

Proposed development: Full Planning Application (Regulation 3) for Replacement timber shop front

**Site Address:
49 Market Street
Darwen
BB3 1PS**

Applicant: Blackburn With Darwen Borough Council

Ward: Darwen West

**Councillors: Dave Smith, Stephanie Brookfield
Brian Taylor**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The planning application is presented to Committee in accordance with the Scheme of Delegation of the Council's Constitution, in which the applicant of is Blackburn with Darwen Borough Council, and the application site is Council owned under Regulation 3 of the 1992 Town and Country Planning Regulations.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site relates to an end of terraced, ornate in style building which is currently used as an estate agents. Externally, the property features timber framed walls which are finished in black with the rest of the walls in white. The building is located western side of Market Street, Darwen.

3.1.2 The site is located within Darwen Town Centre Conservation Area and within the Darwen Town Centre Boundary. The immediate street scene in which the application site is located is characterised by a mixture of retail/takeaways use, a few of the terraced buildings also feature first floor residential flats.

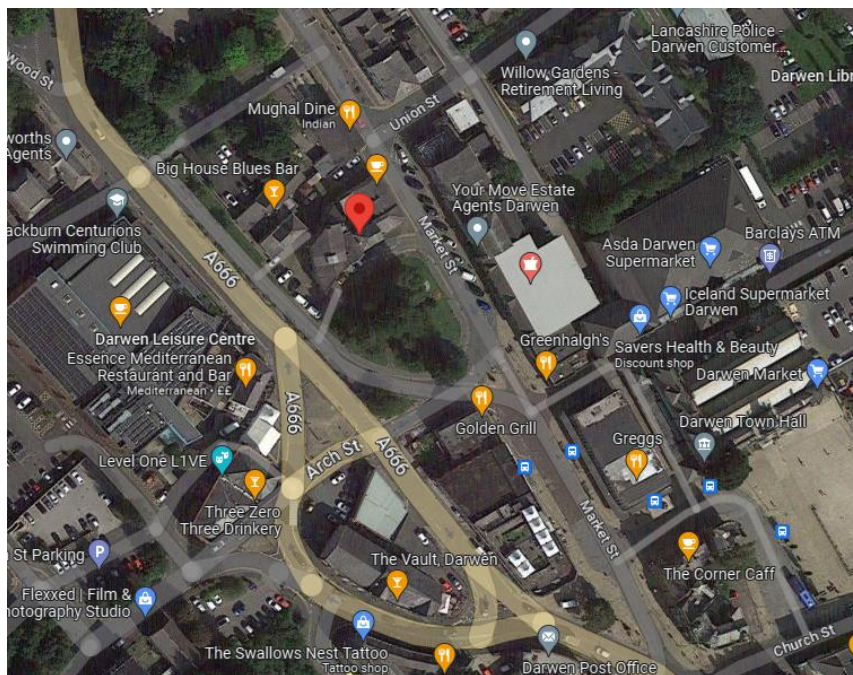


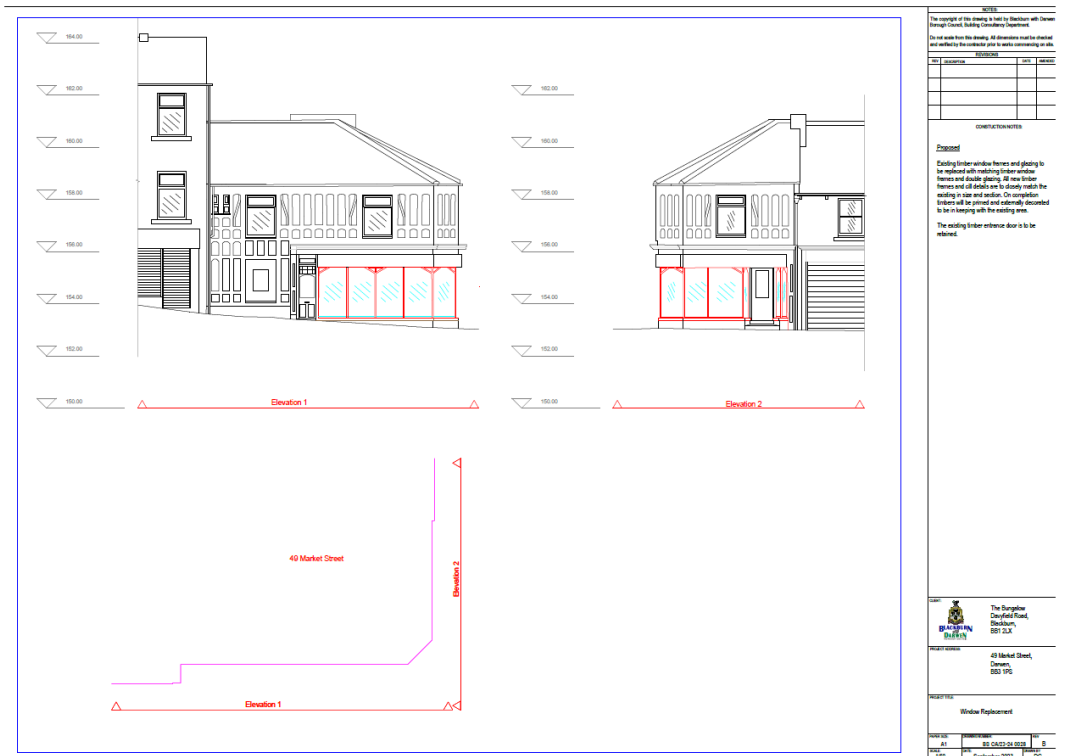
Figure 1: Google aerial view of the application site

3.2 Proposed Development

3.2.1 The proposal relates to a minor planning permission for the replacement of a shop front, the replacement will include the shop front featuring timber window frames along with replacement double glazing.

3.2.2 On completion the timbers will be primed and externally decorated to be in keeping with the existing area.

3.2.3 The existing and proposed plans and elevations are shown below:



3.3 Case Officer Photos



3.4 Development Plan

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

3.4.2 Core Strategy

- Policy CS16: Form and Design of New Development
- Policy CS17: Built and Cultural Heritage

3.4.3 Blackburn with Darwen Borough Local Plan Part 2 (2015)

- Policy 8: Development and People
- Policy 11: Design
- Policy 26: Town Centres – A Framework for Development
- Policy 31: Development in Defined Shopping Frontages
- Policy 39: Heritage

3.5 Other Material Planning Considerations

3.5.1 National Planning Policy Framework (NPPF)

4.0 Assessment

Principle of Development

