

Agenda

MUNICIPAL YEAR 2023-2024



HYNDBURN

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Planning Committee

Wednesday, 14 February 2024 at 3.00 pm,
Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor Judith Addison
Vice-Chair: Councillor Terry Hurn

Councillors Paul Cox, Bernard Dawson, Susan Hayes, Caroline Montague, Danny Cassidy,
Peter Edwards, Scott Brerton, Kath Pratt, Steve Button, Abdul Khan and Dave Parkins

AGENDA

1. **Apologies for Absence, Substitutions, Declarations of Interest and Dispensations**
2. **Minutes of the Last Meeting** (*Pages 3 - 6*)

The Minutes of the Meeting of the Planning Committee held on the 17th January 2024 were submitted 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 7 - 40*)

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



3A. 11/23/0506 - 30 Bluebell Way, Huncoat, BB5 6TD

Full: Proposed change of use from a dwelling house to a household comprising of a resident Mother and Baby or two children, supported by up to 3 carers in line with the Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

3B. 11/23/0418 - Market Chambers, 43-59 Blackburn Road, Accrington, BB5 1JJ

Full: Change of use of the building to provide a new cultural and community facility (ClassF1/F2 use), alongside external alterations, repairs to the building facade, and a third floor localised roof extension to accommodate internal access and access to the roof for maintenance.

PLANNING COMMITTEE

Wednesday, 17th January, 2024

Present: Councillor Judith Addison (in the Chair), Councillors Bernard Dawson, Susan Hayes, Caroline Montague, Danny Cassidy, Peter Edwards, Kath Pratt, Scott Brerton, Abdul Khan, Dave Parkins, Loraine Cox, Kimberley Whitehead and Noordad Aziz

Apologies: Councillors Paul Cox, Terry Hurn and Steve Button

266 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations

Apologies for absence were submitted from Councillor's Stephen Button, Paul Cox and Terry Hurn.

Councillor Noordad Aziz substituted for Councillor Stephen Button.

Councillor Kimberley Whitehead substituted for Councillor Paul Cox.

Councillor Loraine Cox substituted for Councillor Terry Hurn.

Declarations of interest were received from Councillor's Noordad Aziz, Bernard Dawson and Kimberley Whitehead for item 11/23/0060 due to attending, Accrington Stanley Football matches on many occasions and/or being a season ticket holder.

Councillor Kimberley Whitehead also declared that she used to work with one of the residents attending the meeting regarding item 11/23/0060.

267 Minutes of the Last Meeting

The Minutes of the last Planning Committee held on the 6th December were submitted for approval as a correct record.

The Chair raised on page 4 there was an error under item 11/23/0207, the speaker Mike O'Brien spoke for the applicant on the application not against.

Resolved – That the minutes be received and approved as a correct record. In addition; that the error will be amended on the previous minutes.

268 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.

An update sheet was available for item 3B at the meeting.

3A – 11/23/0457 – Burtons Chambers, 61-79 Blackburn Road, Accrington, BB5 1JJ

Mr Simon Prideaux presented the report to the committee.

A full application was presented for external alterations and improvements to the building façade.

Burton's Chambers is a locally listed building situated within the Accrington Town Centre.

In January 2023, Hyndburn Borough Council secured £20million Levelling Up Funding from the Government, this planning application is part of a suite of proposals for improvements in the town centre.

There would be the replacement of existing shop fronts at the ground floor level with more contemporary shop fronts, and the reinstatement of curved shop front at the corner of the building.

Formation of one consolidated entrance to the building at the northwest corner of the building to create a recognisable main entrance to Burtons Chambers and contribute to creating an accessible and legible place. And, the installation of plant and screen to the rear of the roof.

No change of use was required.

Councillors discussed that there was no car parking spaces allocated, however accepted that the 16 cycle spaces was good for the environment.

Resolved – That the application was approved subject to the conditions attached in the report.

N.B – Mr Miles Parkinson spoke in support of the application.

3B – 11/23/0060 – Crown Ground, Livingstone Road, Accrington

Mr Adam Birkett presented the report to the committee regarding Accrington Stanley Football Club.

The application was for a major full retrospective application for demolition of the existing building and associated turnstiles entrances and temporary buildings to rear of South Stand; Construction of a new hospitality areas, supporters bar and new high level television camera gantry.

The planning permission was granted in October 2022 for this retrospective application.

One of the main considerations was noise coming from the 2 bars; the Council subsequently appointed a noise consultant to carry out noise monitoring follow objections from residents. This had resulted in requesting a Noise Management Plan from the applicant.

The planning conditions on the update sheet covered issues relating to noise, sound limiters, door management arrangements and a smokers area.

In December 2023, an informal agreement had been implemented using the exit to the football ground rather than towards the residential areas the use of the smoking shelters.

Members discussed the application and the concerns around not following the original planning permission, the issues arising from the external doors not being closed and works on the roof not completed to deflect the noise.

Resolved – The application was refused due to the impact on residential amenities due to noise from the development.

Officers advised that they would add references to relevant policies and agree the exact wording of the reason for refusal with the Members moving the recommendation before the decision was issued.

- N.B –
1. Mrs Linda Kennedy spoke against the application.
 2. Mr Miles Parkinson spoke in support of the application.
 3. Councillor Paul Cox spoke against the application.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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Hyndburn Borough Council – Committee Report

Application Ref:	11/23/0506
Application Address:	30 Bluebell Way Huncoat BB5 6TD
Valid Date:	11 th December 2023
Date Registered:	19 th December 2023
Date for Decision:	5 th February 2024 (Extension requested to 21 st February 2024)
Date of Site Visit:	20 th December 2023
Date of Report:	3 rd February 2024

Reason for Determination by Planning Committee

The application was Called-in for Committee consideration by Councillor Cassidy in particular regarding matters of local amenity.

Description of Development: FULL: Full: Proposed change of use from a dwelling house to a household comprising of a resident Mother and Baby or two children, supported by up to 3 carers in line with the Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

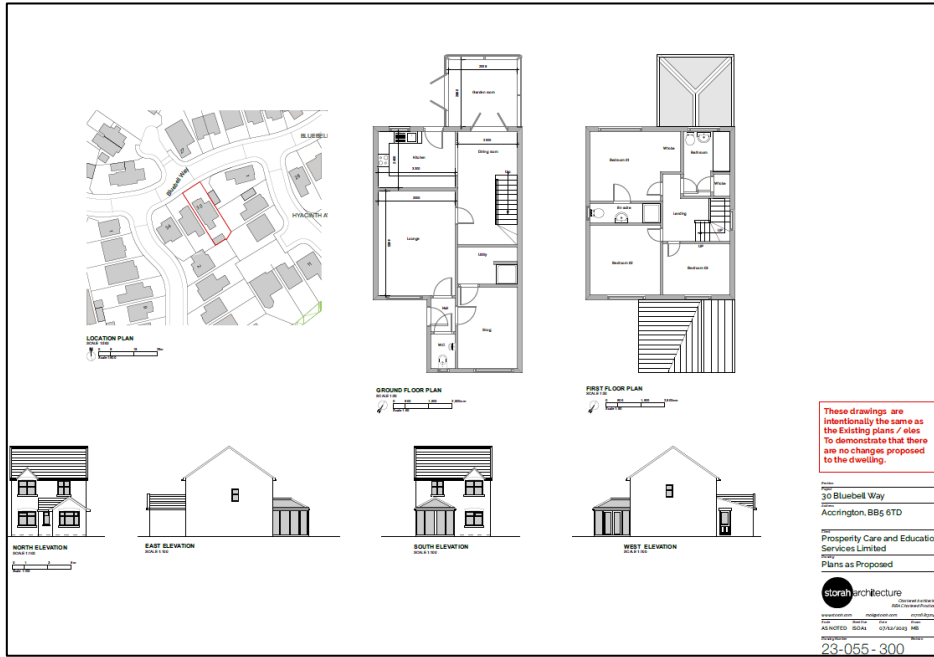
Description of site and proposed development

The application relates to a detached dwellinghouse fronting Bluebell Way as shown on the location plan and image as follows.



