

Application Number: 11/17/0407 and 11/17/0408

Full Application: 11/17/0407: Major Full: Change of use and erection of 24 no apartments and modification for remains of listed building (including roof terrace).

11/17/0408: Listed building Consent: Consolidation of ruinous remains of building and erection of new structure to create 26 no apartments, including roof terrace and restoration of some historic detail.

Address: Former Conservative Club, Cannon Street Accrington

Determination by: 30th Jan 2018

Applicant: Mr Bhatti

Agent: Mr D Isherwood, Sunderland and Peacock

The application is being presented to Planning Committee for determination because it has been requested by the Chief Planning Officer. This report deals with both the planning application and the listed building consent.

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 Conservative Club is located within the East Lancashire town of Accrington. The building is situated on the south west side of Cannon Street between Cannon Street and Paradise Street, in the town centre of Accrington and is positioned at the eastern end of Cannon Street. The building is also located within the Cannon Street Character Area of the

Accrington Town Centre Conservation Area. The Conservative Club retains its status as a grade II listed Building.

Proposal

The proposal is to erect a development of 26no one bedroomed apartments over 5no floors to will include parking, a roof terrace and the restoration of some historic detail to the remaining frontage of the Conservative Club on Cannon Street.

The proposed building would consist of a basement level, ground floor, first, second, third, fourth and fifth floors. There would be a balcony area on the north elevation accessible at the third floor. Internal parking for 10no cars is provided on the ground floor.

The proposed building would be to a similar scale of the existing, although the height would be lower than the original Conservative Club. The building would be erected on the original footprint and the third floor would be set back from the front main wall of the remaining structure.

The building would be built from natural stone with contrasting stonework at the ground floor level and the roofs would be in slate. Traditional features would be integrated into the building, such as quoins, band/cill courses cornicing and stone window surrounds, to match existing buildings. The form of the building will be simple and rectangular to aid provide contrast with the remaining complex façade.

Access to the building will be from the current main entrance on Cannon Street with a new building entrance located to the rear of the building (Paradise Street) with stair access to the above floor and lift access internally. Access to the car park is at the rear of the building would also be from Paradise Street.

Consultations

Public consultation: Site notices displayed and neighbour letters dispatched. One letter has been received in response to the planning application which is not a letter of objection but highlights the potential issues relating to parking and the height of the building being higher than what was proposed. The letter refers to 40no flats.

A further letter has been received in relation to the planning application which objects to the proposal in the grounds that it is overbearing.

LCC Highways: No objection provided off site highways works are carried out which would mean a new vehicular access on Paradise Street into the underground car parking.

Also the following conditions should be attached:

- Location of waste and recycling to be secured
- Sufficient secure and covered storage for cycles based on the rate of 1 cycle space per bedroom
- Construction Method Statement

LCC Education: *No request has been made.*

United Utilities: *No comments received*

Police Liaison Officer: *No comments received*

Historic England: *No comments received*

Victorian Society: *No comments received.*

HBC Conservation Officer: *no objection to the scheme, with comments on the following matters:*

- The scheme is a satisfactory way of preserving the remains of the listed building. It preserved the façade onto Cannon Street and the broad massing and outline of the building.
- The top of the restored second floor is weak and undeveloped. For example it should be topped with an entablature or balustrade, like the original. However, this could be designed and approved via a condition. There is no detailed conservation plan for the surviving façade.

Conditions are required in relation to:

1. A detailed scheme for the repair, conservation and design of the surviving listed building façade facing Cannon Street and 21 Cannon Street (Eagle Street) and the proposed additional storey shall be submitted and approved by the LPA. The scheme will include an ornamental entablature and balustrade on top of the additional storey in the manner of the original listed building.
2. A rectified high resolution photographic survey shall be made of the surviving front and side elevations of the listed building to provide high resolution rectified images of the surviving masonry prior to work taking place. during the works.
3. The bat and swift boxes should be carefully integrated into the walls of the building and avoid the listed facade.
4. Materials and details –
 - Stone walls shall be Pennine ashlar sandstone, sample and coursing to be approved. Basement stone walls to be coursed rubble, sample and coursing to be approved.
 - Notwithstanding the approved elevations, the elevations of the top floor shall be ashlar stone not render.
 - All roofs shall be Welsh slate, sample to be approved.
 - sample of painted aluminium watergoods to be approved
 - 1:20 detailing of the proposed architectural features of the new construction to be approved.
 - Details of all windows to be approved

- Details of external doors and internal doors, doorframes and skirting shall be approved.
 - Details of external and internal paint colours to be approved.
 - All windows to be painted externally off-white or cream.
5. Condition relating to obscure glass.

