

**Application Recommended for Approval**  
Bank Hall Ward

**APP/2017/0140**

Full Planning Application

Proposed change of use and conversion of former hotel/public house into retail units at ground floor and 8no. self-contained flats on upper floors

and

**APP/2017/0141**

Listed Building Application

Proposed change of use and conversion of former hotel/public house into retail units at ground floor and 8no. self-contained flats on upper floors

**FORMER DUKE OF YORK PH 129 COLNE ROAD BURNLEY**

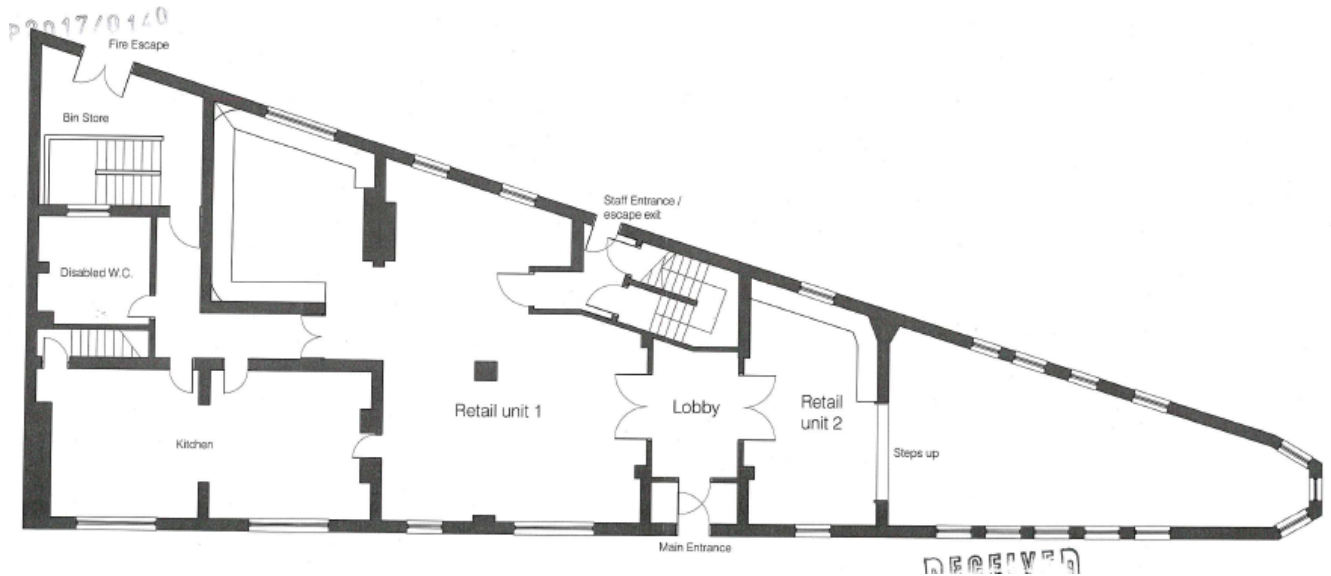
**Background:**



The former Duke of York PH is a Grade 11 Listed Building which has been vacant for several years.

Planning permission and Listed Building Consent have been previously granted (on appeal to the Secretary of State in 2009) for a similar development. These permissions were renewed in 2012 and work started on the conversion. The works were not fully in accordance with the approved plans and the conditions of the permission were not complied with. The new owner now wishes to regularise the position with new permissions and continue with the conversion.

