

**Application Recommended for Approve with Conditions**

**COU/2023/0389**

Trinity

Town and Country Planning Act 1990

Change of use from café to office and 3 self-contained apartments on the first floor

9 Halstead Street, Burnley BB11 4HU

**Background:**

**The application is presented to DC committee as the applicants are elected Burnley Borough Councillors**

The property is a stone/blue slate building of traditional construction with two storeys to front elevation and three storeys to sides and rear due to falling land levels. It is presently a hairdresser's salon at lower ground floor level, a café at ground floor level and vacant rooms a first-floor level. Part of an existing car park is identified within the red line. This is a commercial locality close to Burnley town centre.

A Commercial Agent's sign at 1<sup>st</sup> floor level is shown on Google Street View dated July 2022 and was still on the building on 05.06.2023, so it is reasonable to assume that it had been marketed for at least 11 months.

The site is located outside the Town Centre, Weaver's Triangle and Conservation Areas. It is within the development boundary of Burnley as defined by the adopted Local Plan.

**Proposal:**

Lower Ground Floor – maintain existing use as hairdressers.

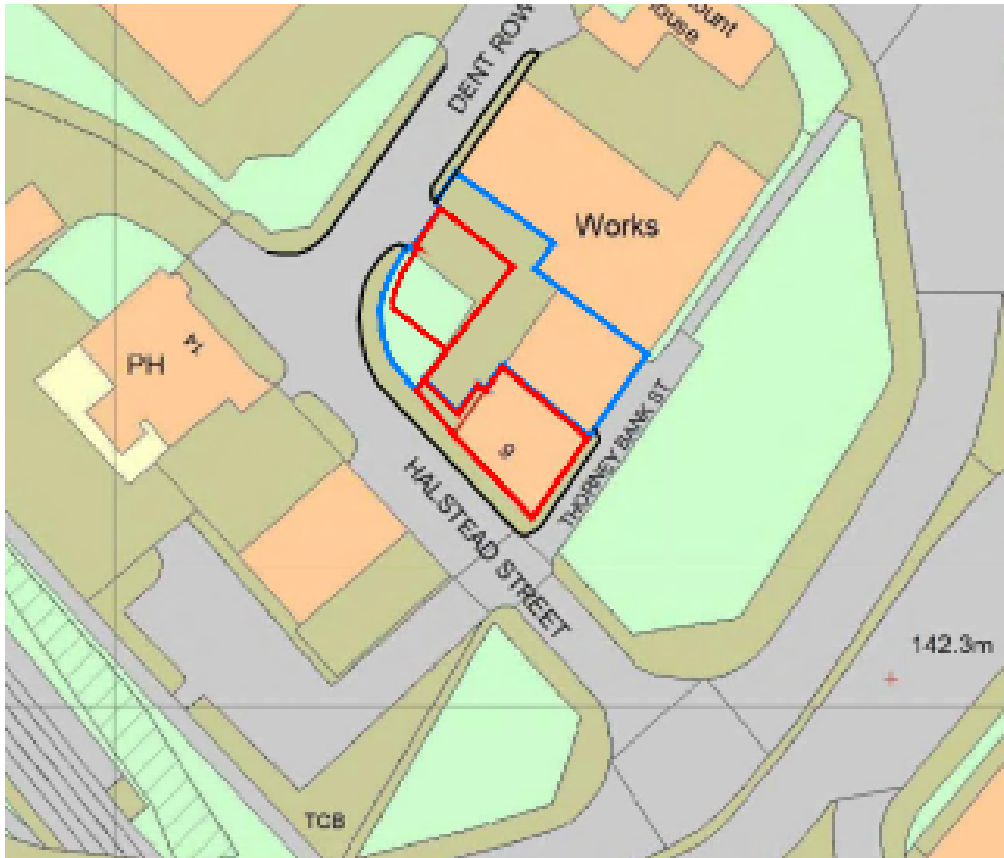
Ground floor– use as office

First floor – three flats

External – proposed gated access and walkway from Halstead Street along the side of the building at ground floor level plus enlargement of the existing window to create an external door. The door will provide access to an internal staircase, which will in turn provide access to the apartments on the 1<sup>st</sup> floor, thus separating the residential and commercial uses.

