

**Application Recommended for Approve with Conditions
Whittlefield With Ightenhill**

FUL/2023/0070

Town and Country Planning Act 1990
Proposed log cabin for educational purposes.
Cornfield Farm Fishery Cornfield Grove Burnley Burnley

This application is presented to committee as the applicant's partner works for the Council.

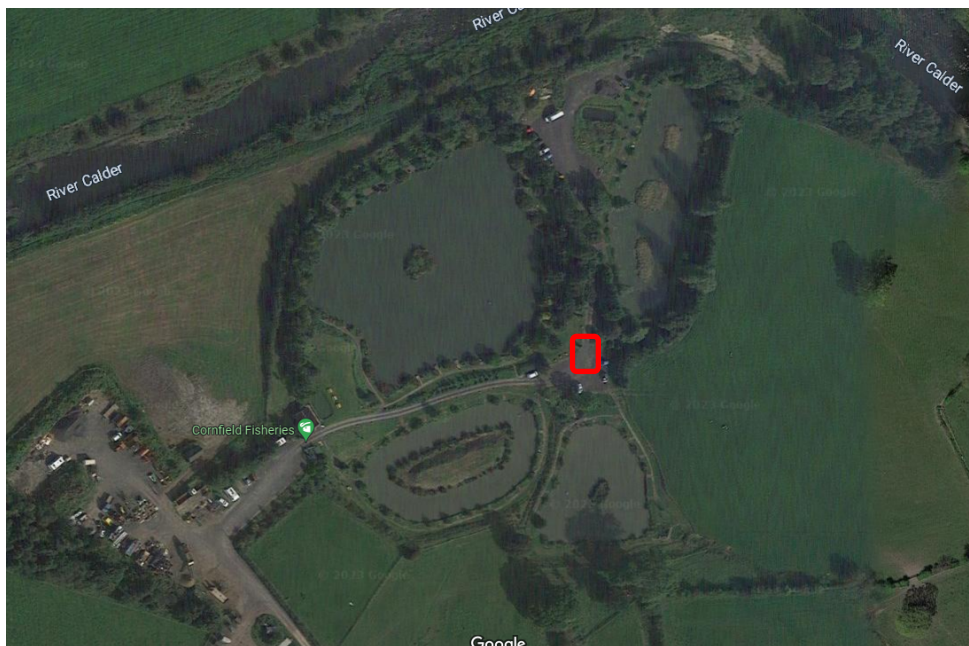
Background:

The site is located off Cornfield Grove, Burnley in an area of defined Green Belt in which policy SP7 of Burnley's adopted Local Plan applies. Cornfield Grove is an unadopted lane which leads off Padiham Road to Cornfield Farm which has commercial stables, residential properties associated with the farm and the fisheries.

Cornfield Fisheries is made up of 4 main fishing ponds which are open to members of the public to use. There is a small cabin used as a site office and the site is managed by an on site manager.

The site is located within flood zone 2 and is a short walk from the River Calder approximately 130m to the north of the site. The proposed location of the cabin currently has some medium level shrubs and trees which appear to be self seeding. There are no TPO's at the site.

The site has designations as a former land fill site which is known to the Environment Agency and the Council.



Extract photo 1: www.google.com aerial image of the site showing the approximate location of the cabin.



Photo 2: Approximate location of the education base cabin



Photo 3: access road which runs down to the River Calder

Background from the applicant on the application (provided by the applicant)

MS Angling and Education is a not-for-profit organisation based who deliver educational fishing sessions to primary and secondary school groups, colleges, community groups and organisations, as well as 'Fishing Therapy' sessions to the East Lancashire community, supporting the NHS and social prescribing network.

MS Angling and Education are recognised by the Angling Trust as a 'Get Fishing for Wellbeing Approved Partner' and have been a registered provider/supplier for Lancashire County Council for the previous 4 years. The organisation is supported greatly by Sport England, Active Lancashire, the Angling Trust, Burnley Pendle and Rossendale Council for Voluntary Services, NHS Lancashire and South Cumbria Integrated Care Board, the National Association for Social Prescribing and the Community Foundations for Lancashire and Merseyside.

The fishing sessions have been operating since 2019 and are all year round. The cabin will provide a warm, dry learning environment which will provide wider opportunities for educational groups, community groups and all those benefitting from the many 'Fishing Therapy' sessions that are delivered.

Proposal

The application seeks consent for a wooden framed cabin with an approximate footprint of 12m x 6m with a pitched roof and stepped access from the gravel road. There will be some minor groundworks required to level the site and the existing shrubs and small trees removed.

