

REPORT OF THE DIRECTOR

Plan No: 10/17/0774

Proposed development: Full Planning Application for Demolition of hexagonal 3 Day Market Hall Building and creation of new town square together with proposed screening to the Market Hall loading bays

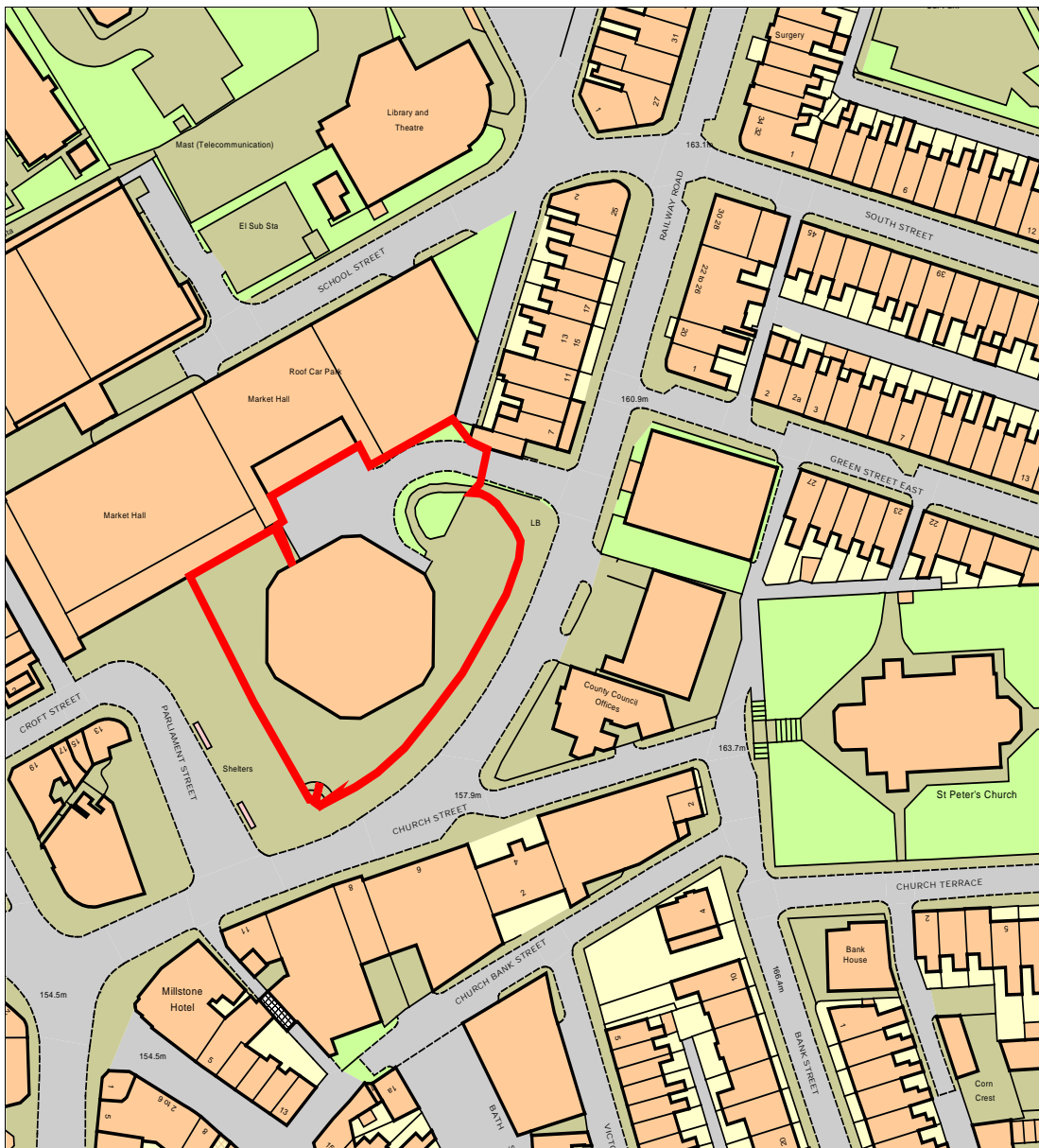
Site address: Darwen 3 Day Market Building, School Street/Parliament Street, Darwen, BB3 1BH

Applicant: Blackburn with Darwen Borough Council

Ward: Sunnyhurst

Councillor Dave Smith	
Councillor Brian Taylor	
Councillor Pete Hollings	

INSERT LOCATION PLAN



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – subject to conditions.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The proposal will see the demolition of the de-commissioned Darwen 3 Day Market Building to be replaced by a high quality public realm space

2.1.1 The key issues to be addressed are as follows:

- Principle of the development
- Impact of the development on neighbouring amenity
- Heritage impact of the development, which is included within the Darwen Town Conservation Area.
- Design
- Impact on accessibility and transport
- Drainage
- Ecology

2.1.2 Careful consideration has been applied to the ongoing viability of the market building and its negative impact, together with the redevelopment of the vacant space beyond demolition works, in terms of ensuring the sustainability and enhancement of the Conservation Area setting and the wider Town Centre. The proposal is considered to support the Council's Core Strategy and Town Centre Strategy and Action Plan (2013-2018) objectives, as well as achieving compliance with relevant national, Local Plan Part 2 policies and the Darwen Town Centre Conservation Area Supplementary Planning Document (SPD)

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is located in the heart of Darwen Town Centre, enveloped by Parliament Street to the west, Railway Road to the east and a roof top car park to the north which is accessed from School Street. The site comprises a single storey hexagonal shaped building and a small adjoining car park to the east.

