

Application Recommended for Approval

APP/2019/0078

Daneshouse with Stoneyholme Ward

Full Planning Application

Alteration of existing shop front to provide individual fronts to 2no retail units formed on the ground floor; together with change of use providing gym/fitness studio in rear ground floor room and dance studio on first floor.

116 ST JAMESS STREET BURNLEY

Background:

The application relates to an existing retail unit (currently vacant).

An objection has been received.

Relevant Policies:

National Planning Policy Framework (NPPF)

Burnley Local Plan (2018)

HE2 – Designated Heritage Assets

TC8: Shopfront & Advertisement Design

TC2: Development within Burnley and Padiham Town Centres

TC3: Burnley Town Centre – Primary and Secondary Frontages.

IC1: Sustainable Travel

Relevant Planning History: None.

Consultation Responses:

Highway Authority – No objections.

Neighbouring Occupier – Letter on behalf of DW Fitness First (DWFF) that occupies 104 St James's Street making representations as follows (summarised):

- DWFF operate a large gym/leisure use in the adjoining building, the viability of which would be adversely affected by the gym/leisure use next door. Any potential closure would have implications on the viability and vitality of the town centre as a whole.
- Access to the leisure uses would be via Tanner Street which is used as a refuse service area.
- The access to the new facilities is set within an inactive/dead frontage set back from Hammerton Street. NPPF paragraph 91 and 108 are cited as they require that development should be *safe and accessible* with *clear and legible pedestrian routes* and with *safe and accessible access for all users*. The access would be unwelcoming and potentially dangerous.
- The proposed leisure studios would be devoid of all street presence and would present potential viability implications to the business.

[Comment- *These are pertinent representations and are discussed in the main report]*

Planning and Environmental Considerations:

The proposal relates to two-storey premises fronting the main spine of Burnley Town Centre. For planning purposes it is identified as within the Town Centre Conservation Area, and within a Primary Shopping Area, with a Secondary Frontage.

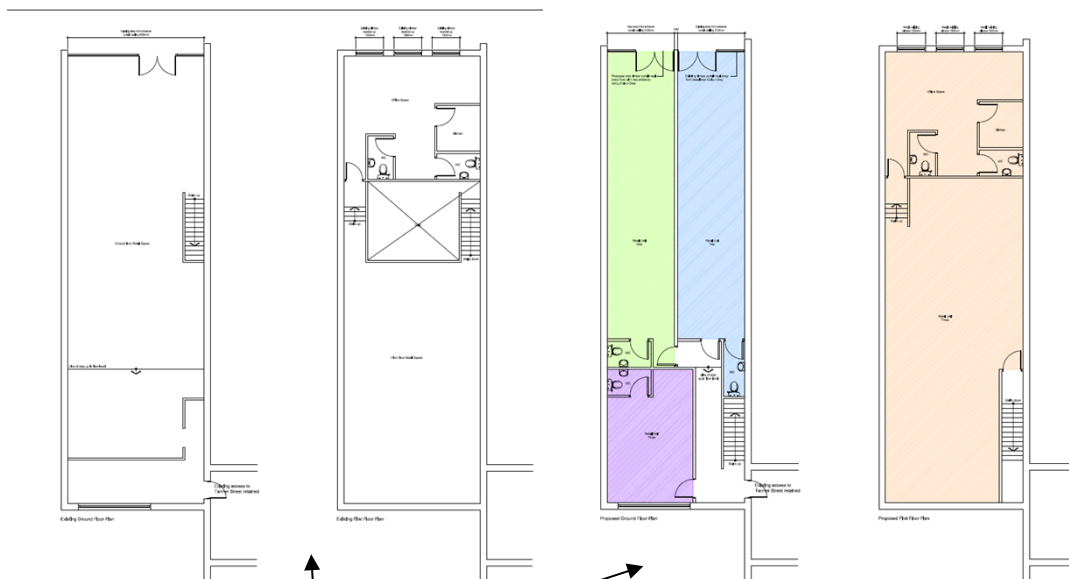
The building has a rectangular footprint, extending through to the rear of the block, from which a secondary access is gained from Tanner Street.



Application site

The building is currently vacant and the present proposal is to refurbish it, converting it to:

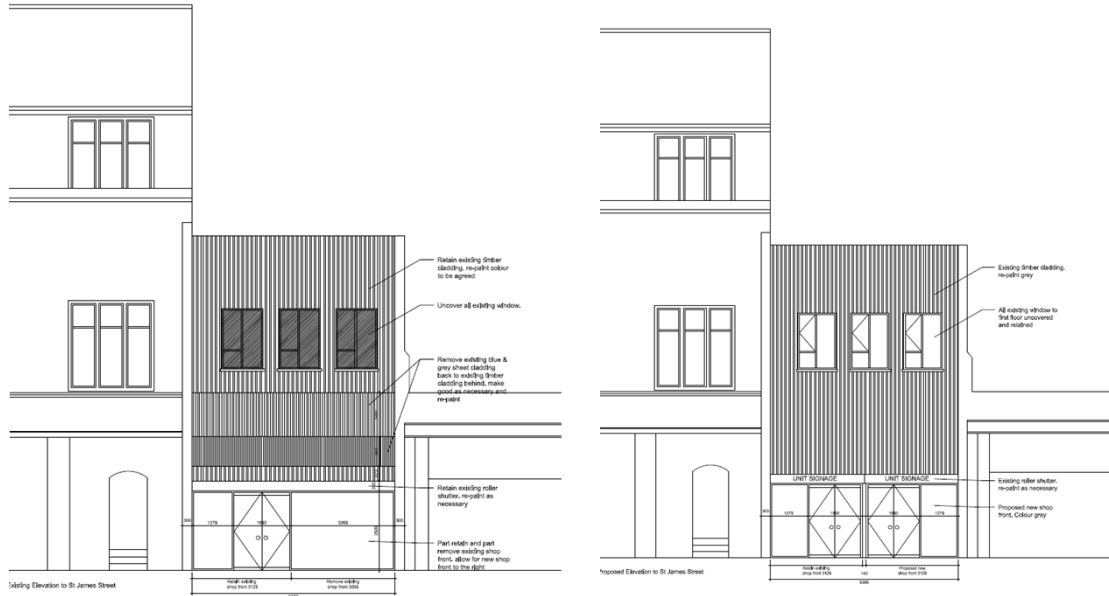
- two smaller retail units each with a separate shop front to St James Street;
- one small unit at the rear also to be used as a gym/fitness studio;
- a dance studio at first floor level, with access from Tanner Street via a new internal starway.



Before and after internal layout drawings

The frontage of the building has at some time in the recent past been clad with vertical boarding and three lights to the upper floor. The present proposal would see the elevation simplified by removal of an overly heavy mock-fascia banding, renovation of

the vertical boarding, with a charcoal/black finish; and modification of the contemporary minimal, metal framed single shop front to provide two shop fronts of similar style.



Before and after application drawings

The alterations have already been carried out and is shown in the following images:



Application site



Rear access from Tanner Street



Rear window outlook from within the small ground floor gym

Law, Policies and Assessment

The site is within the Town Centre Conservation Area therefore the Planning (Listed Buildings and Conservation Areas) Act 1990 applies to the proposal; S72 requires that special attention be paid to the desirability of preserving or enhancing the character of that area. The NPPF identifies the building as a designated heritage asset.

Policy HE2 sets the relevant criteria:

Proposals affecting designated heritage assets and/or their settings will be assessed having regard to the desirability of sustaining and enhancing the significance of the asset and, where appropriate, securing a viable use most consistent with conservation. All levels of harm should be avoided.

The proposal would enhance rather than cause harm to the area. The external boarding would continue to hide the blemished elevation – its presumed purpose. Unnecessary treatments would be removed, leaving the elevation with a minimal, contemporary appearance. This would provide a sharp visual contrast with the adjacent, more traditional buildings alongside, and help to emphasise their historic appearance.

The continued use as A1 retail would be in accordance with **Policies TC2 and TC3**.

The changes made to the shop front (as such) would be of a minor material nature. **Policy TC8** does not expect buildings that are not listed or of traditional appearance to be provided with ‘traditional’ shop fronts of timber or cast metal. The resultant shop front would be appropriate to the character of the existing building and streetscene and would be in accordance with the policy.

Representations

The Highway Authority raises no objection to the proposal.

The representation on behalf of the neighbouring business includes comment on relevant planning considerations.

In the first point it is indicated that the new use could threaten the viability of DWFF’s present use, and consequently the viability and vitality of Burnley Town Centre as a whole. However, this is a matter of competition between two uses operating in the same field, and the planning system cannot operate to protect one business party against another. Competition between businesses is not a planning matter.

The representation refers to access being from Tanner Street which is shown on the following image:



Tanner Street is a short cul-de-sac leading from Hammerton Street. In earlier years (up to the 1950s) Tanner Street gave access to the stage door and gallery entrance to the then Burnley Opera House, although the buildings were subsequently redeveloped, and there is no readily available documentary information of this history.

The street is block-paved in a manner that delineates a pedestrian margin on each side so that pedestrians would have a proper refuge from traffic. Waste/recycling bins from nearby premises are currently stored on the footway margin on one side. Whilst such storage is not desirable, visitors to the rear of the application site would still have reasonable access along the other side margin.

As regards security, the representation chimes with the requirements of **Policy IC1** which requires the provision of safe pedestrian access. A condition is recommended to require provision of lighting in the vicinity of the rear doorway of the premises in order to improve night time visibility/security.

In conclusion, the development would enhance the appearance of the conservation area and add to the vitality of Burnley Town Centre.

Recommendation:

That planning permission be Granted subject to the following conditions:

Condition

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Drawings number: 813117/A3/1.002 (Proposed Location and Site Plans); 813117/A3/1.001 (Existing Elevation); 813117/A3/2.001 (Proposed Elevation); 813117/A3/1.000 (Existing Layout Plans); 813117/A3/2.000A (Proposed Layout Plans), received 8 February 2019.
3. Lighting shall be provided sufficient to illuminate the exterior area of the passage between buildings on the approach to the rear doorway of the premises at all times the use(s) are operated after dark.

Reason

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. In the interests of the convenience and security of users of the entrance in accordance with Policy IC1 of the Burnley's Local Plan (2018).

AR
17.4.2019