

Application Recommended for Delegation

APP/2018/0020

Gannow Ward

Full Planning application

Proposed demolition of existing building and erection of 5no 2 storey dwellings fronting onto Sycamore Avenue together with 3 storey 12no residential apartments with ground floor parking to the rear of site; complete new site access road, parking and landscape area.

FORMER LIFE CHURCH SYCAMORE AVENUE BURNLEY

Background:

The application relates to the Gannow Baths building, which has been in other uses for many years.

Initially the proposal was in two phases:

- Phase one was partial demolition of the building and adaptation for use as a training facility, together with the erection of three houses.
- Phase two was demolition of the building; erection of a further two houses and 12 apartments.

The application has now recently been revised (as described above), and a full re-consultation has been carried out.

The former Gannow Baths building is a non-designated heritage asset and objections to its demolition has been received.

Relevant Policies:

Burnley Local Plan Second Review

E15 - Locally important buildings, features and artefacts

E7 - Water bodies and water courses

H3 - Quality and design in new housing development

H4 – Providing a choice of housing in new development

H5 – Local housing needs

H7 – Open space in new housing development

TM15 - Car parking standards

Burnley's Local Plan – Proposed Submission Document, July 2017

HS2: Affordable Housing Provision

HS4: Housing Developments

HE3: Non-Designated Heritage Assets

IC3: Car Parking Standards

[The document has been submitted to the Secretary of State. Significant weight should be ascribed to Policy HS5, as no objections were received. *Objections were received in respect of Policies HS2, HS4 and IC3, therefore, they carry little weight.*].

Site History:

APP/2004/1152: Proposed Change of use from pool/fitness centre to church and community use – Granted

APP/2005/0514: Erection of new church/community building with associated car parking – Refused

APP/2005/0787: Erection of new church/community building with associated car parking – Granted

APP/2007/0701: (Outline) Erection of 40 No. mixed residential dwellings and the erection of a new church building including details of means of access for both and the siting of the church building (layout, scale, appearance and landscaping reserved for future approval – Granted

APP/2017/0240: Proposed change of use of a place of worship (Use Class D1) to a mixed use development consisting of B1 and A1 uses and a C3 residential flat at first floor level together with associated internal and external alterations – Granted

Consultation Responses:

Highway Authority – The revised proposals are acceptable. The proposed parking levels are acceptable, however in keeping with the sustainability ethos and moves to reduce carbon emissions I would want to see a number of the parking spaces provided being suitably equipped to charge electric vehicles (1 per dwelling and 2 for the residents of the apartment block)

The imposition of conditions is requested, in respect of any permission granted, in respect of closure of the existing access; construction of the new access; wheel washing and construction management plan during the construction period; and provision for cycles.

Education Authority (Lancashire County Council) – Response stating that an Education Contribution Assessment shows that a developer contribution is required and that until the matter is agreed or otherwise resolved, an objection is made to the application [*A further report on this matter will be presented at the meeting*].

Lead Local Flood Authority – Comments awaited.

Canal and River Trust – Objection made as follows:

The swimming baths building and its chimney are key historic features when viewed from the Leeds & Liverpool Canal, and enhance its setting. Both features are visible from some distance along the canal. They are of such high quality that the Trust consider them non-designated heritage assets in their own rights, given their age, architectural design and historical association with development alongside the canal corridor at Gannow. This is supported by the conclusions in paragraph 7.3 of the submitted Heritage Statement.

Demolition of the swimming baths and chimney could result in significant harm to the setting and appearance of the canal corridor.

We note that the Council's emerging Local Plan identifies the need to safeguard certain historic assets including buildings associated with industry (including chimneys); public buildings; and buildings that contribute to the character of the Leeds & Liverpool canal (Submission Policy HE1). Retention of these buildings would therefore be supported by emerging policy.

In line with paragraph 131 of the National Planning Policy Framework, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable use.

To make a balanced judgement in line with paragraph 131 of the Framework, there is a need to assess whether the building is capable of having a viable use in the future, or whether key features such as the existing chimney can be retained on site. To assure compliance with the aims of the Framework, the Local Planning Authority should ensure that they are satisfied that sufficient evidence exists that the future use of the building is not viable.

We do not believe that sufficient supporting evidence has been provided to allow a conclusion to be made that the building is not capable of being retained to support a viable use in the future, and request that additional information to support this element of the application should be received.

If, however, the Local Authority is satisfied that sufficient information has been provided to enable it to determine this application, it is requested that any planning permission is subject to appropriately worded conditions to ensure that adequate analytical heritage asset recording is made of the building prior to any demolition.

Greater Manchester Ecology Unit – Comments awaited.

