



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: BRIERFIELD AND REEDLEY COMMITTEE

DATE: 30th March 2021

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BRIERFIELD & REEDLEY COMMITTEE ON 30th MARCH 2021

Application Ref: 20/0596/FUL

Proposal: Full: Major: Erection of two blocks of flats with a total of 12 flats with parking, access and associated works (part retrospective).

At: 30 Higher Reedley Road, Brierfield

On behalf of: Reedley Properties Ltd.

Date Registered: 19th October, 2020

Expiry Date: 18th January 2021

Case Officer: Kathryn Hughes

This application has been brought before Committee as it is a major application.

1. Site Description and Proposal

The application site is to the rear of the former Marsden Cross Public House in Brierfield which lies within the settlement boundary.

There is a public right of way PF20 (Brierfield) which runs along the southern edge of the site.

This application seeks permission to erect two blocks new build comprising of a total of 12 flats.

The two blocks are currently being erected to the rear of the former public house. Each block would contain 6 two bed apartments with car parking, access and associated works.

A Design & Access Statement, drainage report and tree report have been submitted in support of this application.

The former public house has already been converted under planning application 19/0578/FUL approved early this year. The new build flats to the rear are also well under way nearer completion had being been approved in outline under the same application.

The siting and height of the buildings as been revised hence the need for this application.

2. Relevant Planning History

13/07/0369P - Full: Form doorway to rear and construct pergola - Approved 10th July, 2007.

13/12/0270P - Conversion of public house with residential flat to four flats - Refused 21st August, 2012.

13/12/0415P - Conversion of public house with residential flat to four flats with eight solar panels on the rear roofslope (resubmission) – Approved.

16/0773/FUL – Full Removal of existing equipment and erection of new free standing 20m high telecommunications mast – Approved 20th January, 2017.

17/0525/PNT – Prior Notification (Telecoms) – Erection of 17.5m high Jupiter Street Pole, foundation and three antennas with associated works.

19/0578/FUL – Full: Major: Conversion of former Public House into 10 No. one bed flats, car parking and access; Outline: Erection of two buildings to accommodate 12 No. two bed flats with car parking access and associated works (Access, Layout, Scale & Appearance only) – Approved 10th January, 2020.

3. Consultee Responses

LCC Highways

The site was visited on 11 November 2020 when it was noted that both blocks of flats were already under construction, with Building 1 completely constructed externally and Building 2 substantially constructed up to roof level.

Site access

During the site visit it was noted that the section of footway within the adopted highway network had been constructed and was substantially complete. Works within the adopted highway network, both at the site access and footway to the south of the access have been undertaken. No contact has been made with Lancashire

County Council as the highway authority with regard to providing details for the vehicle access and entering into the necessary legal agreement (Section 278). This agreement will still need to be entered into and the developer would be liable for rectifying any defective or missing works.

The formation of the new vehicle access from Higher Reedley Road to the development site would need to be carried out under the above legal agreement with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 4.5m, 6m radius kerbs, and buff coloured, tactile paved dropped pedestrian crossings.

Construction of a new section of footway within the adopted highway network, from the northern site boundary to the existing adopted footway to the south of the former public house, would also need to be carried out under the same legal agreement.

Both the vehicular access and new footway should be constructed and completed prior to first occupation of any residential unit on the site to ensure that traffic generated by the development does not have a detrimental impact on the surrounding highway network.

Car & cycle parking

To allow for the efficient use of the off-road parking bays this should be on an allocated basis. Vehicles should not park outside the development site on Higher Reedley Road due to the solid, double white centre lines. If vehicles did park here they would narrow the carriageway width and force other vehicles to cross/straddle the solid, double white centre lines. This would be to the detriment of highway safety as vehicles turning left out of the site would have to swing out onto the opposite side of the carriageway, and parked vehicles would also obstruct visibility. In addition, the geometry of Higher Reedley Road restricts forward visibility due to the brow of the hill.

There is no pedestrian route from the flats to the cycle store between parking bays 21 and 22.

Internal layout

This application has been submitted due to the re-positioning of both buildings within the site.

The internal footway along the front of the flats is narrow, varying in width between 0.8m and 1m, which, considering the majority of disabled parking bays are at the front of the flats, is considered to be too narrow. It should be a minimum 1.8m wide, which could also act as the service strip.

As the internal road would remain private the developer should provide details of the proposed arrangements for the future management and maintenance of the road.

These should include the establishment of a private management and maintenance company.

Public Right of Way

A Public Right of Way - Public Footpath 20 (Brierfield) - passes adjacent to the southern boundary of the development site. This Public Right of Way must not be obstructed during any proposed development. Furthermore, no excavation/ construction works should affect the structural integrity of land supporting this Public Right of Way.

Conditions relating to highway improvements works, drainage, street lighting and constructional details of the internal road, management and maintenance of internal road, visibility splays, estate road, site access, car parking and electric vehicle charging points should be attached to any grant of permission.

LCC Education

An education contribution is not required at this stage in regards to this development.

United Utilities

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

We request conditions are attached to any subsequent approval to reflect the approach detailed above.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact.

We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

Water Supply

For larger premises or developments of more than one property, including multiple connections, where additional infrastructure is required, a water network behaviour/demand modelling exercise would be required to determine the network reinforcements required to support the proposed development. With this in mind we recommend the applicant contacts us at the earliest opportunity.

Our standard conditions document includes details of trees and shrubbery suitable for planting in the vicinity of a water main. The applicant should consult this document to ensure their landscaping proposals meet with the advice provided in the document.

We also recommend the use of root barriers to afford additional protection to the water main.

The applicant should be instructed to lay their own private pipe, to United Utilities standards, back to the existing main. If this should involve passing through third party land United Utilities must receive a solicitor's letter confirming an easement, prior to connection.

Although water supply in the area is compliant with current regulatory standards, we recommend the applicant provides water storage of 24 hours capacity to guarantee an adequate and constant supply.

LCC Lead Local Flood Authority

No objections subject to appropriate conditions.

Coal Authority

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: **Material Consideration**

As you are aware the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past and historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth.

Unfortunately the applicant does not appear to have submitted a Coal Mining Risk Assessment to accompany this latest planning application. However, the Coal Authority notes the planning history on site insofar as a Coal Mining Risk Assessment (or equivalent) (September 2019, prepared by Worms Eye) being previously provided.

That report identifies that there is one shallow coal seam beneath the site, the 'Yard Bottoms (China)'. It advances to indicate that the geological memoir suggests this is a thin seam, too thin or inferior to be worked, and therefore not a risk.

Furthermore, the report also suggests this is below about 7 metres of rock (15 times the seam thickness) below the nearest proposed building. This being sufficient rock cover to minimise the risks to the proposed building, according to the report, which subsequently attributes a **negligible risk** to the proposed buildings.

Bearing in mind the location of the proposed buildings on the latest submission being very similar to that previously proposed, the above conclusion remains relevant.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and

stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

NHS Contribution

Planning application 20/0596/FUL, Marsden Cross, 30 Higher Reedley Road, Brierfield Lancashire BB9 5HA is seeking to secure permission for the construction of **12** flats. These dwellings will support a population increase of **12** residents (assuming an average of 1.0 people per dwelling) all of whom will need to access health services.

It follows that without the provision of additional facilities and services it will not be possible to accommodate the health impact of the development within the existing provision which is available.

Whilst the Trust will, in due course, be able to obtain funding to meet the needs of the population which arises from the development, this funding will not be in place for approximately three years. Once in place, the funding will not be provided retrospectively, and as such the impact on the Trust for the initial period will not be met from any alternative source of funding.

We therefore request a contribution for this development in the sum of **£8,904.00** a breakdown for which you will find at Appendix 2.

It is therefore concluded that the request complies with relevant planning policies and is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

We would request such a contribution should be paid to the Council under the terms of the s.106 agreement, and should then be paid to the Trust. We would ask that any contribution be paid in full prior to first occupation of the development to allow for the necessary service provision to be in place to meet the demand which will arise as soon as the development is occupied.

Lancs Fire Rescue

The scheme should fully meet all the requirements of Building Regulations Approved document B, Part B5 'Access and facilities for the Fire Service'

Brierfield Town Council

4. Public Response

Site and press notices posted and nearest neighbours notified by letter. Four responses received raising the following issues:

- The buildings are well under construction;
- These appear to be three floor properties which will overlook our property more than we expected;
- The submitted drawing are inaccurate in relation to the height of building 2 with the eaves line already 1m higher than building 1;
- Although the buildings are three storey the developer has removed much earth thereby reducing the overall height;
- The completed development should be beneficial to the area as the former public house and large garden area where increasingly becoming derelict and an eye sore; and

- Any objections now would be pointless. When the first planning letter was received I don't think anyone here objected.

Comments on amended plans:

- The buildings are very tall and we are now overlooked by the top floor of one of the buildings where we were not before; and
- There is an issue with shoring up the bank and we have raised concerns regarding this.

5. Officer Comments

Policy

Policy SDP1 requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (the Framework).

