

REPORT FROM: HOUSING, HEALTH AND ECONOMIC DEVELOPMENT
MANAGER

TO: EXECUTIVE

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LAND AT VIVARY WAY, COLNE

PURPOSE OF REPORT

To update Members on the consultation responses received relating to the future use of the land at Vivary Way (formerly Urban Altitude) and to seek agreement to the next steps.

RECOMMENDATIONS

It is recommended that the Executive:-

- (1) note the outcome of the recent consultation;
- (2) agree to declare the site surplus to the Council's requirements;
- (3) that delegated authority is given to the Strategic Director, in consultation with the Leader of the Council, to enter into negotiations for the disposal of the site to Lloyds BMW and Boundary Mill;
- (4) that any such negotiations (in (3) above) reflect the resolution of the Council 15th December 2016 as set out in paragraph 5(b) of the report.

REASONS FOR RECOMMENDATIONS

To agree to make surplus land for the purposes of supporting/safeguarding business and employment growth in the Borough.

ISSUE

Background

1. The Council owns an area of land at Vivary Way, Colne as shown on the plan attached at **Appendix A**. The land is currently leased to the Pendle Leisure Trust (PLT) and is the site of the former High/Low Ropes course known as Urban Altitude.
2. At the meeting of the Colne and District Area Committee on 7th December 2016, Councillors considered a report on a proposal to declare the site surplus, so that options for the future of the site could be explored, with the potential for the land to be sold/leased to generate a capital receipt to the Council.
3. In reporting on the proposed disposal, it was noted that land is a key site for any future reinstatement of the Colne to Skipton railway line which previously ran through this land and therefore any disposal and potential development would be required to comply with the provisions of Core Strategy Policy. It was also reported that expressions of interest had been received for the land from the adjacent businesses.
4. Colne Committee discussed the possible retention of this land as a site for leisure activities. It was felt that prior to any decisions being made about the disposal of the site other options should be considered, hence the need for a public consultation on the future use of the land. In view of this, the Committee resolved that:-
 - a) *That the Executive be recommended not to declare the land, shown edged black on the plan attached to the report, surplus to requirements at this time;*
 - b) *That should the Executive declare the land surplus to requirements the relevance of Council Policy in relation to the portion of the land which could form part of a future railway line extension be noted and that there be sufficient land available to reinstate a double track width with associated land;*
 - c) *That a public consultation exercise be undertaken to establish the preferred future use of the land.*
5. The decision of the Colne Committee was superseded by a subsequent decision of the Council at its meeting on 15th December 2016. At that meeting it was resolved that:-
 - a) *Notes that Pendle Leisure Trust has no further use for the land at Pendle Leisure Centre which has been used by Urban Altitude, and requests the Executive to conduct a consultation to see whether any other local organisation wishes to use it for leisure purposes; the March meeting of the Executive further consider whether to declare the land surplus to requirements and any other proposals for its future use, including any proposals made in response to the consultations*
 - b) *Resolves to continue to support the reinstatement of the railway line between Colne and Skipton and therefore insists that use of the land includes provision that sufficient land is earmarked for the provision of a double-track railway through the site, and that any other uses in the meantime are subject to a short term requirement to return that part of the land to the Council if it is needed for the railway.*

Consultation

6. Following the Council meeting on 15th December 2016, a public consultation exercise was undertaken between 1st February and 1st March 2017. Members of the public were asked what the future use of the site should be. Consultation responses were collected via an online form, and paper comment sheets located at Colne library and Colne Leisure Centre. In total 211 responses were received, 199 online and 12 paper forms. The 211 responses resulted in 218 proposed uses, as a number had multiple suggestions.
7. A summary of the consultation responses is provided at **Appendix B**. The Council has also received letters from both Boundary Mill and Lloyds BMW expressing their views on the proposed use of the site.
8. Key headlines from the consultation response are:-
 - 49 Respondents (22.5%) suggested the land should be used for additional car parking for the area, with a number of references to additional parking for the adjacent Boundary Mill.
 - 48 respondents (22%) indicated that the area should be used for multi-use all weather sports pitch. A further 18 (8.3%) suggested the land should be used solely as all-weather football facilities.
 - 31 respondents (14.2%) suggested that the site should be used for a Skate Park
 - 31 respondents (14.2%) stated they supported the expansion of the adjoining Lloyds BMW garage and sales business;
 - the balance of responses were for a range of mainly leisure-type uses including, for example BMX track, adventure golf and dog walking facilities.
9. The following observations can be made in respect of the consultation responses:-
 - The Pendle Playing Pitch Strategy, considered by the Executive in January 2016, identified a shortfall of 3G pitches in Pendle – there is a requirement of 3 pitches with only one currently available (at Nelson and Colne College).

