

Application Recommended for Approve with Conditions

COU/2022/0005

Daneshouse With Stoneyholme

Town and Country Planning Act 1990

Proposed Change of Use of land to operate a car sales site with a porta cabin office

New Hall House New Hall Street Burnley Lancashire

Reason for committee: the application has been brought to committee as there has been an objection

Background:

The application site is situated off New Hall Street on the corner of Elm Street within the defined settlement boundary as designated in Burnley's adopted Local Plan. There are no other identified local plan constraints to the site, although the site is adjacent to, but not within a Biological Heritage Site (policy NE1) and also adjacent to but not within an area of Protected Open Space (policy NE2).

The site previously contained a single storey children's nursery (footprint 92.2sqm) with an existing vehicular access point from New Hall Street. The nursery has been demolished in last 18 months. The site is enclosed by a 2.5m high mesh fence and has an approximate site area of 1,433sqm and has little change in gradient across the site.

The surrounding context to the site is very mixed in nature. To the north are existing workshop units which have direct access from New Hall Street. The gable of No. 62 Elm Street faces the site, approximately 11m from the boundary fence of the site. To the east is a traditional terraced row along Elm Street, approximately 10m from the boundary of the site to the front elevation of the row. To the south is a car park associated with Northbridge commercial premises further to the south. The Leeds and Liverpool Canal lies to the east of the site approximately 6m away, the gap consists of a landscape strip including some mature and semi mature trees. Access can be gained from New Hall Street to the canal tow path.



Photo 1 Corner of the site taken from the Canal



Photo 2: New Hall Street commercial premises on the left of the photo, existing nursely site located to the right of the photo



Photo 3: gable of No. 62 Elm St to the right



Photo 4 frontage along Elm St to the east



Photo 5: www.google.co.uk showing the junction of Elm Street and New Hall Street

Proposal

The application seeks consent for the change of use of the land for car sales with a portacabin site office.

There will be 2 full time members of staff and the opening hours would be; Monday- Saturday 9am – 5pm and 9am – 4pm on Sunday. There will be a total of 45 cars on the site with some visitor parking to the western boundary.

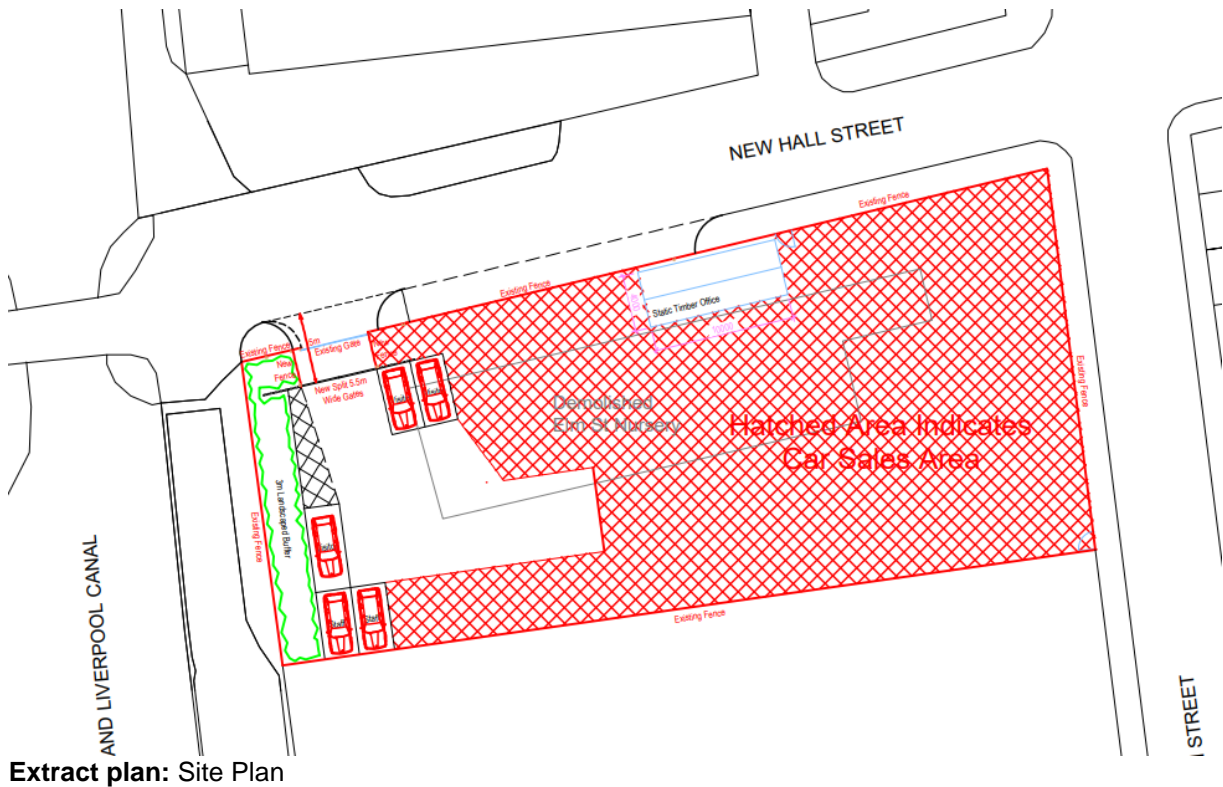
Existing fencing will remain in place. Amended plans have been sought during the determination of the application to include 3m wide landscape buffer at the western edge of the site.