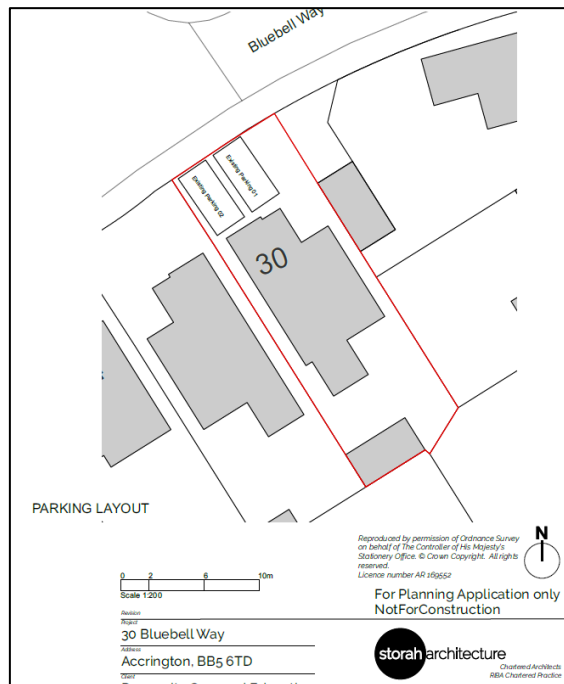
Application site

Briefly, the detached dwellinghouse is of two storeys. It has 3 bedrooms (one with ensuite facilities) and a bathroom on the upper floors; a kitchen, dining room, lounge, garden room, snug, utility room, hallway and accessible wc, at ground floor level; and, rear and front gardens. There is a forecourt car park surfaced to provide 2 car parking spaces.



Existing and proposed details (no proposed changes)

The present proposal is to change the use of the building to a children’s home providing accommodation for a young mother and baby or for two children. The mother and baby or 2 children would live at the property as their main residence – the carers would attend on a rota/shift basis. There would be no external changes to the building or to the external areas. Two car parking spaces would be retained. The application drawings of the property are copied as follows (existing and proposed are the same, there being no changes).



Plan illustrating retention of car-parking spaces.

A Travel and Parking Management Statement has been submitted which sets out the arrangements to be put in place in order to minimise staff travel so as to minimise adverse

noise/disturbance impact on nearby residents and the neighbourhood generally. The two parking spaces would be retained in the development.

Consultation responses (summarised)

Neighbours notified by letter.

Consultation period expired 10th January 2024.

Neighbouring residents

Representations have been received from 69 neighbouring residents making objections and comments summarised and itemised as follows:

1. That publicity for the application was inadequate.
2. One children's home would have great impact – two or three would be significant and unjustifiable.
3. Staff and visitors would cause extra traffic and parking problems. Traffic congestion; driveways would be blocked; increase in pavement parking hazard; narrow estate roads; manoeuvring of large vehicles would be more difficult. Noise/disturbance from business use and shift changes; frequent coming/going of shift workers; cars at unsocial hours.
4. Cause fall in house prices; insurance for house and car would increase.
5. Bring the area down; give the area a bad name.
6. Effect on local services / school places.
7. Every child deserves a home but not here; should be in other areas nearer to facilities.
8. Estate designed for family dwellings change of use would completely change the area; not built for conversion to business use; estate being targeted for child care homes; adverse long-term effect; private dwellings should remain as that.
9. Loss of housing. Goes against local plan aim to provide 3 and 4 bedroom houses that are in short supply. An Article 4 Direction should be made. A policy should be created to to give proper guidance and applications should not be considered until policy created.
10. Fear of anti-social behaviour/increase in crime/drug use; safety of children; vandalism/damage to cars and property; staff not appropriately trained to cope with anti-social behaviour.
11. Conversion of the garage is in breach of a planning condition of the original planning permission.

Highway Authority – Makes the following comments:

Having considered the information submitted, the above proposal raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

Environmental Health Officer – No objections.

Senior Commissioning Manager for Lancashire County Council

As is clearly set out in the attached Children's Home Market Position Statement, there are already very high numbers of children's homes in Lancashire, many of which are filled with children in care from other local authorities, which has a significant impact on local services such as schools, health and policing. The high number of homes also make it very challenging to recruit and retain good quality staff. Despite the very high number of children's homes, we can struggle to find local homes for some of our children in care and therefore we do still have a need for more homes that will meet identified gaps in provision and that will be operated by providers who will prioritise caring for Lancashire children. However, again, as clearly set out in the attached, Mother and Baby Residential Children's Homes are not an identified gap in provision. We do not struggle to find local Mother and Baby Children's Homes and therefore Lancashire County Council's Children's Services does not support this planning application.

Relevant Policies

National Planning Policy Framework (NPPF)

Core Strategy – Adopted January 2012

Env6: High Quality Design

Env7: Environmental Amenity

T1: Improving Connectivity

Development Management DPD

DM26: Design Quality and Materials.

DM29: Environmental Amenity

DM32: Sustainable Transport, Traffic Management and Highway Safety (including GN8: Car parking standards)

Planning history

None relevant

Observations and assessment

Procedural

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The **NPPF** is a material consideration (**NPPF** paragraph 2).

NPPF defines sustainable development (paragraph 8), sets a presumption in favour of such development, requiring that: proposals in accordance with an up-to-date development plan be approved without delay (paragraph 11); and, that decisions should be approached in a positive and constructive way (paragraph 38).

NPPF (paragraph 60) says it is important that [...] the needs of groups with specific housing requirements are addressed; and that (paragraph 63) the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Whilst the development plan is generally silent as regards specific policies for the proposed residential child care use the well-founded general policies regarding character, appearance and residential amenity are in place to guide consideration of the application.

Considerations

The application proposes the change of use of a detached dwelling house to Care Home for children. The applicant states that a maximum of 2 children would be accommodated. The applicant has also indicated that the children may be a young mother and child in care, which for planning purposes, would fall within the same description.

The property is set in a large established residential estate composed of similar dwelling houses.

The principle of providing high quality accommodation for cared-for-children in the midst of well-founded residential areas is not under question. It is existing government policy, regulated and administered under specific legislation. As such, that principle is not a planning consideration. That said, it is helpful, for completeness, to outline the current practice.

Briefly, a Social Services department would normally place children in need of such care in a Local Authority or privately operated care home. Such residential provision is overseen under the Ofsted/Care Commission regime. Private care homes may be business ventures, however, the operation of business of any description is manifestly not a planning matter. No account should be taken of any representations in that respect. It is reasonable to regard the loss of the dwellinghouse to the housing stock of the Borough as being balanced by the provision of a children's care home for which there is a need.

The proposal is for a change of use from a dwellinghouse (Class C3) to a care home for children in need of care (Class C2). Both uses are identified as residential classes. The distinction between the uses, for planning purposes, is that a property has to be occupied as a household to remain within with the C3 dwellinghouse use class. There are many instances where foster children are looked after by existing families and such arrangements would not amount to a change of use of a dwellinghouse. Therefore, the question for the present purpose is to consider how a small children's care home differs from a dwellinghouse in terms of planning impacts, noting, in particular, that it would be a staffed workplace with routine comings and goings of staff, with additional professional visitors, in addition to being a home.

The main consideration for this application are the impacts on neighbours and the residential area generally arising from the character and operation of the proposed use; highway safety; and consideration of representations and any other matters arising from consultations or otherwise.

Character and operation

No changes are proposed to the external appearance of the building. There may, however, be minor additions in the nature of alarms, door key pads and the like, that would have little, if any, impact on the visual character of the building.

The applicant states the intention to provide a living environment as close as possible to a family setting. That is an understandable and achievable aspiration. Therefore, the building itself, would likely continue to have a character consistent with that of a dwellinghouse.

In operation, the main likely impacts would arise from the vehicle movement of staff and others connected with the care home. Policy Env7 requires that new development will be permitted only if it is demonstrated that the material impacts arising by reason of traffic, visual impact, noise, [...] and other nuisances, will not give rise to unacceptable adverse impacts or loss of local amenity.

The applicant has submitted that the movement would not be dissimilar to that generated by a family occupied dwelling house. The applicant has submitted a Travel and Parking Management Statement that sets out how staff would travel to/from work, keeping the maximum staff cars at the property at shift change-over times to two. The pertinent parts of the travel plan are copied as follows:

Trinity staff will utilise the parking spaces for the property and will be expected to share a vehicle. When the shift change occurs, this will result in shift B staff arriving at the property in one vehicle, a handover occurring, and shift A staff leaving. If the carers each have their own vehicle, one vehicle will be left at the Trinity Office in Altham meaning the carers in a shift will travel together in one car to the care property.

