

Full Planning Application
Change of use of Ground Floor from hairdressers (Class A1) to coffee shop and bar (Class A4) and offices (Class A2)
32 MANCHESTER ROAD BURNLEY

Background

Site Description and Surrounding Area:

The application site is a Grade II listed building noted for its elaborate Jacobean style. It occupies a highly prominent site at the corner of Manchester Road and Grimshaw Street and contributes to a group of late Victorian and Edwardian commercial and public buildings within the Burnley Town Centre Conservation Area.

The application relates to the ground floor unit of the building, the upper floors being a separate planning unit in office use. The building, originally constructed as a bank c.1894, is significant for its architectural and historic interest, group value and setting. The listing description refers solely to the external features of the building and as one might expect, internally the fabric has been significantly altered at various phases during its occupation to the extent that no internal features of significance remain.

The unit has been vacant and on the market for over two years having last been in use as a hair and beauty salon falling within Use Class A1. Internally the accommodation, which amounts to approximately 168 sqm, is divided to form a large reception area (original banking hall) directly accessed from Manchester Road with a number of smaller treatment rooms, staff facilities and storage areas to the rear.

Under the provisions of the Local Plan the site falls within the boundary of Burnley Town Centre. The surrounding area is predominantly commercial in character and includes a mix of town centre uses.



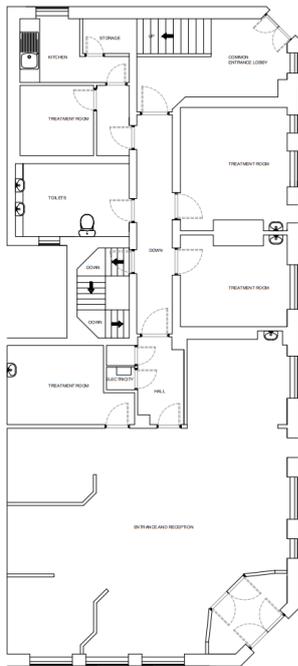
View from Manchester Road (right) and from Grimshaw Street (left) (Images courtesy of Trevor Dawson Property Sales Particulars)

The Proposal

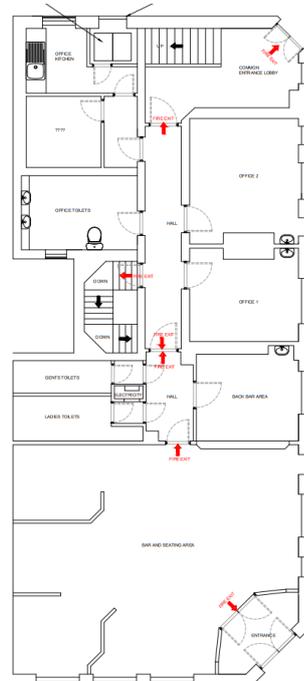
This application seeks planning permission for the change of use of a vacant beauty/hair salon to a licenced coffeeshop and bar with offices. The former salon reception area (notable as the former banking hall) will be refurbished to accommodate the coffee shop and bar with the former

treatment rooms to the rear utilised for associated facilities and for office space to meet the occupier's business needs.

The proposal has been designed to utilise the existing layout with limited, mainly cosmetic internal changes (re-decoration) and with minimal intervention to the historic fabric. The basic premise behind the proposals is to achieve a sustainable economic use which is appropriate to both the town centre location and to the quality and character of the listed building. It is to be noted that the proposed alterations would not affect its character as a building of special architectural or historic interest and accordingly there is no requirement for listed building consent.



Existing layout



Proposed Layout

No physical external alterations are proposed to the unit and no ventilation/extraction system is proposed as there is to be no preparation of hot food on-site. If subsequently required by the occupier, this would form the basis of separate applications.

The building is serviced from the rear for waste refuse and this will remain unchanged. The proposed opening hours are between 10:00 to 23:00hrs seven days a week including bank holidays. The proposal makes no off-road parking provision for customers or staff.

Objections have been received.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1 Achieving Sustainable Development
- SP5 Development Quality and Sustainability
- TC2 Development within Burnley and Padiham Town Centres
- HE2 Designated Heritage Assets
- IC1 Sustainable Travel
- IC3 Car Parking Standards

National Planning Policy Framework (2019): With particular reference to paragraphs 85 to 90 which set out the government's policies to ensure the vitality and viability of town centres.

Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant Recent Planning History:

APP/2008/0158: Change of use from bank (A2) to a public house with food served (A4) – Granted

Consultation:

LCC Highways: Do not raise any objections to the proposal subject to the imposition of a condition requiring the provision of adequate off-street storage of reuse and recycling containers.

Environmental Health: No comments have been received at the time of writing this report.

Streetscene: No comments have been received at the time of writing this report.

Publicity: Two letters of objection have been received with the main points summarised as follows:

- Too many coffee shops in the town centre
- Noise and disturbance to staff and clients visiting the upper floor offices
- Live/amplified music would cause unacceptable noise disturbance to the offices above
- No means of providing an undercover smoking area
- Concern that smokers will congregate at the rear of the building obstructing access to the upper floor offices and a presenting a poor image of the business to their clients.
- Potential for anti-social behaviour
- No external storage for refuse
- Nuisance from cooking odours

Concerns were raised relating to the location of refuse storage on land outside of the applicant's ownership. This issue has been resolved by accommodating the refuse storage internally.

Planning and Environmental Considerations

Principle of development:

The application site is located within the boundary of Burnley Town Centre, as defined in Burnley's Local Plan, where there is a mix of town centre uses including retail, financial and professional services, bars and restaurants, and civic uses. The proposal is for a change of use to a coffee shop and bar (A4 Drinking Establishment). Policy TC2 relates to development in Burnley town centre and states that main town centre uses (Classes A2-A5) will be supported. Accordingly the proposed use would, in principle, be a suitable use in this location and would comply with Policy TC2. The main issues relate to the impact of the proposal on designated heritage assets; the amenity of neighbouring occupiers; highway safety and parking; refuse and recycling.

Impact on designated heritage assets:

Policy HE2 seeks to protect the character and historic interest of listed buildings and the special character of conservation areas. Sections 66(1) and 72(1) 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 the interest of a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area. Preservation in this context means not harming the special interest (significance) as opposed to keeping it utterly unchanged.

No external alterations are proposed and as such the proposal would not make any meaningful difference to the character or appearance of the conservation area. Moreover, the re-use of vacant floorspace within the building is likely to have a positive impact on the conservation area.

The building's interior has been modified over time to meet the operational needs of the varying uses with little or no consideration to the character and appearance of the building. At ground floor level little remains of interest internally with the exception of the ornate plaster ceiling and the open floorplan of the former banking hall. These elements are left unaltered by the proposals which are limited to minor, mainly cosmetic internal changes (re-decoration) with minimal intervention to the

historic fabric. The proposed alterations are therefore considered acceptable and would preserve the special interest of the listed building.

For the reasons set out above the proposal would comply with the guidance relating to conservation of the historic environment in the NPPF (section 16) and Local Plan Policy HE2.

Impact on neighbouring amenities

Policy SP5 seeks to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users. The nature of the use is such that the impact on neighbouring amenity has been assessed by reason of noise, smells and disturbance. In this instance there are no residential properties within reasonable distance of the site and as such the proposed development would not cause any harm by reason of impact on residential amenity.

Due to the nature of the proposal, the development would result in an increase of noise and disturbance in the locality as expected, however the nearest neighbouring properties are predominantly commercial and situated in part of the town centre where there is a concentration of activity and a level of disturbance from a range of sources over a prolonged period of the day including other drinking establishments and town centre traffic. Accordingly, some degree of noise and disturbance would not be unreasonable.

On balance, given its town centre location the proposed use would not result in levels of noise and disturbance over and above that already experienced which would warrant the refusal of the application. Conditions are recommended including a noise assessment which would mitigate against potential noise affecting neighbouring occupiers. Subject to these controls, the proposal would have an acceptable impact on levels of amenity in this town centre setting and would therefore comply with Policy SP5.

Highway Safety and Parking

Policy IC1 seeks to ensure sustainable travel, highway safety and a safe and convenient means of access for all users. Policy IC3 requires the adequate provision of car parking for developments in accordance with specific parking standards set out in Appendix 9. In applying the parking standards Appendix 9 allows for local circumstances to be taken into account which includes the accessibility of the site by public transport, walking and cycling; the availability of existing public parking provision or on-street parking nearby.

The proposal does not make provision for off street customer or staff car parking however given that the site is in the town centre, close to shops and services and is a sustainable location for public transport with public parking nearby, it is accepted that no off-street parking can be provided.

The site is located adjacent to a signalised junction with a loading prohibition along the gable and front, effectively restricting options for loading and unloading operations. This is a recognised problem in this area of the town centre and it would prove difficult to defend a refusal of consent given that there are other commercial premises in close proximity with similar delivery problems. There are no objections from the Highway Authority.

