

Application Recommended for Delegation
Daneshouse with Stoneyholme Ward

APP/2018/0358

Full Planning Application
Proposed erection of retail unit
LAND ADJ 7 ANGLE STREET BURNLEY

Background:

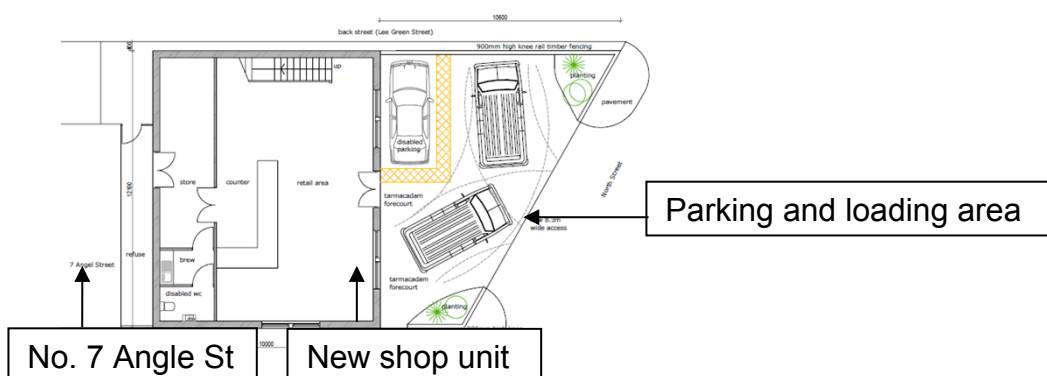
It is proposed to construct a new retail unit on a Council-owned landscaped area at the end of a row of terraced residential properties on Angle Street.



Existing landscaped area.

The land, measuring approximately 200 sq. metres, is the site of terraced houses which were demolished around the 1960's. A landscaped amenity area containing raised flower beds and small trees was constructed following the demolition.

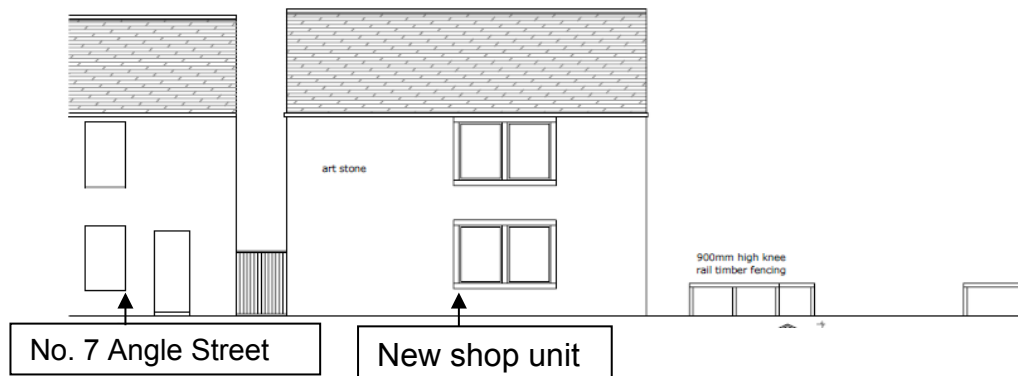
The proposed retail unit would be detached and adjacent to No. 7 Angle Street. It would be two storey with each floor comprising approximately 110 sq. metres of floor area. It would face North Street with a small forecourt for loading and unloading to the front of the building, accessed from North Street. The forecourt would contain one disabled parking space.



Proposed layout

The raised planting beds and four small would be removed with provision made in the proposed layout for two small planted areas within the forecourt.

The building would be of a similar scale to the terraced houses and would be constructed in artificial stone to the North and Angle Street elevations with render to the back street and against the gable of No. 7 Angel Street. There would be an enclosed 1.4 metre wide area between the gable of No. 7 and the rear of the building which would be used for refuse storage.



Elevation facing Angle Street



Elevation facing North Street

Objections have been received to the application.

Relevant Policies:

Burnley's Local Plan

- SP1 – Achieving Sustainable Development
- TC1 – Retail Hierarchy
- TC6 – District Centres
- TC8 – Shopfront and Advertisement Design
- NE4 – Trees, Hedgerows and Woodland
- IC3 – Car Parking Standards

Consultation Responses:

1. Lancashire County Council (Highway Authority) comment that there is no objection to the application, but concerns are raised regarding the off-street car parking. It is noted the car park on adjacent land is not available as it is private and signed for the use of private hire vehicles only.

