

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

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 10th August 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

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.

13/13/0506P - Full: Formation of a cycle track with lighting - Approved with Conditions – December 2013.

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 - No response received.

Plant Protection National Grid – No response received.

Nelson Town Council – No response received.

Public Response

Concerns have been raised from a single resident regarding the accessing of the site from Wilton Street, Barrowford along with the possibility of increased traffic flow along Wilton Street resulting from the development. Concerns have been raised regarding the possibility of adverse effects on pedestrian safety, with particular reference to beneath the motorway bridge. Concerns have been raised regarding the placement of the Site Notice also.

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 regrading 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 together. 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.

Application Ref: 17/0269/REM

Proposal: Reserved Matters: Erection of an agricultural worker's dwelling (Appearance, Landscaping, Layout and Scale).

At: High Mount Farm, Foxen Dole Lane, Higham

On behalf of: Mr G Edwards

Date Registered: 21/12/2017

Expiry Date: 15/02/2017

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 land approximately 300m to the south of the settlement of Higham and falling within the Green Belt. To the North of the site are existing agricultural and equine buildings, to the east is Foxen Dole Lane with open countryside beyond and there is open countryside to the south and west.

The site forms part of an agricultural unit comprising 9.69 hectares of land owned by the applicant an additional 17 hectares of land, 3km to the north east, is rented by the applicant on a short term annual agreement. The applicant also rents of a short term annual agreement a linked holding of 12.14 hectares at Roxton in Lincolnshire.

The farming operation comprises of suckler beef rearing, finishing beef and lamb supplying meat to a retail butcher's outlet. Its livestock currently consists of 138 head of cattle and 75 lambs.

This is a reserved matters application for the appearance, landscaping, layout and scale of an agricultural worker's dwelling which was granted outline approval in February this year. The proposed dwelling would be a two storey detached house with attached double garage. The layout would consist of three bedrooms and three bathrooms at first floor and a lounge kitchen/dining room, utility room, utility/boot room and garage at ground floor.

Relevant Planning History

13/06/0520P - Erect Livestock building 24M x 20M - Approved

13/11/0621P - Erection of a detached dwelling for agricultural worker (Eaves height 5m, ridge height 7.5m) - Refused

13/12/0330P - Change of use from agricultural land to agricultural land and equine use and erection of a stable building - Withdrawn

13/12/0331P - Erection of an attached agricultural building to accommodate livestock - Withdrawn

13/12/0451P - Erection of an attached agricultural building to accommodate livestock (Re-Submission) - Approved

13/12/0452P - Change of use from agricultural land to agricultural and equine use and erection of stable building (resubmission) - Refused

13/12/0573P - Change of use from agricultural land to agricultural land and equine use and erection of stable building – Approved

13/16/0037P – Full: Erection of agricultural workers dwelling with associated curtilage and parking area – Refused

16/0782/OUT - Outline: Erection of an agricultural workers dwelling (Access only).- Approved

Consultee Response

LCC Highways – I have inspected the proposed plans and note that the wide garage would have an internal door opening inwards on to the available parking space and that this space is only 5.5 m wide. With this being the case the garage space would be regarded as only one parking space. As there is sufficient space to park a second vehicle in front of the garage this will not have any impact on the present application but may be a concern in the future. I would regard the minimum free parking space in an double garage would need to be 6 metres wide and 6 metres long.

As the proposed development of a three bedroom house has sufficient parking for two vehicles with in the curtilage of the property this will not raise any highway issues and I will not raise objections on highway grounds.

The Coal Authority – No objection, please attach a note relating to potential former coal mining hazards.

Higham Parish Council - Having considered the supporting documents and had the benefit of a meeting with the Applicant we are in a position to support this application on the understanding that site plan drawing number CAL 2017 015 001 revision A has been filed for consideration. Higham Parish Council, therefore, support this application for approval in accordance with these revised plans.

Public Response

A site notice was posted and two neighbours notified – One response received objecting on the following grounds:

He has for a few years now been operating his small holding/Equestrian premises very well, he has a large building to accommodate his agricultural stock along with his horses which are not agricultural and I do not feel that it warrants permission for a dwelling, if workers? Need space for lunch, rest etc. then I am sure a bit of a shed/container would be acceptable as like any other working sites!

There are many people close by i.e. Greenhead Lane, Cookstool Lane, who also operate the same so would that mean they would get planning too, the answer I'm sure would be no due to being Green Belt Areas?

But my main concern would be the extra volume of traffic this could generate, my postcode as you can see is BB12 9EX but you actually access my property from Fir Trees Lane. Myself and my neighbours have to put up with many vehicles coming and going, inconveniencing us at our PRIVATE homes because the satnav has directed them to our properties and not actually Foxen Dole Lane, there are 2/3 businesses being run from Hey Acres Farm already which causes these issues, it is very annoying, upsetting and un-securing for us living there, also the access on these Lanes are not suitable for large amounts of traffic of all kinds they are both No Trough Lanes without turning facilities

Officer Comments

Policy

National Planning Policy Framework

The Framework seeks to achieve sustainable development and protect Green Belt land. The policy reinforces the view that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm, and any other harm, is clearly outweighed by other considerations.

