

**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER**

TO: NELSON COMMITTEE

DATE: 3rd July 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To comment on the attached planning application.

COMMITTEE REPORT

Application Ref: 17/0233/FUL

Proposal: Full: Formation of BMX Track, car parking areas and road widening (Reg. 3.)

At: Swinden Playing Fields, Cravendale Avenue, Nelson

On Behalf of: Pendle Borough Council

Date Registered: 16th May 2017

Expiry Date: 11th July, 2017

Case Officer: Christian Barton

As this Application is in both Nelson and Barrowford wards, the application will go to both Area Committees for comment and will be determined by the Development Management Committee.

Site Description and Proposal

The application site is an area of land between Lower Park Hill Recreation Ground (Bullhome) with Swinden Playing Fields. The site intended for use is surrounded by recreational areas to the east and south and the M65 motorway is found to the north. Colne Water and the Leeds and Liverpool Canal are also found to the south of the application site along with industrial units and allotment gardens found further afield to the south-west. A 'BMX pump track' is currently in situ on the application site that consists of a trackway and jumps with the area of land being planted with trees and shrubs of varied species, none have a protected status however. There are invasive plant species found on the site with Japanese Knotweed found on the south-west perimeter and Himalayan Balsam found on the banks of Colne Water. The area of the application site is 8.2 hectares with the land classified in the Open Space Audit (2008) as Amenity Green Space.

The proposal seeks to construct a new BMX pump track over the existing track that will predominately follow the same route with some modest alterations. The trail is to run through a network of trees with the changes requiring the removal of some trees, found to the north of the site. The scheme is to also include the erection of new weldmesh spectator fencing that is to be 1.2m in height and this is to be erected on the west and north perimeters of the site. A gate for vehicular access for maintenance purposes is to be installed on the east perimeter along with the containment of Japanese Knotweed with recycled post and rail fencing. Pedestrian and cycle access points are to be located at various points on the perimeter and there is also the possibility of a seating area being installed at a later date.

The proposal includes modifications to the access track for the site with the sharp bend on the north perimeter being widened. There are to be 30 parking spaces located adjacent to the BMX pump track with a further 30 spaces being allocated to an area of land just over Colne Water. These further parking spaces will be surfaced with 'Bitmac' surfacing and will be used for cycle training and events in addition to vehicle parking.

Planning History

13/07/0915P - Full: Formation of mountain bike track and trial area - Approved with Conditions – February 2008.

Consultee Response

LCC Highways - Having considered the information submitted for the above application, and visited site I have the following comments to make. Whilst I would have no objection in principle to the above proposed car parking areas being used for event parking, I do have concerns that the proposed development being used on a day to day basis, unmarshalled, would lead to conflict between highway users. I also have concerns about some aspects of the layout as outlined below. If the car parking areas are intended for event use only the applicant would need to provide a suitable Traffic Management Plan for event days. This should include how traffic would be marshalled on Wilton Street and at its junction with Gisburn Road, as well as within the site.

It is unclear from the information submitted whether the existing locked barrier preventing vehicle access is to remain, or whether it will be removed and replaced by the priority signage. It is not clear whether the proposed priority signage is positioned so that vehicles would have an unrestricted view of approaching traffic to enable them to give way safely. There is no designated footway through the site, but in particular under the motorway bridge. This could lead to conflict between vehicles and pedestrians/cyclists.

The single parking space near the motorway bridge could restrict access for maintenance vehicles. The parking area proposed to the north west of the site is not adequate. There is insufficient space for vehicles to safely manoeuvre in to /out of the spaces, which could lead to the inefficient use of the parking area. Also, as there is no footway, vehicles manoeuvring in such a restricted area could pose a hazard to other users. I have noted that the above parking spaces, plus the one by the motorway bridge, would be surfaced in stone.

I have concerns that loose material may be carried onto the access road and the applicant may; therefore, wish to consider using a bound porous material to surface these parking spaces. Finally, the footway on the bridge leading to/from the proposed second parking area is less than 2m wide. This could lead to pedestrians having to walk in the carriageway, which could pose a safety hazard. If the local planning authority is minded to approve this application I would ask for the following conditions to be applied to any formal planning approval.