These measures would make reasonable provision for the transport needs generated so that, in operation, the proposed use would not be likely to cause significant harm, in that respect, to the amenities on neighbouring dwellings or the residential area generally. Conditions are recommended to require adherence to those transport arrangements. On that basis the proposed development would be in accordance with Policy Env7.

Highway safety

Policy DM32 (as relevant to the proposal) expects all development proposals to encourage sustainable travel and meet with local car parking standards.

Sustainable travel

The submitted Travel and Parking Management Statement indicates that a staff car share arrangement would be in operation. This would be a sustainable form of travel sought by the policy.

Car parking standards

The adopted car parking standard for a C2 use is 1 space per 5 beds plus 1 space per 10 beds for visitors /staff. Assessment against that policy indicates the need for 2 car parking spaces which is provided in the proposed development. However, for completeness, it needs be said that the proposed small children's home differs from the wide range of C2 uses for which the car parking standard has been derived. Obviously, the children do not drive; and, the staff to occupant ratio is significantly higher for the care of children. That is a material consideration for this application. In this case, in any event, the indicated car parking standard is met by implementation of the proposal and the recommended condition.

The Highway Authority, taking account of the submitted travel management statement is content that there would be no adverse impact on highway safety and makes no objection on

the basis that it would have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

On that basis the proposal would be in accordance with DM32.

Other matters

The proposed use is within Use Class C2 identified in the Town and Country Planning (Use Classes) Order 1987 (as amended). The C2 class includes a wide range of residential institution uses (such as hospitals, nursing homes, residential school, training centre) for which the property would not be suited. A condition is, therefore, recommended to restrict the use to that proposed.

Representations

The representations of neighbouring resident as itemised above, are considered as follows, with comments in italic script.

1. That publicity for the application was inadequate.
[Comment – The application was publicised as required by planning law and the many representations received indicates that the publicity system was appropriate]
2. One children's home would have great impact – two or three would be significant and unjustifiable.
[Comment – Applications for numbers 7 and 49 Bluebell Way were refused planning permission and are currently the subject of Appeals to the Planning Inspectorate]
3. Staff and visitors would cause extra traffic and parking problems. Traffic congestion; driveways would be blocked; increase in pavement parking hazard; narrow estate roads; manoeuvring of large vehicles would be more difficult. Noise/disturbance from business use and shift changes; frequent coming/going of shift workers; cars at unsocial hours.
[Comment – The application includes details of parking and staff travel which, when implemented under the recommended planning conditions, would suitably mitigate such adverse impact to a reasonable degree. The proposal meets the adopted Car Parking Standards. The Highway Authority raises no objection to the proposal.]
4. Cause fall in house prices. Insurance for house and car would increase.
[Comment – Impact of planning decisions on property values, as such, is not a material planning consideration.]
5. Bring the area down; give the area a bad name.
[Comment – The high quality and well-kept nature of the residential area exhibits a robust nature that is capable of absorbing the proposed children's home into its fabric without harm. The operation and management of the care home would be subject to inspection from Ofsted and other agencies. On that basis, it is likely that the managing company would wish to maintain an impeccable public face in contributing to the appearance and maintaining the quality of the residential area.]
6. Effect on local services.

[Comment – There is no evidence that services would not be robust enough to cope with any additional demand.]

7. Every child deserves a home but not here. Should be in other areas nearer to facilities.

[Comment – The application has to be considered on its merits. The applicant proposes to provide a living environment as close as possible to a family setting. This is likely to be best achieved in high quality, family oriented, residential surroundings such as the neighbourhood in which the application property is located.]

8. Estate designed for family dwellings change of use would completely change the area; not built for conversion to business use; estate being targeted for child care homes; adverse long-term effect; private dwellings should remain as that.

[Comment – Whilst it should be acknowledged that there would be some change in the overall character of the area, in the officers opinion this would not be to such significant degree to warrant refusal of the application].

9. Loss of housing. Goes against local plan aim to provide 3 and 4 bedroom houses that are in short supply. An Article 4 Direction should be made. A policy should be created to give proper guidance and applications should not be considered until policy created.

[Comment – Whilst there would be loss of a dwellinghouse in this location, the future occupants would require a house to live in somewhere. An Article 4 Direction is a planning law device that enables the Council to remove 'permitted development' rights from an area. Its effect is to require that a planning application is submitted for the development restricted. It is of no relevance to the form of development now proposed. As stated in the main report, whilst the development plan is generally silent as regards specific policies for the proposed residential child care use the well-founded general policies regarding character, appearance and residential amenity are in place to guide consideration of the application. The application falls to be determined under the adopted development plan].

10. Fear of anti-social behaviour/increase in crime/drug use; safety of children; vandalism/damage to cars and property; staff not appropriately trained to cope with anti-social behaviour.

[Comment – Fear of crime and anti-social behaviour is a material consideration in determining planning applications. The concern expressed by residents is understandable as children at times may exhibit a variety of behaviours. However, the proposal is for a children's home for 2 children. There is no reason to expect that children with especially troubled backgrounds would be accommodated. Secure accommodation, as such, is a separate use class (C2A) which is not relevant to the present proposal and in any event, is recommended to be excluded by condition. The Care Home has parental responsibility for the children in its care. The oversight of training is a matter for the Regulatory body and is not a planning matter]

11. Conversion of the garage is in breach of a planning condition of the original planning permission.

[Comment – The condition of the original planning permission for the erection of the dwellinghouse required that the garage be retained as such or in a use incidental to the enjoyment of the dwelling house and not used for trade purposes.. The room is

apparently used as a 'snug', which may be regarded as incidental to the dwellinghouse]

Senior Commissioning Manager for Lancashire County Council

As is clearly set out in the attached Children's Home Market Position Statement, there are already very high numbers of children's homes in Lancashire, many of which are filled with children in care from other local authorities, which has a significant impact on local services such as schools, health and policing. The high number of homes also make it very challenging to recruit and retain good quality staff. Despite the very high number of children's homes, we can struggle to find local homes for some of our children in care and therefore we do still have a need for more homes that will meet identified gaps in provision and that will be operated by providers who will prioritise caring for Lancashire children. However, again, as clearly set out in the attached, Mother and Baby Residential Children's Homes are not an identified gap in provision. We do not struggle to find local Mother and Baby Children's Homes and therefore Lancashire County Council's Children's Services does not support this planning application.

[Comment – The County Council seeks to carry out the duty of provision of suitable accommodation for children in its care. However, as explained in the main report, the housing of cared-for-children in the private sector in addition to Local Authority provision is existing government policy, regulated and administered under specific legislation. Having the support of the Local Authority Social Services provider for the location (in this case LCC) is not required by the child care regulatory process, nor for planning purposes. It may be the case that looked-after children are routinely accommodated in areas outside the social service area from which their placement is arranged, however, that placement process is not a planning matter for the determination of the present application.]

Other matters

The proposed use is within Use Class C2 identified in the Town and Country Planning (Use Classes) Order 1987 (as amended). The C2 class includes a wide range of residential institution uses (such as hospitals, nursing homes, residential school, training centre) for which the property would not be suited. A condition is, therefore, recommended to restrict the use to that proposed.

Conclusions

Officers recognise that developments of this type can give rise to local opposition, however, the proposed change of use of the dwelling house to a Children's Care Home would be likely to have minimal adverse impact on the amenity of neighbouring dwelling houses or the residential area generally. The Highway Authority is content with the proposal as regards matters of highway safety. Conditions are recommended in order to secure implementation of measures proposed in the application.

The proposal would be in accordance with the development plan and should therefore be supported.

Recommendation

That the application be Granted subject to the following conditions:

Conditions:

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 and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following documents:
 - (a) The planning application forms and location plan received by Hyndburn Borough Council on 11th December 2023.
 - (b) Submitted drawings, namely: Drawing(s) number:
 - 23-055-001 (Location Plan);
 - 23-055-002 (Location Plan, showing car parking spaces);
 - 23-055-301 (Parking Arrangement);
 - 23-055-100 (Plans as Existing);
 - 23-055-300 (Plans as Proposed); and,Travel and Parking Management Statement (Dated 7th December 2023), received by Hyndburn Borough Council on 11th December 2023.

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to control the development and to minimise its impact in accordance with policies Env6, Env7 and T1 of the Hyndburn Core Strategy and DM29 and DM32 of the Hyndburn Development Management Development Plan Document.

