

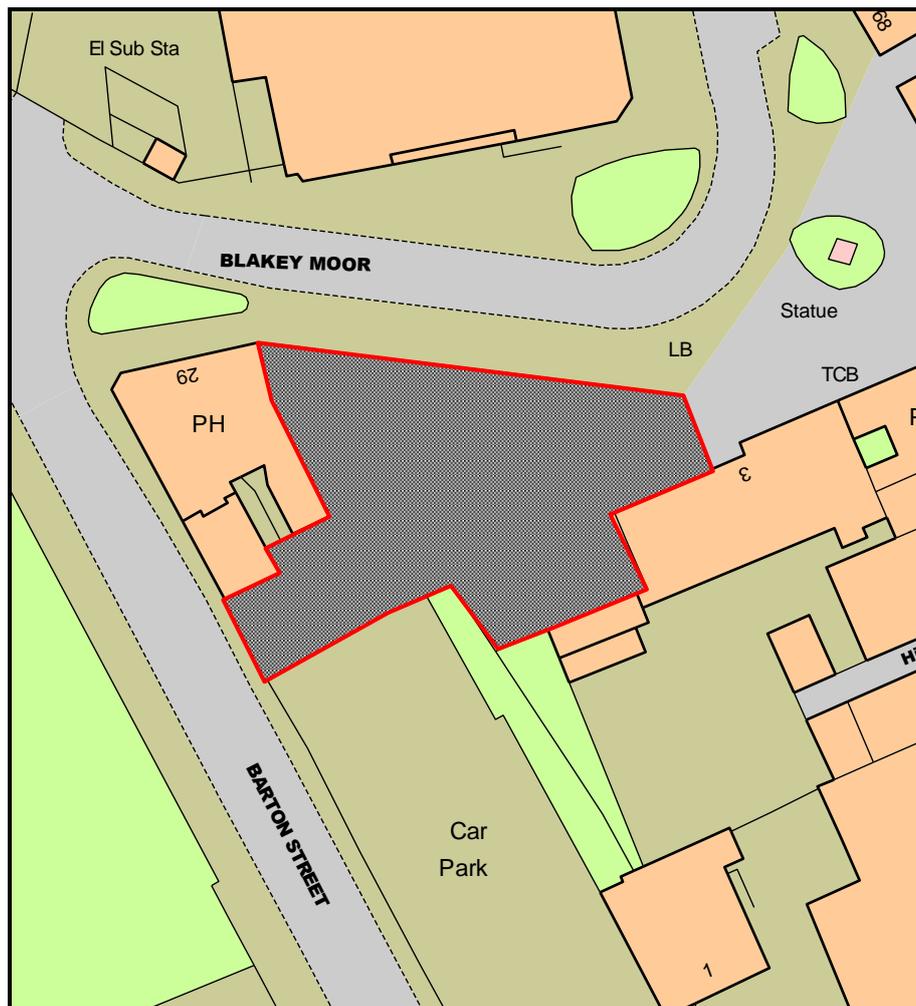
**Proposed development: Full Planning Application (Regulation 4) for:  
Full planning permission for the demolition of single storey rear extensions  
and a garage, change of use of existing units to 2no. restaurant / cafe units  
(Use Class A3) at ground and first floor, change of use and re-profiling of land  
to the rear to form an associated outdoor seating / courtyard area, and external  
alterations to provide new frontages.**

**Site address:  
11- 27 Blakey Moor  
Blackburn**

**Applicant: Blackburn With Darwen Borough Council**

**Ward: Blackburn Central**

**Councillor: Zamir Khan  
Councillor: Saima Afzal  
Councillor: Mahfooz Hussain**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions; as set out in paragraph 4.1.**

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1.1 The application is reported to Committee for reason of the Council being the applicant and owner of the site, in accordance with the requirements of Regulation 4 of the Town and Country Planning General Regulations 1992.

2.1.2 The development will be funded by the Townscape Heritage Initiative. It will deliver a quality scheme which will significantly enhance the external fabric of the building as well as the wider Northgate Conservation Area setting. As well as the visual benefits of the development, introduction of the new restaurants / cafes with associated outdoor terraced area will supplement the existing retail and leisure offers within the Northgate area, including the new cinema which is approaching completion; thereby contributing towards the sustainability of the historic host building and Blackburn Town Centre.