3.1.2 The 3 Day Market Building was constructed in the late 1960's and is characterised as a concrete structure, fairly typical of the brutalist style of the era. It is unlisted but sits within the Darwen Town Centre Conservation Area.

3.2 Proposed Development

- 3.2.1 Planning permission is sought for the demolition of the hexagonal 3 Day Market Hall Building and creation of new town square together with proposed screening to the Market Hall loading bays.
- 3.2.2 The proposal seeks to deliver a high quality public realm area, preceded by a short term solution to the demolition works involving provision of a tarmac surface finish. The finalised public realm area aspires to provide a multifunctional public space that will revitalise the area, creating a sense of place and vibrancy which will make a significant contribution towards the sustained viability of the town centre, in response to current and future needs of the local community and wider locale.
- 3.2.3 The proposal is considered an appropriate solution to long standing concerns about the viability of the 3 Day Market and its negative impact on the perception of Darwen Town Centre. Prior to its closure, the market had a vacancy rate of circa 40%, resulting in compressed rents to an unsustainable level. Moreover, the building required major investment to ensure its safety and to bring it up to a modern standard. Following a wide ranging public consultation exercise, inclusive of market traders, members of the public and stakeholders, a decision was taken that the scale of investment required to undertake the necessary refurbishment works would not sufficiently transform the building and its immediate surroundings, given its fundamental obsolescence or ensure a sustainable increase in occupancy / revenue. Consequently, the required investment was deemed financially prohibitive and the Council determined the best course of action was to secure closure of the market building and pursue a demolition strategy; as approved by the Executive Board on 9th June 2016.

3.3 Development Plan

- 3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.3.2 The Development Plan comprises the Core Strategy, the adopted Local Plan Part 2 – Site Allocations and Development Management Policies and the Darwen Town Centre Conservation Area SPD. In determining the current proposal the following are considered to be the most relevant policies:
- 3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services
- CS12 – Retail Development
- CS16 – Form and Design of New Development
- CS17 – Built and Cultural Heritage
- CS20 – Cleaner, Safer, Greener
- CS22 – Accessibility Strategy

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 26 – Town Centres – a Framework for Development
- Policy 31 - Development in Defined Shopping Frontages
- Policy 39 – Heritage

3.3.5 Darwen Town Centre Conservation Area SPD (2013).

This document provides targeted advice to ensure high quality new development within Darwen Town Centre. It explains that the site historically *“would have had an open market and stalls are still evident in the retaining wall below Railway Road”*. It highlights the 3 Day Market as a *“negative building”* in terms of design, quality and its contribution to the townscape and states that it *“detracts from the square as it obscures the unique form of the space and vistas of Holker House and the Wesleyan Chapel”*. The SPD also promotes opportunities to *“address existing buildings that erode character and quality, encourage re-use of vacant and underused buildings and enhance the public realm with appropriate materials”*

3.4 **Other Material Planning Considerations**

3.4.1 Town Centre Strategy and Action Plan (2013 – 2018)

This document emphasises the need to improve the town centre offer and make the most of the quality assets that Darwen has. It also aspires to make the 3 Day Market more inviting and desirable.

3.4.2 The Pennine Lancashire Heritage Investment Strategy 2015 – 2020.

3.4.3 National Planning Policy Framework (The Framework).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph14).

Paragraph 23 sets out the presumption towards ensuring the vitality of town centres

3.5 Assessment

3.5.1 In assessing the application there are a number of material considerations that need to be taken into account, as follows:

- Principle and compliance with heritage objectives;
- Accessibility and transport;
- Design and layout;
- Drainage;
- Amenity impact;
- Ecology and
- Contaminated Land

3.5.2 Principle and compliance with heritage objectives

The principle of the development is considered under The Framework; Blackburn with Darwen Local Plan Part 2 Policies 26, 31 and 39 (Town Centres – a Framework for Development, Development in Defined Shopping Frontages and Heritage, respectively). The borough’s Core Strategy and The Darwen Town Centre Conservation Area SPD are also important material considerations.

3.5.3 The Framework makes it clear that the government is committed to delivering sustainable economic growth and at Paragraph 19 charges the planning system with the duty to *“operate to encourage and not act as an impediment to sustainable growth”*

3.5.4 An important consideration is provided within Paragraph 186 of the Framework, which states that local planning authorities should approach taking planning decisions in a positive way to foster the delivery of sustainable development. Additionally, paragraph 187 of the National Planning Policy Framework states that:

“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”

3.5.5 Paragraph 131 of the Framework relates to decision making in reference to conserving and enhancing the historic environment. It states that “Local Planning Authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

3.5.6 Paragraph 133 of The Framework states that where a proposed development will lead to substantial loss or harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

3.5.7 The site is allocated as part of Darwen Town Centre and lies within the Darwen Town Centre Conservation Area. The 3 Day Market Building is included as a Primary Shopping Frontage. Local Plan Part 2 Policy 39 sets out the principle for demolition of designated heritage assets. Part 6 of Policy 39 states:

“Where an unlisted building makes little or no contribution to the character of a conservation area and has little or no significance in its own right, proposal for demolition will be considered in the light of the degree of positive contribution made by alternative proposals for the site to preserving or enhancing the character of the conservation area”.

