

Application Recommended for Approval
Bank Hall

COU/2019/0346

Town and Country Planning Act 1990
Proposed change of use from HMO to guest house C1
5 Albert Street Burnley Lancashire BB11 3DB

Background:

The application site is located at No.5 Albert Street, Burnley which is a two storey end-terraced property, with a private yard to the rear. The application site is located within the development boundary for Burnley as defined within Burnley's Local Plan (2018).

The surrounding area can be classified as a mixture of commercial and residential with the application site within close proximity to Yorkshire Street.

Photograph A – Front elevation



Photograph B – Rear Elevation



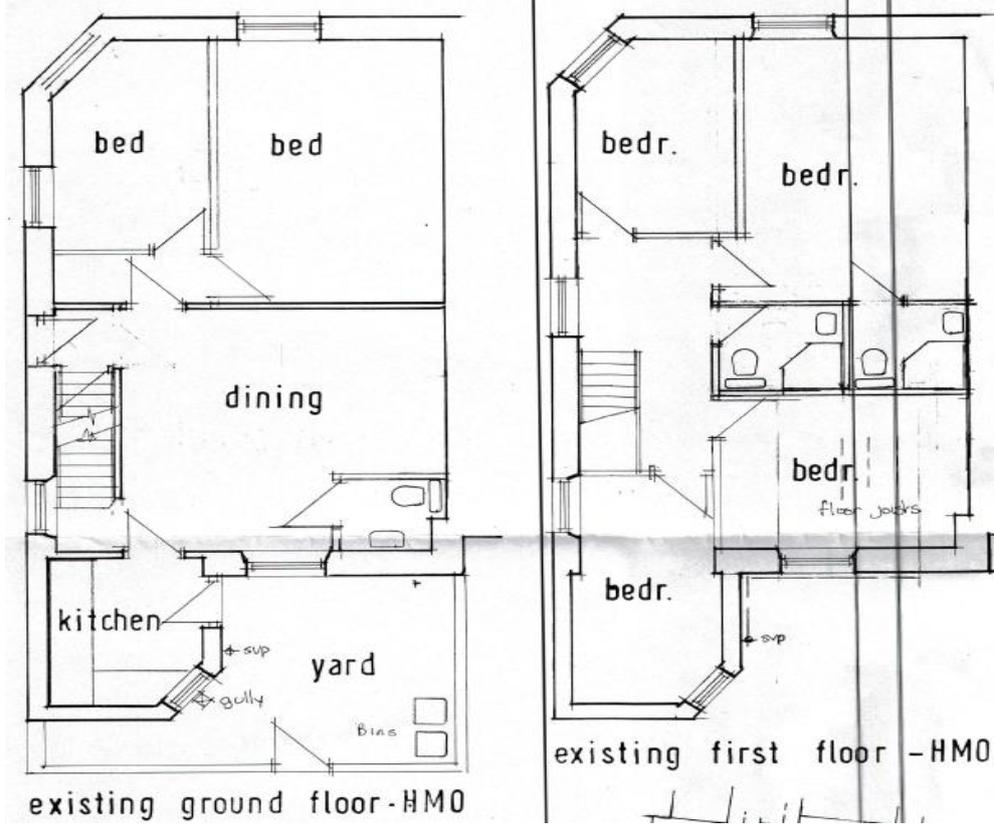
Proposal:

The application seeks planning permission for a proposed change of use from HMO to guest house C1 at No.5 Albert Street, Burnley.

