REPORT TO:	**Planning Committee**
APPLICATION REF:	**11/23/0364**
APPLICATION ADDRESS:	**Former Law Courts and Police Station, Manchester Road, Accrington, BB5 2BH**
DEVELOPMENT DESCRIPTION:	**Major Full: Conversion and extension of former Law Courts and Police station to form offices, cafe and 25no apartments including internal and external alterations**
DATE REPORT WRITTEN:	**1 July 2025**

Description of the Site and the Proposed Development

The application site relates to the former Magistrates' Courts and Police Station located on Manchester Road, Accrington. The application building occupies almost the entirety of the site, although there is a small yard to the rear (southeast). The site is bounded by Manchester Road (A680) to the northeast, the yard of the former fire station to the southeast, Grange Lane to the southwest, and Spring Gardens to the northwest.

The application building is Grade II listed as 'Magistrates Courts, Manchester Road' and comprises the former courts and a police station constructed in 1933 by Sir Percy Thomas in a simplified and streamlined classical style (List Entry Number: 1362015). It has ashlar walls with flat roofs and is part one-storey and part two-storey, as the site and surrounding area fall to the west. The court hall fronts Manchester Road and is dominated by a monumental central porch. It is linked by a quadrant (curving wall) to the police station, which is in the same style and fronts Spring Gardens. The site is arranged around a small inner courtyard, which was likely the former police station's exercise yard. The building has been vacant since 2016 and is in poor condition, with boarded-up and broken windows.

The application site is located within the Christ Church Conservation Area (CA). The former fire station, a companion structure to the application building, is Grade II listed as 'Fire Station' and has recently been converted into offices, a warehouse and shop with a modern rooftop extension (List Entry Number: 1362015). The former civic complex is an important landmark on the Manchester Road gateway into Accrington Town Centre.

The proposed development would involve the change of use and extension of the building to create offices, a café, and 25 apartments, including both internal and external alterations. Most of the existing building, including the former police station, would be converted into 20 apartments. A rooftop extension would be constructed to provide five additional apartments, clad in anthracite standing seam coated steel. The development would include demolition of a single-storey building to the northwest of the inner courtyard, construction of a two-storey

access corridor along the southwest and northwest courtyard walls, and a lift shaft in the southern corner. The existing stairwells would be extended through the roof to provide access to the rooftop apartments. The proposed offices and café would be located in the former courtrooms and associated space. The development includes the replacement of existing single-glazed steel windows. The internal works are not development requiring planning permission and are addressed under concurrent listed building consent (LBC) application reference 11/24/0026.

The submitted Viability Study suggests the development could not viably provide any affordable housing or financial contributions if all replacement windows were uPVC (assuming a developer profit on revenue of 12.06%). This has been independently assessed by CP Viability, who note that the assumed profit is lower than what would typically be accepted given the level of risk and they consider a return of 17.5% to be more reasonable for viability testing. The Independent Viability Assessment concludes that, with no planning policy obligations applied, the development is viable with a surplus of £92,501, which could be allocated toward planning contributions or the provision of metal-framed windows.

Consultation Responses/Representations[1]

Cadent Gas: 17 January 2024: No objection but recommend an informative.

Coal Authority: 30 January 2024: No objection subject to conditions requiring a scheme of intrusive site investigations and any necessary remediation works and or mitigation measures to be implemented, and a signed statement or declaration that the application site is or has been made safe for the approved development.

Environment Agency: 24 January 2024: No objections. They have reviewed the site-specific Flood Risk Assessment (FRA) insofar as it relates to their remit and are satisfied that the proposed development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The development must proceed in strict accordance with the FRA. They also provide advice to the applicant on the need for an environmental permit.

Growth Lancashire (Heritage): 6 February 2025:

- Recommend a condition requiring repair and recording of the court rooms.

- They accept that renovation of the existing window is not viable and that this provides clear and convincing justification for their replacement. However, their loss would result in a low to moderate level of less than substantial harm. The proposed uPVC replacements on prominent elevations would be visually intrusive and would culminate

[1] Any responses are summarised but are available in full on the Council's website.

in a low to moderate level of less than substantial harm. The opening method of the existing windows should be replicated if possible. However, well-designed uPVC replacements on less prominent elevations may be acceptable provided the significant elevations fronting highways have powder coated aluminium windows. They recommend a condition controlling the exact design of all windows.

- The impact of the five roof level apartments and the stairwell to the Spring Gardens elevation would be low. Subject to the specification of the materials and window/door treatment, the harm would be very low to slight on the less than substantial harm scale.

- Some concerns remain from their original comments:

    - Some of the parquet flooring is probably beyond repair, but there was widespread evidence of parquet floor being in good condition. They would prefer to see a good proportion of this flooring retained. Its complete removal would need to be justified.

    - The venting for the kitchens, bathrooms and heating systems are unclear and whether any works are required to existing original elements such as rainwater goods or stonework. They recommend that this is clarified to ensure no extraction units would interfere with the significant ashlar facing or that any unsympathetic works are unintentionally carried out.

    - The proposed elevation of the walkway and its construction is not clear. Whilst they have no objection in principle and the loss of fabric is negligible and, they feel, outweighed by the provision of outside space, they recommend confirmation is sought about the construction of the corridor and drawings of these elevations to fully assess the extent of the changes.

- In conclusion, provision for the treatment of the courtrooms and associated areas should be made under the LBC application. The replacement uPVC windows represent a low to moderate level of less than substantial harm, which there is scope to reduce or remove. The rooftop extensions cause a very low to slight level of less than substantial harm and negligible harm to the Fire Station and the character and appearance of the Christ Church CA. The proposal fails to meet the statutory test to preserve or enhance and the harms need to be weighed against the public benefits. They provide an outline list of conditions should the Local Planning Authority be minded to approve the application.

<u>Historic Buildings and Places (formerly the Ancient Monuments Society:</u>

- Although they have not commented on this application, they commented on the LBC application on 16 February 2024: No objection in principle to the change of use and recognise that for the most the proposed apartments appear to be an appropriate

reuse of the former office spaces within the complex. The proposed rooftop extension would be visible in wider views and the proposed cladding would make it quite prominent. They encourage reconsideration of the design and size of this element of the scheme. They note conflicting statements about replacement windows and do not accept the installation of uPVC in a building of this nature.

- 30 June 2025: Each of the three prominent street facing elevations are otherwise unified by their consistent pattern of fenestration. Maintaining this is important to the character, appearance and uniformity of the complex. The photos and plan of the uPVC window show how thick the surrounds, transom and mullion would be, and that they do not match the design and style of the existing Crittall style windows nor the proposed aluminium frames. Whilst there may be an opportunity for different windows to the lightwell and carpark elevation, the mix of aluminium and uPVC windows proposed would mean this uniformity would be lost, undermining the architectural integrity of the building. The window condition survey does not assess if the surviving windows are repairable and if secondary glazing would be a suitable option, which may help reduce costs. The uPVC windows would represent a moderate level of less than substantial harm and the Council will need to carefully consider if the benefits of the reuse of the building are outweighed by that harm.