Part 7 of Policy 39 states:

“Consent will not be granted for demolition until an acceptable redevelopment scheme has been approved and there is evidence that a contract has been let for the full implementation of the scheme”.

3.5.8 The Design and current condition of the market building is such that it makes little or no contribution to the character of the conservation area. This is acknowledged in the Darwen Town Centre Conservation Area SPD, which describes the setting of the building, fronting the Victorian Market Hall, thus “the most significant townscape is at the Market Hall and forms the commercial focus to the area. The Market Hall provides a distinctive architectural backdrop on the northern edge of the space and the sweeping rise of Railway Road gives drama to the space. The less attractive 3 Day Market however detracts from the appearance”

The octagonal 3 Day Market Building in the market square built in the 1960’s detracts from the square as it obscures the unique form of the space and the vistas of Holker House and the Wesleyan Chapel. Traditionally the space would have had an open market and stalls are still evident in the retaining wall below Railway Road.

The Pennine Lancashire Heritage Investment Strategy 2015-20 cites redevelopment of the 3 Day Market Building as a priority heritage project: “The Darwen Market is an important contributor to Darwen’s economy. The 3 day market was not covered as part of the Darwen Townscape Heritage Initiative (THI) but now has a negative impact on the THI investment, upon the newly refurbished Market Square. In its current condition the building contributes in a negative way to the Market Square. The development and renovation of the 3 Day Market Building would contribute a better value to the town.

- 3.5.9 Whilst it is acknowledged that the demolition of the 3 Day Market Building is not directly called for in either document, it is clearly demonstrated that the building makes little or no contribution to the conservation area setting. Moreover, the prohibitive maintenance costs associated with the building and the opportunity that demolition allows for restoring the site back to a quality civic space to enhance and sustain the conservation area, should be afforded significant weight, to secure its long term position as an important heritage asset.
- 3.5.10 Although only indicative proposals are currently available for the long term restoration of the site, Capita are in the latter stages of finalising plans. Full details of the long term restoration will be required through application of a suitably worded condition. In the short term, a tarmac top surface is proposed, to allow for a temporary restoration treatment and to ensure a usable space during the busy lead in to Christmas and beyond.
- 3.5.11 Evidence of funding secured to deliver the scheme has been provided through submission of the Executive Boards 'Summary of Decisions', which confirms approval at the boards meeting on 13th July 2017. Together with Capita's commitment to securing the finalised scheme and the other material considerations of the markets continued detrimental impact on the Conservation Area, the resultant urgency to secure its removal and the substantial and demonstrable public benefits of its loss and the redeveloped public square, it is considered that compliance with The Framework and Policy 39 is achieved.
- 3.5.12 Loss of the Primary Shopping frontage falls outside of the scope for compliance with Policy 31 of the Local Plan Part 2. It is, however, considered that other material considerations should outweigh its loss; including the vacant nature of the building not offering an active frontage, its unsustainable structural future and the prospect of the alternative use guaranteeing enhanced vitality and viability to the area; envisaged to include temporary markets and craft fairs, ensuring retention of some retail function.
- 3.5.13 Amenity
Policy 8 states "development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings".
- 3.5.14 Due consideration has been given to the impact of the demolition works, in consultation with the Council's Public Protection team, who recommend application of conditions to require a demolition method statement to safeguard surrounding properties from excessive noise, vibration and dust and limited hours of on site works.
- 3.5.15 A Desk Top Study to identify potential for ground contamination has been reviewed. No contamination risk was found.

3.5.16 An asbestos survey has been submitted. The survey highlights the need for further inspections prior to demolition works but only once the building has been fully decanted. Safe removal of any identified asbestos will be managed by the Health and Safety Executive and site operatives.

3.5.17 Overall, the scheme is compliant with Policy 8.

3.5.18 Highways

Policy 10 states “development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users (including bus passengers, refuse collection vehicles, the emergency services, cyclists and pedestrians) is not prejudiced”.

3.5.19 The Council’s Highways team is supportive of the proposal, subject to application of a condition requiring submission of a demolition / construction method statement, to include:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- noise control scheme;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- tracking of vehicles;
- traffic management to manage construction vehicles accessing the site.

3.5.20 Drainage

Policy 9 states “development will be required to demonstrate that it will not be at an unacceptable risk of flooding”. The site is located within Flood Zone 2 as there is a culverted river under the site.

3.5.21 No objection has been offered by the United Utilities, The Environment Agency or the Council’s Drainage team; subject to application of appropriately worded conditions to manage foul and surface water drainage.

3.5.22 Ecology

Policy 9 states “development should not have an unacceptable impact on environmental assets or interests, including habitats, species and trees”. Ecology studies of the building will be required to ensure that there would be no loss to protected species.

3.5.23 A Bat Report to identify bat habitats within the building has been reviewed. Whilst no bats were found, the recommendations of the Bat Report in Sections 4.6 and 4.7 should be implemented. These are:

- All contractors to be aware of the potential presence of bats within the building and the signs to look for;
- An adequately qualified ecologist is on call throughout construction work hours;
- Work ceases immediately if any bats are encountered at any stage and only resumes once further advice from the on call ecologist has been sought. If the bat is in immediate danger it should only be picked up with gloved hands and placed in a secure container with air holes in a dark, quiet place until the licenced ecologist arrives at site.

