Application Number: 11/16/0468

Full Application: Major Full: Alterations to Public Realm Areas including hard and soft landscaping and the removal of trees

Address: Land fronting the Market Hall Town Hall Blackburn Road Accrington

Determination by: 2nd March 2017

Applicant: Hyndburn Borough Council

Agent: Katy Barry IBI Group

The application is before Planning Committee because it has been submitted by Hyndburn Borough Council.

Application Site

The site lies on Blackburn Road, Accrington between St James’ street and Church Street (not including these streets). The site is 0.3ha in size and is the full width of the street to the south of the Market Hall (a Grade II listed building) and Town Hall (a Grade II* listed building) including the area to the south of the existing service yard. The paved area which is to be replaced extends under the portico of the town hall. The Town Hall and the Market Hall are both listed buildings and the site is located within the Accrington Town Centre Conservation Area. A Grade II* listed building means it is ‘outstanding’ from a national perspective and within the top 8% of all listed buildings.

Proposal

Planning permission is sought to develop a new town square public realm project in front of the Town Hall and Market Hall. The project is an important part of the Accrington Town Centre Townscape Heritage Initiative and this part of the initiative has been developed over the last seven months by the consultants working on behalf of the Council. The application has been accompanied by a Planning, Heritage, Flood Risk, Design and Access Statement and an Arboricultural Report.

The aim of the proposed square is to provide a focal point in Accrington Town Centre for activities and events in a high quality environment where the character and appearance of the surrounding buildings can be fully appreciated. The design of the new square has been heritage led and commemorates the sacrifice made by the Accrington Pals in World War I and the history of Accrington. This is being achieved through the layout of the square, the design of the benches and seating and through the use of three small sculptures. The final designs have evolved through a number of consultation events that started before 2014.
The town square is bounded by some of the Borough’s finest buildings and in order for the buildings to be seen again it is proposed to remove the trees within the square. Smaller trees are incorporated into the design but in a manner that does not obscure the façade of the Market Hall. The proposed square will be resurfaced using local Rossendale sandstone and contrasting granite stripes, lighting and provision of street furniture/benches. The area will become a no through route for vehicles. The space will become a pedestrian/cycle zone with loading only allowed between 4pm and 10am. There will be a few minor exceptions to this with limited access allowed to a parking space in front of the town hall for occasions such as the mayoral visit and weddings.

Tactile paving is proposed at the edges of the space in black/silver grey granite and sandstone within. The edges of the space will be defined by a vertical kerb, but where there is a drop kerb tactile paving will denote this. Nine cycle stands will be provided within the space.

**Consultations**

**Public consultation:** Five letters of objection have been received; the following issues have been raised:

- Do not want taxes paying for these works
- Loss of trees
- Detrimental to businesses in the area as cars will no longer be able to stop outside businesses.

One letter has been received which is not an objection but highlights that money can be better spent to improve shops, parking and road layout area looks bares, seating and flowers etc. are needed.

A further letter has been received which highlights concerns relating to layout, ground floor building materials, ornamental seating, street furniture, garden beds, night illumination and the location of the PALS monument.

**LCC Highways:** Lancashire County Council is a partner stakeholder for the proposed works and supports the application. Planning permission will require the application to enter into a S278 agreement with the County Council.

**Historic England:** No comments to make.

**HBC Trees and Woodlands Officer:**

The Council’s Trees and Woodlands Officer has made a number of observations on the proposed development and the submitted Arboricultural Report. Two tree surveys were carried out (in August and October 2016), in relation to the first survey it is observed:

- The large horse chestnut is expected to remain a reasonable risk to retain. I put this tree in the ‘B’ category. The tree reports assessment of this as a ‘C’ category is a little harsh.
• The condition of the smaller horse chestnut is worse and the large wound is an ever increasing risk. The tree assessments categorisation of the tree as a ‘B’ category tree is a little generous.
• Species choice for the replacement tree is poor.
• Provision for off-site planting is required at 3:1.

Later comments were also received raising some specific issues about later survey and raising concerns about the species choice for the replacement trees and the life expectancy of one of the Horse Chestnuts and its value in terms of visual amenity.