2.1.3 Accordingly, the proposal is consistent with the Borough's overarching growth strategy. It is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site is 11-27 Blakey Moor, opposite the main entrance to King George's Hall. The building is a key heritage asset owned by Blackburn with Darwen Borough Council, positioned within the Northgate Quarter of the Northgate Conservation Area in Blackburn Town Centre; in accordance with the Development Plan.

3.1.2 The site comprises a vacant two and three storey terraced row most recently occupied at ground floor level by a typical range of town centre uses, including retail and food outlets. The upper floors were generally occupied by storage space ancillary to the ground floor uses. An outdoor area to the rear of the buildings is included in the application site.

3.1.3 In an historic context, the terrace was constructed between 1848 and 1894 and was part of a complex of ground floor shops and 1st floor offices (13-27 Blakey Moor). The upper floors were the former offices of the National Federation of the old Age Pensioners Association. storey and predominantly residential scale. The double storey arched windows were replaced at this point. The terrace features two distinct sections. The first part being the remnant of the former pension's office with two storey and a double height first floor benefitting from arched windows. The Second part of the terrace is a

series of terrace buildings arranged over three floors. There are partial basements below each part of the terrace. The main structure of the building comprises of traditional construction with brick external walls in English garden wall bond, brick chimney stacks, stone cornice gutters, stone sills and keystones and brick arch window openings. Over time, the historic ground floor fabric has been eroded through incremental and unsympathetic shop front alterations. The upper floors remain largely intact and retain several heritage features to be refurbished and preserved.



Google street view image of application site:

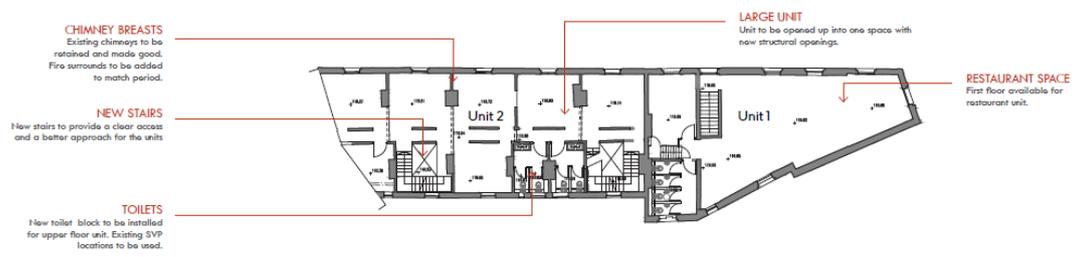
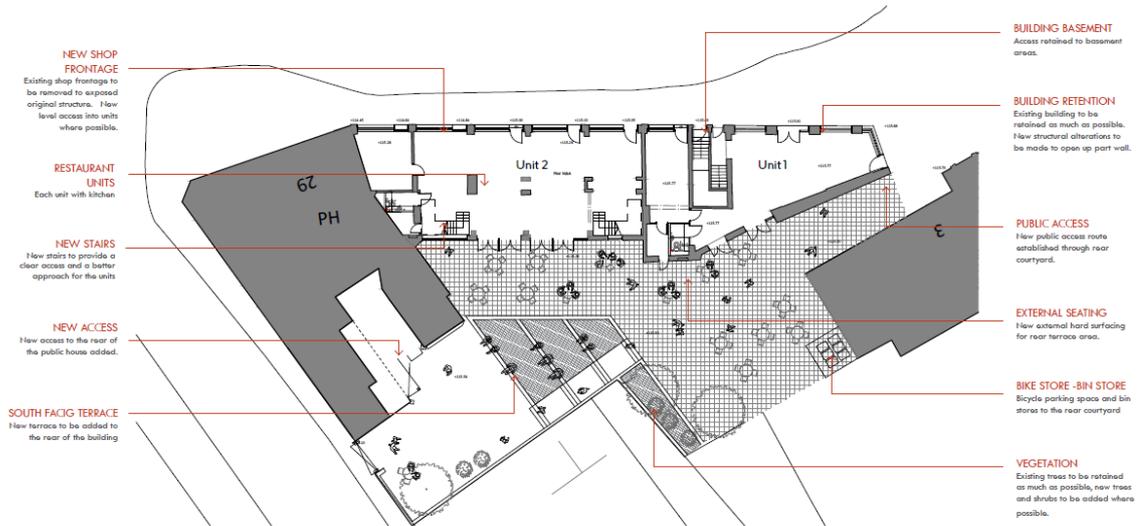
3.1.4 The wider Northgate Conservation Area is defined by a typical range of town centres uses of varied scale. Therein, buildings of historic importance include many of Blackburn's municipal buildings, such as the Grade II listed Town Hall, Central Police Station and Courthouse. A number of other buildings within the conservation area are also listed, whilst several are unlisted yet historically and / or architecturally significant, such as Blakey Moor terrace.