**Visuals:**





Existing



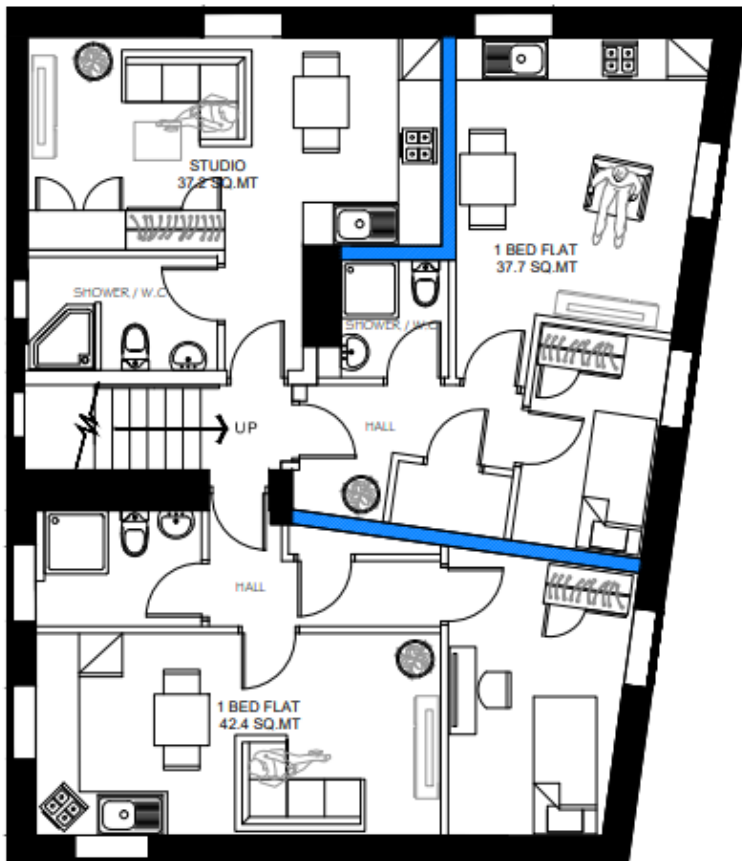
CLIENT: MR ROYALDEE BENTLEY & MISS LORRY BENTLEY  
 ARCHITECT: ANW ARCHITECTS  
 PROJECT: OLMPHUS HOUSE - HALSTEAD STREET BUNDELT  
 SCALE: 1:100 @ A4  
 DRAWING NUMBER: 2/04 - 1/21  
 DRAWN BY: G. ALAN BENTLEY 10/04/21



# Proposed



# Proposed 1st floor in detail





## PART INCOME PRODUCING INVESTMENT

### FOR SALE

Olympus House  
9 Halstead Street  
Burnley  
BB11 4HU

Size: 142.80 sq.m (1,435 sq.ft)

- **Adjacent to the redeveloped Manchester Road Railway Station.**
- **3 storey stone build property of character.**
- **Currently used as restaurant but formerly offices.**
- **Investment income from established hairdressers to the rear.**

### History:

APP/2013/0052 - Proposed change of use from Use Class A2 (Professional and financial services) to Use Class D1 (Dental practice). Approved 2013. The Officer's Report at the time described the use as 'vacant former insurance offices'. The car park was not included in the application, nor was its use Conditioned.

**Relevant Policies:**

Burnley's Local Plan (July 2018)

SP1: Achieving Sustainable Development

SP4: Development Strategy

SP5: Development Quality and Sustainability

NE5: Environmental Protection

IC1: Sustainable Travel

IC3: Car Parking Standards

Policy IC5: Protection and Provision of Social and Community Infrastructure

The National Planning Policy Framework (2021)

Houses in Multiple Occupation and Small Flats SPD

Technical Housing Standards: Nationally Described Space Standard (2015)

**Article 35 Statement:**

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application as (originally submitted) and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

**Consultation Responses:**

Highways – no objection subject to a pre-commencement Construction Management Plan Condition plus a note informing of the need for a Permit to work on the highway. Agent agreed to pre-commencement Condition by email on 18.07.2023.

Environmental Health – not received to date (27.07.2023)

StreetScene – not received to date (27.07.2023)

**Objections:**

None received to date (27.07.2023)

**Planning Assessment:****Impact on residential amenity and surrounding uses**

There are no dwellings nearby, therefore there will be no impact on the residential amenity of persons beyond the site.