Historic England: 31 January 2024:

- Supportive of the principle of repairing and renovating this listed building and its conversion to residential and commercial use. This would secure a sustainable future for this important building and enhance the appearance of Christ Church CA by repairing a derelict building in a prominent position.

- They are concerned about the proposed use of uPVC windows on the elevations facing highways, which would greatly alter the appearance of the building and jar with its original form and character. They consider double glazed power coated aluminium windows in a Crittall style would be more appropriate. They do not consider that they potential public benefits outweigh the harm caused by this element of the proposal.

- They are also concerned about the implications of introducing residential units to the roof of the building. However, care has been taken over position and materiality of this and the harm caused by the physical and visual impact could be outweighed by the benefits of bringing the building back into use and securing a sustainable future.

Hyndburn Borough Council (HBC) Ecology: 17 January 2024: Recommend conditions relating to bat and swift boxes, landscaping and a statement of good practice in relation to the biodiversity enhancements.

HBC Environmental Protection: 7 June 2024: Recommend conditions requiring a test report for sound insultation and noise reduction measures, a detailed scheme for the control of

cooking odours and attenuation of extraction fan noise, construction and delivery hours, and dust, noise and vibration control.

HBC Leisure Services (Parks): 23 January 2024: Request a contribution in lieu of on-site provision and management of formal outdoor space of £12,881 to be used at Oak Hill Park.

HBC Policy: No response received.

HBC Waste Services: No response received.

Lancashire County Council (LCC) Schools Provision and Sufficiency: 15 February 2024: An education contribution is not required at this stage in regard to this development.

LCC Highways: 19 December 2024: Do not raise an objection and are of the opinion that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site subject to the implementation of improvements to the adjoining highway network. They recommend conditions relating to construction methods, cycle storage, off-site highway works and a travel plan and an informative relating to the requirement for an agreement under section 278 of the Highways Act 1980 (as amended).

LCC Historic Environment: 18 January 2023: The proposed development involves significant works to a grade II listed building. Whilst they understand the desire to create an alternative economic use for this redundant building, they are not sure that this is the most appropriate scheme that could be devised. However, they are happy to defer to the expertise of the Local Planning Authority's conservation advisors and external consultees such as Historic England and the Twentieth Century Society. They recommend a condition requiring a programme of formal building recording should this or another application be approved.

LCC Lead Local Flood Authority (LLFA): 31 January 2024: No objections and provide site-specific advice.

Other National Amenity Societies: No responses received.

United Utilities: 29 January 2024: Request that the applicant provides a detailed drainage plan and that they are provided the opportunity to review and comment prior to determination. However, if permission is granted without this information, they request a condition requiring foul water and sustainable surface water drainage schemes. They also recommend a condition requiring management and maintenance of the sustainable drainage. They note that the applicant is responsible for investigation the existence of any pipelines that might cross the application site or impact the proposed development. There is a public sewer crossing the site and they will not permit building over it.

Relevant Planning History

Officers provided pre-application planning advice on a similar development to that proposed here by letter dated 11 October 2022 (albeit the commercial uses were not confirmed)[2]. This concluded that:

- The principle of residential development is acceptable.

- There would be a requirement that 20% of the apartments would be affordable.

- The application sites most recent use was for employment such that there would be a requirement to submit information to demonstrate compliance with policy E2 of the CS, which aims to protect employment sites.

- The proposed commercial uses would be main town centre uses and policy DM2 of the DMDPD would be engaged. The application site is on the edge of Accrington Town Centre so the applicant must demonstrate that there are no sequentially preferable sites available and suitable in the town centre through a sequential test.

- The detailed comments of the Conservation Officer should be taken into account and more detailed information would be required as part of any future applications, including a detailed heritage statement (including impact assessment); existing plans; full window survey (including viability assessment); condition survey of all exterior and interior doors; inventory of furniture, decorative elements and architectural features within the building which contribute to its significance and new placement within other areas of the building; and visualisation of how any rooftop additions would be perceived from each elevation of the building.

- There would be requirement to submit an open book financial appraisal of the development if it is considered that the level of financial contributions (towards school places, open space, affordable housing and waste management) would render the scheme unviable.

Relevant Policies

Accrington Area Action Plan (AAAP)
Policy ATC1 New and Enhance Shopping Facilities
Policy ATC6 Provision of Facilities for Arts, Culture, Tourism, Entertainment, Leisure, Recreation, the Community, Faith and Voluntary Sectors and Hotel Accommodation
Policy ATC7 Housing
Policy ATC12 Energy Efficiency and Sustainability in New Development
Policy ATC15 Town Centre Road Network
Policy ATC19 Cycling/Cycle Parking

[2] Reference P.22.018.

Policy ATC20 Town Centre Parking
Policy ATC23 S106 Planning Obligations and Developer Contributions
Policy ATC24 Flood Risk & Culverted Main River Watercourses
Policy AQ4 Grange Quarter

Hyndburn Core Strategy (CS)
Policy BD1 The Balanced Development Strategy
Policy E1 Future Employment Provision
Policy E2 Protection, Modernisation and Development of Employment Sites
Policy H1 Housing Provision
Policy H2 Affordable Housing
Policy ENV1 Green Infrastructure
Policy ENV2 Natural Environment Enhancement
Policy ENV4 Sustainable Development & Climate Change
Policy ENV6 High Quality Design
Policy ENV7 Environmental Amenity
Policy T2 Cycle and Footpath Networks
Policy A1 Amount & Distribution of Housing in Accrington
Policy A2 Accrington Town Centre

Hyndburn Development Management Development Plan Document (DMDPD)
Policy GC1 Presumption in Favour of Sustainable Development
Policy GC2 Infrastructure, Planning Obligations & CIL
Policy DM1 Employment Development
Policy DM3 Development of Main Town Centre Uses
Policy DM6 Delivering Schools and Early Learning
Policy DM7 Cultural and Community Facilities
Policy DM10 New Residential Development
Policy DM11 Open Space Provision in New Residential Development
Policy DM12 Affordable Housing
Policy DM16 Housing Standards
Policy DM18 Protection and Enhancement of the Natural Environment
Policy DM19 Protected Species
Policy DM20 Flood Risk Management and Water Resources
Policy DM22 Heritage Assets
Policy DM24 Contaminated or Unstable Land & Storage of Hazardous Substances
Policy DM26 Design Quality and Materials
Policy DM29 Environmental Amenity
Policy DM31 Waste Management in All New Development
Policy DM32 Sustainable Transport, Traffic and Highway Safety
Policy DM33 Sustainable Transport Infrastructure

Material Considerations
National Planning Policy Framework (Framework)

National Planning Policy Guidance
DMDPD GN3 Materials and Colour
DMDPD GN7 Waste Management
DMDPD GN8 Car Parking, Access Standards and Transport Assessment/Travel Plan Thresholds

Observations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) 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, amongst other things, the AAAP, CS and DMDPD.