## 3.2 Proposed Development

3.2.1 Full planning permission is sought for the demolition of single storey rear extensions and a garage, change of use of existing units to 2no. restaurant / cafe units (Use Class A3) at ground and first floor, change of use and re-profiling of land to the rear to form an associated outdoor seating / courtyard area, and external alterations to provide new frontages. Basements and attic space will remain unoccupied.

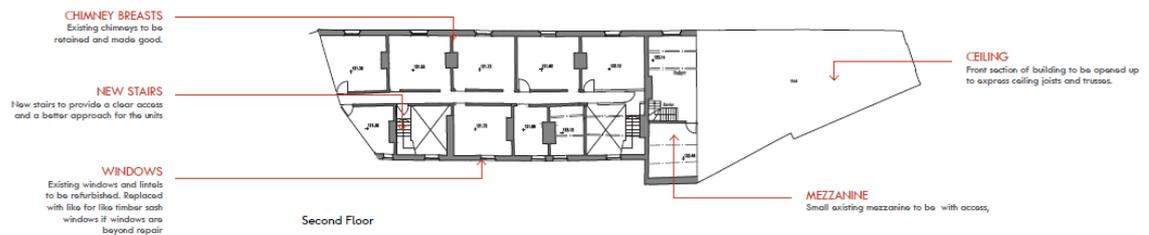


Proposed Elevation



**First Floor**

Existing structural walls retained with new opening established to allow lateral movement between spaces and across the terrace so that the floor can be used as a series of interlinked and connected rooms.



**Second Floor**

Secure access is retained utilizing an existing access stair. The space is retained but not as an active use as part of the restaurant unit below.

Extracts from submitted drawing – proposed floor plans.



### **3.3 Development Plan**

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. 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
- CS16 – Form and Design of New Development
- CS17 – Built and Cultural Heritage

#### **3.3.4 Local Plan Part 2**

- 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 30 – Managing Specific Uses Within Town Centres
- Policy 39 – Heritage

### **3.4 Other Material Planning Considerations**

#### **3.4.1 National Planning Policy Framework (The Framework)**

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 12: Achieving well-designed places
- Section 16: Conserving and enhancing the historic environment

#### **3.4.2 Northgate Conservation Area Appraisal**

### **3.5 Assessment**

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

- Principle of the development
- Amenity impacts
- Highway impacts
- Design impacts

- Heritage impacts

### 3.5.2 Principle

As a site located within the Inner Urban Area of Blackburn and Blackburn Town Centre, designated as a Primary Shopping Area, the proposal is consistent with the Policies CS1 and 1 of the Development Plan which state that the urban area is the preferred location for new development.

3.5.3 Policy 26 supports development involving main town centres uses within the town centres. Restaurants and cafes are defined as such in the Development Plan Glossary which is consistent with the definitions offered for such uses in The Framework. Furthermore, Policy 26 supports protection and expansion of the leisure offer within town centres and development of an evening economy, including restaurants and cafes, including within the defined Northgate Quarter of Blackburn Town Centre.

3.5.4 Policy 30, amongst other criteria, seeks to guard against the inappropriate over provision of hot food takeaways, Betting Offices and amusement arcades within the Northgate Quarter. As proposed restaurant / café uses, no policy conflict arises.

3.5.5 Accordingly, the principle of the development is supported, in accordance with policies CS1, 1, 26 and 30 of the Development Plan. It is also consistent with The Framework's economic and environmental objectives of sustaining viable town centres.

