

# Agenda

MUNICIPAL YEAR 2016-2017



**HYNDBURN**

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## Planning Committee

**Wednesday, 21 September 2016 at 2.00 pm,**  
Scaitcliffe House, Ormerod Street, Accrington

### Membership

Chair: Councillor Bernard Dawson  
Vice-Chair: Councillor Loraine Cox

Councillors Judith Addison, Mohammad Ayub, Stephen Button, Stewart Eaves, Melissa Fisher, June Harrison, Eamonn Higgins, Abdul Khan, Kath Pratt, Paddy Short and Paul Thompson

## AGENDA

**1. Apologies for Absence, Substitutions, Declarations of Interest and Dispensations**

**2. Minutes of the Last Meeting (Pages 3 - 4)**

To submit the minutes of the Planning Committee meeting held on the 31<sup>st</sup> August 2016 for approval as a correct record.

**Recommended - That the minutes be received and approved as a correct record.**

**3. Town and Country Planning Act 1990- Planning Applications for Determination (Pages 5 - 26)**

The attached report sets out recommended action on the following planning applications:

**3A - 11/16/0302: Change of use of ground floor A1 shops (Off licence) to A5 hot food takeaway**



145 Manchester Road, Accrington

**3B - 11/16/0243: Major Full: Change of use from church to 11 No apartments, 1 No 9 Bed HMO with associated external changes**

Cannon Street Baptist Church, 14 Cannon Street, Accrington

**Recommended - That the applications be determined as set out in the report.**

**4. Supplemental Agenda** (*Pages 27 - 36*)

**Urgent Business**

The following item is submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972.

The reasons being to ensure the latest up to date information was included in the report.

**5. Exclusion of the Public**

**Recommended - That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following item, when it is likely, in view of the nature of the proceedings that there will otherwise be disclosure of exempt information within the Paragraphs of Schedule 12A of the LGA (Access to information) specified at the item.**

**6. Land at Haslingden Old Road (Home Farm), Oswaldtwistle**

Exempt Report

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## PLANNING COMMITTEE

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**Wednesday, 31<sup>st</sup> August 2016**

**Present:** Councillor Bernard Dawson (in the Chair); Councillors Judith Addison, Mohammed Ayub, Stephen Button, Loraine Cox, Stuart Eaves, Melissa Fisher, June Harrison, Eamonn Higgins, Terry Hurn, Abdul Khan, Paddy Short and Paul Thompson.

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### **Apologies for Absence**

Apologies for absence were submitted by Councillor Kath Pratt.

### **Substitutions**

Councillor Terry Hurn acted as substitute representative for Councillor Pratt.

### **Declarations of Interest and Dispensations**

There were no declarations of interest.

### **Minutes of the Last Meeting**

The minutes of the last Planning Committee held on the 20<sup>th</sup> July 2016, were submitted for approval as a correct record.

**Resolved** - That the Minutes be received and approved as a correct record.

### **Town and Country Planning Act 1990 Planning Applications for Determination**

The Chief Planning and Transportation Officer submitted a report setting out recommended action on the following planning applications.

**Resolved** (1) That the following planning permission be approved subject to the conditions as per the report:-

11/16/0247                      Variation of condition No2 (Design of communication mast) of 11/15/0377  
Accrington Police Garage, Grange Lane, Accrington

**Resolved** (2) That the following planning permission be approved subject to the conditions as per the report:-

11/16/0219                      Retention of existing building  
Baird Moore Stud Farm, Plantation Road, Accrington

**Resolved                      (3) That the following planning application be approved subject to the conditions as per the report and an additional condition related to traffic management arrangements on the site:-**

11/16/0219                      Change of use to class D2 (Assembly and Leisure) Trampoline Park and part Sui Generis (Vehicle Part Sales) with external works to building Land and buildings on the south west side of Sydney Street, Accrington

N.B.    The Chief Planning and Transportation Officer read out a letter from the Peel Ward Councillor Joyce Plummer in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

The Chief Planning and Transportation Officer reported that the following planning application had been withdrawn.

11/16/0127                      Full use of land for holiday occupation of caravans  
Harwood Bar Holiday Park, Mill Lane, Great Harwood

The Chief Planning and Transportation Officer submitted a report in a supplementary agenda setting out recommended action on the following planning application.

