

Full Planning Application

Reinstatement of 2 no. former shops at ground floor level and 2 no apartments to first and second floors, existing party wall to be reinstated and some internal wall reconfigured to create living space. New entrance cores to rear to gain access to the first floor apartments.

NOS. 33-35 BURNLEY ROAD PADIHAM

Background:

The application site, Nos. 33-35 Burnley Road, is subject to a Compulsory Purchase Order (CPO) served by the Council on the 7th June 2019. This application seeks permission for a scheme that will enable the sustainable long-term use of the property subject to the CPO.

The application site occupies a central position within the Heritage Lottery funded Padiham Townscape Scheme and comprises two separate properties that have previously been combined into a single unit. The property has been vacant for over ten years and subsequent changes to ownership titles have created an unworkable internal layout preventing the viable long-term reuse of the building. The Council considers that the only feasible option to successfully regenerate the building is to reinstate the original dividing walls and independent access to the upper floors to create two separate units. The building is having a detrimental impact on adjoining properties both visually and structurally and on the amenity of their surroundings and as such its repair and re-use is identified within the Padiham Townscape Scheme as a high priority project.

To this end the Council considers that without intervention the building will most likely remain vacant and continue to deteriorate to such an extent that it will undermine the vitality of the town centre and the investment through the Padiham Townscape Scheme.

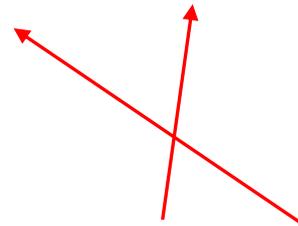
The site and surrounding area:

The application site, Nos. 33-35 Burnley Road, occupies a central position in an attractive terrace of nineteenth century commercial premises to the east side of Burnley Road. There is a mix of uses in the terrace including commercial and retail at ground floor with residential flats above that are accessed at the rear (Eccleshill St).

The building was originally constructed as two separate properties, each comprising three storeys with cellars, and has subsequently been combined into a single unit that comprises a vacant ground floor commercial use (last used as a hot food takeaway) with two storeys of vacant residential accommodation above forming a single residential unit. The building is currently in a poor condition externally, and it is evident that it has been subject to inadequate maintenance, exacerbated by vacancy. The properties each comprise a single bay of coursed sandstone masonry with dressed details such as cornices and window surrounds. The roof incorporates Welsh slate with sandstone chimney stacks. There are some surviving elements of the traditional shopfront and some unsympathetic later alterations including modern uPVC windows,

signage and an external shutter. To the rear are a number of equally insensitive alterations and additions. The interior of the buildings is no longer configured to the original built form, having been merged internally, and access to the upper floors is via the rear of No. 35, off Eccleshill Street.

Nos. 33-35 Burnley Road are identified as Locally Listed Buildings (Non-Designated Heritage Assets) and are located within the Padiham Conservation Area which is noted as a relatively intact nineteenth century townscape which retains excellent examples of later nineteenth century commercial buildings and shop fronts and important surviving elements of architectural detailing and decoration.



Front Elevation to No. 33 and No. 35

Rear elevation to No. 33 and No. 35

Proposed Development for which consent is sought:

The application seeks permission to reinstate the original dividing walls and independent access to the upper floors to return the building into two separate units. The basic premise behind the proposals is to achieve a sustainable economic use for

the building which is appropriate to both the town centre location and to the quality and character of the locally listed building.

The proposal includes the conversion of the ground floor into two independent retail units with repairs and alterations to the existing shopfront at No.33 and the installation of a new traditionally styled shopfront at No.35. The first and second floors would provide two self-contained two-bedroom duplex apartments each with a kitchen and living area at first floor level and two bedrooms and a bathroom at second floor level. Access to the apartments would be from the rear via two new entrance structures, entirely separate from the retail use. In order to accommodate the proposed uses some alterations are required to the existing building including the demolition of the existing small single storey outrigger to No. 33 and the creation of two new entrance structures allowing access staircases to the first floor. These lean-to structures measure 1.7m in width with a ridge height of 6.0m and have been designed and detailed to be in keeping with the wider context, using sandstone masonry, slate roofs and timber joinery to the external envelope.

