

Proposed development: Full Planning Application (Regulation 4) for Construction of Go Ape high ropes course and replacement of disused container with reception office

**Site address:
Witton Country Park Pavilion
Witton Country Park
Preston Old Road
Blackburn
BB2 2TP**

Applicant: Adventure Forest Ltd

**Ward: Billinge & Beardwood Councillors: Tasleem Fazal, Jackie Floyd
Mohammed Irfan**



1.0 SUMMARY OF RECOMMENDATION

1.1 **APPROVE** subject to the conditions detailed within section 4 of this report

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application is before the Planning and Highways Committee, in accordance with the Scheme of Delegation, as the proposal falls under Regulation 4 of the Town and Country Planning Regulations 1992

2.2 The proposed leisure facility is identified as an appropriate exception for development within the Green Belt, as defined by Local Plan Policy 3 and the National Planning Policy Framework (NPPF). Furthermore, the proposal will not harm the openness of the Green Belt, nor conflict with the purpose of including land within it.

2.3 The proposal is also satisfactory from a technical point of view, with all issues relative to the assessment having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site relates to an approximate area of 0.66Ha of Witton Country Park. The site comprises an irregular shaped area of woodland and open grassed area to the north and north east of the pavilion building and athletics track, and directly south of the former service buildings and ornamental pond associated with Witton House.

3.1.2 The site and immediate surroundings are located within the green belt.

3.2 Proposed Development

3.2.1 Full planning approval is sought for the creation of a tree top adventure course. The course will be made up of several elements including access towers, platforms on trees, timber and wire crossings, zip wires and zip wire landing platforms.

3.2.2 The proposal also includes the provision of a converted steel shipping container to operate as a reception facility, equipment store and staff office. The container is to be clad in timber and will have signage, which will be subject to a separate application. The proposed container will replace the existing disused toilet container building that lies to the east of the pavilion.

3.2.3 The high rope adventure course will be managed by a site based team that would comprise 1 permanent full-time post and the equivalent of up to 20 part time posts. On peak days there will be up to 7 staff on site to manage activities. The facility is proposed to be operational year round, subject to demand. The operational hours will be 08.00hrs to dusk. Ladders used to

ascend the course/ platforms are pulled up and locked when the facility is closed. Visitors to the facility will utilise the existing car park and amenity facilities within Witton Park.



Fig 1: Course location and layout

3.3 Development Plan

3.3.1 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

3.3.2 Core Strategy

- CS14 – Green Belt
- CS15 – Protection and Enhancement of Ecological Assets
- CS16 – Form and Design of New Development

3.3.3 Local Plan Part 2

- Policy 3 – The Green Belt
- Policy 7 - Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 - Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 41 - Landscape

3.4 Other Material Planning Considerations

3.4.1 The National Planning Policy Framework 2021 (NPPF), is a material consideration in planning decisions. The document should be considered as a whole, though *Chapter 13: Protecting Green Belt Land* is of particular relevance to the assessment of this application

3.5 Assessment

3.5.1 Principle of Development: The site is located within the green belt. Local Plan policy 3, which accords with the NPPF, advises that within the green belt planning permission will not be granted for inappropriate development, except in very special circumstance or where another Local Plan policy specifically supports a proposal. The policy goes on to advise that the construction of new

buildings is inappropriate development except in a limited number of specific circumstances.

- 3.5.2 Those exceptions include the provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Given the proposal relates to a recreational facility it is considered to comply with the initial requirements of Policy 3
- 3.5.3 When assessing loss of openness, it should be noted that the proposal only provides for a replacement building in the same location as the existing disused toilet block. The two structures are comparable in footprint and height, hence there is no perceivable impact upon openness. This position is strengthened when considering the new building will be set in close proximity to the pavilion and mature woodland, which serve to obscure views and limit the profile of the new building. The proposed tree top structures are set within the woodland with the exception of a zip wire landing platform. Supplementary planting, to be secured by planning condition, will serve to soften the limited impact of the latter and by association any impact upon openness. Compliance with Policy 3 and the NPPF is therefore achieved and the principle of the development can be supported.
- 3.5.4 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Local Plan policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;
- 3.5.5 Design and Appearance: In general terms, Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context, and making a positive contribution to visual amenity.
- 3.5.6 The development will provide for a replacement building in the form of a timber clad converted steel shipping container. Indicative details are provided within figure 2, below.