HBC Parks and Open Space: A contribution towards off site open space has been requested.

HBC Ecology: No objection to the scheme provided conditions are attached relating to external lighting, bat boxes and the inclusion of an advisory informative in relation to bats.

HBC Regeneration and Housing: No objection to the scheme. Affordable housing will be required at 20%.

HBC Environmental Health: No objection subject to conditions relating to site preparation and construction, noise insulation, mechanical ventilation and contamination.

Waste Services: Bin provision shall be made prior to occupation.

Relevant Planning History

11/14/0122 Change of use from club premises (D2) to restaurant (A3), Offices (B1a), 5no one bedroomed and 9no two bedroomed flats and removal of rear fire escape and alteration of existing entrance to re-open windows and provide fire escape doors and disabled access to front. Approved

11/04/0430 Change of use of club premises (D2) to restaurant (a£), Offices (B2) and 8no one bedroomed and 6no two bedroomed flats: Withdrawn.

There are other previous applications, but none relevant to these applications.

Relevant Policies

Development Plan

Hyndburn Core Strategy

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| • Policy BD1 | The Balanced Development Strategy |
| • Policy H1 | Housing Provision |
| • Policy H2 | Affordable Housing |
| • Policy HC1 | Green Spaces and Facilities for Walking |
| • Policy HC4 | Community Benefits/Planning Obligations |
| • Policy Env4 | Sustainable Development and Climate Change |
| • Policy Env6 | High Quality Design |

- Policy Env7 Environmental Amenity
- Policy A1 Amount and Distribution of Housing in Accrington
- Policy A2 Accrington Town Centre

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

Development Management Development Plan Document DMDPD

- DM10 New Residential Development
- DM11 Open Space Provision in New Residential Development
- DM12 Affordable Housing
- DM16 Housing Standards
- DM18 Protection and Enhancement of Natural Environment
- DM19 Protected Species
- DM22 Heritage Assets
- DM25 Pollution Control
- DM26 Design Quality and Materials
- DM29 Environmental Amenity
- DM31 Waste Management in all new Development
- DM32 Sustainable Transport Traffic and Highway Safety

Material considerations

- National Planning Policy Framework
- Planning Practice Guidance (PPG)
- Householder Design Guide (SPD) 2009
- Accrington Town Centre Conservation Area Appraisal
- Accrington Town Centre Conservation Area Management Plan
- Accrington Town Centre Heritage Assessment and Future Strategy

Observations

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), the adopted Core Strategy and the Development Management Development Plan Document (DMDPD).

This report relates to both the planning application for the erection of 26no apartments, and the listed building consent for the consolidation of the remains of the building, the erection of the new structure including the roof terrace and restoration of some historic detail. The first section of this report refers to the Listed Building Consent, whereas the second section deals with the planning application. Where there is some overlap this has been made clear in the report.

1) *Listed Building Consent 11/17/0408*

- History of the Conservative Club

The Conservative Club building is Listed Grade II and there are three other Grade II listed buildings; 21 Cannon Street, Cannon Street Baptist Church and the former Manchester and Liverpool Bank adjacent and immediately opposite that would be most directly affected by the proposed development. Five more Grade II listed buildings lie nearby and would also be affected; Church of St James, Sundial c.6 metres south west of Church of St. James, Monument to Adam Westwell c. 40 metres west of Church of St. James, Carnegie Public Library and Mechanics' Institution. In addition, the locally listed 7 – 17 Cannon Street lie adjacent (17 is attached) and the locally listed setted ginnel adjacent to the Baptist Church lies opposite. Other nearby local listed buildings that would be affected are Ewbank House, Cannon Street, 15 – 23 and 18 – 30 St. James' Street.