**Resolved                      (4) That the following planning application be approved subject to the conditions as per the report:-**

11/16/0260                      Change of use of ground floor from shop (A1) to betting shop (sui generis) and alterations to shop front  
61-69 Blackburn Road, Accrington

N.B.    Mr Andrew Windress spoke at the committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed.

**REPORT TO: PLANNING COMMITTEE, 21<sup>st</sup> SEPTEMBER 2016, 2.00PM**

**REPORT BY: CHIEF PLANNING & TRANSPORTATION OFFICER**

**APPLICATIONS SUBMITTED UNDER THE TOWN AND**

**COUNTRY PLANNING ACT 1990 FOR DETERMINATION**

**Purpose of Report: To present planning applications for determination as set out in the report**

3A	11/16/0302	Change of use of ground floor A1 shops (Off licence) to A5 hot food takeaway 145 Manchester Road, Accrington
3B	11/16/0243	Major Full: Change of use from church to 11 No apartments, 1 No 9 Bed HMO with associated external changes Cannon Street Baptist Church, 14 Cannon Street, Accrington

**NOTE:** The policies referred to under “Relevant Policies” are set out in the Hyndburn Borough Local Plan, Hyndburn Core Strategy and National Planning Policy Framework.

A list of the above documents and background papers relating to each planning report can also be inspected at Scitcliffe House, Accrington, upon request or via the HBC website:

<http://planning.hyndburnbc.gov.uk/WAM/searchsubmit/performOption.do?action=search&appType=Planning>

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**Application Number:** 11/16/0302

**Full Application:** Change of use of ground floor a1 shops (off licence) to a5 hot food takeaway

**Address:** 145 Manchester Road, Accrington

**Determination by:** 28 September 2016

**Applicant:** Mr A Chirstodoulon

**Agent:** Mr J Dickinson

### **Application Site**

The application site is a commercial property located Manchester Road within the urban boundary in Accrington. The building is a mid-terrace situated between 143 and 147 and is stone built with a slate roof. The building is currently occupied by a retail premises with separate living accommodation at first floor level.

### **Proposal**

Planning permission is sought for a change of use of the ground floor of 145 Manchester Road from retail (Use class A1) to a hot food take-away (Use Class A5). Proposed physical works include minor alterations to the front elevation. Proposed opening hours are 4.00pm-10.30pm Monday to Thursday, 4.00pm-12:00am Friday & Saturday and 4.00pm-10.30pm on Sunday and Bank or Public holidays.

This application is before the planning committee at a councillor's request.

### **Consultations**

Site notice: 1 affixed

Neighbours: Letter sent to 143 and 147 Manchester Road. Eleven letters of objection received on the following grounds:

- Traffic/parking
- Highway Safety
- Litter
- Gathering of youths
- Odour
- Noise
- Vermin e.g. rats
- Unsuitable location
- Light pollution

### LCC Highways:

The application proposes to change approximately 68m<sup>2</sup> of A1 shop usage to A5 hot food takeaway. Under Hyndburn Borough Councils adopted car parking and access standards the A1 usage should provide 5 car parking spaces (at a ratio of 1:14), whilst the A5 hot food takeaway should provide approximately 5.5 parking spaces (at a ratio of 1:12). This is a negligible difference. No off street parking is proposed, however unlimited on street parking is available on both sides of the road and within nearby surrounding streets.

The lack of specific parking associated with the site is not ideal and residential demand for parking in the area is obviously high. However my evening observations indicated a reasonable level of on street parking within the vicinity of the site remained available. I witnessed vacant parking directly to the site frontage, within the sheltered parking bay, and also on the opposite side of the road, albeit with vehicles parking partially on the footway to ensure two way carriageway flow remained unaffected.

I have examined the accident data for the area and have noted that 4 collisions have occurred within the vicinity of the site over the last 5 years. These have resulted in 6 slight casualties. None of the collisions directly related to parking or involved pedestrians.

The level of parking I witnessed did not interfere with vehicular flows and pedestrian access along the footways was maintained, albeit at a reduced width on the even numbers side of the road. Consequently it appears parking along the A680 Burnley Road within the vicinity of the site already takes place and is operating successfully.

Given the nominal difference in parking requirements between the existing and proposed use I believe it would be unreasonable to consider a lack of on-site parking to be a barrier to this application. I would not envisage the level of parking requirement generated by the change of use to significantly differ from the existing usage.