### 3.5.6 Amenity

Policy 8 requires a satisfactory level of amenity and safety is secured 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.

3.5.7 The proposal poses no concern with reference to privacy / overlooking or relationship between buildings.

3.5.8 In the absence of proposed hours of use of the restaurants / cafes, the Council's Public Protection consultee recommends a condition limiting hours of use to those of other eateries in the locality, in order to guard against excessive noise disturbance to occupiers of residential accommodation above and ancillary to the adjacent Lemon Tree Public House, notwithstanding that the property is vacant. An approved hotel use within the same space but yet to be implemented is also considered in this context. Other such local eateries are not, however, subject to hours limitation. The condition is, therefore, considered unreasonable and unnecessary. Moreover, the proposal is not considered an increased threat to noise nuisance than the unrestricted Public House use directly beneath the identified residential use.

3.5.9 A condition to secure a scheme for control of cooking odour and fan noise is also recommended. As no external extraction is included within the application, such a condition is considered unnecessary. It is understood that end users will be responsible for odour control. Therefore, subsequent

installation of an external flue will require the submission of an additional planning application, at which time odour control and fan noise will be assessed.

3.5.10 A recommended condition to limit hours of demolition and construction is also considered unnecessary and unreasonable, on account of the town centre location and the absence of an identified and occupied residential use in proximity to the site.

3.5.11 Appropriate servicing and refuse storage is offered in support of the proposal.

3.5.12 Compliance with Policy 8 is achieved.

3.5.13 Environment

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.14 No unacceptable impact on environmental assets will arise from the development.

3.5.15 The single storey nature and position of the buildings within the inner urban area indicates that they are unlikely to support habitat for protected species.

3.5.16 The site does not host any protected species. Existing trees will be retained as far as practicable. A soft landscaping strategy involving planting of new trees will be secured by condition.

3.5.17 Compliance with Policy 9 is achieved.

3.5.18 Highways

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.19 The sustainable town centre location and availability of on street and off street parking in the immediate vicinity supports the development, thereby ensuring that highway users will not be adversely affected.

3.5.20 Compliance with Policy 10 is achieved.

3.5.21 Design / Heritage

Policy 11 requires a good standard of design that should enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset. In this context, the proposal is supported by submission of a Heritage Statement.

3.5.22 The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. With reference to Conservation Areas, LPA's should pay special attention to the desirability of preserving or enhancing the character or appearance of that area and consider the impacts on character and appearance (which includes its setting) separately. Development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

3.5.23 The Framework includes direction that LPA's 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.

3.5.24 A Heritage Statement and Design & Access Statement are submitted in support of the application. The Heritage Statement draws reference from the Council's Northgate Conservation Area (CA) Appraisal (June 2009). The submitted details have been reviewed by the Council's Heritage and Conservation consultee, who offers the following comments:

*The two main issues to consider from a heritage viewpoint are as follows:*

- *Whether the proposal impacts upon the character and appearance of the Northgate Conservation Area, and/or*
- *Whether the proposed scheme causes any harm to the significance of any designated heritage assets.*

*The application buildings consist of 2 distinct blocks which likely date from the mid to late C19. Both buildings are brick with different detailing at first and second floors. The eastern part is 2 storeys with the FF front elevation having 5 arched brick windows. The narrow eastern end elevation having a similar arched window with ornate stone (pilastered) surround and raised stone quoins. The western part is three storey with has five bays, the FF windows having a shallow brick arched head incorporating stone 'key-stones'. The second floor being flat headed tight under the eaves. All windows having square edged stone cills. Access is via a narrow gated access at the eastern end.*

*The ground floor space are laid out as commercial (retail) units with a mix of unattractive shop frontages incorporating deep continuous fascias.*

*The rear of the block is much altered with a number of single storey later additions/extensions.*

*The Character Appraisal identifies the block as being a notable 'positive' building which forms part of an important view in the CA looking west along Blakey Moor to the Technical School.*

*To my mind the building has a high historic significance and due to its current condition and decline a moderate aesthetic or architectural value.*

*In relation to the proposals, firstly, the scheme appears as a very positive and welcome change and will arrest the slow decline in the appearance of the block. The scheme will provide important investment and uplift to a key building in the CA.*

