



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: BRIERFIELD AND REEDLEY COMMITTEE

DATE: 3rd February 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE ON 03 FEBRUARY 2021

Application Ref: 20/0292/FUL

Proposal: Full: Change of use of agricultural land to horse grazing and erection of a stable building and outdoor manege.

At: Land To The South Of Motorway Bridge, Clitheroe Road, Brierfield

On behalf of: Mr P. Heap

Date Registered: 22/07/2020

Expiry Date: 16/09/2020

Case Officer: Alex Cameron

Site Description and Proposal

The application site is an agricultural field located within the Green Belt to the west of the settlement of Brierfield. To the west is the M65 motorway, to the north is Clitheroe Road and to the east flows Pendle Water with public footpath No. 17 adjacent to its west bank and to the south is open land. There is an existing communications mast on the site. The site is accessed via public footpath No. 17 from Montford Road.

The proposed development is the erection of a building to accommodate six horses and associated storage, a 40m x 19.8m manege and the change of use of the land to horse grazing. The proposed building would have a footprint of 18.4m x 11.2m with an eaves height of 4.6m and a ridge height of 6.6m. It would be finished in concrete panels to the lower walls, Yorkshire boarding above and profiled sheet roofing.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objections in principle regarding the proposed development at the above location, subject to the following comments being noted, and condition and note being applied to any formal planning approval granted. The development site is accessed off an unnamed single track leading from Montford Road, towards the dead end where there is no formal turning area. Public Footpath 17 (Reedley Hallows) also passes along this track and any works to construct the access to the development should not affect the setting of this Public Right of Way. The Highway Development Support Section recommends that a condition restricting use of the development to personal use only is applied to any formal planning permission granted.

Condition:

The use of the approved stable building and outdoor manege shall be restricted to domestic use only as applied for unless the prior consent of the local Planning Authority is obtained in writing, and commercial livery, equestrian events or other such use is prohibited. Reason: In the interest of highway safety.

Note:

The grant of planning permission does not entitle a developer to obstruct or alter a

Public Right of Way. Public Footpath 17 (Reedley Hallows) may be affected by this development.

Environment Agency - The application site lies within Flood Zone 1 and 2, which is land defined by the planning practice guidance as having a low to high probability of flooding. The application site is over 1ha and located in Flood Zone 1, which requires an FRA under the National Planning Policy Framework. However, in this instance, the proposed horse ménage located at this location is unlikely to pose an increased fluvial flood risk and the Environment Agency will not require an FRA.

It is unclear whether the applicant is also seeking to install a boundary fence, and if so, where this would be located. If a proposed fence is within 8m of the top of the bank of Pendle Water watercourse, it may interfere with the EA's access and we will need to be re-consulted. The Environment Agency has a right of entry to Pendle Water by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. A proposed fence in this location would also be likely to require a Flood Risk Activity Permit.

Coal Authority – No objection. Please attached a note relating to potential former coal mining hazards.

Brierfield Town Council

Public Response

A site notice has been posted and nearest neighbours notified – No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 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. Where applicable proposals should maintain the openness of the Green Belt.

Replacement Pendle Local Plan

Policy 39 relates to Equestrian Development, this states that the location, size and design of a proposal must preserve the landscape character and openness of an area. In Green Belt small stable development (up to four stables) will be acceptable provided the application is in close proximity to an occupied building (within 15m of grounds).

National Planning Policy Framework

Paragraph 143-146 of the National Planning Policy Framework sets out the types of development that are not inappropriate within the Green Belt. This includes the provision of appropriate facilities for 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.

Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Green Belt Impact

The proposed building as a substantial size for a stable building, with an overall height of 6.6m and a footprint of 11.2m x 18.4m. Whilst the building would have the appearance of a typical agricultural building it is not proposed or justified for the purpose of agriculture.

Saved Policy 39 of the Replacement Pendle Local plan states that in the Green Belt small stable development (to accommodate up to four horses) will be acceptable.

Typically stable buildings would be significantly smaller buildings made up of loose boxes and tack/storage rooms with external circulation. The floor area of the building would be largely taken up with storage and circulation space and its roof height is significantly beyond what is necessary for the accommodation of horses. The building is substantially larger than would be typical of a development of six stables.

The scale of the building, which would be prominently visible from the adjacent bridge and public right of way, would cause harm to the openness of the Green Belt and therefore does not meet the exception in the Framework for provision of appropriate facilities for outdoor recreation. The proposed building is therefore inappropriate development within the Green Belt and would both by definition and as a result of its scale and prominence be harmful to the Green Belt. No very special circumstances have been demonstrated that would clearly outweigh that harm and therefore the development is contrary to paragraphs 143-145 of the Framework.