Consequently the impact on the highway network and its users is unlikely to be significant. I can therefore confirm that the County Council would offer no highway objection to this proposal.

### Environmental Health:

Development/Construction phase

Deliveries to and from the site should be restricted to between 0800 and 1800hrs Monday to Friday and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays. Works should be restricted to between 0800 and 1800hrs Monday to Friday and 1300 on Saturdays. Works should not take place on Sundays and bank holidays. All works should be undertaken in accordance with BS5228:2009.

Reason- to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

#### Development/construction phase

Effect of Noise/dust /fumes on neighbouring premises during the building works.

Measures should be in place to prevent nuisance being caused to residents /occupants from noise, dust and or fumes arising from the building works.

There should not be any burning of construction waste on site, appropriate provisions should be made for its disposal.

Reason- to protect the amenities of existing occupiers at nearby premises from nuisance sources associated with the building site.

#### Odour and noise

A scheme for the control of cooking odours and fan noise from the premises shall be submitted in writing to and agreed in writing by the Local Planning Authority.

Before the use hereby approved is commenced, the agreed scheme shall be implemented and thereafter retained.

Reason- to prevent dis- amenity to occupiers of neighbouring premises from cooking odours and/or extraction system noise.

#### Land fill gas precautions

The proposed development is within the 250m consultation zone of a landfill site. Therefore a well-constructed ground slab and a gas proof membrane of 1200g thickness must be incorporated into the foundations, which should provide adequate protection against the ingress of any landfill gas. The membrane should be:

1. laid carefully so as to avoid tears or perforations
2. well capped and taped at the joints, and
3. continuous across the whole area of the new development.

#### **Relevant Planning History**

04/0611: Installation of security shutters to shop front (resubmission). a/c 13.10.04

04/0394: Installation of security shutters to shop front - refused 4.8.04

01/0525: Display of externally illuminated fascia sign. a/c 17.12.01

94/0154: Erection of rear dormer bedroom. u/a 9.5.1994.

91/0209: Installation of shop front. u/a 27.6.1991.

88/0205: Display of illuminated projecting box sign. c/a 5.5.1988.

#### **Relevant Policies**

## Development Plan

### *Hyndburn Borough Local Plan Saved Policies*

- Policy E.10 Development Criteria
- Policy R.6 Hot food Take-away

### *Hyndburn Core Strategy*

- Policy Env4 Sustainable Development and Climate Change
- Policy Env6 High Quality Design
- Policy Env7 Environmental Amenity

## National Planning Policy Framework

- Paragraph 17 Core planning principles
- Section 7 Requiring good design

## Other material considerations

- Planning Practice Guidance (PPG)
- Development Management DPD (Preferred Options) November 2012

## **Observations**

The key issues for consideration in this application are the principle of the change of use, its impact on residential amenity, design and highways matters.

### **Principle of development**

Saved Local Plan Policy E.10 relates to new development and advises that the Council will have regard, amongst other things, to the nature of the developments and its relationship with the existing area. Additionally, Saved Policy R.6 of the Hyndburn Borough Local Plan states that “when considering proposals for development of or the change of use to premises for the sale of hot food solely for consumption off the premises, the Council will take into account, amongst other matters, the effect on the amenity of local residents and on the character of the area through noise, disturbance, traffic and parking, smell and litter, and the effect on the vitality and viability of local retailing”. As such, the principle of a change of use is considered to be acceptable subject to no detrimental harm to the amenity of the area and highways matters, both of which are detailed below.

### **Impact on amenity**

Policy Env7 of the Hyndburn Core Strategy states that proposals for new development will only be permitted if it does not result in unacceptable adverse impacts through (amongst other things), noise, odour, traffic or other nuisances. Additionally, Saved policy R6 of the Local Plan requires applications for hot food takeaways to be determined taking into consideration effects on amenity of local residents and on the character of the area through noise, disturbance, traffic and parking, smell and litter

The proposal is for use of the ground floor to a hot food take-away and as there are residential premises above and also in adjacent buildings the Environmental Health team have been consulted. The Environmental Health Officer raises no objection to the application subject to conditions on times of construction/demolition and the submission of a scheme for the control of odour and noise being submitted to and agreed in writing by local planning authority prior to the commencement of the development.

