

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

DATE: 19 October 2023
REF: SK
CHECKED BY: LH

APPLICATION REF: 3/2022/1129

GRID REF: SD 375770 434060

DEVELOPMENT DESCRIPTION:

RETROSPECTIVE CHANGE OF USE WITH MINOR ENGINEERING WORKS AND ASSOCIATED LANDSCAPING WORKS FOR THE REUSE OF THE FORMER RAILWAY EMBANKMENT AND TRACK BED TO FORM AN INFORMAL RECREATIONAL AMENITY AREA IN ASSOCIATION WITH THE ADJACENT HOLIDAY PARK.

BRIDGE HEY WOOD CARAVAN PARK, DUNKIRK FARM, READ BB12 7RR



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Read Parish Council object to the application on the following grounds:

1. In the planning application it is stated that no trees were on the site however it appears multiple mature (70-80yrs+) trees have been removed from the site.
2. The removed woodland formed part of a natural ecosystem with a wealth of biodiversity and wildlife which has seen major impact from the development.
3. The Ditch and Bund formed block access to the Viaduct which is necessary for Railway Paths to perform maintenance on the Viaduct and ensure safety. This provides no additional protection from trespass as there is already a large metal fence in place. This right of access is noted on the land registry documentation (dated 12.10.1979). The ditch also holds potential to cause damage to the viaduct itself.
4. In the Ribble Valley's Local Plan (7.6.6) it is stated that "The site should blend into the landscape and be capable of being screened from both local and more distant viewpoints" and "Advantage should be taken of minor variations in topography and existing natural features, such as trees and hedgerows, should be used to sub-divide or screen the site. Particular importance will be given to the protection of views from footpaths and high level roads. The internal layout of the site should take advantage of natural features and be supplemented when necessary by further landscaping and new tree planting. This will both help to absorb the site into the landscape and create a pleasant internal appearance. Planning permission should therefore not be granted if a site presents an unacceptable intrusion into the landscape and cannot be satisfactorily screened from local and high viewpoints." The removal of healthy mature trees is contrary to this.
5. The planning documents note a footpath which travels under the Viaduct, this is not a footpath owned by the Caravan Park and actually belongs to Railway Paths

LANCASHIRE COUNTY COUNCIL HIGHWAYS (LOCAL HIGHWAYS AUTHORITY):

Initial response - Lancashire County Council acting as the Local Highway Authority (LHA) does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required.

The LHA have reviewed the supporting information and are aware that the proposal will use a part of an existing track leading from the caravan park as part of the nature trail. The LHA require the LHAs Public Rights of Way team to comment whether the usability of the trail is suitable for the proposal.

Furthermore, as part of the proposal, works are going to be undertaken adjacent to the viaduct which is described in the Cover Letter as "the works undertaken involve the excavation of a channel and mound adjacent to the viaduct." The LHA require further information regarding what type of works are going to be undertaken adjacent to the viaduct, with the LHA needing to ensure that any works will not destabilise the viaduct and impact upon Lancashire County Councils land.

As the works have been completed already, photographs and a description of the works undertaken adjacent to the viaduct will suffice in this case.

Final response – Having seen the photographs no objection is raised.

THE COAL AUTHORITY:

There will be no operational development resulting from this proposal that materially intersects the ground and could therefore present risks to the coal mining features. Accordingly, we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

SUSTRANS:

Sustrans (National Cycle Network) are custodians of the National Cycle Network and would request that if the reporter is minded to approve the application, that this does not impact on any future aspiration for the former railway line to be reopened as an active travel corridor to connect Great Harwood and Padiham.

ADDITIONAL REPRESENTATIONS:

Twenty-two letters of representation have been received objecting to the application on the following grounds:

- Works undertaken restricts access to the viaduct for maintenance.
- Works could harm viaduct.
- Errors in the submitted information.
- Historic tree clearance.
- Impacts upon wildlife/ecology.
- Site owner denies access to the area by members of the public.
- Erection of fencing by Sustrans.
- Works results in destruction of walking routes.
- Historic works undertaken to the riverbank.
- Drainage issues.
- Visual harm.