Visual Amenity

The proposed development would not cause unacceptable harm to the visual amenity of the area, however, as addressed above the building would result in unacceptable harm to the openness of the Green Belt.

Residential Amenity

The siting of the buildings would not result in an unacceptable impact upon the residential amenity of any nearby dwellings. The development is acceptable in terms of residential amenity in accordance with policy ENV2.

Highways

With a condition to ensure that the stable is limited to the personal use of the landowner the proposed development would not result in an unacceptable increase in traffic accessing the site and is acceptable in terms of highway safety.

Drainage and pollution

It would be necessary to attach a condition to control the details of manure storage and drainage arrangements.

RECOMMENDATION: Refuse

For the following reason:

1. Due to its scale and isolated position, the proposed building would result in harm to the openness of the Green Belt, as such the development would be inappropriate development within the Green Belt contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy, Policy 39 of the Replacement Pendle Local Plan and Paragraphs 143-145 of the National Planning Policy Framework.

Application Ref: 20/0292/FUL

Proposal: Full: Change of use of agricultural land to horse grazing and erection of a stable building and outdoor manege.

At: Land To The South Of Motorway Bridge, Clitheroe Road, Brierfield

On behalf of: Mr P. Heap

REPORT TO BRIERFIELD COMMITTEE ON 3rd FEBRUARY 2021

Application Ref: 20/0567/HHO
Proposal: Full: Erection of a two storey side extension and roof lift.
At: 454 Kings Causeway, Brierfield.
On behalf of: Mr Usman Saeed
Date Registered: 01.09.2020
Expiry Date: 09.02.2021
Case Officer: Charlotte Pinch

Site Description and Proposal

The application is to be decided at committee as it has received more than three objections.

The application site is a detached bungalow, with accommodation at first floor level. The property is within a residential area, surrounded by detached properties in generous sized plots. The property is located within the settlement boundary of Brierfield.

The proposed development is for a two storey side extension to the south east elevation, a change in the ridge line to run from east to west and a raise in the ridge height by 1.2m to facilitate full first floor accommodation, creating a two storey dwellinghouse. The proposed alterations would be constructed of concrete roof tiles, natural stone elevations and UPVC windows with stone surrounds.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

Having considered the information submitted Lancashire County Council Highway Development Support Section does not have any objections regarding the proposed development at the aforementioned location, none of which is likely to impact on the surrounding public highway network or pedestrian access arrangements.

Public Response

Five letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- Concerns regarding the stability of the land on the site.
- The rear of the site has been subject to land slips and the need for retaining walls in the past.
- Drainage and stability have been affected by the removal of trees and shrubs at the rear of the site.
- The plans submitted do not show enough detail.
- The raise in height of the dwelling would block the skyline and be a blot on the landscape.
- Concerns the current foundations will not be sufficient for a larger house on top.
- Overlooking to properties to the rear at Marsden Height Close.

- Concerns the rear garden will be turned into a hardstanding.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 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.

Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan 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 in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Design

The Design Principles SPD states that the roof is an important element of a building's design and unsympathetic extensions can have a negative impact on the visual appearance of a dwelling house. Roof alterations should, therefore, be minor and sympathetic to the original design of the building.

Raising the ridge height of a dwelling must not have an adverse impact on the character and appearance of the building and the street scene. The proposed roof raise would result in an increase of 1.2m above the current level and moving the ridge through 90 degrees to be an east to west ridgeline. The property is set back from the road and is heavily screened by mature hedges to the front and trees to the east, therefore it is not particularly prominent in the street scene.

The directly adjacent properties on Kings Causeway both comprise of bungalows, No. 456 to the east having first floor accommodation, however both properties are set further forward in their plots than the host dwelling. Moreover, due to the change in levels along Kings Causeway the height of the dwellings is staggered, rising from west to east. As such, despite the proposed increase in ridge height of the host dwelling, it would only negligibly exceed the height of No.456, which would not be significant nor noticeable in the street scene.

The dwelling is set within a generous plot, with a 25.8m long rear garden, a substantial front garden and good separation with both side boundaries. The majority of the existing footprint of the property is to be retained, except for a two storey extension to the east side elevation. This extension would match the depth of the existing dwelling and would retain a 2.2m separation distance with the eastern side boundary of the site.