The main issues raised by this application relate to whether the location is suitable for the proposed development; the impact on the character and appearance of the area, including the Christ Church CA and the setting and significance of grade II listed buildings 'Magistrates Courts' and 'Fire Station'; whether the proposed development would provide acceptable living conditions for future occupants; the impact on highway safety and transport, including parking provision; and the impact on flood risk and drainage. These issues shall be addressed in turn.

1. Whether the location is suitable for the proposed development

1.1. The application site is located within the urban boundary of Accrington and its townships and the Grange Quarter of the AAAP area, although it lies around 200 metres south of Accrington Town Centre.

1.2. Policy BD1 of the CS sets out the balanced development strategy and the principles that individual proposals should adhere to. This includes maintaining and supporting the existing settlement pattern and hierarchy by concentrating development within the urban areas and in centres of a scale and type appropriate to their role. The policy confirms that Accrington and its townships will accommodate the majority of new development. Therefore, the proposed development complies with Policy BD1 of the CS insofar as it seeks to concentrate development in urban areas.

1.3. Policy AQ4 of the AAAP states that the Council will work with stakeholders to secure the comprehensive development and upgrading of the Grange Quarter, including partial redevelopment to provide high quality development, which should include the restoration and refurbishment of the magistrates' courts (following relocation) and the former fire station complex to be promoted for mixed use development together with exploring the potential for new development on the existing vehicular depot site. The former fire station has already been restored and refurbished into offices, a warehouse

and shop. The supporting text states that the redevelopment of sites for new uses within the quarter will be predominantly for housing but also for new modern workspace and workshop units. Therefore, the proposed development would contribute to the redevelopment of the complex and complies with Policy AQ4 of the AAAP.

1.4. The proposed development would involve the loss of the police station use, which, although not explicitly defined as a community facility by the CS or DMDPD, could potentially be considered as such. Any suggestion that the courts use is a community facility is arguably weaker. Nonetheless, there have been no representations from members of the public suggesting that either use provides for the needs of the local community. This is further supported by AAAP's promotion of the redevelopment of the complex for alternative uses. There is also a neighbourhood police office in Accrington Town Centre around 480m northwest of the application site, which provides a front counter service on weekdays. Therefore, it is considered that the existing uses do not warrant consideration as community facilities and the proposed development does not conflict with Policy ATC6 of the AAAP, Policy HC2 of the CS and Policy DM7 of the DMDPD insofar as they seek to safeguard community facilities.

1.5. The pre-application planning advice suggested that the application site could be considered as an employment site. However, Policy E1 of the CS defines employment uses as those within use classes B1 (now E), B2 and B8, which are the traditional employment uses for planning purposes whereas law courts are non-residential institutions (Use Class F1) and police stations are sui generis. Although the supporting text of Policy DM1 of the DMDPD includes a variety of sui generis uses within a more expansive definition of employment development, the site is not identified as an existing employment site on the DMDPD policies map. Therefore, the application site is not considered to be an employment site for the purposes of the development plan and the proposed development does not conflict with Policy E2 of the CS or Policy DM1 of the DMDPD insofar as they seek to protect employment sites.

1.6. The proposed offices would be a main town centre use, which is common ground between the applicant and officers. The Planning, Design and Access Statement suggests that the proposed café is not a main town centre use as it does not feature in the definition within the Framework. However, the examples given are not exhaustive and the area is noted as a café, bar, lounge on the proposed upper ground floor plan. The application site is edge of centre for the purposes of town centre policies as it is within 300 metres of Accrington Town Centre.

1.7. Policy ATC1 of the AAAP and Policies DM1 and DM3 of the DMDPD seek to direct main town centre uses generally or office developments specifically to town or local centres. The application was not accompanied by a sequential test; therefore, the proposed development conflicts with these policies.

1.8. Notwithstanding the absence of a sequential test, the supporting text of Policy AQ4 of the AAAP recognises that proposals for redeveloping sites within the Grange Quarter will also include new modern workspace and workshop unit. The use of the court rooms for the proposed main town centre uses would mean that they could be kept undivided, thereby preserving their significance. The proposed offices and café would not be unusually large and appear comparable in area to the offices and shop of the adjacent former fire station. The proposed development would not significantly undermine the role of Accrington Town Centre as the principal centre and focus for office development, which is the underlying aim of Policy ATC1 of the AAAP and Policies A2, BD1 and E1 of the CS. Therefore, taking these factors into account, reduced weight should be afforded to the lack of a sequential test and the associated conflict with Policy ATC1 of the AAP and Policies DM1 and DM3 of the DMDPD.

1.9. The proposed apartment development would be within walking distance (250 metres or less) of Accrington Town Centre and would return an existing building into use, which is supported by Policy ATC7 of the AAAP and Policy H1 of the CS. It would contribute to housing need, which Policies A1, BD1 and H1 of the CS seek to meet and attracts significant positive weight in the absence of a five-year housing land supply.

1.10. In conclusion, while the proposed development conflicts with the development plan to an extent due to the lack of a sequential test and associated conflict with Policy ATC1 of the AAAP and Policies DM1 and DM3 of the DMDPD, this should be afforded reduced weight in light of other factors. The loss of the existing uses is acceptable, and the proposed apartment development and redevelopment are supported by policies AQ4 and ATC7 of the AAAP. The scheme would contribute to meet housing need in accordance with the aims of Policies A1, BD1 and H1 of the CS, which attracts significant positive weight in the absence of a five-year housing land supply. Therefore, the location is considered to be suitable for the proposed development.

2. <u>Impact on the character and appearance of the area, including the Christ Church CA and the setting and significance of grade II listed buildings ‘Magistrates Courts’ and ‘Fire Station’</u>

2.1. The application building is grade II listed as ‘Magistrates Courts, Manchester Road’ but also includes the former police station. Historic England states that its significance derives from its imposing and dominant architecture and its landmark location within the Christ Church CA on a primary route out of the town. Growth Lancashire add that it holds associative historic value as a building by Sir Percy Thomas and evidential value as a purpose-built magistrates’ courts and police station. The significance of the ‘Fire Station’, its companion building with which it shares group value, derives from similar values. Therefore, the significance of the application building and former fire station are

derived from their architectural and historic value. Their special interest is reflected in their grade II listing.

