

Application Recommended for Approval
Daneshouse With Stoneyholme

FUL/2019/0371

Town and Country Planning Act 1990

Proposed change of use of sandwich shop and nightclub to retail use (Class A1) or gin bar (Class A4) and install new shop frontage
7-9 Yorke Street Burnley Lancashire BB11 1HD

Background:

The application site is located at No.7-9 Yorke Street, Burnley which is a two-storey property. The ground floor of number 7 is vacant and was previously used by 'Atlas Food Box'. The properties 7&9 Yorke Street are locally listed buildings and located within the defined Town Centre Conservation Area and the Town Centre boundary.

Photograph A



Photograph B



Proposal:

The application seeks planning permission for the proposed change of use of sandwich shop and nightclub to retail use (Class A1) or gin bar (Class A4). The application also seeks the installation of new shop frontage at No.7-9 Yorke Street, Burnley.

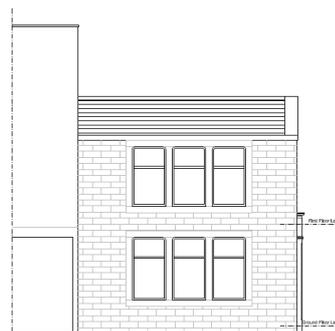
The application will the internal connection of the two properties to allow for a gin bar. The bar would be at ground floor with seating/lounge area. The first floor would have an area marked for restrooms, and a lounge area.

The proposal also seeks to implement a new shop front with three pilasters to the front elevation measuring 3.65m in height, with a depth of 0.22m. The width of the pilasters would be 0.4m. Two large window openings are also proposed to front elevation.

Proposed Front and Side Elevation

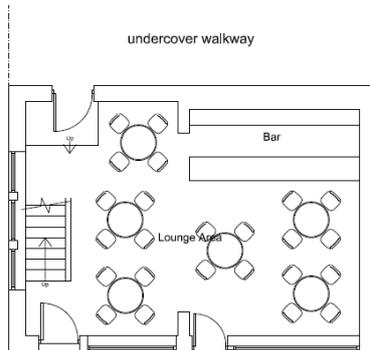


Front (South West) Elevation

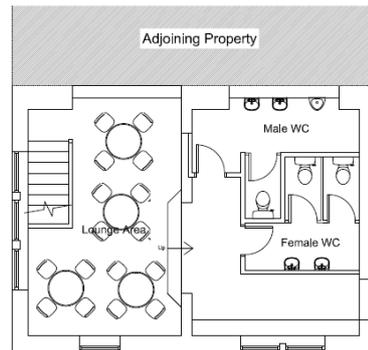


Side (North West) Elevation

Proposed Floor Plans



Ground Floor Plan



First Floor Plan

Relevant Policies:

- Burnley Local Plan (2018)
 - SP1 – Achieving sustainable development
 - SP5 – Development quality and sustainability
 - TC2 – Development within Burnley and Padiham town centres
 - HE2 – Designated heritage assets
 - HE3 – Non-designated heritage assets
 - NE5 – Environmental protection
 - IC1 – Sustainable travel
 - IC2 – Managing transport and travel impacts
 - IC3 – Car parking standards
- The National Planning Policy Framework
- Planning (Listed Buildings and Conservation Areas) Act 1990

Site History:

Various previous applications for advertisement consent. In addition, there have been previous applications for a cash machine which have been refused.

Consultation Responses:

Environmental Health

Have raised no objection to the proposed development subject to the following conditions:

- Point 64 (burning of waste)
- Point 85 (disposal of waste)

LCC Highways

Have raised no objection to the proposed development.

Lancashire Constabulary

Lancashire Constabulary note that to mitigate the risk of crime or anti-social behaviour affecting customers, staff and the local community the applicant should adopt 'Secured by Design (SBD) principles. It is further noted that the applicant will have to be consulted with Lancashire Constabulary Licensing Team if the gin bar is to be developed.

Street-scene

No comments or objections have been received.

Publicity

One objection has been received during the consultation process. Their comments have been summarised below:

- Proposal will have an adverse effect on the surrounding area.
- Increase in noise pollution/Proposal should require sound proofing.
- Potential for anti-social behaviour.
- Existing bars/lounge bars are not beside residential properties.
- Use of plasterboard to delineate his property.
- Request that the applicant does not change the concept of the proposal.
- Unclear arrangements of refuse and recycling.
- Washing/cleaning facilities are not shown.
- Fire exit has not been demonstrated on the plans.
- Unclear of what the plumbing arrangements would be.
- No adjoining neighbours were consulted.

Planning and Environmental Considerations:

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) 2019 seeks to ensure the planning system contributes to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:

- Economic
- Social
- Environmental

Additionally, the NPPF is underpinned by the need to secure good design. The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

Burnley's Local Plan (2018)

Burnley's Local Plan, which was adopted on the 31st July 2018, covers the whole of Burnley borough for the period from 2012 to 2032. It provides the statutory planning framework for the borough. The Local Plan will be used to guide decisions on planning applications and areas where investment should be prioritised.

The Plan contains a vision, objectives and an overall strategy for development. It includes policies on both the scale of development and its overall pattern across the

borough. It allocates many of the sites that are needed to accommodate new development along with areas to be protected or enhanced.

Main issues

- Principle of the development
- Impact on the character of the area
- Impact on residential amenities
- Impact on parking, highway and safety
- Refuse and recycling
- Third party representations

Principle of the Development

The site is located on Yorke Street within the Burnley town centre where there are a variety of town centre uses. The proposal is for a change of use to A1 (Retail) or A4 (Gin bar). Policy TC2 relates to development in Burnley town centre and guiding the preferred location main town centre uses (Classes A1-A5) and where these types of uses will be supported.