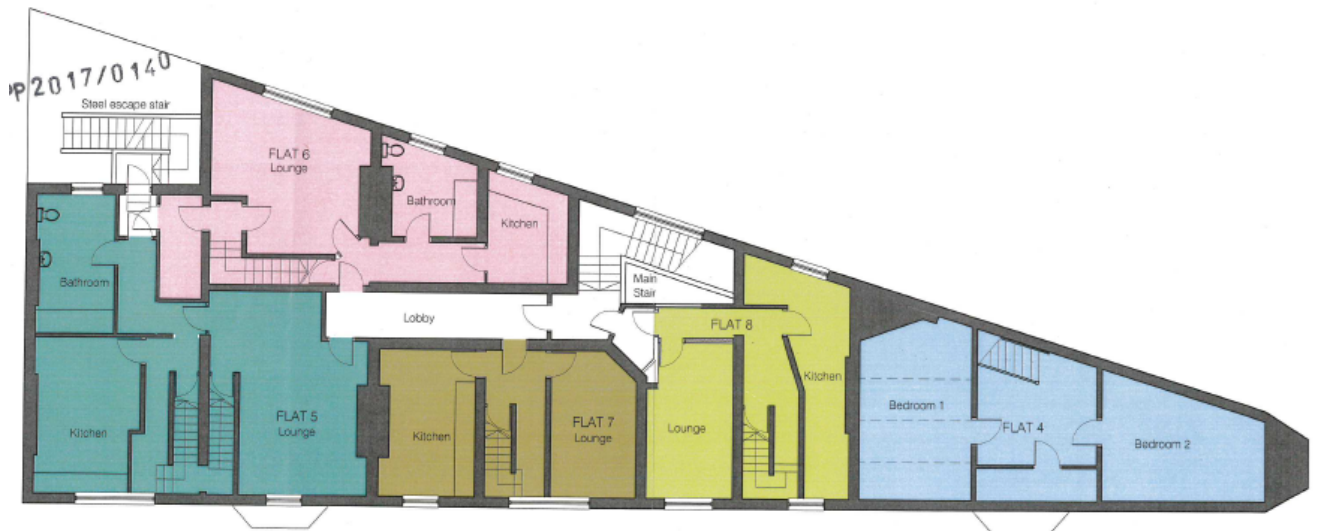
It is proposed to convert the former pub to 8 apartments on the upper floors. The change of use of the ground floor to 2 retail units would be a permitted change under the General Permitted Development Order and would not require planning permission.



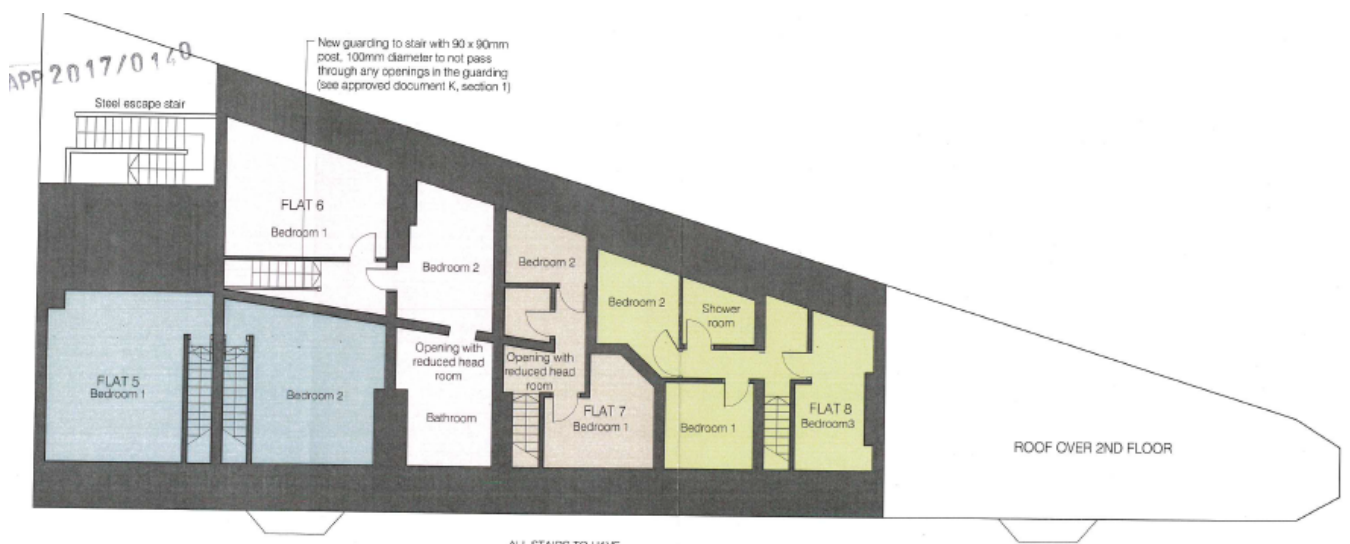
Proposed Ground Floor Plan showing the layout of the two shops. Access would be taken from the main entrance on the Colne Road elevation. There would be provision for a bin store in the yard area.