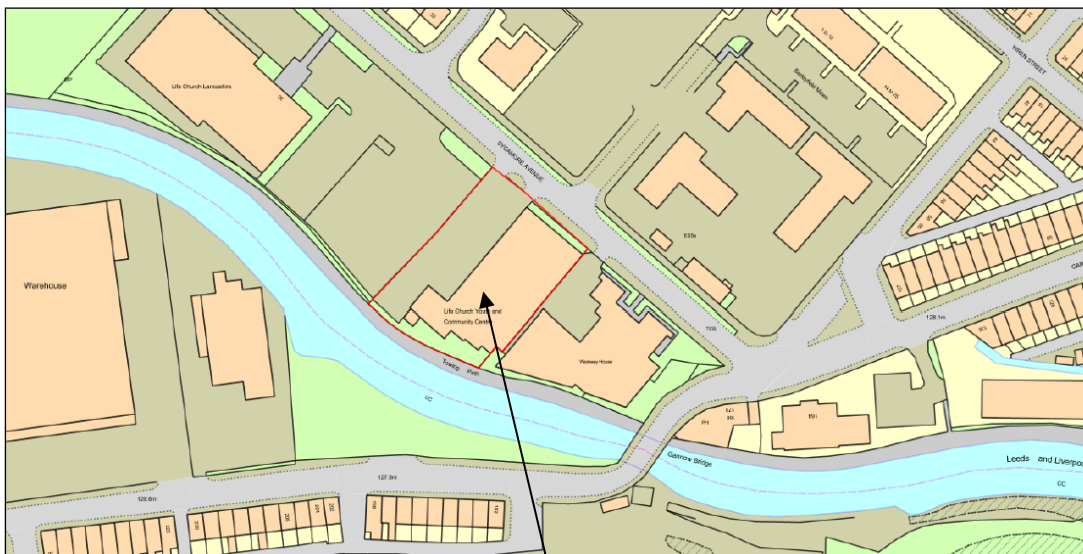
Burnley Civic Trust – Objection to the proposal as follows (summarised):

Object to the demolition of this outstanding example of Victorian/Edwardian baths being totally lost to posterity; every attempt should be made to restore it to its former glory and use; there are many examples throughout the country of this being done.

Environmental Health (Burnley BC) – No objections. Request that consideration be given to imposing conditions in respect of investigation into contamination and landfill gas; controls during construction; electric car charging points; cycle parking; and external lighting.

Planning and Environmental Considerations:

The application site is roughly rectangular, fronting the southwest side of Sycamore Avenue close to the junction with Gannow Lane. It flanks industrial premises to the south east and the Life Church to the north west.



Application site

The site presently comprises the former Gannow Baths building and car park. The building dates from the earliest years of the C20th and is identified as a non-designated heritage asset.

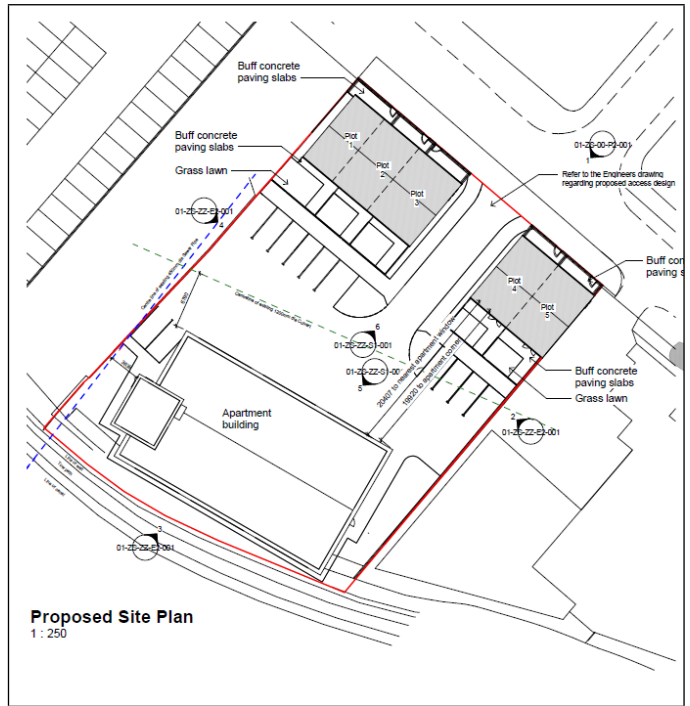


Existing building

Proposed development

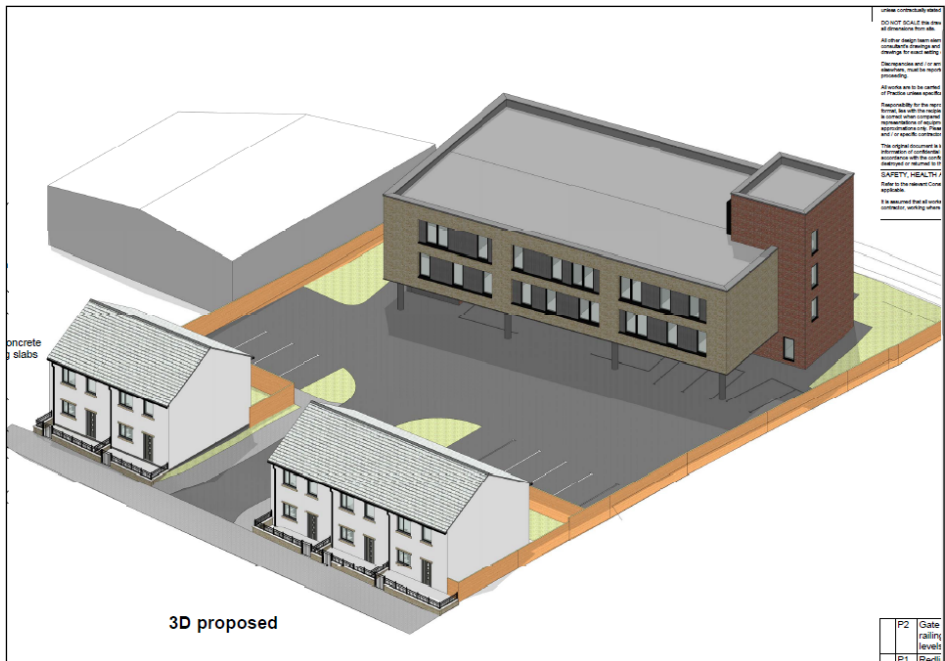
The building would be demolished and the site cleared. A Heritage Assessment is included in the application and this is considered below.