It is acknowledged that this immediate locality of Kings Causeway is characterised by bungalows, however these are not of uniform design, scale or appearance. Moreover, directly opposite the application site on the south of Kings Causeway are a range of two storey dwellings directly adjacent to the highway, which could be argued are more prominent than this proposal which would be set back and screened.

The proposed scheme looks to introduce natural stone for use in the elevations and concrete roof tiles. Whilst these would differ from the existing materials of the dwelling, they would not appear unduly out of keeping in the street scene.

As such, no objections are raised to the design and appearance of the proposal, in accordance with Policy ENV1.

Residential Amenity

The Design Principles SPD states that all extensions must adequately protect the privacy of neighbours and not have an overbearing impact. Windows should not inappropriately overlook adjacent properties.

Although regard should be had to existing street patterns and the existing interface distances between properties characteristic in the area, a minimum of 21m separation distance should be maintained between habitable room windows directly facing each other.

Concerns have been raised with regards to potential overlooking from the proposed development on properties in Marsden Height Close, to the rear of the application site. Whilst the proposed development will be adding a full first floor of accommodation, it will not be extended any closer to the rear boundary of the site than the existing dwelling. As such, a separation distance of 25.8m is retained from the rear of the dwellinghouse to the sites rear boundary. The rear of the closest properties in Marsden Height Close are situated a further 8-10m beyond this. Therefore, this would provide more than sufficient separation distance between the properties, not to result in significant detrimental overlooking impacts.

The existing 1.5m separation distance will be retained with the western boundary of the site, adjacent to No.452. It is acknowledged that No.452 is a low single storey bungalow, set at a lower land level than the application site. As such, amended plans were received during the course of the application removing the first floor extension adjacent to the boundary, to ensure there are no detrimental overbearing impacts on No.452. The current proposal retains the existing single storey attached garage, but adds a pitched roof, which is acceptable.

Further revisions during the course of the application resulted in a two storey side extension element being moved to the eastern side elevation of the property. Although this would reduce the separation distance with the eastern side boundary, it would remain at 2.2m and No.456 is set at a higher land level. As such, no concerns were raised with regard to residential amenity impacts.

One first floor side facing window is proposed on the western side elevation of the dwelling. This is a narrow high-level window serving a stairwell. As such, a condition will be applied to obscure glaze this window, to prevent any detrimental overlooking to No. 452.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

Highways

The application proposes four bedrooms, which in accordance with Policy 31 would require three on plot parking spaces. The application proposes one internal garage space, with sufficient driveway parking for two additional vehicles. Therefore no objections are raised in this regard.

Other Matters

A number of neighbour comments have raised concerns regarding the removal of existing plants and trees at the rear of the application site, and the impact this will have on the stability of the ground due to the difference in land levels. This removal of vegetation is not connected to the proposed application, nor will the proposal affect the element of the site, as the property is sited over 25m away from the rear boundary of the site. Moreover, the removal of vegetation in this location does not constitute a breach of planning.

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 proposed development is acceptable in terms of policy, design, amenity and highway safety. 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: Approve

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: 204-PL103A and 204-PL102.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to any above ground development occurring samples of the external facing materials, roof coverings and fenestration features to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure the materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. The window in the first floor west side elevation of the development hereby permitted shall at all times be glazed only with obscure glass of, or equivalent to, Pilkington Level 4 or above.

Any replacement glazing shall be an equal degree of obscurity. The window shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: In order to protect and preserve the privacy and amenity of the occupiers of the adjoining dwelling.

Application Ref: 20/0567/HHO

Proposal: Full: Erection of a two storey side extension and roof lift.

At: 454 Kings Causeway, Brierfield.

On behalf of: Mr Usman Saeed

REPORT TO BRIERFIELD COMMITTEE ON 3rd FEBRUARY 2021

Application Ref: 20/0768/FUL

Proposal: Full: Change of use from chemist (Use Class A1) to hot food takeaway (Sui Generis) and erection of flue to rear.

At: 19A Chapel Street, Brierfield

On behalf of: Mr Mohammed Irfan

Date Registered: 19.11.2020

Expiry Date: 14.01.2021

Case Officer: Charlotte Pinch

Site Description and Proposal

The application is to be decided at committee as it was called in by a Councillor.

The application site the ground floor of an end of terrace property, the property has most recently used for retail at ground floor, with residential accommodation above. It appears to have been in such use since at least 2011.

The proposed development is the change of use of the ground floor of the premises to a hot food takeaway and installation of an extraction flue to the rear.