3. The building shall only be used as a Children's Care Home (which may include provision of accommodation for a young mother and baby) (as described in the application) only and for no other purpose including any purpose within Use Classes C2, C2A, and C4 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: Notwithstanding that the proposed use (as described and defined in the application) would be an acceptable use of the building, the application does not demonstrate (taking account of its characteristics, including its location, its amount of internal accommodation and layout) that the building would be suitable for other uses within those Use Classes in accordance with the development plan, including policies Env6, Env7 and T1 of the Hyndburn Core Strategy and DM14, DM26, DM29 and DM32 of the Hyndburn Development Management Development Plan Document.

4. In respect of staff travel and parking, the Children's Care Home hereby permitted shall be operated at all times in accordance with the submitted Travel and Parking Management Statement (Dated 7th December 2023) in particular the expectation of car sharing by staff described in part 3.0, and the retention of 2 car parking spaces, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to regulate staff travel by vehicle to that reasonably commensurate with that of a family dwelling house (as described by the applicant) in the interests of the amenities of neighbouring dwelling houses and the residential area generally in

accordance with Policies Env7 of the Hyndburn Core Strategy and DM29 and DM32 of the Development Management DPD of Hyndburn Borough Council.

Informatives

1. Reasons for approval of the application

Subject to conditional control the proposal would not cause demonstrable harm to visual / residential amenity or highway safety or to any other matter of acknowledged importance and accordingly would suitably accord with local and national planning policies and in particular Policies Env6 and Env7 of the Hyndburn Core Strategy and the Hyndburn car parking and access standards.

2. Strict accordance with approved plans

This planning permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- (b) You or your agent or any other person responsible for implementing this permission should inform Development Control immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

3. Conditions

This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

4. Building Regulations may be required

The enclosed approval is issued under the Town & Country Planning Act 1990. You may also require Building Regulation approval which is dealt with by this Department's Building Control Section (Tel: 01254 380194). You must ensure that all necessary permissions are obtained BEFORE starting work, otherwise abortive expense may be incurred.

5. Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

6. Contaminated Land

The applicant should be aware that the application site is identified as being a potentially land-fill gas site land and within proximity to sites of a former brickworks and a former cotton works.

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Hyndburn Borough Council – Report for Planning Committee

Application Ref: 11/23/0418

Application Address: Market Chambers, 43-59 Blackburn Road, Accrington, BB5 1JJ

Full Application: Change of use of the building to provide a new cultural and community facility (ClassF1/F2 use), alongside external alterations, repairs to the building facade, and a third floor localised roof extension to accommodate internal access and access to the roof for maintenance

Date Registered: 07th November 2023

Date Report Written: 05th February 2024

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.

Reason for Report: the application is for a significant proposal by the Council or the County Council and is not of a minor nature.

Site and Proposal

Market Chambers is a part 3 and part 4 storey building, which comprises three terraced buildings (Market Chambers, former Bradshaw's Building and the former Woolworth Building) currently subject to a mix of uses. The ground floor has a mix of commercial uses, with multiple units currently in use as shops and a wine bar. Several ground floor units are occupied by betting shop or amusement arcades, which are within the use category of sui generis. At the upper levels, the first floor of the building comprises of some vacant class E commercial units, whilst the second and third floors are subject to residential use containing 18 flats in total.

The Market Chambers (formerly known as No.1-3 Market Place) was designed by Henry Ross and originally constructed in 1894, and underwent ongoing improvement schemes between 1899 and the mid-1920. The former Bradshaw's building and Woolworth building were subsequently built in the mid-1920s, both of which were built as commercial

endeavours on land acquired by the local authority as part of the 'Blackburn Road Improvement' scheme.

With regard to the design and character, the original element of the Market Chamber (formerly No.1-3 Market Place) is a four-storey building, characterised with a corner turret with domed cupola, four bays to the north, a canted bay and entrance into the associated unit to the corner and eight bays to the east (five of which are included within the application site). The building is comprised of four principle floors with strong vertical composition, which is emphasised further by its mansard roof with dormer windows.

The former Bradshaw's building attached to west of the original Market Chambers. This three-storey structure is only of the width of a single bay, with the detailed to its frontage including a first floor tripartite window enclosed between pilasters with capitals and surmounted by a shallow cornice, and a lunette window between a plinth at its base and a moulded cornice above at the second floor level. Further to its west, the contemporaneous former Woolworth building occupies the west of the site, also comprising three storeys and faced in ashlar, but with subdued art deco decorative details. Its principal façade fronts onto Blackburn Road to the north and Dutton Street to the west. Although the ground floor of the building has been significantly altered, the upper floors of the building is still of symmetrical character, divided into three large architraves, each containing a rectangular floor-floor window of four-over-four lights, a plain horizontal dividing band lying against the floorplate and a matching window above serving the second floor. Those windows are metal framed and seemingly original, whilst the horizontal band at the floor plate are the 1960s replacements. At the roof level, a shallow cornice acts as a parapet enclosing the flat roof above. With regard to the condition of the ground floor of the three elements of the building, it is noted that more original features have been retained at the former Market Chambers than the two later elements of the building.

Market Chambers is situated within the designated Accrington Town Centre Conservation Area, and the building has been identified as a locally listed building. It is within the setting of the Grade II* listed Accrington Town Hall, the Market Hall – a Grade II Listed Building, and a number of other statutory and locally listed buildings, including the Merchant's Institute, Carnegie Public Library and the Church of St James.

Being within the Accrington Town Centre, Market Chambers is in a highly sustainable location, with a wide range of existing retail, commercial and community facilities available in the immediate vicinity. There are also several bus services that operate within the proximity of the site. Burtons Chambers and other key buildings within the Accrington Town Square are within the Flood Zone 2 or 3.

As submitted, this application seeks permission for change of use of the building to provide a new cultural and community facility (Class F1/F2 use) and a separate retail unit, alongside external alterations and repairs to the building façade and construction of a small third floor extension to accommodate internal access and access to the roof. The proposed scheme would see the refurbishment of Market Chambers into a new community cultural hub, providing a café, gift shop, innovation gallery and separate retail unit at the ground floor

level, two open galleries and an education room on the first floor, a further two open plan exhibition rooms and staff meeting room on the second floor, and an art & performance room and further staff facilities on the top floor.

In January 2023, Hyndburn Borough Council secured £20million Levelling Up Funding from the Government, which with the wider match funding, will support three significant and exciting projects in Accrington Town Square. This planning application is part of a suite of proposals for improvements in the town centre, within Accrington Town Square, to be progressed over the next two to three years.

Consultations

LCC Highways: The ground floor will be comprised of a café, gift shop, innovation gallery and separate retail unit. The first floor will comprise of 2 open galleries and an education room, the second floor a further 2 open plan exhibition rooms and staff meeting room and the third floor a performance room and further staff facilities.

The service arrangements will remain the same as for the existing business operation with loading from Blackburn Road and the private alleyway on Church Street. Blackburn Road is pedestrianised and subject to traffic regulation orders which allow loading by goods vehicles between 4pm – 10am. There is short stay on-street parking in the Town Centre and a number of public car parks within walking distance.

There are 4 cycle hoops currently located within the adopted highway on Dutton Street for public use. We would request that additional secure and covered (if outdoors) cycle parking is provided for staff and customers of the premises.

Subject to a condition requiring the cycle parking being provided, the LCC Highways raised no objection to this proposal and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

HBC Conservation Officer:

The proposal seeks for a change of use for these former commercial premises which are now mixed use and partly vacant. They stand in and amongst important heritage assets and are locally listed in its own right. The proposed works would see the premises become a community hub and museum/art destination. In summary this will be achieved by removal existing shopfronts at ground level and the insertion of new bay treatment and glazing.

The Heritage Statement demonstrates multiple alterations to the buildings through time with some change unsympathetic and harmful to the site and its heritage values. All shopfronts and ground floor glazing currently in situ are modern and are of low significance. The proposed shopfronts as submitted would be of a more appropriate style and design enhancing the character and appearance of the buildings and place in this highly important setting. The resulting elevations would be of a more uniform and consistent appearance which would be welcomed.

As part of the proposal, entrances will be relocated to improve access with the main entrance proposed to the central bay. An historic lost corner entrance will be reopened as a display windows, with others closed to become display windows. On balance these changes will improve the use of the building whilst retaining architectural legibility.