Taking into account the scale and nature of the proposal and highly sustainable location it is considered that the proposal would not cause or exacerbate congestion, highway safety issues or on-street parking problems. It would satisfy the relevant local plan policies IC1 and IC3 and the NPPF which aims to only prevent or refuse development on highway grounds where there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Refuse and Recycling

Provision for refuse and recycling should be appropriate to the scale and type of premises and be adequate to ensure that no refuse or recycling material is stored or placed for collection on the adopted highway (including the footway), except on the day of collection. The proposal makes provision for internal storage of trade waste containers with direct and convenient access to the

rear of the building for on-street collection. The proposed arrangement appears to be unworkable though there is adequate scope to enlarge the storage area to allow for adequate space to access and manoeuvre the storage containers.

At the time of writing this report Street Scene have not provided any comments or objections to the proposed refuse and recycling arrangements. The Highway Authority has raised no objection on the basis of a suitably worded planning condition requiring the submission of a detailed scheme for the storage of waste and refuse to be submitted to and approved in writing by the local planning authority. Subject to this control, the proposal would comply with Policy SP5.

Other Matters

In relation to concerns raised over the potential for anti-social behaviour as a result of the proposed use, measures to deal with such offences are covered under separate legislation.

Conclusion

The proposal will introduce an appropriate and beneficial use for the listed building which will ensure the preservation of its significance and its continued positive impact within Burnley Town Centre and the Conservation Area. Though the proposal would result in the loss of a retail unit, overall the proposed use is not considered to have a negative impact on the retail character of the area and as the use could operate during evening hours it has the potential to make a positive impact on the night-time economy and thus would enhance the vitality of the area in this regard.

Subject to suitable conditions, the proposed development does not raise any significant concerns in terms of impact on amenity and is considered to be acceptable in relation to highways and parking and waste provision. Subject to conditions the development is considered to comply with the development plan and it represents a sustainable form of development and there are no material considerations which would outweigh this finding.

Recommendation: Approve subject to conditions

Conditions and Reasons:

1. The development must be begun within three years of the date of this decision

Reason: 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. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. MJ02 (Floor Plans at 1:30 dated 30.07.20) received on the 20th August 2020.

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

3. Prior to the commencement of the development hereby approved, an assessment of the noise from the Class A4 use on the neighbouring occupiers, shall be submitted to and approved in writing by the Local Planning Authority. The submitted noise assessment shall include recommendations for addressing and mitigating against any identified potential noise including the impact of amplified/live music on the occupiers of the upper floors of the building. The approved noise assessment and recommendations shall thereafter be carried out during the conversion of the premises and shall be completed prior to any part of the development being first brought into use or occupied. The approved noise mitigation measures shall thereafter be retained at all times.

Reason: To ensure adequate mitigation against potential noise to neighbouring occupiers and to ensure that the use hereby permitted does not lead to any significant increase in town centre noise and disturbance, in order to satisfactorily safeguard the amenities of residents in the town

centre neighbouring occupiers, in accordance with Policy SP5 of Burnley's Local Plan (July 2018). The noise assessment is required to be submitted prior to the commencement of development in order to ensure that any insulation or other mitigation can be carried out at the appropriate stage in the course of the development.

4. Notwithstanding the plans hereby approved, prior to the development being brought into use a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse store and area/facilities allocated for storing of recyclable materials shall be completed in accordance with the approved plans and thereafter be retained for use at all times. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

Reason: To ensure the provision of adequate facilities for the storage of refuse and recycling; safeguard the amenity of the occupiers of adjoining premises; prevent any obstruction on the highway and to comply with Policy SP5 of Burnley's Local Plan (July 2018).

5. Prior to the preparation and cooking of any hot food on the premises in association with the use hereby permitted, equipment for the collection and dispersal of cooking fumes shall be installed and available for use in accordance with a scheme which shall be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be maintained in good working order in accordance with the manufacturer's instructions and available for use at all times

Reason: As insufficient information has been submitted and to protect the surrounding environment, including occupiers of nearby premises from nuisance from cooking odours in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

6. 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 of 07:00hrs to 19:00hrs 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 local amenity of the site within the town centre in accordance with Policies SP5 and TC5 of Burnley's Local Plan (July 2018).

Informative

This permission does not give consent to any advertisement intended to be displayed on the site for which separate express consent may be necessary under the Town and Country Planning (Control of Advertisements) Regulations 2007

EEP 18.09.20