However, Planning Officers are concerned that given the business would operate, up till midnight on Fridays and Saturdays, this would lead to an unacceptable increase in traffic and comings and goings in the immediate area late at night. This constant flow of people and vehicles until midnight would likely generate unacceptable levels of noise to the detriment of surrounding residential properties. It is also worthy of note, noise and movements from the premises are likely to continue until staff has cleaned the premises and are leaving the building in the early hours of the morning.

Policy Env 7 of the Hyndburn Core Strategy states development which cannot demonstrate it will not give rise to unacceptable adverse impacts of loss of local amenity should not be approved. The applicant has put forward no evidence to this affect and as such, the application is considered contrary to Policies E10 and R.6 of the Hyndburn Borough Local Plan, Policy Env 7 of the Hyndburn Core Strategy and the NPPF

## **Design**

Policy Env6 of the Hyndburn Core Strategy seeks to ensure that the character and quality of Hyndburn's urban and rural environments will be conserved and enhanced through high quality design. Saved Policy E.10 of the Hyndburn Local Plan has similar aims

Proposed physical works to front elevation are minor in nature, the current appearance of the ground floor frontage offers little to the character and appearance and in this instance, officers are satisfied that the alterations are appropriate in terms of their design and materials and will be in keeping with the character of the building and the area. A separate application for advertisement consent would be required for signage and illumination.

No details have been submitted in relation to extraction and flue equipment, given the site is located within a conservation area, these details would need to be conditioned as part of any approval. Subject to recommended conditions, the application is considered to acceptable in terms of design and would therefore comply with the council's development plan.

## **Highways**

Lancashire County Council Highways has been consulted and offer no objection to the application. The engineer noted the following:

The application proposes to change approximately 68m<sup>2</sup> of A1 shop usage to A5 hot food takeaway. Under Hyndburn Borough Councils adopted car parking and access standards the A1 usage should provide 5 car parking spaces (at a ratio of 1:14), whilst the A5 hot food takeaway should provide approximately 5.5 parking spaces (at a ratio of 1:12). This is a negligible difference. No off street parking is proposed, however unlimited on street parking is available on both sides of the road and within nearby surrounding streets.

The lack of specific parking associated with the site is not ideal and residential demand for parking in the area is obviously high. However my evening observations indicated a reasonable level of on street parking within the vicinity of the site remained available. I witnessed vacant parking directly to the site frontage, within the sheltered parking bay, and also on the opposite side of the road, albeit with vehicles parking partially on the footway to ensure two way carriageway flow remained unaffected.

I have examined the accident data for the area and have noted that 4 collisions have occurred within the vicinity of the site over the last 5 years. These have resulted in 6 slight casualties. None of the collisions directly related to parking or involved pedestrians.

The level of parking I witnessed did not interfere with vehicular flows and pedestrian access along the footways was maintained, albeit at a reduced width on the even numbers side of the road. Consequently it appears parking along the A680 Burnley Road within the vicinity of the site already takes place and is operating successfully.

Given the nominal difference in parking requirements between the existing and proposed use I believe it would be unreasonable to consider a lack of on-site parking to be a barrier to this application. I would not envisage the level of parking requirement generated by the change of use to significantly differ from the existing usage.

Consequently the impact on the highway network and its users is unlikely to be significant. I can therefore confirm that the County Council would offer no highway objection to this proposal.

Given the above, the application is considered to be acceptable in terms of its impact on the adopted highways.

### **Conclusion**

The proposed change of use is not considered to be acceptable in principle as it would have a detrimental impact on nearby residential properties through traffic and noise late at night.

### **Recommendation**

That planning permission is refused for the following reason:

1. The establishment of a late-night hot food take-away in this location would result in a loss of residential amenity by virtue of noise, disturbance and an increase in traffic.

For these reasons the proposed development would not accord with Policy Env 7 of the Hyndburn Core Strategy and saved policy E10 of the Hyndburn Core Strategy.

**Informatives**

- 1) Plans/documents
- 2) NPPF

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**Application Number:** 11/16/0243

**Full Application:** Major Full: Change of use of church to 11 no apartments , 1 no 9 bed HMO with associated external changes.

**Address:** Cannon Street Baptist Church, 14 Cannon Street Accrington

**Determination by:** 26<sup>th</sup> September 2016

**Applicant:** Miss I Enyi

**Agent:** Mr Chris Wilkinson

### **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

#### **Article 8**

The right to respect for private and family life, home and correspondence.