The supporting statement describes the operation of the business as being;

'Sales will be carried out using the click and collect service with viewings strictly by appointment only to minimise traffic and congestion to the surrounding buildings and residents.'

The application has been supported with the following documents:

Coal Mining Risk Assessment and Mining Report
Design and Access Statement
Planning Statement
Noise Assessment



Burnley Local Plan

SP1 – Achieving Sustainable Development
SP3 – Employment Land Requirement 2012 - 2032
SP4 – Development Strategy
SP5 – Development Quality and Sustainability
EMP3 - Supporting Employment Development
IC3 – Car parking standards

National Planning Policy Framework 2021

Site History:

FUL/2020/0015 - Demolition of existing nursery building to make way for a purpose built warehouse building housing 7 individual units for B1/B2/B8 with associated on-site parking provision for 17 cars Approved

PRE/2019/0415 – Pre application for creation of commercial units

APP/2009/0526 - Proposed change of use of former nursely into office space and extension plus alteration to car park Approved with conditions 16/10/09

NOT/2004/0123 - Erection of 2.4m high securifor 3D security fencing to the school site
Granted 26/2/04

Consultation Responses:

Health and Safety Executive: HSE does not advise on safety grounds against the granting of planning permission.

Environmental Health: no comments received

LCC Highways

Following on from concerns, amended plans were received by the Council on the 10/5/22.

The following conditions have been recommended:

a) Hardstanding surface water drainage. The surface water from the approved driveway/hardstanding/car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

b) Access gateposts. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the highway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain un-gated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the highway. Reason: To permit vehicles to pull clear of the carriageway when

entering the site and to ensure adequate inter-visibility between highway users when exiting, in the interests of highway safety.

c) Wheel washing / mechanical road sweeping. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period. Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

d) Car Parking. No building or use hereby permitted shall be occupied or the use commenced until the car parking area has been surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking area shall thereafter be kept free of obstruction and available for the parking cars at all times. Reason: To allow for the effective use of the parking areas.

Coal Authority

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of the conditions to secure the above**. *This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.*

Publicity - 1 letter of objection

- The use will bring extra traffic into the area. It is already congested and dangerous for children in the area.
- There are existing parking issues in the area and this use will make the situation a lot worse.
- Loss of the open green space on the site – not environmentally friendly and would harm the look of the area.
- The outlook from their house would be poor and they would be looking at the vehicles or portacabin.

Planning and Environmental Considerations:

The principle of development

Policy SP1 states that when considering development proposals, Burnley Borough Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF. Furthermore, Policy EMP3 of the Local Plan supports the expansion and upgrading of businesses where they do not have an unacceptable negative impact on surrounding uses, residential amenity or the environment, or have an unacceptable impact on the townscape.