Fig 2: Example of appearance of reception building.

- 3.5.7 The building will replace an existing disused container building in the same location. The proposal is considered to represent an improvement visually,

subject to a condition requiring precise details of the timber cladding appearance and colour.

- 3.5.8 The proposal also includes the provision of tree top platforms and a zip wire landing platform. The former are generally lightweight in nature, constructed in timber and as a consequence are effectively integrated in to the woodland. The zip wire landing platform would be exposed to view given its position on the grassed area outside the woodland.

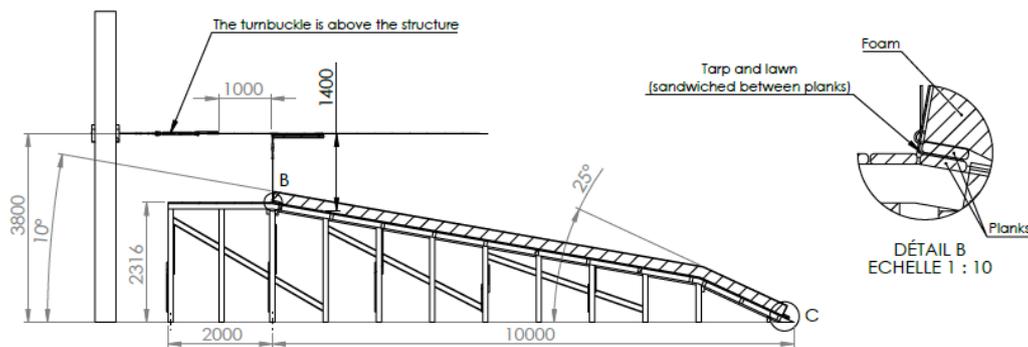


Fig 3: Zip wire landing area details

- 3.5.9 The proposed landing platform will be constructed in timber and covered in fake grass to provide a safe surface for participants to land on. The material choices are considered to assimilate well with the immediate setting and reduce the overall visual impact of the structure within the Green Belt setting. Furthermore, the intention for new planting to be provided in the area around the platform will help to screen the structure, though full benefits would not be obtained for a number of years until the planting has matured. The planting will be secured via planning condition.

- 3.5.10 Given the above factors and subject to the suggested conditions, compliance with Policy 11 is achieved.

- 3.5.11 Arboricultural Considerations: Local Plan policy 9 advises that development will be expected to incorporate existing trees in to the design and layout of schemes.

- 3.5.12 The application is supplemented by a 'Pre-construction arboricultural report' that indicates that no trees have been highlighted as requiring removal to facilitate the construction and safe operation of the course. Some small branches will require pruning.

- 3.5.13 The course is made up of wooden platforms between which the crossings are strung. These platforms sit upon a wooden brace that uses two long bolts positioned either side of the trunk to clamp the wood to the tree. A nail is used to help keep the wood in place whilst the bolts are put in position. During an annual independent tree inspection tree growth will be noted. If a tree has grown significantly then the braces and platforms can be altered to give the tree more room.

3.5.14 Various crossings also require cables and/or brace attachments to the trees. None of the cabling or braces come into contact with the trees but are held away from the bark by sacrificial wooden 'full round' battens. The battens are kept in place with nails to ensure the correct position during construction however no loading is placed on the nails and penetration is kept to a minimum. As the tree grows it pushes these battens out into the metal cables and braces, which eventually dig into and crush the battens instead of the tree. During annual tree inspections these battens are inspected and can be replaced if necessary.



Fig 3: Example of central platform and 'sacrificial wooden battens'.