Policy SDP3 sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

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.

ENV4 seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and address the risks arising from contaminated land, unstable land and hazardous substances.

ENV7 (Water Management) does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere. The proposals compliance with this policy is addressed in the flooding and drainage section.

Policy LIV1 sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV3 encourages the support and provision of a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds to contribute towards the provision of affordable housing. No affordable units are required for this site.

Policy LIV5 (Designing Better Places to Live) requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and be built at a density appropriate to its location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

The following saved policies also apply:

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

National Planning Policy Framework

Paragraph 32 states that all developments which generate significant amounts of movement to be supported by a Transport Statement and provide a safe and suitable access.

Paragraph 67 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA has been updated.

The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 year supply.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 124). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 127). Design quality should be considered throughout the evolution and assessment of individual proposals (para.128).

Para 130 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. If a development is poor in design it should be refused.

1. Principle of Development

This site is previously developed land which lies within Brierfield and its settlement boundary.

Brierfield as part of Nelson is a Key Service Centre in the M65 Corridor which is an area identified in policy SDP2 to play a supporting role and accommodate levels of new development to serve a localised catchment area.

This proposal is for a total of twelve two bed apartments located within the settlement boundary in a sustainable location. The principle of housing on this site was established by a previous permission which included the conversion of the former public house to ten one bed apartments and an outline permission for erection of two pairs of semi-detached dwellinghouses on land to the rear of the public house.

At the present time Pendle has over a 5 year supply of housing land therefore whilst this proposal would help to contribute towards this it is not necessary to meet this requirement.

2. Impact on Residential Amenity

The proposed scheme comprises of two blocks of six new build two bedroom apartments. The new build units would be sited to the rear of the existing building with access and parking of the existing car park to the east.

Policy ENV2 of the Local Plan states that good design should be informed by, and reflect the history and development of a place and meet high standard of design, being innovative to obtain the best design solution and using materials appropriate to its setting.

In terms of privacy distances the proposed blocks of apartments have been positioned to the eastern part of the site to the rear of the former public house. A retaining wall structure is proposed along the side boundary of No. 5 Woodlea Gardens and part of the side boundary of No. 32 Higher Reedley Road.

The rear elevations of the plots would be less than 8m to the side boundary with No. 5 which has a conservatory extension to the side. The distance between the gable of Block 1 and side elevation of No. 5 would be 12.5m (9m to the conservatory) at an oblique angle. There are two second floor windows in the gable which serve habitable rooms. Whilst these are relatively small scale they still afford views into the conservatory as they are set at a height above the existing fencing and therefore will need to be obscurely glazed. This can be controlled by condition.

The front elevation of the block nearest to no. 6 Woodlea Gardens would be over 28m distant which is acceptable,

The blocks of apartments would have a maximum height of 11.8m with an eaves height of 8.5m the buildings will be set down by 2.5m this reduces the height to an acceptable 9.3m/6m. In terms of an acceptable built form from the perspective of the properties on Woodlea Gardens and Higher Reedley Road this will be dependent on appropriate landscaping being achieved and the identified overlooking windows being fitted with obscure glazing.

The rear elevations of blocks 1 and 2 would be 15m from the side gable of no. 32 Higher Reedley Road separated by the existing Public Footpath. The proposed layout indicates some tree planting along this elevation which would help to screen the development to some extent. However, it is not clear how this screening can be effectively achieved with the difference of land levels of 5m and limited soil remaining on the site in order to plant anything of any substance. The agent has been asked to clarify this as well as the reduction in the extent of the retaining wall and excavations that have taken place on the site. Details of a structural survey have also been requested. The acceptability of the scheme is dependent on this.

There are eight second floor windows in the rear of blocks 1 and 2 which have potential for overlooking no. 32 without appropriate glazing or screening and whilst this can be controlled by conditions the difference in land levels and limited planting potential for mature trees would be reliant on the hedgerow proposed to the side of the footpath to provide screening and obscure glazing to reduce any potential impact.

In terms of impact between the two blocks there is only 1m separation and there are some small scale windows which serve habitable rooms which need to be addressed.

The distances between the former public house and block 1 is 14.5m rear to gable again there are windows serving habitable rooms which would need to be controlled at first and second floor in order to reduce privacy impacts.

Subject to an acceptable landscaping scheme that would screen any potential impact and an appropriate condition to require obscure glazing of some of the windows at second floor level which have the potential to overlook neighbouring properties then the proposal would have limited impact on the amenity of adjacent properties.

The development would therefore comply with the amenity standards set out in the Council's Design Supplementary Planning Document.

Therefore, the proposed development would be acceptable in terms of potential impact on residential amenity in accordance with Policies ENV2 and LIV5 subject to appropriate conditions.

3. Design, Layout and Landscaping

Policy ENV2 seeks to deliver the highest possible standards of design, in form and sustainability, whilst enhancing and conserving the heritage assets.

The layout plan indicates areas within the site which can be planted with trees, shrubs and hedgerows, however, insufficient details of proposed planting have been submitted. This is an important element of this scheme as much of the former landscaping and bowling green have been removed in order to facilitate the development. The majority of trees and shrubs on the boundaries are on neighbouring land.

Given the amount of built form, car parking and bin stores this does reduce the amount of useable green space and how effective this can be as part the development.

Whilst the proposed layout does provide scope for any landscaping this would need to be effective and provide adequate mature landscaping/screening between the rear elevations of both blocks and the southern boundary and allow for some significant soft landscaping to the side gable of block 2.

It is not clear how this substantial tree planting can be accommodated given the and level distances and the existing steep banking.

In terms of materials the palette proposed is natural stone with concrete roof tiles to match the external materials of the former public house which is acceptable. Details of windows, doors and bin stores have been submitted or boundary treatments can be controlled by condition.

As submitted the proposed scheme includes the provision of some green space within the site. The amount of built form and the limited potential for landscaping opportunities raised concerns as to how this can be achieved. The agent has been requested to provide further information as to how these two new built blocks of apartments can be achieved in terms of impacts and landscaping opportunities and therefore the scheme as submitted does not accord with policy LIV5.

4. Pollution and Unstable Land

Policy ENV5 addresses pollution which includes contamination and land stability. It does not allow for new development where it would be at risk of potential contamination or where the site could be at risk from coal mining activities or land slippage.

The potential risk for contamination has not been submitted with the application and therefore as the development has commenced and is nearing completion an assessment has been requested as per policy ENV5. If this is not provided then the proposal should be refused on this basis.

The Coal Authority has considered the proposal and stated that there would be negligible risks.

A reduced retaining structure of 1.8m high has been proposed for part of the site, however no supporting statement or structural survey has been provided to support the position or height of this wall and no details of the existing condition of the wall to the east and south of the site which supports the existing footpath has been provided.

There is concern that the amount of soil removed may have undermined the supporting footpath wall and that the proposed 1.8m wall particularly as there have been structural issues with the footpath previously and is had to be closed on safety grounds for some time,

The agent has been requested to provide structural information to ensure that the stability of the site can be achieved as per policy ENV5. If this is not provided then the proposal should be refused on this basis.

5. Flooding and Drainage

Policy ENV7 addresses water management, which includes flood risk and surface water run-off. It does not allow for new development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Sufficient details of the drainage scheme have been submitted and subject to appropriate conditions this can be achieved.

This meets the guidance set out in the Planning Practice Guidance and the requirements of policy ENV7 of the Pendle Local Plan Part 1: Core Strategy and therefore is acceptable.

6. Highways and Public Rights of Way

No objections have been raised with regards to the capacity of the existing road to accommodate additional traffic as a result of this development.

The development will comprise of 12 no. two bed apartments. Therefore a total of 24 on plot parking spaces are required. The proposal includes 24 parking spaces within the site with 4 disabled spaces. These are sufficient provision for the development and should be clearly allocated to each unit.

Electric vehicle charging points are proposed within the site and this can be controlled by condition.

As a result, no objections are raised on highway grounds and the site accords with policy 31 in terms of parking requirements subject to appropriate conditions.

The new vehicle access from Higher Reedley Road to the development site should have been carried out under a legal agreement with Lancashire County Council. Works include construction of the access including a minimum width of 4.5m, 6m radius kerbs and buff coloured, tactile paved dropped pedestrian crossings as well as the new footway from the northern site boundary to the existing adopted footway to the south of the former public house.

Both the vehicular access and new footway should be constructed and completed prior to first occupation of any residential unit on the site to ensure that traffic generated by the development does not have a detrimental impact on the surrounding highway network. This can be controlled by condition.

Public Right of Way

A Public Right of Way - Public Footpath 20 (Brierfield) - passes adjacent to the southern boundary of the development site. This Public Right of Way must not be obstructed during any proposed development. Furthermore, no excavation/ construction works should affect the structural integrity of land supporting this Public Right of Way.

Both excavation and construction works are well underway on the site.