#### **Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

#### **Application Site**

The former Cannon Street Baptist Church is located in the centre of Accrington and occupies a prominent location on the north side of Cannon Street. It is a substantial building that makes the building a distinctive landmark in the street scene and the town centre generally. The building is designated Grade II listed, and is denoted as a building of special architectural and historic interest in the national interest.

The church has been closed as a place of worship since 2006 and has been unoccupied since that time which has left the building to decline.

#### **Proposal**

To convert the existing church into 1 x 4 bed roomed apartment, 9 x 2 bed roomed apartments, 1 x 1 bed roomed apartment and 1 x 9 bed roomed HMO with swimming pool and storage space in the basement.

There will be very few changes to the external appearance of the building, with additional windows and doors which will be framed in stone to match the existing and a small wind

turbine and solar panels to the south facing roof. New floors will be created within the building to accommodate the new accommodation.

Vehicular access will be from the front off Cannon Street with 16no car parking spaces on a tarmac surface. There will also be vehicular access to the basement and parking for 5no cars. Pedestrian access would be separate off Cannon Street.

### **Consultations**

*Public consultation:* Site notices displayed and neighbour letters dispatched. No comments have been received.

*LCC Highways:* No objections provided the parking layout is adjusted and the following conditions are attached to the planning permission:

- Construction Management Plan
- Visibility Splays
- Boundary wall at a max of 1m
- Car park surfacing
- Parking layout to ensure enter and leave in forward gear
- S278 agreement for vehicular access, modification of TROS and potential moving of the street light.

*LCC Education:* No observations have been made

*United Utilities:* No objections

*Police Liaison Officer:* No objections raised but recommendations have been made. An informative to be attached to the permission.

*HBC Parks and Open Space:* Request for £6482 through S106 for offsite open space provision.

*HBC Regeneration and Housing:* Support the proposal.

*HBC Environmental Health:* No objections provided conditions are attached relating to

- Development and construction phase
- Mechanical ventilation

*Waste Services:* No observations have been made.

### **Relevant Planning History**

11/16/0244: Listed Building Consent: Internal and external alterations to facilitate the conversion of church to 1 x 4bedroomed apartment, 9 x 2 bedroomed apartments, 1 x 1 bed apartment, 1 x 9 bed HMO, with swimming pool and storage space to the basement. Currently being considered

11/12/0288: Listed Building Consent: Change of use from D1 place of worship to D2 gymnasium Approved

11/12/0227: Full change of use form D1 place of worship to D2 Gymnasium Approved

11/07/0694 Listed Building Consent: Conversion of church to 16 no residential apartments, including internal and external alterations (Resubmission 11/07/0390) Approved

11/07/0692: Conversion of church into 16 residential apartments (Resubmission 11/07/0388) Approved.

11/07/0390: Listed Building Consent: Conversion of church to 16 no residential apartments. Withdrawn

11/07/0388: Conversion of church to 16 no residential apartments. Withdrawn

## **Relevant Policies**

### **Development Plan check**

#### *Hyndburn Borough Local Plan Saved Policies*

- Policy E.10 Development Criteria

#### *Hyndburn Core Strategy*

- Policy BD1 The Balanced Development Strategy
- Policy H1 Housing Provision
- Policy H2 Affordable Housing
- Policy HC4 Community Benefits/Planning Obligations
- Policy Env4 Sustainable Development and Climate Change
- Policy Env6 High Quality Design
- Policy Env7 Environmental Amenity

#### *Accrington Area Action Plan*

- *Policy ATC7* Housing
- *Policy AT11* Design Quality in the Town Centre
- *Policy ATC13* Accrington Town Centre Conservation Area
- *Policy AQ3* Cannon Street Quarter

### **Material considerations**

- National Planning Policy Framework
- Planning Practice Guidance (PPG)
- Hyndburn Borough Council Car Parking and Access Standards (2010)
- Householder Design Guide (SPD) 2009

## **Observations**

Key issues for consideration in relation to this application are 1) Principle of the development, 2) Housing supply, 3) Housing mix, 4) Design, scale and layout/Development in a Conservation Area, 6) Residential amenity, 7) Traffic and highways, 9) Sustainability.

### **1) Principle of development:**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of applications under the Planning Acts should be in accordance with the Development plan unless material considerations indicate otherwise. In this instance the Development Plan comprises the saved policies of the Hyndburn Council Local Plan (1996) and the adopted Core Strategy.

