

**Application Recommended for Delegation to
Approve subject to s106 Agreement**

OUT/2021/0234

Daneshouse with Stoneyholme Ward

Town and Country Planning Act 1990

Outline application to convert floorspace above ground floor shop units for residential use and construct up to three additional floors to create up to total of 32 apartments with entrance from Croft Street (All Matters Reserved)
5-17 Croft Street 3-9 Yorkshire Street Burnley BB11 2ED

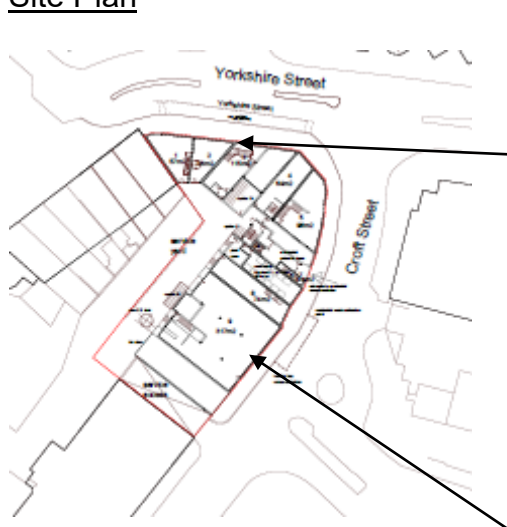
Applicant: Gary Angold, Cheshire Homes (UK) Limited

Background:

This application is to be determined by this Committee due to a number of objections that have been received to the proposed development.

The proposal is to improve and extend the existing commercial premises fronting Croft Street and Yorkshire Street which would create 32 apartments on upper floors and re-model the external appearance of the premises. The premises are within the Town Centre to the north side of Burnley Bus Station.

Site Plan



The application is for Outline planning permission with all matters (Access, Appearance, Landscaping, Layout and Scale) reserved for subsequent approval. Detailed plans have however been submitted with the application to illustrate the proposals and demonstrate how the proposed 32 apartments would be accommodated on the site.

The application site consists of a 1960's building that replaced earlier houses and altered Croft Street and Yorkshire Street. The flat roofed rendered two and three

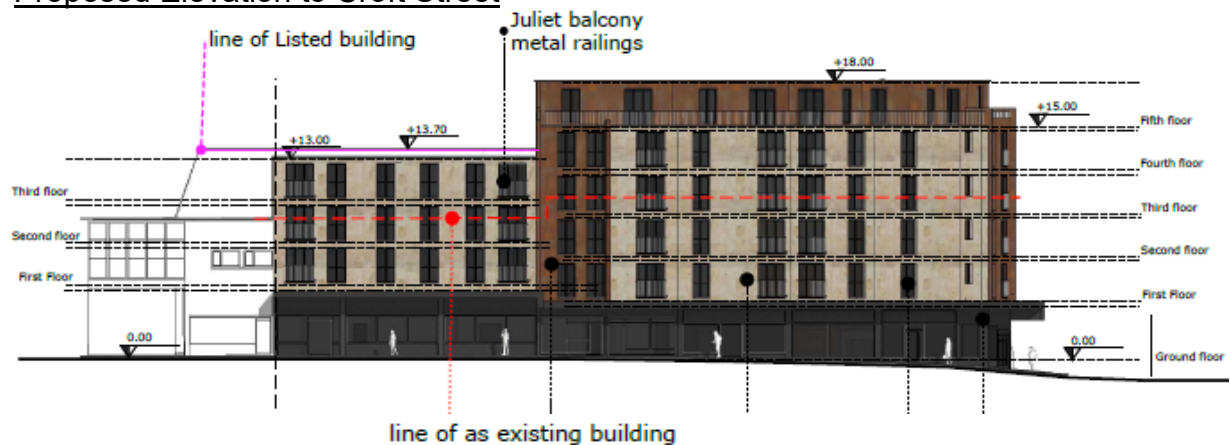
storey building fronts Croft Street and curves onto Yorkshire Street with a two storey building. The ground floor of the premises are occupied as shop and café units whilst the upper floors are used for storage and as part of the ground floor shop/café premises.

