

Application Recommended for APPROVAL
Trinity Ward

FUL/2023/0296

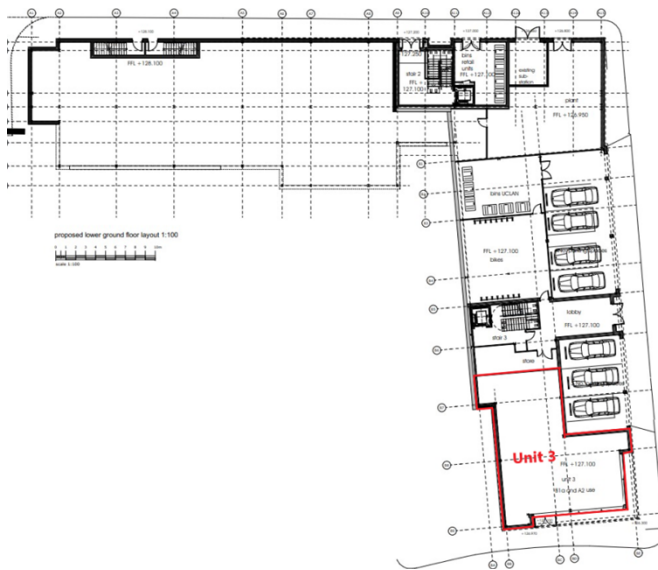
Application for Planning Permission
Proposed post 16 educational use (Class F1)
UNIT 3 SANDYGATE HALL SANDYGATE BURNLEY BB11 1EX

Applicant: Burnley Borough Council

Site and Surrounding Area:

The application relates to a vacant ground floor commercial unit at Sandygate Halls which occupies a prominent position at the junction of Sandygate and Neptune Street. The four storey mixed-use building was granted planning permission under APP/2019/0001 (varied under VAR/2020/0362) and provides student accommodation (136 no. bedrooms) with ancillary facilities and car parking; and three commercial units. The L-shaped building encloses Sandygate Square and is connected to the pedestrian bridge linking the UCLan campus.

The commercial unit subject to this application, Unit 3, is a recessed corner retail unit located at lower ground floor level with its entrance fronting Sandygate. The unit provides 143sqm of gross internal floorspace permitted for office use including financial and professional service uses. The unit remains vacant, not having been brought into occupation since completion, and as such its permitted uses have yet to be implemented.



Lower Ground Floor Layout (VAR/2020/0362)

Unit 3 highlighted in red (Image c. Google Maps)

The application site is located within the development boundary for the settlement of Burnley, as defined in Burnley's Local Plan. It lies on the edge of the town centre, within easy walking distance of town centre facilities, services and shops as well as town centre car parks, and public transport. The immediate area is characterised by a mix of uses, predominantly commercial and educational (UCLan campus) set in an historical urban industrial landscape. It is considered to be a highly sustainable and accessible location.

The site is situated within the Canalside Conservation Area, in an area known as the Weavers' Triangle, which is considered to be one of the best preserved Victorian industrial districts within the northwest. It is a focus for heritage led regeneration, a long term process of change utilising the

canal, historic buildings and location close to Burnley Town Centre to create a quality environment for new business investment, employment and leisure, living and learning opportunities that will have a lasting and significant impact on the economic future of the borough.

Proposal:

This application seeks permission for the use of the vacant commercial unit for educational use (Use Class F1). The proposed use being a post-sixteen classroom delivering a range of educational activities to enable pupils to study towards vocational qualifications alongside practical work experience in the coffee shop (Unit 2). There will be twelve pupils and five staff based in the classroom which will operate Monday to Friday (08.45hrs to 15.15hrs).

The proposal makes no provision for on site parking.

No physical external alterations or adverts/signage are proposed. If subsequently required by the occupier, this would form the basis of separate applications.

This application is presented to Committee as the applicant is Burnley Council.