At the third floor and roof level, a rooftop lantern extension is proposed to allow for roof and upper floor access for maintenance. This extension would be set back from the roofline but would still remain visible from various vantage points. However the design is simple and modest and in keeping with the existing scale and pattern of dormer windows. It would also visually relate to the proposed bronze shopfronts at ground floor level. Its appearance would not detract from the overall significance of the listed buildings on which it would sit, nor the character and appearance of the conservation area, or setting of nearby listed buildings. Plant works are required for the proposed change of use and on balance are acceptable as proposed. The screening is set back well to minimise any views of the additions from the public realm.

The proposal would also involve the works to the existing windows, including reinstatement/repair/repainting where required.

Overall, HBC Conservation Officer is of the view that the proposed development would have a level of less than substantial harm to the locally listed building, conservation area and the setting of the nearby listed building, but the identified harm is very much on the lower end. The public benefits associated with the proposal would considerably outweigh the harm.

Historic England:	No objection, and recommendations have been made
Police Liaison Officer:	Standard advice provided
LCC Fire & Rescue Service:	Standard advice provided
Environment Agency:	No objection to the proposal
Lead Local Flood Authority:	No comments made as the proposed development has no surface water implications.
Cadent Gas:	No objection, informative note required
Lead Local Flood Authority:	No response received
HBC Ecologist:	No objection to the scheme subject to the following conditions: <ul style="list-style-type: none">• Submission of details for 6 swift nest boxes;• Statement of Good Practice – Ecology

Public Consultation: A site notice was posted on site on 16th November 2023, and a press notice was published on the local press on 15/12/2023. The consultation period ended on 05/01/2024. No responses received.

Consultation at Levelling Up Funding Application Stage

A public consultation was held on the draft Town Centre Investment Plan in 2022 with three public consultation events at different town centre locations as well as targeted engagement and briefing sessions with the Chamber of Trade, Accrington & Rossendale College students

and engagement with Hyndburn's 'community action network' which consists of over 40 charitable and community organisations. Consultation uptake and respondent demographics were reviewed at the midway point and additional engagement with Hyndburn's ethnic minority community was undertaken with the support of local faith leaders.

All businesses within Accrington town centre were written to three times. Twice to help 'surface' different intervention ideas and once to highlight the Town Centre Investment Plan consultation. Consultation feedback led to increasing the amount of greening / Net Zero content within the Levelling Up Funding bid.

There have been three briefing sessions with all elected members and a full council vote on the Town Centre Investment Plan (and hence the Levelling Up Funding projects), which was unanimously adopted.

The advice received during this initial consultation has informed the proposals now presented.

Further Public Consultation

A further stage of public consultation was undertaken during October 2023. The purpose of this consultation was to inform the public on progress of the proposals for each of the buildings within the Town Square (including Market Chambers), and to collect feedback on the draft proposals to inform aspects of the proposed development.

The consultation consisted of:

- Online consultation material hosted on the Council's Accrington Town Square website (<https://accringtontownsquare.com/>), held between 3rd and 11th October. People were able to view information on the draft proposals and invited to share their views via an online comment form (see Figure 1).
- An in-person display of design information hosted in Market Hall, held between 3rd and 11th October. A number of information boards were displayed and attendees were invited to fill in paper comment forms or respond online.
- An in-person drop in event held in Market Hall on 3rd October 2023 between 2pm and 7pm. The information boards were displayed at the event with members of the project team there to answer questions from the public. Around 100 members of the public attended the event. Attendees were invited to make comments verbally and fill in paper comment forms available at the event or respond online.

A total of 120 (paper and online) comment forms were completed and responses analysed by the Council's policy team.

A follow up meeting with Accrington Blind Society was held on October 17th 2023, after they attended the drop-in event and requested a meeting to discuss design matters further.

Relevant Planning History

No.55-59		
11/22/0385	Prior Approval: Change of use from commercial business (Use Class E) to 7 No single bedroom apartments and 1 No 2 bedroom apartment (under Class MA) including cycle store provision at ground floor.	REFUSED 20.10.2022
11/21/0281	OUTLINE APPLICATION: CONVERT THE FIRST & SECOND FLOOR FROM A NIGHTCLUB TO 8NO RESIDENTIAL UNITS.	Withdrawn - Applicant 02/08/2021
11/21/0144	CHANGE OF USE OF FIRST FLOOR FROM A DRINKING CLUB TO B8 STORAGE	A/C 20/09/2021
11/18/0500	CHANGE OF USE OF FIRST FLOOR FROM SUI GENERIS LAP DANCING CLUB TO A4 PUBLIC BAR WITH ACCESS FROM DUTTON ST	Withdrawn by applicant 31/01/2019
11/14/0404	CHANGE OF USE OF FIRST FLOOR FROM LAP DANCING CLUB (SUI GENERIS) TO PUBLIC BAR (A4)WITH ACCESS FROM DUTTON STREET AND THE GROUND FLOOR RESTAURANT	A/C 01/12/2014
11/12/0096	FULL: CHANGE OF USE OF FIRST FLOOR TO LAP DANCING CLUB (SUI GENERIS).	A/C 11.04.2012.
11/07/0078	ALTERATIONS TO EXTERNAL ELEVATIONS TO INCLUDE NEW WINDOWS AND DOORS.	A/C 30.04.2007
11/06/0140	ALTERATIONS TO EXISTING ELEVATIONS.	A/C 19.04.2006
11/02/0416	DISPLAY OF ILLUMINATED FASCIA AND PROJECTING ADVERTISEMENT SIGN.	A/C 12.09.02
No. 53		
11/02/0416	DISPLAY OF ILLUMINATED FASCIA AND PROJECTING ADVERTISEMENT SIGN	A/C 12.09.2002.
No 49-51		
11/18/0444	Advertisement application: Display of 1 No internally illuminated fascia sign and 1 No internally illuminated projecting sign.	A/C 07.01.2019.
11/04/0621	DISPLAY OF EXTERNALLY ILLUMINATED FASCIA SIGNS AND INTERNALLY ILLUMINATED PROJECTING BOX SIGN.	A/C 20.10.04
No. 47		
11/19/0010	DISPLAY OF 1NO FASCIA SIGN.	A/C 01.03.2019
11/19/0008	IMPROVEMENT WORKS TO FACADE AND NEW SHOP FRONT (THI) WORKS.	A/C 01.03.2019
No. 45		

11/08/0546.	CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A2 (FINANCIAL & PROFESSIONAL SERVICES).	A.C 06.11.2008
No. 43		
11/15/0204	CHANGE OF USE FROM A1 TO BETTING SHOP (SUI GENERIS) AND EXTERNAL ALTERATIONS.	REFUSED 24.07.2015
11/08/0546	CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A2 (FINANCIAL & PROFESSIONAL SERVICES). (NO 45 BLACKBURN RD)	Approved with Conditions 06/11/2008
11/03/0542.	INSTALLATION OF SHUTTERS TO 4 SHOP WINDOWS AND DOORWAY. (RE-SUBMISSION).	A/C 24.03.2004.
11/03/0263	. INSTALLATION OF SHUTTERS TO 4 SHOP WINDOWS AND DOORWAY. ERECTION OF FRAMEWORK TO COVER SHUTTER BOXES.	REFUSED 8.7.03

Relevant Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan

The adopted Development plan for Hyndburn Council comprises:

- Hyndburn Core Strategy (adopted 2012)
 - BD1, Balanced Development Strategy
 - Env6, High Quality Design
 - Env7, Environmental Amenity

- Hyndburn Council Development Management DPD (2018)
 - GC1, Presumption in Favour of Sustainable Development
 - DM3, Development of main town centre uses
 - DM10, New Residential
 - DM22 Heritage Assets
 - DM26, Design Quality and Materials
 - DM29, Environmental Amenity
 - DM31, Waste Management
 - DM32 Sustainable Transport, Traffic and Highway Safety

- Accrington Area Action Plan (2012)
 - ATC11 Design Quality in the Town Centre
 - ATC13 Accrington Town Centre Conservation Area
 - ATC24 Flood Risk and Culverted main River Watercourses
 - AQ3 Cannon Street

Material Considerations

Relevant material planning considerations include the following:

- National Planning Policy Framework (2023) (NPPF)
- Accrington Town Centre Conservation Area Management Plan (May 2008)
- Accrington Town Centre Investment Plan 2022 - 2023
- Emerging draft Hyndburn 2037: Local Plan (Strategic Policies and Site Allocations)

Observations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Hyndburn comprises of Core Strategy (2012), Development Management DPD (2018), the Accrington Area Action Plan. National Planning Policy Framework (NPPF) is an important material consideration.