1. Site Description and Surrounding Area

- 1.1 The application relates to a 2.54 Hectare area of land that incorporates former railway embankments that served the Great Harwood loop line of the Lancashire and Yorkshire Railway. The site area incorporates areas of raised embankments with areas of significant tree presence bounding the site to the north at its western extents and to the north and south at its eastern extents. The site is currently being utilised as an informal recreational area for patrons of the Bridge Hey Caravan Park to the southeastern extents of the site.
- 1.2 The western extents of the site adjoins the Grade II Martholme Viaduct (List Entry Number 1362005) with the official listing describing the structure as follows:

GREAT HARWOOD MARTHOLME LANE SD 73 SE 3/71 Martholme Viaduct - - II

Viaduct carrying Great Harwood loop line of Lancashire and Yorkshire Railway over River Calder, 1870-77 (Engineer, Sturges Meek). Sandstone rubble. Ten 40ft. span 65ft. high rounded arches on slightly curved line. Impost band and solid parapet. History: originally planned as wooden viaduct, but design in stone substituted before building; contractors

(Thomas Stone & Son) executed work only on condition that coal measures beneath were purchased. Line closed 1957.

- 1.3 The site is located outside of any defined settlement limits being within the designated Green Belt. The surrounding area is largely open aspect green field land with scattered parcels of woodland also being found in the area.

2. **Proposed Development for which consent is sought**

- 2.1 The application seeks retrospective consent for a retrospective change of use of land, minor engineering works and landscaping works to enable the use of a former railway embankment for the purposes of an informal 'recreational amenity' area associated with Bridge Hey Caravan Park.
- 2.2 The submitted supporting information states that the works involve the '*excavation of a channel and mound adjacent the viaduct to avoid trespass together with the siting of benches and picnic tables and the reseeded of areas with wild-flower meadow mix to incorporate the lands into a wider recreational facility as a nature walk*' for use by patrons of the caravan park.
- 2.3 The submitted details indicate the siting of three picnic benches/seating areas at intermittent points towards the western extents of the railway embankment, with embankment areas where tree-removal has been undertaken (north and south of the former railway track) to be seeded with grass and a wildflower mix. A pedestrian access point has been formed towards the eastern extents of the former railway embankment to facilitate pedestrian access between the site and the caravan park to the south.
- 2.4 An 'earth bund' has been formed at the western extents of the site, adjacent to the eastern extents of the Martholme Viaduct, to act as visual screening, mitigating views of palisade security fencing that has been erected at the eastern termination point of the Viaduct bridge.

3. **Relevant Planning History**

3/2021/0632: Application to thin out any weak/poor/dying trees. 152 Sycamore, 10 Beech, 52 Ash (Approved)

3/2018/0426: Discharge of condition 3 (materials), 4 (boundary treatment), 5 (landscape plan) and 6 (car parking plan) from planning permission 3/2015/0756. (Approved)

3/2017/0761: Application to vary condition 2 from planning permission 3/2006/0435 to allow all year round holiday occupation of caravans. (Approved)

3/2017/0687: Discharge of condition 3 (specifications of fence post foundations) from planning permission 3/2017/0501. (Approved)

3/2017/0686: Discharge of condition 3 (specifications of fence post foundations) from planning permission 3/2017/0502. (Approved)

3/2017/0502: Relocation of an existing steel palisade fence and pedestrian gate from the southern end of the viaduct to the northern end of the viaduct. The fence will be mounted

on posts founded in the material forming the viaduct deck and will not be fixed to the parapets of the viaduct. The fence and gate will be set in 2.0m from the northern end of the viaduct. The fence and gate will be painted gloss black once re-erected. (Approved)

3/2017/0501: Relocation of an existing steel palisade fence and pedestrian gate from the southern end of the viaduct to the northern end of the viaduct. The fence will be mounted on posts founded in the material forming the viaduct deck and will not be fixed to the parapets of the viaduct. The fence and gate will be set in 2.0m from the northern end of the viaduct. The fence and gate will be painted gloss black once re-erected. (Approved)

3/2015/0756: Erection of managers dwelling with reception and storage facilities, creation of access from existing track and landscaping work. (Approved)

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement EN1 – Green Belt
Key Statement EN2 – Landscape
Key Statement EN4 – Biodiversity and Geodiversity
Key Statement EN5 – Heritage Assets
Key Statement EC3 – Visitor Economy
Key Statement DMI2 – Transport Considerations

Policy DMB3 – Recreation and Tourism Development
Policy DMB5 – Footpaths and Bridleways
Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility
Policy DME1 – Protecting Trees & Woodland
Policy DME2 – Landscape & Townscape Protection
Policy DME3 – Site and Species Protection and Conservation
Policy DME4 – Protecting Heritage Assets

Planning (Listed Buildings and Conservation Areas) Act
National Planning Policy Framework (NPPF)
Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 Given the proposal seeks retrospective consent for the use of a Green Belt area of land, to that of an informal recreational area associated with the nearby existing caravan park, Key Statement EN1 and Policies DMG1, DMG2, DME1, DME2, DME3, DMB3 and DMB5 together with the NPPF section on 'Green Belt' are primarily, but not solely, engaged for the purposes of assessing the acceptability of the principle of the development.