Public Footpath 20 was closed in 2008 following the partial collapse of the parapet wall. Whilst the development is set 9m from the retaining wall extensive excavations have taken place within the

site and land levels reduced by 2.5m. This leads to concerns regarding the stability of the retaining wall to the south and east of the site.

A retaining wall of 1.8m in height is proposed to be erected to the east and south of the site, however, the has been reduced in length and does not extend the full length of these boundaries and no structural report has been submitted to explain how this would support the existing 5-6m high wall.

I have concerns that the land has been excavated and the buildings erected without this critical issue being satisfactorily addressed,

On the basis the proposal should be refused and does not accord with policy ENV5.

7. Contributions

Education

An assessment of the proposal by Lancashire County Council Education Authority, taking into account all approved applications within the local area, concluded that no contribution would be sought at this stage.

Health Authority Contribution Request

Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:

Section 106 of the 1990 Act provides as follows:

- (1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106C as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—
 - (a) restricting the development or use of the land in any specified way;
 - (b) requiring specified operations or activities to be carried out in, on, under or over the land;
 - (c) requiring the land to be used in any specified way; or
 - (d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.
- (2) A planning obligation may—
 - (a) be unconditional or subject to conditions;
 - (b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and
 - (c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

The relevant parts of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”) are as follows:

- (1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.
- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

Section 216(1) of the Planning Act 2008 together with Regulation 59 of the CIL Regulations requires charging authorities to apply CIL payments to “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”.

Section 216(2) defines “infrastructure” as follows:

“infrastructure” includes—

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces”

The request for contributions for health care services does in my view overall fit into a category of infrastructure that could, if necessary to make the development acceptable, fall within a category of infrastructure that can be funded through a section 106 agreement. However that does not mean to say that the contribution being requested meets the tests set out in the CIL Regulations detailed above.

Case law is clear that planning permissions cannot be bought or sold hence any sum to be paid to a planning authority must be for a planning purpose which should in some way be connected with the land in which the developer is interested.

The issue for Committee is whether the funding has a direct connection to the development and whether this would be fairly and reasonably related in scale and kind to the development.

Robust evidence is required to support a request for a contribution. In London for example a model has been produced which attempts to provide robust and up to date evidence on the need for a contribution. The model is referred to as the HUDU model. This looks at the specific circumstances of each development in its own location reflecting the population characteristics of the area.

The evidence supplied with this request does not in my view go far enough to support the view that the impacts of the individual development is directly related to healthcare deficiencies. A flat rate is applied to all developments which will inevitably result in some developers over providing and some underproviding. The model does not factor in demographic modelling of the area and does not for example look at any percentage of the population that may move into the developments and that they are already resident in the area thus not increasing the demand on services.

Whilst more accurate evidence could be provided were the model to be finessed as it stands it is not sufficiently robust to prove the level of contribution fairly reflects the impact the development would have on acute services.

This is an important issue that will arise in other developments in the Borough. In order to get an independent view on this we have obtained Counsel’s opinion on this. That advice is legally privileged but supports the view that the evidence is not sufficiently robust to be able to support a requirement for the contribution requested.

Committee are therefore recommended not to require a contribution as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development.

8. Summary

The proposed scheme has submitted is not acceptable in terms on impact on residential, contamination, land stability and fails to realise potential mature landscaping potential.

RECOMMENDATION: Refuse

For the following reasons:

1. The development as submitted fails to address the potential contamination and land stability issues which arise from the site contrary to policy ENV5 of the Pendle Local Plan Core Strategy: Part 1.

2. The development as submitted would not adequately address the potential impacts on amenity in terms of privacy and overlooking and fails to ensure that adequate, mature landscaping can be provided on the site particularly to the southern and eastern boundaries to screen the development from neighbouring properties.

Application Ref: 20/0596/FUL

Proposal: Full: Major: Erection of two blocks of flats with a total of 12 flats with parking, access and associated works (part retrospective).

At: 30 Higher Reedley Road, Brierfield

On behalf of: Reedley Properties Ltd.

REPORT TO BRIERFIELD AND REEDLEY AREA COMMITTEE 30th MARCH 2021

Application Ref: 20/0732/FUL

Proposal: Full: Change of use from public toilets (Sui Generis) to Non-residential institution (Use Class D1) and Erection of first floor extension above.

At: Public Conveniences, 21 Colne Road, Brierfield

On behalf of: Community Access Solutions UK

Date Registered: 11/01/2021

Expiry Date: 08/03/2021

Case Officer: Laura Barnes

This application has been called in by a Councillor.

Site Description and Proposal

The site is a former Public Conveniences located at the centre of Brierfield, adjacent to the Town Hall building and Cenotaph which are both Grade II Listed Buildings.

The site is within the development boundary for Brierfield and is not allocated for any specific use in the Pendle Local Plan.

This scheme seeks to change the use from a Public Conveniences to a non-residential institution, providing facilities for community based activities for people with learning disabilities, dementia, mental health, physical disabilities and sensory impairments. The facility will have a shower room which is specially adapted to the needs of people requiring shower / bath with hoisting facilities. The facility is to include a digital room, which will enable the centre to provide skills for education and health.

Relevant Planning History

13/16/0058P: Full: Change of use of WC building to hot food takeaway (A5) including external alterations and installation of flue.
Refused, June 2016

19/0028/FUL: Full: Change of use of WC building to hot food takeaway (Use Class A5) including external alterations and installation of flue.
Refused, March 2019

Appeal: 19/0008/AP/REFUSE / APP/E2340/W/19/3230997
Full: Change of use of WC building to hot food takeaway (Use Class A5) including external alterations and installation of flue.
Appeal Dismissed, November 2019

Consultee Response

LCC Highways

Having considered the information submitted, together with site observations, the proposed development raises highway safety concerns. The Highway Development Support Section therefore objects to this application on highway safety grounds.

The site has been the subject of two previous planning applications for change of use to a hot food takeaway (ref 16/0058P and 19/0028/FUL), both of which were refused on highway safety grounds. The latter application was also the subject of an appeal, which was dismissed. In their appeal decision the Planning Inspector concluded that in the absence of suitable parking provision, the development had a high potential to compromise highway safety and interrupt the free flow of traffic on a local strategic route.

The current application is for a change of use of the site to a non-residential institution, primarily aimed at special needs care for adults and children. From the information submitted in the Planning Statement and shown on the Proposed Layout Plan it is unlikely that all users would be able to attend the centre independently.

It is also likely that a number would be arriving by wheelchair, which may include in specially adapted vehicles. There is no direct vehicle access from the adopted highway on Colne Road. A No Waiting At Any Time restriction is in force on Colne Road, together with bollards restricting vehicle access to the front of the site.

Although there is a public car park to the rear of the building on Tunstill Square, direct access from the car park to Colne Road is via steps in both locations, with the one to the rear of Colne Road being unlit and uneven due to its cobbled surface.

Pedestrian access is possible from the car park via Halifax Road, although this may not be a practical alternative for wheelchair users, or those with limited mobility, due to the road's steep gradient. Therefore centre users may be reluctant to use the car park, resulting in inconsiderate/unsafe parking behaviour on Colne Road itself and within the areas immediately in front and to the side of the town hall.

Whilst there is a ramped access outside the town hall the nearest car park from which users could gain level access is next to the community centre on Chapel Street. However this is not a public car park.

Consequently the proposed use raises concerns that informal parking may take place close to the access, which would not be possible without transgressing the local highway restrictions or prejudice to highway user safety. The Planning Inspector commented that local restrictions were such that convenient parking would be extremely difficult to achieve to the extent that indiscriminate parking was highly likely. The short stay parking patterns to drop off or collect centre users would be similar to customers to a hot food takeaway and therefore the highway authority considers that these concerns are still relevant. Given the vulnerable users going to the centre it is highly unlikely that they could be dropped off to wait or go to the centre independently whilst their carer went and parked elsewhere.

A collision on Colne Road resulting in slight personal injury is recorded close to the development site. This involved a vehicle pulling away from being parked and colliding with a passing cyclist.

There are also concerns about how construction/delivery vehicles would access the site during the construction and fitting out phases, given the restrictions outlined above.

It also is not clear whether the applicant has access rights to the rear of the property over third party land where they propose to have the bin store. If they do not have access rights, there are concerns that refuse bins may be stored on the footways outside the proposed building, causing an obstruction.

Given the above concerns the Highway Development Support Section objects to this application on highway safety grounds.

Cadent

Apparatus in the vicinity of the application site may be affected by the proposed development

Coal Authority

When considering the nature of the works proposed, the proposed ground floor extension appears to be a lightweight glazed structure which is unlikely to require substantial foundations or earthworks. On this basis we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed in this particular case and do not object to this planning application.

Conservation Officer Comments

The site lies immediately adjacent to the Grade II listed Brierfield Town Hall, and although well set back from Colne Road, is seen together with the LB in views from the road. Brierfield Cenotaph, also listed Grade II, is further away from the site and there would be very little impact on its setting.

