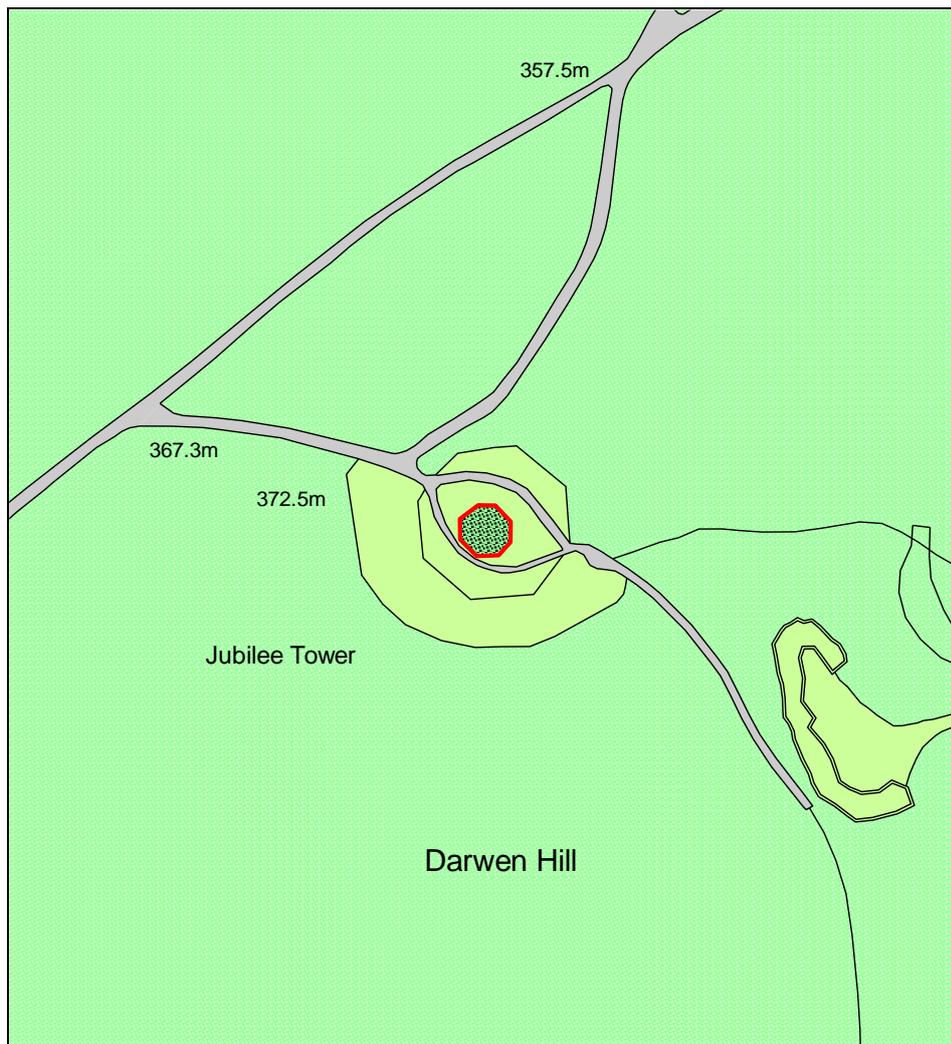


Proposed development: Listed Building Application (Regulation 3) for New stainless-steel engraved plaques to observation deck, new steel support to upper landing. Replacement of rainwater pipes, signage, broken and missing glazing, ground and first floor door. Repointing and consolidation of walls. Repairs to asphalt weathering, handrails, landings and steps

**Site address:
Darwen Jubilee Tower
Darwen Moor
Darwen
BB3 1JX**

Applicant: Blackburn With Darwen Borough Council

**Ward: Darwen West: Councillor: David Smith
Stephanie Brookfield
Brian Taylor**



1.0 SUMMARY OF RECOMMENDATION

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.0.1 Urgent repair works are required to the Grade II Darwen Jubilee Tower to prevent further deterioration of the designated heritage asset to ensure the Tower remains accessible for the public to enjoy.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 Darwen Tower is an iconic landmark and observation tower dating from 1897 that stands on a prominent Moor location. It is a Grade II listed building.



