



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 6th July 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 6th JULY 2017

Application Ref: 17/0200/FUL
Proposal: Full: Demolition of existing outbuilding and erection of two, one bed holiday cottages (Re-Submission).
At: Ing Head Farm, Barley Lane, Barley
On behalf of: Mr Jeremy Kirk
Date Registered: 27/04/2017
Expiry Date: 22/06/2017
Case Officer: Alex Cameron

This application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

The application site is agricultural building and land associated with Ing Head Farm located within the open countryside and the Forest of Bowland AONB.

The development seeks to demolish an existing, dilapidated outbuilding and erect a new building containing two holiday units.

Relevant Planning History

16/0797/FUL - Full: Demolition of existing outbuildings and erection of two, one bedroom holiday accommodation. Refused.

Consultee Response

LCC Highways – The excavated materials and bund appear to obstruct and impeded Public Footpath 100a.

PBC Environmental Health - No adverse comments.

PBC Public Rights of Way – The proposed development is sited on or near to a public right of way. Please attach a note advising that the grant of permission does not include the right of obstruct the right of way.

Barley Parish Council – No objection. The existing building is in poor condition and is a detriment to the landscape in this sensitive location. The NPPF encourages “the development of dis-used buildings leading to the enhancement of the immediate setting” and the parish council considers the removal will be a positive benefit to the area.

The Council are pleased to see the improvements in the design since the last planning submission.

Public Response

A press and site notice has been posted and nearest neighbours notified – No response.

Officer Comments

Policy

Local Plan Part 1

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that in determining proposals which affect the Forest of Bowland Area of Outstanding Natural Beauty (AONB) great weight will be given to conserving its landscape and scenic beauty. Supporting advice can also be found in the Forest of Bowland AONB SPG and the Landscape Character Assessment.

Policy ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Policy WRK5 relates to tourism facilities and supports improved provision where they promote tourism, help to improve the diversity of the existing tourism on offer and are of an appropriate scale/design that will not have an inappropriate impact on amenity or character. In rural Pendle the provision of new buildings should ensure that are of a traditional design and in keeping with the area in which they are located.

Saved Policies of the Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

Policy 40 (Tourism) states that new tourist facilities will be supported in rural areas for proposals to redevelop within the footprint of an existing building in the open countryside without the need for large scale extension. And, would assist rural regeneration in a location where the environment, transport and utility infrastructure can accommodate the visitor impact.

Need

Policy WRK5 supports the provision of facilities which add variety to those already on offer. The Supporting Planning Statement submitted with the application highlighted other such facilities within Barley, finding 4 other properties via the 'visit Pendle' website. It is cited that the development here would offer different opportunities to those existing.

The site lies at the foot of Pendle and provides direct access for walkers to the network of public footpaths which run over and around the hill. In this regard it would provide facilities outside of, but close to, the village centre. It would contribute to those existing types of accommodation on offer and help increase the potential for staying visitors (rather than those on day trips) who provide greater economic benefit to the Borough.

Design and Landscape Impact

The proposed development seeks to demolish and replace the existing building, which is in poor condition and contributes little to the wider landscape. The new development would sit within its footprint (albeit of a lesser size - circa 40% reduction in floor area) but would stand some 1.5m higher at ridge level.

The landscape here (Type D9 in the Forest of Bowland AONB Character Assessment) is of a high sensitivity and with a limited to moderate capacity to accommodate change. The site is visible due to its elevation and location adjacent to a well-used network of public footpaths which lead to and from Pendle Hill to the west.

In line with Policy WRK5 and saved Policy 40, the scheme here seeks to work within the footprint of the existing structure. An increase in overall ridge height is proposed, however this would not be significant accounting for a reduction in overall massing.

The previous application was refused as its design was determined not to be in keeping with the character of the area. The previous design was simple in form and somewhat replicated the form of the existing building, this gave the appearance of a modern bungalow not in keeping with the character of the area.

The design of the building has been revised with the addition of porches to break-up the front and side elevations and a split roofline. This gives the proposed building a more traditional, organically developed appearance which is more in keeping with the character of the area. The design is acceptable and addresses reasons for refusal of the previous application. The proposed development is therefore acceptable in terms of design and would preserve the character and natural beauty of the AONB in accordance with policies ENV1 and ENV2.

Highways

LCC Engineers have assessed the proposal and raise no objections to the scheme, finding that it would have a negligible impact on highway safety and capacity in the vicinity of the site. Dedicated parking is to be provided for each of the units and the adjacent house. The layout shows that 4 cars (for the dwelling and the proposed units, which require 1 each) can be parked within the land controlled by the applicant.