*The proposed changes on the front elevation are generally confined to the provision of the new replicated shop-fronts incorporating structural piers, faced with decorative 'faux' Victorian pilasters and corbels above to provide a frame for the new individual single bay fascia signage. Visually I think the scheme is attractive and is a considerable enhancement on the existing GF arrangement of shops.*

*The existing arrangement of windows above the GF is retained, with the existing windows being refurbished or new timber windows being provided to match. In this regard it would be useful to have more detail on this matter i.e. a window schedule detailing the condition of each window and what is proposed. If this level of detail can't be provided upfront then a suitable worded Condition will need to be applied to secure a quality finish is obtained.*

*I am satisfied with the works to the rear. I do not feel the additions / buildings are of any significance and have no objections to their removal / demolition. I feel the benefits of being able to open up the rear elevation onto an outdoor terrace will help the viability of the scheme and deliver its long term benefits to the area. The area is enclosed and views are contained within the space itself. In this respect I think the more modern approach seems appropriate.*

*Works to facilitate the uses internally seem to follow the existing layout and plan form and do not appear to have an impact on the character of the building.*

*I am mindful that sustaining these type of buildings is likely to depend greatly on keeping them in an active and viable use. This is supported by Chapter 16 of the NPPF which highlights the importance of having historic buildings in viable uses and recognising the wider economic benefits they can help deliver.*

*In this context I have no objection to the scheme as proposed and feel the proposed will enhance both the character and appearance of the Northgate CA.*

*On the second issue the building lies opposite Kings Georges Hall, a Grade 2 Listed Building. The Hall, symmetrical in design, was completed in 1921 and is constructed of ashlar sandstone with a slate roof that is concealed by a parapet. The building stands on an impressive corner location and forms part of a number of other 'grand' municipal buildings in the town centre. Works to upgrade 11-27 Blakey Moor can only be seen as being an improvement to the appearance of the general street setting and will not harm its contribution to the significance of King Georges Hall. I do not consider the works cause any harm.*

### **Conclusion / recommendation**

*As I am required to do so, I have given the duty's imposed by s.66 (1) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments.*

*I consider that the current proposal will meet the statutory test to 'preserve' the character and appearance of the Northgate CA and the setting to the Grade 2 King Georges Hall. As such the development accord with the planning advice contained in Chapter 16 NPPF, Policy 39 of the Local Plan and Core Strategy Policy CS17.*

3.5.25 With reference to the public realm area to the rear, additional hard and soft landscaping detail will be secured condition, in order to promote a legible design and layout featuring appropriately robust paving and furnishings, to compliment the character of the area.

### 3.5.26 Summary

This report assesses the full range of material issues affecting this planning application to inform a balanced recommendation that demonstrates compliance with the Development Plan and The Framework.

## **4 RECOMMENDATION**

### **4.1 Approve subject to:**

**Delegated authority is given to the Director for Growth and Development to approve planning permission, subject to conditions which relate to the following matters:**

- Development to commence within 3 years of the date of approval
- Submission of external walling and roofing materials
- Submission of a hard and soft landscaping scheme to the public realm area.
- Unexpected contamination

- Works to be carried out in accordance with approved drawings.

## **5 PLANNING HISTORY**

5.1 No relevant planning history exists for the site.

## **6 CONSULTATIONS**

### 6.1 Heritage & Conservation

Support offered, as per the response set out at paragraph 3.5.22

### 6.2 Public Protection

No objection subject to the following conditions:

- Controlled hours of opening to reflect those of eateries in the locality
- Submission of a scheme for control of cooking odour and fan noise from commercial kitchens
- Works to cease if contamination is unexpectedly encountered.

### 6.3 Drainage

To date, no response offered.

### 6.4 Environmental Services

No objection

### 6.5 Public Consultation

No representations have been received following the public consultation process, which involved letters, site and press notices.

**6 CONTACT OFFICER: Nick Blackledge, Senior Planning Officer – Development Management.**

**7 DATE PREPARED: 30<sup>th</sup> June 2020.**

## **8 SUMMARY OF REPRESENTATIONS**

8.1 Councillor Zamir Khan, Ward Councillor, 17<sup>th</sup> June 2020:

This will be good for the town centre.