3.5.24 As the building is scheduled to be demolished outside of the nesting bird season (March to August), no conflict with nesting birds will arise.

3.5.25 Design and Layout

Policy 11 states “all new development will be required to present a good standard of design and will be expected to demonstrate an understanding of the wider context; and make a positive contribution to the local area”. Policy 39 also requires that the proposals preserve or enhance the character of the conservation area.

3.5.26 A detailed Design and Access Statement has been submitted. Although the final proposal for the town square has not been formalised at this stage; a conceptual model has been presented which illustrates an envisaged high quality scheme, featuring an appropriate mix of hard and soft landscaping and one that will accentuate the squares position as a focal point of the conservation area and wider town centre, complementing improvements secured through the THI investment. Application of a condition to require submission of a fully worked up design scheme, including layout, materials and comprehensive planting will be required. In the short term, provision of a tarmac top surface will be provided to ensure use of the space after demolition and appropriate screening is proposed to the exposed units beneath Railway Road. Accordingly the proposal is compliant with design and heritage requirements.

3.5.27 Summary

This report assesses the full planning application for the demolition of Darwen’s 3 Day Market and the redevelopment of the vacant space into a new town square. In considering the proposal, a wide range of material considerations have been taken into account. Additional non-material concerns, not relevant to the assessment of the application, have been raised; summarised as follows:

3.5.28 Accuracy of The Council’s Condition Report and estimated schedule of cost for remedial works for the 3 Day Market Building:

3.5.29 Effectiveness of the Council’s community consultation, to determine the best solution for the site.

3.5.30 Failure of the Council’s Executive Board to consider Paragraph 23 of The Framework, titled “Ensuring the vitality of town centres” when considering solutions for the site. The Executive Board was not considering a planning

application and was under no obligation to consider National Planning Policy. Regardless, the matter is not material to the assessment of the planning application.

3.5.31 Future use and maintenance of the new public square and absence of proposed public toilets.

3.5.32 The need for the proposal to be referred to the Secretary of State (SoS) for determination has also been raised. It was confirmed prior to submission of the application that referral to the SoS was not a procedural requirement; as confirmed by section 196D Town & Country Planning Act 1990 (as inserted by Schedule 17 of the Enterprise and Regulatory Reform Act 2013), which requires obtaining planning permission for relevant demolition. Conservation Area Consent was previously needed to demolish unlisted buildings in Conservation Areas. This was controlled by Section 74 of the 1990 Town & Country Planning (Listed Buildings & Conservation Area) Act 1990, whereby if the applicant was the local authority the conservation area consent application had to be referred to the SoS. However, since 1st October 2013 this is no longer required, following the enactment of the Enterprise & Regulatory Reform Act 2013, but full planning permission will be required for "relevant demolition", which includes unlisted buildings in conservation areas.

The Town and Country Planning (Consultation) (England) Direction 2009, relates to Section 77 of the 1990 Town & Country Planning Act that allows the Secretary of State to give directions requiring applications for planning permission to be referred rather than being determined by the LPA. The categories of development which require referral are as follows:

- Green Belt development (buildings greater than 1000sqm);
- development outside town centres (not in accordance with the development plan, building greater than 5,000sqm);
- World Heritage Site development;
- playing field development (where the land is under the ownership of the Local Authority) or
- flood risk area development (major development where the Environment Agency have objected).

As the proposal does not fall into any of these categories, referral to the SoS is not a requirement. An application for the demolition, extension/alterations of a Local Authority owned *listed building*, whereby the applicant is the local authority would require referral to the SoS.

4 RECOMMENDATION

4.1 Approve subject to:

- (i) Conditions which relate to the following matters:
 - Commence within 3 years.
 - Final layout including materials for all hard landscaping and a tree and low level shrub planting scheme to be submitted and implemented.

- Demolition management plan to be submitted and implemented.
- Drainage scheme to be submitted and implemented.
- Foul and surface water to be drained on separate systems.
- Tree protection during demolition.
- Limitation of on site works to:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays.
- Dust management plan to be submitted and implemented
- Archaeological watching brief.
- All contractors to be aware of the potential presence of bats within the building and the signs to look for;
- An adequately qualified ecologist is on call throughout construction work hours;
- Work ceases immediately if any bats are encountered at any stage and only resumes once further advice from the on call ecologist has been sought. If the bat is in immediate danger it should only be picked up with gloved hands and placed in a secure container with air holes in a dark, quiet place until the licenced ecologist arrives at site.

5 PLANNING HISTORY

5.1 No relevant planning history exists.

6 CONSULTATIONS

6.1 Arboricultural Officer

No objection.

6.2 Local Authority Drainage

No objection, subject to application of drainage condition to ensure implementation of an appropriate scheme of drainage.

6.3 United Utilities

No objection, subject to application of drainage condition to ensure implementation of an appropriate scheme of drainage.

6.4 Public Protection

Amenity

Recommended conditions:

- Site working hours to be limited to between 8am to 6pm, Monday to Friday; 9am to 1pm on Saturdays and no works permitted on Sunday or Bank Holidays.
- Demolition / construction scheme to be submitted for protecting the surrounding premises from noise, vibration and dust.