The access lane is surfaced along its full length and provides suitable visibility at the junction with Barley Lane. As such the development raises no adverse highway safety issues.

Residential Amenity

The development, accounting for its distance to and relationship with the adjacent neighbours, raises no adverse amenity concerns.

Public Rights of Way

Public Footpaths exist on and adjacent to the site. Whilst the scheme as shown would not interfere with these rights of the way, the applicant should ensure that they are not obstructed or affect during or after the development process. Should diversions or closures be required, they would need to be sought through the appropriate channels.

Trees & Landscaping

Existing trees within the site (although not formally protected) are to be retained and are a sufficient distance from the development to be adversely affected. Additional soft and hard landscaping is proposed with a combination of stone walls, post and rail fencing and planting along the site boundary.

Ecology

As part of the submission, the applicant has undertaken a bat survey with regard to the existing structure. The report finds no evidence of roosting bats and potential opportunities for roosting are low. The proposal therefore raises no adverse ecology issues.

Summary

Following revisions to the design, the proposed development is acceptable and compliant with the Local Plan Part 1, saved Policies of the Replacement Pendle Local Plan and supporting guidance.

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 development is compliant with the aims of the Local Plan Part 1 and saved Policies of the Replacement Pendle Local Plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

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 buildings and units shall be occupied for holiday purposes only:

(1) the building shall not be occupied as a person's sole or main place of residence.

(2) the owner/operator shall maintain an up-to-date register of the names of the owners/ occupiers of the building and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: In order to ensure the proper control of the use of the holiday unit and to prevent the establishment of permanent residency.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 1624-SP01C, 1624-PL01C, 1624-PL02C, 1624-PL03C, 1624-PL04C, 1624-PL05C,

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

4. The holiday units hereby approved shall not be occupied unless and until details of the proposed external bin storage arrangements for the holiday units has been submitted to and approved in writing by the Local Planning Authority. The associated bins shall thereafter be stored in accordance with the approved details at all times.

Reason: To ensure that external paraphernalia is suitably sited.

5. The erection of the walls of the development hereby permitted shall not be commenced unless and until samples and colours of all facing and roofing materials to be used in the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved details.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

6. No development shall be commenced unless and until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved scheme before the first unit is occupied.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

7. Prior to their installation, details of the proposed roof lights style and appearance shall be submitted to and approved in writing by the Local Planning Authority. The roof lights shall then be installed in strict accordance with the approved details.

Reason: To ensure the use of appropriate materials in order to protect the character and appearance of the AONB.

8. The parking and manoeuvring spaces, as shown on approved drawing 1624-SP01C, shall be laid out, surfaced and made available prior to the first occupation of any unit hereby approved. The areas shall thereafter remain available at all times for the parking and manoeuvring of vehicles associated with the existing dwelling and holiday units.

Reason: To ensure suitable and useable parking provision.

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 6th July, 2017

Application Ref: 17/0223/FUL
Proposal: Full: Extension of existing car park to 23 spaces and widening of existing entrance and exit.
At: Holmefield House, Gisburn Road, Barrowford
On behalf of: Barrowford Parish Council
Date Registered: 23 May 2017
Expiry Date: 18 July 2017
Case Officer: Kathryn Hughes

This application has been brought before Committee as it is a Parish Council application.

Site Description and Proposal

The proposal is for the extension of the car park to form 23 parking spaces

The car parking provision of 23 spaces would be sited to the north side of the building opposite the ramped entrance.

The external alterations include widening the existing entrance and exit.

TPO No. 1, 2007 is extant on the site. This relates to 4 trees. Only one is potentially affected by the development and that is tree T1 which is a Lime tree found on the north of the building. The land is designated as Amenity Green Space in the Open Space Audit.

Relevant Planning History

13/04/0136P – Full: Erect access ramp to side (replace existing) Reg. 3 – Approved 14th April, 2004.

Consultee Response

LCC Highways – Having considered the information submitted for the above application I would make the following comments. We welcome the creation of additional off-road parking provision associated with Holmefield House and its activities, which should help to reduce the demand on the surrounding on-street provision.

Whilst I would have no objection in principle to the above application I have a few concerns and requests, as outlined below.

Given that the applicant proposes to introduce a one-way system through the car park I have some concerns regarding the Drop Off area. This is close to the entrance off Gisburn Road and the manoeuvring area is restricted, particularly near the ramp into Holmefield House. Therefore vehicles using the Drop Off area could pose a hazard to pedestrians and other users.

To re-enforce the one-way system it would be necessary for the applicant to provide signage at the entrance/exit points - In only off Gisburn Road and Out onto Lucy Street - to highlight the changes to access arrangements, particularly to prevent vehicles exiting onto Gisburn Road.