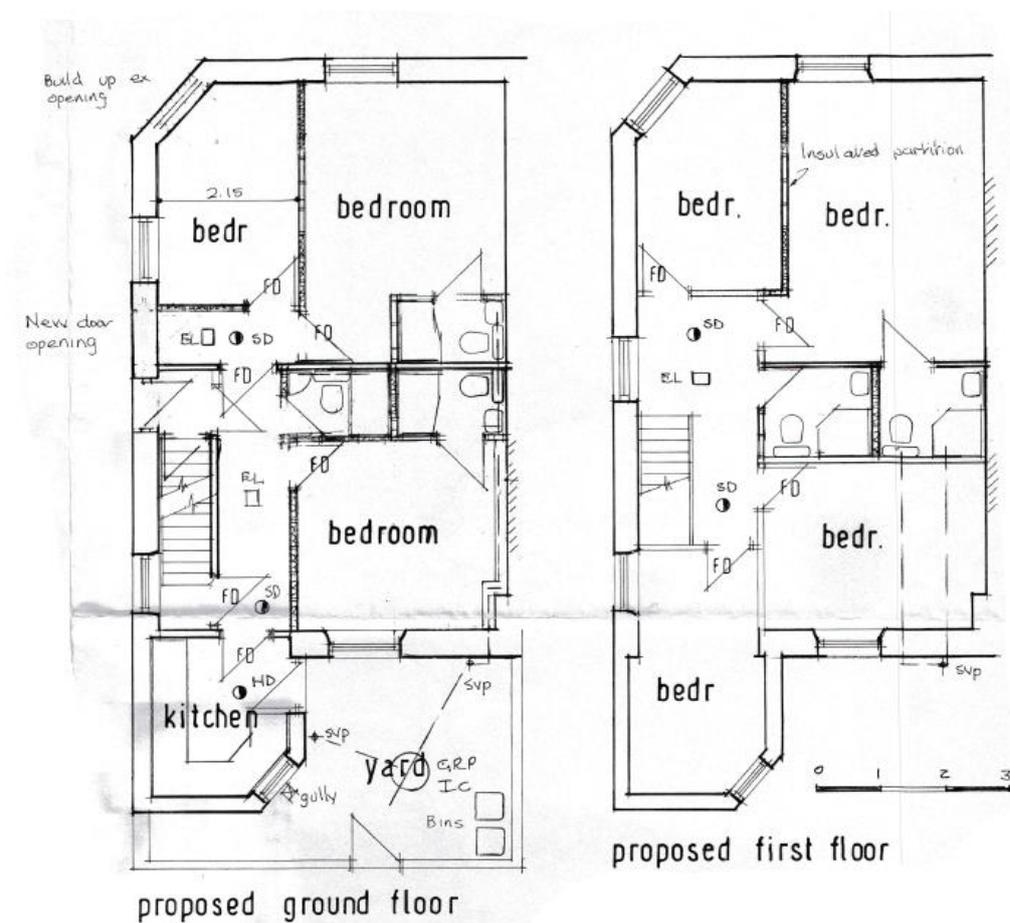
The proposal seeks to increase the number of bedrooms from 6 to 7 and remove the communal dining area and operate the property as a bed and breakfast. Breakfast will be served to each room.

A refuse and recycling statement has been provided noted that the bins will be stored within the rear yard. The bins will be emptied on the collections days and returned to the rear yard.

Existing ground and first floor plan



Proposed ground and first floor plan



Relevant Policies:

- National Planning Policy Framework 2019
- National Planning Practice Guidance
- Burnley's Local Plan 2018

Site History

Application reference: APP/2005/0685

Address: 5 Albert Street Burnley Lancashire BB11 3DB

Description: Proposed change of use from shop/dwelling to dwelling with alterations to front elevation

Decision: Approved subject to conditions

Date: 19th August 2005

Application reference: APP/2008/0497

Address: 5 Albert Street Burnley Lancashire BB11 3DB

Description: Change of use to 2no. self contained flats & external alterations

Decision: Approved subject to conditions

Date: 31ST July 2008

Application reference: ADV/2019/0461

Address: 5 Albert Street Burnley Lancashire BB11 3DB

Description: Proposed fascia board sign

Decision: Pending decision

Date:

Consultation

Highways LCC have provided the following comments regarding the development:

'With respect to the proposed application we would raise an objection.

Whilst it is noted that there is no parking provision for the existing HMO, this type of use in this location may not generate significant car ownership. Similarly it is assumed that a bed and breakfast type of C1 establishment in this area will not generate significant car ownership.'

Environmental Health

No comments or objection have been received.

Street scene

No comments or objection have been received.

Architectural Liaison Unit

No comments or objection have been received.

Publicity

From the public consultation two comments have been received. The comments provided have been summarised below:

- Increase noise and disturbance.
- Loss of privacy and increased overlooking.
- Overshadowing.

- External door – lack of signage advertising the property.
- Unable to locate the plans online.

Planning and Environmental Considerations:

The principle of development

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.