Contaminated Land

No objection.

- 6.5 Highways
No objection, subject to application of a demolition / construction method scheme.
- 6.6 Lancashire Constabulary
No objection but desire to ensure development promotes natural surveillance, maximise effectiveness of lighting, appropriate low level landscaping and CCTV coverage.
- 6.7 Heritage Investment Manager (Conservation)
Supportive of the proposal, subject to appropriate demolition management in order to safeguard the adjoining Victorian Market.
- 6.8 Ecology
No objection, subject to appropriate mitigation measures.
- 6.9 Lancashire Archaeological Advisory Service.
No objection, subject to application of a condition to require an archaeological watching brief during demolition and a recording of any significant remains that are identified.
- 7 CONTACT OFFICER: Nick Blackledge, Assistant Planner - Development Management**
- 8 DATE PREPARED: 2nd August 2017**

9 Summary of Representations

Objection Rev'd David Stephenson, St Peter, Darwen

I write with comments regarding the above planning application, made to Blackburn with Darwen Council, for the demolition of the 3-Day Market Building in Darwen.

Blackburn with Darwen Borough Council document: Local Plan Part 2, Policy 39 - Heritage, point 7 states:

Consent will not be granted for demolition until an acceptable redevelopment scheme has been approved and there is evidence that a contract has been let for the full implementation of the scheme.

As no plans have been submitted for any form of redevelopment of this building or site I understand that the Council is unable, according to its own policies, to grant planning permission for the demolition of this building.

Objection Roy & Lynn Schofield 12 Coniston Drive, Darwen

Condition Report (Attachment 1)

In September 2015 Blackburn with Darwen Council commissioned a report on the state of Darwen 3-Day Market. This report has since been largely discredited as it includes many items which were unnecessary and many grossly over priced. To give a few examples:

It was claimed that asbestos was present and would need to be removed. This was incorrect. There was asbestos present in the paintwork but that could be remedied by covering the paintwork. This is now confirmed by the Provisional Pre-Demolition Asbestos Survey.

The report stated that the PA system was tired and need replacement at a cost of £12,000. A more reasonable cost would be 10% of that figure. To use replacement of a PA system as partial reason to demolish the 3 Day Market building is ridiculous. It is tantamount to saying that you would demolish your house if you television needed replacement.

Removal of graffiti, which should surely be considered part of the routine maintenance budget, was also included. Again, the estimated costs for this appeared to have been inflated significantly.

In short this document was designed to give the Council Executive an excuse for closure of the 3 Day Market and demolition of the building. In most respects this failed. The cost of demolition, relocation of the market traders and loss of income was 2.1 times the cost of even the unrealistic costs in the report (Executive Board Decision 9th June 2016).

The Executive then had to choose between keeping and enhancing the 3-Day Market or closing and demolishing it. (**Attachment 2**) The Council Executive has chosen the uneconomic option over the economic one and decided that the 3 Day Market should close, with a projected further loss of income to the council of £41,000 per annum.

We therefore urge that this Planning Application be rejected on the grounds that the information contained within section 9 of the Planning Application is misleading and does not justify the need for the demolition of the building.

Consultation

The council executive have stated in several documents that there was a consultation exercise to determine the best solution for the site. This is, at the very least, disingenuous. At the meeting at St Peter's Church on 8th April 2016 Councillor Riley stated that the 3-Day Market building would be demolished and that this was a "done deal". In other words the council would not countenance any discussion on the option of keeping the 3-Day Market or its building. Councillor Riley also stated that there was no plan for replacement or development of the site in place.

The council commissioned the Darwen Town Centre Partnership (TCP), a quasi political body, to consult on the what would replace the 3-Day Market. The option to retain 3 day trading was not included in the consultation. Resources were committed and 10,000 leaflets were printed. Despite their best efforts only 505 responses were received. Of these 152 were generated at a closed event for Darwen Aldridge Community Academy (DACA) students. It is questionable why political activities were allowed at a state school. Thus even with a captive audience the TCP only managed to get 505 responses.

It is stated in the Design and Access Statement that 50 people attended a workshop at DACA and that these 50 people produced 82 responses. It would seem that it was acceptable for people to make multiple responses. No information has been provided as to how many individuals responded to the consultation as a whole.

The workshop at DACA was held in the early evening on a weekday. Many Darwen residents would have been unable to attend at such a time. It would have been impossible for the elderly or those who had mobility issues to attend as they tend to use the local bus services which do not run at that time. There is a large portion of the population who work full time and have young families to look after. Again it would have been very difficult for them to attend.

Of the 505 responses 301 were obtained from actively approaching people (152 from DACA students, 82 from DACA workshop and 67 from Darwen Music Live). This leaves just 204 from the general public. Darwen has a population of about 27,500.

The council could have considered a randomised survey to be carried out by an independent body. This would have produced a result which would have reflected the views of all residents of Darwen across all ages, abilities and ethnic groups.

What is not disclosed by any documents was that a small group of stall holders and concerned residents raised a petition of close to 2,500 signatures requesting that the 3-Day Market be retained. With a fraction of the Council's resources this group had managed to get 5 times the number of responses as the the council lead campaign. At the calling-in meeting at the Council the TCP campaign was held as a great success while the petition was considered irrelevant even though with the limited resources it amounted to nearly 10% of the town's population.