The existing WC block is of relatively modern construction and materials, and is in poor condition. It does not enhance the setting of the Town Hall. There would be no objection in principle to its alteration and the addition of a first floor, subject to achieving a high quality design and the use of appropriate materials, in order to preserve the setting of the LB. Appropriate materials would be natural stone to match that existing to the front and Town Hall side elevations, and natural blue slate for the roof. A cream-coloured render would be acceptable for the rear and youth centre elevations.

Design details are still sketchy on the amended plans, so conditions will be needed to confirm architectural detailing and materials. The vertical emphasis of the facade together with the use of stone with simple glazed panels to the frontage should help the building to relate better to the Town Hall. The existing stonework should be reused with new stone matched to this. It is important that the aluminium glazing system to the front elevation does not become too visually prominent, and therefore the framing should be dark in colour and recessed behind the stonework to provide shadow lines and some modelling to the facade. Full details will be needed of the framing system (including cross sections), type and finish, also detailing to eaves and verges, window reveals and surrounds, rainwater goods, stonework and render finishes.

Public Response

Nearest neighbours have been notified and a site notice displayed.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (Achieving Quality in Design and Conservation) 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.

Policy SUP2 (Health and Wellbeing) this policy seeks to support the provision of new or improved facilities for health, leisure and social care.

Policy SUP4 (Designing Better Public Places) sets out that proposals for buildings which have a multi-use will be encouraged. It also supports development which conserve or enhance the historic environment, particularly those which re-use historic buildings or make a positive contribution to the character and distinctiveness of an area.

Replacement Pendle Local Plan

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

Paragraph 196 of the Framework sets out that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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

Principle of the Development

The site is located at the centre of Brierfield, adjacent to the Town Hall and Cenotaph (both Grade II Listed Buildings), it is within a mixed use area with some other community uses, retail and residential located nearby. The principle of this type of health / leisure / social care development is acceptable in accordance with Policy SUP2, subject to accordance with heritage, design and amenity policies.

Design & Heritage

Local Planning Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the character and appearance of heritage assets. Policy ENV1 states that the historical significance of heritage assets must not be detrimentally affected by development.

The development would involve replacement of rundown public convenience. The site lies immediately adjacent to the Grade II listed Brierfield Town Hall, and although well set back from Colne Road, is seen together with the Listed Building in views from Colne Road. Brierfield Cenotaph, also listed Grade II, is further away from the site and there would be very little impact on its setting.

The proposal seeks to add an additional floor to the building, using the existing footprint. The building is to measure 6.9m to ridge and have a pitched roof. It is to be constructed of block and render, with a concrete tile roof. It is recommended that the stone is reused as part of the proposed development and a matching stone is found to complement the surrounding buildings. This could be secured by an appropriately worded planning condition.

The proposed development is accompanied by a Heritage Impact Assessment which sets out the significance of the building in relation to the nearby Listed Buildings, in accordance with the Framework. The existing building itself is not considered to hold a significance in terms of its heritage value, indeed it does not enhance the setting of the adjacent Grade II Listed Town Hall. The proposed development is set back further from Colne Road than the Town Hall, as such it would not impact upon the Listed Building in a harmful way. As such, the proposals accord with paragraph 196 of the Framework.

The proposed development has the potential to improve the setting of the Listed Building, compared with the existing building, particularly in its construction materials. This is something which can be controlled by a suitably worded planning condition.

The proposed development is acceptable in terms of visual amenity and heritage in accordance with policy ENV2.

Amenity

In terms of amenity, there are to be two large sets of windows to the ground and first floor, to the front elevation. To the sides and rear there are to be no windows.

The proposed building is taller than the existing single storey toilet block by 2.6m, as a result there will be some overbearing impact upon the offices within the first floor of the Town Hall. However, it is acknowledged that this is not a residential development which would require the level of protection that a habitable room may have, for example. The impact which this would have would not be an unacceptable one.

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

Highways

The proposed development has resulted in an objection on highways grounds. The Highways Authority have raised concerns about the lack of parking associated with the proposed development and that people may be tempted to use the cobbled area to the front of the building which would create a highway safety issue. This would cause issues both during the construction phase and once the development is operational.

The proposed development is in a town centre location, situated less than 20m from a public car park. The proposed floor area is 106m², as such in accordance with the Council's parking standards set out at Policy 31 of the Replacement Local Plan for a D2 Use, there should be 4.2 spaces. Since we cannot have part of a parking space, this would be rounded up to 5 spaces. It is acknowledged that there is no parking associated with the proposed development. However, given the eminently sustainable location of this site, on a regular bus route through Brierfield, being 250m from the nearest railway station and less than 20m from a public car park, the proposal would not raise a major concern in relation to car parking.

There would not be likely to be severe impacts on highway safety and with there being a car park adjacent to serve the site there are no highway grounds that would lead to the application being unacceptable.

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 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 – received on 09/03/2021

Proposed Block Plan – received on 09/03/2021

Proposed Front & Rear Elevation Plans – received on 09/03/2021

Proposed Side Elevation Plans – received on 09/03/2021

Proposed Floor Plans – received on 09/03/2021

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development, samples of the external materials to be used in the construction of the walls, roof, window framing system (including cross sections), type and finish, detailing to eaves and verges, window reveals and surrounds, rainwater goods, stonework and render finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

Application Ref: 20/0732/FUL

Proposal: Full: Change of use from public toilets (Sui Generis) to Non-residential institution (Use Class D1) and Erection of first floor extension above.

At: Public Conveniences, 21 Colne Road, Brierfield

On behalf of: Community Access Solutions UK

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE 30th MARCH, 2021

Application Ref: 20/0842/FUL

Proposal: Full: Major: Conversion of mill building (1st, 2nd & 3rd floors) to 46 residential apartments (Use Class C3 (a)) and ground floor to Business Units (Use Class B1(a) (3161.25 sq.m.) /exhibition space (8356.69sq.m. (Sui Generis) and external alterations including replacement windows, doors and roof and altered vehicular access and parking.

At: Northlight Glen Way Brierfield BB9 5NJ

On behalf of: Pearl Brierfield Ltd

Date Registered: 27 September 2017

Expiry Date: 27 December 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The site is the Grade II listed Brierfield Mills Complex which is located within Brierfield Mills Conservation Area and the settlement boundary for Brierfield.

Brierfield Mill Complex is sited between the Leeds-Liverpool Canal to the west and the railway line to the east. The site is within walking distance of the train station and bus stops in Brierfield centre.

The site forms part of a wider area of historic sites which holistically have been designated as a conservation area. To the north is a gas holder, to the west the Leeds and Liverpool Canal; and to the south is the Lob Lane complex with its converted mill and complimentary new housing. Beyond the site to the west is the cleared Clitheroe Road housing site which is the subject of further development proposals. The immediate area around the Mill is seeking renewal and regeneration and a new lease of life for the mill would be a significant element in these wider regeneration efforts.

The Mill was built from 1860's onwards with other buildings constructed in the early 1900's. The site is currently vacant and has remained so for around 9 years with Smith and Nephews ceasing trading in 2006. Finding a new use for such a large scale complex has proved to be challenging, this being more constrained with the constraints on change that its listed status brings.

The overall use of the site and its potential has been looked at in a master planning process. The scale of the complex means that a number of different but complimentary uses will be brought forward.

This proposal is for planning permission to convert the mill into residential apartments and office use including exhibition space together with external alterations to the building including replacement windows and doors, roof alterations, vehicular access and parking.

Existing permission and listed building consent has been granted for a variety of uses on this site under previous permissions as listed below.

Relevant Planning History

13/13/0143P - Listed Building Consent: Installation of replacement windows and

refurbishment of North Light roof - Granted 28th May, 2013.

13/15/0019P - Full: Major: Conversion and change of use of buildings to a hotel (Use Class C1), leisure use (Use Class D2), including 4 small retail units (Use Class A1) and car park (Use Class Sui Generis) with landscaping, car parking, infrastructure, demolition and associated works - Approved 24th February, 2015.

13/15/0020P - Listed Building Consent: External alterations to mill buildings and partial demolition of roof on north lights shed and removal of modern extensions to warehouse - Granted 24th February, 2015.

13/15/0600P - Full: Major: Conversion and change of use of building to sports facilities (Use Class D2), change cladding to outbuildings with associated landscaping, car parking, infrastructure and associated works – Granted 16th March, 2016.

13/15/0601P - Listed Building Consent: External alterations to mill building, demolition of bridge link and repairs to main shed roof – Granted 2nd March, 2016.

13/15/0603P - Listed Building Consent: Demolish gatehouse and balustrade, install gates to entrance, repair and replace stone surrounds and cills where necessary, replace windows and external doors and internal walls and doors – Granted 16th March, 2016.

13/15/0604P - Listed Building Consent: Demolish gatehouse and balustrade, install gates to entrance, repair and replace stone surrounds and cills where necessary, replace windows and external doors and internal walls and doors – Granted 2nd March, 2016.