Relevant Policies:

Burnley's Local Plan (July 2018)

SP1: Achieving Sustainable Development

SP4: Development Strategy

SP5: Development Quality and Sustainability

TC5: Uses within the Weavers' Triangle

HE2: Designated Heritage Assets

IC1: Sustainable Travel

IC3: Car Parking Standards

IC5: Protection and Provision of Social and Community Infrastructure

The National Planning Policy Framework (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant Planning History:

The following applications are inter-related to this proposal:

VAR/2020/0362: Application to vary Conditions 2 (Approved Drawings), 12 (Archaeological Watching Brief), 13 (Student Car Park), 16 and 17 (Off Site Highway Works) and 19 (Travel Plan) from planning permission APP/2019/0001 – Granted - This permission restricted the occupation of Unit 3 to Use Class A2 or B1(a) through the submission of revised plans.

CND/2020/0133: Discharge of condition 3; 8; 10; 11; 12; 16 and 19 of APP/2019/0001 – Partial discharge

APP/2019/0001: Demolition of locally listed Neptune Inn; construction of new 4 storey mixed use building to provide student accommodation (136 bedrooms); ancillary communal areas to include laundry room, gym, reception, study/resources room and student hub; part ground floor car parking; provision of 3 commercial units (Class A1, A2, A3 or B1); and associated landscaping, together with provision of new car park off Wiseman Street for 35 vehicles – Granted.

Consultation Responses:

LCC Highways: Raise no objection to the proposal.

Publicity: No responses received.

Planning and Environmental Considerations:

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

- Principle of development
- Impact on designated heritage assets
- Impact on the amenity of neighbouring occupants and adjacent land users
- Highway safety and parking

Principle of Development: Whether the proposed use is acceptable

The Local Plan's Spatial Vision specifically notes the role of education and training in making the borough a desirable place to live and that the creation of a vibrant cultural and educational offer centered on the Weavers' Triangle will be critical to establishing Burnley as a hub of educational excellence with quality training and apprenticeship opportunities.

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 in accordance with the development strategy in Policy SP4.

The application site is considered to be in a sustainable location being well located in relation to an adequate range of existing services and facilities; and accessible by public transport, walking and cycling. It is not considered that the proposal would compromise the ability to achieve the Local Plan's strategic objective of sustainable development as set out in Policy SP1. Neither are there any direct conflicts with the development strategy for the Borough as set out in Policy SP4 resultant from the proposal by virtue of its sustainable location within the defined development boundary. Moreover, the use is supported by Policy IC5 which permits the development of social and community infrastructure in this location where it would satisfy other relevant plan policies.

For the reasons set out above, the proposal is considered to be acceptable in principle subject to meeting with other relevant plan policies as set out in detail below.

Impact on Designated Heritage Assets

The application site falls within the Canalside Conservation Area. 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." In this case, no external alterations are proposed and as such the proposal would preserve the character and appearance of the conservation area in its entirety. Moreover, the re-use of vacant floorspace within the building is likely to have a positive impact on the conservation area. The proposal therefore satisfies the relevant statutory duty.

Impact on the Amenity of Neighbouring Occupants and Adjacent Land Users

Policy SP5 seeks to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users including by reasons of noise and disturbance.

The site is situated in an area where there is a concentration of activity and a level of disturbance from a range of sources over a prolonged period of the day. Accordingly, some degree of noise and

disturbance would not be unreasonable. Having regard to the nature of the proposed use and the current levels of amenity, the development would not result in an unacceptable increase of noise and disturbance in the locality over and above the existing situation and would therefore comply with Policy SP5.

Highway Safety and Parking

Policy IC1 seeks to ensure sustainable travel, highway safety and a safe and convenient means of access for all users. Policy IC3 requires the adequate provision of car parking 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 staff or students, however given this is a highly accessible and sustainable 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 Highways Authority has assessed the proposal and raise no objection.

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

Conclusion:

The proposal will introduce an appropriate and beneficial use for the vacant commercial unit that is compatible with the mix of uses within Sandygate Hall. Moreover, the proposal does not raise any significant concerns in terms of neighbouring amenity. It is also considered acceptable in relation to highway safety and parking. 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 subject to conditions.

Conditions and Reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 001S (Proposed Key Plans – Lower Ground Floor at 1:100 Scale) received 04 July 2023.

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

EEP (Principal Planner)