The new access will need to be constructed under a Section 278 Agreement which may require the installation of a drainage gully, the strengthening and lowering of a cable TV inspection chamber and the provision of tactile paving.

It is recommended that conditions are imposed providing for:

- the marking out of the car parking area and preventing the storage of goods or materials from being stored on it;
- the off-site highway works to be carried out in line with an appropriate Section 278 Agreement
- the approval of a construction method statement providing for the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials used in construction; erection and maintenance of security hoarding; wheel washing and road sweeping facilities; measures to control dust and dirt during construction; a scheme for recycling and disposal of waste resulting from demolition and construction works; details of working hours; routing of delivery vehicles to/from the site.

The appropriate conditions may be imposed on any permission granted.

2. Lancashire Constabulary (Designing Out Crime Officer) advises that a range of security measures are incorporated into the development in order to mitigate the risk of crime to the proposed retail unit.

The comments of the Designing Out Crime Officer will be reported to the applicant.

3. Environmental Health Officer: raises no objections to the application subject to conditions relating to the a restriction in the hours of construction work on the site and requiring that no process is carried out or machinery installed to the detriment of the amenity of the area.

It would be appropriate to control the hours of construction to prevent disturbance at unsocial hours for the resident. A Construction Method Statement will set out the measures to control nuisance to neighbouring properties during construction.

4. One letter from a neighbouring business comments that there is a major issue in the area in respect of parking. There is a local mosque opposite the site, an Islamic School and other businesses along Colne Road. It is a very congested and busy area which is gridlocked around school times and Friday prayers. People park on the private car park adjacent, which is not a public car park for the use of the wider public.

There is only one disabled space to be provided and the small forecourt is not sufficient to facilitate delivery vans, which will result in further congestion. It is suggested that at least five off-street spaces are required.

5. A neighbouring resident comments that this will have a negative impact on daily life. It will create parking issues and could be dangerous for children and elderly in the neighbourhood. With on street parking. There will be an increase

in noise and disturbance connected with people using the shop . It will result in the loss of plants and trees from the site.

Planning and Environmental Considerations:

The main issues relate to the loss of the landscaped amenity area; the principle of a retail use in this location; car parking issues; the design and appearance of the unit and; its impact on the amenity of the surrounding neighbourhood.

Loss of the landscaped amenity space

The amenity space was provided following the demolition of terraced houses around the 1960's. It is partially enclosed by a low level stone raised planting beds and there are four small trees on the land. It provides a sense of space and openness in the close knit terraced area.

However, the land has been poorly maintained and is overgrown and untidy. It does not appear to be well used. The trees on the site are attractive in the area, but they are not of a size suitable for Tree Preservation Orders. It would be difficult to justify the refusal of the development based on the loss of the amenity area.

The proposal shows two small replacement landscaped areas on the forecourt and these will provide some planting to compensate to some extent for the loss of the area.

Principle of the retail use in this location

The site is directly adjacent to the District Centre and in an area of mixed use as shown on Burnley's Local Plan and in principle the development for retail use is acceptable.

Policy TC1 sets out that retain development should be of an appropriate scale according to its location with the retail hierarchy. Policy TC6 sets out that within and adjacent to District Centres development for appropriate commercial and community uses will be considered acceptable in principle providing it satisfies the other policies of the Local Plan, and it is of an appropriate scale and does not unreasonably harm the amenities of local or adjoining residents or users

The site is immediately adjacent to the designated District Centre on the Local Plan and the principle of retail is therefore acceptable in principle in this location, in line with Policy TC6. The scale is acceptable - it is a relatively small unit with a gross floorspace on around 220 sq.m. and it would not unreasonably harm the amenity of neighbouring residents or users, as set out in more detail later in this report.

Car parking Issues

The area to the front of the unit would be used for the loading and unloading of goods and it would provide for one off-street parking area for disabled use.

The Highway Authority does not object to the lack of off-street parking provision. There is some on-street parking around the area and the site is in a sustainable location close to the District Centre and public transport routes. It would be

appropriate to require provision for a minimum of two cycle stands located in a secure and convenient area close to the shop entrance and this may be achieved by condition. Conditions requested by the Highway Authority requiring that the car park is marked out and not used for the storage of goods would be appropriate.