There is adequate parking at the site and sufficient space for vehicles to manoeuvre.

The cabin will be used during daylight hours and during the week and at weekends and can accommodate up to 30 people.



Example of a cabin to be used taken from brochure [/www.timberbuildingspecialists.co.uk](http://www.timberbuildingspecialists.co.uk)

Relevant History: None

Relevant Policies:

Burnley's Local Plan 2018

The most relevant policies to the site are:

Burnley's Local Plan July 2018

SP1 – Achieving Sustainable Development

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

SP7 – Protecting the Green Belt

NE1 – Biodiversity and Ecological Networks

NE3 – Landscape Character

NE5 – Environmental Protection

CC4 – Development and Flood Risk

Planning for Health SPD

National Planning Policy Framework 2021

Consultation Responses:

LCC Highways – no objection

The Highway Development Control Section of Lancashire County Council has no objections to the planning application.

Environment Agency - No objection subject to condition

'The previous use of the proposed development site as a landfill site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located adjacent to a surface watercourse and located upon a secondary aquifer.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.'

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- 1. A preliminary risk assessment which has identified:*
 - all previous uses*
 - potential contaminants associated with those uses*
 - a conceptual model of the site indicating sources, pathways and receptors*
 - potentially unacceptable risks arising from contamination at the site*
- 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.*
- 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
- 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water

pollution in line with paragraph 174 of the National Planning Policy Framework.

Neighbour comments – none received

Planning and Environmental Considerations:

The principle of development

The site is wholly located within designated Green Belt. The Government attaches great importance to Green Belts with the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts being their openness and permanence.

Paragraph 147 of the Framework stipulates that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 149 and 150 of the NPPF identify those forms of development which may not be considered to be inappropriate.

The proposed educational cabin is considered to meet para 149 b) of the Framework and is therefore considered to not be inappropriate development.

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation...'

This is also supported in adopted Local Plan Policy SP7. Consequently, the proposal should not be regarded as harmful either to the openness or to the purposes of including land within the Green Belt in respect of maintaining its essential characteristics.

The planning for Health SPD highlights the ways in which the planning system can contribute to protecting and improving people's physical and mental health. This scheme will enhance the facilities at an existing site to help to support healthy behaviours.

In principle the proposal is considered to be acceptable subject to meeting all other relevant national and local planning policies.

Main issues

The main issues in the consideration of this application are;

- Design and appearance including materials
- Landscape setting
- The impact of the development on residential amenity
- Traffic/parking
- Flood risk

Design and Appearance

Paragraph 126 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The overall design and appearance of the cabin appear to be fit for the purposes for the use and proposed materials are considered to be appropriate to the rural area. Overall the proposal complies with policy SP5 of the adopted Local Plan.

Landscape Character

Policy NE3 of Burnley's Local Plan states;

a) they relate well to local topography and built form and are of an appropriate scale, siting, layout, design, density and use of materials to minimise the impact on the landscape character of the site and its surroundings.'

The current site is on a low level section of land between 2 larger fishing lodges. It is not considered that the cabin will be visible from far reaching views and any impact will be localised to the immediate setting of the fisheries.

Residential Amenity

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking.

The site is approximately 220 m from the nearest residential property at Cornfield Farm. It is not considered that there would be any detrimental impact on the nearby properties

Traffic and Parking

LCC highways have provided comments on the application and do not object subject to conditions.

Flood Risk

The site falls within Flood Zone 2. The Environment Agency have been consulted on the application and they have provided detailed comments including an appropriate condition which relates to contamination and the former use of the site.

Conclusions and Recommendation

The proposals offer the opportunity for a not for profit organisation to grow and have a more permanent base for its users. The use is acceptable in the green belt and its size and design are considered to be appropriate to its setting. The application is recommended for approval subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans listed on this notice below.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. All materials to be used in the approved scheme shall be as stated on the application form and amended drawings received 3/3/23 and shall not be varied without the prior written approval of the Local Planning authority

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018

4. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order to protect the amenity of surrounding uses in accordance with policies SP4 and NE5 of Burnley's adopted Local Plan

5. The cabin hereby permitted shall only be used by those associated with MS Angling and Education.

Reason: In order to protect the amenity of surrounding uses in accordance with policies SP4 and NE5 of Burnley's adopted Local Plan

6. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework and Policy NE5 of Burnley's adopted Local Plan