We therefore urge that this planning application be rejected on the grounds that proper consultation with local residents and users of the Market buildings has not been carried out. The demolition of the 3-Day Market Building risks damaging the wider social, cultural, and economic aspects of Darwen's town centre (within the Conservation Area) by removing a building which has been a significant asset to the community for a large number of years.

Local Plan

Policy 39 (Heritage) states that:

Consent will not be granted for demolition until an acceptable redevelopment scheme has been approved and there is evidence that a contract has been let for the full implementation of the scheme

There is no ambiguity in this policy. It is very clear and there is no room for manoeuvre.

The Planning Statement document section 3.3 states: "Following the demolition, the 3 day market footprint will be simply reinstated with a tarmac or sub base finish. In the long term, a new public realm scheme will be implemented."

In other words there is no plan for redevelopment at this time. Diagrams and plans provided by the council are aspirational only. They are not part of the application. There is no indication that the council has any budget for any future development. Indeed at the meeting at St Peter's Church on 8th April 2016 Councillor Riley stated that it would be

unlikely that there would be any funding for at least 3 years.

If this application is granted there are major ramifications for future applications. Future applicants will be able to argue with some justification that if the Council is not subject to its own rules then they too should not be subject to those rules. This risks setting a precedent that development within the Conservation Area need not abide by national and local regulations and may lead to further inappropriate development within this and other Conservation Areas in the future.

The planning statement gives the justification that "It is understood that Capita are in the process of finalising plans for the site" as a reason for ignoring this requirement. However in the Planning Application Section 3 it is stated that:

"The formal design process will begin following the demolition of the 3 day market."

This inconsistency – how can Capita be finalising plans for the site if the planning process has not even started? – suggests that the Council is unclear about where it actually is in its own planning process, has not fully considered the implications of the demolition of the 3-Day Market building, and is in breach of Policy 39 (Heritage) of the Local Plan.

There are frequent mentions in various documents for 'long-term' plans. 'Long term' would normally imply years. Indeed, if the planning process is not to start until after demolition then it is likely that any commencement of work will be at least several years away. To emphasise this point the Council decided to close the 3-Day Market close to 18 months ago. Since that time, no concrete plan has been published as to what the Council plans to do next with the site.

Evidence that there will be no implementation of any plan for a considerable time is that the Planning Application states that the area is to be tarmaced over. If there were an intention to complete the work quickly then there would be no need to incur the extra expense of this process.

In the letter from Kate McDonald MSc MRTPI, Planning Team Leader, to Wendy Penman, Building/Estates Surveyor, (included in the documents attached to the Planning Application she says in relation to Policy 39 of the Local Plan that:

"The Local Planning Authority will require evidence that the contract has been let for the full implementation of the scheme."

The same letter also notes that:

"The proposal for the town square has not been fully worked up, however, the general principle is accepted. Further details would be required with the application submission, to detail the layout, materials, features and landscaping details."

No evidence either that the contract has been let or that any long term landscaping or replacement for the 3 Day Market building has been planned has been attached to the Planning Application. Reporting in the local press, quoting members of the Executive Board) also indicates that plans are still in the early development stage (see http://www.lancashiretelegraph.co.uk/news/darwen/15365871.Market_hall_replacement_preview_gIVEN_to_Darwen_partnership_board/).

We therefore urge that this Planning Application be rejected on the grounds that it does not conform to the requirements of Policy 39 (Heritage) of the Local Plan. On these grounds, if on no other, this Planning Application should be rejected.

National Planning Policy Framework

Section 23 of the National Planning Policy Framework states:

"Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should 'retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive.'

Note that this document is dated March 2012. In this case the word "existing" will refer to what was existing at that time not necessarily what is existing now.

The matter of this policy was raised with the council by letter. In her reply Denise Park, Deputy chief Executive replied that "the Executive Board was not considering a planning application and hence would not have been expected to take into account nation planning policy or guidance." (**Attachment 3**) If this be the case then there is a massive loophole in the national Planning Policy Framework. Even so the council was clearly not adhering to the spirit of the framework.

The result of the approval of this application is likely to leave what is in effect a waste area in the heart of Darwen, since no proposals for landscaping or a replacement building have been put forward. Not only does this fail to promote growth in the town centre, but an unattractive tarmac area will serve only to deter new visitors to the town. This risks closing off new sources of revenue to the market in the form of both customers and potential new stallholders. Moreover, there is no evidence of any attempt by the Council to 'retain and enhance' the existing Markets.

The closure of the 3-Day Market has had a detrimental effect on the main Market. Since its closure in October 2017 over 30% of stall space on the main market has, or is the process of being, vacated. In part, this is due to the duplication of offerings by stalls which have moved to the main Market Hall having previously been located in the 3 Day Market. When they only opened for three days per week, they were able to attract further footfall to the Market as a whole; however since they are now opening at the same time as the other stalls within the Market, they are diluting the weekly customer base. As a result, since customer numbers have not increased under the new arrangements, there is not sufficient custom for stalls with similar offerings to maintain their businesses.

One of the reasons put forward for demolishing the 3 day market building is that there was a 40% vacancy rate (Planning Statement section 3. 1). The main market is now, as a result of the Councils actions in closing the 3 day market, approaching a similar level of vacancy. There is a great (and evidently realistic) fear that the Council will now use this as an excuse to close the main market.

