

Application Recommended for APPROVAL
Bank Hall Ward

COU/2021/0175

The Town and Country Planning Act 1990
Full Planning Application

Applicant: The Talbot Hotel

Agent: Mr Michael Sproston – PWA Planning

Site Address: 65 Church Street Burnley Lancashire BB11 2RS

Proposed Development: Change of use of public house and hotel (Sui Generis) to form 10 no. apartments.

The application has been referred to committee as objections have been received.

Background:

The application site consists of a three-storey property currently operating as a public house 'The Talbot'. The property is sited on a corner plot adjacent the junction of Ormerod Road and Church Street. Church Street is main access road into and out of Burnley Town Centre and is classified as an A Road (A682).

The site itself is located within the Historic Core of Burnley within the designated Top O` Th` Town Conservation Area. The immediate area is a mix of commercial and residential uses. The site is also sited within Flood Zone 2 and is locally listed.





Proposal:

Planning permission is sought for the change of use of the ground, first and second floors and outbuilding to 10 no. apartments.

The mix includes 4no. one-bedroom studio apartments, 3 no. two-bedroom apartments, and 3 no. one-bedroom apartments. Each of the flats will have access to a bathroom, living area, and kitchen area. The outbuilding will contain 2 no. onebedroom studio flats, with one on each the ground floor and first floor. The ground floor of the building will contain 2 no. two-bedroom flats. The first floor will contain a one-bedroom studio flat, a one-bedroom flat, and a two-bedroom flat. The second floor will contain a one-bedroom studio flat, and 2no. one-bedroom flats.

The floor space proposed for all of the apartments is as follows:

Ground Floor

Apartment 1.1 – 2 bedroom 100m²

Apartment 1.2 – 2 bedroom 110m².