16/0387/LBC – Listed Building Consent: External alterations including demolition of stone planter, temporary removal of stone coping to facilitate demolition of vaulted roof and demolition of pedestrian link bridge – Granted 19th July, 2016.

17/0258/LBC – Listed Building Consent: Removal of part of roof and cladded extension, removal of roller shutter to south elevation and new curtain wall and entrance, formation of roller shutter access to west and remove mezzanine level and staircase – Granted 18th August, 2017.

17/0460/LBC – Listed Building Consent: Removal and reconfiguration of main roof to spinning mill, removal of roof to preparation block to form external public terrace, existing windows to be removed and replaced with timber double glazed units, form louvres and windows with screens or balustrades, remove and replace floors in engine house, form new internal stairs and remove vaults – Approved.

17/0459/FUL - Full: Major: Conversion of mill building to 52 residential apartments (Use Class C3) to third floor, part of 2nd and 1st floors; use ground floor as offices (Use Classes B1A and A2) and flexible use of 1st, 2nd and 3rd floor of café (Use Class A3) and drinking establishments (Use Class A4) external alterations to building including replacement windows and new formation of new entrances and roof alterations – Approved.

20/0018/FUL – Full: Conversion of mill to 4 residential apartments and plant rooms to first, second and third floors – Approved.

20/0019/VAR – Full: Variation of Condition: Vary condition 2 of planning permission

17/0459/FUL – Pending.

20/0021/VAR – Full: Variation of Condition: Vary condition 2 of listed building consent
17/0460/LBC – Pending.

20/0047/LBC – LBC Conversion of mill to 36 no. residential apartments (Use Class C3) and external alterations – Pending.

20/0364/FUL – Full: Major: Change of Use of former mill to mixed use comprising of offices and storage facility (Use Class B1 and B8), formation of external two storey car park and external alterations including replacement windows and formation of new entrances and alterations to the northlight roof – Pending.

20/0553/LBC – Full: LBC: Alterations to northlight roof and external alterations to create new entrance, masonry repairs and replacement of windows – Approved.

Consultee Response

The Coal Authority – No objection.

Cadent Gas – There is apparatus in the vicinity which may be affected by the activities specified.

Lead Local Flood Authority – No objection subject to an appropriate water drainage system being agreed with the LPA. The requirement for Land Drainage Consent is a separate application process outside of the planning legislation and is not automatically given. Retrospective consent can not be issued.

LCC Highways – Comments to be reported to the meeting.

United Utilities – No objection subject to appropriate conditions.

Architectural Liaison Unit – It is important that crime and security measures are considered at an early stage of the design phase for this multi-use development in order to mitigate risk. I would therefore recommend that the scheme is developed to Secured By Design 'Commercial 2015' criteria and SBD Homes 2016'; guidance, application forms and interactive design guides can be found at www.securedbydesign.com.

LCC Education – request for contribution towards 1 secondary school place.

NHS East Lancs Hospitals – request for contribution towards capital and service provision infrastructure costs.

Canal & River Trust – No comments.

Natural England – No comments.

HSE – The car parking is within the HSE zones and not the building. No objections.

PBC Conservation Officer – Comments on implications of potential impact on the Heritage Assets and suggest conditions relating to details of design, materials and finishes.

PBC Environmental Health – contamination condition recommended.

Brierfield Town Council

Public Response

Site and press notices posted and nearest neighbours notified by letter without response.

Policy Issues

Policy

The planning application is accompanied by a listed building consent submission. As with all planning applications the statutory requirement is that the application must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the area is the adopted replacement Pendle Local Plan ("the Local Plan") and the adopted Core Strategy ("Local Plan Part 1"). National planning policy is now contained in a single document - the National Planning Policy Framework ("the Framework"). Guidance on its implementation is contained in the online National Planning Practice Guidance.

The Local Plan

The Local Plan Part 1: Core Strategy has several relevant policies:

Policy SDP1 requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (the Framework).

Policy SDP3 sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

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.

ENV4 seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and address the risks arising from contaminated land, unstable land and hazardous substances.

ENV7 (Water Management) does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere. The proposals compliance with this policy is addressed in the flooding and drainage section.

Policy LIV1 sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV3 encourages the support and provision of a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds to contribute towards the provision of affordable housing. No affordable units are required for this site.

Policy LIV5 (Designing Better Places to Live) requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and be built at a density appropriate to its location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

The following saved Replacement Pendle Local Plan policies are also relevant here:

Policy 4D which protects biodiversity on sites. The policy states that where there will be loss or damage to biodiversity then appropriate and adequate mitigation will be required.

Policy 31 sets the maximum amount of parking required for specific use classes.

The Framework is the single composite national policy on planning matters in England. It replaced all previous national planning policy documents.

The Framework sets out that the purpose of planning is to contribute to achieving sustainable development. This comprises of three dimensions: social, environmental and economic. The Framework continues to place Local Plans at the heart of decision making. At paragraph 17 it sets out 12 core principles, one of which is to encourage the effective use of land by re-using land that has been previously developed. Another core principle is to conserve heritage assets in a manner appropriate to their significance.

Section 2 sets out policies regarding town centres. It states that authorities should apply a sequential test to planning applications for main town centre uses which in turn should be required to be located in town centres before other locations.

Good design is seen as an important element in the built environment. Paragraph 64 states that planning permission should be refused for development of poor design.

The role the historic environment plays in society and in planning is principally dealt with in Part 12 of the Framework. Opportunities should be taken of sustaining and enhancing the significance of heritage assets ("HA") and the social, cultural and environmental benefits that conserving the historic environment brings is recognised.

The Framework sets out the mechanism for how heritage assets need to be assessed in planning applications. Applicants must assess the significance of the heritage asset affected and Local Authorities need to assess the impact on it. New development should where desirable make a positive contribution to local character and distinctiveness.

The more important the HA the greater the weight should be given to its conservation. Any harm or loss to a HA requires a clear and convincing justification.

Paragraph 133 states that where a development would lead to significant harm or loss of a HA consent should be refused. Where less than substantial harm would occur any harm should be weighed against the public benefits it would bring which includes securing its optimum viable use.

Officer Comments

Brierfield Mill is a large and locally iconic building complex which is listed for its historic and architectural significance. It holistically comprises of 380,000 ft² of floorspace built around three main sections of buildings. The buildings on site were built from 1868, although the site had buildings on it prior to that. The mill was constructed for the production of textiles but was last used around 2006 for the production of medical products.

The site forms part of a wider area of historic sites which holistically have been designated as a conservation area. To the north is a gas holder, to the west the Leeds and Liverpool Canal; and to the south is the Lob Lane complex with its converted mill and complimentary new housing. Beyond the site to the west is the cleared Clitheroe Road housing site which is the subject of further development proposals. The immediate area around the Mill is seeing renewal and regeneration and a new lease of life for the mill would be a significant element in these wider regeneration efforts.

The Mill complex has been vacant since 2006 and finding a new use for such a large scale complex has proved to be challenging, this being more constrained with the constraints on change that its listed status brings.

The overall use of the site and its potential has been looked at in a master planning process. The scale of the complex means that a number of different but complimentary uses will be brought forward.

This planning application is accompanied by a listed building consent submission. This application seeks to convert part of the former mill building into 46 residential apartments and ground floor offices as well as exhibition space.

There are external changes to the building proposed. These are listed below. They are also discussed in more detail in the listed building application which is elsewhere on this agenda.

Ecology

A bat survey dated September, 2020 has been submitted as part of the application. There are no other areas of ecological importance on site that require investigating. No evidence of bats roosting on the site has been found for this building.

Highways

Whilst comments from LCC Highways are awaited the submitted plans indicated car parking for this building is proposed to be accommodated on the surface level car park adjacent to the building on the site of the former weaving shed and on the Junction Street car park (79 spaces) to the north of the site. The car parking on the former weaving shed is not included within the application site red edge and therefore does not form part of this application.

The number of secure, cycle spaces is indicated at 20 with 12 motorcycle space and a total of 141 car parking spaces across both car parks. The agent has been requested to clarify this.

Electric vehicle charging points must be included and a level of 10% is recommended and can be controlled by condition.

Management of the car parks on the whole site and for the lifetime of the facility will be necessary and can be addressed under a condition. The surrounding highway network should not experience any over-spill parking from the site and this will be prevented by the introduction of parking restrictions on the surrounding roads under the package of off-site highway works agreed under a condition of a previous approval.

In terms of the overall level of use of the local highway network the development would reduce that which could happen were the lawful use to re-occur. However, the traffic going into and out from the site still needs to be assessed for its specific impact on the highway network. The proposed traffic management strategy is to direct traffic going to the residential and commercial units to access the site from Hollin Bank. The use of the Hollin Bank access would mean that users of the

residential and commercial units would access the site predominantly via the M65 and this would result in the highway network off the motorway not having more traffic utilising it.