The Conservative Club was built in 1890-91 to the designs of Morley and Woodhouse of Bradford, using high quality buff ashlar sandstone. The symmetrical 5-bay façade is in a free Jacobean style with some Renaissance characteristics. The surviving façade has a raised entrance with a round-headed doorway flanked by coupled columns with entablature and pediment. The outer bays have 2-storey canted bays with parapets. The windows are large with mullions and transoms.

Before it was set alight, the building was three storeys high and had a basement and attic, canted bay windows, finials and parapets. Its special interest and contribution to the special interest of the conservation area lay in the scale, form and architectural style of the exterior façade. The remainder of the building was rendered functional construction largely hidden from view. The quality of the interior had been compromised so that the special interest of the building principally lay in the high architectural quality of the façade, which was reputed to be the largest Conservative Club in the country.

The surviving ground floor and basement façade now define the scale and form of the building. The architectural style of the façade remains intact with a full three-part Renaissance/Jacobean classical façade from plinth to entablature and pediment.

There also remains a sense of gravitas in the overall massing and it remains the largest façade on the south side of Cannon Street and thus a strong feature in the street scene. The pair of two-storey canted bay windows are strong architectural features framing the central

columnar entrance doorway with highly ornamented pediment above. The façade now reads as a Renaissance single-storey classical building.

Although the physical condition exhibits the effects of the fire and its aftermath, Officers consider that this should not prevent the façade being repaired and integrated into a development scheme, either as an elevation to a new building or as a free-standing structure. Officers have taken cognisance of NPPF paragraph 130, which states 'Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision'.

- Consideration of the scheme:

In relation to the listed building consent, it is necessary for Officers to assess the proposals in the manner outlined in paragraphs 131 to 135 of the NPPF, and in relation to the relevant local planning policies. Para 131 of the NPPF makes it very clear that It is highly desirable to sustain and enhance the significance of the conservation area by putting them to viable uses consistent with their conservation. Core Strategy Policy Env6: High Quality Design and the new policies within the DMDPD embrace this. Action 1 of the Accrington Area Action Plan: Protect and Enhance the Historic Resource of Accrington Town Centre Heritage Assessment and Future Strategy addresses the retention and enhancement of historic buildings - the Conservative Club being specifically mentioned.

The Council's intervention and response to the fire and its success in retaining the Cannon Street ground floor façade are evidence of sustaining the heritage in extreme conditions. Having saved the ground floor and basement façade as a unified entity, Officers consider it is highly desirable to sustain and enhance its heritage significance through conservation and a viable use.

The positive contribution that the conservation of heritage assets can make to sustainable communities, including their economic vitality, is recognised throughout Council planning policy. It underpins the Accrington Townscape Heritage Initiative which provides grant support for the repair of historic shops in the conservation area and the enhancement of their setting. The positive contribution of those heritage assets relating to this proposal is outlined in the Accrington Town Centre Conservation Area Appraisal.

It is also considered highly desirable that new development makes a positive contribution to local character and distinctiveness. The desirability is addressed in Core Strategy Policy Env6, and in the specific Proposals 8, 10 and 11 of the Accrington Town Centre Conservation Area Management Plan.

With regard to NPPF paragraph 132, Officers place great weight on the conservation of the Conservative Club Cannon Street façade, which was saved from the outcome of the fire. It also places great weight on the conservation of the setting of the other Grade II listed buildings immediately adjacent and opposite and the conservation of the character and appearance of the Cannon Street Character Area of the conservation area. Officers also places great weight on conserving the setting of the conservation area.

The applicant has submitted a Design and Access Statement and a comprehensive Heritage Statement with the application which aims to address the points raised above and provides a detailed overview of the history of the site.