However, the report acknowledged that the 3G pitch currently being provided at Fisher More Secondary School, Colne would reduce the shortfall and, as Councillors will be aware, a 3G pitch will be provided by Burnley Football in the Community as part of their plans for Northlight (formerly known as Brierfield Mills). This should result in a full complement of pitches for Pendle.

It is also worth highlighting that whilst there might be a community aspiration for sports pitches (3G or otherwise), there is currently neither any funding provision available to deliver such facilities nor any understanding of how the facility would be managed and maintained. It should also be noted that the site already has a MUGA and there are no plans for that to be removed.

- Councillors may be aware of an existing campaign for phase 2 of the Steven Burke Sports Hub where the council has indicated its support in principle for a new BMX 'Pump' track at the location of the existing BMX trail at Bullholme. Some money has already been secured for this and bids have been submitted to the Lancashire Environment Fund (LEF); Sport England's Community Asset Fund; Tesco and Newground. There is a lot of enthusiasm for the pump track and its proposed location. It is hoped that it will help to attract new cyclists to the Steven Burke Sports Hub and encourage more cycling in Pendle in general.
- Likewise, there have been campaigns previously to provide a Skate Park in Colne but these have not been successful to date, but groups are continuing to lobby for improved facilities in the area. There is also a group (Lock On Skate Park group) campaigning and fundraising to improve the current skate park facilities in Barnoldswick.
- The letter provided by Boundary Mill outlines their position on this matter. They are interested in using the site to provide additional car parking for their staff which would allow them to both grow their existing workforce and release car parking for customers who visit their store;
- The letter provided by Lloyds BMW outlines their position on this matter. The Dealership currently has c100 employees. Given the growth in their business, their current site is significantly constrained to the extent that they have had to acquire adjacent properties to accommodate the business growth they have experienced. However, as a BMW retailer, they have standards to meet in relation to customer experience – ease of parking, suitable demonstrator available on site, showroom display spaces, cleanliness of the car collection etc – which are currently difficult to achieve given the limited space. In essence, the Dealership is land locked and cannot display stock in an adequate way.

10. In conclusion, the public consultation has identified a mixed number of different uses for the site including both leisure and commercial uses.

Proposal

11. When originally proposing the land be made surplus to the Council's requirements, this was ultimately with a view to disposal of the land to generate a capital receipt. Indeed, in the original report to Colne and District Area Committee, reference was made to the interest from the adjacent businesses. The consultation response indicates some support for this proposed use.

12. Whilst acknowledging that responses to the consultation do support a leisure use for the site, at this stage it is not possible to say how any of the projects proposed would be delivered and, thereafter, managed and maintained. As Councillors will be aware, the decision to construct Urban Altitude was taken because of the falling demand for the former Astroturf in the light of the availability of facilities elsewhere in the Borough. As indicated above, it is expected there will be at least two new 3G pitches in Pendle in the coming 12 months.

13. In view of this, it is recommended that the Executive agree:

- a) to declare the site surplus to the Council's requirements; and

- b) that delegated authority is given to the Strategic Director, in consultation with the Leader of the Council, to enter into negotiations for the disposal of the site to Lloyds BMW and Boundary Mill;
- c) that any such negotiations (in (b) above) reflect the resolution of the Council 15th December 2016 insofar the Council *insists that use of the land includes provision that sufficient land is earmarked for the provision of a double-track railway through the site, and that any other uses in the meantime are subject to a short term requirement to return that part of the land to the Council if it is needed for the railway*

IMPLICATIONS

Policy

14. There are no policy implications arising directly from the contents of this report. It is envisaged that the recommend course of action would support the growth of existing businesses in Colne and, in the case of Lloyds BMW, would safeguard existing employment.

Financial

15. If the Executive agree to the disposal of the site, any capital receipt will be subject to the outcome of negotiations on the disposal of the site.

Legal

16. Subject to the Executive's agreement to proceed with the disposal of this site and the outcome of negotiations for the sale, the leasehold interest in the site will be disposed of. The terms of the disposal will be subject to negotiation.