The application site bounds the edge of the Town Centre Conservation Area and on Yorkshire Street adjoins 4-14 St James` Street which is a Grade II listed row of three storey sandstone buildings. A Heritage Assessment has been submitted with the application.

Existing elevation to Croft Street



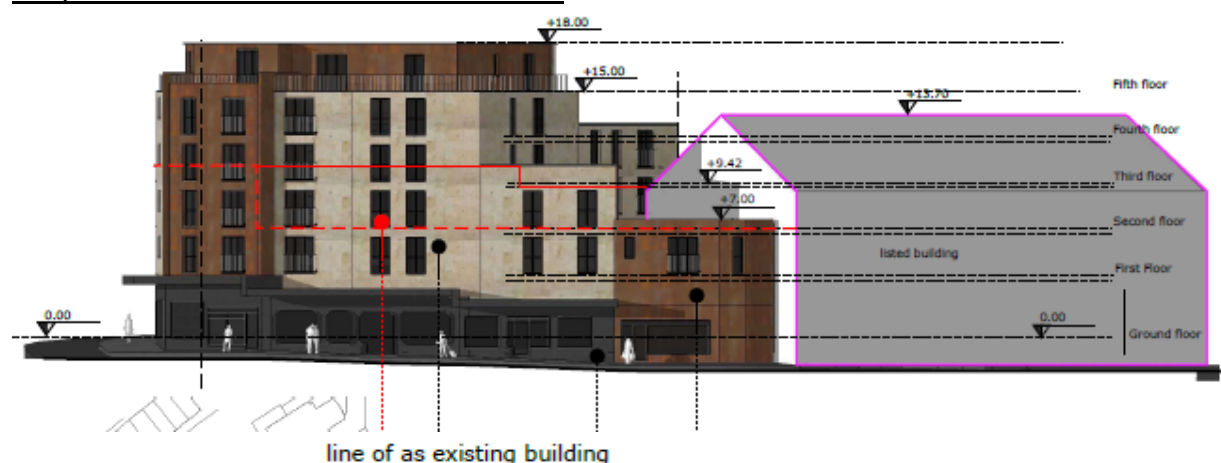
Proposed Elevation to Croft Street



Existing Elevation to Yorkshire Street



Proposed Elevation to Yorkshire Street



The proposed scheme involves no demolition or change to the footprint of the existing building with the exception of minor re-working at the rear of 5/7 Croft Street but would extend the building vertically from a building up to three storeys to up to six storeys.

The increase in height is indicated to increase towards the central area which is the corner of the site that stands opposite to a five storey office building. The top storey level is shown to be set back from the front façade. Where the application building adjoins the Grade II listed building on St James' Street, there would be no increase in building height.

Proposed floor plans have been submitted to indicate

Existing Ground Floor Plan



Proposed Ground Floor Plan



The main ground floor areas of the buildings would be unaltered. Those areas that would be affected are those shaded pink on the above existing plan. The proposed floor plan shows that these areas would be used to provide a main entrance, stairs and lift at units 5/7 Croft Street, a bin store and plant room at unit 9 Croft Street, a cycle store towards the rear of unit 7/9 Yorkshire Street. Unit 1 Croft Street would also be slightly shortened.

The first floor of the premises would remain as existing with only very limited adaptations; the existing second floor would also remain as existing with the exception of a lift shaft to the rear of units 5/7 Croft Street. The proposed 32 apartments would be accommodated on the extended second floor areas and proposed third, fourth and fifth floors. The indicative floor plans shown below show a total of 11no. one bedroom flats and 21no. two bedroom flats across these floors.