3.5.15 The Council's tree officer has offered no objection to the proposals, though has observed that further details in relation to the following matters will be required to be secured via planning condition;

- Agree a system of tree works to facilitate and allow construction.
- Agree a system of ground protection for construction vehicles.
- Agree location, methods of construction and materials for the installation of pathways within the application site.
- Agree a location for site cabin and secure storage area for materials. If the cabin is to be located under tree canopies then ground protection will be required for root protection.

It is suggested that these matters can be successfully addressed through the use of arboricultural method statement and construction methods statement conditions.

3.5.16 Ecological Considerations: Further requirements within Policy 9 state that all development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species.

3.5.17 The application is supported by a preliminary ecological appraisal, which incorporates a bat tree survey. The Council's ecological advisor has reviewed the submitted appraisal and merits of the proposal as a whole. No species of merit were identified and all the trees inspected had negligible or very low bat roosting potential. Consequently no objection is made, subject to a series of conditions;

- Development to be undertaken in accordance with recommendations set out within the submitted invasive species statement
- Scheme for provision of bat and bird boxes to be agreed
- No works to trees or shrubs within the bird nesting period (March 1st to August 31st)
- Development in accordance with the submitted biodiversity enhancement plan

3.4.18 Subject to the suggested conditions detailed within sections 3.5.15 and 3.5.17 of this report, the proposals are considered to comply with the relevant requirements of Local Plan policy 9 and section 174 of the NPPF

3.4.19 Highways: Local Plan Policy 10 outlines a general requirement for all development proposals to not prejudice road safety, or the safe and convenient movement of all highway users. Parking should also be provided in accordance with the BwD Parking Standards.

3.4.20 The application is supported by a transport statement. This indicates that the main activity periods would be at weekends and that the development proposes use of the existing Witton Park car parks. Visits to the proposed development are likely to be combined with other activities in the park, so the stated impacts are likely to be worst case and amount to 16 arrivals and departures per hour.

3.4.21 The Council's highway team have confirmed that the proposed use does not align with any standard parking use and therefore any adopted standard. It is therefore appropriate to base the assessment on the anticipated staff and visitor numbers as set out within the submission. These indicate that parking needs would be 16 spaces in a worst case scenario. It is accepted that the Park itself has multiple parking areas and a vast number of spaces, as well as being accessible by other modes of transport.

3.4.22 Given the above factors it is considered that the existing park provision, or wider highway network, could accommodate the additional demand generated by the development.

3.4.23 The applicant has supplied a construction management plan that, in part, addresses the number of site movements during construction and the intended location of the site compound area adjacent to the cycle track, to the west of the pavilion. Further comment from the highways team in relation to the construction management plan will be offered via the update report.

3.4.24 Subject to the assessment of the construction management plan, which can be addressed via a suitably worded planning condition, compliance with Local Plan policy 10 is achieved.

4.0 RECOMMENDATION

4.1 Approve subject to conditions relating to the following matters;

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

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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:

Block Plan, received 12/09/2022

Schematic Drawing: Foam Landing Area, received 12/09/2022

Proposed Reception Cabin Floor Plan & Elevations, received 12/09/2022

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

3. Notwithstanding the submitted details, prior to the commencement of development details of the appearance and colour of the cladding to be used on the reception building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the agreed details.

REASON: In the interests of visual amenity, in accordance with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2

4. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

REASON: In the interests of safeguarding biodiversity, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan part 2

5. The development hereby approved shall be undertaken in accordance with the working practices set out within the submitted 'Invasive Species Method Statement', received 27th October 2022.

REASON: In the interests of safeguarding biodiversity, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan part 2

6. The development hereby approved shall be undertaken in accordance with the measures detailed within the submitted 'Biodiversity Enhancement Plan' , received 26th October 2022

REASON: In the interests of safeguarding biodiversity, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan part 2

7. Prior to the commencement of development an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include but not be limited to; tree works to facilitate and allow construction, ground protection for construction vehicles and methods of construction and materials for the installation of pathways within the site. The development shall be undertaken in accordance with the agreed details.