First Floor

Apartment 1.1 – Studio 34m²

Apartment 1.2 – 1 bedroom 58m²

Apartment 1.3 – 2 bedroom 77m²

Second Floor

Apartment 2.1 – Studio 40m²

Apartment 2.2 – 1 bedroom 63m²

Apartment 2.3 – 1 bedroom 47m²

Outbuilding Ground Floor

Apartment O.1 – Studio 51m²

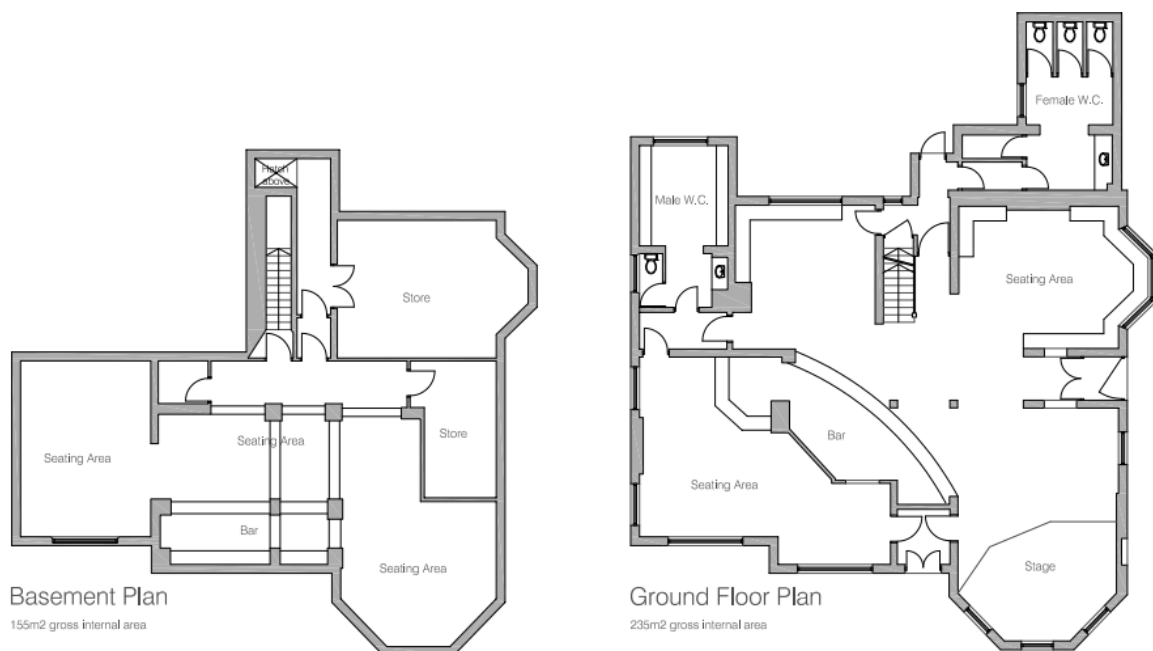
Outbuilding First Floor

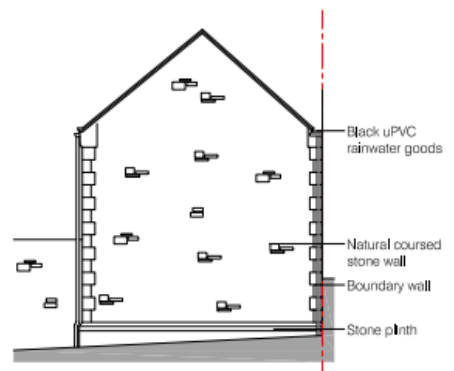
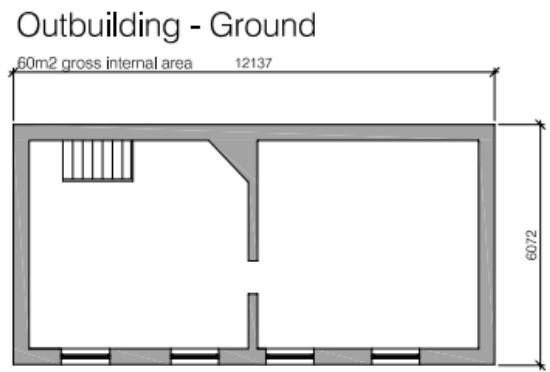
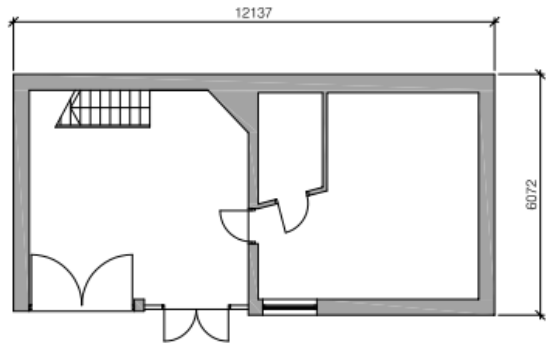
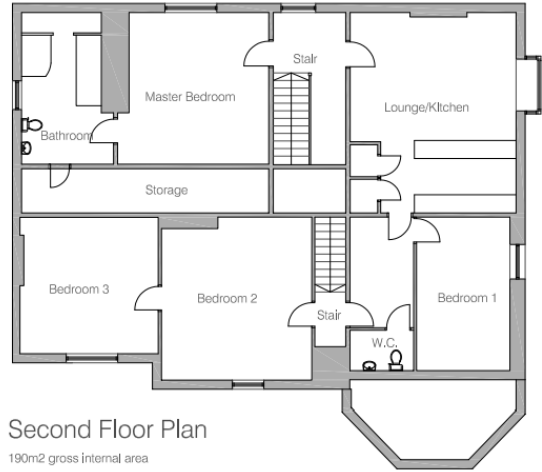
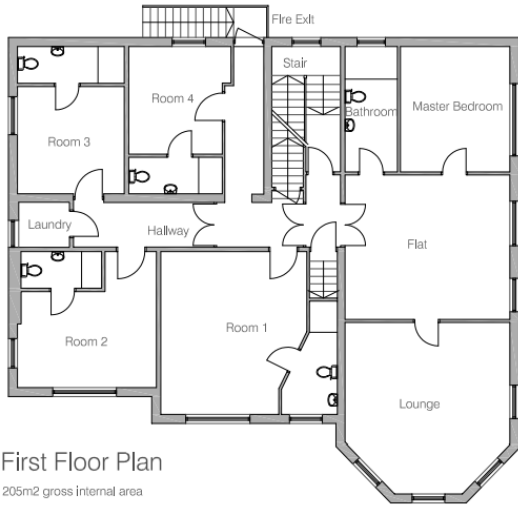
Apartment O.2 – Studio 51m²

As shown on the proposed plans, the proposals will include the insertion of new windows, including within the first floor living room area for Flat 1.1, as well as new windows on both the ground and first floors of the outbuilding, fronting Ormerod Road, while the existing exit for the outbuilding on the ground floor will be replaced by a window. The basement level will be used for the internal secure storage of bicycles and general storage for the residents.

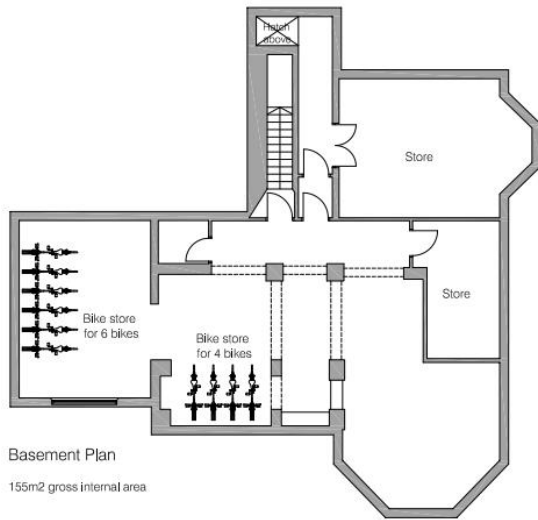
Access into the site will remain the same. The access has provided safe and convenient ingress and egress to the site for a sustained period. Parking arrangements will also remain as existing, provided to the west of the property as present.

Existing Plans:

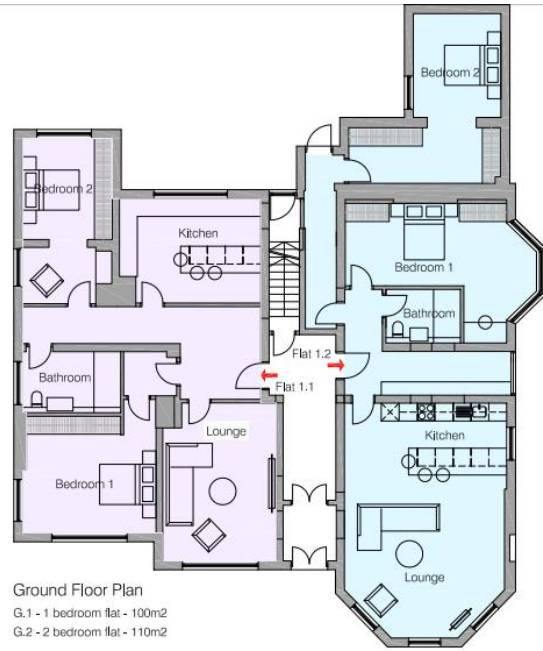




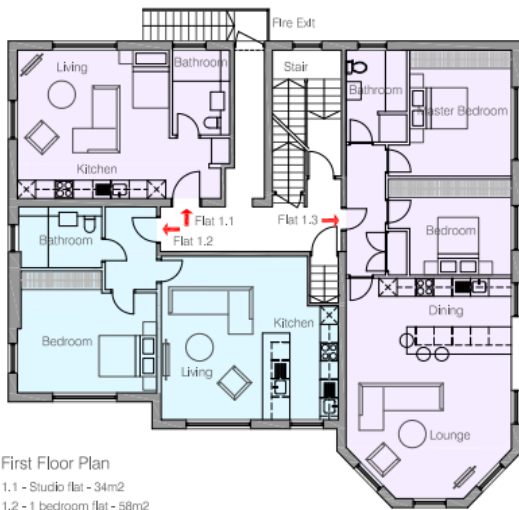
Proposed Plans:



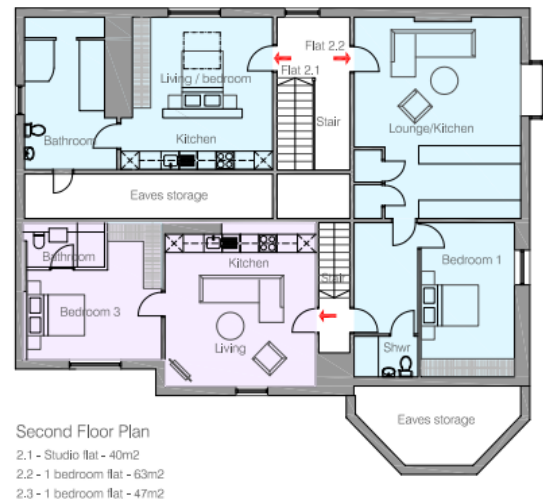
Basement Plan
155m² gross internal area



Ground Floor Plan
G.1 - 1 bedroom flat - 100m²
G.2 - 2 bedroom flat - 110m²



First Floor Plan
1.1 - Studio flat - 34m²
1.2 - 1 bedroom flat - 58m²
1.3 - 2 bedroom flat - 77m²



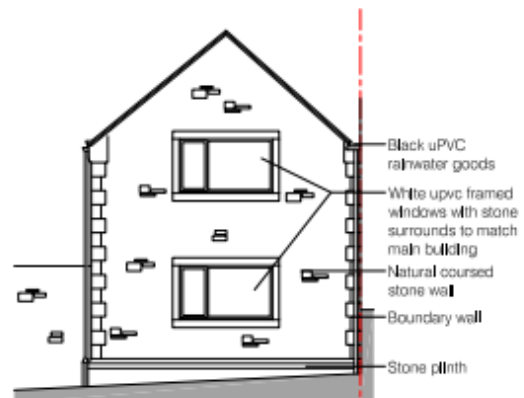
Second Floor Plan
2.1 - Studio flat - 40m²
2.2 - 1 bedroom flat - 63m²
2.3 - 1 bedroom flat - 47m²



Studio flat 0.1 - Ground
51m² gross internal area



Studio flat 0.2 - First
51m² gross internal area



Outbuilding - Omerod Road elevation
Proposed

Relevant Planning Policies:

Burnley's Local Plan (July 2018)

SP1: Achieving Sustainable Development

SP2: Housing Requirement 2012-2032

SP4: Development Strategy

SP5: Development Quality and Sustainability

HS4: Housing developments

TC2: Development within Burnley and Padiham Town Centres

HE1: Identifying and Protecting Burnley's Historic Environment

HE2: Designated Heritage Assets: Listed Buildings; Conservation Areas; and Registered Parks and Gardens

HE3: Non-Designated Heritage Assets

CC4: Development and Flood Risk

IC1: Sustainable Travel

IC3: Car Parking Standards

IC5: Protection and Provision of Social and Community Infrastructure

Appendix 9: Car Parking Standards

National Planning Policy Framework (NPPF)

Nationally Described Space Standards (NDDS)

Relevant Planning History:

N/A

Consultation Responses:

Civic Trust:	This property is situated at a very busy and dangerous junction and we object to this application on the grounds that there is insufficient parking to be provided.
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<p>Lancashire Fire & Rescue Service:</p>	<p>The proposed planning application has been noted and the Fire Authority gives it advice in respect of access for fire appliances and water supplies for firefighting purposes to the site and recommend a number of detailed measures to ensure the proposal accords with conditions which will be satisfied on a subsequent Building Regulation application.</p>
<p>Highways:</p>	<p>With respect to this application we would not wish to raise any objections to the application.</p> <p>It is noted that there is no off-street parking proposed with this application. It is apparent that the area between building wall and the footway on Church Street has been used as a sub-standard parking for the former Public House.</p> <p>In order to prevent this sub-standard area being used as a parking facility by the residents or potentially non residents it is required that the footway is reinstated with a raised kerb. In order to comply with current standards this will require the provision of some tactile paving which will also need to be replicated across Ormerod Road. It is envisaged that these works are best achieved via a Section 278 agreement.</p> <p>Should you wish to support the application we would look for the following conditions and notes below to be added to the decision notice.</p> <p>1. Construction Management Plan (CMP). No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:</p> <ul style="list-style-type: none"> • 24 Hour emergency contact number. Details of the parking of vehicles of site operatives and visitors. • Details of loading and unloading of plant and materials. • Arrangements for turning of vehicles within the site. • Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures. • Measures to protect vulnerable road users (pedestrians and cyclists). • The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate. • Wheel washing facilities. • Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction. • Measures to control the emission of dust and dirt during construction. • Details of a scheme for recycling/disposing of waste resulting from demolition and construction works. • Construction vehicle routing. • Delivery, demolition and construction working hours.