The following policies are considered to be relevant to this application, and have been listed as follows:

- SP1 – Achieving sustainable development
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- IC1 – Sustainable travel
- IC3 – Car parking standards

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

Policy SP4 identifies the urban area of Burnley as a principal town and the highest tier in the settlement hierarchy where it is expected that large scale, major and a variety of smaller sites will deliver a comprehensive range of choice of types and tenures of housing. In addition to allocated sites, Policy SP4 states that new development will be supported within Development Boundaries where it is an appropriate type and scale and where, amongst other things, it makes efficient use of land and buildings. Other factors to take into account include the site's accessibility (by walking, cycle and public transport), its impact on residential amenity and any benefits from the existing infrastructure.

The accessibility of the site within the existing urban area and its close relationship with the existing residential area would indicate that the proposal would, in principle, comply with Policy SP4. Consideration should also be given to the impacts of the development, particularly in respect of parking and highway safety, residential amenities and the effect on the character and appearance of the local area.

Officers note that the applicant has stated that the premises currently being used as a HMO. From conducting a site history search, no planning permission has been granted for the use of the premises as a HMO. However, Class C3 identified in the Town and Country Planning (Use Classes) Order 1987, as amended, includes (within the definition of dwellinghouses for the purposes of that Class), a dwellinghouse occupied by:

- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
- C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

The applicant has annotated on the existing floor plans that the site has 6 bedrooms, which would comply with the above definition of a dwelling house under class C3(b) and therefore planning permission is not required to operate as a HMO.

Impact on the character of the area

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. 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.

The Council will seek high standards of design, construction and sustainability in all types of development. Proposals will be expected to address the following minimum requirements, as appropriate to their nature and scale:

1) Energy Efficiency

- a) Incorporate measures to minimise energy and water consumption;
- b) A BREEAM Assessment must be carried out for all non-residential development with a floor space above 1,000m² and a rating of 'Very Good' or better will be expected;
- c) Seek opportunities for on-site energy supply from renewable and low carbon energy sources; and
- d) Seek opportunities to contribute to local and community-led renewable and low carbon energy initiatives.

2) Design and Layout

- a) Respect existing, or locally characteristic street layouts, scale and massing;
- b) Contribute positively to the public realm and avoiding unnecessary street clutter;
- c) Maximise the benefits of any waterfront locations, and at canalside locations optimising views and natural surveillance of the canal and opportunities for public access to it;
- d) Provide for new open space and landscaping which enhances and/or provides mitigation against loss of biodiversity and assists with the physical and visual integration of new development;
- e) Have respect for their townscape setting and where appropriate, landscape setting;
- f) Be orientated to make good use of daylight and solar gain;
- g) Ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking;
- h) Not result in unacceptable conditions for future users and occupiers of the development; and
- i) Provide adequate and carefully designed storage for bins and recycling containers. These should be located or designed in a way which is both convenient and safe for occupants and supports the quality of the street scene.

3) Key Gateways

- a) Where development is at or highly visible from a Key Gateway identified on the Policies Map, it should address in its design, orientation and layout, the Key Gateway and its particular nature/location and include where appropriate:
 - i) a landmark building;
 - ii) landmark tree planting;
 - iii) public art (can be incorporated into the public realm); or
 - iv) a carefully designed gentle transition from countryside to town.

4) Materials

- a) Use a palette of high quality materials which are appropriate to the local context in all respects including: type, colour, texture, element size and laying pattern and avoid unnecessary and excessive patterning;
- b) Where contemporary materials are appropriate, use these in manner which respects the established character of the locality; and
- c) Wherever practical, use low embodied energy materials, including materials that are sourced locally or involve the appropriate reuse of existing resources through the conversion of existing buildings or reuse of demolished structures.

5) Accessibility

- a) Seek to incorporate and promote sustainable methods of transport, including cycle routes, walking routes and good links to public transport; and
- b) Be inclusive and accessible to all and promote permeability by creating places that connect with each other and with existing services and are easy to move through.

6) Security

- a) Be designed with the safety and security of occupants and passers-by in mind, helping to reduce crime and the fear of crime including through increasing the opportunity for natural surveillance.

Energy Efficiency

The application seeks to use an existing property and would use the existing internal pipe works. Officers are content that the proposal would not result in a significant increase in energy and water consumption.