- 4.1.1 As the proposal relates to external alterations by way of creating new shop fronts and does not involve any change to the existing uses of the premises, the balance of uses within the shopping frontage is unaffected; and therefore no conflict with Policies 26 and 31 arises. Active frontages will be maintained and therefore the character and vitality of the town centre, street scene and immediate area will be retained.
- 4.1.2 Accordingly, the principle of the development is accepted in accordance with the NPPF's assumption in favour of sustainable development, unless demonstrable adverse impacts which significantly outweigh the benefits of a proposal are identified. These are assessed in more detail below.
- 4.1.3 RES E8 of the residential design guide also states that privacy distances should be retained between neighbouring properties in line with RES E3 and that access to the rear of the property is also maintained.

Heritage Impacts/Design

- 4.1.4 The first consideration in the assessment of this application is the Planning (Listed Buildings and Conservation Area) Act 1990. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 4.1.5 Point v) of Policy 39 states in conservation areas, the wider setting and significance of the area and the extent to which the development will retain and conserve open space, landscape elements, historic surfaces and other features that contribute positively to the significance of the conservation area.
- 4.1.6 Policy CS16 and 11 require all new development to present a good standard of design, demonstrating an understanding of and making a positive contribution to the local area, through measures including enhancing and reinforcing established character.
- 4.1.7 A Heritage Statement are submitted in support of the application. The Council's Conservation consultee has reviewed the submitted details and proposals and provides the following comments:
- As it has now been confirmed that the door is being retained, I am satisfied with this outcome and confirm that the amended proposal as a whole, will not result in any harm to the CA.*
- 4.1.8 The alterations to the shop front are considered to be sympathetic and overall will significantly improve the appearances of the host building. Initially, the proposal included changing the shop front to include aluminium however

during the course of the application process the Conservation Officer initially objected to this change, therefore amendments were received on the 13th September 2023 which detailed the shop front including timber frames. This ensures that the same material as existing is used, the shop front will upgrade the existing damaged frontage.