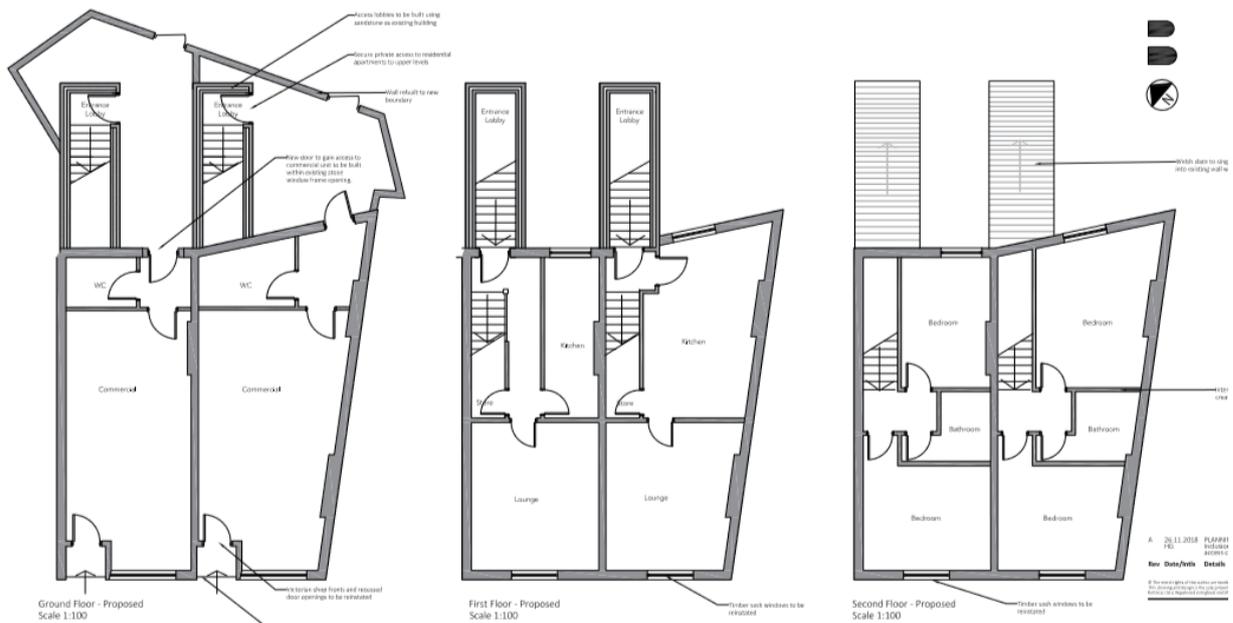


Proposed Front Elevation



Proposed Rear Elevation

Works to reconfigure the interior at ground floor level include the provision of WC and changing facilities to the rear of both retail units and a new rear access doorway to No 33. Internal reconfiguration works to first and second floors include notably reinstating the party wall between the properties. In addition, a new internal staircase will be required within No.33. Other proposed works include replacing the existing uPVC casement windows to the Burnley Road elevation with timber vertical sliding sash windows; replacing the plastic rainwater goods with cast aluminium; and roof repairs.



Proposed Ground Floor

Proposed First Floor

Proposed Second Floor

One letter of objection has been received.

Relevant Policies:

Burnley's Local Plan (July 2018)

SP5 – Development Quality and Sustainability

TC2 – Development within Burnley and Padiham Town Centres

TC8 – Shopfront and Advertisement Design

HE2 – Designated Heritage Assets

HE3 – Non-Designated Heritage Assets

IC3 – Car Parking Standards

Shopfront and Advertisement Design Supplementary Planning Document (July 2019)

The National Planning Policy Framework

Planning (Listed Buildings and Conservation Areas) Act 1990

Previous Relevant Applications:

None.

Consultation Responses:

LCC Highways

No objections. Advise that the additional footfall over the existing highway to the rear of the site arising from the development may require changes to the existing street lighting at the expense of the developer and have requested a note to that effect be added.

Environmental Health

Have no objection subject to the attachment of conditions in respect of the control of noise and opening hours.

Publicity

An objection has been raised by the owner of No.35 Burnley Road on the grounds that they did not give their consent to the applicant (Burnley Council) to make the application.

Planning law allows planning applications to be made by any third party other than the owner of the land. In such circumstances, it is a legal requirement that the owners are notified of that application by the applicant/agent. The applicant is required to confirm this to the council by submitting the relevant ownership certificates with their planning application. It is to be noted that this is Notice of intent only and consent from the owner of the land is not required.