The car parking situation is complicated as the existing use needs to be taken into account in calculating the impacts resulting from the development. The existing Mill has a floor area of 35,303m². This would require a maximum car parking provision of 706 car parking spaces. The whole of the basement car park proposed should be used for the residential element and the commercial uses would need to be accommodated elsewhere on the site as it is likely that these flexible uses will change over time. This can be accommodated on the parking area proposed for the hotel and leisure uses previously approved on the Dale Street Car Park.

Overall, whilst the level of car parking proposed would not normally satisfy the policy requirements for a new building. It does however represent a significant improvement on the lawful use of the site and is fully acceptable on that basis.

External Alterations

The external changes include formation of additional doorways on the ground floor and replacement windows units some of which include louvres to accommodate mechanical ventilation systems.

Replacement windows and retention of architectural features are proposed as well as internal alterations and sub-division.

Subject to appropriate conditions the proposed changes would not have a material impact on the heritage assets and are acceptable and accord with policy ENV1.

Flooding

The application site has been in situ since 1868 when the main complex was built. The drainage arrangements to it have not altered since then and no new development is proposed. There will be no alteration to the risk to or from flooding off site resulting from this development.

The Framework sets out the approach to be taken to climate change in new developments. It indicates that new development should be planned to avoid the increased vulnerability to climate change. It sets out a sequential test for new development to be located away from areas vulnerable to flooding. Clearly that is not a test that is applicable to the current application.

The principle of development on the site has long been established. The drainage has served the mill buildings for over 150 years. The development itself will not generate any increase in risk of flooding whether on site or offsite. It is however appropriate to require, by condition, further details of the drainage scheme to be agreed prior to this development commencing on site. As the development is already in situ and the principle of the change of use is acceptable the final form of a drainage scheme can be required by a condition.

Contributions

LCC Education has requested a contribution towards one school place, however, given the nature of the scheme and the limited viability of the scheme this could render the scheme unviable and in any event the units are more marketed towards the over 55's and young professionals and not families.

Health Authority Contribution Request

Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:

Section 106 of the 1990 Act provides as follows:

- (1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106C as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—
 - (a) restricting the development or use of the land in any specified way;
 - (b) requiring specified operations or activities to be carried out in, on, under or over the land;
 - (c) requiring the land to be used in any specified way; or
 - (d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.
- (2) A planning obligation may—
 - (a) be unconditional or subject to conditions;
 - (b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and
 - (c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

The relevant parts of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”) are as follows:

- (1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.
- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

Section 216(1) of the Planning Act 2008 together with Regulation 59 of the CIL Regulations requires charging authorities to apply CIL payments to “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”.

Section 216(2) defines “infrastructure” as follows:

“infrastructure” includes—

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces”

The request for contributions for health care services does in my view overall fit into a category of infrastructure that could, if necessary to make the development acceptable, fall within a category of infrastructure that can be funded through a section 106 agreement. However that does not mean to say that the contribution being requested meets the tests set out in the CIL Regulations detailed above.

Case law is clear that planning permissions cannot be bought or sold hence any sum to be paid to a planning authority must be for a planning purpose which should in some way be connected with the land in which the developer is interested.

The issue for Committee is whether the funding has a direct connection to the development and whether this would be fairly and reasonably related in scale and kind to the development.

Robust evidence is required to support a request for a contribution. In London for example a model has been produced which attempts to provide robust and up to date evidence on the need for a

contribution. The model is referred to as the HUDU model. This looks at the specific circumstances of each development in its own location reflecting the population characteristics of the area. The evidence supplied with this request does not in my view go far enough to support the view that the impacts of the individual development is directly related to healthcare deficiencies. A flat rate is applied to all developments which will inevitably result in some developers over providing and some underproviding. The model does not factor in demographic modelling of the area and does not for example look at any percentage of the population that may move into the developments and that they are already resident in the area thus not increasing the demand on services. Whilst more accurate evidence could be provided were the model to be finessed as it stands it is not sufficiently robust to prove the level of contribution fairly reflects the impact the development would have on acute services.

This is an important issue that will arise in other developments in the Borough. In order to get an independent view on this we have obtained Counsel's opinion on this. That advice is legally privileged but supports the view that the evidence is not sufficiently robust to be able to support a requirement for the contribution requested.

Committee are therefore recommended not to require a contribution as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development.

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 design and materials, impact on amenity, impact on the Listed Building and the conservation area therefore complying with policies of the Pendle Local Plan Core Strategy. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent subject to no objection from LCC Highways

Subject to the following conditions and any additional highway 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 works hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans:

To be agreed prior to the meeting.

Reason: For the avoidance of doubt

3. Prior to occupation of the residential accommodation hereby approved details of the car park and cycle store provision shall have been submitted to and approved in writing by the Local Planning Authority. The car park and cycling provision shall thereafter be provide in accordance with the approved details and be available for use by the residents.

Reason: In order to ensure that the development is served by an adequate level of car parking to prevent on street parking that would be inimical to highway safety.

4. The commercial uses hereby approved shall not be opened to customers unless and until the Junction Street car park shown on approved drawing S1-90-XX-XX-P2-0102 has been provided, surfaced and marked out in its entirety and is available for use by the staff and customers.

Reason: In order to ensure that the development is served by an adequate level of car parking to prevent on street parking that would be inimical to highway safety.

5. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Full Site Drainage Proposals drawings, ref: 15316-C-65 & 66 Revision L dated 11-5-20 proposing surface water discharging into watercourse. For the avoidance of doubt, no surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.

Reason: In order to ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

6. The development hereby permitted shall not be commenced unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

7. The development hereby permitted shall not be commenced unless and until details of the following has been submitted to and approved in writing by the Local Planning Authority:

- a) Design and finishes of the external escape staircase and ramp access to the southern elevation;
- b) Stonework repairs and reinstatements to match existing; and
- c) Details of windows and doors to be stated on the submitted plans.

Reason: In order to ensure a satisfactory form of development in the Conservation Area and preserve the character of the Listed Building.

8. The development hereby permitted shall be carried out in strict accordance with the Design Method Statement prepared by Toppings August 2017 unless otherwise agreed in writing by the Local Planning Authority for the:

- a) Removal and replacement of the roof;
- b) Removal and reinstatement of floors to the Engine House; and
- c) Removal of sections of brick arched floors to form new staircases.

Reason: In order to ensure a satisfactory form of development in the Conservation Area and preserve the character of the Listed Building.

Application Ref: 20/0842/FUL

Proposal: Full: Major: Conversion of mill building (1st, 2nd & 3rd floors) to 46 residential apartments (Use Class C3 (a)) and ground floor to Business Units (Use Class B1(a) (3161.25 sq.m.) /exhibition space (8356.69sq.m. (Sui Generis) and external alterations including replacement windows, doors and roof and altered vehicular access and parking.

At: Northlight Glen Way Brierfield BB9 5NJ

On behalf of: Pearl Brierfield Ltd

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE 30th MARCH, 2021

Application Ref: 20/0843/LBC

Proposal: Listed Building Consent: Works to convert and use as residential accommodation and business units. Work includes internal alterations /erection of new partitions, installations of floor screeds and finishes and replacement of existing UPVC windows with new timber double glazed windows. Installation of new corten cladding to Annex to the South elevation, demolition of hipped roof to south elevation and replacement with new flat roof (Providing access to upper section of south elevation) recovering of existing felt roofing with Mansard roof with new insulation and felt roofing membrane.

At: Northlight Glen Way Brierfield BB9 5NJ

On behalf of: Pearl Brierfield Ltd

Date Registered: 15 December 2020

Expiry Date: 9 February 2021

Case Officer: Kathryn Hughes

Site Description and Proposal

The site is the Grade II listed Brierfield Mills Complex which is located within Brierfield Mills Conservation Area and the settlement boundary for Brierfield.

Brierfield Mill Complex is sited between the Leeds-Liverpool Canal to the west and the railway line to the east. The site is within walking distance of the train station and bus stops in Brierfield centre.

The site forms part of a wider area of historic sites which holistically have been designated as a conservation area. To the north is a gas holder, to the west the Leeds and Liverpool Canal; and to the south is the Lob Lane complex with its converted mill and complimentary new housing. Beyond the site to the west is the cleared Clitheroe Road housing site which is the subject of further development proposals. The immediate area around the Mill is seeking renewal and regeneration and a new lease of life for the mill would be a significant element in these wider regeneration efforts.

The Mill was built from 1860's onwards with other buildings constructed in the early 1900's. The site is currently vacant and has remained so for around 9 years with Smith and Nephews ceasing trading in 2006. Finding a new use for such a large scale complex has proved to be challenging, this being more constrained with the constraints on change that its listed status brings.

The overall use of the site and its potential has been looked at in a master planning process. The scale of the complex means that a number of different but complimentary uses will be brought forward.

The proposal is for listed building consent for the conversion of the mill to residential and business units and internal alterations and replacement of windows, corten cladding and demolition of hipped roof and replacement with flat roof structure.

Existing permission and listed building consent has been granted for a variety of uses on this site under previous permissions as listed below.

Relevant Planning History

13/13/0143P: Listed Building Consent: Installation of replacement windows and refurbishment of North Light roof - Granted 28th May, 2013.