Condition

1. The car parking areas hereby approved shall only be used for officially controlled events and in accordance with a Traffic Management Plan approved by the Local Planning Authority in consultation with the Highway Authority. Reason: In the interest of highway safety.

2. The car parking areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas laid out in accordance with the approved plan, before the use of the development hereby permitted becomes operative. Reason: To allow for the effective use of the parking areas.

Environment Agency - The proposed development will be acceptable if a planning condition is included requiring a method statement to be agreed to put appropriate control measures in place regarding the invasive species Japanese Knotweed and Himalayan Balsam present on site.

Condition No development until a detailed method statement for removing, or the long-term management / control of, Japanese Knotweed and Himalayan Balsam on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of these invasive species during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant

covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reasons This condition is necessary to prevent the spread of Japanese Knotweed and Himalayan Balsam which are invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where

Canal & River Trust - The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Based upon the information available we have **no comment** to make.

Barrowford Parish Council –

1. Is the address correct as the track and one of the car parks and most of the groundworks are situated on Bullhome Barrowford?
2. Will this application be dealt with by the Nelson Area Committee or the Barrowford Committee?
3. Will the primary access be from Wilton Street Barrowford, or Cravendale Avenue Nelson?
4. If it is Wilton Street have residents on Wilton Street been notified of the application?
5. Will the barrier on the track under the motorway be removed to allow access to the proposed parking next to the track?
6. Will the barrier on the bridge over Colne Water allowing access to the car park on Swinden be locked or left open?
7. Are any safety measures being included to keep pedestrians safe on the narrow track under the motorway bridge and if so what are they?
8. Has any health risk assessment been carried out on vehicular use of this public footpath?

Lancashire Constabulary – Architectural Liaison Unit

Plant Protection National Grid

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

The main considerations for this application are impact on amenity, potential issues for highway safety and parking along with any potential implications for nearby trees, woodlands and hedgerows.

The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030) policies are:

ENV1 seeks to protect and enhance the natural and historic environment and sets out the requirements for development proposals.

Saved Replacement Local Plan Policy 31 also applies, this Policy sets out the parking standards for development and Policy 14 relating to Tress, Woodland and Hedgerows.

1. Impact on Amenity

The application site is a section of Swinden Playing Fields with the nearest residential properties being found on Cravendale Avenue and Charles Street. The nearest of these households, 90 Cravendale Avenue is located 110m from the application site. These distances are acceptable in the respect that acceptable effects on the amenity of these dwellings will result from the development. A grouping of industrial premises is located to the south-west of the application site, these are found on the Valley Forge Business Park, the nearest of these units is located 50m from the application site. This distance is also adequate in the respect that no implications regarding amenity would result from the proposal for these premises.

The visual effects of loss of open space and amenity green space must be considered for the application. A BMX pump track is currently in situ on the application site with no increases in the area of that track being proposed. Modifications to the existing BMX track are proposed that include fencing improvements, the removal of unprotected trees and slight modifications to the track layout. As a BMX pump track is currently in situ and the track is largely screened from view by an existing wooded area, the effects on the visual amenity of the area produced from this aspect of the development would be acceptable.

Two areas of car parking are proposed with the provision of 30 spaces in each area. The parking area located adjacent to the BMX track would be screened from view from the west and east by the wooded area in which the track is to be located. The trees found to the north of the application site, on the verge of the M65 motorway would also screen much of the development from the view of passing motorists. The parking spaces would be directly viewable from pedestrians and passers-by, however they are to be located off an existing track. Based on this, the parking areas adjacent to the BMX track are acceptable as negligible effects on the visual amenity of the area would be resulted from this aspect of the proposal.

The area of parking located to the east of the application site is to be used for both car parking and as a hard surface for cycle training. Although this aspect of the proposal would be viewable from multiple angles, when the existing cycle track (Steven Burke Sports Hub) and the road layout of the playing fields is considered, the further losses of visual amenity resulting from the parking spaces would be minimal. The proposed development is improving the use of the area with the parking areas being ancillary to the BMX pump track itself. A diversification of sports uses in the area will be resulted from the proposal with the provision of wider community benefits. The slight losses of amenity green space from the car parking aspect of the proposal are justified from improvements to the area offered by the scheme. The loss of amenity green space resulting from the proposed development would be replaced by a better provision in terms of quality in a suitable location, that being within close proximity of the site. The scheme as proposed is acceptable regarding the effects on the amenity of the area and therefore complies with Policy ENV1.