The construction of non-agricultural new buildings are inappropriate in the Green Belt unless they meet one of the exceptions set out in the Framework, exceptions include buildings for agriculture and forestry. The purpose of new dwellings are to house people whether or not they are associated with agriculture. They are not therefore covered by the exemption. As such very exceptional circumstances need to exist to allow them.

Pendle Local Plan Part 1: Core Strategy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

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. Proposals should maintain the openness of the Green Belt.

Replacement Pendle Local Plan

Policy 3 'Development in Green Belt' states that inappropriate development in the Green Belt will not be allowed. Inappropriate development is defined in the National Planning Policy Framework. This issue is addressed further under the Need / Justification and Green Belt sections below.

Financial viability

New dwellings are inappropriate development within the Green Belt and thus, by definition, harmful to it. Although agricultural buildings are not inappropriate, an agricultural worker's dwelling is a domestic rather than an agricultural building.

The outline permission has established that the need for an agricultural worker's dwelling can constitute very special circumstances in principle in this case. However, the scale and design of that dwelling must be commensurate to that specific need, and the ability of the agricultural business to finance its construction without putting its long term financial viability in jeopardy. If it is not this could result in justification for the removal of the agricultural workers tie in the future, which would result in new open market dwelling in the Green Belt.

Accounts for the past three years were submitted confidentially with the outline application. Although these showed a profit, it was modest, less than adequate to support the minimum wage for a single full time agricultural worker. The viability of the business financing the cost of erecting a dwelling is marginal on the basis of the previously submitted information. No new information has been submitted with this application.

The applicant stated in the outline application that the dwelling would be financed partially from private funds, however, this application must be assessed on the basis of what the farm business can viably fund.

On the basis of the information made available to the Council at the outline stage, the viability of funding a dwelling is marginal and anything more than the most modest of dwellings to meet the needs of the agricultural worker would be likely to jeopardise the long term financial viability of the agricultural business. Although the principle of an agricultural worker's dwelling has been granted by the outline permission, the scale and design of the proposed dwelling must be justified against the financial viability of the projected cost of the proposed dwelling.

The applicant was requested to provide a justification for the scale of the proposed dwelling set against both the needs of the agricultural worker and the financial viability of providing a dwelling of the scale proposed, however, the information submitted with this application does not address these issues.

It has not been demonstrated that the agricultural business could viably fund a dwelling of the scale proposed.

Scale, Design and Green Belt Impact

As discussed above, the scale and design of that dwelling must be commensurate to the needs of the agricultural worker. A dwelling of greater scale than necessary would result in a greater impact upon the openness of the Green Belt and, as that additional scale would be unnecessary, there would not be very special circumstances for the degree of harm it would cause of the Green Belt.

The agricultural need relates to a single agricultural worker, the Applicant. It is understood that the applicant's household consists of him and his wife, he and his wife have no dependent children. In this context a modest two or even one bedroom dwelling would meet the needs of the agricultural worker. The proposed house would have three good sized bedrooms, each served by a bathroom, this is clearly excessive when related to the needs of the agricultural worker. Furthermore, the layout of the ground floor would include two utility areas, no less than three entrance halls plus a large central hall area, a double garage. These features, together with the number of bedrooms and bathrooms, are superfluous and/or excessive, they unnecessarily significantly increase the scale of the proposed dwelling, and thus its impact upon the openness of the Green Belt

The scale, design and layout of the proposed dwelling would therefore result in unacceptable level of harm to the openness of the Green Belt, beyond what is necessary to meet the very special circumstances of the need of the agricultural worker to reside on site. The proposed development is therefore contrary to policies 3 and ENV2 and section 9 of the Framework.

Residential Amenity

The proposed dwelling would raise no unacceptable residential amenity issues.

Former Coal Mining

The footprint of the development falls outside of the high risk area for former coal mining hazards and therefore does not raise any unacceptable concerns in relation to this.

Highways

An acceptable level of car parking is proposed.

RECOMMENDATION: Refuse

For the following reasons:

1. The scale and layout of the proposed dwelling would not be commensurate with the needs of the agricultural worker, the applicant has also failed to demonstrate that the farm business is capable of funding and sustaining the cost of the proposed dwelling. Therefore, the applicant has failed to demonstrate very special circumstances that would outweigh the harm to the openness of the Green Belt that the development would result in. The proposed development is therefore contrary to section 9 of the National Planning Policy Framework, Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and Policy 3 of the Replacement Pendle Local Plan.