The Council's Conservation Officer has been involved with the scheme from the outset and has worked closely with Planning Officers and the applicant to ensure that a suitable scheme comes forward. The Conservation Officer has considered in detail the final scheme which has been submitted and has confirmed that the scheme is considered to be a satisfactory way of preserving the remains of the listed building. It enables the preservation of the façade into Cannon Street and the broad massing and outline of the building. However he has also comments that the restored second floor is weak and undeveloped. He considers it should be topped with an entablature or balustrade, like the original. He is satisfied that this can be designed and approved via a condition prior to the commencement of works and as such a suitable condition is recommended. He has also commented that there is no details conservation plan submitted for the surviving façade, and as such a suitable condition is also attached. In addition he has provided Officers with a detailed list of conditions which have been drafted and included as recommendations at the end of this report (see the consultation section for detail).

- Conclusion:

On balance therefore, with the suggested conditions, Officers are satisfied that the proposal is acceptable and deals with the retention of the facade in a suitable way, meeting the relevant local and national planning policy in this regard. The listed building consent is therefore recommended for approval.

2) Consideration of the planning application 11/17/0407

- Principle of the development

Policy H1 of the Hyndburn Core Strategy states that provision will be made for 3200 dwellings during the period of 2011-2026 and that 'new apartment development will only be supported within, or within walking distance (250m or closer)_of Accrington and Great Harwood Town centres or as part of high quality development in canalside locations where the reaeration benefits of this type of development can be demonstrated'

As this proposal is within Accrington Town Centre, it meets with the provisions of this policy and as such Officers are satisfied that the principle of the development of apartments within this town centre location is acceptable, provided that it meets the provisions of other relevant local and national planning policies.

- Design

Policy Env6 of the Hyndburn Core Strategy requires that the character and quality of Hyndburn's urban environment will be conserved and enhanced through high quality design

and the protection of heritage assets and provides criteria which are expected to be met. This is supported by the provisions of the design policies within the DMDPD. The heritage element of this consideration has been detailed within Section 1 of this report and as such will not be repeated here.

Officers have worked closely with the applicant through both the pre-application and application process, to ensure that a suitable design comes forward for this site and are satisfied that the proposed development would be acceptable in relation to local and national planning policy in this regard.

- Affordable Housing

Policy H2 requires that on development of over 15 dwellings, 20% of affordable housing is provided. This is supported by DM12 of the DMDPD.

The applicant has confirmed that he will provide 25% of affordable housing on the development, which will be secured through a S106 agreement. As such Officers are satisfied that the development meets with this requirement in this regard.

- Amenity of neighbours

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 from 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. DMDPD Policy DM29 goes further and provides more detail in relation to amenity impacts caused on existing neighbours; in particular by separation distances.

Separation distances/overlooking: Policy DM29 of the DMDPD requires a separation distance of 21 m between main habitable room windows, with an additional 3m for every storey and 12m between gable ends and habitable rooms. This proposal is located within a town centre location which historically has close proximity between terraced houses. The proposed development is also lower in height than the historical building.

Discussions have been ongoing in relation to the separation distances between rear habitable rooms on Eagle Street (in particular nos 29 and 31) the proposed development. The distances which are provided by the development are only between 11m and 16m. This issue has caused concern to Officers as it would be very difficult to proceed with a scheme for residential development, should these distances be achieved. Each of the habitable rooms within the development need light and as such not having windows along this elevation would mean that it is not possible to provide the number of flats within the scheme to make it viable, and could result in the sterilisation of the site in terms of residential development.

It has therefore been necessary to consider suitable ways to reduce the potential of overlooking to these neighbours, whilst still providing light to habitable rooms in the development. Officers conclude that to ensure that the windows be part-obscure glazed to their mid-point for the duration of the development, will be a suitable compromise for this site in this regard. The obscure glazing would in effect, stop the neighbouring properties' residents from being able to see into the flats, and stop those in the flats from looking down into the windows of their neighbours. A suitable condition is recommended.

Officers accept that this element of the scheme weighs against the development in the planning balance, but as detailed within the conclusion of this report, on balance officers are satisfied that this is acceptable as it enables the development of the building to be achieved and the resulting retention and restoration of the frontage.

Overbearing: An objection has been made to the scheme in relation to the overbearing nature of the proposed building and indeed, the overbearing nature of the original Conservative Club. The objector has suggested that the height of the building is reduced.

