Application Number: 11/15/0212

Full Application: Change of use at first floor from residential (C3) to retail (A1) and external alterations to ground floor shop front and first floor windows

Address: 194-196 Blackburn Road, Accrington, BB5 0AQ

Determination by: 29 July 2015

Applicant: Mr K Maqsood

Agent: Mr R Valli

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 application site is a mid-terrace retail property encompassing 194 and 196 Blackburn Road which lies within the defined urban boundary of Accrington. The building has a particularly large shopfront as it is formed from frontages of both 194 & 196. The units are 2-storey with 196 having an original decorative stone dormer to the front that would most likely have been erected to define the centre of row. The site is in a prominent local centre fronting Blackburn Road, the surrounding area is primarily a mix of commercial premises with a limited number of residential dwellings opposite. The ground floor levels on this section of Blackburn Road lack symmetry given the number and design of different shop fronts. However, the fenestration of the first floor is not without quality, in particular the one central window per building frontage.

Proposal

Planning permission is sought for a change of use at first floor from residential (C3) to retail (A1) and external alterations to ground floor shop front and first floor windows
Consultations

Site notice:
One notice erected. No representations have been received.

Neighbours:
Letters sent to surrounding properties. No representations have been received.

LCC Highways:
The application is unlikely to have a major impact upon the highway network or its users. The additional class A1 retail usage created by the development may generate some additional vehicle movements in the area however these will likely be nominal in nature.

Under the adopted Car Parking and Access standards class A1 development should provide 1 space per 20m2. This equates to 4 parking spaces for the proposed 81m2 of development. A parking bay is located to the shop frontage which provides a quick turnaround as it is limited to waiting of 30 minutes. In addition unrestricted on street parking is available within easy walking distance of the site. Finally the site is highly accessible in terms of public transport provision and location in comparison to the town centre.

When considering the above information I would not consider it a requirement to seek to increase parking provision in order to make the application viable.

I can therefore confirm that the County Council would offer no objection to this proposal.

Environmental Health:

Site preparation/ 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.

Construction works should be restricted to between 0800 and 1800hrs Monday to Friday and 1300 on Saturdays. Construction 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

Effect of Noise/dust /fumes on neighbouring premises during the building works
Measures should be in place to prevent nuisance being caused to residents from noise, dust and or fumes arising from the building works.

There should be no burning of building waste on site.

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

Ventilation

All mechanical ventilation should be so designed and located so as not to affect the amenity of other residents.

Illuminated Sign

The illuminated sign should not have a brightness greater than 400cd/m²

**Relevant Planning History**

09/0168: Relocation and installation of shop front. (retrospective). a/c 20.05.2009
98/0351: Erection of roof over rear yard to provide storage area a/c 29/09/1998
97/0104: Erection of single storey rear extension and installation of new shop front a/c 06/08/1997
93/0657: Erection of extension and formation of 2 self-contained flats a/c 28/01/1994
92/0323: Erection of rear extension and use of part of first floor for retail sales and internal alterations a/c 17/08/1992
92/0075: Alterations to block-up shop front a/c 24/02/1992

**Relevant Policies**

**Development Plan**

*Hyndburn Borough Local Plan Saved Policies*
  - Policy E.10 Development Criteria

*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)
Observations

The key issues for consideration in this application are the principle of the change of use, the design of the proposed shop front alterations including windows and its impact on the character and appearance of the area.

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.

The property is currently vacant and it is understood that it is intended to be used for retail uses at first and second floors with ancillary residential accommodation in the roof space. The change of use of the second floor for A1 retail purposes would not conflict with the Council’s development plan and the site is located within an existing local centre with other businesses. As such, the principle of a change of use of the first floor to A1 retail is considered to acceptable in this location.

Design

As noted in Guidance Note 5 (shop front guidance) of the Development Management DPD “Many existing shop fronts are subject to pressure for regular refurbishment to maintain a ‘progressive’ retailing image for their occupant. Others seek to project a “corporate” image instantly recognisable to the passer-by. Whilst appreciating these commercial requirements, Hyndburn Borough Council is concerned to maintain attractive, distinctive and popular centres, and to ensure that their architectural and historic qualities are enhanced and not steadily eroded through poor shopfront design.”

It is accepted that this document has limited weight, being at the Preferred Options stage having not yet been formally adopted. Nevertheless, its principles of good shop front design are supported by Core Strategy Policies Env6 & Env7 and Local Plan Policy E.10, which have significant weight and each places great importance on good design. In addition, Paragraph 64 of the NPPF states that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

The application proposes to replace the original windows above both 194 and 194 Blackburn Road, including stone surrounds these individually measure 2.1m x 2.3m. The proposal would see the insertion of a large glazed 3 panel window measuring 2.1m x 6.1m across the frontage of both properties. A small window measuring 1.1m x 2.1m is also proposed above 196 Blackburn Road.
Although the Development Management DPD notes does not specifically give details on first floor window alterations it does seek to ensure good design for the host building that fits well with the surrounding area. There are 12 first floor windows which are of all centrally located above each unit on this section of Blackburn Road. The alteration of the windows above 194 and 196 Blackburn Road would have detrimental impact on the, rhythm and harmony of the existing terrace and the proportions of the existing shop fronts taking away from the original architectural features on the building. Additionally, the change of design would unbalance the fenestration of the row on this section of Blackburn Road.

Given the highly prominent location of the property on a main route into Accrington, design is an extremely important consideration and the requirements of the above-mentioned policies must be met. As such, the proposed alterations are considered to be unacceptable, having a detrimental impact on the character and quality of the host building, street scene and surrounding area. For this reason, the application would fail to comply with Policies Env6 and Env7 of the Core Strategy, Saved Policy E.10 of the Local Plan and Section 7 of the NPPF.

**Conclusion**

Given the highly prominent location of the property on Blackburn Road, the proposed external alterations to the windows are unacceptable, having a detrimental impact on the character and quality of the host building, street scene and surrounding area. For this reason, the application would fail to comply with Policies Env6 and Env7 of the Core Strategy, Saved Policy E.10 of the Local Plan and Section 7 of the NPPF.

**Recommendation**

That the application is REFUSED for the following reason:

**Reasons**

1) Given the highly prominent location of the property on Blackburn Road, the proposed alterations to the windows are unacceptable, having a detrimental impact on the character and quality of the host building, street scene and surrounding area. For this reason, the application would fail to comply with Policies Env6 and Env7 of the Core Strategy, Saved Policy E.10 of the Local Plan and Section 7 of the NPPF.

**Informatives**

1) Drawings and documents forming basis of decision
2) NPPF Refusal Informative