

**Application Recommended for Approve with
Conditions**
Bank Hall

FUL/2019/0408

Town and Country Planning Act 1990
Change of use from offices to 13 person house in multiple occupation
79 Church Street Burnley Lancashire BB11 2RS

Background:

The site is located within the defined development boundary as designated in Burnley’s Local Plan, adjacent to the town centre boundary.

The site also forms part of the ‘Top o the Town’ Conservation Area and is locally listed and therefore considered as a non-designated heritage asset.

Furthermore, the site is also located with flood zone 2 as designated by the most up to date flood zone maps.

To the north of the site is Dawson Square with a series of residential properties, the property also attaches onto No. 77 which does not form part of this application. St Peter’s Church lies to the west.



Church Street – taken from google.co.uk



Dawson Square

79 Church Street

A previous application 2019/0262 was withdrawn in June as a resultant of unresolved issues with the submission.

This application has reduced the number of rooms from 15 to 13 and the application has been supported with the following documents:

- Heritage statement
- Refuse statement
- Supporting letter from UCLAN

Proposal

The application seeks consent for the change of use of the existing property into a 13 bed HMO.

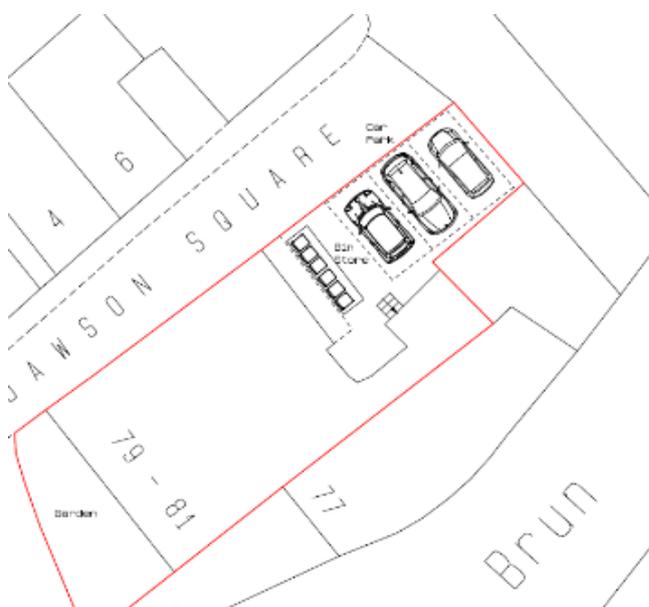
The existing property is set over 4 levels; basement, ground floor, 1st floor and 2nd floor. Accommodation will be set over the floors as follows:

- Basement – communal area including kitchen, laundry
- Ground floor – 4 bedrooms including shared w/c and kitchen
- 1st Floor - 5 bedrooms with kitchen and shared wc/showers
- 2nd Floor – 4 bedrooms all with ensuite bathrooms

There are no physical alterations to the external appearance of the building, aside from minor alterations to windows on the gable elevation facing onto Dawson Square.

A refuse and recycling area will be created to the rear of the property. Details of management of the store is covered within the refuse statement but principally the management company will be responsible for the safe management of the area.

A cycle store will also be provided as detailed on plan within the basement of the building and there is already spaces for 3 cars to the rear of the building which will be maintained as detailed on the submitted plans.



Proposed site plan

Relevant Policies:

Burnley's Local Plan 2018

HS4 – Housing Developments
SP5 – Development Quality and Sustainability
HE2 – Designated Heritage Assets
HE3 – Non-designated Heritage Assets
CC4 – Development and Flood Risk

NPPF 2019

The NPPF features no specific guidance on the subject of houses in multiple occupation, although the general guidance at paragraph 50, on the need for authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, is relevant.

Burnley Council standards for houses in multiple occupation October 2018

From the 1st of October 2018, it is a legal requirement for all HMO's to be licenced if the property is occupied by five or more persons, from two or more separate households. The standards set out amongst other things the space standards which are required for HMO's, waste disposal, management and fire assessment. The standards will be used to assess all application for HMO's within the borough.

Site History:

COU/2019/0262 – change of use to 15 bed HMO – Withdrawn June 2019

Consultation Responses:

Highways – No objection

Environmental Health – No objection subject to a condition restricting hours of construction.

Housing Strategy – No objection, the change of use meets the Councils HMO standards

Publicity – 2 letters of objection have been received summarised as follows:

- privacy with adjacent properties on Dawson Square which stand approximately 5m from the gable elevation of the application site to the front elevation of properties on Dawson Square
- the use of the building as a 13 bed HMO is considered to be over development
- the creation of an unsightly bin store area
- potential increase in noise from residents
- impact on the character of the area

Planning and Environmental Considerations:

The principle of development

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

Main issues

- Impact on the character of the area including design and appearance
- Impact on the Conservation Area and non-designated heritage asset
- Impact on residential amenity
- Impact on housing provision
- Impact on highway network
- Flood risk
- Other issues such as bin storage and cycle storage

Design: 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 HS5, stating alterations and extensions to dwellings should be high quality in construction. 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 change of use does not involve any major alterations to the external appearance of the property and as such there will be little impact on the existing street scene. The character of the area is predominantly residential but there are commercial uses within the vicinity.