- 5.1.2 Policy DMG2 supports small scale tourism or recreational developments appropriate to a rural area. DMB3 seeks to support tourism facilities where there is no conflict with other policies of the plan. Policy DMB5 seeks to protect footpaths and bridleways, but no public rights of way networks would be affected (see 5.5.1 for further details). It is noted that a number of representations make reference to the site area forming part of the 'Martholme Greenway' and that the works undertaken will preclude the ability for a continuous route to be formed. Members will note that the ability to establish such route(s) relies upon the consent of individual associated landowners. As such this matter is not material to the determination of the current application insofar that it relates to third-party land ownership issues, which in this case, lie outside of the planning process. Furthermore, there is no policy protection of a possible future route being established, and the proposed works are not irreversible and so granting permission would not prevent this route from coming forward in the future should the associated landowners agree to this.
- 5.1.3 The referenced policies and key statements in 5.1.1 above, when considered in unison and in concert with each other, ensure that proposals do not undermine the character of the landscape – and in this case the openness of the Green Belt area - and that development proposals respond positively to the inherent character of the area without resulting in detrimental impacts upon ecology, biodiversity, protected species or species of conservation concern.
- 5.1.4 The submitted details do not propose any fundamental change in relation to the character of the land to which it relates other than the site will be made available for use by patrons of the adjacent caravan park. In this respect such a change of use would not be considered as development that would cause or result in any direct measurable harm to the character of the Green Belt, particularly insofar that such use would solely result in modest activities within the site area that are unlikely to have any measurable bearing on the open character of the Green Belt.
- 5.1.5 As such and taking account of the above matters, notwithstanding other development management considerations, the principle of the change of use of the area of land from that of a 'railway embankment' to that of an informal recreational area, raises no significant direct conflict with the adopted development plan for the borough that would warrant the refusal to grant planning permission in relation to 'matters of principle'.

5.2 Impact upon Residential Amenity:

- 5.2.1 Given the nature of the works associated with the proposal and given that the works have already been undertaken, it is not considered that approval will result in any significant nor measurable impacts upon nearby residential amenity.
- 5.2.2 As such and in this respect the proposal raises no significant direct conflict with Policy DMG1 of the Ribble Valley Core Strategy in respect of impacts upon residential receptors or nearby potentially affected residential amenities.

5.3 Landscape/Ecology and Visual Amenities:

- 5.3.1 It is noted that the works for which consent is sought are retrospective in nature, in this respect the extent of the operations/works undertaken were evident at the time of the officers site visit. It is recognised that a significant amount of tree clearance had been undertaken prior to the receipt of the application. However, members will note that the trees removed were not historically afforded protection by way of a formal Tree Protection Order. As such, no consent would have been required from the Local Planning Authority prior to their removal.
- 5.3.2 Officers are of the view that should an application for the consent for the change of use of the land have been submitted prior to the works being undertaken, and such an application included extensive tree removal, without warranted reason(s), and in the absence of adequate mitigation/replacement planting, that the authority would not have supported such a proposal. Whilst the historic tree removal is regrettable, and the opportunity to ensure appropriate tree retention as part of the development has been lost, there is at least an opportunity to secure appropriate replacement tree planting as mitigation.
- 5.3.3 Further to the above, officers have engaged with the applicant to secure additional replacement tree planting on the northern and southern extents of the embankment to ensure and provide ecological uplift and biodiversity enhancement within the site. In this respect indicative amended details have been submitted that propose tree planting in addition to the proposed wildflower and grass planting. Should consent be granted, a condition will be imposed requiring that full details of the proposed landscaping be submitted within 3 months of the issuing of the consent, with the condition also requiring that the approved landscaping scheme be implemented in the first planting season following approval of the submitted details and shall be maintained thereafter for a period of not less than 20 years to the satisfaction of the Local Planning Authority.
- 5.3.4 The use of the embankment for use by patrons/users of Bridge Hey caravan park, as an informal recreational area, raises no significant concerns nor direct conflict with any currently adopted development plan policies and is further unlikely, with appropriate management and custodianship, to result in any measurable impact upon the character or visual amenities of the area and immediate Green Belt setting.
- 5.3.5 In respect of the proposed picnic benches/seating areas, given their siting and modest scale in relation to the expansive landscape setting within which they will be sited, their visual presence is likely to be largely lost within the landscape and as such are not considered to result in any significant measurable harm. The use of the benches is likely to be transient and infrequent in nature, as such the activities associated with their use is also further considered to result in negligible harm upon the character of the designated area.
- 5.3.6 The 'earth bund' at the western extents of the site, complimented by landscape planting, acts to some degree as a successful visual device that mitigates the visual impact of the palisade fencing that is currently erected on the eastern extents of the viaduct bridge. As such it is not considered that the earthworks undertaken in this area result in any measurable harm to the character or visual

amenities of the immediate area. As such the proposal is acceptable in respect of Key Statement EN2 and Policies DMG1, DMG2, DME2 and DME3 in respect of visual, landscape and ecological impacts.