2.2. The application site lies within the Christ Church CA. Growth Lancashire state that the application building dominates the northern section of the CA and that, along with the former fire station and associated firepersons housing, dictates the character and appearance of the area, which is otherwise 19th century uniform stone terraces and larger stone villas. Therefore, the application building makes a significant positive contribution to the character and appearance of the Christ Church CA.

2.3. The proposed development would involve the loss of the original law courts and police station uses, which would be intrinsically harmful. However, there does not appear to be any reasonable prospect of these uses returning. Historic England consider the proposed uses to be a positive re-use of the building that would help secure its sustainable future. Historic Buildings and Places, and Growth Lancashire agree that apartments within the former offices are an appropriate use of the space available.

2.4. The application initially proposed replacing all the existing single glazed steel windows with double glazed uPVC. While Historic England and Growth Lancashire generally accept that the case for replacing the existing windows, both raise concerns about the use of uPVC. Growth Lancashire state that they would cause a low to moderate level of less than substantial harm to the building and Historic England considers that the harm would not be outweighed by the public benefits. They both recommended that powder coated aluminium would be more appropriate (albeit Growth Lancashire does suggest that uPVC could be acceptable on non-prominent elevations). Historic Buildings and Places, however, do not accept uPVC windows in a building of this nature, question the necessity of replacement and believe that uPVC replacements would result in a moderate level of less than substantial harm.

2.5. In short, it is considered that there is sufficient justification for replacing the existing windows based on the comments of Growth Lancashire who are believed to be the only heritage consultee to have visited the building.

2.6. The applicant initially claimed that uPVC replacement windows were the only viable option. However, as set noted above, the Independent Viability Assessment found that such a scheme would have a surplus of around £92,501. The applicant now proposes powder coated aluminium replacement windows along Manchester Road and the quadrant to Spring Gardens but uPVC elsewhere. They have provided quotes for both types of windows, showing that the latest proposed window scheme would cost around £69,000, which is £29,000 more than the £40,000 quote for full uPVC. However, Historic Buildings and Places note that this mixed approach may result in the loss of uniformity across the building and undermine its architectural integrity. There is an argument that a combination of uPVC and aluminium windows may be more harmful

than uPVC alone, particularly given the visual effect of the quadrant where contrasting materials would be especially jarring. Nonetheless, the justification for window replacement is acceptable and a detailed window replacement scheme could be secured by condition and the matter explored further. Applying a precautionary approach, it shall be presumed that the replacement windows would be uPVC, which would result in a moderate level of less than substantial harm to the building.

2.7. The proposed rooftop apartment extension would span around the inner courtyard over the Grange Lane and part of the Spring Gardens sections. It would include extensions to two existing stairwells through the roof to provide access. They would have a modern appearance that would contrast with the host building. Following the submission of visuals, Growth Lancashire accept that their impact would be low, given their recessed position behind the existing parapet and reflection of the curved corner of the host building. Nonetheless, they consider they would still cause a very low to slight level of less than substantial harm to the building. Historic England also have concerns about the introduction of residential units to the roof but acknowledge that care has been taken over positioning and materiality. They state that the harm could be outweighed by the benefits of bringing the building back into use and securing a sustainable future. Historic Buildings and Places find that the rooftop extension would be quite prominent and encourage reconsideration of its design and size.

2.8. The proposed development would include the construction of an access corridor along the southwest and northwest of the inner courtyard, the installation of new window and door openings, and the conversion of some windows to doors and vice versa. Growth Lancashire raise no objection in principle to these other works and consider the loss of fabric is negligible and outweighed by the provision of outside space and maximising space for the creation of apartments. Therefore, these other works are acceptable.

2.9. The single storey building in the inner courtyard, which is proposed to be demolished, appears to contribute little to significance. Growth Lancashire have no objection to its demolition. Therefore, the proposed demolition is acceptable.

2.10. The elements of the proposed development that would impact on the character and appearance of the wider area, including the Christ Church CA and setting of the Fire Station, are the loss of the original intended use of the application building, the installation of uPVC windows and the rooftop extension. Growth Lancashire suggest that the latter two would cause a low level of less than substantial harm to both.

2.11. For completeness, Growth Lancashire note that it is unclear where venting for kitchens, bathrooms and heating systems would be expelled and whether any works are required to external elements such as rainwater goods or stonework. The agent has confirmed verbally that the venting system has not been finalised, but a scheme would be devised that would avoid any alterations to prominent elevations, which they

agree would unlikely be acceptable. They confirm that no works are required to rainwater goods or stonework.

2.12. In summary, the proposed development would cause varying levels of less than substantial harm to the application building by reason of the loss its original use (low level), the installation of uPVC windows (moderate level) and the proposed rooftop extensions (very low to slight). There would also be a low level of less than substantial harm to the character and appearance of the Christ Church CA and the setting and significance of Fire Station. There are matters of great weight and must be weighed against the public benefits of the proposed development.

2.13. In terms of public benefits, the proposed development would secure the building's sustainable future by bringing it back into use, which would benefit the historic environment and boost housing supply in the context of a lack of a five-year housing land supply. The redevelopment would also contribute towards fulfilling some of the aims of the AAAP, including the redevelopment of the former civic complex. These benefits attract substantial weight in favour of granting permission. While the installation of uPVC windows to a listed building would be regrettable and would not typically be acceptable, a condition requiring a detailed replacement scheme to be approved could minimise harm as much as possible while enabling funding of necessary off-site highway improvements. If permission is refused, it is likely that the building would continue to deteriorate and any future redevelopment would become increasingly more challenging and costly – potentially requiring even more radical intervention or leading to partial or total loss. On this basis, the public benefits of the proposed development outweigh the harm identified.

2.14. In conclusion, the proposed development would generally have an acceptable impact on the character and appearance of the area. Although some elements would harm the significance of grade II listed 'Magistrates Court' and in turn the character and appearance of the Christ Church CA and the setting and significance of grade II listed 'Fire Station', these are outweighed by the public benefits. Therefore, the proposed development complies with Policies BD1 and ENV6 of the CS and Policies DM10, DM22 and DM26 of the DMDPD insofar as they seek to achieve well-designed places that conserve and enhance the historic environment. Special regard and attention have been paid to the statutory duties imposed by sections 66 and 72 of the Planning (Listed Buildings and Conservation) Areas Act 1990 (as amended).

3. <u>Whether the proposed development would provide acceptable living conditions for future occupants</u>

3.1. The proposed development would include some apartments with substandard living conditions. For instance, several units would have poor levels of privacy owing to

windows abutting public footways or shared spaces. Others would have poor outlook over shared areas, including the bicycle and bin stores. It does not appear that the external space standards set out in Policy DM29 of the DMDPD would be achieved. Although this is largely down to the nature of the development, being the change of use of a historic building with a unique layout, there would still be a degree of conflict with Policies BD1 and ENV7 of the CS, and Policies DM10 and DM29 of the DMDPD insofar as they seek to provide acceptable living conditions for future occupants.