It is essential that any future plans for the centre of Darwen should include an element 3-day trading in order to attract increased footfall in the town centre regularly at weekends. Otherwise the future of Darwen as a market town will be very limited.

In the long term the council says it will create an open space for "events". It is unclear what these events will be but one mentioned is farmers' markets. These types of events generally take place on Sundays as many of the traders who are essential to make successful markets attend traditional markets on Saturdays. It is unlikely that residents will frequent both the main market and the farmers' market on the same weekend. Thus trade on the main market will diminish still further resulting in more lost stalls.

One of the reasons put forward for demolishing the 3-Day Market building is that there was a 40% vacancy rate (Planning Statement section 3.1). The main market is now, as a result of the councils actions in closing the 3 day market, approaching this level of vacancy. There is a great fear that the council will now use this as an excuse to close the main market.

This application is to leave what is in effect a waste area in the heart of Darwen. This will deter new visitors to the town again putting pressure on the market.

The application should be rejected on the grounds that it does not conform with the National Planning Policy Framework.

Key views

Section 5.5 of The Planning Statement states that "the market detracts from the square as it obscures the unique form of the space and vistas of Holker House and the Wesleyan Chapel. Its demolition will therefore have a positive impact on the area as it will no longer obstruct important views." This plan will indeed open up these views. However it will also open up the less imposing vista to the east of the market building. This will include the market loading bay and multi-storey car park. Note that while a screen is in the title of this application, there is no part of this application that covers the construction of such a screen. Again, details on the landscaping and replacement of the demolished facilities is a requirement of Policy 39 (Heritage).

With regard to the National Planning Framework, views of the market loading bay and car park will not enhance the area and will, in fact, detract from the overall appearance of the Market Square.

While the views of the loading bay and car park will be enhanced considerably, other views will be only marginally changed. A close look at the photographs in the Design and Access Statement will confirm this.

We therefore urge that this Planning Application be rejected on the grounds that the views created by demolishing the 3 Day Market Building will be even more detrimental to the local area than leaving the building in place.

Events

The aspirational plan for future development frequently quotes the potential of holding events in the area. However there is little or no detail as to what these events would be. This is important because it is impossible to design a facility of any description without knowing what its function will be. Even in this early stage there are glaring problems. For example the plan shows a seating area and amphitheatre. Is this necessary for Farmer's Markets and car boot sales as envisioned by the TCP. On the other hand if longer events which require the use of seating are envisaged then why is there no provision for public

toilets. The only public toilets in Darwen town centre are in the market annexe and this is closed on Sundays, Tuesday afternoons and every evening. Perhaps Portaloos are envisioned but this would imply that such events would be spasmodic.

It is unclear who would be paying for these events. There is no reference to this in any of the documents that I can find. We know that funding is scarce and at least one event has had to be cancelled this year presumably due to lack of funds.

We therefore urge that this Planning Application be rejected on the grounds that the replacement for the 3-Day Market building has not clearly been thought out or prepared; the demolition would be in breach of Policy 39 (Heritage) of the Local Plan and would not conform with the National Planning Framework.

Maintenance

At the meeting at St Peter's Church on 8th April 2016 a document was circulated (**Attachment 4**), showing income and expenditure for the whole market complex. This document showed that over the 5 years it covered annual expenditure of only £5,563 was spent on maintenance. The first 3 years (2010 – 2013) showed a total of £8,519, an average of just £2,863. Total surplus over the five years was £484,415 (average £96,988 per annum).

The Condition Report noted that there was graffiti on the roller shutter doors on the 3 day market. The graffiti had presumably not been noticed by the council staff or if it had no action was taken. As is well known graffiti is easily dealt with if it is actioned promptly but more difficult if it is left.

As well as remedial work required for the 3 day market, the condition report also identified significant work required on both the main market hall and the annex. The council has carried out little if any of this remedial work.

This implies that the council does not have an ethic of maintaining its own buildings and facilities. Without this ethic any building or facility will deteriorate over time. The aspirational plan put forward by this application makes no mention of maintenance. There is no strategy to make the installation low maintenance. There is no indication on any estimation of costs or if there will be funds available for maintaining the facility.

Without a maintenance plan the area will quickly deteriorate into an eyesore.

Local knowledge

On the western face of the 3 Day Market building there is a seating area with a degree of covering which protects the users from the weather. This is used extensively throughout the day and into early evening. It has great social significance for the older generations during the morning and early afternoon and to the younger generation (especially pupils from local schools) from late afternoon to early evening. There is no covered seating on any of the aspirational plans, and no seating at all is given in this Planning Application which reduces the social capital of the site significantly. Open tarmac will not provide a suitable space for socialising in this manner.

There are several references to Plaza Mayor, Madrid as if this were some sort of aspirational design. It does seem to be a good design. However there are stark differences

in climate. Madrid has just 63 precipitation days per year. Darwen has in excess of 250. The result is that a design intended for a relatively dry area is unsuitable for a relatively wet area.

We therefore urge that this Planning Application be rejected as it will fail to enhance the area in compliance with the National Planning Framework and will, in fact, detract from it.

Waste Land

The current application is to demolish the 3-Day Market and leave the site in what is in effect a waste area. There are no proposals to develop the space other than that of "future developments". The demolished 3-Day Market building is to be covered with tarmac or similar.