Proposed 2nd Floor

Proposed 3rd Floor

Proposed 4th Floor

Proposed 5th Floor



Blue shading indicates one bedroom flats
Pink shading indicates two bedroom flats

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1 – Achieving sustainable development
- SP2 – Housing requirement 2012-2032
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- HS2 – Affordable housing provision
- HS3 – Housing density and mix
- HS4 – Housing developments
- TC2 – Development within Burnley and Padiham town centres
- TC3 – Burnley town centre – Primary and Secondary frontages
- HE2 – Designated heritage assets
- NE1 – Biodiversity and ecological networks
- NE5 – Environmental protection
- CC4 – Development and flood risk
- CC5 – Surface water management and sustainable drainage systems
- IC1 – Sustainable travel
- IC2 – Managing transport and travel impacts
- IC3 – Car parking standards
- IC4 – Infrastructure and planning contributions

Material Considerations

Developer Contributions Supplementary Planning Document (SPD) (Adopted December 2020)

Air Quality Management: Protecting Health and Addressing Climate Change Supplementary Planning Document (SPD) (Adopted December 2020)

The National Planning Policy Framework (2021)
National Design Guide (2021)

Site History:

APP/2003/0193 - Change of use from retail shop (Class A1) to retail shop (Class A1) including multi-media, internet and training centre at 5 Yorkshire Street, Approved April 2003.

APP/2005/1151 - Display of internally illuminated shop sign at 7/9/Yorkshire Street. Approved February 2006.

APP/2005/1153 - Use of premises as childrens play area with 'Drop and Shop' facility including cafeteria at 7/9 Yorkshire Street. Approved February 2006.

APP/2007/0675 - Proposed change of use of premises from children's play centre (Class D2) to a restaurant (Class A3) at 7/9 Yorkshire Street. Approved September 2007.

APP/2011/0194 - Proposed change of use from retail shop (Class A1) to coffee shop and milkshake bar (Class A3) at 5 Yorkshire Street. Approved June 2011.

APP/2012/0473 - Use of premises as private hire booking office operating 6 vehicles with parking at rear of building and 6 contract spaces on William Thompson car park at 11 Croft Street. Approved (temporary permission) November 2012.

APP/2013/0421 - Removal of condition 1 on planning permission APP/2012/0473 to enable the use of the premises as a private hire booking office at 11 Croft Street. Approved November 2013.

APP/2014/0441 - Variation of Conditions 2 & 5 on Planning Permission APP/2012/0473 to allow the operation of 3 additional private hire vehicles (total of 9 private hire vehicles) at 11 Croft Street. Approved December 2014.

APP/2016/01111 - Proposed change of use of the ground floor from A3 (Cafe) to D1(Clinic) at 7/9 Yorkshire Street. Approved May 2016.

APP/2016/0492 - Removal of condition 2 and variation of conditions 3 and 5 of planning permission APP/2012/0473 at 11 Croft Street. Approved December 2016.

APP/2017/0095 - Proposed retention of an ATM at 11 Croft Street. Approved April 2017.

APP/2017/0097 - Application for consent to display an advertisement an ATM fascia at 11 Croft Street. Approved April 2017.

APP/2017/0443 - Change of use from cafe/take-away to cafe/play centre at 7/9 Yorkshire Street. Approved October 2017.

APP/2018/0240 - Removal of condition 2 and variation of conditions 3 and 5 of planning permission APP/2012/0473 at 11 Croft Street. Approved July 2018.

Consultation Responses:

LCC Highways

No objection. The proposal will create up to a total of 32 apartments in a town centre location without the provision of any onsite residential parking. Whilst the lack of any parking facilities would ordinarily be a concern the proximity of the development to the town centre amenities and public transport opportunities would suggest that the site would benefit from a car free status and I would anticipate that any prospective residents would be mindful of the lack of parking facilities before purchase / tenancy. And on this basis I would raise no objection to the proposal on highway grounds. The Council's waste management team should be consulted regarding the location of the proposed refuse storage area and on the arrangements for collection. A condition is recommended to require a Construction Management Plan.

