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| REPORT FROM: | ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL AND REGULATORY SERVICES |
| TO: | NELSON, BRIERFIELD AND REEDLEY COMMITTEE |
| DATE: | 25TH MARCH 2024 |

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PLANNING APPLICATION FOR COMMENT

PURPOSE OF REPORT

To comment on the attached planning application.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 25TH MARCH 2024

Application Ref: 24/0061/FUL

Proposal: Full (Major): Change of use of open land to a designated local nature reserve.

At: Gib Hill, Gib Hill Road, Nelson

On behalf of: The Borough of Pendle

Date Registered: 05/02/2024

Expiry Date: 06/05/2024

Case Officer: Laura Barnes

This Application is for a development which straddles the boundary with two Area Committees, as such must be determined by Development Management Committee. The application is therefore brought before Nelson, Brierfield & Reedley Committee for comments.

Site Description and Proposal

The application site is an area of land totalling 15.65 hectares of land, most of which is within the settlement boundary. It is indicated as a Reserve Housing Site, Policy 17 of the Replacement Pendle Local Plan and part of the site (to the eastern boundary) is also designated as a Biological Heritage Site. The area which is designated as the Biological Heritage Site is not within the settlement boundary.

The application seeks to change the use of the land to be a Nature Reserve.

Relevant Planning History

None relevant

Policy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and

archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV5 (Pollution and Unstable Land) concerns the risks of air, water, noise, odour and light pollution in addition to addressing the risks arising from contaminated land.

Policy ENV7 (Water Management) concerns the risk of flooding from flood or surface water. It requires flood risk to be assessed and sustainable drainage measures to be used.

Replacement Pendle Local Plan

Saved Policy 17 sets out the location of new housing, should there not be sufficient land available to meet the housing need.

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Consultee Responses

LCC Highways

There are 5 car parking spaces proposed for the nature reserve, accessed from Liddlesdale Road. It is noted that the site does not provide disabled access other than for specialist off-road mobility vehicles (which are not available at the site) therefore disabled car parking bays are no considered necessary.

A condition is recommended in relation to marking out the car park and a signpost being installed.

Lead Local Flood Authority

No objection

Informative relating to any works which may be carried out near the Ordinary Water Course, requiring the appropriate consent.

United Utilities

Advocates the sustainable drainage hierarchy in the Framework. There are no changes to the drainage of the site.

The Coal Authority

Public Responses

Multiple responses have been received, all of which are in support of the application.

Officer Comments

The application has been brought to Nelson, Brierfield & Reedley Area Committee for comment, as is the procedure at Pendle Council for a scheme which straddles the boundary of the area committees. The decision making committee will be Development Management Committee. Councillors are invited to put forward comments from the Nelson, Brierfield & Reedley Committee.

The purpose of the site being identified under Policy 17 was to safeguard land for Housing Market Renewal (HMR) dwelling as a precautionary measure to ensure that the HMR programme was not jeopardised. This programme has since ended and it is clear that not building out the land which is the subject of the application has not jeopardised this programme. Given that the site was allocated in specific relation to the HMR programme and this has now ended, the circumstances and reason for allocating this land no longer exist and the policy cannot be directly applied to the Local Plan: Part 1 Core Strategy where it is not a housing allocation.

The plans which the Council have received indicate that there would be five parking spaces on land at Liddlesdale Road, which the Highways Authority have not objected to.

The applicant has submitted a management plan for the land which includes objectives for improving a range of habitats, allowing recreational use and improving opportunities to educate visitors to the site about the natural wildlife.

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