3.2. The proposed development appears as though it would include several apartments that would not comply with the *Technical housing standards – nationally described space standard* (NDSS) as expected by Policy DM16 of the DMDPD. However, viability is an issue and the shortfalls are minor such that there would still be adequate internal area. Therefore, the proposed development does not conflict with Policy DM16 of the DMDPD, which permits the flexible application of the NDSS.

3.3. The Acoustic Survey and Assessment (ASA) states that double glazing with tickle vents would be required to mitigate impact of background noise on future occupants. It also states that any air conditioning and or extraction systems associated with the proposed offices and café should be designed so that their cumulative impact is no more than 5 decibels (A) above the background levels at the nearest residential windows. HBC Environmental Protection raise no objections and recommend conditions relating to noise. Therefore, subject to condition, the proposed development would comply with Policy DM25 of the DMDPD, which relates to pollution control.

3.4. The proposed upper ground floor plan labels the café as a bar and lounge. However, the term ‘bar’ is not used in the description of development or many of the submitted documents such as the ASA. Therefore, the use of the commercial elements should be restricted to offices and a café, and operating hours specified. This would ensure that the commercial uses are compatible with the adjacent apartments.

3.5. In conclusion, the proposed development would include some apartments that would provide substandard living conditions for future occupants. Therefore, it conflicts to some extent with Policies BD1 and ENV7 of the CS and Policies DM10 and DM29 of the DMDPD insofar as they seek to achieve an acceptable level of amenity for all.

4. <u>Impact on highway safety and transport, including parking provision</u>

4.1. The application site is located within reasonable walking distance of Accrington Town Centre and its facilities and services. However, LCC Highways have raised concerns about the lack of crossing facilities en route to the town centre. They consider it necessary to formalise the uncontrolled pedestrian crossing facilities on Manchester Road and Spring Gardens by widening the footways at crossing points to assist

pedestrians and to reduce vehicle speeds. Without these measures, they consider proposed uses would not be accommodated on the network and a safety issue would arise, particularly given the absence of any off-street parking provision. They also note a history of collisions in the area.

4.2. The agent has confirmed verbally that the applicant would not agree to a pre-commencement condition requiring off-site highway improvements, citing viability concerns. However, as set out above and even accounting for some aluminium windows, there would still be a surplus of around £60,000. Although officers await confirmation from LCC Highways, it is unlikely that the cost of the improvements they seek would exceed this amount. The Highways Officer at LCC has stated that they would raise an objection in the absence of the requested improvements.

4.3. The surrounding area does not represent a particularly high-quality walking environment being located on a principal vehicular gateway into the town centre along Manchester Road, which features a notably wide carriageway. Moreover, the junction with Spring Gardens was observed to be relatively busy during the site visit and appears to serve as a popular route for traffic. Although a pedestrian refuge island exists on Manchester Road, it is not the most direct or logical route to the town centre from the application site, which is across Spring Gardens. The Transport Statement suggests that trip generation would not increase significantly compared to the site's existing lawful use. However, as noted by LCC Highways, the previous use included off-street parking to the southeast and on-street parking immediately surrounding the building, thereby reducing the need to walk. Therefore, it is considered that the improvement works are necessary to achieve safe and convenient access, and should be secured via a prior to occupation condition, which does not require the agreement of the applicant. It remains open to members to assess the necessity of this condition.

5.1. The proposed development would not include any dedicated off-street parking provision. However, the submitted Parking Study suggests that there is parking capacity in the surrounding area, which LCC Highways accept. Therefore, subject to conditions securing bicycle storage, off-site highway improvements and a travel plan, LCC Highways have no objections. The proposed development would not conflict with Policy DM32 of the DMDPD, which allows the flexible application of the local parking standards set out in GN8 of the DMDPD where specific circumstances are justified.

5.2. In conclusion, subject to conditions, the proposed development would have an acceptable impact on highway safety and transport, including parking provision. It would comply with Policies ATC15 and ATC20 of the AAAP, Policies BD1, HC1, ENV4 and T2 of the CS and Policies DM32 and DM33 of the DMDPD, which seek to promote sustainable transport, including securing safe and convenient access for all users.

5. Impact on flood risk and drainage

5.1. The application site lies wholly within flood zone 2 on the Environment Agency's Flood Map for Planning, which is a medium risk of fluvial (river) flooding. The Map also shows that the site is subject to pluvial (surface) water flood risk ranging from a 1 in 100 annual likelihood (medium risk) to a one in 1000 annual likelihood (low risk).

5.2. Nonetheless, paragraph 176 of the Framework states that some applications for changes of use such as those proposed in this development should not be subject to the sequential test. Whilst it is acknowledged that the development would also include operational development to provide additional apartments, this would be at rooftop level. The viability evidence suggests that they are necessary for the delivery of the scheme such that requiring them to be constructed elsewhere would not be reasonable. Therefore, the sequential considerations are satisfied in this case.

5.3. The submitted Flood Risk Assessment (FRA) contains flood risk resilience measures and notes a reduction in sealed surfaces. The Environment Agency have no objections, subject to the implementation of the mitigation measures. Therefore, subject to condition, the proposed development would be made safe for its lifetime without increasing flood risk elsewhere.

5.4. Although United Utilities have requested drainage details, the Environment Agency and LCC LLFA raise no objections and do not recommend any conditions. As the proposed development would not significantly affect drainage, such details are not necessary.

5.5. In conclusion, subject to condition, the proposed development would have an acceptable impact on flood risk and drainage. It would generally comply with Policy ATC24 of the AAAP, Policy ENV4 of the CS and Policies DM10 and DM20 of the DMDPD insofar as they seek to meet the challenge of climate change and flooding.

6. Other matter – Affordable housing

6.1. Policy H2 of the CS and Policy DM12 of the DMDPD require housing developments of 15 or more dwellings to make provision for 20% of the houses to be affordable homes. However, paragraph 65 of the Framework states that where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced proportionately (known as vacant building credit). In this case, whilst the applicant has not submitted a detailed case, the proposed additional residential floorspace would be less than that of the existing building, which does not appear to have been abandoned. In any event, it could not viably provide affordable housing and other higher priority infrastructure (namely, off-site highway improvements and windows). Therefore, the

proposed development does not conflict with Policy H2 of the CS and Policy DM12 of the DMDPD, which allow for consideration of viability issues when determining the appropriate provision of affordable housing.