	<p>The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.</p> <p>Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases.</p> <p>Note: Construction Management Plan.</p> <ul style="list-style-type: none"> • There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway. • There must be no storage of materials in the public highway at any time. • There must be no standing or waiting of machinery or vehicles in the public highway at any time. • Vehicles must only access the site using a designated vehicular access point. • There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site. • A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary, this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing: lhsstreetworks@lancashire.gov.uk • All references to public highway include footway, carriageway and verge <p>2. Construction deliveries outside peak traffic. Deliveries to the approved development shall only be accepted between the hours of 9:30am and 2:30pm Monday – Friday, to avoid peak traffic on the surrounding highway network. Reason: In the interest of highway safety.</p> <p>3. Reinstatement of redundant access. No building or use hereby permitted shall be occupied or use commenced until the footway (and/or verge) has been reinstated to full kerb height, where any vehicle crossover(s) are redundant, in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development. Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety.</p> <p>4. Cycle parking. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times. Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.</p>
LLFA:	Under the Flood and Water Management Act 2010 the LLFA is the responsible 'risk management authority' for managing 'local' flood risk

	<p>which refers to flood risk from surface water, groundwater or from ordinary watercourses. The LLFA is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015. It is in this capacity this response is compiled.</p> <p>Comments provided in this representation, including conditions, are advisory and it is the decision of the Local Planning Authority (LPA) whether any such recommendations are acted upon. The comments given have been composed based on the current extent of the knowledge of the LLFA and information provided with the application at the time of this response.</p> <p><u>Lead Local Flood Authority (LLFA) Position</u></p> <p>The LLFA has no objection to the proposed change of use of this address.</p> <p><u>What this response DOES NOT cover</u></p> <p>This response does not cover highway drainage, matters pertaining to highway adoption (s38 Highways Act 1980) and/or off-site highway works (s278 Highways Act 1980). Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of those systems with the local highway authority.</p> <p>The applicant is also encouraged to discuss the suitability of any overland flow routes and/or flood water exceedance with the local highway authority should they have the potential to impact the public highway network and/or public highway drainage infrastructure (either existing or proposed).</p>
<p>LCC Education:</p>	<p>This consultation response seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a developer contribution.</p> <p>The education contribution is directly linked to the development and would be used in order to provide education places within a reasonable distance of the development for the children expected to live on the development.</p> <p>If the education contribution assessment identifies the need for a contribution to be provided Lancashire County Council is, in effect, objecting to the application. A developer contribution to deliver school places, to Lancashire County Council as the education authority, including indexation will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's request on its behalf, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed. (Please see page 10 of the Education Contribution Methodology).</p>

	<p>An education contribution is not required at this stage in regards to this development.</p> <p>This response is based on the latest information available at the time of writing.</p>
<p>Lancashire Constabulary:</p>	<p>The above Planning application falls below our Crime Impact Statement unit threshold; however, to reduce the risk of crime in the vicinity and ensure the prospective new occupants remain safe, we would encourage the Developer to incorporate Secured by Design security measures, as highlighted within the attached SBD Homes 2019 document.</p>
<p>Conservation Officer:</p>	<p>The application relates to the Talbot Hotel (65 Church Street) which is a late nineteenth century public house (c1888) identified as a locally listed building (non-designated heritage asset). The location is historically sensitive and prominently positioned being located within the Top O' Th' Town Conservation Area which marks the origins of the settlement of Burnley the special character and appearance of which is largely derived from the arrangement and hierarchy of spaces and the concentration of buildings of historic and architectural prominence. The area embraces some of the oldest parts of the town, including the medieval market-place, Stocks, Smithy, Church, sites of ancient hostelries, Burnley's first Day School and Grammar School, which contribute to the essential character of the Conservation Area.</p> <p>NPPF paragraph 197 states that in weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This is supported by Local Plan Policy HE3. In order to make that judgement, NPPF 189 requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.</p> <p>Although the application is supported by a Planning and Heritage Statement (PWA Planning March 2021), the document is wholly inadequate in providing any assessment of the heritage significance of the building and its contribution to the character or appearance of the conservation area. It includes no information on its significance other than to state that it is a locally listed building within the Top' O'Th'Town Conservation Area with multiple listed buildings within close proximity (Paragraph 7.7). Paragraph 7.8 states that the development intends to preserve the locally listed building through its use as apartments, instead of a public house, which is no longer a viable option; and that the works will be respectful to the building and its context. Paragraph 7.8 justifies the proposal against NPPF 202 (enabling development) which is not appropriate to the determination of this application in that it is not a proposal for enabling development.</p> <p>I consider that further information on the significance of the building, with particular regard to the internal plan form and features and that of the outbuilding, should be provided before determination (unless refused) to assist the Local Planning Authority in assessing the significance of the building and the impact of the proposals on it. Notwithstanding, I make some comments on the basis of my brief assessment as follows:</p> <p>Heritage Significance</p>