The land/property involved in the application is within two separate ownerships, one which has a known correspondence address and one which the applicant has not been able to trace. In such circumstances notification is required through the service of Certificate C which also requires the applicant to advertise in the local press the fact that they are making the application. The application is accompanied by the relevant Ownership Certificate (Certificate C) which the applicant declares was served on the owner on the 12th April 2019. The applicant has also declared that the relevant advert was placed in the Burnley Express Newspaper on the 12th April 2019. I have no reason to believe that this information is incorrect and as such it is my view that the requirements have been satisfied, the application is therefore valid and can proceed to determination.

The owner of No.35 Burnley Road also objects as they have alternative proposals for the property. There is also a private ownership dispute included as part of the objection.

It is considered that these are not valid material planning considerations and as such cannot be taken into account in the determination of the application.

Planning and Environmental Considerations:

Principle of proposal

The property is located within the boundary of Padiham town centre as defined in Burnley's Local Plan. The immediate area includes a mixture of commercial and residential uses. The proposal is for a change of use from Class A5 (hot food takeaway) to Class A1 (retail) at ground floor and the creation of two apartments to the upper floors. Local Plan Policy TC2 relates to development in Padiham town centre and states that proposals for retail development (A1 Use Class) will be supported. Policy TC2 also supports the conversion of upper floors to residential uses. Accordingly the proposal would in principle, be a suitable town centre use and would comply with Policy TC2.

As the proposal is in a conservation area, special regard is to be paid to sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The main issues are the extent to which the proposal would preserve or enhance the character or appearance of the Padiham Conservation Area.

Design and appearance and impact on neighbouring amenity are also issues identified as being important in the consideration of this application.

Impact on the significance of Heritage Assets

The property is a locally listed building (Non Designated Heritage Asset) located within the Padiham Town Centre Conservation Area.

Policy HE2 seeks to protect the special character of conservation areas. Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confer upon local planning authorities a duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.

The re-use of the building and the proposed external alterations would reinforce local distinctives and have a positive impact on the conservation area. This represents an enhancement of the character and appearance of the conservation area therefore satisfying the requirements of the Act and Local Plan Policies HE2

It is considered that the proposals relate appropriately to the locally listed and will have a positive impact on its character and appearance. The significance of the locally listed building has been assessed and the impact of the proposals on the Heritage Asset examined. The conclusion being that the proposals retain and restore the important aspects of the historic fabric and are not harmful to the significance of the locally listed building. The proposal would therefore comply with Policy HE3.

Design and Appearance

Local Plan Policy SP5 seek high standards of design that positively address local context and characteristics. With specific regards to shopfronts, Policy TC8 requires designs to be appropriate to the character of the existing building and streetscene in terms of scale, detailing and use of materials. The appropriateness of the proposal in respect of design and appearance is considered below.

Proposed alterations to the shopfronts:

It is proposed to retain and repair, on a like for like basis, any existing traditional elements to the shopfront frame and replace the modern inserts with traditional design features including new recessed timber doors of a traditional design; large display windows sub-divided vertically by slender timber mullions that reflect the proportion of the buildings above and further divided with a horizontal transom rail running level with the height of the door, and a painted timber sign which is modest in scale and sits comfortably between the original consoles.

The proposed alterations are appropriately proportioned and of a style that both reflects the architecture of the building above and is consistent with the character and appearance of this part of the conservation area constituting a significant improvement on the existing arrangement. Furthermore, the careful attention to elements of finer architectural detailing will significantly enhance their quality and appearance.

Local Plan Policies require, amongst other things, proposals for the design of new or alterations to existing shopfronts should be a high quality design that is appropriate to the character of existing building and streetscene in terms of its size, detailing and materials; and that the character and appearance of the Conservation area should be preserved or enhanced. It is considered that the proposed shopfronts, subject to detailed joinery details, would satisfy these requirements.

Proposed new windows:

Where planning permission is required to carry out works in conservation areas, the desire is to preserve existing or install new architectural features which are of a traditional design and materials; thereby preserving and enhancing the character and appearance of the conservation area. The removal of inappropriate uPVC casement frames and replacement with timber vertical sliding sash window frames is consistent with this approach. Local Plan Policy HE3 states that proposals affecting locally listed buildings should relate appropriately in terms of style, scale and materials and it is considered that the proposed replacement frames, subject to detailed joinery details, would meet with this requirement.