Risk Management

17. There are no risk management implications arising from the contents of this report.

Health and Safety

18. There are no health and safety issues arising directly from the contents of this report.

Community Safety

19. There are no community safety issues arising directly from the contents of this report.

Equality and Diversity

20. There are no equality and diversity issues arising directly from the contents of this report.

APPENDICES

Appendix A – Plan of the Site at Vivary Way, Colne

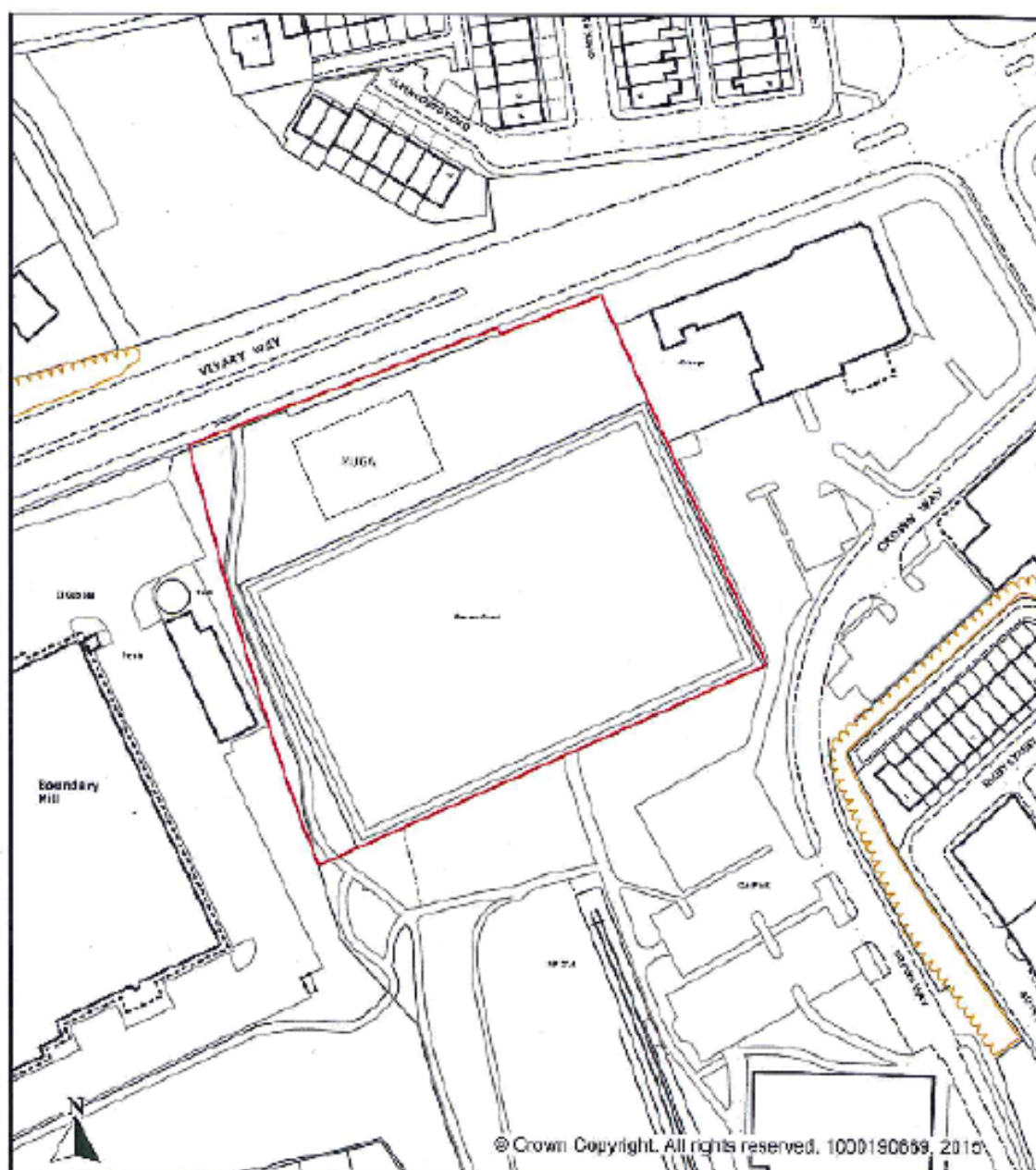
Appendix B – Summary of Consultation Responses


LIST OF BACKGROUND PAPERS

Report to Colne and District Area Committee – 7th December 2016.

Resolution from the Council Meeting held on 15th December 2016.

Plan of the Site at Vivary Way, Colne



Description LAND OFF VIVARY WAY, COLNE AREA EDGED RED APPROX. 1.084 ha.			 In partnership with Liberata PROPERTY SERVICES No. 1 Market Street, Nelson BB9 7LJ Tel: 01282 878787 Fax: 01282 878993	
Scale	1:1250	Drawing No.		
Drawn By	Date	CAD Reference		
L.G.	DEC. 2015			

Summary of Consultation Responses

Proposed Use	Number	%
Food bank/allotment	1	0.5
BMW expansion	31	14.2
BMX track	5	2.3
Camping/Caravan site	1	0.5
Car parking	39	17.9
Car parking - Boundary Mill	10	4.6
Climbing wall	3	1.4
Colne FC	2	0.9
Commercial use	2	0.9
Community use	1	0.5
Dog walking	2	0.9
Football pitch	18	8.3
Jobs	2	0.9
Lesiure use	3	1.4
Military Fitness	1	0.5
Motorway	1	0.5
Pitch and putt/Golf	3	1.4
Railway	2	0.9
Rugby - Colne & Nelson	6	2.8
Sell the land	2	0.9
Skate park	31	14.2
Sports pitches	48	22.0
Storage	1	0.5
Town Farm	1	0.5
Young people	2	0.9
TOTAL	218	100