- 4.1.9 On that basis the proposed shop front works will cause no harm to designated heritage assets nor visual amenity, which is entirely consistent with the aims and objectives of Policies CS16, 11 and 39 of the Development Plan.

Amenity

- 4.1.10 Point i) of Policy 8 states development will be permitted where it can be demonstrated that 'it will in isolation and in conjunction with other planned or committed development, contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited.

- 4.1.11 The proposal poses no threat to surrounding amenity and is considered to contribute positively to the physical and economic character of the area, thus complying with Policy 8.

Further Comments

- 4.1.12 A supporting statement was received on the 22nd September 2023 from the agent to demonstrate the urgency of the proposed works. Please see below;

I was asked to visit site at the end of June in reference to 2No large window being smashed to inspect the condition of the frames/casing as the local glazier could not carry out the repair as he was concerned that the frames would not be able to take the weight of the new glass as the beading had disappeared and the frames were rotten.

On my inspection I concluded with the glaziers report and that the frames/casings were rotten and would need replacing to support the weight of the new glazing units.

These works need to be carried out as soon as possible as the tenant is having to live with 2No large smashed windows which looks unsightly but also effects security.

We have put security film on the windows but this will start to fail soon which will intern effect the integrity of the 2no large broken window panes so it is imperative that we carry out the works as soon as possible.

Kind Regards

Andrew Davenport (Building Surveying Technician)

- 4.1.13 As the committee date fell after the initial statutory deadline, the applicants wished to proceed with the proposed works before the committee date passed due to the smashed window. The agents were advised that this would be undertaken at their own risk. The proposals is now for a like for like replacement and the Conservation Officers offers no objections.

5.0 RECOMMENDATION

Delegated authority is given to the Strategic Director of Growth and Development to approve planning permission, subject to the following conditions;

5.1 Approve subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this permission, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:
Proposed Window and Door Replacement, Drawing Number BS CA/23/24/0028, Revision A, Date Received 13/09/2023

REASON: For the avoidance of doubt and to clarify, which plans are relevant to the permission.

3. The materials to be used on the external surfaces of the development as indicated on Proposed Elevations - Drawing No. BS CA/23/24/ 0028 received on the 13TH September 2023 shall be implemented as indicated unless otherwise agreed in writing by the Local planning Authority. match those used in the existing building to the satisfaction of The Local Planning Authority.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

6.0 PLANNING HISTORY

- 6.1 10/84/1912 – Change of Use of Shop to Estate Agent
- 6.2 10/90/0657 – Proposed single sided box sign and illumination of existing fascia signs
- 6.3 10/90/2018 – Illuminated fascia signs
- 6.4 10/05/1155 – Widening of Bury Street to allow two-way traffic flows, introduction of a bus lane on Green Street. Alterations to through route traffic flows with associated highway works

7.0 CONSULTATIONS

7.1 Public Consultation has taken place twice; letters were posted to 7 neighbouring properties on the 16th August 2023 and the 13th September 2023 and no comments were received.

7.2 Conservation Officer

Support offered after the amendments received on the 18th September 2023

7.3 Statutory Consultation

Councillor Taylor – This is within the Darwen Town Centre Conservation Area. Is Aluminium an appropriate material to replace a wooden shop front? We have over several years invested money into changing the appearance of the business in this area.

8.0 CONTACT OFFICER: Emily Colebourne, Assistant Planning Officer

9.0 DATE PREPARED: 27th September 2023