13/15/0019P: Full: Major: Conversion and change of use of buildings to a hotel (Use Class C1), leisure use (Use Class D2), including 4 small retail units (Use Class A1) and car park (Use Class Sui Generis) with landscaping, car parking, infrastructure, demolition and associated works - Approved 24th February, 2015.

13/15/0020P: Listed Building Consent: External alterations to mill buildings and partial demolition of roof on north lights shed and removal of modern extensions to warehouse - Granted 24th February, 2015.

13/15/0600P - Full: Major: Conversion and change of use of building to sports facilities (Use Class D2), change cladding to outbuildings with associated landscaping, car parking, infrastructure and associated works – Granted 16th March, 2016.

13/15/0601P - Listed Building Consent: External alterations to mill building, demolition of bridge link and repairs to main shed roof – Granted 2nd March, 2016.

13/15/0603P - Listed Building Consent: Demolish gatehouse and balustrade, install gates to entrance, repair and replace stone surrounds and cills where necessary, replace windows and external doors and internal walls and doors – Granted 16th March, 2016.

13/15/0604P - Listed Building Consent: Demolish gatehouse and balustrade, install gates to entrance, repair and replace stone surrounds and cills where necessary, replace windows and external doors and internal walls and doors – Granted 2nd March, 2016.

16/0387/LBC – LBC: External alterations including demolition of stone planter, temporary removal of stone coping to facilitate demolition of vaulted roof and demolition of pedestrian link bridge – Approved.

17/0257/FUL – Conversion of building to artist's studio with ancillary accommodation and retail sales, external alterations to building and roof extension – Approved.

17/0459/FUL - Full: Major: Conversion of mill building to 52 residential apartments (Use Class C3) to third floor, part of 2nd and 1st floors; use ground floor as offices (Use Classes B1A and A2) and flexible use of 1st, 2nd and 3rd floor of café (Use Class A3) and drinking establishments (Use Class A4) external alterations to building including replacement windows and new formation of new entrances and roof alterations – Approved.

17/0460/LBC – Listed Building Consent: Removal and reconfiguration of main roof to spinning mill, removal of roof to preparation block to form external public terrace, existing windows to be removed and replaced with timber double glazed units, form louvres and windows with screens or balustrades, remove and replace floors in engine house, form new internal stairs and remove vaults Approved.

20/0018/FUL – Full: Conversion of mill to 4 residential apartments and plant rooms to first, second and third floors – Approved.

20/0019/VAR – Full: Variation of Condition: Vary condition 2 of planning permission
17/0459/FUL – Pending.

20/0021/VAR – Full: Variation of Condition: Vary condition 2 of listed building consent
17/0460/LBC – Pending.

20/0047/LBC – LBC Conversion of mill to 36 no. residential apartments (Use Class C3)
and external alterations – Pending.

20/0364/FUL – Full: Major: Change of Use of former mill to mixed use comprising of
offices and storage facility (Use Class B1 and B8), formation of external two storey car
park and external alterations including replacement windows and formation of new
entrances and alterations to the northlight roof – Pending.

20/0553/LBC – Full: LBC: Alterations to northlight roof and external alterations to create
new entrance, masonry repairs and replacement of windows – Approved.

Consultee Response

Historic England – No comments.

PBC Conservation Officers comments are included within the main body of the officer's comments.

Brierfield Town Council

Public Response

Site and press notices posted and nearest neighbours notified by letter without response.

Policy Issues

Policy

As with all applications the statutory requirement is that the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration of the application must also be in accordance with primary legislation which in this case is primarily the Planning (Listed Buildings and Conservation Areas) act 1990 („the Act“).

The Act states in section 16:

In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The development plan for the area is the adopted replacement Pendle Local Plan ("the Local Plan"). National planning policy is now contained in a single document - the National Planning Policy Framework ("the Framework"). Guidance on its implementation is contained in the online National Planning Practice Guidance.

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 (Achieving Quality and 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.

Brierfield Mills is a Grade II Listed Building with a conservation area and there is a duty under section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

National Planning Policy Framework ("the Framework")

The Framework is the single composite national policy on planning matters in England. It replaced all previous national planning policy documents.

The Framework sets out that the purpose of planning is to contribute to achieving sustainable development. This comprises of three dimensions: social, environmental and economic. The Framework continues to place Local Plans at the heart of decision making. At paragraph 17 it sets out 12 core principles, one of which is to encourage the effective use of land by re-using land that has been previously developed. Another core principle is to conserve heritage assets in a manner appropriate to their significance.

Good design is seen as an important element in the built environment. Paragraph 64 states that planning permission should be refused for development of poor design.

The role the historic environment plays in society and in planning is principally dealt with in Part 12 of the Framework. Opportunities should be taken for sustaining and enhancing the significance of heritage assets ("HA") and the social, cultural and environmental benefits that conserving the historic environment brings is recognised.

The Framework sets out the mechanism for how heritage assets need to be assessed in planning applications. Applicants must assess the significance of the heritage asset with the detail being proportionate to the importance of the asset. The particular significance of the asset needs to be assessed.

In making a decision on the application account needs to be taken of:

- The desirability of sustaining and enhancing the significance of the assets and putting them to a viable use consistent with their conservation.
- The positive contribution assets can make to sustainable communities
- The desirability of new development making a positive contribution to local character and distinctiveness

Great weight should be given to be given to the asset's conservation when the impact on the significance of a designated asset is considered. The more important the asset the greater that weight should be.

Harm to assets is not precluded from happening but this needs clear and convincing justification. If there is substantial harm or loss of a grade II listed building the justification for that should be exceptional.

Less than substantial harm is set out in para 134 of the NPPF.

There would be public benefit to the development in terms of economic activity and potentially securing the future use of the building.

Officer Comments

The main considerations for this Listed Building consent are the impact of the proposed internal and external alterations on the fabric of the building.

It is important in the consideration of the impact the proposals would have on the significance of the designated heritage asset to define what that asset comprises of. There are two designated heritage assets to be considered. The first is the Brierfield Mills Conservation Area. This incorporates Lob Lane Mill, Brierfield Mills Complex including the application site and the gas holder to the north. The heritage asset is the whole of the conservation area.

Similarly the designated heritage asset for the mill is the whole of the mill complex and any harm is required to be assessed against the whole of the designated asset not parts of it. There are different interventions proposed for different parts of the mill with differing impacts.

The overall use of the site and its potential has been looked at in a master planning process. The scale of the complex means that a number of different but complimentary uses will be brought forward. This application forms the second set of proposals for this part of the site. Whilst an ideal scenario would be to consider the whole of the site at one time the scale, complexity and financial issues involved in bringing together a scheme to cover the whole complex means that the reality is that a phased, but complimentary approach, to the development is the only realistic one that will occur.

Impact on Designated Heritage Assets ("DHA")

The main issues revolve around specific impacts on the listed building.

In order to consider the changes proposed to the building and the impact it has on the designated heritage asset a Heritage Impact Assessment has been submitted. The assessment has built on a previous Conservation Statement which looked in detail the historic significance of the building.

Significance in the assessment is defined by the cultural heritage value of the mill which is a combination of the evidence of past human activity, its historic value, aesthetic value and its communal value. The mill is recognised as being of national importance with strong links between its architecture and the industrial purposes it was built for. The following considers the potential impacts the scheme will have.

These proposals for the site relate mainly to the canalside 4-storey north and south spinning mills together with the central engine house (dated 1860/70's), and the attached 2-storey yarn preparation block fronting the canal (1870's-1906). A previous listed building consent for a similar conversion and refurbishment scheme for these buildings was granted in February 2015 (13/15/0020P). Since that time work has proceeded on the buildings fronting Glen Way (Buildings 1 and 2), which are now substantially complete and have transformed this part of the complex. The conversion of the remaining spinning mills to accommodate new uses and the main alterations to the fabric have already been approved in principle, and this application includes some additional alterations necessary to support the range of new uses now proposed. The building will be fully refurbished with new windows, doors and new roof.

Together the mill complex is the largest in Pendle and one of the largest in the North West; its integrated function i.e. carrying out both spinning and weaving, is relatively unusual in Pendle where the usual form is the simple single storey weaving shed. A major part of its significance lies in its imposing stone facades of formal squared stone in regular straight courses with string and lintel/sill courses, and the regular rows of windows, seen to best effect from the canal and motorway corridor and the valley sides further west. Not only are the buildings large in scale but they also incorporate much architectural embellishment, which is unusual for an industrial building.

The majority of the exterior and the layout of the different buildings remains markedly complete, though there have been some significant alterations internally.

These proposals to refurbish and upgrade these important and prominent parts of the mill are welcomed. The buildings have been vacant for several years now and the fabric has reached the stage where it is rapidly deteriorating, and viable new uses are urgently required. NPPF 131 urges planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; NPPF also stresses the positive contribution that the conservation of heritage assets can make to sustainable communities, including their economic vitality. Given the scale and prominence of the Mill and its listed status, the importance of securing a sustainable future for the whole complex is therefore crucial, not just for Brierfield but for Pendle and the wider area.

