

**Application Recommended for Approve with Conditions**

**COU/2019/0571**

Rosegrove with Lowerhouse

Town and Country Planning Act 1990

Change of use from warehouse, offices, retail and light industrial to mixed use of offices (Class B1a), training centre (Class D1) and Aesthetics Clinic (sui generis) with associated warehousing

Victory House 246-250 Lowerhouse Lane Burnley Lancashire

**Background:**

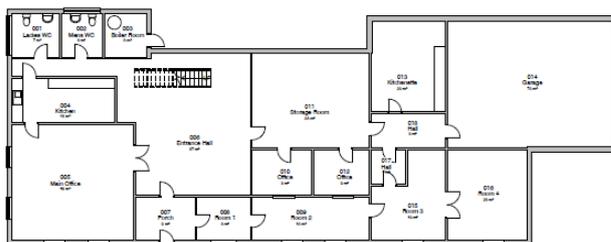
The proposal is for a change of use from a mixed use as warehouse, light industry and offices to a mixed use of offices (Class B1), training centre (Class D1) and an Aesthetics Clinic (sui generis use) at an attractive stone building that was formerly a Victorian schoolhouse fronting Lowerhouse Lane.

Fronting Lowerhouse Lane

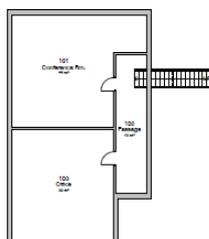


The premises have until very recently been occupied by a printing company.

Existing Floor Plans

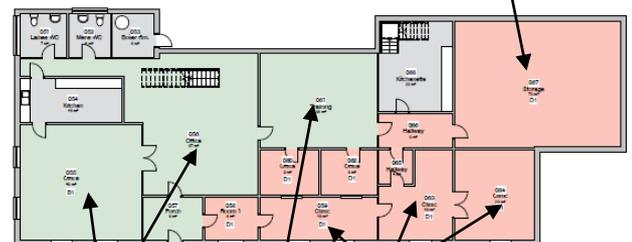


1. Level 0 - GA Existing

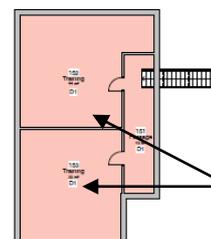


2. Level 1 - GA Existing

Proposed Floor Plans



3. Level 0 - GA Proposed



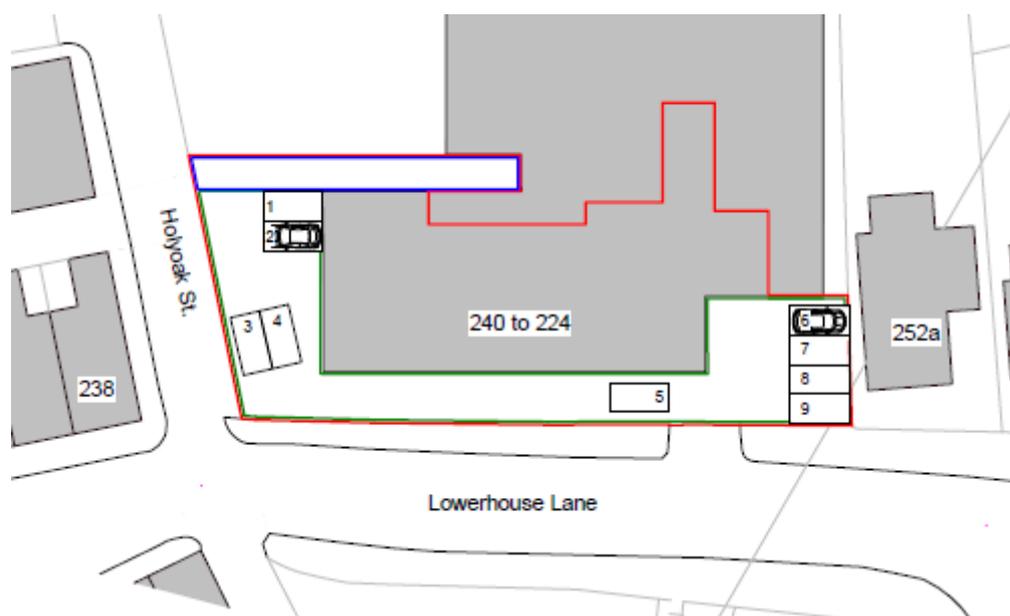
4. Level 1 - GA Proposed

The proposed new use would be as a number of associated uses working together, comprising offices, training rooms and an Aesthetics clinic relating to hair and beauty therapy. The proposed Aesthetics Clinic differs from beauty salons due to the type of treatments that it provides. Some examples of these include laser hair removal, non-surgical face lifts, fat freezing treatments, permanent make-up, micropigmentation, microblading, red thread vein removal and skin analysis.

