

APPENDIX A

ACCRINGTON MARKET CHAMBERS NATIONAL LOTTERY
HERITAGE FUND



PLANNING PERMISSION DECISION NOTICE 11.23.0418



Planning & Transportation

Planning

Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

Planning Permission

Town and Country Planning Act 1990
Form P2

Applicant:

Hyndburn Borough Council N/A
Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

Agent:

LDA Design
First Floor Hanover House
Queen Charlotte Street
Bristol
BS1 4LG

Part I - Particulars of application:

Date of application:

07/11/2023

Application No:

11/23/0418

Particulars and location of development:

Full: Change of use of the building to provide a new cultural and community facility (Class F1/F2 use), alongside external alterations, repairs to the building facade, and a third floor localised roof extension to accommodate internal access and access to the roof for maintenance

Market Chambers, 43 - 59 Blackburn Road / 2 - 4 Church Street, Accrington, BB5 1JJ

Decision Date:

20 February 2024

Part II - Particulars of decision:

HYNDBURN BOROUGH COUNCIL

hereby give notice in pursuance of the provisions of the Town & Country Planning Act 1990 that **permission has been granted** for the carrying out of the development referred to in part 1 hereof in accordance with the application and plans submitted subject to the conditions and reasons set out below:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the following documents:
- (a) The planning application forms and location plan received by Hyndburn Borough Council on 16th November 2023
- (b) Submitted drawings:
- 13565-AEW-XX-SI-DR-A-0500 Location Plan
 - 13565-AEW-XX-SI-DR-A-0501 Existing Site Plan
 - 13565-AEW-XX-SI-DR-A-0502 Proposed Site Plan
 - 13565-AEW-XX-00-DR-A-0510 Existing Ground Floor Plan
 - 13565-AEW-XX-01-DR-A-0511 Existing First Floor Plan
 - 13565-AEW-XX-02-DR-A-0512 Existing Second Floor Plan
 - 13565-AEW-XX-03-DR-A-0513 Existing Third Floor Plan
 - 13565-AEW-XX-B1-DR-A-0514 Existing Basement Floor Plan
 - 13565-AEW-XX-RF-DR-A-0515 Existing Roof Plan
 - 13565-AEW-XX-SI-DR-A-0520 Existing Elevations (Sheet 1 of 2)
 - 13565-AEW-XX-SI-DR-A-0521 Existing Elevations (Sheet 2 of 2)
 - 13565-AEW-XX-00-DR-A-0530 Proposed Ground Floor Plan
 - 13565-AEW-XX-01-DR-A-0531 Proposed First Floor Plan
 - 13565-AEW-XX-02-DR-A-0532 Proposed Second Floor Plan
 - 13565-AEW-XX-03-DR-A-0533 Proposed Third Floor Plan
 - 13565-AEW-XX-B1-DR-A-0534 Proposed Basement Floor Plan
 - 13565-AEW-XX-RF-DR-A-0535 Proposed Roof Plan
 - 13565-AEW-XX-SI-DR-A-0540 Proposed Elevations (Sheet 1 of 2)
 - 13565-AEW-XX-SI-DR-A-0541 Proposed Elevations (Sheet 2 of 2)

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to control the development and to minimise its impact in accordance with policies Env6 and Env7 of the Hyndburn Core Strategy, DM22, DM26 and DM29, DM31, DM32 of the Hyndburn Development Management Development Plan Document.

3. A sample image of the proposed bronze metal cladding for ground floor elevations must be submitted to the Local Planning Authority and approved in writing prior to its installation. This is to preserve the character and appearance of the conservation area and setting of listed buildings, as well as the appearance of the locally listed buildings. The development shall be carried out using the approved materials.

Reason: to preserve the character and appearance of the conservation area and appearance and setting of listed buildings, as well as the appearance of the locally listed buildings, and consistent with Policy DM22 and DM26 of the Hyndburn Development Management DPD.

4. An upper floor window survey for all elevations describing their condition and any proposed works shall be submitted to and approved in writing by the LPA prior to any works to windows taking place. This is to preserve the character and appearance of the conservation area and appearance and setting of listed buildings, as well as the appearance of the locally listed buildings. The works shall be carried out in accordance with the approved details.

