

REPORT TO POLICIES AND RESOURCES COMMITTEE 27th May 2021

Application Ref: 20/0732/FUL

Proposal: Full: Change of use from public toilets (Sui Generis) to Non-residential institution (Use Class D1) and Erection of first floor extension above.

At: Public Conveniences, 21 Colne Road, Brierfield

On behalf of: Community Access Solutions UK

Date Registered: 11/01/2021

Expiry Date: 08/03/2021

Case Officer: Laura Barnes

This report has been referred from the end of March 2021 Brierfield Area Committee as members were minded to refuse the application, contrary to officer recommendation.

Members stated the following as reasons for refusal:

1. Traffic/Access with indiscriminate parking;
2. Construction would be difficult to achieve;
3. Impact on adjacent Listed Town Hall which has been improved with significant investment; and
4. Overlooking

There is a significant risks of a costs award against the council were an appeal to be advanced on these grounds and the application must be decided by the council's Policy and Resources Committee as required by the constitution.

Site Description and Proposal

The site is a former Public Conveniences located at the centre of Brierfield, adjacent to the Town Hall building and Cenotaph which are both Grade II Listed Buildings.

The site is within the development boundary for Brierfield and is not allocated for any specific use in the Pendle Local Plan.

This scheme seeks to change the use from a Public Conveniences to a non-residential institution, providing facilities for community based activities for people with learning disabilities, dementia, mental health, physical disabilities and sensory impairments. The facility will have a shower room which is specially adapted to the needs of people requiring shower / bath with hoisting facilities. The facility is to include a digital room, which will enable the centre to provide skills for education and health.

Relevant Planning History

13/16/0058P: Full: Change of use of WC building to hot food takeaway (A5) including external alterations and installation of flue.
Refused, June 2016

19/0028/FUL: Full: Change of use of WC building to hot food takeaway (Use Class A5) including external alterations and installation of flue.
Refused, March 2019

Appeal: 19/0008/AP/REFUSE / APP/E2340/W/19/3230997
Full: Change of use of WC building to hot food takeaway (Use Class A5) including external alterations and installation of flue.
Appeal Dismissed, November 2019

Consultee Response

LCC Highways

Having considered the information submitted, together with site observations, the proposed development raises highway safety concerns. The Highway Development Support Section therefore objects to this application on highway safety grounds.

The site has been the subject of two previous planning applications for change of use to a hot food takeaway (ref 16/0058P and 19/0028/FUL), both of which were refused on highway safety grounds. The latter application was also the subject of an appeal, which was dismissed. In their appeal decision the Planning Inspector concluded that in the absence of suitable parking provision, the development had a high potential to compromise highway safety and interrupt the free flow of traffic on a local strategic route. The current application is for a change of use of the site to a non-residential institution, primarily aimed at special needs care for adults and children. From the information submitted in the Planning Statement and shown on the Proposed Layout Plan it is unlikely that all users would be able to attend the centre independently.

It is also likely that a number would be arriving by wheelchair, which may include in specially adapted vehicles. There is no direct vehicle access from the adopted highway on Colne Road. A No Waiting At Any Time restriction is in force on Colne Road, together with bollards restricting vehicle access to the front of the site.

Although there is a public car park to the rear of the building on Tunstill Square, direct access from the car park to Colne Road is via steps in both locations, with the one to the rear of Colne Road being unlit and uneven due to its cobbled surface.

Pedestrian access is possible from the car park via Halifax Road, although this may not be a practical alternative for wheelchair users, or those with limited mobility, due to the road's steep gradient. Therefore centre users may be reluctant to use the car park,

resulting in inconsiderate/unsafe parking behaviour on Colne Road itself and within the areas immediately in front and to the side of the town hall.

Whilst there is a ramped access outside the town hall the nearest car park from which users could gain level access is next to the community centre on Chapel Street. However this is not a public car park.

Consequently the proposed use raises concerns that informal parking may take place close to the access, which would not be possible without transgressing the local highway restrictions or prejudice to highway user safety. The Planning Inspector commented that local restrictions were such that convenient parking would be extremely difficult to achieve to the extent that indiscriminate parking was highly likely. The short stay parking patterns to drop off or collect centre users would be similar to customers to a hot food takeaway and therefore the highway authority considers that these concerns are still relevant. Given the vulnerable users going to the centre it is highly unlikely that they could be dropped off to wait or go to the centre independently whilst their carer went and parked elsewhere. A collision on Colne Road resulting in slight personal injury is recorded close to the development site. This involved a vehicle pulling away from being parked and colliding with a passing cyclist.

There are also concerns about how construction/delivery vehicles would access the site during the construction and fitting out phases, given the restrictions outlined above. It also is not clear whether the applicant has access rights to the rear of the property over third party land where they propose to have the bin store. If they do not have access rights, there are concerns that refuse bins may be stored on the footways outside the proposed building, causing an obstruction.

Given the above concerns the Highway Development Support Section objects to this application on highway safety grounds.

Cadent

Apparatus in the vicinity of the application site may be affected by the proposed development

Coal Authority

When considering the nature of the works proposed, the proposed ground floor extension appears to be a lightweight glazed structure which is unlikely to require substantial foundations or earthworks. On this basis we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed in this particular case and do not object to this planning application.

Conservation Officer Comments

The site lies immediately adjacent to the Grade II listed Brierfield Town Hall, and although well set back from Colne Road, is seen together with the LB in views from the road. Brierfield Cenotaph, also listed Grade II, is further away from the site and there would be very little impact on its setting.

