

Town and Country Planning Act 1990

Proposed conversion of ground floor from cafe to retail and offices; conversion of first and second floor to offices/studios; installation of new shop front and replacement windows to front and rear elevations; removal of a rear fire escape and erection of a single storey rear extension.

160 ST JAMES'S STREET BURNLEY BB11 1NR

Applicant: J Redman and A Fewings

Site and Surrounding Area:

The application site, No 160 St James's Street, is a vacant three storey building with cellar positioned within a terrace of commercial premises to the south side of St James's Street. The property, thought to date from the late C19, is built of solid brickwork with projecting brick piers, dressed stone banding features and decorative parapet. The roof is hipped and finished in slate. To the rear is a lean-to outrigger and external metal staircase. The property has a modern shopfront of timber construction that is out of keeping with its traditional context. In particular, the excessively deep stallriser, horizontally proportioned windows and lack of modelling combine to render the shopfront incongruous. The oriel bay windows to first and second floors have been removed and replaced with modern uPVC casement windows. The site does not offer off-road parking. Parking restrictions are in place along the frontage. Immediately to the rear is the River Calder which forms an open watercourse.

The unit has been vacant for around 12 months, having been previously used as a café. Its accommodation is arranged over three floors. A kitchen and dining area extends over the ground floor with a further dining area and associated toilet facilities at first floor level. The second floor houses a general office area with storage rooms to the rear. The current lawful use of the property falls under Use Class E (Commercial, Business and Service).

Under the provisions of the Local Plan the site falls within Burnley town centre boundary and is identified as secondary frontage within the primary shopping area. The immediate area is predominantly commercial in character including retail, office and drinking establishments, and in some cases, residential on upper floors. It is considered a highly sustainable location being situated within walking distance of parks and open space; local shops and services; and convenient public transport.

The building is neither locally nor nationally listed but lies within the Burnley Town Centre Conservation Area which is a notable example of a Victorian/Edwardian civic and commercial centre comprising buildings of fine mid-late nineteenth century architecture, particularly later nineteenth century commercial buildings, and important surviving elements of architectural detailing and decoration. No 160 St James's Street is valued for its contribution to the local architectural and historic character of the conservation area as a nineteenth century 'high street'. Its structure and fabric are however showing signs of deterioration and the shop frontage detracts from the character and appearance of the building and that of its immediate setting.

The application site lies within Flood Zone 3 (high probability of flooding) and Flood Zone 2 (medium probability of flooding) on the Environment Agency Flood Map for Planning (Rivers and Sea).



Front Elevation



Rear Elevation

Proposal:

This application seeks planning permission to create independent office and studio uses for the first and second floors of the building which are currently ancillary to the café use at ground floor. The proposal also involves converting the ground floor from café use to retail and office use, this element of the proposal is not classed as development and does not require planning permission. There would be associated physical alterations to reconfigure the internal layout largely through the insertion of partition walls and provision of WC's. The application proposes a single point of pedestrian access from St James's Street.

Permission is also sought for external physical alterations summarised as follows:

Proposed shopfront: Replacement of the modern timber shopfront with a new hardwood traditionally styled shopfront with authentic architectural design and detailing that reflects patterns and profiles traditional to the period of the buildings. The proposed shopfront has been designed to complement the architecture and period of the building as a whole. Most notably the design proposes to reintroduce a shopfront that is appropriate to the character of the host building and the streetscene in terms of its rhythm, proportions, details and materials. The design of the shopfront incorporates a new hardwood fascia with projecting simple moulded cornice; new timber pilasters and corbel/console brackets and timber panelled stallriser. The shop windows will be divided vertically by slender profiled mullions. Glazing is to be single toughened panes, 12mm thick. A replacement timber door is proposed with upper glazing panel and openable fanlight above.

Proposed replacement windows: Reinstatement of the oriel bay windows to the front elevation at first and second floors. The bays will be constructed of timber to traditional designs and will feature decorative moulding. It is also proposed to replace the existing modern casement windows to the rear elevation with new double glazed timber vertical sliding sash windows.

Proposed single storey rear extension (including removal of rear escape stair): Removal of the existing external steel staircase and erection of a modestly sized single storey extension to provide disabled wc and shower facilities. The extension will project approximately 2.3m off the two storey wing at the rear and will have a width of approximately 2.2m. The height of the extension, which has a lean-to roof, will be approximately 2.3m to the eaves and 4.0m to the ridge. There will be a small window opening to the side (east) elevation facing into the yard. The extension has been designed and detailed to respect the wider context, using a palette of lime render, slate, and timber joinery to the external envelope.