Proposed first floor plan showing the layout for Flats 1-4. The flats are each two bed roomed and access to all flats would be taken from the Briercliffe Road elevation via the existing staircase. Flats 1-3 are contained on the first floor. Flat 4 is spread over the second and third floor with the lounge, kitchen and bathroom on the first floor and the bedrooms on the second floor.



Proposed second floor plan showing the two bedrooms of Flat 4 and the ground floor of Flats 5 to 8.



Proposed third floor plan showing the bedrooms of Flats 5-8

Objections have been received.

### Relevant Policies:

#### Burnley Local Plan Second Review

CF11 - District and local centres

E10 - Alterations, extensions, change of use and development affecting listed buildings

E19 – Development and Archaeological Remains

E21 - Gateways and throughroutes

GP1 - Development within the Urban Boundary

H11 - Living over shops and other commercial premises and housing and training projects

H15 - Conversion and re-use for flats and bedsits

TM15 - Car parking standards

## Site History:

APP/2012/0338 – Change of use and conversion of former public house to two retail units at ground floor and 8 self-contained apartments on upper floors. Granted

APP/2012/0339 – Listed Building Consent as above. Granted

APP/2008/0798 - Proposed change of use and conversion of former hotel/public house into 2 retail units at ground floor and 8no self-contained flats on upper floors – planning permission refused. Appeal upheld.

APP/2008/0800 - Proposed change of use and conversion of former hotel/public house into 2 retail units at ground floor and 8no self-contained flats on upper floors – Listed Building consent granted

12/02/0204 – Listed Building Consent – Replacement of lower panes to ground floor windows with polycarbonate safety glazing (Approved)

12/02/0048 – Display of externally illuminated fascia signs and hanging pictorials (Approved)

12/87/0617 – Erection of 5 externally illuminated fascia signs, 2 externally illuminated double-sided painted signs, 4 internally illuminated ‘Bass’ triangles and 4 painted and sign written signs (Approved)

## Consultation Responses:

- 1 Lancashire County Council Highways: The Highway Authority comments will be reported to the meeting.

The Highway response on the 2012 application was as follows:

‘ Whilst it is accepted that the appeal decision overturned the original refusal on the site, the concerns of the highway authority remain because of lack of off-street parking which could be detrimental to businesses and residents in the area.’

*(The Highway Authority’s main concern related to the activity associated with the shops, which are permitted development in any case. The Inspector on appeal acknowledged that the proposal would not be in line with standards, but took into account alternative transport options, e.g. the quality bus route and determined that more weight should be attached to bringing the Listed Building back into use)*

2. A petition signed by 24 residents (17 addresses) has been received, objecting on the grounds that the redevelopment proposal for 8 apartments and 2 retail premises shows no detail of car parking or waste removal provision.

## **Planning and Environmental Considerations:**

The proposal is to convert the former Duke of York public house / hotel to 2 ground floor retail units with 8 self-contained apartments on the first and second floor.

The building had been used as a public house for many years but the business deteriorated over the last decade and it suffered damage from an arson attack a number of years ago. It has not proved viable to reinstate the premises as a public house.

The change of use of the public house (Use Class A4) to retail (Use Class A1) is permitted development which does not require planning permission but is included in the application for completeness.

The main issues to consider are the suitability of the site for residential conversion; residential amenity for both the neighbouring properties and the proposed apartments; the impact on the character and appearance of the Listed Building; traffic / parking and refuse disposal.

### *Conversion of the building to apartments*

In principle the use of the site as residential accommodation would not undermine the aims for the regeneration of the area and could provide alternative options following demolition of housing in the vicinity. Whilst the Council is not in a position of undersupply of housing and there is no need to seek further sites for housing purposes, the residential units will have already been recorded in the housing figures, following the previous grant of permission. The principle of using the property for residential with ground floor retail is considered acceptable.

Policy H15 of the Burnley Local Plan States that proposals for the conversion and re-use of buildings for the creation of flats and bedsits, which require planning permission, will be permitted where:

#### **(a) the proposal would not adversely affect the amenity of the residents of neighbouring properties;**

The nearest residential properties are located on the terraces running from Colne Road and set perpendicular to the application site, namely Bar Street and Cobden Street to the east, in addition to any possible flats above shops on Colne Road.