Policy H1 of the Hyndburn Core Strategy supports the development of flats and apartments within the Town centre. As such Officers are satisfied that the principle of this development is acceptable.

### **2) Housing supply**

Within the Framework (para 47) there is a requirement on local planning authorities to identify and maintain a five year supply of housing development sites with an additional buffer to ensure there is choice and competition in the housing market. Where this cannot be demonstrated, para 49 of the Framework says relevant planning policies for the supply of housing should not be considered unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The implications of this are considered in the 'Sustainability' section later in this report.

### **3) Housing mix**

Core Strategy Policy H1 states that new housing development will aim to provide a mix of house types based on the following proportions:

- Detached 26%
- Semi-detached 49%
- Terraced 5%
- Bungalows 8%
- Flats 12%

The proposed development would provide 11 apartments and one House in Multiple Occupation (HMO) which would accommodate nine bedrooms. As the development is located within the town centre, apartments and one HMO are considered acceptable and in line with the relevant planning policy. No objections have been received to the proposal from the Council's Regeneration Officer.

### **4) Design, scale and layout/Development in a Conservation Area.**

Core Strategy Policy Env6 places emphasis on high quality design and requires an enhancement of the character and quality of both townscape and landscape, and is supported by the provisions of Core Strategy Policy Env 7. High quality design must take

into account urban form, urban grain, landscape, density, mix, scale and appearance. This is supported by Policies AT11 and ATC13 of the Accrington Area Action Plan.

At national level in the National Planning Policy Framework (NPPF) also puts a strong emphasis on design. Paragraph 17 of the NPPF states: *'...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'*. Paragraph 56 goes on to state: *'The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'*.

In addition, section 12 of the NPPF Paragraphs 131, 132 and 134 provide detail on what local planning authorities should take into account when determining planning applications in relation to Conserving and Enhancing the Historic Environment.

As the development is located within a Conservation Area and is a listed building, heritage and design are key to the acceptability of the proposal. (The Listed Building Consent is being dealt with under a separate application, and as such is not considered in detail here).

The applicant has submitted a Heritage Statement with the application which considers the impact the development would have on the Conservation Area.

As there would be very few changes to the exterior of the building, with the only additions being windows and doors which would be framed in stone to match the existing and a small wind turbine and solar panels, the proposed conversion leaves the form of the building unaltered and involves only minimal changes to the exterior. (There would be new conservation roof lights to the aisles and nave, along with additional windows in the apse to illuminate the introduced second floor within, the introduction of a garage door on the ground floor of the apse to provide access to the proposed car parking area within). The public visibility of these works will be limited with only the roof lights to be evident in the key views from Cannon Street.

As the proposed conversion will leave the form of the building unaltered and will involve only minimal changes to the exterior Officers consider that the scale, design and layout of the development is acceptable and in line with the relevant planning policies.

#### **5) Residential amenity:**

Policy Env7 of the Core Strategy relates to residential amenity and states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising my reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards. The Councils Householder Design Guide SPD also provides guidance in relation to separation distances.

The development would be located within the Town Centre, in an area which is occupied by both commercial and residential properties. The distances between main habitable windows is considered acceptable and in line with the relevant planning policies.

The Council's Environmental Health Officer has considered the scheme and is of the opinion that subject to certain conditions detailed in the consultation section of this report, the proposal is acceptable. As such Officers are satisfied that impact on residential amenity would not be a suitable reason to refuse the application.

As such it is considered that the proposal meets with the relevant planning policies in terms of residential amenity discussed within this section of the report.

### **6) Traffic and Highways**

Saved Policy E.10 of the Local Plan states that when considering proposals for development, the Council will have regard to car parking provision and proposed arrangements for servicing and access. In addition, Policy Env7 of the Core Strategy aims to avoid development which has an unacceptable adverse impact by reason of traffic, Policy T2 deals with the provision of cycle and footpath networks and Policy HC3 deals with the design of residential roads.

The applicant has submitted detail of the car parking layout for the scheme, which is currently not accepted by the Highways Authority. They consider that the layout needs to be redesigned to ensure that cars can enter and leave the site in a forward gear. Amended plans have been requested from the agent, however as yet they have not been received. Should this information be received prior to Planning Committee it will be included in the update sheet, along with relevant planning conditions. Alternatively a condition will be added which ensures that the information is submitted to and agreed with Officers, in conjunction with the Highways Authority prior to the commencement of development. The Highways Authority has also suggested other conditions (detailed in the consultation section of this report), including a S278 agreement being entered into for the entrance to the site. These conditions have been attached.