The shopfront and bay window designs have been modified through negotiation. I am satisfied that the revised scheme has taken into consideration all the points that were raised during negotiation such that the issues have been satisfactorily overcome and can be suitably controlled through condition where necessary.

The application is brought before Development Control Committee as one of the joint applicants is a Member of the Council. An objection has also been received.



Existing Elevations: North (front); Shopfront; South (rear) and East



Proposed Elevations: North (front); Shopfront; South (rear) and East

Relevant Policies:

Burnley's Local Plan (July 2018):

AP4: Development Strategy

SP5: Development Quality and Sustainability

EMP4: Office Development

TC2: Development within Burnley and Padiham Town Centres

TC3: Burnley Town Centre - Primary and Secondary Frontages

TC8: Shopfront and Advertisement Design

HE2: Designated Heritage Assets

IC1: Sustainable travel

IC3: Car parking standards

Shopfront and Advertisement Design Supplementary Planning Document (July 2019): Provides detailed guidance on the implementation of relevant local plan policies when considering proposals for new shopfronts and adverts.

Planning (Listed Buildings and Conservation Areas) Act 1990: Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which confers upon the local planning authority a duty to “have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.” Preservation in this context means protecting the character and appearance (significance) from harm as opposed to keeping it utterly unchanged.

The National Planning Policy Framework and National Design Guide (2021): The NPPF recognises that town centres are becoming more diverse in their uses and flexibility is needed in decision making to enable a response to rapid changes taking place in the sector. The revised NPPF post-dates the adoption of the Local Plan, in respect of town centres it has a greater emphasis on responding to the changes in retail and leisure industries and in doing so no longer directs LPAs to identify and protect primary and secondary retail frontages. This is in recognition that the main footfall drivers are often dispersed in town centres.

Relevant Recent Planning History: None

Consultation Responses:

Highways Authority: Raise no objection and recommend the imposition of conditions to require the submission and approval of a Construction Management Plan (CMP) and to restrict construction deliveries to between the hours of 9.00am and 3.00pm Monday to Friday.

Environmental Health: Raise no objection to the proposal regarding noise, light, air, dust or odour nuisance. Recommend appropriately worded conditions to secure measures to reduce noise emanating from the building in order to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users.

Lead Local Flood Authority: Have no comments to make.

Environment Agency: Have reviewed the submitted Flood Risk Assessment (FRA), and insofar as it relates to their remit are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Publicity: One letter of objection on the grounds of flood risk. *[Officer Note: this matter is addressed in the assessment below].*

Planning and Environmental Considerations:

The main issues relevant to the consideration of the application are:

- Visual Amenity (design and appearance)
- Impact on the character and appearance of the Conservation Area
- Impact on neighbouring amenity
- Highway safety (including parking)
- Flood Risk

Principle of development

The application site lies within the development boundary where Policy SP4 supports the re-use of buildings and the efficient use of land and the development of sites that are well located in relation to services and accessible by public transport, walking and cycling provided they are compatible with other relevant policies of the Local Plan.

The site also falls within Burnley town centre boundary and is identified as secondary frontage within the primary shopping area as defined in Burnley's Local Plan. Policies EMP4 and TC2 support the use of upper floors for other retail and main town centre uses (including offices) in this location subject to meeting with other relevant plan policies. Accordingly, the proposed use of the upper floors for independent office and studio space and associated physical alterations are supported in this location and considered acceptable in principle, where the development meets with other relevant plan policies.

Visual amenity (design and appearance)

Local Plan Policies SP5, and HE2, amongst other considerations, requires high standards of design that positively address local context and characteristics and relate appropriately in terms of siting, style, scale, massing, height and materials. With specific regards to shopfronts, Policy TC8 requires designs to be appropriate to the character of the existing building and streetscene in terms of scale, detailing and use of materials. The Shopfront and Advertisement Design SPD provides detailed guidance on the implementation of these policies when considering proposals for new shopfronts.