The Talbot Hotel is a later rebuild of a seventeenth century inn, the Parker Arms, the datestone which reads 1626 is incorporated on the north gable of the existing building. It stands on the site of the former medieval marketplace which was redeveloped in the late C19. The building is identified as a locally listed building (non-designated heritage asset) in the Council's Local List of Heritage Assets. It is an imposing building, constructed of coursed squared sandstone with dressed and moulded door and window surrounds under a slate roof with gabled dormers. Its principal elevations form a strong composition that includes a projecting hexagonal bay at the corner with Ormerod Road. The ground floor windows appear to be traditional timber sash windows, the upper sash of each being divided into three lights (2 leaded) with a curved astragal. The upper floor windows appear to be modern replacements. This building displays the architectural refinement and decoration that is associated with the late Victorian period of relative wealth and prosperity fuelled by the textile revolution, with a move away from the more functional and vernacular style buildings that had been common in Burnley up to the 1870's. The prominent chimney stacks, the pattern of fenestration and decoration including the string courses and moulded cornice and corbels add visual interest to coursed sandstone elevations. To the rear is a substantial two storey stone-built outbuilding. In terms of the physical form, use of materials and external detailing the building adds variety and visual interest to the townscape and contributes positively to the character and appearance of the Conservation Area. The building has group value with the Sparrowhawk and the buildings that line Ormerod Road which developed in the late C19 as a response to the shift in the marketplace to St James Street and the growth in the town's prosperity. The immediate surroundings have a formal and dignified appearance, created by the short terraces of higher status late C19 middle-class town houses with rich architectural detailing and an attractive roofscape formed from the sloped and stepped terraced rooflines, punctuated by the distinctive form and regular rhythm of their chimney stacks and dormers.

Having regard to the above, the building's significance as a non-designated heritage asset (locally listed building) appears to derive from its historic and architectural interest and its presence within the street-scene, but also for its communal value and sense of identity associated with its long established use as a public house. The contribution of the interior (ie plan form and features) and that of the outbuilding to the significance of the heritage asset should be provided by the applicant before determination (unless refused) to assist the Local Planning Authority in assessing the significance of the building and the impact of the proposals on it.

The submitted heritage statement at Paragraph 7.8 finds that the development would preserve (ie cause no harm to the significance of) the locally listed building. This view is not substantiated with an appropriate level of assessment.

The applicant has not demonstrated a full appreciation of the heritage significance of the building and the level of information submitted is consequently insufficient to underpin a full understanding of the impact of the proposals. However, from my brief assessment above it is clear that the proposed change of use would result in less than substantial harm to the significance of the Talbot Hotel as a non-designated heritage asset through the loss of its communal value as a public house. Moreover, the

	<p>proposed sub-division of the internal space to form the apartments and any loss of original/traditional features has the potential to add to the magnitude of harm to the significance of the heritage asset. Accordingly, I do not support the proposal as it stands and would recommend that a considerably enhanced Heritage Statement is provided as set out in the advice above and including an inventory of internal features of heritage significance.</p> <p>Proposed physical external alterations: Paragraph 4.4 of the supporting Planning and Heritage Statement describes the proposals as including the insertion of new windows at the first floor as well as new windows on both the ground and first floors of the outbuilding, fronting Ormerod Road, while the existing exit for the outbuilding on the ground floor will be replaced by a window. There are elevational drawings to show the proposed window openings on the gable of the outbuilding fronting Ormerod Road. The proposed window openings are disproportionately wide (horizontally emphasized) and the use of white uPVC side opening casement windows are not considered appropriate within the context of the site. This proposed alteration would not meet the requirements of Policy HE3(3) which requires proposals to relate appropriately in terms of style, scale, and materials.</p> <p>Accordingly, the proposal does not comply with Policy HE3 and I would recommend that the proposed new openings to the gable of the outbuilding (fronting Ormerod Street) are significantly reduced in width with an appropriately designed timber frame the full and precise details of which should be submitted for approval. Consideration will need to be given to resulting adequacy of natural light to the affected apartments, particularly at ground floor level.</p> <p>No other elevational drawings are provided (existing or proposed), and as such there is insufficient information on which to make an assessment of the acceptability or otherwise of the proposed new and/or altered openings to the main building or the outbuilding. The applicant should seek to address this through the submission of elevational drawings showing all new and altered openings alongside the existing arrangement. Full and precise details of the proposed new and replacement frames and doors should also be provided.</p> <p>Clarity is required on the intentions for the existing windows to the main building in terms of their retention or replacement.</p> <p>Conclusion The application as submitted is not supported for the reasons set out above. The applicant has not demonstrated a full appreciation of the heritage significance of the building and the level of information submitted is consequently insufficient to underpin a full understanding of the impact of the proposals. It is considered that further information should be provided to allow the Local Planning Authority to make a fully informed decision.</p>
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<p>Public Consultation:</p>	<p>9 letters of representation have been received objecting to the proposal for the following reasons:</p> <ul style="list-style-type: none"> • Lack of parking provision – Church Street is residents only parking, Ormerod Road is general parking with residents already struggling to park, this will exacerbate the issue.
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	<ul style="list-style-type: none"> • Adequate rented apartments within the Borough already that are not be used. • A number of abandoned buildings within the Borough which would be better suited for conversion than this public house. • No need for anymore apartments. • Would result in the loss of a public house which is one of the main live band venues in Burnley. • Lack of parking could lead to danger to road users. • The roadway works required to make adequate safe parking would cause huge disruption to a very busy junction and main road in and out of the town centre. • Would result in a loss of a social hub which would affect a large number of people's social circle and mental health. • Job losses. • Loss of a viable pub which is a vital asset to local community.
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Assessment:

The main considerations in relation to this application are:

- Principle of Development
- Loss of Public House
- Design / Visual Impact
- Impact on Heritage Assets
- Amenity
- Highway / Parking
- Flooding / Drainage

Principle of Development:

Local Plan Policy SP1 sets out a presumption in favour of sustainable development and makes clear that development proposals that are sustainable will be welcomed and approved without delay. In order to be sustainable, development must accord with national and local policy and have regard to, amongst others, the priority afforded to accommodating growth within the development boundary through the efficient use of land and buildings; and the need to develop sites that are well located in relation to services and accessible by public transport, walking and cycling.

