

Application Number:	2021/0693	Application Type:	Full
Proposal:	Full: Creation of new pump track and related works.	Location:	Edenfield Recreation Ground, Exchange Street, Edenfield
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	18/01/2021
Applicant:	Rachael Gildert Profitts CIC	Determination Expiry Date:	09/02/2021
Agent:	N/A		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Council-owned land

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That the Committee approve planning permission subject to the conditions set out in this report.

2. **SITE**

Edenfield Recreation Ground is a large open parcel of land within the ownership of Rossendale Borough Council to the west of Market Street in Edenfield, accessed primarily off Exchange Street. The site is used for recreation, and consists of open fields surrounded by pathways and trees. A children's play area is located on the opposite side of Exchange Street.

The site is within the urban boundary, and is designated as a recreation area.

3. **RELEVANT PLANNING HISTORY**

None

4. **PROPOSAL**

Planning permission is sought for the construction of a new pump track on the site for the use of cyclists of all ages and abilities.

The track would be split into two separate areas – one for beginners and the other for more advanced riders. Each would feature berms, rollers, jumps and other features and would be surfaced in a combination of consolidated stone / dust and bitmac / tarmac.

The track would in total cover an area of approximately 20m x 36m. Associated drainage would be carried out, including the creation of an approximately 30m long swale on the west side of the track. Picnic benches and litter bins would be provided as part of the development.

Existing trees adjacent to the site are proposed to be retained, and access would be directly from the footway on Exchange Street.

The works would be carried out on behalf of Rossendale Borough Council by a specialist contractor.

5. **POLICY CONTEXT**

National

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 8 Promoting Healthy and Safe Communities

Section 9 Promoting Sustainable Transport

Section 11 Making Effective Use of Land

Section 12 Achieving Well Designed Places

Section 15 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Local Plan

SS: Spatial Strategy

SD1: Presumption in Favour of Sustainable Development

ENV1: High Quality Development in the Borough
 ENV3: Landscape Character and Quality
 ENV5: Green Infrastructure Networks
 LT1: Protection of Playing Pitches, Existing Open Space, Sports and Recreation Facilities
 LT2: Community Facilities
 LT3: Tourism
 TR2: Footpaths, Cycleways and Bridleways

Other material considerations

National Planning Practice Guidance
 National Design Guide

6. CONSULTATION RESPONSES

Cadent	No comments received
Ecology	No objection
LCC Public Rights of Way	No comments received
LCC Highways	No objection subject to conditions
RBC Parks Department	No comments received
RBC Property Services	No comments received

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order notification letters were sent to neighbouring properties. A site notice was also posted.

One letter of objection has been received, raising the following points in summary:

- May lead to anti-social behaviour
- Potential disturbance

8. ASSESSMENT

The main issues for consideration in this instance are:

- a) Procedural Matters
- b) Principle
- c) Visual Impact
- d) Neighbour Amenity
- e) Highway Safety
- f) Tree Issues and Ecology

Procedural Matters

Class A of Part 12, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits the following without the need to apply for planning permission:

“The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of:

(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.”

The above is subject to several limitations and conditions included within the Order.

It appears that all of the proposed works will be on Council-owned land, and that the works will be carried out by contractors directly on behalf of Rossendale Borough Council (the Local Authority).

As such, it is likely that the proposed scheme could have been carried out by the Council as ‘permitted development’ and it may not have been necessary for this application for planning permission to have been submitted for consideration.

However, as an application for planning permission has been submitted, it has duly been assessed as set out in the sections below.

Principle

The application site is within the urban boundary, where the Local Plan directs the majority of new development within the Borough.

The works would consist of the construction of a new community pump track facility on part of an existing recreation ground. Such works would be appropriate in principle as an enhancement to an existing recreation facility.

The scheme accords with the aims of policies LT1 and LT2 of the Local Plan in that it proposes the construction of a new community facility, which would be maintained by Rossendale Borough Council.

Visual Amenity

The proposed works would not involve the construction of any buildings as such, but would involve the provision of new areas of pump track (raised to a height of around 1.5m in parts), surfaced in consolidated stone / tarmac. The project would also include the provision of picnic benches and litter bins.

It is considered that the proposed works are wholly appropriate within the context of the site, and would maintain the character of the area as a recreation ground.

With the above in mind the proposal is considered to be acceptable in terms of visual amenity, satisfying the requirements of Policy ENV1 of the Local Plan and Section 12 of the Framework.

Neighbour Amenity

The proposed scheme would in one sense provide enhanced amenity for local residents in that the existing recreation area would see an enhancement to the features it offers.

Given the proposed siting of the development, the nature of the works proposed, and having regard to the fact that the site would continue to function as a recreation ground as existing (albeit with a pump track), it is considered that the proposed works will be located in such a way as to avoid necessarily causing significant nuisance to nearby residential properties or any detriment to their amenities.

The comment received from a local resident in relation to anti-social behaviour and noise disturbance to nearby properties is noted. However, given that the use of the existing site is not changing from a recreation ground and the fact that the works could potentially be carried out without planning permission in any case, it is not considered that refusal of the application on grounds of harm to neighbour amenity could reasonably be substantiated.

Highway Safety

The Local Highway Authority has no objection to the proposed scheme subject to conditions requiring the submission and approval of a construction method statement, and a scheme of off-site highway works associated with the development (which it is understood will need to include dropped kerbs on both sides of exchange street and tactile paving across the road to link the two elements of the recreation area).

The Local Highway Authority does not consider that the development will lead to any appreciable increase in risks to highway safety. The proposed development will be easily accessible on foot, by bike or by public transport.

9. SUMMARY REASON FOR APPROVAL

The proposed scheme is appropriate in principle and subject to conditions, the scheme is considered acceptable in terms of visual and neighbour amenity, highway safety and all other relevant material planning considerations. The development therefore accords with the National Planning Policy Framework and Policies SS, SD1, ENV1, ENV3, ENV5, LT1, LT2, LT3 and TR2 of the Local Plan.

10. CONDITIONS

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

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. The development shall be carried out in strict accordance with the following plans and documents unless otherwise required by the conditions below:

- Submitted application form.
- Location Plan V1 (165/L01 v1)

- Edenfield Pump Track Sketch Design V3 (November 2021)
- Design and Access Statement (November 2021)

Reason: To ensure the development complies with the approved plans and submitted details.

3. Prior to first use of the facility hereby approved, the proposed swale shall be constructed and shall be seeded / planted with wildflowers and native shrubs as shown on the approved plans. If any of the shrubs should die, become damaged, diseased or are removed within ten years of being planted, they shall be replaced in the following planting season by specimens of the same species.

Reason: To ensure adequate drainage for the development and in the interests of enhancing biodiversity.

4. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: In the interests of highway safety and neighbour amenity.

5. No development shall take place until a scheme of off-site highway works / improvements has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority).

The scheme shall include measures to improve pedestrian links between the recreation areas on both sides of Exchange Street, dropped kerbs where appropriate, tactile paving where appropriate, a new section of footway on Exchange Street and new road markings where appropriate.

The approved scheme shall be implemented in full prior to first use of the facility.

Reason: In the interests of highway and pedestrian safety.

11. INFORMATIVES

1. Standard Approval Informative.

2. The applicant's attention is drawn to the comments of the Local Highway Authority, and the applicant is strongly advised to liaise with the Local Highway Authority prior to submitting an application to discharge the relevant highway-related conditions on this planning permission.