Reason: to preserve the character and appearance of the conservation area and appearance and setting of listed buildings, as well as the appearance of the locally listed buildings, and consistent with Policy DM22 and DM26 of the Hyndburn Development Management DPD.

5. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
- i) The parking of vehicles of site operatives
 - ii) The loading and unloading of plant and materials
 - iii) The erection and maintenance of security hoarding
 - iv) Measures to control the emission of dust and dirt during construction
 - v) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - vi) Details of working hours.

Reason: In the interest of residential amenity in accordance with the provisions of Core Strategy Policy Env7 and Development Management Development Plan Document Policy DM29.

6. Prior to the occupation or use of any of the development, a scheme and programme for the provision of secure and covered (if outdoors) cycle parking for staff and customers of the premises 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 encourage the use of sustainable modes of transports, in accordance with Policy DM32 of the Hyndburn Development Management DPD.

7. Prior to the occupation or use of any of the development, a scheme and programme for the installation of 6 swift nesting boxes on the Market Hall facing elevation (either building mounted or building/roof integrated) shall be submitted to and approved in writing by the Local Planning Authority. The box type must be manufactured from woodcrete / woodstone unless otherwise agreed. The submitted details shall include the box type, manufacturer's name, elevation plans marking the location of installation and a timetable for their installation. Within 2 months of the installation of the nesting boxes, a Statement of Good Practice shall be signed by the competent architect, and shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Good Practice shall confirm that they have been implemented in accordance with the approved details. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To secure best practice in the management of biodiversity and protected species in accordance with National Planning Policy Framework and Policy DM19 of the Development Management DPD.

INFORMATIVES

1. Subject to conditional control the proposal would be acceptable in terms of amenity and would not cause demonstrable harm to highway safety or any other matter of acknowledged importance and accordingly would suitably accord with local and national planning policies and in particular policies Env6 and Env 7 of the Hyndburn Core Strategy and Hyndburn car parking and access standards.

The Local Planning Authority operates a pre-planning application advice service. All applicants

are encouraged to engage with the Local Planning Authority at pre-planning application stage. As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant ensuring that upon receipt all representations and consultation responses are available to view on the Council's web site. The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework.

2. This planning permission is granted in strict accordance with the approved plans. It should be noted however that:

(a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

(b) You or your agent or any other person responsible for implementing this permission should inform Development Control immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

3. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.

(b) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.

4. The enclosed approval is issued under the Town & Country Planning Act 1990. You may also require Building Regulation approval which is dealt with by this Department's Building Control Section (Tel: 01254 380608). You must ensure that all necessary permissions are obtained BEFORE starting work, otherwise abortive expense may be incurred.

5. It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'. Site Address: Market Chambers, 43 - 59 Blackburn Road 2 - 4 Church Street, Accrington The proposed Planning Application has been noted and the Fire Authority gives its advice in respect of access for fire appliances and water supplies for firefighting purposes to the site. Full: Change of use of the building to provide a new cultural and community facility (Class F1/F2 use), alongside external alterations, repairs to the building facade, and a third floor localised roof extension to accommodate internal access and access to the roof for maintenance Gary Brook 01282429452/07867802758 GaryBrook@lancsfirerescue.org.uk 29 November 2023 Ormerod Street Scaitcliffe House Dear Planning Department If Document B, Part B5 cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may

be used as a compensatory feature, but professional advice should be sought in such cases.

6. Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement. This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications. Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements. If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

Notes

Right of Appeal

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

Purchase Notices

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Street Naming and Numbering

Street naming and numbering is a legal function of the council to allocate property numbers and road names to new developments and conversions. Information is available on our website to explain the process for requesting postal addresses and street names this can be accessed directly via the following link: <https://www.hyndburnbc.gov.uk/street-naming-and-numbering/> or by searching on the Council website.

Other Permissions

This notice only relates only to the application and decision as described. It does not convey a decision under any other enactment, byelaw, order or regulation. Separate applications may be required for such other approvals.

Signed

Simon Prideaux

Simon Prideaux
Chief Planning & Transportation Officer