Proposed shopfront: The proposed shopfront responds to the principles of good design as set out in the Shopfront and Advertisement Design SPD in that it is appropriate to the character of the host buildings and the streetscene in terms of its rhythm, proportions, details and materials with authentic joinery detailing that reflect patterns and profiles traditional to the area. The architectural components (fascia, pilasters, stallriser, door and windows) are proportionately in relation to each other and provide an appropriate degree of vertical emphasis and rhythm that complements the architecture of the buildings as a whole; and a level of depth and detailing to add interest. The result is carefully proportioned and well resolved shopfront that is high quality in design and a clear enhancement to the character and appearance of the host buildings, street-scene and wider conservation area.

Proposed replacement windows: Where planning permission is required to carry out works in conservation areas, the desire is to preserve existing or install new architectural features which are of a traditional design and materials; thereby preserving and enhancing the character and appearance of the conservation area. The removal of inappropriate modern windows and replacement with traditional oriel bay windows to the front elevation and timber sliding sash windows to the rear elevation is consistent with this approach.

Proposed single storey rear extension (including removal of rear escape stair): The rear elevation can only be seen in limited views and does not contribute to any significant perception of the character and appearance of the conservation area. The proposed extension respects the architectural characteristics, scale, form, detailing and materials of the host building and is consistent with the character and appearance of the immediate setting and wider streetscene. It relates appropriately to the host building, presenting a satisfactory composition when considered as a whole, and is clearly subordinate and subservient in appearance.

As set out above it is considered that the proposal is a high quality in terms of its design and appearance such that no harmful visual impact is deemed to arise, therefore satisfying the requirements of Local Plan Policies SP5, HE2 and TC8 as supplemented by the Shopfront and Advertisement Design Guide SPD.

Impact on the character and appearance (significance) of the Conservation Area

Local Plan Policies SP5 and HE2, amongst other considerations, requires development to be of a high standard of design and to respect the character and appearance of their setting. The setting of the application site is historically sensitive being located within Burnley Town Centre Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers upon the local planning authority a duty to have "special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. "Preservation" in this context means protecting the character and appearance (significance) from harm as opposed to keeping it utterly unchanged.

As set out in detail above, having regard to the positive contribution that the building makes to the character and appearance of the Conservation Area, its attractive street scene and historic sense of place it is considered that the proposal will reinforce local distinctiveness and have a positive impact on the conservation area. This represents an overall enhancement of the character and appearance of the conservation area therefore satisfying the requirements of Local Plan Policy HE2, the NPPF and the relevant statutory duty.

Impact on neighbouring amenity

Paragraph 127 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users. Similarly, Policy SP5 seeks to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users through overlooking, lack of privacy or reduction of outlook or daylight, noise and disturbance. Policy NE5 of the Local Plan seeks, amongst other things, to resist development that generates noise which is likely to create significant adverse impacts on health and quality of life when it cannot be mitigated and controlled through the use of conditions or through pre-existing effective legislative regimes.

Outlook, light and privacy

The nearest neighbouring properties are predominantly commercial. Having regard to the current levels of amenity, the proposal is not considered to introduce any adverse impact to neighbouring occupiers in terms of an increased sense of enclosure or a harmful reduction of outlook or daylight. The windows would remain as existing thereby preventing any material change to the privacy currently enjoyed by neighbouring occupiers. The proposal is therefore found to be acceptable and in accordance with Policy SP5.

Noise and disturbance

The nearest neighbouring properties are predominantly commercial and the site sits within the town centre where there is a concentration of activity and a level of disturbance from a range of sources over a prolonged period of the day. When taking into consideration locational factors and the nature of the proposed use, it is not considered that the proposal would result in any further significant impacts in terms of noise and disturbance over and above that of the established use as a café. Moreover, the Council's Environmental Health officer has reviewed the proposal and considers the development to be acceptable subject to conditions to ensure acceptable levels of noise from external plant and internally generated sources. In order to prevent undue noise nuisance during the construction phase, it is also considered appropriate to include a condition restricting the hours of construction. Subject to the recommended conditions, it is considered the proposal would not give rise to an unacceptable detrimental impact on the amenities of neighbouring occupants and adjacent land users and would therefore comply with Policies SP5 and NE5.

Highway Safety (including 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 in developments as appropriate to their nature and scale and taking into account the merits of the proposal, such as the accessibility of the site by public transport, walking and cycling; the availability of existing public parking provision or on-street parking nearby.

The site is unable to offer any off-street parking for customers or staff, however given this is a highly accessible and sustainable town centre location with good public transportation links and a number of opportunities available to park either on-street or in nearby public car parks, it is accepted that no off-street parking can be provided.