2. Parking and Highway Safety

The parking scheme submitted by the developer includes a total of 60 parking spaces spread over two separate areas. The 60 spaces are to be used for the BMX pump track, Steven Burk Sports Hub and the sports pitches on Swinden Playing Fields. Justification of the parking provision is yet to be submitted by the Applicant and once submitted this information will be included in an Update Report. Main access to the site will be gained from Wilton Street, Barrowford. The track used to access the site is not a through road with the barriers currently being opened on days of events. There is good visibility on the entire stretch of road and multiple places in which oncoming vehicles can pass each other. There is adequate space for pedestrians to manoeuvre when vehicles are passing and although a narrow pavement area is found on the bridge over Colne Water, this stretch of access is very small regarding distance.

The installation of priority signage is proposed for under the motorway bridge that will prevent two oncoming vehicles entering this narrow stretch of track. Maintenance on event days is unlikely to be the case therefore issues with parked vehicles preventing access to the site for maintenance purposes are unlikely. The developer has been requested to provide further information on the intended use of the site and the events likely to be scheduled in order for an assessment to be made as to the requirement of a Traffic Management Plan. Once submitted this information will be included in an Update Report.

3. Trees, Woodlands and Hedgerows

The development as proposed involves the removal of a number of trees and shrubs that are located to the north of the application site. No Tree Preservation Orders (TPOs) have been allocated within the curtilage of the application site and as such the removal of some trees from the site would have acceptable landscape impacts. The scheme as proposed would be acceptable in terms of the impacts on the trees, woodlands and hedgerows of the area and therefore accords with Policy 14.

4. Summary

The scheme as proposed would be acceptable when related to the properties on Cravendale Avenue, Charles Street and North Valley Business Park. The properties in these areas are distanced sufficiently to result in negligible implications regarding effects on amenity. The effects on the visual amenity of the area are mitigated from the existing nature of the area with wooded areas providing screening for much of the development. The slight losses of amenity green space are justified as they are to be replaced by a better provision in terms of quality in a suitable location; the development therefore complies with Policy ENV1 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030).

The number of parking spaces provisioned for the development is yet to be justified by the applicant; the 60 car parking spaces proposed are to be used for a multitude of recreational facilities in the area. Based on the current lack of justification however the scheme as proposed is yet to comply with Policy 31 of the Saved Replacement Local Plan. The development is acceptable in terms of the effects imposed on the local trees, woodlands and hedgerows of the area and accords with Policy 14 of the Saved Replacement Local Plan. As the application site staggers two Area Committee boundaries, the final decision will be made by the Development Management Committee.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The extension is acceptable in terms of design and materials and would not unduly adversely impact on amenity. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION:

Comments to be referred to the Development Management Committee

Subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Drawing Number – E0500/D), BMX Pump Track – Fencing, Car Parking and Signage (Drawing Number – E0500/D 1).

Reason: For the avoidance of doubt and in the interests of proper planning.

3. All materials to be used for the BMX pump track and car parking area developments shall be as stated on the approved drawings and shall not be varied without the prior written permission of the Local Planning Authority prior commencement of any works on the site.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the appearance of the development.

4. The car parking areas shall be surfaced in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas laid out in accordance with the approved plan, before the use of the development hereby approved is first brought into use.

Reason: To allow for the effective use of the parking areas.

5. Prior to the commencement of any development a detailed method statement for the removing, or the long-term management/control of, Japanese Knotweed and Himalayan Balsam on the site shall be submitted that is inclusive of a scheduled scheme of works, to and approved in writing by the Local Planning Authority.

Reason: To prevent the spread of Japanese Knotweed and Himalayan Balsam which are invasive plant species.

LIST OF BACKGROUND PAPERS

Planning Applications **NW/CB**

Date: 23rd June 2017