7. Other matter – Biodiversity, ecology and green infrastructure

7.1. The application site is located within the urban boundary and close to the town centre and as such is unlikely to support significant biodiversity or ecology value. Whilst it is located within the grassland ecological network, the site currently comprises sealed surfaces and there is little scope to incorporate soft landscaping. HBC Ecology raised no objections and recommended conditions relating to biodiversity enhancements. The recommended condition requiring a verification statement is excessive and should not be attached. The submission and validation of the application pre-dates the statutory biodiversity net gain requirements. Therefore, subject to conditions, the proposed development would comply with Policy ATC10 of the AAAP, Policies BD1, ENV2 and ENV4 of the CS and Policies DM10, DM18 and DM19 of the DMDPD insofar as they seek to conserve and enhance the natural environment.

8. Other matter – Climate change

8.1. Various development plan policies seek to mitigate against the likely effects of climate change on present and future generations. In this case, the proposed development would involve the reuse of an existing building in a sustainable location and include biodiversity enhancements and flood mitigation measures. It would also address coal mining legacy risks. Therefore, the proposed development would broadly comply with Policy ATC12 of the AAAP, Policy ENV4 of the CS and Policies DM10, DM20 and DM26 of the DMDPD, which have these aims.

9. Other matter – Coal mining

9.1. The application site lies within a coal mining development high risk area. The Coal Mining Risk Assessment identifies a medium to high risk associated with past underground coal mining and medium risk from probable unrecorded shall workings and mine gas. It considers that a conditional grant of permission would be acceptable as the risk could be mitigated through routine engineering solutions. The Coal Authority have no objection subject to conditions, including requiring a scheme of intrusive site investigations and implementation of any necessary remediation works and or mitigation measures. Therefore, subject to conditions, the proposed development would comply with Policy ENV4 of the CS and Policy DM24 of the DMDPD insofar as they relate to legacy coal mining risks.

10. Other matter – Contaminated land

10.1. Records held by the Local Planning Authority suggest that the application site is potentially contaminated. However, HBC Environmental Protection have raised no concerns in this regard. Therefore, subject to a condition requiring the reporting of any unexpected contamination, the proposed development would comply with the aims of Policy ENV4 of the CS and Policy DM24 of the DMDPD insofar as they relate to contaminated land.

11. Other matter – Crime and disorder

11.1. The submitted Crime Impact Statement, prepared by Lancashire Constabulary, includes various design and security recommendations. It is unclear whether all the appropriate measures have been incorporated. Nevertheless, given the nature of the measures and the proposed development, such matters could reasonably be dealt with by condition. Therefore, subject to condition, the proposed development would comply with paragraph 96b) of the Framework, which seek to achieve inclusive and safe places where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

12. Other matter – Education

12.1. LCC (Schools Provision and Sufficiency) confirmed that no education contribution was required at the time of consultation. No further comments have been received. Therefore, the proposed development does not conflict with Policy DM6 of the DMDPD, insofar as it relates to education provision

13. Other matter – Green/open space

13.1. Policy HC1 of the CS and Policy DM11 of the DMDPD require major residential developments to make adequate provision for green space/public open space. HBC Leisure Services (Parks) request a contribution in lieu of £12,881 to be used at nearby Oak Hill Park. However, Policy DM11 of the DMDPD also states that where evidence on the economic viability of individual developments indicates a lack of competitive return for landowners and developers the Council will consider reducing standards of provisions, or any obligations, to help ensure deliverability. This is consistent with other local and national policies. There is evidence of viability issues in this case. Whilst the

Independent Viability Assessment identified a surplus, it is considered that this should be spent on off-site highway improvements and minimising harm to the historic environment. Therefore, whilst the proposed development would not provide any provision of green/open space, this is acceptable in light of viability considerations. The proposal conflicts with Policy HC1 of the CS, but this attracts limited weight against it given the compliance with Policy DM11 of the DMDPD, with both policies seeking provision of green space/public space.

4. Other matter – Housing density and mix

13.2. Policy H1 of the CS states that new housing development will aim to provide a mix of house types based on the proportions set out in the policy. The proposed development would consist exclusively of apartments, which would not reflect those proportions. However, as above, it relates to the redevelopment of an existing historic building where apartments are the only feasible housing type, which would make an effective use of land. The policy also supports apartment development in this location. The density is largely dictated by the size of the building. Therefore, the proposed development broadly complies with Policies BD1, H1 and ENV6 of the CS and Policy DM26 of the DMDPD insofar as they seek to make an effective use of land and meet the housing needs of different groups.

14. Other matter – Waste and recycling

14.1. The proposed development would include a rear bin storage compound with access from the northeast and southeast. HBC Environmental Protection and LCC Highways have raised no objections regarding this arrangement. Therefore, subject to condition, the proposed development would broadly comply with Policy ENV4 of the CS and Policies DM10 and DM31 of the DMDPD insofar as they relate to waste and recycling.

15. Other consideration – Presumption in favour of sustainable development

15.1. The Local Planning Authority cannot demonstrate a five-year housing land supply. In such circumstances, paragraph 11 of the Framework states that permission should be granted unless:

i. the application of the policies in the Framework that protect areas or assets of particular importance (set out in footnote 7) provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies (set out in footnote 9) for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

15.2. The proposed development would involve harm to designated heritage assets. However, this harm would be outweighed by the public benefits. No other areas or assets of particular importance would be affected. Therefore, there are no strong reasons for refusal with regard to areas or assets of particular importance.

15.3. Turning to the balance of adverse impacts and benefits, there would be some harm through the absence of a sequential approach to the location of the proposed main town centre uses and some apartments would provide substandard living conditions for future occupants. However, as outlined above, there are matters that justify affording reduced weight to the conflict with town centre policies. Moreover, the substandard living conditions are largely due to the nature of the development, being the change of use of a historic building with a unique layout. There would be several apartments that would provide acceptable living conditions. Therefore, it is not considered that the adverse impacts significantly and demonstrably outweigh the benefits.

15.4. In conclusion, the presumption in favour of sustainable development, commonly referred to as the tilted balance, is engaged and is a material consideration that indicates that planning permission should be granted.

16. Planning balance and conclusions

16.1. In conclusion, the proposed development would conflict with the development plan to an extent through the failure to apply a sequential approach to the proposed main town centre uses and the substandard living conditions of some apartments. However, a degree of conflict with the development plan is not unusual in complex schemes of this nature. The proposed development is supported by other development plan polices, particularly being the final step in the redevelopment of the former Magistrates Courts and Fire Station complex as promoted by Policy AQ4 of the AAAP. Therefore, the proposed development accords with the development plan taken as a whole.

16.2. In any event, even if the proposed development were considered a departure from the development plan, the tilted balance is engaged and the contribution towards housing supply would outweigh that departure.

16.3. On this basis, it is recommended that planning permission be approved without delay subject to the following conditions (or alternative conditions satisfactory to the Chief Planning and Transportation Officer).

