that is for an office and storage for equipment as well as being the point of sale)

Kingfisher Centre, Burnley Road, Rawtenstall





The 5th floor

2260ft² (210m²)

This is office space and not for retail and its location on the fifth floor makes it totally unsuitable and far too large.

Bank Street. Former offices of Wheale and Hitchen, Estate Agents



Ground floor only and for retail use

70 m2 only. Too large and physically separate from the proposed horticultural business associated with Golf Rossendale

Former cinema, Bacup Road



These premises are derelict inside and are not fit for any use in its current state.

It has failed to sell recently at auction.

There is no planning approval for retail use.

It is far too large

Former Domus store, Bacup Road



Far too large

Other sites on the edge of the Town centre

No available or suitable sites have been identified

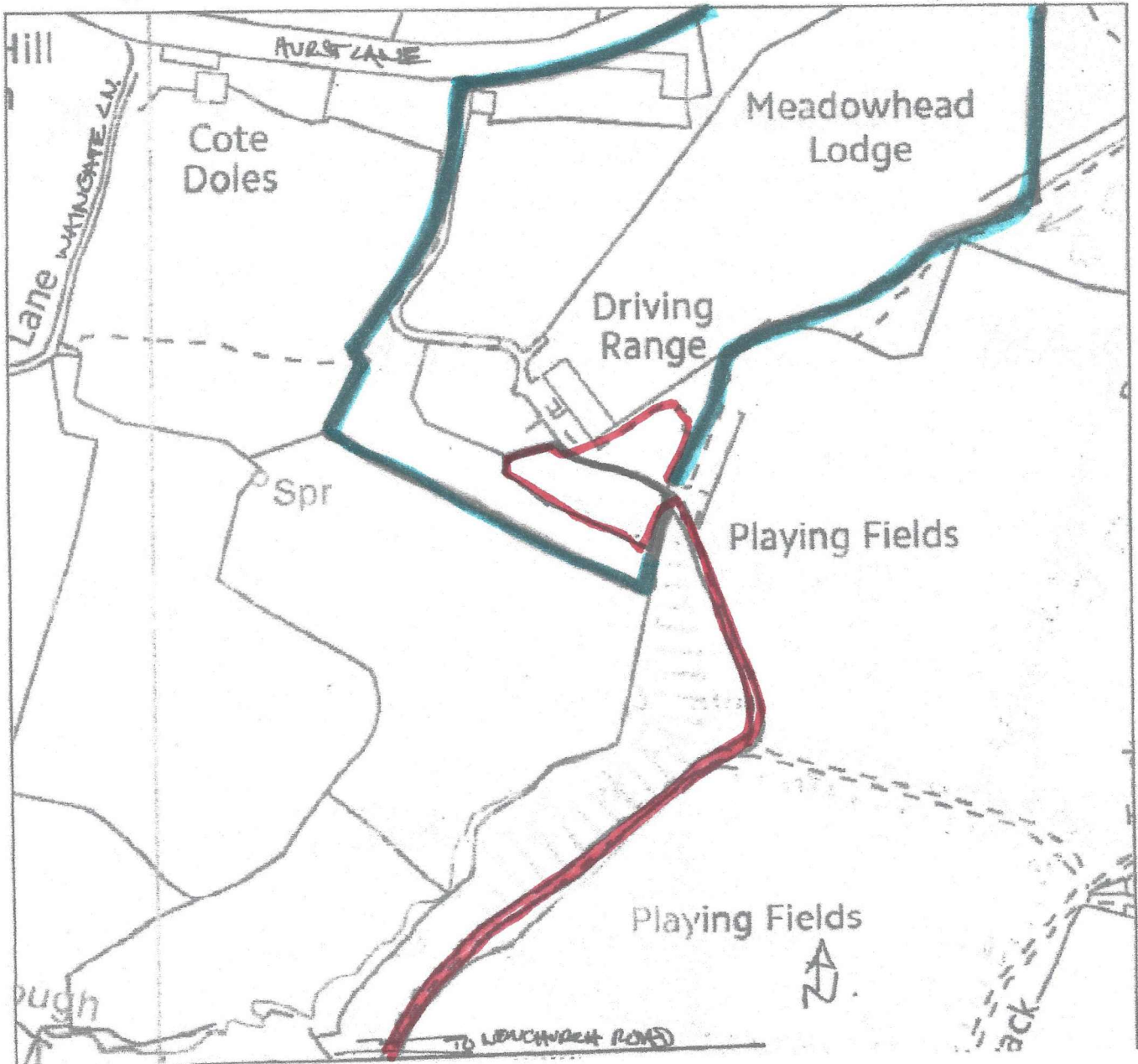
Our attention has been drawn to 16 Bury Road by the LPA – but it is in use and in any event is far too large