Proposed rear access cores:

These modestly sized rear extensions are proposed to be constructed in traditional materials and appear to be subservient to the host building. As such this element of the scheme is considered to be appropriate.

Having regard to the above, the proposal would comply with Local Plan Policy SP5 and TC8.

Impact on neighbouring amenities

Policy SP5 requires development to ensure there is no unacceptable impact on the amenity of neighbouring occupants or adjacent land users. There are adjoining upper floor residential apartments on Burnley Road and other residential properties in close vicinity. Given that these residential properties are located in the town centre close to town centre activities, including town centre traffic, the associated degree of noise would not be unreasonable. The Council's Environmental Health Officer recommends conditions that would mitigate against potential noise affecting neighbouring properties and the future occupiers of the proposed flats. Subject to these controls, the proposal would have an acceptable impact on levels of amenity and would therefore comply with Policy SP5.

Other issues

Given that the site is in the town centre and is a sustainable location for public transport, it is accepted that no off-street parking is provided. There are no objections to this from LCC Highways.

Conclusion:

The proposal will introduce an appropriate beneficial use for the locally listed building which will ensure the preservation of its significance and would enhance the character and appearance of the Conservation Area. This approach is considered to be consistent with the relevant policy requirements in Burnley's Local Plan.

Recommendation: Approve with conditions

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: 04 001 A (Block Plan), 01 002 A (Existing Plans), 04 002

A (proposed Plans), 02 001 A (Existing Elevations) and 05 001 A (Proposed Elevations) received on 7 May 2019.

3. Before any plant and/or machinery is used on the premises, it shall be enclosed with sound-insulating material and/or mounted in a way that will minimise transmission of structure-borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority, and thereafter maintained.
4. The replacement window frames shall be timber painted sliding sash windows. As insufficient details have been provided regarding the details of the replacement windows, before any of the existing window frames on the building are removed precise details of like-for-like replacement windows including scaled elevation and profile plans of the new windows at 1:20; detailed window sectional plans at 1:5 and full scale 1:1 details showing glazing bar sections shall be submitted to and approved in writing by the Local Planning Authority. Once approved by the Local Planning Authority the windows shall be installed in accordance with the approved details and shall be retained as such thereafter.
5. As insufficient joinery details have been provided regarding the replacement shopfronts, before the shopfronts are removed joinery details including door panels, mullion and transoms, cills and cornices should be provided as part of the planning application at a scale of no more than 1:20 as appropriate and should carefully match patterns and profiles traditional to the area. Once approved by the Local Planning Authority the shopfront should be constructed in accordance with the approved details and shall be retained as such thereafter.
6. All of the internal and external doors to the retail use (Class A1) hereby permitted shall be fitted with a self-closing mechanism, which shall be maintained in working order, and shall be kept closed at all times when not being used for purposes of access into, or egress from, the building.
7. The retail use (Class A1) hereby permitted shall only be open for business between 08:00 and 18.00 hours unless otherwise approved in writing by the Local Planning Authority.
8. Before development is commenced a fully detailed scheme for the soundproofing the apartments hereby permitted against internally generated noise from the commercial uses hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented prior to the occupation of the residential uses hereby permitted. The approved works shall thereafter be permanently retained.
9. For the avoidance of doubt, this permission requires the removal of the existing external roller shutter to No.33 Burnley Road. Any proposals to install external roller shutters to the development hereby approved shall be subject to a separate planning application.

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. To safeguard nearby residents from potential noise nuisance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
4. As insufficient information has been submitted and in order to protect the character and appearance of the Locally Listed Building and Padiham Conservation Area in accordance with Policies HE2 and HE3 of Burnley's Local Plan (July 2018)
5. As insufficient information has been submitted and in order to protect the character and appearance of the Locally Listed Building and Padiham Conservation Area in accordance with Policies HE2 and HE3 of Burnley's Local Plan (July 2018)
6. To safeguard nearby residents from potential noise nuisance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
7. To protect the amenities of nearby/attached residential properties in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
8. To safeguard the residents of the apartments hereby approved from potential noise disturbance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
9. To protect the character and appearance of the Locally Listed Building and Padiham Conservation Area in accordance with Policies TC8, HE2 and HE3 of Burnley's Local Plan (July 2018).

EEP
12.08.19