Image courtesy of Friends of Darwen Tower

- 3.1.2 The octagonal Tower was completed in 1898 to commemorate Queen Victoria's Diamond Jubilee, and also to celebrate the victory of the local people for the right to access the moor. It was opened to the public on 24 September 1898. The architect was R. W. Smith-Saville.

- 3.1.3 The medieval style stone tower incorporates a spiral staircase to the two observation decks. The lower part of the octagonal tower is surrounded by an open arcade which has the lower observation deck above. The top of the tower has a domed cap which has been replaced/renewed several times, most recently in 2012 by WEC Ltd.
- 3.1.4 Darwen Jubilee Tower is on Darwen Moor, within the West Pennine Moors Site of Special Scientific Interest (SSSI). The moorland on which the tower stands is also Common Land.
- 3.1.5 Public Footpaths run around the Tower with Footpath no. 69 Darwen running through the arches at the base of the Tower.

3.2 Proposed Development

3.2.1 The Council proposes to undertake a programme of repairs at Darwen Jubilee Tower due to persistent water ingress through open joints, openings which have missing doors or glazing, leaking rainwater pipes and splits in the asphalt weathering on the decks. These defects have resulted in deterioration of the filler joist landings and decks, corrosion of the iron stair, washing out of the walls' cores and the bases under the steps. In addition, parts of the underside of the upper landings (the soffits of the filler joist construction) have become loose. Temporary protection (supports on props) has been installed to remedy the life safety risk to visitors of falling loose masonry, but more enduring repairs are required, and these proposals seek to address the underlying issues.

3.2.2 The repair works proposed are:

- Replacement of rainwater pipes, signage, broken and missing glazing, ground and first floor door;
- Repointing and consolidation of walls; and,
- Repairs to the asphalt weathering, handrails, landings and steps

3.2.3 In addition to the repair works, the proposals also seek consent for the provision of new stainless steel engraved plaques to the observation deck and for the installation of a new steel support to the upper landing.

3.3 Development Plan

3.3.1 Core Strategy (2011) Policies:

Policy CS16: Form and Design of New Development

Policy CS17: Built and Cultural Heritage

3.3.2 Local Plan Part 2 (2015) Policies:

Policy 9: Development and the Environment

Policy 10: Accessibility and Transport

Policy 39: Heritage

3.3.3 Supplementary Planning Documents and Guidance:

Green Infrastructure and Ecological Networks SPD

Listed Buildings SPG

3.4 Other Material Planning Considerations

3.4.1 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, as Amended – Section 66(1)

3.4.2 The National Planning Policy Framework

3.5 Assessment

3.5.1 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. Local Planning Authorities, in coming to decisions, are required to consider the principle Act.

3.5.2 Section 66(1) of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. With the exception of needing to assess the setting of the listed buildings, the same considerations apply with determining Listed Building Consent applications.

3.5.3 In addition, the National Planning Policy requires that;

In determining planning applications LPAs should take account of;

a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c. The desirability of new development making a positive contribution to local character and distinctiveness.

3.5.4 Paragraph 193 of the Framework states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

3.5.5 Paragraph 196 of the Framework identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage

asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3.5.6 In light of the legislation and policy requirements, the key heritage issue for the Local Planning Authority to consider under the Listed Building Consent (LBC) application is whether the proposed development will harm the significance of the listed building.

3.5.7 The significance of the Tower is adequately described in the Heritage Statement (Section 7 – pages 19-24). The Tower has high historic, aesthetic and communal importance.

3.5.8 Officers consider that a substantial amount of the proposed work is for repair work to preserve the Tower's significance. Given the exposed nature of the Tower the identified the proposed repair works will protect the structure, as much as it is possible to do so, from the weather and the damage from water ingress. In this respect Officers are content with the repairs outlined in page 3-4 of the report (items a-m) and question whether a large part of the works require Listed Building Consent (LBC) or not and are not simply repairs. Notwithstanding this fact, the principle works involve;

- The provision of new rainwater goods;
- The structural repairs to the concrete landings;
- New handrails;
- New plaques and interpretation boards. Although LBC is only required for those physically attached to the listed building; and,
- Replacement doors

3.5.9 The works proposed are acceptable and will not harm the significance of the Listed Building.

3.5.10 In order to ensure that all works are carried out sensitively to the building it is strongly recommended that conditions are imposed requiring the submission of specific details such as the proposed replacement doors and handrails, and to secure a detailed repair methodology.