Recommendation:

That planning permission be APPROVED subject to the following conditions (or alternative conditions satisfactory to the Chief Planning and Transportation Officer):

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

   Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be carried out in accordance with the following approved plans unless other conditions indicate otherwise:
   - "SITE LOCATION PLAN" received 12 January 2024;
   - Drawing number 20 "Site Plan" received 12 January 2024;
   - Drawing number 110 revision A "Lower Ground floor plan" received 29 November 2024;
   - Drawing number 120 revision A "UpperGround floor plan" received 29 November 2024;
   - Drawing number 130 revision A "Lower Roof Level and Roof Apartment floor plan" received 29 November 2024;
   - Drawing number 131 "Upper Roof Plan" received 12 January 2024;
   - Drawing number 160 "1Elevations 1" (showing the Spring Gardens and courtyard elevations) received 12 January 2024;
   - Drawing number 162 "Elevations 3" (showing the Grange Lane elevation) received 12 January 2024;
   - Drawing number 163 "Elevations 4" (showing the rooftop extensions elevations) received 12 January 2024;
   - Drawing number 164 "Sections" received 12 January 2024;
   - Drawing number 170 "NW and SE Proposed Elevations to Courtyard" received 23 December 2024; and
   - Drawing number 171 "Elevation to Fire station" received 23 December 2024.

   Reason: To specify the terms of the permission and in the interests of proper planning.

3. Prior to the commencement of the development hereby approved, a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. It shall include details of:
   i. the parking of vehicles of site operatives and visitors;
   ii. the loading and unloading of plant and materials;
   iii. the storage of plants and materials used in construction;
   iv. the erection and maintenance of security hoarding;
   v. measures to control the emission of dust and dirt during construction;
   vi. measures to control noise and vibration;
   vii. details of working hours; and
   viii. the routing of delivery vehicles to and from the site.

   The construction of the development shall be carried out in accordance with the approved statement.

   Reason: In the interest of highway safety and the conditions of nearby uses in accordance with Policy ATC15 of the Accrington Area Action Plan, Policies BD1 and ENV7 of the Core Strategy and Policies DM10, DM29, DM32 and DM33 of the Development Management Development Plan Document. These details are required pre-commencement to prevent immediate harm to highway safety and conditions.

4. Prior to the commencement of the development hereby approved, a programme of archaeological building recording to Level 2 to 3 as set out in Historic England's *Understanding Historic Buildings* publication shall be secured. This may build on the existing heritage statement and should provide comprehensive photographic coverage of all interior and exterior elements and spaces of the building. It must be carried out by an appropriately qualified and experienced professional contractor to a recognised professional standard and in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the Local Planning Authority. These works shall result in the compilation and deposition of a formal report on the works undertaken and the results obtained. The development shall be carried out in accordance with the agreed details.

   Reason: To ensure the recording of features or archaeological and historical importance in accordance with Policies BD1 and ENV6 of the Core Strategy and Policies DM10 and DM26 of the Development Management Development Plan Document. These details are required pre-commencement so that the building can be recorded before development commences.

5. Prior to the commencement of the development hereby approved:

a) a scheme of intrusive site investigations shall be carried out to establish the risks posed to the development by past coal mining activity; and
b) any remediation works and or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the development is made safe and stable for the development in accordance with Policy ENV4 of the Core Strategy and Policy DM24 of the Development Management Development Plan Document.

6. Any contamination that is found during the course of construction of the development hereby approved shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

   Reason: To ensure any unexpected contamination is remediated in accordance with Policy ENV4 of the Core Strategy and Policy DM24 of the Development Management Development Plan Document.

7. Construction deliveries to and from the site, and construction works, shall be restricted to between 08.00 and 18.00hrs Monday to Friday, 09.00 to 13.00hrs on Saturdays, and shall not take place on Sundays and Bank Holidays. All works shall be undertaken in accordance with British Standard 5228:2009.

   Reason: To safeguard the conditions of nearby users in accordance with policies BD1 and ENV7 of the Core Strategy and policies DM10 and DM29 of the Development Management Development Plan Document.

8. The development hereby approved shall be carried out in accordance with the flood resilience measures contained in section 8.6 of the “FLOOD RISK ASSESSMENT”

dated January 2024, prepared by ARK Environmental Consultancy Ltd and received 12 January 2024. The measures shall be retained thereafter.

Reason: To ensure the development would be safe from flood risk in accordance with Policy ATC24 of the Accrington Area Action Plan, Policy ENV4 of the Core Strategy and Policies DM10 and DM20 of the Development Management Development Plan Document.

9. The development hereby approved shall be carried out in accordance with the mitigation measures contained in the “Acoustic Survey and Assessment” dated December 2023, prepared by Martin Environmental Solutions Ltd and received 6 February 2024. The measures shall be retained thereafter.

   Reason: To provide acceptable living conditions for future occupants in accordance with Policies BD1 and ENV7 of the Core Strategy and Policies DM10 and DM29 of the Development Management Development Plan Document.

10. Notwithstanding the approved plans and prior to the demolition of the existing building within the inner courtyard hereby approved, full details and drawings of the approved access corridors shall be submitted to and approved in writing by the Local Planning Authority. The corridors shall be constructed in accordance with the approved details and retained thereafter.

    Reason: To ensure the satisfactory appearance of the corridors in accordance with Policies BD1 and ENV6 of the Core Strategy and Policies DM10, DM22 and DM26 of the Development Management Development Plan Document.

11. Prior to first installation of any new external plumbing, pipes, soil stacks, flues, vents or ductwork, full details of them, including their routes and locations, shall be submitted to and approved in writing by the Local Planning Authority. Any such features installed shall be in accordance with the approved details.

    Reason: To ensure the satisfactory appearance and location of such features in accordance with Policies BD1 and ENV6 of the Core Strategy and Policies DM10, DM22 and DM26 of the Development Management Development Plan Document.

12. Notwithstanding the approved plans and prior to first construction of the rooftop extensions, full details of their materials and their windows and doors, including

methods of opening, shall be submitted to and approved in writing by the Local Planning Authority. The rooftop extensions shall be constructed in accordance with the approved details and retained thereafter.

Reason: To ensure the satisfactory appearance of the extensions in accordance with Policies BD1 and ENV6 of the Core Strategy and Policies DM10, DM22 and DM26 of the Development Management Development Plan Document.

13. Prior to first use of the development hereby approved, a scheme of off-site highway works shall be submitted to and approved in writing by the Local Planning Authority, including:
    i. improvements to aid pedestrian crossing on Spring Gardens and Manchester Road; and
    ii. a review of the Traffic Regulation Orders on Grange Lane and Spring Gardens.

    The approved scheme shall be implemented prior to first use of the development hereby approved.

    Reason: To ensure safe and convenient access and adequate car parking provision for future users in accordance with Policies ATC15 and ATC20 of the Accrington Area Action Plan, Policies BD1, HC1, ENV4 and T2 of the Core Strategy and Policies DM32 and DM33 of the Development Management Development Plan Document.