Given the status of Market Chambers & its immediate setting, and the nature of its future use, the key issues associated with this proposal are the development principle, impact on the character and appearance of the host building, impact on the historic setting, accessibility and highway safety, flood risk management, and other material planning issues. Those issues will be discussed in the following sections.

Development Principle

The Planning [Listed Building and Conservation Areas] Act 1990, Section 66 states:

General duty as respects listed buildings in exercise of planning functions.

- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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.

With regard to the development proposals affecting non-designated heritage assets, paragraph 209 of the NPPF notes that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and significance of the heritage assets. With regard to a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

With regard to developments within the Accrington Town Centre, Policy A2 of the Hyndburn Core Strategy notes that Accrington Town Centre will consolidate and develop as the principal centre and historic market town, providing for the Borough's key services and comparison and food retail needs. Independent retailers will provide for specialist/leisure shopping needs for the Borough. With regard to the new provision and enhancement of

cultural and community facilities, Policy DM7 (3) and (4) of the Hyndburn Development Management DPD states that the temporary use of vacant buildings and sites by creative, cultural and community organisations will be supported, particularly where they will help activate and revitalise town centre locations; where development proposals are submitted for new or improved community or cultural facilities, they should be accessible by sustainable modes of transport.

Policy SP7 of the Council's emerging Local Plan (Accrington Town Centre) echoes the Core Strategy Policy A2, and promotes the regeneration of the town centre specially through:

- Improvement and redevelopment of shopfronts /facades and building improvements; and
- Development that will attract businesses into the town centre and bring buildings back into use in creative and innovative ways.

The principle of diversifying uses within Market Chambers and renovating its frontages to attract new and diverse businesses is strongly supported by planning policy and national and local guidance. The Accrington Town Centre Investment Plan (2022) identifies the transformation of properties within Market Chambers as a 'proposed intervention' to improve the quality of life and experience of the town for residents and visitors. This is part of the wider regeneration of the Accrington Acre, which also incorporates the transformation of Burton's Chambers (adjacent to the site), which is also brought forward by Hyndburn Borough Council.

The vision for these properties is for them to be renovated and repurposed with the ground floor ideally suited to independent cafes, restaurants and higher-end retailers. The Plan also identifies the opportunity to transform the upper floors to form part of an arts, culture and heritage offer. There is an overall aim to reduce the amount of empty shops and dependency on the retail sector within the Town Centre. The Accrington Area Action Plan (2012) also identifies the need to diversify the offer in the town centre in order to create a destination and address deficiencies in uses. This reflects a key tactic for town centre regeneration within the Future Place report *Places shaping: Learning from 2020*, which recommends that town centres should 'consider new uses to foster 'living local' spirit... it is important to explore new, more diverse uses in city centres, widening the offer to include cultural offers as well as shopping.'

The Accrington Town Centre Conservation Area Appraisal suggests that a new museum or exhibition space could be established within Accrington Town Centre Conservation Area, and suggests this could be located within an underused historic building.

It is acknowledged that the second and third floors of the building currently contains 18 residential units which have been formed for more than 10 years without a planning permission or prior notification to the LPA. The proposed development would inevitably result in the total loss of those residential units in a sustainable location, which should be weighed against the proposed development in the overall planning balance. That said, it is understood that at the time when this application was submitted, the existing flats and bedsits had already been vacated. The photographic evidence accompanying this application illustrates that those accommodations are of poor quality, with clear signs of

water ingress, and black mould. It also appear that most of those units are not of sufficient floor area to comply with the Nationally Described Space Standards. With regard to the policy context, it is understood that there is no particular policies within the Council's Development Plan Documents or the NPPF against the loss of the existing housing stock. Furthermore, the Council's latest Five Year Housing Land Supply Statement (2021) calculates the housing land supply (taking account of shortfall) as 11.5 years. This indicates that the Hyndburn local authority area has a healthy supply of alternate housing within the Borough, therefore the loss of 18 flats and bedsits as result of this proposed development would not significantly affect housing stock available on the private rental market or prejudice the housing choice of the existing tenants residing within buildings.

Market Chambers, by virtue of its history, architectural/aesthetical value and setting, is a non-designated heritage asset, within the Accrington Town Centre Conservation Area and the setting of the Grade II * listed Accrington Town Hall, the Grade II listed Market Hall, and a range of other designated and non-designated heritage assets in its vicinity. It is understood that the existing building has been significantly altered internally and externally over the years, and some of the original fabrics and features at the ground floor of the building have been completely or partially lost due to the alterations to the building over the years or the introduction of modern shopfronts. The existing modern shopfronts their glazing, doors and signage detract from the character and appearance of the host building, are in poor condition, and are mismatched within and across the three elements of the building. The poor-quality infill to the former Woolworths shop and the combining of the Bradshaw's building and adjacent bay of 1-3 Market Place exacerbate this further, not only having a poor visual impact but also reducing the legibility of the three historically independent buildings. Given the condition of the ground floor units and the lacking of viable beneficial use of its most floor space, the existing building is considered to have neutral/negative impact on the character of the Accrington Town Centre Conservation Area and the setting of the neighbouring listed building.

In this instance, the provision of a new consolidated cultural and community facility (Class F1/F2 use) within the Accrington Town Centre through the conversion and change of use of the Market Chambers which is currently subject to a mixed use and partly vacant, is clearly in accordance with Policy DM7 of the Hyndburn Development Management and Policy A2 of the Hyndburn Core Strategy. It is also considered that this proposed scheme would represent the optimal viable use of a non-designated heritage asset, which is one of the key buildings within the Accrington Town Square, and offer a more positive contribution to the setting of the neighbouring listed buildings and the character of the Accrington Town Centre Conservation Area. In the consultation response, the HBC Conservation Officer concluded that there is a low level of 'less than substantial harm' to the host building in the loss of some original fabric and redesign, however the public benefits in improving the much-degraded and altered building itself, and enhancing the important historic setting in which it stands, outweighs this harm.

Having regard to the above information, weighed in planning balance, it is considered that the benefit of bringing this locally listed building within the Accrington Town Centre conservation area and the setting of a number of listed buildings back into viable beneficial

use, and the provision cultural /community facilities within the Accrington Town Centre through the conversion of the underused local landmark building within the Accrington Town Square would outweigh the identified 'less than substantial harm' to the existing building, and the loss of the existing 18 residential flats/bedsits, therefore it is acceptable in principle and accordance with paragraph 208 and 209 of the NPPF and Policy DM22 of the Hyndburn Development Management DPD, Policy A2 of the Hyndburn Core Strategy, and the relevant provisions of The Accrington Town Centre Investment Plan (2022).

Design and Impact on the Host Building and Neighbouring Designated Heritage Assets

Criterion 8 of Policy DM22 of the Hyndburn Development Management DPD notes that the Council recognises the significance of 'setting' to a heritage asset and will look favourable on development proposals that contribute positively, and will not support proposals that fail to preserve or enhance setting alongside the heritage asset itself. The approach of policy is in line with Paragraph 212 of the Framework.

In this instance, the proposed scheme comprises of three key elements: the change of use of the existing building to provide new cultural and community facilities, external alterations to the host building and small scale extension at the roof level, internal alterations and reconfigurations. Externally, the proposal includes the replacement of the ground floor shopfronts, glazing and doors with bronze-coloured cladding in shopfront style and stall risers with a featured patterns, the formation of a new central doorway facing onto the market square to serve as the main entrance into the single integrated building and the closure of two other entrances (to become exhibition windows). Officers understand that the design ethos for the external ground floor alterations is to replace those highly visible detracting existing shopfronts something that is visually appealing in its own right and, although creating a consistent, contemporary appearance, through the use of feature panels would reinstate that sense of separate buildings undermined by these earlier interventions. A contemporary twist on Accrington's traditional shopfront style, the design would maintain the bays' rhythm, create an active frontage and allow views into the building.

