



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER

TO: POLICY AND RESOURCES COMMITTEE

DATE: 25th NOVEMBER, 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO POLICY & RESOURCES COMMITTEE 25 NOVEMBER 2021

Application Ref: 21/0567/FUL

Proposal: Full: Change of use of existing agricultural building and adjacent land for use as farm school, car parking and associated works (Retrospective).

At: Field Number 9971, Greenhead Lane, Brierfield

On behalf of: The Nest Farm School

Date Registered: 05/07/2021

Expiry Date: 30/08/2021

Case Officer: Alex Cameron

This application has been referred to Policy & Resources Committee because Nelson, Brierfield & Reedley Committee's resolution to approve the application would represent a significant departure from policy in relation to all three recommended reasons for refusal.

Site Description and Proposal

The application site an agricultural building and adjacent agricultural bale pad located within the Green Belt to the south west of Greenhead Lane. To the north east of the site in the adjoining field is an allotment site, to the north west is the boundary with the grounds of Greenhead Manor beyond lined with a belt of trees to the south are agricultural fields.

This is a retrospective application for the change of use of the building and land from agricultural to use as a children's farm school with associated car parking.

Relevant Planning History

13/15/0333P - Full: Erection of a multi-purpose agricultural building for use by tenant farmer, landowner and allotment holders (Retrospective). Approved.

17/0091/FUL - Full: Erection of an agricultural livestock building. Approved.

Consultee Response

LCC Highways – I note this is a retrospective application. I have looked through our complaints data and there are no reports of complaints or collisions recorded at this location. Sessions provided for up to 12 children 1.5 to 2-hour sessions. 2 full time staff. 12 parking spaces provided for this usage.

Access

With reference to Design and accesses statement submitted (Ref: MITC/01-June 2021), 2.2 Access – The existing access from Greenhead Lane is to be used.

Before the access is used for vehicular purposes, it shall be appropriately paved in tarmac, concrete, block pavements, or other approved materials. Reason: To prevent loose surface material from being carried onto the public highway thus causing a potential source of danger to other road users.

A car parking space to be 2.5m x 5.0m. a minimum of 6 metres is required to enable cars to reverse out of a car parking space.

Mobility parking spaces (3.0m x 5.0m) shall be provided at a minimum level of 1 per 10 car parking spaces. 1.2m hatched area required both sides of space (only one side if at open end of row) and normally 1 metre hatched area behind.

As this site is used by both (adults and children) pedestrians (both In out signs should be placed at entrances and exits, pedestrian walkways should be clearly lined, An amended drawing should be provided to show this.

Servicing

The applicant should confirm that the car parking layout does not hinder the refuse collection and service delivery vehicles from accessing the site. The amended layout should not result in service vehicles using the public highway Greenhead Lane to park whilst loading/unloading goods.

A swept path is required for an agricultural vehicle (the largest vehicle in use on the site) for entering and leaving on to the highway, Greenhead Lane.

Recommend that the following conditions are applied to any formal planning approval granted: Turning, construction management, car park surfacing and marking out, maximum of 12 children.

Lancashire Fire & Rescue – Comments relating to building regulations access and turning requirements.

Cadent Gas - object to the proposal as it has the potential to impact gas apparatus.

Health and Safety Executive – Object. The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

If, nevertheless, you are minded to grant permission, your attention is drawn to Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances - Handling development proposals around hazardous installations, published by the Ministry of Housing, Communities and Local Government, or paragraph A5 of the National Assembly for Wales Circular 20/01. These require a local planning authority to give HSE advance notice when it is minded to grant planning permission against HSE's advice and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Housing, Communities and Local Government, or Welsh Ministers, call-in the application for their own determination.

Public Response

A site notice has been posted and nearest neighbours notified – Numerous responses received in support of the application and the benefits the use offers children.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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. Developments should maintain the openness of the Green Belt.

ENV4 (Promoting Sustainable Travel) states that developments should minimise the need to travel by ensuring they are developed in appropriate locations close to existing or proposed services.

ENV5 (Pollution and Unstable Land) states that new development should not be sited close to utility infrastructure assets of other potentially incompatible uses.