14. Prior to first use of the development hereby approved, a scheme of crime prevention and safety measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to first use and retained thereafter.

    Reason: To achieve an inclusive and safe place in accordance with paragraph 96b) of the National Planning Policy Framework.

15. Prior to first use of the development hereby approved, a travel plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented, monitored and reviewed in accordance with the approved targets for a minimum of five years.

    Reason: To promote sustainable transport in accordance with Policies ATC15 and ATC20 of the Accrington Area Action Plan, Policies BD1, HC1, ENV4 and T2 of the

Core Strategy and Policies DM32 and DM33 of the Development Management Development Plan Document.

16. Prior to first use of the development hereby approved, a test report for sound insulation and noise reduction measures installed in the development, from an accredited test engineer (according to the requirements of British Standard 8233:2014) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures installed shall be maintained thereafter.

    Reason: To provide acceptable living conditions for future occupants in accordance with Policies BD1 and ENV7 of the Core Strategy and Policies DM10 and DM29 of the Development Management Development Plan Document.

17. Prior to first use of the development hereby approved, a signed statement or declaration by a suitably competent person confirming that the site is or has been made safe and stable for the development shall be submitted to and approved in writing by the Local Planning Authority. This shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and or mitigation necessary to address the risks posed by past coal mining activity.

    Reason: To ensure the development is made safe and stable for the development in accordance with Policy ENV4 of the Core Strategy and Policy DM24 of the Development Management Development Plan Document.

18. Prior to first use of the development hereby approved, details of three swift building mounted nest boxes and three building mounted bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the box type, manufactures name and elevation plans marking their location. The duly approved boxes shall be installed prior to first use and retained thereafter.

    Reason: To enhance the natural environment in accordance with Policy ATC10 of the Accrington Area Action Plan, Policies BD1, ENV2 and ENV4 of the Core Strategy and Policies DM10 and DM18 of the Development Management Development Plan Document.

19. Prior to first use of the development hereby approved, a landscaping scheme, which shall include soft and hard landscaping, means of enclosure and planting, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

include the number of plants, species, planting size, planting methodology, relevant British Standard(s), location of planting and annual maintenance schedule. The duly approved scheme shall be implemented in the first planting season following completion of the development and any tree or shrub planted which dies or is felled, uprooted, wilfully damaged or destroyed in the first five-year period commencing with the date of the planting shall be replaced.

Reason: To enhance the natural environment and ensure an acceptable appearance in accordance with Policy ATC10 of the Accrington Area Action Plan, Policies BD1, ENV2, ENV4 and ENV6 of the Core Strategy and Policies DM10, DM18, DM22 and DM26 of the Development Management Development Plan Document.

20. Notwithstanding the approved plans and prior to first occupation of the development hereby approved, details and drawings of the bicycle and bin stores shall be submitted to and approved in writing by the Local Planning Authority. The duly approved stores shall be provided prior to first use and retained thereafter.

    Reason: To ensure a satisfactory appearance, support travel by pedal and adequate waste and recycling storage in accordance with Policies ATC15 and ATC20 of the Accrington Area Action Plan, Policies BD1, HC1, ENV4, ENV6 and T2 of the Core Strategy and Policies DM10, DM22, DM26, DM31, DM32 and DM33 of the Development Management Development Plan Document.

21. Prior to first use of the café hereby approved, a scheme for the control of cooking odours and attenuation of extraction fan noise shall be submitted to and approved in writing by the Local Planning Authority (i.e., details of the noise produced once the fan has been attenuated by a silencer, silencer model and technical specifications). The scheme shall be installed prior to first use of the café and maintained in accordance with the scheme.

    Reason: To ensure acceptable living conditions for future occupants in accordance with Policies BD1 and ENV7 of the Core Strategy and Policies DM10 and DM29 of the Development Management Development Plan Document.

22. Notwithstanding the approved plans and prior to the removal of any existing windows or the installation of new windows and doors, full details of the replacements shall be submitted to and approved in writing by the Local Planning Authority. The details shall include drawings at appropriate scale(s), and details of materials, decorative/protective

finish, cross sections, methods of opening and glazing and a colour scheme. Any windows and doors installed shall accord with the approved details.

Reason: To ensure that the windows and doors minimise harm to the historic environment in accordance Policies BD1 and ENV6 of the Core Strategy and Policies DM10, DM22 and DM26 of the Development Management Development Plan Document.

23. The offices and café hereby approved shall only be used between the following hours: 08.00 and 18.00hrs Monday to Friday, 09.00 to 18.00hrs on Saturdays and shall not be used on Sundays and Bank Holidays.

    Reason: To safeguard the conditions of nearby users in accordance with Policies BD1 and ENV7 of the Core Strategy and Policies DM10 and DM29 of the Development Management Development Plan Document.

24. The offices and café hereby approved shall not be used for any purposes other than purposes within Class E(b) and E(g)(i) of the Second Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), respectively.

    Reason: To safeguard the conditions of nearby users in accordance with Policies BD1 and ENV7 of the Core Strategy and Policies DM10 and DM29 of the Development Management Development Plan Document.

Informative(s):

1. Positive and proactive planning statement

   The Local Planning Authority have worked with the applicant in a positive proactive manner by offering detailed advice in the development plan, offering a pre-application planning advice service and, where appropriate, providing guidance at the validation stage and negotiating during the determination period.

2. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.

Based on the information available this permission is one which will not require the approval of a biodiversity gain plan before development is begun because the application for planning permission was made before 12 February 2024.

3. Coal Mining – The Coal Authority

Ground Investigations: Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of the Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from the Coal Authority's website at gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

Shallow coal seams: In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check the site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area.

4. Environmental Permit – Environment Agency

Broad Oak Water runs in a culvert adjacent to the site and is a designated statutory main river. The Environmental Permitting (England and Wales) Regulations 2016 (as amended) require a permit to be obtained for any activities which take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit gov.uk/guidance/flood-risk-activities-environmental-permits or contact the National Customer Contact Centre on 03708 506 506. The developer should not assume that a permit will automatically be forthcoming once planning permission has been granted, and are advised to consult with the Environment Agency at the earliest opportunity

5. Gas – Cadent Gas Ltd

Cadent Gas Ltd own and operate the gas infrastructure within the area of the development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The developer must ensure that the development does not infringe on legal rights of access and or covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following its diversion. The applicant should apply online to have apparatus diverted in advance of any works at cadentgas.com/diversions.

Prior to carrying out development, including the construction of access points, please register on linesearchbeforeudig.co.uk to submit details of the development for review, ensuring requirements are adhered to.

List of Background Papers

The background papers are available on the Council's website at: https://planning.hyndburnbc.gov.uk/Northgate/ES/Presentation/Planning/OnlinePlanning/OnlinePlanningOverview?applicationNumber=11%2F23%2F0364.