However, it is proposed to locate dwellings above a commercial use. Notwithstanding that the Environmental Health Officer has not commented, it is considered reasonable to minimise potential disturbance within the building. So a condition restricting the operating hours of the office on the ground floor to between 0700 and 23.00 daily and a condition requiring measures to limit transmission of noise between potentially conflicting uses are recommended.

The scheme is considered acceptable in terms of neighbour amenity and would therefore comply with Local Plan Policy SP5.

### Impact on highways and pedestrians

The Highways Consultee hasn't objected. The building is close to the town centre, and both the residential and office uses are considered sufficiently close to transport hubs to be sustainable from the point of view of vehicular journeys.

Local Plan Policy IC3 requires one parking space per dwelling created plus one space per 30sq.m of office. This equates to three plus four spaces respectively. The area of car park shown within the red line contains space for three, so a shortfall of four off-street parking spaces exists.

However, the building is close to the railway station and nearby Manchester Road is a main route into the town with a regular bus service. There is also on street parking and public car parks close by in the town centre. Whilst it cannot be assumed, residents may choose not to own a car in this location. In addition to the three spaces shown for this building, the submitted plan also shows four spaces plus a bin storage area for the lower ground floor hairdresser's premises (albeit not forming part of the planning application).

In view of the Highways Consultee's lack of an objection the parking provision is considered acceptable. The submitted plan also shows secure bicycle parking, and a condition is recommended to ensure that the three dedicated spaces plus the bicycle parking are retained.

The proposed accessway from Halstead Street will not have an impact upon pedestrians using the adjacent footway.

### Protection and Provision of Social and Community Infrastructure

It could be considered that the existing café use is a 'social and community facility', and as such the proposal is considered against Policy IC5 which states:

*'1) The Council will, where possible and appropriate:*

- a) Safeguard existing social and community infrastructure, subject to a continued need or likely future need or demand for the facility in question; and require alternative comparable or improved provision where a development scheme would result in the loss of important social and community infrastructure.'*

In this instance the property has been marketed since at least July 2022, with no alternative user presenting him/herself. Its loss is not considered to conflict with IC5.

Notwithstanding this a café / restaurant use and office would both fall within Class E of the use classes order with the uses within that class being interchangeable without the need for planning permission.

It should also be noted that a previous use of the property has been as an office.

### Living Conditions for Occupants

The Council's adopted Houses in Multiple Occupation and Small Flats SPD refers to the Technical Housing Standards: Nationally Described Space Standard (2015). The NDSS requires a minimum gross internal floor area for a single storey dwelling with a shower rather

than a bath as 37.0sq.m with adequate light to rooms. All three proposed apartments meet this standard.

The Council's Houses in Multiple Occupation and Small Flats SPD states the following:

*'HMOs should provide a designated area for drying laundry. Where it is not reasonably possible to provide an outside drying area, internal space should be allocated for drying clothing.'*

In this instance no specific drying area is identified either internally or externally however the floor area of the flats is adequate and it is likely that there will be indoor space available for this purpose. There is also some limited space available externally.

*'The development of HMOs and small flats has the potential for the transmission of noise, internally and with adjoining properties. This is particularly relevant when considering the conversion of semi-detached or terraced properties.'*

The EH consultee has not responded. However, conditions are suggested limiting hours of operation of the office and measures to restrict noise transmission, as stated above.

*'The design and layout of developments must ensure that there are adequate facilities for waste storage, both internally and externally, and also for collection.'*

The proposed plan does show two bin storage areas externally, underneath the proposed pedestrian access deck. The dimensions of the storage areas are 122cm high x 157cm wide x 86cm deep. The dimensions of a 240l wheelie-bin are 107cm high x 58cm wide x 74cm deep. Therefore each of the two storage areas are capable of housing two wheelie-bins with relative ease. It is assumed that each flat will have a bin as will the office and that recycling bins will be located internally under sinks prior to bin day. A Condition requiring provision before occupation, plus retention thereafter is recommended.

*'To meet the requirement of Policy IC3 3) and to maximise opportunities for the use of sustainable modes of travel in accordance with Policy IC1, adequate space for cycle parking/storage should be provided within the curtilage of the property or within a convenient and secure communal space.'*

Submitted plans show sufficient secure storage for three bicycles which is acceptable. A condition is recommended requiring provision before occupation and retention thereafter.