Coal Authority

No objection. The application site falls partly within the defined Development High Risk Area. The Coal Authority's information indicates that the southern half of the site lies in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application. However, in this particular case we understand that the proposal would retain the existing building, with the existing ground floor being retained for use as retail units, but would see the addition of three new floors (third to fifth floors). We understand that the additional floor space within the extension, along with that resulting from the change of use of the first floor of the existing building, would be used to create the new apartments. In light of the above, it does not appear that the proposal will require new foundations. We therefore do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the nature of development proposed in this particular case and do not object to this planning application. The Coal Authority does recommend however, that an Informative Note is added to any planning permission.

Greater Manchester Ecology Unit (GMEU)

No objections. The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, nesting birds and biodiversity enhancement measures can be resolved via condition and or informative.

Bats

A survey was carried out by suitably experienced bat consultant including a visual assessment and one emergence survey. No evidence of bats was found and the building assessed as having negligible bat roosting potential. I have no reason to doubt the findings of the report. As this is an outline application however development may be delayed by several years even if permission is granted, best practice indicating that protected species surveys should be reviewed after 18 months to 3 years. A condition is recommended to require the building to be re-assessed for bat roosting potential if the development is not commenced before the end of April 2024.

Nesting Birds

No evidence of nesting birds was recorded during the bat survey. The building is clearly of a design unlikely to be utilised by birds. An informative is recommended.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development site currently has negligible habitat or species value and as such, no mitigation is required. In terms of enhancement, these details can be conditioned.

Local Lead Flood Authority (LCC)

No objections subject to conditions to require a surface water sustainable drainage strategy, a construction phase surface water management plan, and an operation and maintenance plan and verification report.

Environmental Health

No objection. Conditions are recommended to require a land investigation in respect of ground gas and landfill gas; a noise assessment to take account of noise from surrounding roads and other noise sources and internal noise that would be generated by the development, together with noise mitigation measures.

Streetscene

The bin storage areas are satisfactory for the development.

LCC Schools Planning Team

An education contribution is not required at this stage in regards to this development.

Publicity

Three representations have been made expressing objections and concerns. Two of these are from the current occupiers of the units at Yorkshire Street and Croft Street that form part of the application premises and the third is from the occupier of a flat above commercial premises on St James Street. A summary of their points is listed below:-

- Plans show that no. 7/9 Yorkshire Street would lose its kitchen and bar area;
- Opposed to the conversion of the ground floor of no. 9 Croft Street, for which the occupiers have a long lease;
- Would lose business during the construction work;
- Five storey development will take away all natural light to the rear;
- The rear service yard has always been a problem with parking;
- 30+ flats will mean an increase in vehicles
- Concern for where all the bins would be stored
- Concern with where the contractors will park during the construction
- Request that it is stipulated that the rear yard must not be blocked as access is required at all times.

Planning and Environmental Considerations:

Principle of Proposal

The site is within the defined Burnley Town Centre within Burnley's Local Plan, at an accessible and gateway location, adjacent to Burnley Bus Station and all town centre amenities and opportunities. The application premises are defined as Secondary Shopping Frontages within the Primary Shopping Area of the town centre. Policy TC2 states that the Council will seek to maintain and enhance the retail and service function of the town centre and proposals for residential development, including new

build, conversion, or change of use on appropriate sites, will be considered favourably subject to a number of considerations. At this location within the Primary Shopping Area, the key considerations are for the development to be located on upper floors and for it not to prejudice the lawful operating conditions or viability of adjacent land uses. The addition of 32 apartments at this location would be regarded as a windfall that would contribute positively to the delivery of the housing requirement under Policy SP2. It is also necessary to assess the impact of the proposal on the defined secondary shopping frontage; on the setting of heritage assets; its visual impact at a gateway location to the town centre; the affect on residential amenities; the suitability of the site, having regard to parking and servicing arrangements; ground conditions; and ecological considerations.

Visual impact

Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. Proposals should have respect to their townscape setting, contribute to the public realm and use a palette of high quality materials. The Policies Map (West) identifies the location of the development as a Key Gateway to the Town Centre.