There would also be some associated storage of specialised beauty treatment equipment (such as laser equipment and inks/dyes) which is despatched from the premises to customers who also attend short courses on using this equipment.. The applicant envisages that the training would be part-time and made up of only small classes, in the region of five students per sitting. This part of the business would be re-locating from its current site at Accrington. The offices would also be operated by the new owner and occupied by two office staff with 3-4 other staff working out of the office/premises for the majority of time. Approximately 2-3 people would be employed at the Aesthetics clinic and no trainers would be employed directly but up to two trainers would be brought in to run classes when needed. There would be a total of 15 employees across the site. Working hours would generally be Monday to Friday 9am to 5:30pm with the Aesthetics Clinic opening 9am to 6pm and a few later evenings till 8pm. Consultations and treatments at the clinic would be an hour or more and it is not expected that there would be more than two customers at the premises at once. The specialist nature of the business would mean that customers arrive by appointment only.

The building sits within a limited curtilage, with access to a small forecourt to the front on Lanehouse Lane and shared access from Holyoake Street to hardstanding to the eastern side of the building. The attached building and yard to the rear of the premises are in separate use and ownership. The areas at the front and side of the Victory House would provide car parking for up to 9 cars.

### Proposed Site Plan



**Relevant Policies:**Burnley's Local Plan (July 2018)

SP4 – Development strategy

SP5 - Development quality and sustainability

EMP3 – Supporting employment development

EMP4 – Office development

NE5 – Environmental protection

IC1 – Sustainable travel

IC3 – car parking standards

Other material considerations:

The National Planning Policy Framework

**Site History:**

12/89/0958 – Change of use from existing warehouse, offices and retail to warehouse, offices, retail plus light industrial on ground floor. Approved December 1989.

**Consultation Responses:**LCC Highways

We do not wish to raise an objection. There is some provision for on-site parking which whilst the level does not meet the standards in Burnley's Local Plan, the site is served by a local bus to Burnley town centre and is within 1km of a railway station. Additionally, following a number of site visits, there would appear to be some availability for on-street parking.

Environmental Health Officer

No comments or objections.

Publicity

Five letters of objection have been received from neighbouring properties. A summary of their comments is provided below:-

- Training centre would lead to an increase in traffic and parking;
- On-road parking is already becoming an issue, parking on Holyoake Street and Thornhill Street is getting worse
- Amount of people that will be working at the premises;
- Surrounded by residential properties;
- Access is down an unadopted side street;
- Exit onto Lowerhouse Lane is dangerous with visibility obscured by parked cars;
- Conditions should be imposed to prevent parking on the road/footpaths; and,
- Poor drainage and surface water flooding at the junction of Holyoake Street and Thornhill Street.

**Planning and Environmental Considerations:**Principle of Proposal

The site is located within a built-up part of Burnley within the Development Boundary where Policy SP4 states that new development will be supported where it is of an appropriate type and scale and where it makes efficient use of land and buildings; is well located in relation to services and infrastructure and is, or can be made,

accessible by public transport, walking or cycling; and does not have an unacceptably detrimental impact on residential amenity or other existing land uses. Policy SP4 also requires consideration to be given as to whether schemes appropriately re-use existing buildings and infrastructure.

The existing building at Victory House is a distinctive Victorian building and its continued use should, in principle, be encouraged and supported. The existing authorised use permits warehousing and light industry with offices and retail sales. Policy EMP3 supports the expansion and upgrading or establishment of new business premises where proposals comply with other plan policies and do not unacceptably affect vehicle access arrangements, residential amenity or the landscape/townscape. In this case, the continued use of the site for employment and commercial purposes would facilitate the continued use and investment in an attractive and prominent building. Access and amenity considerations are discussed below. Policy EMP4 states that the focus for office development (Class B1(a)) will be within Burnley and Padiham town centres. Whilst the proposed site is outside of a Centre, there is already in part an office use at the premises and the proposed offices would in this case support the overall uses that are being proposed. The proposed office use would not in these circumstances conflict with Policy EMP4.

The proposed use would have some similarities with the existing authorised uses and would continue to provide employment on a small scale basis. As such, there is no objection in principle to the proposed change of use.