Guidance for the design and layout of disabled parking bays states that an additional width of at least 1200mm along each side should be provided. Where bays are adjacent the same 1200mm space can serve both sides. As such, the proposed layout for the disabled parking bays does not comply with current guidance.

Therefore the bay next to the tree should be deleted and the remaining two spaces re-positioned in line with guidance.

As the widening of the vehicle crossings at the car park access/exit points would affect the adopted highway network these works would need to be carried out under a Section 278 agreement with Lancashire County Council as the highway authority.

These works should also include the re-marking of the H bar on Lucy Street, provision of an H bar on Gisburn Road, and white road markings to terminate the parking bays either side of the entrance on Gisburn Road. Currently the parking bay appears to be continuous across the site access which could lead to vehicles partially obstructing the entrance.

The applicant has indicated the provision of cycling facilities outside Holmefield House. To promote this form of transport and improve the site's sustainability the applicant should prove a secure, covered cycle store.

If the local planning authority is minded to approve the above application I would ask for conditions to be attached to any planning approval relating to off-site highways works, signage scheme for one way traffic system, car park surface/layout and cycling provision.

Environment Agency – Development is minor/not high risk.

Barrowford Parish Council – The Council supports this application as the Council submitted the application.

PBC Environment Officer – To the west of the site (where the gate is proposed to be widened) is three self-seeded Sycamores that would be removed should permission be given. These are quite nice trees and do have some amenity value I would be ok with their removal. Further along the fence line (heading in a southerly direction) is some small self-seeded trees that are not particularly nice or of any amenity value. None of these have Tree Protection Orders on them and Holmefield House is outside the Barrowford Conservation Area.

There is one Lime tree in a planter next to the building that does have a TPO on it. However, from the drawings the Parish Council plan to increase the size of the planter which can only be beneficial to the tree. I would recommend the usual root protection protocols are put in place and the tree itself fenced during construction work to prevent any damage to it.

I think with this one we need to look at the bigger picture. If this scheme doesn't go ahead then it is likely to impact on local residents lives due to visiting vehicles causing nuisance by parking on local streets. As the application has included new planting to be carried out with our advice it is my opinion that in time this would be an improvement to the amenity of the area that what is currently there. So for me, I'm happy with the scheme as proposed.

Public Response

Nearest neighbours notified by letter. One comment received objecting to the proposal on the following grounds:

- The land is flood plain and is shown on the Environment Agency website and falls within Flood Zone 2 with a medium probability of flooding and a flood risk assessment must be carried out;
- There is a land drain in the corner area adjacent to Gisburn Road and Lucy Street which floods when heavy rain occurs;
- If the new car park was built up to the existing levels this will potentially create a dam and push flood water onto Lucy Street and affect properties on Albert Terrace and back Ann Street;
- The conifer adjacent to back Ann St should be retained as it is used by nesting birds and also I believe it contains roosting bats;
- If and when the work is done could the Planning Dept consider making Lucy Street to Gisburn Road a one way street? This would prevent vehicles exiting Holmefield House from leaving via Ann St and preventing vehicles turning off Gisburn Road going head to head with vehicles exiting Holmefield House or those leaving Ann Street and or Holmefield Court.

Officer Comments

The main issues are impact on amenity, loss of open space, impact on protected tree, flood risk and highways issues.

- Policies

The following Pendle Local Plan policies apply here:

Policy ENV1 seeks to protect open space and green infrastructure.

Policy ENV7 does not permit development where it would increase the potential for flood risk without appropriate alleviation measures.

The following saved Replacement Pendle Local Plan policies are relevant here:

Policy 14 'Trees, Woodland and hedging' seeks to protect trees of importance.

Policy 31 'Parking' seeks to accommodate adequate provision for off-street car parking within the development site.

- Impact on Amenity

It is proposed to extend the existing car park to the side of the building (north), which currently can accommodate around 6 parking spaces, to increase the parking provision within the site to 23 spaces. The proposal also seeks to increase the width of the egress from the site and formalise a one way system.

The creation of the additional car parking spaces would not have any impact on the amenity of the area and the protected Lime tree sited on the existing car park would remain in situ. There are other trees on the site which are proposed to be removed in order to facilitate the car parking spaces and widen egress onto Lucy Street.

Whilst these trees add to the amenity value to the area a more formal landscaping scheme which helps to screen the proposed car parking would be appropriate here.

It is proposed to replace these trees with a landscaping scheme including replacement native semi-mature trees. This can be controlled by an appropriate condition.

The proposal therefore accords with policy.

- Loss of Open Space

The site is protected in Open Space Audit as Amenity Green Space. The site is just below average quality and scores medium priority in the audit. The whole of the amenity space around Holmefield House is included in the protection.