The application includes a detailed Heritage Impact Assessment which describes and assesses the heritage significance of each part of the listed building; this is based on the comprehensive Conservation Statement prepared by Purcell in 2012. The Assessment identifies the likely impact of the main principles of the proposed works on the significance of the mill and the conservation area and their settings, as designated heritage assets, however, a short additional update statement should be supplied to justify the additional changes proposed in this application. The stated intention is to accommodate the new uses with minimal adverse impact on the historic fabric; the proposals do in the most part leave the external envelopes of the main buildings intact, and most importantly, for both the listed building and the conservation area, there will be no significant demolition of the stone elevations. Internally there is more scope for the buildings to accommodate change, and again, through creative designs, the proposals generally demonstrate the conservation principles of minimal intervention to the historic fabric.

Proposed works involve both necessary refurbishments to the fabric, such as repairs to stonework, replacement roof structures and replacement timber windows, as well as some more significant alterations to facilitate the new uses.

The main changes proposed are as follows:

External alterations

Proposed works involve refurbishments to the fabric, such as new roof coverings, repairs to stonework, new cast aluminium rainwater pipes and new timber and aluminium windows. The stonework throughout the building is generally in good condition but will need to be reinstated in some areas, will be stone-cleaned to the East and South elevations, and patch-repointed. The West canal-facing elevations will not be stone-cleaned due to the difficulty of access. The South elevation to the annexe block was previously partly covered by the adjoining Middle Mill. Following the demolition of this part of the mill the scarred internal wall has been exposed; this comprises an unsightly mixture of stone and red brick, and it is proposed to cover it with Corten cladding panels cut in a north light roof shape set against a dark grey cladding background. This will reflect the existing Corten feature panel which has been fitted to the main Western elevation, creating a contemporary aesthetic which will blend well with the stonework of the mill. Existing openings to this elevation will be modified to create a fire escape door and stair from the basement car park and an access door with ramp to the exhibition space proposed at ground floor level. To the Southern elevation of the main spinning block, alterations include the opening-up of several blocked windows and the removal of a small hipped roof to a projecting part of the facade to enable easier access for maintenance above. These proposals will reverse some of the more recent alterations to the building, generally enhancing its significance and supporting its preservation for the future.

The existing flat roof covering to the South spinning block is relatively recent and is to be replaced with new dark grey insulated covering to match the existing, this raises no heritage issues. The existing steel roof structure to the annexe block will be retained and re-covered. Fire

ventilation and escape hatches will be fitted to the main roof but are unlikely to be visible from public viewpoints. The pitched slate roof to the stair tower at the Southern end of the block will be repaired, with the addition of grey metal capping to protect and express the existing stone parapet.

A windows schedule has been submitted for all elevations, which includes the detailed design of new frames, materials, colours and finishes. Grey painted timber double-glazed windows are proposed to be fitted to the East and South elevations, to match those used successfully elsewhere in the complex. These will improve energy efficiency whilst reflecting the original framing pattern. The original timber frames have a distinctive chamfered design, which is common to most of the buildings in the complex. This design will preserve an important element of the significance of the mill. Matching grey aluminium louvres are proposed to the top lights of most of the apartment windows in order to accommodate mechanical ventilation. Similar windows have already been installed to the North block and are to a good quality, enhancing the appearance of the building.

The UPVC windows on the western canal facing elevations are proposed to be replaced with aluminium frames rather than timber. The framing would be to the same pattern as the original framing, and the grey colour would be identical to the timber windows. The rationale for this change is due to the ongoing difficulty of maintaining timber windows to the canal-side elevation, with the walls of the annexe block rising straight from the canal, and the upper floors overlooking the roof of the annexe, which is a relatively lightweight structure unsuitable for regular maintenance access. The aluminium windows have already been installed to the canal side elevations of the Northern block, are of a good quality and have a very similar external appearance to the timber windows. Although timber was the original material and its use therefore adds more authenticity to the conversion work, it is accepted that the difficulty of maintenance to the canal-facing elevations, and the high quality design and appearance that has been achieved in the installed windows justify the change of material in this case.

Windows to the basement floor of the annexe block are to be replaced with open metal screens to ventilate the parking area, as has already been done to the North side. Doors around the building will be dark grey timber boarded or metal as has been used on other buildings in the complex.

Internal Alterations

The subdivision of the mill's open floor areas would inevitably cause some harm to significance, however the special interest of the mill lies in its value as a large integrated complex with a substantially complete exterior, rather than for its internal spaces. The subdivisions would generally work within the existing grid of cast iron columns and shallow brick vaulted ceilings, necessitating relatively limited removal of original fabric. The vaulted ceilings would remain visible in the office and exhibition spaces to the ground floor and in some public areas on the upper floors. Although the vaults would generally be hidden within the apartments they would be retained intact, so this minor harm to significance would be reversible. Most of the cast iron columns would be cleaned, painted and left exposed, within individual apartments and offices as well as in the public corridors and circulation spaces.

The finely tooled stonework will also bring character and distinctiveness to many of the interior spaces, particularly on the ground floor. It has been agreed that stonework will be exposed around windows and doorways within the business and exhibition spaces, in particular along the length of the central dividing wall between the mill and the annexe. Due to the more stringent requirements for insulation and moisture control within the apartments it is proposed to fully insulate the window reveals, and I have asked for additional details to provide justification for this. However larger areas of stonework will be exposed within the circulation spaces of the upper floors, particularly adjoining and within the stair tower at the South end of the building where the stonework is seen to good effect. Other original features and fittings are being retained to internal public areas, including cast iron pipework, stair banisters, stone drinking fountains and wall bearing plates. This

will all contribute to the character of the spaces and preserve the significance of the listed building.

The proposed alterations are acceptable and will bring a redundant building back into an acceptable, viable use and therefore accord with policy.

Conclusions

The proposed alterations are sympathetic and will enhance the significance of the listed building and would not result in harm to the designated heritage assets of the listed building or conservation area. The public benefits to reusing the building would be substantial and would clearly outweigh any minor harm caused. In accordance with para 131 of the Framework the significance of the heritage asset will be sustained and enhanced and the building will be put to viable uses consistent with its conservation.

Reason for Decision

In accordance with Section 66 of the Planning (Listed Buildings and Conservation) Act 1990, special regard has been made to the desirability of preserving the special historic or architectural interest of the building. The proposal does not materially affect the special historic or architectural interest of the mill complex and as such accords with local and national policy requirements.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The works approved shall be begun before the expiration of three years from the date of this consent. No later than three days after works first begin on site, written notice shall be given to the Local Planning Authority of the date on which works are first commenced.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

2. The works hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans:

TBA

Reason: For the avoidance of doubt

3. All works to windows and doors, including design of new frames, new window openings; materials, colours and finishes shall be undertaken in strict accordance with the submitted plans and shall match the replacement windows installed to the north side of the building unless otherwise agreed in writing by the Local Planning Authority.

All works shall thereafter strictly conform to the details so approved.

Reason: In order to ensure that the fabric of the building is repaired to a satisfactory standard in order to protect the character and appearance of the listed building.

4. All stonework repairs and reinstatements and any further stone cleaning shall be undertaken in strict accordance with the submitted plans and shall match the north side of the building unless otherwise agreed in writing by the Local Planning Authority.

All works shall thereafter strictly conform to the details so approved.

Reason: In order to ensure that the fabric of the building is repaired to a satisfactory standard in order to protect the character and appearance of the listed building.

5. The development hereby permitted shall not be commenced unless and until details of the following has been submitted to and approved in writing by the Local Planning Authority:
- Design and finishes of the external escape staircase and ramp access to the southern elevation; and
 - Areas of exposed stonework within the interior spaces.

Reason: In order to ensure a satisfactory form of development in the Conservation Area and preserve the character of the Listed Building.

6. The development hereby permitted shall be carried out in strict accordance with the Design Method Statement prepared by Toppings August 2017 unless otherwise agreed in writing by the Local Planning Authority for the:
- a) Removal and replacement of the roof;
 - b) Removal and reinstatement of floors to the Engine House; and
 - c) Removal of sections of brick arched floors to form new staircases.

Reason: In order to ensure a satisfactory form of development in the Conservation Area and preserve the character of the Listed Building.

Application Ref: 20/0843/LBC

Proposal: Listed Building Consent: Works to convert and use as residential accommodation and business units. Work includes internal alterations /erection of new partitions, installations of floor screeds and finishes and replacement of existing UPVC windows with new timber double glazed windows. Installation of new corten cladding to Annex to the South elevation, demolition of hipped roof to south elevation and replacement with new flat roof (Providing access to upper section of south elevation) recovering of existing felt roofing with Mansard roof with new insulation and felt roofing membrane.

At: Northlight Glen Way Brierfield BB9 5NJ

On behalf of: Pearl Brierfield Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 22nd March 2021