Policy SP4 provides the development strategy for the borough and supports the re-use of existing building within the development boundary provided they are compatible with other relevant policies of the Local Plan.

The application site is located within the development boundary for the urban area of Burnley, as defined in Burnley's Local Plan. It is within an existing residential / commercial area and is within a short walking distance of a number of local facilities including shops, bus services and schools. Henceforth, the proposed development is in accordance with Policy SP4, providing a residential development within a highly sustainable location, which makes an appropriate use of an existing building.

Paragraph 15 of the NPPF states that plans should address housing needs within distinctive areas, while Paragraph 20 states that policies should guide the pattern, scale, and quality of development. Section 5 of the NPPF builds on the above, expressing that one of Central Government's main objectives is to increase the delivery of high-quality housing, which meets local needs and demands. To facilitate the above, LPA's must provide and put forward enough land for housing development. Paragraph 59 explains that the land put forward should be varied to meet the differing needs across different areas. Policy SP2

states that Burnley Borough Council are expected to deliver 3,880 from 2012-2032, which equates to 194 no. net dwellings per annum until 2032, which signifies the end of the planning period. The proposed development, which is for the conversion of the public house and hotel into 10 no. apartments, represents a small-scale and deliverable scheme on a previously developed site, which has an existing building occupying it.

Section 11 of the NPPF, Paragraphs 117 and 118, state that planning policies and decisions should use land effectively, making as much use of available previously developed land and brownfield sites, with a portion of these sites expected to be brought forward for residential uses, to reduce the pressure of building upon greenfield land, which is of benefit to the LPA. The proposed development is also therefore in accordance with Paragraph 68 of the NPPF, which evidences that the development of sites 1ha or less in size should make up at least 10% of an LPA's housing requirement. Henceforth the scheme is in accordance with Policy SP2, as it will help the LPA meet a portion of their identified housing need, through the conversion of the existing public house and hotel.

Local Plan Policy TC2 states that the conversion or change of use of existing buildings within the Town Centres of Burnley and Padiham will be viewed favourably, whereby they meet the other policy requirements established within the Local Plan. Part (b) of Policy TC2 states that proposals for changes of use and conversions will be supported, if they do not undermine the overall mix of main Town Centre uses. The site lies outside of the Town Centre boundary according to the adopted Local Planning Policy Map. Nevertheless, the site is considered to have a functional relationship with the Town Centre, given its proximity to said boundary. It is evident that the conversion of the existing public house will not lead to an over concentration of residential uses within the area. Given that the site lies marginally outside of the Town Centre boundary, the surrounds of the site are already residential in their nature, with residential properties to the immediate north and east, as well as to the south, beyond Ormerod Road.

Part (c) of Policy TC2 states that developments should not prejudice the viability of adjacent land uses. Again, the immediate uses are all residential in their nature, while a church lies due west, beyond the A682. Therefore, it is considered that the proposal satisfies the conditions of Policy TC2.

It is, therefore, in principle, considered to be an appropriate location for new residential development.

Loss of Public House:

Consideration as to the loss of the public house should be afforded proportionate weight in the assessment. Social and Commercial facilities are considered to play an important role in stimulating a sense of community and improving quality of life. For the purposes of the Local Plan, social and community uses are defined as public, private or community facilities; this includes public houses.

To this end, Policy IC5 is of relevance. It seeks to protect social and community infrastructure, subject to a continued need or demand for the facility in question; and require alternative comparable or improved provision where a development scheme would result in the loss of important social and community infrastructure. It is noted that the premises this application relates to does not have a formal protection by way of an Asset of Community Value status.

The NPPF reinforces the need for LPA's to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs (para. 92).

Local Plan Policy IC5 does not reference the need for marketing evidence, however, a Marketing Statement is provided in support of the planning application. The marketing information supplied in connection with this application clearly demonstrates that the property has been marketed for an extended period, without registering any substantial interest. Further to this, the ongoing Covid-19 pandemic has worsened the financial situation for the owners of the site, with it not generating any income over the course of the pandemic.

Further to the above, it is important to note that the Tablot Hotel is not listed as an 'Asset of Community Value'. Moreover, given the site's location adjacent to Burnley Town Centre, there are a number other public houses within the town centre which provide an alternative location for people to socialise; consequently, the site does not provide a significant community function overall.

Taking into consideration the above, along with the information supplied within the marketing statement, it is considered that the change of use of the public house would not result in the loss of a community facility due to the location of further public houses in such close proximity. The development, is therefore, considered to accord with Local Plan Policy IC5 and the NPPF.

Design / Visual Appearance:

Paragraph 124 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.

This is reiterated by Local Plan Policy SP5 which seeks high standards of design that positively address local context and characteristics. Should a future application be submitted involving alterations to the external façade of the property, scale, design, appearance and the material palette should reflect that of the surrounding area and application property.

As shown on the proposed plans, the proposals will include the insertion of new windows, including within the first floor living room area for Flat 1.1, as well as new windows on both the ground and first floors of the outbuilding, fronting Ormerod Road, while the existing exit for the outbuilding on the ground floor will be replaced by a window. It is therefore, considered that the change of use does not involve any major alterations to the external appearance of the property other than the insertion of additional openings to facilitate the change of use. As such, it is considered that there will be little impact on the visual appearance of the host property and existing streetscene.