SDP2 (Spatial Development Principles) states that proposals for new development should be located within a settlement boundary unless it is permitted by exceptions identified in the Framework or allowed by other Development Plan policies.

SUP3 (Education and Training) States that facilities and services for education should be in locations that are conveniently accessible to users, including by walking and cycling.

National Planning Policy Framework

Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings in the Green Belt are regarded as inappropriate unless they meet one of the exceptions specified in paragraphs 149-150.

Principle of the development

The application site is located in the Green Belt approximately 950m from the settlement boundary and 1.3km from the nearest bus stops. This is an unsustainable location for the proposed use which would require children and staff to use private motor vehicles to access the site. This is therefore an unacceptable location for the use contrary to policies SDP2, SUP2 and ENV4

Green Belt Impact

The National Planning Policy sets out a number of exceptions where development is not inappropriate within the Green Belt. Educational developments are not one of those exceptions. There is an exception for the changes of use provided that the openness of the Green Belt is preserved. However, this development would involve changing the use of the bale pad to a car park, that change of use would not preserve the openness of the Green Belt and therefore the proposed development does not meet that exception.

The proposed use is therefore inappropriate development within the Green Belt, which is by definition harmful to it. Furthermore, the use of the bale pad as a car park would result in harm to the openness of the Green Belt visible from the public right of way running through the site.

The proposed buildings would adjoin an existing building of similar construction, with a condition for adequate landscaping, the collective visual impact of the buildings would be acceptable. The proposed development is therefore contrary to policy ENV2 and the guidance of the Framework.

Public Safety

There is a Major Accident Hazard gas pipeline running under the site. Both Cadent Gas and the Health and Safety Executive (HSE) have objected to the application.

Cadent Gas and the HSE have separate remits in relation to this planning application.

Cadent's remit relates to the integrity and safe operation of the pipeline. Their interest relates to development within a 15m easement either side of the pipeline. That is limited to part of the car parking area an outdoor petting area.

The HSE's remit is to provide safety advice on developments which are in the proximity of major accident hazard pipelines. This is to ensure that planning authorities give due weight to the risk posed by pipelines to the population associated with the proposed development. Although HSE may assume that a pipeline is constructed, maintained and operated in accordance with the appropriate regulatory requirements, they also must consider that there is a residual risk of a major accident occurring at the pipeline.

The HSE's risk zone for such an accident extends beyond Cadent's 15m easement and the whole of the building proposed to be changes is within the middle zone and the outdoor petting and parking areas straddle the inner and middle zones.

The use for education / day care of children is not compatible with being located in within an area with is at risk should a major accident involving the pipeline occur.

Policy ENV5 states that new development should not be sited close to utility infrastructure assets of other potentially incompatible uses, the use is contrary to that policy.

Amenity

The site is a sufficient distance from nearby dwellings to ensure that the use would not result in any unacceptable residential amenity impact. The proposed development is therefore in accordance with policy ENV2.

Highways

With conditions to ensure that adequate parking and turning provision and limit child numbers proposed development is acceptable in terms of highways safety, however, as detailed about the lack of accessibility of the location would result in an unacceptable reliance on private motor vehicles to access the site contrary to policy ENV4.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed change of use is inappropriate development within the Green Belt and would cause harm to the openness of the Green Belt contrary to policy ENV2 of the Pendle Local Plan Part 1: Core strategy and paragraphs 147-150 of the National Planning Policy Framework.
2. The site is located in an unsustainable out of settlement location not adequately accessible by walking or public transport and would therefore lead to an unacceptable increase in journeys by private motor vehicle contrary to policies ENV4, SDP2 and SUP3 of the Pendle Local Plan Part 1: Core Strategy.
3. Due to the proximity to a Major Accident Hazard gas pipeline the proposed educational use would result in an unacceptable risk to the safety of pupils and staff contrary to policy ENV5 of the Pendle Local Plan Part 1: Core Strategy.

ENFORCEMENT RECOMMENDATION:

To serve an Enforcement Notice requiring the educational use to cease within three months.