Officers are mindful that the original Conservative Club was built on a similar footprint and that the height of this build is reduced from the original building. Although it is accepted that the development would be tall, it is set back from the Canon Street frontage and as a result of this only three stories would be visible to people walking or driving on Canon Street. There is some element of the development being considered as overbearing to the properties on Eagle Street. However as the proposed development is lower than the original building, Officers are satisfied that the development would be acceptable and no worse than the previous situation; it would be improved to some degree.

As such, Officers do not consider that the development would be overbearing and that it is in line with the relevant national and local planning policies in this regard.

Nuisance during construction: 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.

- Housing Standards:

Policy DM16 of the DMDPD requires that certain housing standards are met. Firstly it requires that at least 30% of any affordable provision in a housing development shall be specifically tailored to meet the needs of elderly or disabled residents, or be easily adaptable, in line with Building Regulations Requirement M4(2) Category 2. The agent has confirmed that all the flats are to be constructed to this standard and that there would be lift access to all the floors. The policy also requires that internal space is at least to the

nationally described space standards, including storage provision; this has also been confirmed as the case by the agent As such, officers are satisfied that this policy is met.

- Traffic and Highways:

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 DMDPD provides additional policy in regards to traffic and highway safety (Policy DM32).

The site is located within the town centre, with close proximity to the train station and bus stops and also a supermarket. As such it is considered to be in a highly sustainable location. There is limited on street parking in the area. The proposal includes the provision of 10no parking spaces within the rear element of the proposal, in an undercover garage.

The Highways authority have considered the proposal and have no objections to the development provided that there are some works carried out to the entrance to the site off Paradise Street and with the inclusion of conditions relating to the location of waste and recycling, sufficient cycle storage being provided and a Construction Method Statement being submitted. The applicant has since provided details in relation to the storage of bins and recycling facilities and as such this condition does not need to be attached. The other conditions are recommended in the conditions list below.

As such in the absence of an objection to the scheme from the statutory consultee, Officers are satisfied that the development meets with the provisions of the relevant national and local planning policies in this regard.

- 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'. DMDPD Policy 11 also deals with the provision of open space within new residential developments.

Due to the site restrictions and the size of the development, it has not been possible for the applicant to make provision of open space within the site. As such it is necessary to consider an offsite contribution as required by planning policy, which would be used to upgrade and maintain existing facilities in the area. The Council's Parks Department has made a request for £17954 and suggested that the money be spent towards the upgrading of Milnshaw Park or St James Skate Park which are located within the ward. This has been agreed with the applicant and a S106 is being drawn up to this affect.

As such, Officers consider that with the inclusion of this S106, the relevant planning policies have been met in this regard.

- Other matters:

Ecology: The Council's Ecologist has considered the proposal and has confirmed that with the inclusion of his suggested conditions he has no objections to the proposal. As such the application is considered to be acceptable in this regard.

Bins: The applicant has demonstrated than bin provision can be made in line with the relevant Council policy and this requirement is secured through the Section 106 agreement.

Improvements made to the scheme:

- Materials have been agreed to be natural stone throughout
- Stone detailing around the windows and the rear elevation has been improved visually.
- Inclusion of bat and bird boxes within the scheme
- Opaque treatment to the side elevation windows to protect the amenity of neighbouring residents and the residents of the development for the duration of the development.

Conclusions

Listed Building Consent 11/17/0408: 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 with the inclusion of the Conservation Officer's recommended conditions, the scheme is a satisfactory way of preserving the listed building façade and in terms of the broad massing and outline of the building. As such officers consider that the proposal meets with the relevant national and local planning policy in this regard.

Planning application 11/17/0407: In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account. Officers recognise that the proposal does not meet with the relevant planning policy with regards to separation distances, however they do consider that on balance, with the inclusion of the obscure glazing, the proposal is acceptable in this regard and meets with the other relevant national and local planning policy..

Recommendation

Listed Building Consent 11/17/0408: That Listed Building Consent is GRANTED subject to the following recommended conditions:

Conditions to be addressed in the supplementary report.

Planning Application 11/17/0407: That planning permission is GRANTED subject to the completed S106 agreement relating to the off site open space contribution and the bin provision, and the following recommended conditions:

Conditions to be addressed in the supplementary report.