The proposed works will be considerate and reflect that of the host property, using matching materials to maintain cohesion between the existing property and the proposed works.

The development is, therefore, considered to accord with Local Plan Policy SP5 and Paragraph 124 of the NPPF.

Impact on Heritage Assets:

The application site is located within the Top O` Th` Town Conservation Area and is locally listed. As outlined in the Planning (Listed Buildings and Conservation Areas) Act 1990, the local authority should have a desirability of preserving the Listed Building and any features of special interest which it possesses (s.16 and 66) and preserving or enhancing the character and appearance of the Conservation Area (s.72).

The NPPF outlines that, in determining applications, the local authority should take account of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (par.192). It highlights that any harm to the

significance of a designated heritage asset should require clear and convincing justification (par.194) and great weight should be given to the conservation of designated heritage asset (par.193).

Local Plan Policy HE2 reiterates the above, stating that proposal affecting designated heritage assets and/or their settings will be assessed having regard to desirability of sustaining and enhancing the significance of the asset and, where appropriate, secure a viable use most consistent with its conservation. All levels of harm should be avoided.

The proposed development seeks to preserve the locally listed building through its continued use as apartments, instead of as a public house, which is no longer a viable option as set out within the marketing evidence submitted in support of this application.

The proposed works are considered minimal and will not alter the visual appearance of the host property to a significant extent thereby respecting the buildings character and significance and other nearby heritage assets; therefore, conserving the building without compromising upon the host building which is locally listed and the conservation area.

The Conservation Officer has assessed the proposed development and has confirmed they are unable to support the application, as the applicant has not demonstrated a full appreciation of the heritage significance of the building and the level of information submitted is consequently insufficient to underpin a full understanding of the impact of the proposals. It is considered that further information should be provided to allow the Local Planning Authority to make a fully informed decision.

The agent provided a rebuttal to this stating that the site is a non-designated heritage asset, which lies within the Conservation Area. In line with the above, I refer to Paragraph 192 of the NPPF, which states that *“in determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

Moreover, Paragraph 197 of the NPPF states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

The proposed change of use will ensure the long-term maintenance and usage of the site as a whole. The marketing information supplied in support of the planning application clearly evidences that the Tablot public house and hotel has been actively marketed since 2015, with the price of the property reduced by over £100,000. Despite the long-term marketing from an array of agents and a vast reduction in the property price, no purchasers have been found, who would potentially ensure the continued usage of the site as a public house and hotel. For the above reasons, the client has sought an alternative use of the site and has largely kept any external alterations to a minimum, with the exceptions being Flat 1.1 of the First Floor and the outbuilding.

Therefore, the overall planning balance must be carefully considered, with the building and outbuilding given a new and long-term lease of life through the change of use application.

The alternative is for the application to be refused and the building fall into a state of vacancy and dereliction, like many of the buildings within close proximity to the site, including the large building due east. I strongly feel that the changes made to the building and outbuilding are required to ensure that the apartments are suitable for their proposed use and meet the market demands.

On the final point, which requests a more substantial heritage statement, I question the need for this. The building is a non-designated heritage asset which lies within the Conservation Area, as noted within the Planning and Heritage Statement, which supports the change of use application. Paragraph 199 of the NPPF asserts that *“Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”*

Overall, the building’s heritage significance and contribution to the conservation area is limited, given that the building is a non-designated heritage asset. Moreover, there is no conservation area appraisal which discusses the importance of the site, or the area as a whole.

Therefore, Paragraph 202 of the NPPF states that ‘Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies’. Therefore, given that the proposed conversion of the public house will preserve the locally listed building it is considered to accord with Local Plan Policies HE1, HE2 and HE3 and the NPPF.

Amenity:

Paragraph 127 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users. Similarly, Policies SP5 and HS4 seek to ensure that developments provide a good level of amenity for future occupiers. This includes providing living accommodation that is of an appropriate size, offers appropriate outlook and adequate natural daylight, protects privacy and ensures an appropriate juxtaposition of rooms to prevent general noise and disturbance issues. This also includes providing good quality outdoor amenity space and adequate waste and cycle storage.

The NDDS sets out within Table 1 the minimum gross internal floor areas for new C3 uses. The minimum floor spaces which are relevant to this application are:

1 bedroom – 37m²

2 bedroom – 61m²

As set out above, all but one of the proposed apartments meet the required floor space for new C3 uses. The first floor studio apartment will have a floor space of 34m², which is 3m² short of the required floor space. Whilst it is acknowledged that this is substandard, the proposed layout provides adequate space for the occupier and is therefore, not considered harmful enough to warrant the refusal of the application.

The existing windows along with the proposed new openings will ensure that future and existing residents benefit from a good standard of amenity, with each room containing a window providing natural light. It is, therefore, considered that the individual units are laid out and positioned such that an acceptable standard of outlook, daylight and privacy would be achieved.

The newly inserted windows do not allow for any level of overlooking, therefore preserving existing residential amenity. It is acknowledged that the north facing side elevation of the existing property contains windows which face towards the gable elevation of No. 67 Church Street which contains a window opening at first floor and ground floor at an off-set distance of 9m. Consideration has been given on how the two properties interact and has acknowledged that the separation distance is substandard. However, the window openings are existing and are currently used as a bedroom, it is therefore, considered that the proposed conversion would have no greater an impact than the existing relationship present between the two properties.

Policy HS4 requires new housing development to provide private and functional outdoor space for occupants, and in the case of apartments allows for communal provision. The National Design Guide reinforces the importance of external amenity spaces in supporting health and wellbeing and acknowledges that appropriate solutions will vary by their context. All external amenity space should be well designed, fit for purpose and incorporate planting where possible.