It is unlikely that neighbouring residential properties would be adversely affected by the proposal – there are no extensions or other buildings proposed which could affect light or outlook, and the residential properties are sufficiently distanced from the site so as not to be adversely affected in terms of loss of privacy.

#### **(b) the proposal is sympathetic to the character and appearance of the building and its locality;**

The building is a Grade II Listed Building and the Council has a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to preserving the character and appearance of the Listed Building and its setting.

Policy E10 of the Burnley Local Plan sets out that the Council will not permit proposals which adversely affect the character, architectural or historic interest of a Listed Building or its setting and would expect proposals to retain and repair features of architectural or historic interest, use appropriate materials and traditional working practices and if necessary make provision for the appropriate recording of any features that may be affected by the conversion.

The application sets out that there are minimal changes to the exterior of the building. The windows would be refurbished where necessary and windows which are partially blocked or panelled will be reinstated to windows, with bathroom windows proposed to be glazed in obscure glass. The plans indicate that where windows are beyond repair they will be replaced as necessary. It will be appropriate to condition full details of any alterations to the windows as these are not fully detailed in the application and for the avoidance of doubt. The first option would be to repair the windows and only if they are beyond repair would a like-for-like replacement be appropriate.

It is also proposed to retain the timber framed rooflights which have been inserted by the previous owner on both elevations. There is a discrepancy in the number of rooflights shown on the plans and the existing ones. This will be clarified with the applicant and a condition requiring full specifications of the rooflights would be appropriate.



Existing rooflights

The application sets out that remaining items of interest within the building, such as an original fireplace, staircase, cornice and skirting details, etc would retained, although several original features such as panelling, original doors and skirtings were removed during the course of the work started in 2014 under the 2012 permission.

Subject to appropriate conditions to control the work to the building, it is possible for the conversion work to be carried out without further detriment to the character and appearance of the Listed Building and without having an adverse impact on the significant aspects of the building.

The building is significant historically and architecturally and it is an important landmark building in a prominent position at the junction of Colne Road and Briercliffe Road. It is very important to find a viable use for the building to improve its appearance and secure its long term future.

A condition is suggested to require the building to be appropriately recorded prior to any further conversion work commencing. It would not be a full record of the original building because of the work which has already been undertaken but it will serve to record several of the remaining features.

**(c) the proposal provides a satisfactory residential environment for its occupants and for their immediate neighbours;**

The proposed flats are sufficiently sized for single occupancy or couples. Each flat has adequate light from the existing windows. There is no outside sitting space but the site is reasonably located to local Parks.

The amenities of the new residents of the apartments are likely to experience some disturbance having regard to the location of the property in a busy centre close to main traffic routes. However, they would be aware of this before taking occupancy. It is also material that the precedent exists for the provision of the apartments by the approval of previous permissions.

**(d) the proposal provides adequate facilities for refuse disposal; and**

The proposed plans indicate that an existing storage yard to the rear of the building would be used for refuse storage for both the apartments and retail units. The provision can be secured by condition.

**(e) there would be safe and convenient access for vehicles and pedestrians, and the provision of appropriate car-parking for the needs of the people living there, see Transport and Movement Policy TM15 – “Car Parking Standards”.**



*Link road on northern boundary*



*Hatched area on Briercliffe Road (above zigzags)*

There is no off-street parking available within the application site. The change of use of the ground floor of the former pub into retail units does not require planning permission and therefore issues in relation to the unloading of goods for these units would be difficult to control under planning legislation. The unloading of deliveries for the apartments can be carried out in the hatched area on the link road between Colne Road and Briercliffe Road on the northern boundary of the site, or in the hatched area before the zigzag markings on Briercliffe Road on the eastern side of the site at all times and a condition is suggested to achieve this.

The site clearly has no off-street parking spaces and this would become apparent to any potential future occupiers of the apartments. The proposed apartments are unlikely to attract families or couples using one or more cars, and given that the site is on a Quality Bus Route within a district centre, they would more likely attract non-drivers.