HBC Conservation Officer: Comments were received and are provided below:
• Overview- The scheme proposes to radically change the appearance of the square by moving away from assumptions of previous decades that trees and planting enhance a scene by softening its urban qualities. It deliberately aims to return the open space to its 19th Century urban character where the architecture dominates and trees are largely absent. The character began to change in the 1960s. This approach is valid where the architecture is as good as it is on this stretch of Blackburn Road.
• Trees- The open space is presently characterised by tree planting, some of which obscures and softens views of buildings and spaces. The trees are attractive features the street scene, especially when in blossom or fruit. The Conservation Area Character Appraisal identifies the two largest trees, symmetrically arranged with regard to the Market Hall as of Townscape Importance. These will be removed, along with the others, in order to recreate the Victorian aesthetic.
• In the writer’s opinion, one tree is worthy of retention. This is the very large Horse Chestnut which lies just outside the left hand Market Hall entrance, and the case has been made for its retention as an object of beauty in its own right in pre-application discussions. The scheme prefers to remove this tree in order to achieve the desired aesthetic which is a valid aesthetic judgement.
• Market Hall Corner and Town Hall Side Entrance - The scheme introduces three small trees to replace it, which undermines the overall aesthetic and logic of the scheme. I therefore advise that these three trees be removed as they obscure the important feature of the corner of the Market Hall and the rarely seen but remarkably fine side entrance to the Town Hall. The cycle hoops located at this corner also clutter the same views and should be relocated. Their previous location opposite on Dutton Street would be better. I suspect the trees and hoops are meant all to restrict turning service vehicles at this point. If so, I feel a more elegant solution could be designed.
• Materials - The proposed use of local Rossendale sandstone should lead to a very high quality finish to the square, provided that material selection is also of a high quality. The ambition of the scheme with regard to using historical local materials should be applauded. The grey and black granite stripes, representing WW1 trenches are complementary.
• Recommended Modifications to the line of the Trench Motif - The grey and black granite ‘trench’ stripes are sufficiently close to historical gutters that they will fit in with the character of the square. However, the ‘trench’ line in front of the Town Hall, an outstanding listed building of national importance, is too close and does not
sufficiently respect its classical purity. The attached plan suggests bring the line further out and this would be more in keeping. Similarly, the asymmetrical line of the ‘trench’ in front of the symmetrical classical Market Hall will also jar, and I have made a recommendation which similarly solves this.

- Location of Duck Board Benches – these benches are deliberately asymmetrical and modernist in design using trench timber and white limestone. They form attractive features in their own right but need space. The four locations in front of the Town Hall and Market Hall would jar and detract from the pure classical qualities of the listed buildings and their setting. Views and photographs of the porticos and entrances of both buildings would not be possible without an incongruous Duck Board Bench prominent in the picture. The problem locations are identified on the attached plan and various other locations suggested.

- Street Furniture – the proposed street furniture is of good quality contemporary design and would complement the character of the square.

- Conclusion – I advise that the above modifications, or something similar, are taken on board and the scheme approved. To allow more time for getting the details right, I recommend that conditions be applied with regard to the siting and design of the ‘trench’ lines, the Duck Board benches and the other street furniture. I also recommend a condition that ensures the Rossendale sandstone flags will be of similar colour and texture across the square to avoid rogue batches creating random dark or brown strips.

**HBC Environmental Health:** No objections to the proposal provided conditions are attached relating to the site preparation and construction phase.

**Relevant Planning History**

**Relevant Policies**

**Development Plan**

**Hyndburn Borough Local Plan Saved Policies**
- Policy E.10 Development Criteria
- Policy E.3 Retention of woodlands, trees, hedgerows wall
- Policy E.6 Listed Buildings
- Policy E.8 Development in Conservation Areas

**Hyndburn Core Strategy**
- Policy BD1 The Balanced Development Strategy
- Policy A2 Accrington Town Centre
- Policy Env2 Natural Environment Enhancement
- Policy Env3 Landscape Character
- Policy Env6 High Quality Design
- Policy Env7 Environmental Amenity
Accrington Area Action plan (AAP)

- ATC3 Markets and Street Stalls
- ATC10 Green Infrastructure
- ATC 11 Design Quality and the Town centre
- ATC13 Accrington Town Centre Conservation Area
- ATC14 Monitoring and Investment in the Accrington Town Centre Conservation Area
- AQ1 Blackburn Road Quarter

Material considerations

Emerging Development Management Development Plan Document (DMDPD) (Publication Version Regulation19)