Outdoor amenity space is proposed to the rear of the application property. Further to this, given the application sites location in close proximity to the town centre, it allows easy access to a range of public recreation facilities being located within 400m of the site, which are considered reasonable alternatives to offset any shortfall of on-site provision. Accordingly, it is considered that future occupants will be able to enjoy amenity space in public recreational space locally as well as within the rear yard area, such that the proposal would comply with the relevant policy criteria in HS4.

Adequate refuse and recycling facilities are proposed in the rear yard area.

Overall, it is considered that the proposed development would provide an adequate provision of living conditions for future occupants, complying with Local Plan Policies, SP5 and HS4, the NPPF and the standards set out within the NDDS.

Highways / 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; and whether any under-provision might cause or exacerbate congestion, highway safety issues or on-street parking problems.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact upon highways safety or the local road network. The proposals intend to utilise the existing access arrangements and it is unlikely that the change of use will lead to a significant impact upon the local highway network, given the sustainability of the site's location, which reduces the reliance upon personal vehicle.

Policy IC3 establishes that residential developments are expected to provide a specific number of parking spaces per unit, which is dependent upon the type of unit provided, and the overall location. Burnley's adopted car parking standards state that a 1 bedroom property should provide 1 space per dwelling and for 2 bedroom properties 2 spaces should be provided.

The application property currently benefits from 5 parking spaces to the front of the property. It is proposed to retain all 5 of these parking spaces for use of the proposed apartments. Further to this, 10 bike store spaces are proposed within the basement of the application property.

The proposal has been assessed by the LCC Highways Officer who notes that there is no off-street parking proposed with this application. They further go on to state that it is apparent that the area between building wall and the footway on Church Street has been used as a sub-standard parking for the former Public House. In order to prevent this sub-standard area being used as a parking facility by the residents or potentially non residents it is required that the footway is reinstated with a raised kerb. In order to comply with current standards this will require the provision of some tactile paving which will also need to be replicated across Ormerod Road. It is envisaged that these works are best achieved via a Section 278 agreement. Therefore, should consent be granted a condition will be attached ensuring that the works are carried out prior to the occupation of the apartments which are under consideration as part of this application.

Further to this, it is considered that the site is in a highly sustainable location with good access to public transport and within easy walking and cycling distances of local services including outdoor amenity space, places of education and community facilities, and future occupiers may therefore choose not to own a car. The development is therefore, considered to accords with Policies IC1 and IC3 of the Local Plan and the NPPF.

Flooding/Drainage:

Local Plan Policy CC2 of the local plan details that new developments should not increase flood risk, nor should they negatively impact drainage capabilities. The proposed development lies predominately within Flood Zone 1, with portion within Flood Zone 2 and as part of this submission, a Flood Risk Assessment has been provided as part of this application.

The Flood Risk Assessment concludes that most of the site lies within Flood Zone 1, with the edges of the building located closest to the River Brun classified as Flood Zone 2, with the residential use of the property deemed an appropriate usage of the site. Moreover, the basement lies within Flood Zone 3, but this room is to function a bike store/general storage/communal area, which is a less vulnerable use and is too deemed appropriate.

The drainage is to remain the same as existing. This report also provides guidance and recommendations on the proposed development, including potential flood warning signage and SuDS. Therefore, should consent be granted a condition will be attached ensuring that the development is carried out in accordance with the recommendations of the flood risk assessment.

Conclusion:

It is for the above reasons and having regard to all material consideration and matters raised, that I recommend approval of the application.

Recommendation:

That the application is APPROVED subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. Prior to the commencement of the work hereby approved, material samples and details of all external finishes shall be submitted to the Local Planning Authority for approval. The development shall then be carried out in accordance with the details so approved prior to the extension first being brought into use and retained as such thereafter.

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.

3. The refuse collection and storage for the units hereby approved shall be implemented prior to the occupation of the proposed apartments. Thereafter the approved facilities together with the means of access thereto shall be maintained and carried out as approved, and be retained for the benefit of the lifetime of the development hereby permitted.

Reason: In the interests of amenity in accordance with Policies SP5 of the Local Plan.

4. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number. Details of the parking of vehicles of site operatives and visitors.
- Details of loading and unloading of plant and materials.
- Arrangements for turning of vehicles within the site.
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
- Measures to protect vulnerable road users (pedestrians and cyclists).
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction.
- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases.

5. Deliveries to the approved development shall only be accepted between the hours of 9:30am and 2:30pm Monday – Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interest of highway safety.

6. No building or use hereby permitted shall be occupied or use commenced until the footway (and/or verge) has been reinstated to full kerb height, where any vehicle

crossover(s) are redundant, in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety.

7. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

8. Parking area to be used ancillary to building. The parking/cycle storage areas hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability of their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: To ensure that adequate parking provision is retained on site

9. The development hereby approved shall be carried out in complete accordance with the submitted Flood Risk Assessment carried out by Maplebrook Environmental Consultants, received 22nd March 2021, unless agreed in writing by the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of flooding, pollution to water resources or human health in accordance with Local Plan Policy CC2 and the NPPF.

10. The development hereby permitted shall be carried out in accordance with the following approved plans listed on the notice below.

REASON: To clarify the terms of this consent

Approved Plans:

Site Plan and proposed block plan – Drawing number: 2013-SP01

Proposed basement and ground floor plans – Drawing number: 2013-PL10

Proposed outbuilding plans and gable end wall elevation – Drawing number: 2013-PL12

Proposed first and second floor plans – Drawing number: 2013-PL11