The application proposal is for an A1 (Retail) or A4 (Gin bar) use. No details have been provided regarding the proposed A1 (Retail) use; however, it is noted that the existing use of the premises as a sandwich shop would fall within A1 (Retail) and does not therefore require permission. As such, the application is considered on its merits for an A4 use.

The building is vacant, and the proposed A4 use would, in principle, be a suitable town centre use and would comply with Policy TC2. The main issues relate to the impact of the proposal on heritage assets and on neighbouring occupiers.

Impact on the character of the area

Policy SP 5 of the adopted Local Plan amongst other considerations seeks new development to respect existing, or locally characteristics street layouts, scale, massing and use an appropriate palette of materials. This is detailed further in policy TC8, which sets out the criteria for new or alterations to existing shopfronts. This is further supported in the NPPF, Paragraph 124, which states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The proposal has also been considered against the adopted Shopfront and Advertisement Design SPD.

The change of use will see some structural alterations to the external appearance of the property with the erection three pilasters to the front elevation measuring 3.65m in height, with a depth of 0.22m. The width of the pilasters would be 0.4m with signage boards. The proposal will also see two window openings to front elevation. Proposed materials are timber for the pilasters, signage boards and window frames which reflect the locally listed heritage status.

In considering the application, officers note, the character of the area is mixed given its town centre location, and therefore on balance do not consider there to be any impact on the existing street scene. Several bars/pubs have been granted planning permission within the town centre, and this proposal would not result in an incongruous form of development. The development considered to be acceptable in accordance with Policies TC8 and SP5.

Impact on residential amenities

Policy SP5 of Burnley's Local Plan (2018) seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including reasoning of overlooking. Furthermore, Policy NE5 states, development proposals, as appropriate to their nature and scale, should demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts to air, land and water quality, whilst assessing vibration, heat, energy, light and noise pollution both during their construction and in their operation.

Due to the nature of the proposal, the development would result in an increase of noise in the locality as expected, however, the development is with the town centre setting with a number of similar uses e.g. bar/pubs. On balance, given its town centre location this form development would not result in level of noise disturbance which would warrant the refusal of the application. Additionally, the Council's Environmental Health Team have been consulted regarding the development and have raised no objections to the application, subject conditions relating to the burning of waste and commercial waste disposal. These have been conditioned added or added as informatives accordingly.

In considering the proposal against the relevant policies for the development plan, in this town centre setting, the scheme would not be detrimental to the amenity of neighbouring residents in terms of overlooking, loss of privacy, noise nuisance or overshadowing and as such complies with policies SP5 and NE5 of the adopted Local Plan.

Impact on parking, highways and safety

Paragraph 108 of the NPPF advises that planning decisions should ensure:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

NPPF Paragraph 109 states, Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Local Highways Authority have assessed the application and do not object to the principle of the change of use subject to conditions on the refuse and cycle store. These have been conditioned added or added as informatives accordingly.

Refuse and Recycling

The applicant notes that the refuse area for the application will be in the contained courtyard and service area to the rear. This is a communal area used by the surrounding properties. The commercial bin storage area is close to the main entrance of the site and there is ready access to it from Ormerod Street Collections. As such there is no impact on the refuse collection service for this area because refuse collection already takes place on the adjacent properties.

The Council has consulted with the Street-scene department and have received no comments or objections regarding the development. Therefore, refuse and recycling is acceptable.

Third Party Representations

During the consultation process one objection has been received. Their comments will now be addressed.

- Proposal will have an adverse effect on the surrounding area.
- Increase in noise pollution/Proposal should require sound proofing.
- Potential for anti-social behaviour.

These comments have been addressed in the section above.

- Existing bars/lounge bars are not beside residential properties.

The location of the development is within the town centre which is considered acceptable.

- Use of plasterboard to delineate his property.
- Request that the applicant does not change the concept of the proposal.
- Washing/cleaning facilities are not shown.

This is not a material planning consideration.

- Unclear arrangements of refuse and recycling.

Environmental Health have been consulted and have no objection subject to conditions.

- Fire exit has not been demonstrated on the plans.
- Unclear of what the plumbing arrangements would be.

The applicant would be required to meet the required building control criteria.

- No adjoining neighbours were consulted.

The adjoining properties were consulted on the 23rd July 2019.

Conclusion

The development brings back into use a redundant building in the town centre. The development would not have detrimental impact upon the Conservation Area, non-designated heritage assets or the surrounding properties.

Conditions:

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.

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

3. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities

4. No combustion of any materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.

Reason: In order to not significantly pollute the environment in accordance with policy NE5 of the adopted Local Plan.

5. The development, hereby approved, shall be used only for A4 use.

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

6. Prior to any work on the shopfront, full and precise joinery details (at a scale of no more than 1:20 as appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The joinery details 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.

Reason: As insufficient information has been submitted and in order to ensure a satisfactory appearance to the development and to protect the character and appearance of the Conservation Area in accordance with Policies TC8, HE2 and SP5 of Burnley's Local Plan (July 2018)

7. Prior to the removal of any existing window frames on the building precise details of 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 any moulding details 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

Reason: As insufficient information has been submitted and in order to ensure a satisfactory appearance to the development and to protect the character and appearance of the Conservation Area in accordance with Policies HE2 and SP5 of Burnley's Local Plan (July 2018).

Ronan Kelly
10TH September 2019