



**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND  
REGULATORY SERVICES MANAGER**

**TO: POLICY AND RESOURCES COMMITTEE**

**DATE: 21<sup>st</sup> JANUARY, 2021**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## REPORT TO POLICY AND RESOURCES COMMITTEE 21<sup>ST</sup> JANUARY 2021

**Application Ref:** 20/0448/FUL  
**Proposal:** Full: Erection of three storey building to accommodate 3 flats.  
**At:** 27 Railway Street, Brierfield.  
**On behalf of:** Mr Amjid Siddique  
**Date Registered:** 17.07.2020  
**Expiry Date:** 08.01.2021  
**Case Officer:** Charlotte Pinch

This report has been referred from Brierfield and Reedley Committee as members were minded to refuse the application, on the grounds of inadequate parking provision, against officer's recommendation. The parking provision has been adequately addressed in the report and previously the building on site had housed a commercial use with potential for a flat at first floor. No objections have been raised on this point from LCC Highways in order to substantiate a reason for refusal.

In the absence of supporting evidence, if refused on the grounds of inadequate parking provision, there would be a significant risk of an adverse costs award against the Council from any subsequent appeal.

### Site Description and Proposal

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

The application site is a currently vacant plot of land, adjacent to a terrace of two storey dwellings. A commercial mixed use premises was recently demolished on the application site. The site is in a mixed use area, but is predominantly characterised by terraced dwellings.

The proposed development is for the erection of a two storey terraced building, with accommodation in the roof space, to comprise of three separate residential apartments. Each apartment would comprise of one bedroom, bathroom and open plan living/dining area.

Externally the building would be constructed of render finish to rear and side elevations, artificial stone to the front and concrete roof tiles, with UPVC fenestration.

### Relevant Planning History

13/07/0051P

Full: Use as base for taxis (8 Vehicles).  
Approved with Conditions. 2007.

20/0181/FUL

Full: Change of use of ground floor from retail to studio flat (Use Class C3) and replacement of shopfront with window.  
Application Withdrawn. 2020.

## **Consultee Response**

### LCC Highways

Having considered the information submitted, the Highway Development Support Section does not have any objections in principle regarding the proposed development at the above location, subject to the following comments being noted.

Although there is no off-road parking provision associated with this application the site is considered to be in a sustainable location, being adjacent to Brierfield Railway Station and on a bus route. It is also within acceptable walking distances to local amenities and facilities.

We note the borough council's Countryside Access Officer's comments regarding Public Footpath 38 (Brierfield), which runs adjacent to the development site, and the potential effect the development may have on it. We support his comments and the suggested informative note regarding the public footpath to be included in any formal planning approval granted.

### United Utilities

No objection, subject to the application of suitable drainage conditions.

### PBC Countryside Officer

Public footpath 38 runs adjacent to the site of the development and therefore my main concern with the proposals is the effect on the footpath whilst construction is being carried out. I would anticipate that the developer would wish to temporarily close the footpath. The grant of planning permission does not constitute authorisation to do this.

## **Public Response**

One letter of objection was received from a neighbouring occupier, their comments can be summarised as follows:

- The proposed roof tiles are not in keeping with the attached building.
- No parking is provided and on street parking is limited.
- Inadequate storage of refuse bins.
- Poor condition of housing adjacent.
- The external finish of the building will not be in keeping.
- Insufficient space for the proposed number of occupants.
- Concerns regarding safe access in the case of fire.
- Damage to the public footpath by workmen.

## **Officer Comments**

### **Policy**

#### Pendle Local Plan Part 1: Core Strategy

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 and Character of the Area.**

The proposed development will be on the site of a previous commercial mixed use terraced building, which has been recently demolished. The proposed building would retain the terraced appearance and be in line with the existing attached dwellings, retaining a comparable scale.

The front elevation features three windows and one door to match the rest of the terrace. The gable side elevation has windows at ground, first and second floor, to serve each apartment. These windows would be of a suitable scale and not be overly prominent when viewed from the west on Clitheroe Road.

Although providing three floors of accommodation, the ridge height of the proposed building would match that of the adjacent terraced properties, reducing slightly from east to west due to the topography of the land. Two roof lights are proposed in the building, to provide light to the second floor accommodation. These would not be readily visible when viewed from the road and would not be inappropriate in this setting.

Proposed developments should be constructed of materials which are in keeping in the street scene and the character of the area. The existing terrace is constructed of predominantly stone and render

elevations. This proposal will comprise of render to the side and rear, with artificial stone to the front. These are acceptable materials in this location.

The design, scale and materials of this development are acceptable and therefore comply with Policy ENV2, Paragraph 130 of the NPPF and the Design Principles SPD.

### **Residential Amenity**

The Design Principles SPD states that development must adequately protect neighbours enjoying their own home and must not result in an overbearing impact to an unacceptable degree.

The proposed development would be directly adjoining existing terrace properties, it would project no further to front or rear than the existing terrace.

There are no residential properties to the west of the site, it is adjoined by mature tree screening and a car park. As such, the proposal would not result in overbearing impacts or overlooking to residential properties.

There is one existing first floor side facing window at No.25 to the east, which looks towards the application site. A reasonable separation distance is retained between the existing window and the proposed two storey rear outrigger at No.27. This would allow for sufficient light to access the existing window. Moreover, it has been confirmed that the window serves an existing first floor store room and therefore does not serve a habitable room, reducing the window's significance.

There is sufficient bin storage in the yard to the rear of the site.

### **Highways**

The proposed development would result in three separate one bedroom properties. Whilst there is not space for on plot parking provision, the site is within a sustainable location. It is directly adjacent to Brierfield Train Station, is close to a bus route and is within walking distance of Brierfield Town Centre.

It is also important to note that the previous building on this site, recently demolished, comprised of a commercial element at ground floor level, with potential for residential accommodation at first floor level. This mixed use would have had a greater number of visits and demand for parking over the proposed three residential units. Therefore, no objections are raised in this regard.

### **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 would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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 and reasons:

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: U67-P202A, U67-P203A and U67-P201.

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be in accordance with the materials stated on the approved plans and there shall be no variation without the prior consent of the Local Planning Authority.

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

4. Prior any above ground works details of a scheme of disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the units are first occupied.

**Reason:** To control foul and surface water flow disposal and prevent flooding.

## **INFORMATIVE**

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.