3.5.11 Subject to the recommended conditions, it is considered the repair proposals will not have an impact on the significance of the listed building. The new handrails, interpretation boards and plaques will also have minimal harm to the significance of the listed building.

3.5.12 As required by paragraph 196 of the Framework, where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this respect, the works are seen as being positive and will help sustain the structure of the Tower and importantly allow its safe use and will continue to allow public access for all. On this basis, the proposals meet the

objectives of the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

3.5.13 *Other Matters*

3.5.14 Due to the sites location within the West Pennine Moors SSSI, and the requirements of the Wildlife and Countryside Act 1981 (as amended) to ensure wildlife will not be harmed by the proposed repair works, a Protected Species, Reasonable Avoidance Methods Method Statement accompanies the application. This has been reviewed by the Local Planning Authorities Ecologists.

Bats

3.5.15 Darwen Tower has been assessed as having negligible to low bat roosting potential by a suitably experienced bat consultant. No evidence of bats was recorded at the time of the survey, potential crevices that could be viewed were shallow, the site is extremely exposed and therefore unlikely to be of value to bats and is well used internally ie disturbed by the public.

3.5.16 The Council's Ecology Consultants have no reason to doubt the assessment. The submitted Protected Species Statement advises additional precaution reasonable avoidance measures, which consist primarily of a tool box talk to ensure the contractors are aware of the potential risks. On this basis, Officers are satisfied given the very low level of risk that this is adequate and that a pre-cautionary emergence survey prior to work is not required. The RAM Statement submitted however should be followed and informatives will be imposed to ensure the Environment Department are aware of the statutory duties.

West Pennine Moors SSSI

3.5.17 Contractors and deliveries will need to travel through the SSSI – Site of Special Scientific Interest - each day. The access route is restricted to the existing well used track to the Tower, so no direct impacts are likely to occur.

3.5.18 In respect of nesting birds, given the works will occur during the bird nesting season, the applicants consultant has noted the potential for disturbance to ground nesting. In order to mitigate against this risk a bird nest survey is proposed prior to works commencing along the access route and around the tower, followed by unspecified rechecks of the route and Tower once works have commenced. Whilst the frequency of rechecks should be made more explicit e.g. weekly or fortnightly, the Local Planning Authority's consultant Ecologists are satisfied that the risks are low, given as the submission has noted, the access route is popular with walkers and therefore ground nesting birds are likely to avoid close proximity to the track, public paths or the Tower and the disturbance along the track will be temporary each day.

3.5.19 The submitted report has also proposed screening around the Tower to avoid disturbance to any birds near the Tower. This is supported, but it is considered to be unlikely that any birds would nest on the ground near the

Tower given the existing recreational pressures. However in the interests of ensuring the Council abides by the Wildlife and Countryside Act, the details in the submitted RAM (Reasonable Avoidance Measures statement should be secured by condition. Due to this application being for Listed Building Consent, procedurally we are unable to impose a planning condition securing this. However, Officers can confirm that the Director of Environment and Operations is well aware of the Council's statutory duties in relation to wildlife and the SSSI, and the Reasonable Avoidance Measures submitted will be carried out prior to, and during the works.

4.0 RECOMMENDATION

4.01 Members are advised to Grant the application subject to the following conditions:

1. The proposed development must be begun not later than THREE years from the date of this permission.

REASON: Required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

2. List of Approved Plans
3. Prior to commencement of the development hereby approved a comprehensive and detailed schedule or works, together with detailed drawings and a schedule of materials, shall be submitted to and approved in writing by the Local Planning Authority. The schedule and drawings shall include all proposed work to windows, doors, stonework, timber work (including jointing), and fixing of information plaques and interpretation boards and shall include details of design and appearance. The development shall be implemented in accordance with the approved details.