Main issues

The main issues in the consideration of this application are;

- design and appearance
- the impact of the development on residential amenity
- traffic/parking

Design and Appearance

Paragraph 126 of the NPPF states the creation of high quality beautiful and sustainable 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.

The context to the site is mixed in nature with residential properties and business premises.

The proposed use will not alter the visual appearance of the immediate area given that the presence of parked vehicles will be enclosed within the established boundary fence to the site. The positioning of the portacabin will be viewed along New Hall Street which have more of a relationship with the industrial units adjacent rather than to residential properties.

The proposed cabin and use of the site is not considered to cause any harm, and as such will be in accordance with policy SP5 and NE5 of the adopted Local Plan.

Residential Amenity

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking.

The application states that there will be 45 spaces for sales with 3 visitor and 2 staff spaces. The site is already adjacent to establishes businesses, therefore a certain amount of activity is accepted in and around the site. There has been some concern from a highways perspective which is linked to the general activity in and around the area which could have an impact on residents, however relevant conditions have been placed including hours of opening.

On balance it is considered that there will be no detrimental impact on the amenity of surrounding residents and appropriate conditions have been attached to ensure that the operations are controlled.

Noise

A supporting noise assessment has been submitted, which follows on from the previous approval at the site FUL/2020/0015 for 7 industrial units. The applicant has chosen to get an update view on the noise assessment in line with the current proposals. The report comments;

'the primary noise sources associated with this use will comprise of intermittent car movements and occasional deliveries of vehicles. With regards to deliveries, we are informed that whilst some vehicles may be delivered on a flat-bed type goods vehicle the majority of cars will likely be driven to the dealership straight from auction. Noise from the office use within the portacabin will likely have a negligible contribution.'

Environmental Health have not made any comments on this application and in line with the specialist report, it is not considered that there will be any impact from the development on noise.

Traffic and Parking

LCC highways have provided various comments during the determination of the application. Initial concerns for the existing entrance have been addressed with amended plans showing a set back of 5m from New Hall Street which will create a safer area for deliveries to pull into without blocking the street.

Concerns regarding the access, the position of the gates, the provision of the staff and visitor's car parking have also been addressed. It was not considered necessary for a condition on wheel washing to be added as the site has already been cleared.

Conclusion

The site is within a mixed use area with existing commercial premises adjacent, it is recommended that the application be approved subject to the following conditions:

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans; 2261 001 static office and site location plan (6/1/22) , 2261 002 rev A (17/6/22)

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

3. The surface water from the approved hardstanding/car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

4. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the highway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain un-gated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the highway.

Reason: To permit vehicles to pull clear of the carriageway when entering the site and to ensure adequate inter-visibility between highway users when exiting, in the interests of highway safety.

5. No building or use hereby permitted shall be occupied or the use commenced until the parking area serving the car sales as detailed on plan 002 Rev A (rec 17/6/22) have been surfaced or paved. The car parking spaces and manoeuvring areas shall be clearly marked out and shall thereafter be kept free of obstruction and available for the parking cars at all times.

Reason: To allow for the effective use of the parking areas.

6. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order to protect the amenity of surrounding uses in accordance with policies SP4 and NE5 of Burnley's adopted Local Plan

7. The use hereby permitted shall only be open for customers between the following hours:

09:00 - 17:00pm Mon - Saturday

09:00 - 16:00 Sundays and bank holidays

Reason: In order to protect the amenity of surrounding uses in accordance with policies SP4 and NE5 of Burnley's adopted Local Plan

8. All vehicles for sale shall be within the car sales area only. No vehicles shall be placed for sale within the surrounding public highway network, or elsewhere within the site.

Reason: To ensure that the use does not unacceptably impact upon the availability of on street and on-site parking, in the interest of highway safety.

9. The number of car sales plots operated from the site shall be limited to 45 and the number of plots shall not be increased at any time without the prior written approval of the Local Planning Authority.

Reason: To ensure adequate manoeuvrability within and around the site in the interests of highway safety.