

<b>Application Number:</b>	<b>2018/0006</b>	<b>Application Type:</b>	Full
<b>Proposal:</b>	Change of use of land to a garden centre, including the erection of a single storey sales building and a polytunnel, including levelling works, associated landscaping and access works (resubmission of 2017/0260 -amended scheme) (part retrospective).	<b>Location:</b>	Land at Golf Rossendale, Newchurch Road, Rawtenstall, Rossendale, Lancashire, BB4 7SW
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	27 <sup>th</sup> February 2018
<b>Applicant:</b>	Mr Robert Killelea	<b>Determination Expiry Date:</b>	15 <sup>th</sup> March 2018
<b>Agent:</b>	Mr Steven Hartley		

<b>Contact Officer:</b>	<b>James Dalglish</b>	<b>Telephone:</b>	<b>01706 238643</b>
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	
<b>Other (please state):</b>	<b>Council-owned land</b>

### 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.

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## **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. Work has commenced on site to construct a garden centre / horticultural nursery, involving levelling of the land and construction of a timber building.

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. A pedestrian footpath has been created on the east side of the access road, separated from the road by a roped fence.

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)

2017/0260 - 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 (Approved)

## **4. PROPOSAL**

Members will recall that planning permission was granted in July 2017 for the change of use of the land to a small scale garden centre (2017/0260). Since that time, works have commenced on the site, but not in accordance with the plans approved under 2017/0260. It is understood that the applicant wishes to amend the scheme to reflect revised operational requirements and practicalities involved in the construction of the development.

The main differences between the proposed scheme and that approved under 2017/0260 are as follows:

- A slope has been constructed in place of the approved retaining wall.
- The scheme includes a larger polytunnel measuring 35m x 8m (compared to that previously approved which was around 20m x 10m).
- The scheme includes a larger and redesigned sales building measuring around 8.6m x 5.9m with a 3m lean to down one side (as opposed to the 8m x 6m building previously approved).
- The scheme includes less outdoor planting space.

Planning permission is again sought for the change of use of the land from agriculture 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 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.

Condition 12 of planning approval 2017/0260 required the submission of details of a roped pedestrian walkway along the access track to the site. Since that permission was granted, the walkway in question has been constructed and is in place.

## 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

<b>Consultee</b>	<b>Comment</b>
LCC (Highways)	No objection subject to conditions
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 26/01/2018 and 19 letters were sent to neighbours on 23/01/2018.

No comments or objections have been received.

## 8. ASSESSMENT

### Principle

1. The acceptability in principle of a small scale garden centre / horticultural nursery on the site has already been established under planning approval 2017/0260.
2. As such, the scheme is acceptable in principle.

### Visual Amenity and Countryside Impact

3. Although larger than the building and polytunnel previously approved, 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.
4. The appearance of the proposed timber-clad 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 such as this.
5. The proposed sloping embankment which has been constructed in place of the previously approved retaining wall would have arguably less visual impact than the retaining wall, and would be screened effectively by the proposed planting of Beech and Hawthorn trees along its elevation.
6. As such, the scheme is considered acceptable in terms of visual amenity / countryside impact.

### Neighbour Amenity

7. No parts of the scheme would significantly affect the daylight, privacy or outlook enjoyed by occupants of any nearby residential properties.
8. 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.
9. The scheme is considered acceptable in terms of neighbour amenity.

### Access, Parking and Highway Safety

10. The Local Highway Authority has no objection to the proposed scheme, and has suggested that conditions could be included relating to a construction method statement, a condition survey of the access road and restrictions on deliveries.

11. It is considered appropriate to include conditions which were included on the previous planning approval (2016/0260) relating to highways matters. However, it is not considered appropriate to include a condition relating to a condition survey of the access road as this was not included previously.
12. The previous approval also included a condition requiring the submission of details of a roped pedestrian walkway (and its implementation). However, the walkway has now been implemented and it is considered acceptable – as such there is no need to include a condition relating to it this time.
13. Subject to the above, the scheme is considered acceptable in terms of access, parking and highway safety.

## 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 shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:
  - Application form date stamped 18<sup>th</sup> January 2018 by the Local Planning Authority.
  - Site Location Plan date stamped 18<sup>th</sup> January 2018 by the Local Planning Authority.
  - Proposed Site Plan (Drawing Number RK-05-01-18-B) date stamped 18<sup>th</sup> January 2018 by the Local Planning Authority.
  - Proposed Elevations and Site Plan (Drawing Number RK-18-01-18-C) date stamped 18<sup>th</sup> January 2018 by the Local Planning Authority.
  - Landscaping and Boundary Treatment Proposals document date stamped 18<sup>th</sup> January 2018 by the Local Planning Authority.

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

2. 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.

3. 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.

4. 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.

5. 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.

6. The polytunnel and the areas marked as 'outdoor planting' on approved drawing RK-05-01-18-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.

7. 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.

8. The products sold from the site shall primarily be grown at the site and no more than 10% of the total floor space 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.

10. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Routing and timing of delivery and construction vehicles to and from site

Reason: In the interests of pedestrian and highway safety

11. Once the development hereby permitted is operational, no delivery vehicle over 3.5 tonnes in gross vehicle weight shall be used for deliveries to / from the site.

Reason: The access to the site is quite restricted, and in the interests of highway safety it is considered appropriate to restrict the size of vehicles which deliver to 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](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.