Design and Layout

The application does not seek any additions to the property. While it is noted that the property is located primarily within a residential street, the existing use of the premises as a HMO allows for 6 people to live within the property. The proposed change of use to a guest house would result in an additional bedroom which would increase the number of people staying at the property. While this is an increase, officers are of the view that this would not be detrimental to the character of the street.

The proposal would contribute positively to the public realm and is not expected to have any adverse impact upon neighbouring amenities. The proposal would not result in unacceptable conditions for future users and occupiers, while adequate and carefully designed storage for bins and recycling containers have been provided to the rear of the property.

Key Gateways

Not applicable

Materials

As previously stated, the application does not seek to make any external alterations to the proposed development. Therefore, complying with this criterion. It is noted that the applicant has submitted an application for advertisement consent which is currently under assessment with the Burnley Borough Council.

Accessibility

Officers note that the application site is located within close proximity to Yorkshire Street, which has a number of bus stops. Burnley Bus Station and Manchester Road train station are both located within 1 mile of the application site. Officers are content that the application site is easily accessed via public transport.

Security

The application site has not proposed any alterations or changes to the dwelling, apart from the internal layout. To the rear of the property is a private yard which has boundary wall. The yard provides access to a rear lane which is used to collection refuse and recycling bins. This lane has been closed off with a security gate.

Taking the above into consideration, officers are content that the proposed development would comply with SP5 of Burnley's Local Plan (2018).

Impact upon residential amenity

Due the size, scale and design of the proposal, officers are of the view that the development would not be detrimental to the amenity of the adjoining properties. No additions or extension are proposed to the property, while no new openings would be implemented.

It is acknowledged that the proposal would increase the number of people staying at the premises, however, as the property is currently operating as a HMO, the increase in people is not thought to result in a significantly level of noise than what is currently present on the site.

As no alteration or additions are proposed to the property, the development would not cause any overlooking, loss of privacy or loss of outlook to the neighbouring properties.

Impact on parking highways and safety

Policy IC1 seeks to promote sustainable travel by locating development where it is or can be well served by walking, cycling and public transport and ensure that development is provided with safe and convenient access. Policy IC3 sets out the car parking standards for development, referring to appendix 9 of Burnley's Local Plan (2018) which sets out the required standards.

LCC Highways have been consulted regarding the proposed development. They have raised the following comments:

'With respect to the proposed application we would raise an objection.

'Whilst it is noted that there is no parking provision for the existing HMO, this type of use in this location may not generate significant car ownership. Similarly it is assumed that a bed and breakfast type of C1 establishment in this area will not generate significant car ownership.'

Therefore, while it is acknowledged that Highways LCC have objected to the proposed development, they further note that the proposal would not generate significant car ownership than the current use of the premises as a HMO. As noted at paragraph 109 of the NPPF 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 Highways Engineer has offered no objection on Highway Safety Grounds or advised that the development would give rise to any potential cumulative impacts on the road network which would be severe. As such, officers consider the proposal to be acceptable with regards to parking and highway safety.

Refuse and recycling

In accordance with 2(i) of Policy SP5 Development Quality and Sustainability, all developments are to 'provide adequate and carefully designed storage for bins and recycling containers. These should be located or designed in a way which is both convenient and safe for occupants and supports the quality of the street scene.'

It is noted on plans submitted, that bins stores would be located to the rear yards. Therefore, the development can provide sufficient space to accommodate the refuse and recycling requirements.

Third Party Representations

From the public consultation two comments have been received. The comments provided have been set out below and will now be addressed:

- Increase noise and disturbance.

Officers are of the view that as the property is currently being used as a HMO, the change of use of the property to a guest house would not result in a significant increase in the volume of noise and disturbance that what is currently on site.

- Loss of privacy and increased overlooking.

No alterations or additions are proposed to the property. Therefore, the proposal will not result in a loss of privacy or increase overlooking to the adjoining properties.

- Overshadowing.

No alterations or additions are proposed to the property. Therefore, the proposal will not result in overshadowing to the adjoining properties.

- External door – lack of signage advertising the property.

An application has been submitted to the Council for advertisement consent under application reference ADV/2019/0461. Currently under assessment by the Council.

- Unable to locate the plans online.

The plans are available on the planning portal.

Recommendation: Approve

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. The development hereby approved shall be used solely for purposes falling within Class C1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

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