*'It is important for residents of HMOs and small flats to have access to private or semi-private outdoor space.'*

*'As a general guide, amenity space should, in addition to accommodating necessary bin storage, car parking and external cycle storage, provide space for residents to sit comfortably away from bin storage areas.'*

In this instance bins will be stored in enclosed areas, so there is no likely conflict in this respect. In common with many converted buildings close to the town centre, there is no dedicated outdoor amenity space. There is a little land available within the site area at a higher level than the car park surface that currently has no pedestrian access, and it is anticipated that this could be utilised by residents, this does not form part of the application but on balance is considered acceptable given the sustainable location.



*'When considering proposals for HMOs and small flats, the Council will also therefore consider the potential cumulative impacts under the requirements of Policy SP4 and SP5. Cumulative impacts here is concerned with the effects of a concentration of HMOs or small flats within a specific area.'*

Records indicate that there are no HMOs in excess of 10% of the built stock within 100m of the property, and in the absence of information to the contrary from any source it is considered that the proposal accords with the requirement of the SPD in this respect.

**Conclusion:**

The potentially conflicting uses of three dwellings and an office is acknowledged and mitigated by suggested conditions.

The loss of a community facility can be accepted on balance by reference to marketing and an apparent lack of interest over the course of the previous year as well as proximity to other similar uses and considering permitted changes of use.

There is no dedicated outdoor space however the building does have some external area within the red line, and it is in a highly sustainable location close to town centre amenities. The residential accommodation is self-contained and meets the SPD in terms of providing acceptable living conditions for future occupants and will bring the upper floors into use making a small contribution to housing supply.

As such considering the relevant local plan policies and material planning considerations the proposal is considered acceptable and approval is recommended.

**Conditions and Reasons:**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans listed on this notice below.

Drawing No. 2198.01 – existing plans, received 04.07.2023

Drawing No. 2198.02 – proposed plans, received 04.07.2023

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. Notwithstanding details shown within the submitted planning application, the flats shall not be occupied until a scheme of noise insulation between the office and residential elements has been submitted to and agreed in writing by the Local Planning Authority. The scheme so agreed shall be implemented prior to first occupation of the dwellings and retained thereafter.

Reason: to ensure there is no unacceptable adverse impact on the amenity of occupants in accordance with policy SP5 of Burnley's Plan.

4. The operating hours of the office element shall be restricted to between 07.00 and 23.00 daily unless otherwise approved in writing by the Local Planning Authority.

Reason: to ensure there is no unacceptable adverse impact on the amenity of occupants of dwellings in accordance with policy SP5 of Burnley's Plan.

5. Notwithstanding details shown within the submitted planning application, the dwellings shall not be occupied until the secure bicycle parking facilities shown on the approved plan have been provided. The bicycle parking provision shall be retained for the lifetime of the development.

Reason: To ensure that sufficient secure bicycle parking is provided, in accordance with Policy IC3 of the Local Plan.

6. Notwithstanding details shown within the submitted planning application, the dwellings and office shall not be occupied until the external bin storage facilities shown on the approved plan have been provided. The bin storage facilities shall be retained for the lifetime of the development.

Reason: To ensure that sufficient external bin storage is provided, in accordance with Policy SP5 of the Local Plan.

7. Notwithstanding details shown on the submitted plans, the development shall not be occupied until the three dedicated car parking spaces shown on the submitted plans are provided. The three spaces shall be retained for the use of occupants of the apartments and office plus their visitors thereafter.

Reason: In the interests of highway safety, in accordance with Policy IC3 of the adopted Local Plan.

8. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority.

The approved plan/statement shall provide:

- Details of the parking of vehicles of site operatives and visitors.
- Details of loading and unloading of plant and materials.
- Arrangements for turning of vehicles within the site.
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
- Measures to protect vulnerable road users (pedestrians and cyclists).
- Wheel washing facilities.
- Measures to deal with dirt, debris, mud, or loose material deposited on the highway because of construction.
- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition, and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases.

Note: Construction Management Plan.

- There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway.
- There must be no storage of materials in the public highway at any time.
- There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- Vehicles must only access the site using a designated vehicular access point.
- There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.

- A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary, this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or emailing [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk)

- All references to public highway include footway, carriageway, and verge.

### Notes

1. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk) or on 01772 533433.