The existing WC block is of relatively modern construction and materials, and is in poor condition. It does not enhance the setting of the Town Hall. There would be no objection in principle to its alteration and the addition of a first floor, subject to achieving a high quality design and the use of appropriate materials, in order to preserve the setting of the LB. Appropriate materials would be natural stone to match that existing to the front and Town Hall side elevations, and natural blue slate for the roof. A cream-coloured render would be acceptable for the rear and youth centre elevations.

Design details are still sketchy on the amended plans, so conditions will be needed to confirm architectural detailing and materials. The vertical emphasis of the facade together with the use of stone with simple glazed panels to the frontage should help the building to relate better to the Town Hall. The existing stonework should be reused with new stone matched to this. It is important that the aluminium glazing system to the front elevation does not become too visually prominent, and therefore the framing should be dark in colour and recessed behind the stonework to provide shadow lines and some modelling to the facade. Full details will be needed of the framing system (including cross sections), type and finish, also detailing to eaves and verges, window reveals and surrounds, rainwater goods, stonework and render finishes.

Public Response

Nearest neighbours have been notified and a site notice displayed.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy SUP2 (Health and Wellbeing) this policy seeks to support the provision of new or improved facilities for health, leisure and social care.

Policy SUP4 (Designing Better Public Places) sets out that proposals for buildings which have a multi-use will be encouraged. It also supports development which conserve or enhance the historic environment, particularly those which re-use historic buildings or make a positive contribution to the character and distinctiveness of an area.

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 196 of the Framework sets out that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Principle of the Development

The site is located at the centre of Brierfield, adjacent to the Town Hall and Cenotaph (both Grade II Listed Buildings), it is within a mixed use area with some other community uses, retail and residential located nearby. The principle of this type of health / leisure / social care development is acceptable in accordance with Policy SUP2, subject to accordance with heritage, design and amenity policies.

Design & Heritage

Local Planning Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the character and appearance of heritage assets. Policy ENV1 states that the historical significance of heritage assets must not be detrimentally affected by development.

The development would involve replacement of rundown public convenience. The site lies immediately adjacent to the Grade II listed Brierfield Town Hall, and although well set back from Colne Road, is seen together with the Listed Building in views from Colne Road. Brierfield Cenotaph, also listed Grade II, is further away from the site and there would be very little impact on its setting.

The proposal seeks to add an additional floor to the building, using the existing footprint. The building is to measure 6.9m to ridge and have a pitched roof. It is to be constructed of block and render, with a concrete tile roof. It is recommended that the stone is reused as part of the proposed development and a matching stone is found to complement the surrounding buildings. This could be secured by an appropriately worded planning condition.

The proposed development is accompanied by a Heritage Impact Assessment which sets out the significance of the building in relation to the nearby Listed Buildings, in accordance with the Framework. The existing building itself is not considered to hold a significance in terms of its heritage value, indeed it does not enhance the setting of the adjacent Grade II Listed Town Hall. The proposed development is set back further from Colne Road than the Town Hall, as such it would not impact upon the Listed Building in a harmful way. As such, the proposals accord with paragraph 196 of the Framework.

The proposed development has the potential to improve the setting of the Listed Building, compared with the existing building, particularly in its construction materials. This is something which can be controlled by a suitably worded planning condition.

The applicant has submitted an amended plan which includes a street-scene visual (dated 30/03/2021). This demonstrates that the proposed development is set back and would not dominate the neighbouring buildings, despite being two storey in height. The proposed materials have been amended to a brick-slip cladding which is to imitate stone. The Council's Conservation Officer has requested that the existing stone is re-used and a matching stone is found for the proposed upper floor. As such, the proposed brick-slip cladding would be unacceptable. Any materials would be subject to a condition which requires samples to be submitted and approved in writing prior to commencement.

Subject to conditions controlling the materials, the proposed development is acceptable in terms of visual amenity and heritage in accordance with policy ENV2.

Amenity

In terms of amenity, there are to be two large sets of windows to the ground and first floor, to the front elevation. To the sides and rear there are to be no windows.

The proposed building is taller than the existing single storey toilet block by 2.6m, as a result there will be some overbearing impact upon the offices within the first floor of the Town Hall. However, it is acknowledged that this is not a residential development which would require the level of protection that a habitable room may have, for example. The impact which this would have would not be an unacceptable one.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and ENV5.

Highways

The proposed development has resulted in an objection on highways grounds. The Highways Authority have raised concerns about the lack of parking associated with the proposed development and that people may be tempted to use the cobbled area to the front of the building which would create a highway safety issue. This would cause issues both during the construction phase and once the development is operational.

The proposed development is in a town centre location, situated less than 20m from a public car park. The proposed floor area is 106m², as such in accordance with the Council's parking standards set out at Policy 31 of the Replacement Local Plan for a D2 Use, there should be 4.2 spaces. Since we cannot have part of a parking space, this would be rounded up to 5 spaces. It is acknowledged that there is no parking associated with the proposed development. However, given the eminently sustainable location of this site, on a regular bus route through Brierfield, being 250m from the nearest railway station and less than 20m from a public car park, the proposal would not raise a major concern in relation to car parking.

There would not be likely to be severe impacts on highway safety and with there being a car park adjacent to serve the site there are no highway grounds that would lead to the application being unacceptable.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve, subject to conditions

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan – received on 09/03/2021

Proposed Block Plan – received on 09/03/2021
Proposed Front & Rear Elevation Plans – received on 09/03/2021
Proposed Side Elevation Plans – received on 09/03/2021
Proposed Floor Plans – received on 09/03/2021
Street Scene Plan – received on 30/03/2021

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development, samples of the external materials to be used in the construction of the walls, roof, window framing system (including cross sections), type and finish, detailing to eaves and verges, window reveals and surrounds, rainwater goods, stonework and render finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

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