National Planning Policy Framework

- Achieving Sustainable Development
- Section 2 Ensuring the Vitality of Town Centres
- Section 7 Requiring Good Design
- Section 12 Conserving and Enhancing the Historic Environment

Planning Practice Guidance (PPG)

Accrington Town Centre Heritage Assessment and Future Strategy (2008)

Accrington Town centre Conservation Area Character Appraisal (CACA)

Observations

Planning permission is sought for the development of a new square in Accrington Town Centre. The proposed development is heritage led and will not only commemorate the Accrington Pals and the history of Accrington but allow the character and appearance of some of the Town’s finest buildings to be fully displayed. The proposed development is part of the continuing regeneration of Accrington Town Centre and is part of wider proposals to improve Blackburn Road to the west and Peel Street to the east.

The planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. The Accrington Area Action Plan provides a comprehensive policy framework for the development and regeneration of the town centre and forms an important part of the development plan. Policy AQ1 concerns development in the Blackburn Road Quarter and specifically states that the Council will work with land and property owners to secure the comprehensive redevelopment and upgrading of this area ..... to provide high quality development which should include:

(E) Improving the space in front of the Town hall and Market Hall to create a unifying Market Place and focus for activity, events and gathering.
Whilst this establishes the principle of the development, it is necessary to consider the merits of the scheme that has been proposed.

Key issues for consideration in relation to this application are 1) Heritage, 2) Trees, 3) Traffic and highways, 4) Amenity, 5) Drainage, and 6) Other issues

1) Heritage

The key issue to be considered with regards to the works within the Town Centre Conservation Area, within the setting of two listed buildings, is the impact on heritage. Section 71 (1) of the Planning (Listed buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving and/or enhancing the character or appearance of a conservation area. Policy Env6 also requires that development retains historical associations where possible and enhances the setting of historic structures and areas. Emerging policies of the Development Management DPD have the same aims.

Policy Env2 of the Core strategy requires opportunities for environmental enhancement to be secured; this is supported by the provisions of the NPPF. The emerging policies of the DM DPD provides detailed advice on tree replacement. The Accrington Area Action Plan (AAP) recognises the importance of public spaces and in particular recognises the importance of the Town Hall and Market Hall as two of the most important buildings in the town centre and the need to enhance the setting of these distinctive local landmarks. Para 6.23 states that the ‘creation and enhancement of new public spaces and streets should build on Accrington’s local; heritage and distinctiveness and creatively use the sense of place, historic townscape and local landmarks in future design, landscape and public art’.

The applicant has submitted a Design and Access Statement with the application which details considerations made to heritage as part of the application process. The Statement highlights that the three basic changes to result from the development are as follows:

- **Change in the form of the public realm area from a street into a square by removing any definition of a carriageway and removing features and street furniture form the middle of the space.**
- **Removal of trees to reveal views to the Market Hall such that its character does more to define the character of the square than at present**
- **Higher quality street furniture and street paving using natural sandstone materials that complement the main building material of the historic buildings and help their character to be imposed on the space’**.

The Heritage section of the Design and Access Statement concludes:

‘The design process has been long and involved extensive engagement with the Hyndburn Conservation Officer, as such mitigation has been designed into the project and as such the proposal have been assessed as having a Moderate Beneficial significance of impact, therefore no mitigation is required’.
Rossendale sandstone and black/silver grey granite have been chosen for the surfacing materials, with duck board benches (with granite back) with small statues of two dogs and a squirrel to be included in the scheme. Officers consider that with a condition to ensure samples are agreed prior to their use in the development, these materials are acceptable.

The Council's Conservation Officer has considered the proposals and is satisfied that the overall scheme acceptable for location in the Town Centre Conservation Area. He has requested that conditions are attached to remove the proposed replacement trees as these detract from the scheme (see discussion later in the report), to relocate the benches and cycle hoops, material samples to be provided and for the trench line to be moved slightly. A suitable condition is recommended to address this.

2) Trees

Trees have an intrinsic landscape and townscape value and when development proposals involve their removal it is important that this is carefully considered. The proposed development would result in the need to fell the 13 existing trees within the area, including the two large Horse Chestnut trees which dominate the area fronting the Market Hall, to recreate the Victorian aesthetic and return the visual emphasis to the quality of the built environment. Seven new trees are proposed to be planted as part of the development of the square. The Conservation Area Character Appraisal identifies the two large Horse Chestnut trees, symmetrically arranged with regard to the Market Hall as of Townscape Importance.