The immediate vicinity is served by a variety of existing retail outlets, in addition to the larger supermarket Lidl to the north. The site is served well by a Quality Bus Route, allowing easy access into Burnley Town Centre to the south and Nelson to the north. After careful consideration, although there is no parking provision, it would be unreasonable to refuse the application for the lack of parking facilities given the location of the site and this was the view of the Inspector when considering the planning appeal.

The proposal is within the aims of the above Local Plan policies and it is considered to be acceptable in line with the previous decisions on the site.

### **Recommendation APP/2017/0140**

That planning permission be granted subject to the following conditions

#### **Conditions**

1. The development must be begun within 3 years of the date of this decision
2. The development shall be carried out in accordance with the application plans – Drawing Nos. 1703-PL01- 1703-PL04; 1703-PL05 (existing and proposed Briercliffe Road elevation); 1703-L05 (existing and proposed Colne Road elevation); 1703-PL10; 1703-PL11A; 1703-PL12A; 1703-PL13; 1703-PL31; 1703-PL32 - 703-PL35 received 20 February 2017.
3. The bin storage arrangements shown on drawing no. 1703-PL10 received 15 March 2017 shall be provided before the start of any of the uses hereby approved and thereafter permanently retained for the use of the occupants of the apartments and the operators of the retail units.
4. No further conversion works to the building shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the Local Planning Authority.
5. The unloading of deliveries for the apartments shall be carried out in the hatched area on the link road between Colne Road and Briercliffe road on the northern boundary of the site, or in the hatched area before the zigzag markings on Briercliffe Road on the eastern side of the site at all times.
6. Precise specifications of all proposed changes to the windows on the building shall be submitted to and approved in writing by the local planning authority before any alterations are carried out. No changes other than those approved by the Local Planning Authority shall be carried out.
7. Precise details of the rooflights to be retained on the building shall be submitted to and approved in writing by the Local Planning Authority before the use hereby approved is implemented.



8. Notwithstanding the details of the works specified on the Schedule of Works submitted with the application, all existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise approved in writing by the Local Planning Authority. Precise specifications of any alterations which affect original features shall be submitted to and approved in writing by the local planning authority before any changes to the features are carried out.

**Reasons:**

1. 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 shall be carried out in accordance with the application plans – Drawing Nos. 1703-PL01- 1703-PL04; 1703-PL05 (existing and proposed Briercliffe Road elevation); 1703-L05 (existing and proposed Colne Road elevation); 1703-PL10; 1703-PL11A; 1703-PL12A; 1703-PL13; 1703-PL31; 1703-PL32 - 703-PL35 received 20 February 2017.
3. To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality, having regard to Policy H15 of the Burnley Local Plan Second Review.
4. To ensure and safeguard the recording and inspection of matters of archaeological / historical importance associated with the building / site having regard to Policy E19 of the Burnley Local Plan Second Review.
5. In the interests of highway and pedestrian safety having regard to Policy H15 of the Burnley Local Plan Second Review.
- 6/8. To ensure the satisfactory preservation of this listed building and to comply with policy E10 of the Burnley Local Plan Second Review.

**Recommendation APP/2017/0141**

That Listed Building Consent be granted subject to the following conditions

**Conditions:**

1. The works shall start within three years from the date of this consent.
2. To ensure compliance with the Development Plan and to avoid ambiguity.
3. No further conversion works to the building shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

3. Precise specifications of all proposed changes to the windows on the building shall be submitted to and approved in writing by the local planning authority before any alterations are carried out. No changes other than those approved by the Local Planning Authority shall be carried out.
4. Precise details of the rooflights to be retained on the building shall be submitted to and approved in writing by the Local Planning Authority before the use hereby approved is implemented.
5. Notwithstanding the details of the works specified on the Schedule of Works submitted with the application, all existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise approved in writing by the Local Planning Authority. Precise specifications of any alterations which affect original features shall be submitted to and approved in writing by the local planning authority before any changes to the features are carried out.

**Reasons:**

1. Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. To ensure compliance with the Development Plan and to avoid ambiguity.
3. To ensure and safeguard the recording and inspection of matters of archaeological / historical importance associated with the building / site.
- 4/5 To ensure the satisfactory preservation of this listed building and to comply with policy E10 of the Burnley Local Plan Second Review.

CMR  
07/04/2017