However, only a small proportion of this land would be utilised for parking requirements with the bottom northern corner retained as green space and the whole of the area to the western side unaffected by this proposal.

Taking in account that this is a community facility and that the increased car parking will result in providing sufficient off-street parking capacity of this building and the loss of the medium quality open space would be minimal on this site, in my opinion this would be a valid exception to this policy requirement.

Nevertheless some loss of open space would result from this scheme and therefore the agent has been requested to provide justification for the loss of this open space to order for this to be accepted in terms of policy ENV1.

- Protected Trees

TPO No. 1, 2007 is extant on the site.

Tree T1 is a Lime Tree sited to the north of Holmefield House. The tree will remain on site and is already enclosed within a solid structure surrounded by hard-surfacing. Appropriate measures would need to be place to ensure that the proposed works do not unduly impact on this tree. These will include protective fencing and hand-dig within the root protection area.

Subject to the Lime tree being protected and retained the other trees can be removed and replaced with a more appropriate landscaping scheme of semi-mature native species which can effectively screen the car park.

Based on the above this proposal is unlikely to have any more impact than at present and subject to an appropriate landscaping scheme which can be controlled by condition it would accord with policies 14 and 16.

- Flood Risk/Drainage

No details of the proposed drainage for the surface water have been submitted and the site is within flood zone 2 and 3.

The agent has been requested to state how this will be addressed and an appropriate scheme can then be controlled by condition.

The Environment Agency has no concerns over potential flood risk due to the minor nature of the scheme.

Therefore subject to an appropriate drainage scheme the proposal can accord with policy 6.

- Parking/Highway Issues

At present the building has a car park located to the north of the site which can accommodate approximately six cars. This scheme seeks to extend that and provide space for 23 vehicles in a

more formal layout and improve the access and egress by widening the existing access and introducing a one way system.

Conditions relating to off-site highway works and one way signage will be required in order to ensure the scheme is acceptable in terms of highway safety.

Provision for cycle spaces will be provided within the site.

The agent has been requested to remove the drop-off zone shown on the plans as this area would be difficult to manoeuvre in and out of. The proposed disabled parking does not conform to the required standards and therefore this needs to be addressed by amended plans.

The proposal therefore accords with policy 31 subject to the conditions mentioned above and amended layout plans.

Summary

The proposed scheme is acceptable in terms of impact on amenity, protected trees, flood risk/drainage and highways issues subject to acceptable justification for the loss of open space, appropriate conditions to protect the Lime tree and replacement landscaping scheme, appropriate drainage and amended layout plans to address the highway concerns.

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 formation of car park and external alterations are acceptable subject to acceptable details being provided to address the concerns raised, appropriate conditions and amended plans. 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: Approve

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:

Zero/PH, One/PH, Two/PH & Three/PH.

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

3. No part of the development hereby approved shall commence until a scheme for the alterations to the site access/exit and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority. For the avoidance of doubt these works shall include a radius access crossing on Lucy Street; an extended vehicle

crossing on Gisburn Road; H bar markings across the Gisburn Road and Lucy Street accesses; road markings to indicate the on-street parking bay terminations on Gisburn Road.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

4. Prior to the commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority in respect of a signing scheme for the one-way traffic system. The development should be undertaken in accordance with the agreed details and implemented prior to the first use of the car park.

Reason: For reasons of highway and pedestrian safety.

5. The proposed car park shown on the approved plan shall be constructed, surfaced, sealed, drained and marked out in accordance with the approved plan details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In the interest of amenity and highway safety.

6. Prior to the commencement of development a scheme for the disposal of surface water for the proposed car park shall have been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full accordance with the approved details prior to the car park being brought into use.

Reason: To control surface water disposal and prevent flooding.

7. Unless otherwise approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

8. Notwithstanding the submitted plan no work shall be carried out to the existing structure surrounding the protected Lime tree unless and until details of this work have been submitted to and approved in writing by the Local Planning Authority. Any works shall then be carried out in strict accordance with the approved details.

Reason: For the avoidance of doubt and to prevent any potential impact on this protected tree.

9. Notwithstanding the submitted plans, the development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed hard landscape elements;
 - e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings

Note

1. The grant of planning permission will require the applicant to enter into an appropriate Section 278 Legal Agreement, with Lancashire County Council as Highway Authority prior to the start of any development. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk, quoting the relevant planning application reference number.

REPORT TO BARROWFORD & WESTERN PARISHES 6th JULY 2017

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

This application is in both Nelson and Barrowford wards. This 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 Trees, 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/KH

Date: 28th June 2017