An Arboricultural Report has been submitted with the application which considers each of the trees in turn. Tree T5 (the larger Horse Chestnut on the site) is approximately 60 years old and shows signs of Bleeding Canker, which can lead to branches dying and dripping off and sometimes death of the tree. The majority of its growth is on one side and as such it is unbalanced which adds to its unhealthy state. This tree is assessed as a Category C1 tree and having a relatively low amenity value. Tree T4 (the smaller Horse Chestnut tree) is also detailed in the report and categorised as a C1. This tree also causes issues with paving, and also has a wound of bacterial wetwood that has been vented. Although this is not currently decaying, it is considered as a progressive structural defect. There are also other problems associated with this tree which are discussed in the report.

The Council's Trees and Woodlands Officer has raised some issues with regard to the Arboricultural Report / Tree Surveys undertaken and also questions the life expectancy of one of the trees and the choice of species for the replacement trees. The Report finds that all of the trees have a limited life expectancy which effectively means that this development provides an opportunity to remove the trees and start again with the provision of a high quality well designed scheme. It goes onto state 'Such an approach would allow for previous mistakes to be corrected, and for the integration of new tree planting materials into the design that would, in turn 'future proof' the scheme'.

1 It should be noted that the earlier tree survey (August 2016) categorised this tree as a B1 tree.
2 It should be noted that the earlier tree survey (August 2016) categorised this tree as a B1 tree.
Officers have considered the scheme in detail and note that objections have been received with regards to the removal of the trees. However, it is considered that the large trees detract from the amenity of the conservation area and their removal will effectively allow the enhancement and/or preservation of the character and appearance of the conservation area by allowing open views of the quality listed buildings that are the Town Hall and the Market Hall. This would allow the square to return to its late 19th Century urban character where the architecture dominates and trees are largely absent.

A condition is recommended that seeks to ensure that the trees that form part of the new square are properly managed and maintained and are an appropriate species. Where trees are being lost as part of a development the policy framework requires replacement at a ratio of 3:1.

Officers are satisfied that, with the inclusion of suitable conditions, the proposal would preserve and/or enhancing the character or appearance of the Town Centre Conservation Area, and as such complies with the relevant planning policy in this regard and the council’s legal duty to pay special regard to these matters.

3) Traffic and Highways

The proposed development will involve closing part of Blackburn Road (that part immediately in front of the Town Hall) but will allow vehicles to access the small car park that serves the properties on Broadway and the private Market Hall car park.

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.

The County Council is a partner stakeholder for the proposed works and supports the application provided that a S278 Agreement under the Highways Act is entered into for the works, and a construction management plan is provided which will deal with the practical issues associated with the works. With the support of the highways authority Officers are satisfied that the proposal is acceptable in terms of traffic and highway safety and that it complies with the provisions of the relevant planning policy in this respect.

4) Amenity and Businesses

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 Council's Environmental Health Officer has considered the proposals and has no objections provided that conditions are attached in relation to nuisance and construction delivery times. Officers have recommended appropriately worded conditions.

Concerns have been raised about the impact the closure of the road through the square will have on local businesses. However, the redevelopment of the square should help attract more people, activities and events into the town centre which in turn should increase footfall for local businesses.

Notwithstanding this, driving in front of the Town Hall and Market Hall has been prohibited since 2nd August 1993 with the exception of buses, permit holders and goods vehicles. On 5th June 2016 an experimental Traffic Regulation Order came into force that also made this section of Blackburn Road one-way and included a prohibition of driving except for unloading / loading goods vehicles.

In conclusion therefore, Officers are satisfied that the proposal meets with the provisions of the relevant planning policies in terms of amenity and will not have an adverse impact on the viability of near-by businesses.

5) Other issues

Drainage: Paragraph 103 of the Framework seeks to avoid development resulting in an unacceptable flood risk. At the local level, Core Strategy policy Env4 and saved Local Plan Policy E10 have similar aims. A condition is attached that ensures highway drainage is considered as part of the S278 agreement under the Highways Act. As such Officers are satisfied that the proposal meets with the provisions of the relevant planning policy in this respect.

Publicity responses: A further objection has been raised which highlights that tax payers money should not be used to pay for this scheme. The funding of this scheme is not a material planning consideration.