REASON: To preserve the character and appearance of the Listed Building and to comply with Policy 39 of the Blackburn with Darwen Borough Local Plan Part 2, the National Planning Policy Framework (2019) and S66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Prior to commencement of the development hereby approved, a scheme detailing the method and composition of pointing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure the use of appropriate pointing in the interests of listed building and visual amenity to comply with Policy 39 of the Blackburn with Darwen Borough Local Plan Part 2, the National Planning Policy Framework (2019) and S66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to their installation a detailed specification and colour scheme for all replacement doors, windows, frames, surrounds and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority (such a scheme is to include any subsequent amendments as required by the Authority). This shall include any replacement doors/windows within the historic listed building.

REASON: To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of protecting both the character and appearance of the listed building and the area within which the site is located, in accordance with Policies 11, 39 and 41 of the Blackburn with Darwen Borough Local Plan Part 2, the National Planning Policy Framework (2019) and S66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

- 4.02 **Members are advised that the application is to be referred to The Secretary of State for Communities and Local Government (“the Secretary of State”) under the TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2009 as to whether the application can be determined by the local planning authority or is to be “called-in”.**

The Secretary of State has 21 days from the receipt of the application to determine whether to call-in the application or not. The submission to the Secretary of State will include the following:

- Application Form;
- Drawings & accompanying information including Heritage Statement;
- Copy of Press Notice and Site Notice
- Copy of representations received; and
- Copy of the Committee and Update Report presented to the Committee.

5.0 PLANNING HISTORY

Application Number	Description of Development	Decision	Date
10/11/0329	Listed Building Consent for replacement of storm damaged lantern top on the Jubilee Tower	Granted	15/06/2014
10/04/1096	Remedial work required after vandalism to the top viewing balcony. Replace 3 No. coping stones. Renew 1 No. coping stone. To reinforce using galvanised steel brackets, secured with stainless steel bolts, to the inner wall	Granted	11/11/2004
10/01/0667	Replacement of existing first floor	Granted	08/10/2001

	slab		
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6.0 CONSULTATIONS

6.0.1 *Public Consultation*

Due to Darwen Tower being a Grade II listed building, the application has been advertised both in the Press and by Site Notice at the key access points to the Tower, at Ryal Fold, Sunnyhurst and Bury Fold Lane. The local ward Councillors were also consulted.

6.0.2 As a result of the public consultation, one representation was received which raises the following points:

- No mention is made of urgent repairs required to area of landscape, paths, steps and wall that form part of the “podium” setting of the listed structure. They state the current approach is unsafe and deteriorating rapidly.
- Provision of outdoor signage/interpretation should be approached with caution due to the amount of anti-social behaviour experienced around the tower.

6.0.3 *Statutory Consultees*

Conservation Officer – No objections, subject to a repair methodology being submitted and agreed with the Local Planning Authority prior to any works commencing.

Greater Manchester Ecology Units – No objections, subject to a pre-commencement condition requiring the Tower and surrounding area to be surveyed for nesting birds.

Historic Amenity Societies - No comments or representations received

Natural England - No comments or representations received

Public Rights of Way - The paths running around the tower are PROW. Please add an informative with a comment to ensure the Right of Way is not obstructed at any time without a temporary closure.

7.0 **CONTACT OFFICER:** Claire Booth – Senior Planning Officer

8.0 **DATE PREPARED:** 08 January 2021

9.0 SUMMARY OF REPRESENTATIONS

Comment – Warren Chapman. Rec – 26/11/20

Hello, I wish to comment on the above planning application as a resident of Darwen and a chartered Landscape Architect. I have looked at the information available on line and noted the following;

- No mention made of urgent repairs required to area of landscape, paths, steps and wall that form part of the “podium” setting of the listed structure. The current approach is unsafe and deteriorating rapidly.
 - Provision of outdoor signage/interpretation should be approached with caution due to the amount of anti-social behaviour experienced around the tower. It is highly likely to get vandalised and look unsightly.
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