As such, in the absence of an objection from the statutory consultee, Officers are satisfied that once satisfactory plans are received, or an appropriate condition is attached, the relevant planning policies will be met in terms of traffic and highways safety.

### **7) Provision of Public Open Space**

Policy HC1 of the Hyndburn Core Strategy requires that: *'Major housing development (10 or more houses) will contribute towards the provision and maintenance of good quality, accessible, multi-functional greenspace. If it is demonstrated that it is not possible to make a provision on site, then a financial contribution in lieu of actual provision will be provided by the developer that will be used to improve or maintain nearby areas of greenspace and improve pedestrian or cycleway facilities'*.

A request has been made by the Council's Parks for £6482 to be contributed via a S106 agreement for public open space. However, the applicant has stated that he is unable to

make this payment due to the viability of the site and that he considers that as the development would cater for young professionals and couples it is unlikely that they would use the nearby open space provision which has been identified as needing upgrading. As this contribution has not been agreed, Officers consider that Policy HC1 of the Hyndburn Core Strategy is not met and as such this weighs against the granting of planning permission.

### **8) Sustainability**

Resolution 24/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and that the specific policies within the NPPF (paragraphs 18-219), taken as a whole, constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: economic, social and environmental and these require the planning system to perform a number of roles.

Officers have considered the proposed development against the three dimensions of sustainable development below:

Economic role – this is a full planning application which can be developed over a 1-2 year period, (at an average build out rate of 35 houses per year). The conversion of the church will also perform an economic role by generating jobs, and boosting the local economy by providing additional spending local shops and businesses and bringing people into the town.

Social role – a key aspect of the social role of sustainable development is providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment with accessible local services. The development is submitted in full and the applicant aims to develop the site within 1-2 years. The development will provide high quality accommodation which is likely to be aimed at young professionals and will make a contribution of 12 units towards the undersupply of housing within the Borough. Lack of contribution towards public open space weighs against the development.

Environmental role – The development will help result in a secured future for a key listed building in Accrington Town Centre and will enhance the Conservation Area; helping to conserve and enhance the historic environment.

### **Conclusion**

In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account. Officers consider that overall; the proposal is sustainable in terms of the social, economic and environmental aspects of sustainable development. However, it is acknowledged that the lack of contribution towards public open space weighs against the development.

On balance however, the development would facilitate the enhancement of the Conservation Area and help to secure the future of a listed building which is currently in disrepair. It would also help to bring people into the town for accommodation which would be of a high standard and is not provided readily elsewhere in the town centre.

In conclusion therefore, Officers consider that the development is acceptable in terms of the development plan and local and national planning policy and recommend approval of the planning application.

### **Recommendation**

That planning permission is GRANTED subject to the following conditions and the S106:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following plans and documents:

Application forms dated 27/6/16

Location Plan dated 27/6/16

Heritage Assessment dated 27/6/16

Design and Access Statement dated 27/6/16

Existing F and S Elevations 1219 ACC 04 PLANNING dated 27/6/16

Existing Plans 1219 ACC 09 PLANNING dated 27/6/16

Proposed Basement and GF Plans 1219.ACC.01 Rev M dated 9/9/16

Proposed FF and SF Plans 1219 ACC 02 Rev L 9/9/16

Proposed F and S Elevations 1219 ACC 02 Rev F dated 9/9/16

Proposed Rear and Side Elevations 1219.ACC.07 Ref F dated 9/9/16

Proposed TF and Site Plans 1219.ACC.03 Rev N dated 9/9/16

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

### **Materials**

3. Prior to the commencement of development, full details of the roof lights (including cross sections), solar panels (including cross sections), wind turbine and materials to be used in the development for the for new windows and doors shall be submitted to and approved in writing by the local planning authority. The works shall then be

implemented in accordance with these approved details and retained thereafter unless otherwise prior agreed in writing by the local planning authority.

Reason: To ensure quality materials and design for development to a listed building and within a Conservation area in line with the provisions of National Planning Policy Framework.

#### **Landscaping and maintenance plan**

4. Prior to the commencement of development a satisfactory programmed landscaping scheme which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include replacement tree planting at a minimum ratio of 3:1. The approved scheme shall be implemented during the first planting season following the completion of development and any tree or shrub planted which dies or is felled, uprooted, willfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with Policy Env 7 of the Hyndburn Core Strategy.