Relevant Planning History

13/11/0553P

Advertisement Consent: Display 4 No illuminated signs (2 x fascia signs, 1 x advertisement board and 1 x projecting sign).

Approved with Conditions. 2011.

Consultee Response

LCC Highways

Having considered the information submitted, the above proposal raises no highway concerns. Therefore the Highway Development Support Section would raise no objection to the proposal on highway safety grounds.

Lancashire Constabulary

No objection.

Lancashire Fire and Rescue

No objection.

Public Response

None received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

WRK4 (Retailing and Town Centres) seeks to ensure vitality and maintain viability of retailing within Town Centres, aiming to prevent non-shopping uses within the Primary Shopping Areas and encourage re-occupation of vacant floor space.

It states that main town centre uses should follow the following sequential approach:

- 1: Town and local shopping centres
- 2: Edge of centre locations
- 3: Out-of-centre sites which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

Proposals for hot-food takeaways in close proximity to establishments that are primarily attended by children and young people will be resisted.

Replacement Pendle Local Plan

Policy 25 states that new retail and service development should be located within a defined town centre as the first order of priority. The supporting text states that where existing commercial uses exist outside of a town centre they can be replaced by some other commercial use of the same scale.

Saved Policy 31 of the Replacement Pendle Local Plan 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 taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Principle of Development

The site is located outside of a town centre, Policy 25 of the RPLP allows existing commercial uses outside of town centres to be replaced by other commercial uses of the same scale.

The premises is currently used for retail purposes as a chemist and has done since at least 2011. With a condition to control its hours of operation, the proposed use of the building would not be of a greater scale of impact than the building use over the past 10 years. Taking this into account, the proposed hot food takeaway is acceptable in accordance with Policy 25.

The site is not located within unacceptably close proximity of establishments that are primarily attended by children and young people in accordance with Policy WRK4.

Visual Amenity

The proposed flue would be located to the rear of the building. Whilst it would be visible from Arthur Street it would not be unacceptably prominent.

Taking this into account, on balance the flue is acceptable in terms of visual amenity. The proposed development is acceptable in terms of visual amenity in accordance with Policy ENV2.

Impact on Amenity

The adjoining property of No.19 Chapel Street to the west appears to have residential accommodation at first floor level. The proposed flue would be located adjacent to the party boundary. It is common to have extraction flues to the rear within proximity of adjoining dwellings in terraced rows such as this and subject to condition to control the noise and odour mitigation the proposed flue is acceptable in terms of residential amenity.

Waste is proposed to be stored within the rear yard and therefore will not unacceptably impact upon nearby residents.

The applicant has not specified the required opening hours of the proposed takeaway. Taking into account the predominantly residential area this proposal is set in, the opening hours would need to be restricted to mitigate the potential for late night noise and disturbance to the detriment of residential amenity. As such, a condition restricting opening hours of 9am to 10pm each day will be applied. The 10pm closing time would ensure that there are no unacceptable impacts of adjacent residential properties from the operation of the takeaway. It is not necessary to further restrict weekend opening or morning opening beyond 9am.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and ENV5.

Highways

The application site has no designated parking, however given its location within 65m of the town centre boundary and the close proximity of a range of short and long stay parking, along with suitable access to public transport links, no objections would be raised on parking grounds.

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 proposed use is acceptable in this location and accords with the policies of the Pendle Local Plan Core Strategy.

RECOMMENDATION: Approve

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, Block Plan and Elevations.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The hot food takeaway hereby approved shall not be open to customers outside of the hours of 9am to 10pm.

Reason: To ensure that night-time and early morning noise and disturbance does not unacceptably impact upon the residential amenity of the occupiers of adjacent dwellings.

4. The use hereby approved shall not commence unless and until a scheme for the extraction, treatment and dispersal of fumes and odours, including noise attenuation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. the provision of odour filters (which shall incorporate grease and carbon filters)
- b. details of the sound insulation of odour control equipment

The approved scheme shall be fully implemented prior to the commencement of the use hereby approved and the extraction system shall thereafter be operated and maintained in accordance with the approved details and the manufacturers specifications and be retained for so long as the use continues.

Reason: In order to ensure the adequate treatment and dispersal of fumes and odours and attenuation of noise in the interests of residential amenity.

Application Ref: 20/0768/FUL

Proposal: Full: Change of use from chemist (Use Class A1) to hot food takeaway (Sui Generis) and erection of flue to rear.

At: 19A Chapel Street, Brierfield

On behalf of: Mr Mohammed Irfan

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 20th January 2020