The proposed addition of up to three floors would increase the prominence of the site and buildings. Whilst the general scale of development is lower than proposed, there are other tall buildings at the gateway to the Town Centre, including an office building on Croft Street. A prominent building at the gateway to the Town Centre would not, in principle, be inappropriate or out of keeping at this location subject to a high quality design.

Illustration – Croft Street



Given that all matters are reserved, the illustrations are provided to show how additional floors would be added in a stepped manner to give prominence to the corner position at the entrance to the Town Centre. The stepping back of the final floor and the use of a contrasting material reduces the massing of the proposal. A vertical rhythm provides a distinctive appearance. These attributes would be expected to follow in an application for the approval of Reserved Matters.

Illustration -Yorkshire Street



The stepping down of the proposal with no additional floor to the end unit adjoining St James Street responds to the scale of the existing buildings. The illustrations indicate the use of contrasting high quality cladding materials (terracotta rain screen cladding and corten cladding). Details of external materials would be expected to be considered as part of a Reserved Matters application.

The illustrations indicate that a sensitively designed scheme would be capable of accommodating up the three additional floors and the proposed development of up to 32 apartments whilst also improving the appearance of the current set of buildings at this prominent site.

Details of any energy and water efficiency measures that can be incorporated into an extension to an existing building will be considered at the Reserved Matters stage.

Impact on heritage assets

Policy HE2 states that proposals affecting designated heritage assets will be assessed having regard to the desirability of sustaining and enhancing the significance of the asset and, where appropriate, securing a viable use most consistent with its conservation and that all levels of harm should be avoided.

Sections 66 and 72 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 preserving or enhancing the character or appearance of a Conservation Area.

The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. In this case, the proposed development adjoins a three storey row of shops at 4-14 St James Street which is a Grade II listed building. The edge of the Town Centre Conservation Area runs through the service yard to the rear of the Croft Street.

A Heritage Statement has been submitted with the application to assess the impact of the proposal on the setting of historic assets. Views of an enlarged building would be apparent from St James Street where character of the Conservation Area is characterised by sandstone with strong attention to stone detailing, proportions and the upper floors. The illustrations of the proposed scheme indicate a distinctive vertical emphasis and repetition and articulation of the upper floor façade that would respect the pattern and rhythm of the Conservation Area. A sensitive stepping up and down of the proposed floor levels would also respect the lower scale of the Conservation Area.

Existing view



Illustrated view



The impact of the proposed increased scale and massing of the proposal would be reduced by the scaling down towards St James Street. Views from the Conservation Area and the listed building would be altered by the increased scale and massing towards the site corner but this would be visually set apart from the listed building. Adopting the principles that have been used in the illustrations, the impact on the character and appearance of the Conservation Area and the setting of the Grade II listed building would not lead to harm. The proposal is also likely to benefit the site by improving the current appearance of the 1960's building.

The proposed development, subject to the principles that have been illustrated, is unlikely to harm the setting of the Grade II listed building at 4-14 St James Street or the setting of the Town Centre Conservation Area and therefore complies with Policy HE2.

Impact on town centre and shopping frontage

The site is part of a secondary shopping frontage at ground floor level. Policy TC3 seeks to protect retail frontages by avoiding a concentration of non-retail uses. The proposal would lead to the loss of a ground floor unit to provide a street entrance to the proposed upper floor apartments. Minor changes are also required to a small number of units to accommodate ground floor bin storage, stairs and cycle storage. The minor loss of ground floor secondary shopping frontage would not have a significant impact on the frontage as a whole and is reasonably necessary to facilitate access to the proposed development. Some objections and concerns have been raised by current occupiers of the affected ground floor units in respect of their leases but this is a private matter and the applicant affirms that they are liaising with the current occupiers of the building.

There would be no discernible impact on the secondary shopping function and the proposal is also likely to be beneficial by improving Town Centre buildings and attracting new residents which would contribute to the vibrancy of the Town Centre.