#### **Tree protection measures**

5. No vehicles, equipment or materials may enter the site, and no construction work may commence on site until protective fencing has been erected around the trees to be retained on site. All existing trees shown on the plans hereby approved as being retained on site shall be protected by fencing in accordance with BS5837:2012 'Trees In Relation To Construction', in accordance with a scheme and specification which shall have been submitted to and approved in writing by the local planning authority. Within the protected area(s) there shall not be carried out or permitted, during the construction period, access of any kind unless authorised in writing by the local planning authority.

Reason: To ensure that the trees on the site are protected during construction works in the interests of local amenity, and in order to comply with saved Policy E3 of the Hyndburn Borough Local Plan and Policy Env 7 of the Hyndburn Core Strategy

#### **Highways**

##### **Construction Management Plan**

6. Prior to the commencement of development a construction management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of how deliveries will be managed and where workers will park during construction Works. All works shall be carried out in accordance with the

construction management plan unless otherwise prior agreed in writing by the local planning authority.

Reason: In the interest of safety of users and surrounding properties in accordance with the provisions of saved Policy E.10 of the Hyndburn Local Plan and Policy Env7 of the Hyndburn Core Strategy.

7. The car parking area shall be surfaced or paved in accordance with a scheme to be submitted to and agreed in writing by the local planning authority (which includes details of the surface materials), and the car parking spaces and manoeuvring areas shall be marked out in accordance with the approved plan, prior to the first use of the development hereby permitted.

Reason: In the interest of safety of users and surrounding properties in accordance with the provisions of saved Policy E.10 of the Hyndburn Local Plan and Policy Env7 of the Hyndburn Core Strategy.

#### **Section 278 agreement**

8. No part of the development hereby approved shall commence until a scheme and programme for
  - a) Modification of Traffic Regulation Orders
  - b) Vehicular access
  - c) Any necessary relocation of street lightinghas been submitted to, and approved, by the Local Planning Authority as part of a Section 278 agreement, under the Highways Act 1980.

The highway works shall be implemented in accordance with the approved details prior to the occupation of the first unit and retained thereafter.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on the development hereby approved, in accordance with Policy E10 of the Local Plan Policy Env7 of the Core Strategy

#### **Environmental Health**

##### **Site preparation and construction phase**

9. Construction deliveries to and from the site and works should be restricted to between 0800 and 1800hrs Monday to Friday and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays. Works should not take place on Sundays and bank holidays. All works should be undertaken in accordance with BS5228:2009.

Reason: In the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

**Effect of Noise/dust /fumes/ vibration on neighbouring premises during the development works.**

10. Measures should be in place to prevent nuisance being caused to residents from noise, dust, fumes and or vibration arising from the building works.  
There should not be any burning of construction waste on site, appropriate provisions should be made for its disposal.

Reason: In the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

**Informatives**

13a, 14, 15, 16, 17  
Coal low risk area  
Bats advisory

The applicant is advised to take note of the comments made by Lancashire Constabulary, Electricity Northwest and United Utilities available on the website.

All mechanical ventilation should be so designed and located so as not to be detrimental to the amenity of other residents by means of noise and or odour.

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# Agenda

MUNICIPAL YEAR 2016-2017



**HYNDBURN**

The place to be  
an excellent council

## Planning Committee

Wednesday 21<sup>st</sup> September 2016 at 2.00 p.m  
QE Room, Scaitcliffe House,

### Membership

Chair: Councillor Bernard Dawson

Vice-Chair: Councillor Loraine Cox

Councillors: Judith Addison, Mohammed Ayub, Stephen Button, Stewart Eaves, Melissa Fisher, June Harrison, Eamonn Higgins, Abdul Khan, Kath Pratt, Paddy Short and Paul Thompson.

## SUPPLEMENTAL AGENDA

### Urgent Business

The following item is submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972.

The reasons being to ensure the latest up to date information was included in the report.

### 5. Exclusion of the Public

**Recommended -** That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following item, when it is likely, in view of the nature of the proceedings that there will otherwise be disclosure of exempt information within the Paragraphs of Schedule 12A of the LGA (Access to information) specified at the item.

### 6. Land at Haslingden Old Road (Home Farm), Oswaldtwistle

The report related to this item is exempt.



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