#### Impact on traffic and car parking

Policy IC1 states that development schemes should, as appropriate to their nature and scale, promote sustainable travel by locating in areas well served by walking, cycling and public transport and provide for safe pedestrian, cycle and vehicular access to and from the development. Policy IC3 requires adequate car parking to serve the needs of the development and states that this should normally be in accordance with the standards set out in Appendix 9. It also states that adequate provision for cycle parking will be expected.

The site is located adjacent to a bus stop and public transport services and is also accessible by pedestrians or by cycle within the built-up area. The number of people attending the premises for employment, training or at the Aesthetics Clinic will vary between approximately 15 and 20-22 with the higher number only occurring when training sessions are booked rather than on a daily basis. The proposed layout shows that the forecourt and hardstanding areas can achieve approximately nine car parking spaces. LCC Highways consider that, taking into account the accessibility of the site and access to public transport as well as the availability of some on-street parking, that this is sufficient in this case to support the proposed use. A condition can also be imposed to require cycle parking provision in order to encourage the use of cycles. Notably, the current authorised uses of the site for warehousing, offices, light industrial use and retail could also potentially generate a similar or greater demand for parking and access. The amount of storage would be limited at the premises and the nature and size of the goods (such as specialised laser equipment, inks and dyes) would necessitate only irregular visits by a small van. LCC Highways has not raised any concerns regarding visibility and access to and from the site and raises no objection to the proposal.

The proposed uses therefore are unlikely to generate a significant increase in trips to the site or car parking requirements and the characteristics of the site in terms of available parking and access to public transport facilities would enable the site to operate effectively without any significant impact on parking in the local area or highway safety. The proposal would not therefore conflict with Policies IC1 and IC3.

#### Impact on residential amenities

Policy SP5 requires, amongst other things, for proposals to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users. The nature of the proposed uses which are mainly office based with only a minor element of storage and a limited number of visitors for training purposes or to the Aesthetics Clinic, are unlikely to generate any significant noise or disturbance to surrounding residents at Lowerhouse Lane and Thornhill Street/Holyoake Street. The existing authorised light industrial use would be removed and as such, the proposal could potentially lead to an overall reduction in levels of activity and associated noise and disturbance. The applicant intends to operate normal office hours (9am-5:30pm) and up to 6pm at the proposed Aesthetics Clinic (with perhaps a few evenings per week up to 8pm). The limited amount of comings and goings associated with the proposed uses is unlikely to lead to any significant level of noise or disturbance. Notably, the Council's Environmental Health Officer has no objections to the proposal. The proposal would therefore have an acceptable impact on the residential amenities of neighbouring properties and would not conflict with Policy SP5.

#### Other issues

The proposal does not involve any physical works or changes that would affect or increase the risk of flooding.

#### Conclusion

The proposed use has some similarities with the existing mixed use of the building and is located within an accessible location close to public transport. The proposed new uses would continue to provide, in part, an employment use of the building and the uses as a whole would work in association with each other. The nature and scale of the proposed uses can be supported at the premises at this location without any significant impact on parking or residential amenities. The proposal is therefore acceptable.

### **Recommendation: Approve with 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 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 Car parking shall be provided at the site and available for use, as indicated on the approved plans, prior to any part of the approved uses being first commenced. The approved car parking shall thereafter be retained at all times.

Reason: To ensure adequate car parking is provided on the site, in the interests of highway safety, in accordance with Policies IC1 and IC3 of Burnley's Local Plan (July 2018).

- 4 A minimum of two secure cycle stands shall be provided and available for use within the premises prior to any part of the approved uses being first commenced. The cycle storage provision shall thereafter be retained at all times.

Reason: To encourage the use of cycles to and from the premises, to promote sustainable travel, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

- 5 The premises shall not operate other than between 8am and 6pm Monday to Friday and between 9am and 1pm on Saturdays and not all on Sundays or Bank/Public Holidays with the exception of the approved Aesthetics Clinic that shall not be open for business other than between 8am and 8pm Monday to Friday and between 9am and 5pm on Saturdays and shall not be open for business on Sundays.

Reason: To safeguard the residential amenities of neighbouring occupiers, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

- 6 The approved uses shall operate in association and not as separate uses; storage at the premises shall be ancillary only to the main uses of the premises; and consulting rooms for the approved Aesthetics Clinic shall be limited to three rooms as indicated on the approved plans.

Reason: To ensure the satisfactory implementation of the proposal and to ensure that the nature and amount of trips to the site and parking provision is suitable for the site, in the interests of highway safety and amenity, in accordance with Policies IC1, IC3 and SP5 of Burnley's Local Plan (July 2018).

Janet Filbin  
17<sup>th</sup> March 2020