

Application Recommended for APPROVAL

APP/2017/0164

Rosehill with Burnley Wood Ward

Full Planning Application

Proposed change of use of ground floor to A1 (off license)

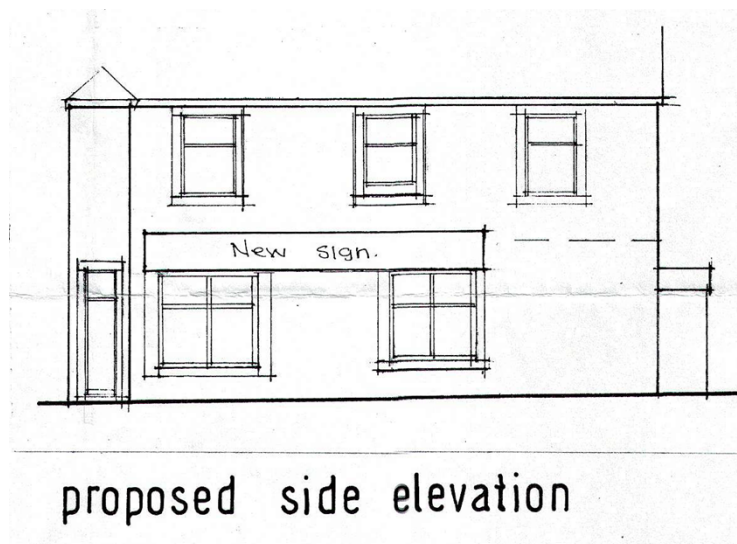
66 PARLIAMENT STREET BURNLEY

Background:

The proposal is for the change of use from a dwelling house (Use Class C3) to a retail shop (Use Class A1) opening between the hours of 07.00 Hours – 23.00 Hours each day of the week. No building alterations are proposed.

The existing roller shutters do not have planning approval and the applicant has been advised to remove these.

The new shop sign is not assessed part of this application and is subject to a separate Advert Application which must be submitted if the proposal is implemented.



Objections have been received.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

CF12 – Local and Village Shops

Burnley's Local Plan March (proposed submission document July 2017)

SP4 – Development Strategy

EMP5 – Rural Business and Diversification

National Planning Policy Framework

Site History:

No relevant history

Consultation Responses:

Environmental Health – No objections.

LCC Highways - *The proposal is located on Parliament Street with not dedicated parking facilities and waiting restrictions along the Parliament Street frontage. However the service being offered by this retail facility is likely to attract pedestrian traffic from the local residential areas rather than passing traffic and on this basis I would raise no objection to the proposal on highway grounds.*

Lancashire Constabulary – *Refer to the crime impact assessment. The applicant has been given a copy.*

Planning and Environmental Considerations:

The main issues for consideration in this application assessment are:

- Principle of development
- Effect on amenity
- Highway matters

Principle of development

The proposal represents the change of use of an existing dwelling to a relatively low-key commercial use. The location is considered to be acceptable for this type of development proposed and in accordance with the aims and provisions of the NPPF.

The building is located within a primarily residential and reasonably sustainable location within the main built up area. It benefits from relatively good access to public transport and facilities. The site is not within a defined shopping parade or town centre and has been vacant for some time such that its reuse is welcomed subject to all other material planning constraints.

In the National Planning Policy Framework (NPPF) there is support for business in Section 1 'Building a strong, competitive economy'. It advises that planning should operate to encourage, and not act as an impediment to, sustainable growth. Significant weight should be placed on the need to support sustainable economic growth through the planning system with a proactive approach to meet the development needs of business.

The proposal would involve the use of currently vacant premises which would provide additional jobs to the area. Having regard to the scale of the building, surrounding uses and the site's location it is not considered that an A1 retail use would be inappropriate in this location.

Effect on amenity

Consideration must be given to the impact on adjoining land users/occupiers. Policy stipulates that development should not cause significant harm to the amenity of neighbouring occupants through impacts including loss of privacy, safety and security, noise, pollution, access to daylight or other nuisances.

It is noted residential property 1 Parkinson Street is attached to the application building. Therefore taking into account the mixed use area, subsequent level of street activity over the course of the day and no objection raised from the Environmental Health Section of the Council it is not considered the proposed retail use would lead to a significant loss of residential amenity which would warrant a refusal.

The proposed operating hours have been set out in the application as being 7am to 11pm (7 days a week, including bank holidays). The shop is located within an existing local shopping village where there is an existing mix of uses. For example, number 62 Parliament Street which is an Off-Licence and is open until 11 pm. 131-133 Parliament Street News (off-licence) is open until 10 pm. Given the existing evening and nighttime economy of the area it is considered that the proposed hours or the proposed use would not cause any significant detrimental effects to the residential amenity of neighbouring residential properties in particular terms of noise.

Parliament Street News is expected to close down and re-locate to the proposed premises and it is expected that majority of the customers will travel by foot.

Highway safety

The Highway Engineer has reviewed the proposed use and the impact on the surrounding highway network. The proposed development is situated within an area with a range of shopping facilities and other amenities and has taken the view that potential customers could link their visit to the shop with visits to other amenities in the area. Whilst there are no parking spaces dedicated to the shop and a reliance on street parking it is not considered that the traffic generated and the demand for parking will be so low as to not have a significant impact on the highway network. As such it is considered the proposed use acceptable in highway safety terms.

Other matters

Concerns have been raised regarding increase of traffic, noise and crime. The relevant bodies have not raised any objections to these matters and if these issues arise then there is separate legislation to tackle this.

Conclusion

The proposed development would have no significant detrimental effects to the vitality and viability of the local village shops; furthermore the development would have no significant detrimental effects on residential amenity, parking or highway safety. The proposal complies with the local plan policies.

Recommendation:

That planning permission be granted subject to the following conditions:

Conditions:

1. The development must be begun within three years of the date of this decision
2. The development hereby permitted shall be carried out in accordance with the following approved plan:
3. The proposed operating hours of the use hereby permitted shall be between the hours of 0700 and 2300 only.
4. The existing roller shutters shall all be removed within 3 months of the date of this decision.

Reasons:

1. 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. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To protect the amenities of occupiers of nearby properties, in accordance with Policy GP1 of the Burnley Local Plan Second Review.
4. In order to protect the appearance of the building and visual amenity, in accordance with Policy GP1 of the Burnley Local Plan Second Review