The proposal is not considered to cause or exacerbate congestion, highway safety issues or on-street parking problems. It would therefore satisfy the relevant local plan policies IC1 and IC3 and the NPPF which aims to only prevent or refuse development on highway grounds where there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Flood Risk

The application site is located within Flood Zones 2 and 3 and therefore has a medium to high risk of fluvial flooding. The primary flood risk is from the River Calder which lies immediately to the rear. The NPPF advises that in development should only be allowed in areas at risk of flooding where it can be demonstrated that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This approach is adopted in Policy CC4 which seeks to ensure that development does not result in increased flooding either on the development site or elsewhere.

The application has been supported with a Site Specific Flood Risk Assessment which sets out the measures required to adequately mitigate the risk of flooding to future occupants. The assessment has been examined by the Environment Agency who have made comments and recommendations for conditions which are detailed in their responses as set out above. Subject to these conditions, it is considered that the development is appropriately flood resistant and resilient and would therefore meet the requirements of the NPPF and Policy CC4.

Conclusion:

The proposal will introduce an appropriate and beneficial use for this vacant town centre building which will ensure its continued positive impact within the Conservation Area. Moreover, the proposal does not raise any significant concerns in terms of visual and neighbouring amenity and is also considered acceptable in relation to flood risk and highway safety. Subject to conditions the development is considered to accord with the Local Plan and represents a sustainable form of development and there are no material considerations which would outweigh this finding.

Recommendation: Approve with conditions

Conditions

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

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

2. The development hereby permitted shall not be carried out other than to the approved drawings and the specifications as indicated thereon except where modified by the conditions of this consent. The approved drawings are: Drawing Nos 1457-7 (Site Plans at 1:500 scale) received 18 January 2022; 1457-3C (Scheme Drawing Floor Plans at 1:50 Scale) received 22 February 2022; and 1457-4E (Scheme Drawing Elevations at 1:50

scale) and 1457-6D (Proposed Section and Details at 1:50, 1:10 and 1:5 scale) received 02 July 2022.

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

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development will be of a satisfactory appearance, having regard to the character and appearance of the building and the visual amenities of the area in accordance with Policy SP5 and HE2 of Burnley's Local Plan (July 2018).

4. Notwithstanding the approved drawings, prior to the removal of the shopfront full and precise joinery details for the shopfront console/corbel; fascia and pilaster (at a scale of no more than 1:20 as appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Once approved by the Local Planning Authority the shopfront shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: As insufficient information has been submitted and in order to ensure a satisfactory appearance and to protect the character and appearance of Burnley Town Centre Conservation Area in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).

5. Notwithstanding the approved drawings, prior to the removal of the window frames to the front (north) elevation full and precise details of the oriel bay windows including the dimensions of all component parts including any glazing bars, opening mechanisms, decorative mouldings and proposed glazing to be used shall be submitted to and be approved in writing by the Local Planning Authority. The submitted details shall include appropriately scaled cross sectional drawings. Once approved by the Local Planning Authority, the oriel bay windows shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: As insufficient information has been submitted and in order to ensure a satisfactory appearance and to protect the character and appearance of Burnley Town Centre Conservation Area in accordance with Policies SP5 and HE2 of Burnley's Local Plan (July 2018).

6. The development shall be carried out in full accordance with the approved Flood Risk Assessment (prepared by Aegaea ref AEG0359_BB11_Burnley dated 13/04/2022) and the mitigation measures it details. The mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the scheme's timing/phasing arrangements and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CC4 of Burnley's Local Plan (July 2018).

7. The rating levels for any cumulative noise generated by external plant and equipment as part of the development shall not exceed the pre-existing background noise level (LA90) at the external façade of any noise sensitive premises, as determined by BS4142(2014) or any subsequent replacement national standards. Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority.

Reason: In order to safeguard the amenities of neighbouring properties from unacceptable levels of noise and disturbance in accordance with Policy SP5 of Burnley's Local Plan

(July 2018).

8. No equipment for the reproduction of music or other sound, or any equipment creating internally generated noise, shall be installed or operated on the premises until a scheme to insulate the development in order to secure the reduction in the level of noise emanating from the building has been submitted to and approved in writing by the Local Planning Authority. The equipment shall not be installed or operated until the approved insulation measures have been implemented and thereafter permanently retained.

Reason: In order to safeguard the amenities of neighbouring properties from unacceptable levels of noise and disturbance in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

9. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy SP5 of Burnley's adopted Local Plan.

EEP (Principal Planner) 08 July 2022