In line with Policy CC5 of the Local Plan, it would be appropriate to ensure that the car parking area is surfaced in porous materials, notwithstanding the details showing it to be tarmac in the application documents. A condition may be imposed in this respect.

Design and appearance

The unit is reasonably in scale with the surrounding terraced properties. It is of similar height to the adjacent terrace and laid out so that the main frontage faces North Street. The facing materials are artificial stone with a dark grey tile roof which are in keeping with the surrounding area. The window openings would have artificial stone surrounds to reflect the details of the surrounding properties in the area.

The window openings facing North Street are intended to be the main shop windows. There are side shop windows facing Angle Street and the applicant has been asked to consider amendments to these windows to reflect the style of the terrace.

There would be an enclosed area set aside to the rear of the building designated for refuse storage. The front forecourt would include small areas of landscaping.

The design and materials are acceptable in this location

Impact on Residential Amenity

The area is mixed with commercial, community and residential properties. There is a mosque and school adjacent to the application site, business premises close by and there are residential properties on Angle Street and North Street close to the site.

The use is unlikely to be a source of undue nuisance and disturbance to residents over and above existing activity in the area. It would be appropriate to restrict the opening hours of the shop to that applied for, i.e. Monday to Saturday 8 a.m to 7 p.m. and 10 a.m. to 4 p.m. on Sundays and Bank Holidays, to minimise the impact on the neighbouring properties.

It is proposed to impose a condition requiring a construction method statement to include any potential issues in relation to the construction period in terms of construction working hours, and emissions of dust, etc.

Recommendation:

That the Head of Housing and development Control be delegated to grant planning permission for the development subject to the following conditions, on receipt of satisfactory amended plans which show an acceptable elevational treatment to the Angle Street elevation.

Conditions

1. The development must be begun within three years of the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 437/01; 437/02; 437/03 and; 437/04 received 25 July 2018 (*as may be amended*)
3. The parking and manoeuvring area shown on the approved plan, Drawing no. 437/02 received 25 July 2018, shall be surfaced in a porous material and marked out to indicate the proposed disabled parking bay together with a designated pedestrian route from the highway to the front entrance to the building, before the retail unit hereby approved is brought into use.
4. The parking and manoeuvring area shown on the approved plan, Drawing no. 437/02 received 25 July 2018, shall be retained at all times for the parking and loading / unloading of goods. There shall be no storage of goods or equipment on this area.
5. The off-site highway works to provide vehicular access from North Street shall be carried out in full accordance with Section 278 of the Highways Act, in consultation with the Highway Authority, before the retail unit hereby approved is brought into use.
6. No development shall take place including the removal of the existing walls and structures, 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 and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in the constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Wheel washing facilities and road sweeping as required
 - vi) Measures to control the emission of dirt and dust during construction
 - vii) Details of working hours
 - ix) Routing of delivery vehicles to/from the site
 - x) Contact details of the site manager
7. There shall be no construction works taking place on the development hereby approved, outside the hours of 0800 hours to 1800 hours Monday to Friday; 0800 hours to 1300 hours on Saturdays and not at any time on Sundays and Bank Holidays.
8. The two landscaped areas indicated on the approved plan, Drawing no. 437/02 received 25 July 2018 shall be provided to the satisfaction of the local planning authority and each area shall contain a tree such as a Japanese Maple, Cherry, Magnolia, or similar suitable for a small garden. The areas shall thereafter be maintained in accordance with good horticultural practice.
9. The retail unit shall not open outside the hours of 0800 to 1900, Monday to Saturday; 1000 to 1600 on Sundays and Bank Holidays.

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. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
- 3 /4/5 In the interests of highway safety to ensure that adequate facilities are available whilst the use is in operation, having regard to Policy IC3 of Burnley's Local Plan July 2018.
6. The construction method statement is required before the development commences to ensure that the site is managed in such a way as to avoid any impacts on highway safety from the start of the works and throughout the period of construction.
7. In the interests of highway safety and residential amenity, to avoid undue disturbance in the surrounding area during the construction period.
8. To compensate for the loss of planting on the site and to ensure the development harmonises with the surrounding area, having regard to Policy NE4 of Burnley's Local Plan July 2018.
9. To avoid disturbance to neighbouring residential properties at unsocial hours having regard to Policy TC6 of Burnley's Local Plan July 2018.

CMR