Conclusion

The redevelopment of the square in the manner proposed will contribute towards the creation of a high quality environment in Accrington Town Centre and complement the improvements that have already been carried out to the Town Hall and Market Hall. The proposed development will not only enhance the character and appearance of some of the town’s finest buildings but help improve attractiveness of the town for its residents and those who visit.

It is recognised that trees have an intrinsic value and can contribute positively to urban environments. However, on balance it is considered that there is justification to remove the trees given their condition and the fact that this is a heritage led scheme that will enhance the character and appearance of the high quality buildings that are behind the trees.
The proposed development complies with the policies of the development plan (and other relevant policy) and subject to the conditions recommended in this report it is considered that it should be supported.

**Recommendation**

That planning permission is GRANTED subject to the following conditions:

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

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

2. The development shall be carried out in accordance with the following plans and documents:
   - Arboricultural Report received 1st December 2016
   - MMD-367911-C-SK-0021 received rev P1 1st December 2016
   - Accrington Town Centre Ecological Inspection Note received 1st December 2016
   - MMD-367911-C-DR-00-0100-0104 rev P4 received 1st December 2016
   - MMD-367911-C-DR-00-0100-0103 rev P7 received 1st December 2016
   - MMD-367119-C-DR-00-0100-0105 rev P3 received 1st December 2016

   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.

3. Notwithstanding details submitted on the approved plans and prior to the commencement of development details shall be agreed in writing with the local planning authority in relation to:
   a. Precise line of the grey/black granite stripe in the paving;
   b. The location and management of the replacement trees which shall be replaced at a ratio of three new trees planted for every tree lost. The trees shall be planted during the first planting season following the occupation of the buildings hereby approved or on completion of development (whichever is the sooner);
   c. The location of benches, and;
   d. The location of cycle hoops.

   The development shall be completed in accordance with the approved details unless otherwise prior approved in writing with the local planning authority.
Reason: In the interest of preserving and/or enhancing the character or appearance of a conservation area in accordance with the provisions of Policy Env6 of the Hyndburn Core strategy and the NPPF.

4. Prior to the commencement of development a scheme and programme of tree planting and tree management for the square shall be submitted to the local planning authority and approved in writing. The following details shall be submitted:
   i. The species, size and location of trees;
   ii. When the trees will be planted and the means by which they will be planted;
   iii. The management and protection of trees for the duration of the development and the means by which dead, dying or damaged trees will be replaced.
   The approved scheme shall be implemented during the first planting season following the completion of development and any tree which dies or is felled, uprooted, damaged or destroyed in the first five year period commencing with the date of planting shall be replaced in accordance with the submitted details.

   Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with saved Policy E3 of the Hyndburn Borough Local Plan and Policy Env 7 of the Hyndburn Core Strategy

5. Prior to their use in the development, samples of the granite to be used on the benches and all surfacing materials shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details/samples unless otherwise prior approved in writing with the local planning authority. In particular, the approved sample colour and texture shall be maintained across the square.

   Reason: In the interest of preserving and/or enhancing the character or appearance of a conservation area in accordance with the provisions of Policy Env6 of the Hyndburn Core strategy and the NPPF.

6. Prior to its installation in the development hereby approved, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

   Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy Env 7 of the Hyndburn Core Strategy and in the interest of preserving and/or enhancing the character or appearance of a conservation area in accordance with the provisions of Policy Env6 of the Hyndburn Core strategy and the NPPF.

   Highways
Construction Management Plan

7. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i) the parking of vehicles of site operatives and visitors;
ii) loading and unloading of plant and materials;
iii) storage of plant and materials used in constructing the development;
iv) the erection and maintenance of security hoarding including decorative displays;
v) measures to control the emission of dust and dirt during construction
vi) wheel washing facilities;
vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

There shall not be any burning of waste material on site at anytime during the construction process or emissions smoke/fumes from site plant/equipment or stored fuel.

Reason: In the interest of residential amenity and highways safety, in accordance with the provisions of Policy E10 and Env7 of the adopted Hyndburn Core Strategy and the National Planning Policy Framework.

S278 Agreement

8. No part of the development hereby approved shall commence until a scheme and programme for the construction of the alterations to the public realm area, including highway drainage provision has 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 and retained for the duration of the development.

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

Reason: 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.

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

Informatives

13a, 14, 15, 16, 17

Highways comments should be referred to

Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not be undertaken between March and July inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections approved by the Local Planning Authority.

Bat informative.