REASON: To safeguard biodiversity interests, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan part 2

5.0 PLANNING HISTORY

There is no planning history affecting the application site

6.0 CONSULTATIONS

- 6.1 Public Consultation: 32 properties have been individually consulted by letter, site notices displayed and a press notice issued. No comments have been received.

- 6.2 Highways: The application is supported by a transport statement. This indicates that the main activity periods would be at weekends and that the development proposes use of the existing Witton Park car parks. Visits to the proposed development are likely to be combined with other activities in the park, so the stated impacts are likely to be worst case and only amount to 16 arrivals and departures per hour.

The proposed use does not align with any standard parking use. It is therefore judged on the staff and visitor numbers as set out within the submission. These indicate that parking needs would be 16 spaces in a worst case scenario. It is accepted that the Park itself has multiple parking areas and a vast number of spaces, as well as being accessible by other modes of transport.

No objection subject to construction method statement being agreed.

- 6.3 Tree Officer: I have visited the site and considered the submissions including the arboricultural survey data and the Pre-construction Arboricultural Report. The following is highlighted from the submissions;

Some small branches may require pruning back however this won't be evident until the construction has started. During the design no trees were highlighted as requiring removal to facilitate the construction and safe operation of the course. This may change once construction starts however all will be notified before any tree works are completed. The exact location of site huts and storage will be finalised following the result of the planning application. It is recommended a site visit is arranged to find the best location for the tree / woodland health and the construction team.

Due to the nature of the proposed facility it is not anticipated there would be any significant increase in pedestrian footfall within the woodland area as a whole. Pedestrian movement for access and egress of the facility could be agreed with a suitable footpath, to be constructed with appropriate materials and construction methods to allow for tree root protection.

The location for site storage and materials has not been included in the submissions. It would be desirable for this to be located outside the main body of the woodland and thereby potentially remove conflict with tree obstructions and rooting environment. Most of the application site is tree covered and if the site storage and materials cannot be located outside the application site then the area for the zip wire and landing zone may be suitable.

One particular area of concern is access for construction vehicles and the types of vehicles required to construct the platforms and aerial walkways. Also there is a lack of information with regard to the installation of the main support poles. It appears from the schematic drawing these are approx. 6 metres in height. There is no detail as how these poles are fixed and installed into the ground. Also the depth of potential excavations and if they are to be set into concrete. Such works could have significant impact on tree roots and the rooting environment. The type of machine to be used to erect the pole could have implications for the canopies of individual trees and conflict with branches, unless suitable facilitation pruning is identified and agreed.

Recommendations:

In principal I have no objections to the proposal. The construction of the facility and its future use need not threaten the health of individual trees or the woodland as a whole providing the aspects referred to above can be dealt with by suitable conditions.

- Agree a system of tree works to facilitate and allow construction.
- Agree a system of ground protection for construction vehicles.
- Agree location, methods of construction and materials for the installation of pathways within the application site.
- Agree a location for site cabin and secure storage area for materials. If the cabin is to be located under tree canopies then ground protection will be required for root protection.

6.4 Ecology (GMEU): The application is supported by an ecological preliminary survey and bat roost tree inspection report.

A number of mature trees will be directly or indirectly impacted. The submitted bat roost tree inspection report indicates an absence of roosts and negligible or very low bat roosting potential.

A condition to avoid disturbance of birds during the bird nesting period (March to September) is recommended.

Japanese knotweed and rhododendron were recorded on site. A management strategy has been supplied. Both are regarded as avoidable during construction, with signage and fencing utilised to prevent accidental spread. Long term control is then proposed through use of herbicide on the Japanese knotweed and cutting back, herbicide and physical removal for the rhododendron. I have no objection to the proposals which can be conditioned.

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. I recommend enhancement of the woodland outside the zone of influence of the go Ape such as native understorey planting and provision of bat and bird boxes. *The details can be conditioned.*

6.5 Environmental Services: No objections

6.6 Property Management: No objections

7.0 **CONTACT OFFICER:** Martin Kenny, Principal Planner

8.0 **DATE PREPARED:** 2nd November 2022