At the upper levels, the existing stone elevations and the windows (including the dormer windows at the third floor of the former 1-3 Market Place) will be repaired and reinstated on like for like basis. At roof level, it is proposed to add a roof extension with full height glazing to the former Bradshaw's building to provide 86 sqm additional floor space. The extension would run the full depth and length of this building and align with the top of the glazing to the dormer windows of 1-3 Market Place adjoining and the commencement of its protruding chimney stacks. A contemporary chrome-colour finish and use of modern glazing, combined with its positioning directly above the new entrance doors, would harmonise the roof and lower floors, ensuring that the structure is read as a modern extension. As part of the proposal, a plant enclosure and flat roof lights (illuminating the shared central staircase) are to be added to southeast corner and northeast corner of the former Woolworths building. The provision of those new additions at the roof level are designed to facilitate the intended use of the building as cultural/community facilities. The proposed plant enclosure and the roof lights comparatively minor in scale, which would not result in loss of the original 1920s

of the Woolworth building. Although the plant enclosure could be visible from the some vantage points from the rear, such visual impact would be minimal owing to its position, screening provided by the pediments and the new roof extension.

Overall, the purpose of the proposed repair and alterations to the Market Chambers is to enable its transformation into cultural/community facilities with ancillary café and gift shop. Bringing this semi-vacant underused building into a sustainable and economically viable use under common ownership and operation would bring many public benefits, allowing the building to be returned to and maintained in a good state of repair and appearance, thereby better revealing its architectural, aesthetical and historical significance and securing its long term conservation. Furthermore, the proposed use of Market Chambers as cultural/community facilities would allow it to remain publicly accessible to the local residents and enhance the footfall of the visitors to building and the Accrington Town Centre which is considered to be another significant public benefit associated with this proposal.

In light of the above, the proposal is considered to be acceptable in design terms, and its impact on the street scene, character of the Accrington Town Centre Conservation Area and the neighbouring listed building. The proposal would also secure the long term future of the building and allow member of the public to enjoy this local historic and architectural landmark within the Accrington Town Square. This conclusion is shared by the Council's conservation officer who, in the consultation response, notes that the proposed development would have a level of less than substantial harm to the locally listed building, conservation area and the setting of the nearby listed building, but the identified harm is very much on the lower end. The public benefits associated with the proposal would considerably outweigh the harm. As such, this proposal is considered to be in accordance with Policy DM22 of the Hyndburn Development Management DPD and paragraph 212 of the NPPF.

Impact on the Local Amenity

Policy DM29 (1) of the Hyndburn Development DPD notes that development will be required to protect, and where possible improve, the amenity of the surrounding existing and future residents. The Council will require that new development: a. does not result in the loss of privacy or unacceptable increase in the sense of enclosure; b. does not result in the unacceptable loss of outlook; c. benefits from adequate level of daylight and sunlight; and d. does not create an unacceptable level of noise, vibration, artificial light, odour, fumes of dust pollution during construction and over the life of the development.

In this instance, the proposed cultural/community uses to the Market Chambers is considered to be appropriate type of development within the town centre. Given the operational nature of the museums and galleries, the proposed development is not expected to result in undue impact on the local amenity by virtue of noise, dust, fumes, light pollution, vibration. Other the limited extension at the roof level, the proposed development would not result in any increase in the building footprint or height, therefore is no expected to impose overbearing effect on other buildings in its close proximity.

Having regard to the above, it is considered that the proposed is acceptable in terms of residential amenity in accordance with Policy DM16 of the Hyndburn Development Management DPD and the advice contained within the NPPF.

Highway Safety, Parking Provision and Refuse Collection

The ground floor will be comprised of a café, gift shop, innovation gallery and separate retail unit. The first floor will comprise of 2 open galleries and an education room, the second floor a further 2 open plan exhibition rooms and staff meeting room and the third floor a performance room and further staff facilities.

The service arrangements will remain the same as for the existing business operation with loading from Blackburn Road and the private alleyway on Church Street. Blackburn Road is pedestrianised and subject to traffic regulation orders which allow loading by goods vehicles between 4pm – 10am. There is short stay on-street parking in the Town Centre and a number of public car parks within walking distance.

There are 4 cycle hoops currently located within the adopted highway on Dutton Street for public use. LCC Highways has requested that additional secure and covered (if outdoors) cycle parking is provided for staff and customers of the premises.

Subject to a condition requiring the cycle parking being provided, the LCC Highways raised no objection to this proposal and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Having regard to the above, subject to aforementioned conditions, it is considered that the proposal would not result in a detrimental impact on highway safety in accordance with Policy DM31 and DM32 of the Hyndburn Development Management DPD and the provision of paragraph 115 of the NPPF.

Flood Risk and Surface Water Management

Market Chambers and the areas within the Accrington Town Square are within Flood Zone 3 as indicated in the Environment Agency's Flood Risk Map. In this instance, the proposed use of Market Chambers as cultural/community facilities falls within the 'less than vulnerable' category of the flood risk vulnerability classification. The proposed development will not result any extensions or increase in the area of impermeable surfaces, therefore is not expected to increase the volume of surface water run-off from the site. The proposal does include a scheme for maintenance of the existing flow rate and discharge point TBC by a CCTV drainage survey.

In the absence of objection or any recommended conditions from the Environment Agency and the Lead Local Flood Authority, it is considered the proposed development is acceptable

in terms of flood risk and surface water management, therefore complies with Policy DM20 of the Hyndburn Development Management DPD.

Conclusion

The application seeks planning permission for the change of use of the Market Chambers to form cultural/community facilities, alongside external alterations, repairs to the building façade, and the third floor localised roof extension to accommodate internal access and access to the roof for maintenance purposes. The building subject to this proposal is a locally listed building within the designated Accrington Town Centre Conservation Area and within the setting of a number of designated heritage assets, including the Accrington Town Hall (Grade II * listed building) and Market Hall (Grade II listed building).

Having assessed the proposals against the relevant national and local planning policies and guidance, it is considered that the proposal is acceptable in respect of the development principle, design, impact on host building and neighbouring designated heritage assets, the impact on local amenity, parking and highway safety, flood risk and drainage.

The proposal would bring back into use a semi vacant under-used local landmark building and provide a cultural/community facilities for the enjoyment of the members of public, preserve/enhance the setting and character of other designated heritage assets within its immediate context, and enhance the opportunity for the regeneration of the Accrington Town Centre. Having regard to the above information, it is considered that the proposal is in accordance with Policy DM22, 26, 29, 31, 32 of the Hyndburn Development Management DPD, and Core Strategy Policy A2, ENV6 and ENV7 and the relevant paragraphs of the NPPF

Recommendation

That planning permission be granted subject to the following conditions:

Conditions/Reasons:

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 and Country Planning Act 1990.

2. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the following documents:

- (a) The planning application forms and location plan received by Hyndburn Borough Council on 16th November 2023
- (b) Submitted drawings:
 - 13565-AEW-XX-SI-DR-A-0500 Location Plan
 - 13565-AEW-XX-SI-DR-A-0501 Existing Site Plan
 - 13565-AEW-XX-SI-DR-A-0502 Proposed Site Plan
 - 13565-AEW-XX-00-DR-A-0510 Existing Ground Floor Plan
 - 13565-AEW-XX-01-DR-A-0511 Existing First Floor Plan
 - 13565-AEW-XX-02-DR-A-0512 Existing Second Floor Plan
 - 13565-AEW-XX-03-DR-A-0513 Existing Third Floor Plan
 - 13565-AEW-XX-B1-DR-A-0514 Existing Basement Floor Plan
 - 13565-AEW-XX-RF-DR-A-0515 Existing Roof Plan
 - 13565-AEW-XX-SI-DR-A-0520 Existing Elevations (Sheet 1 of 2)
 - 13565-AEW-XX-SI-DR-A-0521 Existing Elevations (Sheet 2 of 2)
 - 13565-AEW-XX-00-DR-A-0530 Proposed Ground Floor Plan
 - 13565-AEW-XX-01-DR-A-0531 Proposed First Floor Plan
 - 13565-AEW-XX-02-DR-A-0532 Proposed Second Floor Plan
 - 13565-AEW-XX-03-DR-A-0533 Proposed Third Floor Plan
 - 13565-AEW-XX-B1-DR-A-0534 Proposed Basement Floor Plan
 - 13565-AEW-XX-RF-DR-A-0535 Proposed Roof Plan
 - 13565-AEW-XX-SI-DR-A-0540 Proposed Elevations (Sheet 1 of 2)
 - 13565-AEW-XX-SI-DR-A-0541 Proposed Elevations (Sheet 2 of 2)

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to control the development and to minimise its impact in accordance with policies Env6 and Env7 of the Hyndburn Core Strategy, DM22, DM26 and DM29, DM31, DM32 of the Hyndburn Development Management Development Plan Document.