The Railway Road area has a plethora of takeaways. It is not unusual for litter to accumulate in the area between the 3-Day Market building and Railway Road not just from the takeaways but from the resulting overflowed litter bins. This is bad enough but most of this is at least hidden from view. With the building demolished there will be nothing to stop the litter spreading to (and across) the market square, making the site even more unattractive than it is at present.

Application Form

The application form contains an number of inaccuracies.

The address of the 3-day Market building is incorrect. The application locates the 3 Day Market building in School Street. Most people would place the 3-Day Market building on Parliament Street or possibly Railway Road.

Section 9 states that the 3-Day Market building "required major investment (circa. £1.7m) to bring it up to standard and extend its life." This figure is nothing more than a rough estimate, since there has been no documented costing for any development of this type. The only figures available are contained in the condition report commissioned by the Council. In this document an inflated cost £180,000 is given.

Section 9 also states that the rents in the 3-Day Market were not at a sustainable level. This is untrue as the market generated a surplus of income over expenses. Moreover, the Council's own report stated that a loss of £41,000 per annum could be expected by closing down the 3 Day Market, even when the relocation of some stallholders to the main Market was taken into account. Overall the markets produced a surplus in excess of £50,000 per annum.

The description of the application on the Council website is:

"Demolition of hexagonal 3 Day Market Hall Building and creation of new town square together with proposed screening to the Market Hall loading bays"

However there is no mention of any screening on the application form. This would need to be addressed as part of the Council's need to conform with Policy 39 (Heritage) and the National Planning Framework.

We therefore urge that this Planning Application be rejected as the significant inaccuracies contained within it mean that the proposal itself is flawed and would need significant revision in order for the Council to comply with its own policies.

Funding

The Council has given no information about the cost of any future developments. There is no commitment to provide funding for the future developments and no evidence of a budget for any developments. This is at odds with the requirements of Policy 39 (Heritage) of the Local Plan and we therefore urge that this Planning Application be rejected.

Previous Plans

In the document "Darwen Town Centre Strategy and Action Plan 2013-2018" we were promised that the Council would:

"Revitalise Darwen Market, improve cleanliness, signage, carrying out repairs, redecoration and make the 3 Day Market more inviting and visible."

And the status of this promise was:

"Options review and costings being undertaken on longer term investments"

Yet within two years this promise was reneged on and an unmandated plan was instigated to close the 3-Day Market.

While the Council is, indeed, entitled to change its mind, these actions and decisions have been taken in opposition to the National Planning Framework and to the detriment of the local community. We therefore urge the Planning Committee to reject this Application until the Council has put forward a suitable replacement scheme to which funding is attached.

Future

Closing the 3-Day Market has caused a lot of damage to both the markets as a whole and the town centre. But it is not irreparable. With a little imagination and very little funding the damage can be reversed.

The first thing to note is that if the 3 day market were to be reopened it would not have the occupancy rates achieved before its closure. There would be a considerable spare space and this could be put to good use for displays, demonstrations and invited markets.

Local schools are largely ignored by the community outside of their own environment. Primary schools could be invited into the market building to put up displays of their work. Children of this age usually do some form of school project (Romans, Greece, Egypt etc.) and their finished projects could be exhibited in the market. This would be a point of pride for them and have a secondary effect of attracting their parents and grandparents into the market. Perhaps the children could dress in appropriate costumes and even give a small performance.

Secondary school pupils could also display their work. Music, art, drama and even science could be included. This would bring old and young together and bridge the gaps between generations. Let the young ones show what they can do. A bit of admiration from the public would boost their confidence no end.

There are many local groups eager to recruit new members. Scouts, guides, dance

groups, model making, craft, musicians and many others could be encouraged into the building and they would be more than happy to put on exhibitions and demonstrations. As well as attracting more people into the town centre it would also demonstrate that there is more on offer than the mobile phones and television with which they currently occupy their time.

Craft and food markets could be invited. There is a big attraction here for such marketeers. On the one hand there is already a customer base for the visiting retailers and the other addition visitors for the established market.

Faith groups could put on joint displays. Imagine how good for the community it would be for Christian, Muslim and Hindu and other faiths giving a public display of their unity.

There is a unique opportunity for a true community area to be established. Few if any of these events could be staged under the plans put forward here. Darwen could be brought together, old, young and all those between. Ethnic and religious groups, disabled and able-bodied together in the heart of Darwen. If the 3-Day Market is demolished then this opportunity, this future will be lost for ever.

Conclusion

This application should be rejected as it is in breach of the Local Plan and the National Planning Policy Framework. There is no plan in place for future development of the site other than covering the site with tarmac, nor is there funding in place for any replacement for the 3 Day Market.

The site is an important central location located in a conservation area. To turn it into a wasteland area is not acceptable. Darwen, and indeed any town, deserves better than this. Please reject this Planning Application to better enable growth and development of Darwen's historic town centre.

Support Stephen Jepson 89 Manor Road Darwen

I have been reading the press coverage with relation to the above and thought I should let you know that I think its a great idea!

The three day market building is an eyesore, however opening up the area will look visually fantastic and will be great for social gatherings and events, which can only be good for Darwen

The loading bay of the annex may however look uninviting when the market has been demolished, this will need some thought

Keep up the good work