Concerns have been raised by local residents regarding the intense use of the site. Whilst the building will be used by more people, the site is on the edge of the town centre within walking distance to UCLAN and as such would represent a sustainable location. Issues on refuse collection have been detailed as part of the application and a condition has been recommended.

Impact on the conservation area and locally listed building

The site is located within the 'Top o the Town' Conservation Area (a designated heritage asset) and also it is a locally listed building (a non-designated heritage asset).

In accordance with para 193 of the NPPF:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is

irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

The change of use of the property to a HMO will not alter the external appearance of the building and will therefore not have a detrimental impact upon the conservation area nor the non-designated heritage asset. The building which has been vacant will be brought back into use which will add to the overall mix of housing provision in the borough.

Impact on Residential Amenity

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including reasoning of overlooking.

There are existing windows on the gable elevation of the property as shown on the photo below. On close inspection some of the windows which serve the 1st floor are part obscured at the lower pane. The following treatment of the windows on the gable elevation:



Basement – to remain in situ and will serve some natural light to a lounge area

Ground floor windows – internal block up window

2nd floor windows to serve study room will be half obscured

Serving a lounge area, half obscure glaze

Window to be blocked up internally

Accepting there is a close relationship between the gable elevation and the front elevation of properties along Dawson Square, there will be an overall reduction in number of openings and the use of part obscure glazing is enough to mitigate against any potential overlooking. This scheme would not be detrimental to the amenity of neighbouring residents in terms of overlooking, loss of privacy or overshadowing and as such complies with policies HS4 part 3, HS5 and SP5.

Impact on the Housing Provision

The NPPF recognises the role of the planning system in providing a supply of housing required to meet the needs of present and future generations and the need to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

One of the government's strategic housing policy objectives is to create sustainable, inclusive, mixed communities in all areas. They are also clear that local policies should be informed by a robust, shared evidence base particularly with regard to housing need and demand. Furthermore, sustainable development has become a primary focus of national guidance which has significant implications for all aspects of new development but particularly accessibility, parking and the effective and efficient use of land. Guidance is clear that the conversion of existing housing can provide an important source of new housing.

The approach is also a focus in Burnley's adopted Local Plan, with the second of the 11 key objectives listed on 'population and housing'. Policy SP2 of the Local Plan sets out the housing requirement from 2012-2032 including the re-use of empty homes and buildings. Furthermore, policy SP4 sets out the development strategy for the borough directing development to be focused within the development boundary.

Policy HS4 of the adopted Local Plan refers to housing developments, in particular part 3) is relevant to this application site requiring developments to provide functional amenity space, habitable rooms with adequate levels of sunlight and adequate levels of privacy.

Impact on the Highway Network

Paragraph 108 of the NPPF states that planning decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In terms of the parking provision on site, there are only 3 spaces available and 3 spaces being retained so the development remains the same in terms of parking provision. The Council's parking standards as set out in Appendix 9 of the adopted Local Plan state 1 space per 1 bedroom HMO. The application does not meet this standard, but as the site is located close to the town centre, in an accessible location for bus and train services. Additionally, secure cycle storage offered as part of the application thereby providing a range of alternative modes of transport for future occupiers.

Furthermore, LCC highways have assessed the application and do not raise any objections.

Impact on flood risk

Paragraph 155 of the NPPF states, '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*'

The application site is located within flood zone 2 and on the boundary of flood zone 3. The change of use to residential would be classified as 'more vulnerable' development as set out in the EA flood risk classification and within zone 2, development is considered to be appropriate.

The development does not require to carry out a 'sequential test' as a change of use is one of the exceptions which the EA set out.

Other issues; including bin storage, cycle storage

The application has been supported with a refuse and recycling statement. Bin storage has been indicated to be located to the rear. A condition will be placed to ensure that an appropriate scheme for the enclosure of the store is submitted prior to development.

Cycle storage has been included in the basement of the building.

Other supporting photos



Rear elevation showing the location of the bin store and parking area

Recommendation: Approve subject to conditions

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 permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings received on 6/819 and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018.

4. 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 of nearby residents in accordance with policy NE5 of the adopted Local Plan.

5. The external doors 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.

Reason: To ensure that the emission of noise is controlled in the interests of the amenity of nearby residents in accordance with policy NE5 of the adopted Local Plan.

6. 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.

7. Prior to the occupation of development, a detailed scheme showing the external treatment of the bin store shall have been submitted to the Local Planning Authority for approval. The approved bin storage shall be made available prior to first use/occupation of the development hereby approved and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy SPF of Burnley's adopted Local Plan

Reason: To ensure adequate provision for bin storage in the interests of the visual amenities of the area, in accordance with the Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

8. No part of the approved scheme shall be first occupied until secure cycle storage provision has been provided on site. The approved secure cycle provision shall thereafter be retained in perpetuity.

Reason: In order to encourage alternative methods of travel and a wider choice of transport modes, in accordance with policy IC1 of the adopted Local Plan.

Paula Fitzgerald
9th September 2019