- 3. A sample image of the proposed bronze metal cladding for ground floor elevations must be submitted prior to installation. This is to preserve the character and appearance of the conservation area and setting of listed buildings, as well as the appearance of the locally listed buildings

Reason: to preserve the character and appearance of the conservation area and appearance and setting of listed buildings, as well as the appearance of the locally listed buildings, and consistent with Policy DM22 and DM26 of the Hyndburn Development Management DPD.

- 4. An upper floor window survey for all elevations describing their condition and any proposed works shall be submitted to and approved in writing by the LPA prior to any works to windows taking place. This is to preserve the character and appearance of the conservation area and appearance and setting of listed buildings, as well as the appearance of the locally listed buildings. The works shall be carried out in accordance with the approved details.

Reason: to preserve the character and appearance of the conservation area and appearance and setting of listed buildings, as well as the appearance of the locally

listed buildings, and consistent with Policy DM22 and DM26 of the Hyndburn Development Management DPD.

6. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i) The parking of vehicles of site operatives
 - ii) The loading and unloading of plant and materials
 - iii) The erection and maintenance of security hoarding
 - iv) Measures to control the emission of dust and dirt during construction
 - v) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - vi) Details of working hours.

Reason: In the interest of residential amenity in accordance with the provisions of Core Strategy Policy Env7 and Development Management Development Plan Document Policy DM29.

7. Prior to the commencement of development, details of the secure and covered (if outdoors) cycle parking is provided for staff and customers of the premises shall be submitted to and approved in writing by the Local Planning Authority.

Reason: to encourage the use of sustainable modes of transports, in accordance with Policy DM32 of the Hyndburn Development Management DPD.

8. Immediately following completion of the construction phase a Statement of Good Practice shall be signed by the competent architect, and shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Good Practice shall confirm that the biodiversity enhancement measures have been implemented in accordance with good practice, drawings and scheme design upon which the planning consent was granted. The Statement of Good Practice shall extend to include the ecological enhancement measures as recommended within the Preliminary Ecological Appraisal Report/Preliminary Roost Assessment Report.

Reason: To secure best practice in the management of biodiversity and protected species in accordance with National Planning Policy Framework and Policy DM19 of the Development Management DPD.

9. No Prior to commencement details for the installation of 6 swift nest boxes (either building mounted or building/roof integrated) shall be submitted and approved in writing by the Local Planning Authority. The boxes shall be mounted on the Market Hall facing elevation. The box type must be manufactured from woodcrete/woodstone unless otherwise agreed. The submitted details shall include the box type, manufacturer's name, and elevation plans marking the location of installation. The boxes must be installed during the construction phase and installed

in accordance with manufacturer's specification, to British Standard or appropriate guidance. The work described shall be retained in this manner thereafter.

Reason: To secure best practice in the management of biodiversity and protected species in accordance with National Planning Policy Framework and Policy DM19 of the Development Management DPD.

Informative

- 1) 13a
- 2) 14
- 3) 15
- 4) 16
- 5) It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'. Site Address: Market Chambers, 43 - 59 Blackburn Road 2 - 4 Church Street, Accrington The proposed Planning Application has been noted and the Fire Authority gives its advice in respect of access for fire appliances and water supplies for firefighting purposes to the site. Full: Change of use of the building to provide a new cultural and community facility (Class F1/F2 use), alongside external alterations, repairs to the building facade, and a third floor localised roof extension to accommodate internal access and access to the roof for maintenance Gary Brook 01282429452/07867802758 GaryBrook@lancsfire.org.uk 29 November 2023 Ormerod Street Scaitcliffe House Dear Planning Department If Document B, Part B5 cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may be used as a compensatory feature, but professional advice should be sought in such cases.
- 6) Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement. This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications. Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements. If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

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Planning Committee

14th February 2024

Presentation and Update Sheet

Item 3 11/23/0506

30 Bluebell Way, Huncoat BB5 6TD

Planning permission is sought for the change of use of the residential property at 30 Bluebell Way, Huncoat, to a household within use class C2 comprising mother and baby or two children supported by up to 3 carers.

As set out in report the property comprises a detached, 3 bedroom, residential property with sufficient space to park two cars off the highway. I do not intend to repeat details that are before you in the report.

The proposed development has attracted a large number of representations from local residents that are summarised and addressed in the report. Since the report was published the Council has received a one further representations that raise the following points:

- Inadequate car parking provision for the proposed use resulting in the blocking of driveways of nearby dwellings.

The matter of car parking provision has been considered in the main report. The applicant has submitted a Staff Travel Plan to promote car sharing so as to minimize parking needs. A condition is recommended in the main report to require implementation of the Travel Plan.

For the reasons set out in the report it is recommended that planning permission be approved subject to the conditions set out in the report.

Members will be aware that two similar planning applications were submitted, and subsequently refused, for the same type of development at 7 Bluebell Way and 49 Bluebell Way. Although the applicant has appealed against the refusal of these applications no decision has been reached by the Planning Inspectorate. It would have been useful to know the outcome of those appeals in the determination of this application, however, at this stage the outcome is not known.

Given the issues that have been experienced in Hyndburn with both Houses in Multiple Occupation, Officers are preparing a report for Cabinet that will make recommendations on how a policy can be developed that addresses these types of development having regard to best practice and the approach being taken by neighbouring authorities. Work has already commenced on the development of an evidence base necessary for this to proceed.

Item 4 11/23/0418

Market Chambers, 43 - 59 Blackburn Road, Accrington.

Planning permission is sought for the change of use of this key town centre building to provide a new cultural and community facility, alongside external alterations, repairs to the building façade and a third floor roof extension to accommodate internal access. I am sure that members will be familiar with the building.

The building is within Accrington Town Centre Conservation Area and is locally listed. It is also directly opposite the Market Hall, a Grade II Listed Building.

The key changes proposed relate to the development of new shop fronts that are illustrated by the slides.

The Council's Conservation Officer believes that the proposed shopfronts would be of a more appropriate style and design than those existing and would enhance the character and appearance of the buildings in this highly prominent and attractive location. The resulting elevations would be of a more uniform and consistent appearance which is to be welcomed.

The entrance to the buildings is to be relocated to improve access within the main entrance to the central bay, whilst a historically lost corner entrance will be used as a display window, changes that will improve the use of the building whilst retaining architectural legibility.

Although some of the changes to the roof would be visible from various vantage points, they are set back from the roofline and the additions have a simple design that is modest and in keeping with the existing scale and pattern of features at that level. It is therefore considered that these changes would not detract from the overall significance of these buildings or those nearby.

The consultation responses are set out in the report and no further representations have been received.

The proposed development is consistent with the policies of the development plan and has the potential to bring significant benefits to Accrington Town Centre as a key part of the Council's Town Centre Strategy that is supported through the Levelling Up Fund.

Since the report was published, the applicant has made a number of observations on the report and these are set out below:

Residential Occupation. For Clarity, the Council is aware that the flats within 49-51 Blackburn Road are vacant.

Conditions 7, 8 and 9.

It is recommended that these conditions be amended to read as follows, conditions 8 and 9 being merged into a single condition 8 as follows:

7. Prior to the occupation or use of any of the development, a scheme and programme for the provision of secure and covered (if outdoors) cycle parking for staff and customers of the premises shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be implemented in accordance with the approved details.

8. Prior to the occupation or use of any of the development, a scheme and programme for the installation of 6 swift nesting boxes on the Market Hall facing elevation (either building mounted or building/roof integrated) shall be submitted to and approved in writing by the Local Planning Authority. The box type must be manufactured from woodcrete / woodstone unless otherwise agreed. The submitted details shall include the box type, manufacturer's name, elevation plans marking the location of installation and a timetable for their installation.

Within 2 months of the installation of the nesting boxes, a Statement of Good Practice shall be signed by the competent architect, and shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Good Practice shall confirm that they have been implemented in accordance with the approved details.

The development shall be carried out in accordance with the approved details and retained thereafter.

The reasons for these conditions remain unchanged.

Recommendation:

It is also recommended that delegated authority be given to the Chief Planning and Transportation Officer to finalise details of the wording of conditions should this be necessary.

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