Impact on residential amenities

Policy SP5 requires development to safeguard the residential amenities of existing development as well as provide satisfactory amenity for new occupiers. Residential amenities in Town Centres will differ from those in suburban areas where buildings respond to townscape and there is a mix of uses and higher levels of activity. However, living conditions should provide an adequate level of amenity, including daylight.

An objection to the proposal has been received which is concerned that the increase in building height would reduce the daylight to an upper floor flat that faces the rear elevation of the proposal. The distance between the buildings would be unchanged but the increase in height would potentially affect daylight and sunlight.

Proposed Section between proposed development and existing building to rear



Morning sunlight may be reduced in winter periods but this would be limited. The level of sunlight and daylight to existing occupiers would not be significantly affected.

The proposed flats would be susceptible to noise from the Town Centre activities and the nearby bus station. A condition is required to require a noise assessment to accompany any Reserved Matters application so noise attenuation measures can, if required, be designed into the construction.

The proposed development would not significantly affect residential amenities; as such, the proposal complies with Policy SP5.

Accessibility and impact on parking

Policy IC1 seeks to promote sustainable travel and safe pedestrian, cycle and vehicular access, including adequate visibility splays. Policy IC3 requires adequate parking for developments as appropriate to their nature and scale. In this case, the proposal would not provide off-street parking for the proposed occupiers of the development. The limited space within the existing yard would be maintained for servicing. The site is, however, highly accessible to the adjacent bus station, to town centre amenities, to railway stations and to town centre car parks. A development at this location is likely to attract occupiers that want to benefit from this level of accessibility without relying on a motor car. The proposed scheme would provide ample cycle storage for new occupiers. LCC Highways has no objection to the application.

Ecological matters

Policy NE1 requires proposals to have regard to potential impacts on protected species. A Preliminary Bat Roost Assessment Report was submitted with the application that details a survey that has found no evidence of bat activity at the buildings. GMEU accept these findings but recommend a condition to require a further survey to take place prior to development taking place if this occurs later than April 2024. It is also accepted there is no evidence of nesting birds at the site. The proposal would not, therefore, adversely affect protected species or biodiversity and complies with Policy NE1.

Ground conditions

The proposed scheme is not envisaged to involve excavation or new foundations in which case the Coal Authority is satisfied that no further investigation of coal mining legacies is required. Any potential risk from mine gas and landfill gas should however be assessed and a condition is recommended to require this.

Other issues

Policy HS2 has an expectation that new housing in excess of 10 units will provide for affordable housing, unless there are viability reasons for not doing so. The Local Plan Viability Assessment forms the basis of the Developer Contributions SPD, the evidence from which indicates that a development at this site would not be expected to be viable with the provision of either onsite or off-site affordable housing. In these circumstances, there is no expectation that the development will contribute to affordable housing.

The Developer Contributions SPD also indicates that there is unlikely to be any capacity for contributions. Whilst no open space contribution is sought, the Head of Greenspaces and Amenities has requested a contribution of £5,000 towards new benches that would be installed along a route from the site to Manchester Road Railway Station. This would improve amenities for users of public transport. The applicant has agreed to this which would be secured through a s106 Agreement.

Conclusion

The proposal is an outline application only and details that have been used to assess the proposal are for illustrative purposes only. The illustrations have, however, adopted principles in terms of the scale and design of the proposed extension that

demonstrate that the proposal for up to 32 flats can, in principle, be accommodated at the site. Regard has been given to the impact of the proposal on the setting of heritage assets and the gateway to the Town Centre which is likely to be low and not lead to harm. The proposal would be beneficial by creating new homes at a highly accessible location. It complies with the development plan and there are no material considerations that indicate otherwise.

Recommendation: Delegate to the Head of Housing and Development Control to approve subject to the applicant entering into a section 106 Agreement relating to street furniture contribution

Conditions

To be listed in Late Correspondence prior to the meeting.

Janet Filbin
1st December 2021