5.4 Heritage

5.4.1 Given the proposed 'earth bund' is located directly adjacent to the eastern extents of the Martholme Viaduct (Grade II Listed), consideration must also be given in respect as to whether the earthworks undertaken result in any measurable harm to the adjacent designated heritage asset.

5.4.2 In determining the application it is therefore a requirement to consider the Planning (Listed Building and Conservation Areas) Act 1990 (the Act). The principal statutory duty under the Act is to preserve the special character of heritage assets, including their setting. Relevant sections of the Act state the following:-

Listed Buildings - Section 66(1)

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.4.3 Paragraphs 194, 195, 197, 199, 200, 202 and 203 of the NPPF are a significant material consideration that should be considered alongside the Council's development plan policies (Key Statement EN5 and Policy DME4 of the Ribble Valley Core Strategy).

5.4.4 The purpose of the bund is to act as visual screening to an existing security palisade fencing arrangement that has been erected on the viaduct structure, whilst also acting to deter 'trespass' on to the applicants land. Given the bund currently accommodates grass and wildflower planting, it is visually read as being part of the landscape, albeit being raised in nature in relation to the surrounding topography. There is slight gap (channel) between the bund and the Viaduct and no concerns are raised by LCC Highways about the impact on the structure (see 5.5.2 below).

5.4.5 As such it is not considered that the presence of the 'bund' results in measurable harm to the inherent character of the Viaduct structure and as such the proposal raises no direct significant conflict with the aims and objectives of Key Statement EN5 or Policy DME4 of the Ribble Valley Core Strategy which aim to ensure the protection and enhancement of designated heritage assets and their setting.

5.5 Highway Safety and Accessibility:

5.5.1 It is noted that the Local Highways Authority have requested that the Public Rights of Way (PROW) team should 'comment as to whether the usability of the trail is suitable for the proposal'. Members will note that the site area, informal recreational area and associated route(s) does not form part of a wider PROW network, as such it is not considered appropriate nor reasonable to seek the views of the PROW team insofar that the 'pedestrian routes' within the area forms part

of private land associated with an existing Caravan Park, as such the nature and configuration of the route falls outside of the remit of the PROW team.

5.5.2 The Local Highways Authority had initially requested details of the works undertaken adjacent to the viaduct to ensure that they will not destabilise the viaduct. However, members will note that following discussion with the Local Highways Authority it has been deemed that such details are no longer required insofar that the scale and nature of the works undertaken are considered unlikely to result in undermining the structural stability of the viaduct.

5.5.3 For the above reasons there is no conflict with Key Statement DM12 or Policy DMB5 or DMG1 of the Ribble Valley Core Strategy in respect of highway safety and accessibility matters.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 For the reasons outlined above and having regard to all material considerations and matters raised, the application is recommended for approval insofar that is not considered that the proposal will result in any significant measurable direct conflict with the adopted development plan or the borough nor any significant adverse harm to the character and visual amenities of the designated Green Belt.

RECOMMENDATION: That the application be APPROVED subject to the imposition of the following condition(s):

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

HANS/02 Dwg 1A: Site Plan
HANS/02 Dwg 2: Site Plan
HANS/03 Dwg 3: Site Plan

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent hereby approved.

2. Notwithstanding the submitted details, full details for the landscaping of the site shall be submitted to the Local planning Authority no later than 3 months from the date of this consent. For the avoidance of doubt the submitted details shall include the following: types and numbers of trees and shrubs, their distribution on site, those areas to be seeded or turfed including detail of planting species.

The approved soft landscaping scheme shall be implemented in the first planting season following approval of the submitted details and shall be maintained thereafter for a period of not less than 20 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

For the avoidance of doubt all trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

REASON: To ensure the proposal is satisfactorily landscaped and trees/hedgerow of landscape/visual amenity value are retained as part of the development.

3. No additional seating, structures or any ground mounted lighting or sources of illumination shall be erected or installed upon the site to which the application relates without details of such having first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F1129