Conclusions

1. The NPPF makes it clear that for small scale retail development in rural areas a sequential test is not required.
2. In any event it is impractical as a business model to separate plant growing from the point of sale and with the two on different sites. No customer is going to choose a purchase at the proposed site at Marl pits and then go into the town centre (presumably carrying the purchase) to pay for it. No operator is going to allow customers to walk off with produce without having paid for it.
3. There is no land or buildings in the town centre suitable for growing plants while any buildings which might be considered for a point of sale are too large or are just not available

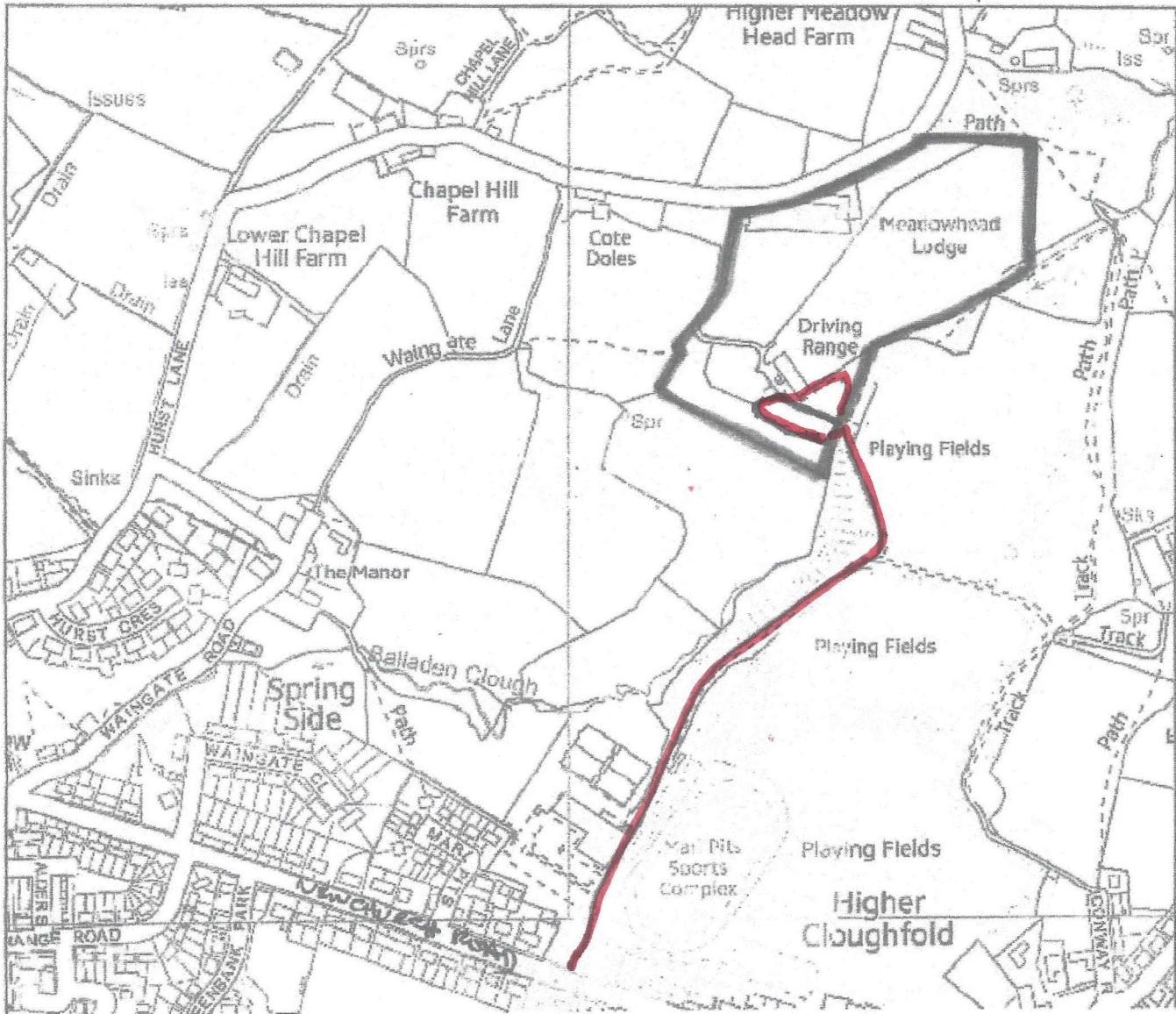
Location plan. 1:2500

A
N.



13/06/17

Location plan. 1:5000



12/06/17