

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

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

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

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

**Applicant:** Miss I Enyi

**Agent:** Mr Chris Wilkinson

### **Human Rights**

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

#### **Article 8**

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

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

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

#### **Application Site**

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

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

#### **Proposal**

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

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

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

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

### **Consultations**

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

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

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

*LCC Education:* No observations have been made

*United Utilities:* No objections

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

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

*HBC Regeneration and Housing:* Support the proposal.

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

- Development and construction phase
- Mechanical ventilation

*Waste Services:* No observations have been made.

### **Relevant Planning History**

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

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

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

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

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

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

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

## **Relevant Policies**

### **Development Plan check**

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

- Policy E.10                      Development Criteria

#### *Hyndburn Core Strategy*

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

#### *Accrington Area Action Plan*

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

### **Material considerations**

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

## **Observations**

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

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

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

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

### **2) Housing supply**

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

### **3) Housing mix**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **8) Sustainability**

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

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

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

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

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

### **Conclusion**

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

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

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

### **Recommendation**

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

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

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

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

Application forms dated 27/6/16

Location Plan dated 27/6/16

Heritage Assessment dated 27/6/16

Design and Access Statement dated 27/6/16

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

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

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

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

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

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

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

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

### **Materials**

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

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

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

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

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

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

#### **Tree protection measures**

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

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

#### **Highways**

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

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

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

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

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

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

#### **Section 278 agreement**

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

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

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

#### **Environmental Health**

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

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

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

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

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

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

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

**Informatives**

13a, 14, 15, 16, 17

Coal low risk area

Bats advisory

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

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