The site would then be developed to provide 5no. 3-bedroom houses fronting Sycamore Avenue; with a 3-storey block of 12 apartments (4No. one-bedroom; 8No. two-bedroom). This is shown on the site layout plan copied below.



Proposed site layout

A 3-D simulated image and a street elevation to Sycamore Avenue, has been prepared by the scheme architects that shows the form and appearance of the proposed buildings. (below)



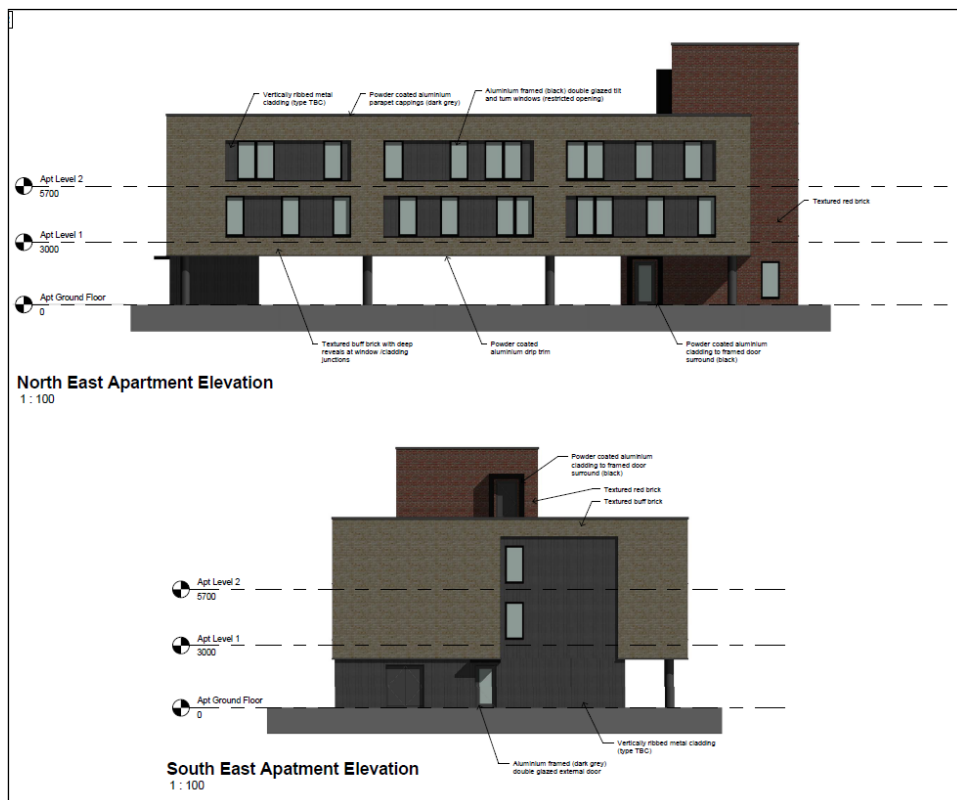
3-D image of proposed development



Elevation to Sycamore Avenue

The houses would have simplicity of appearance, with clean lines, off-white rendered walls and plain slate coloured roof tiles. Each house would have a small forecourt and rear garden.

The apartment block would have a design incorporating an under-croft to provide ground floor car parking. It would be finished externally in textured buff/red brick slips and metal cladding.



Proposed apartment block

A new vehicular access would be formed, running between the two blocks of houses into a courtyard parking area between the rear of the houses and front of the apartments. There would be 16 car parking spaces.

Policies and Assessment

The main planning issues are the consideration of the loss of the heritage asset; and the general acceptability of the residential development as proposed.

Heritage Asset

The site presently comprises a former Gannow Baths building and car park. The baths were opened in 1902 and are



Views from Sycamore Avenue and Gannow Bridge

NPPF (128) requires an applicant to describe the significance of any heritage asset affected, including any contribution made to its setting. The level of detail should be proportionate to the asset's importance.

Paragraph 131 requires that in determining applications account is taken of:

- The desirability of sustaining and enhancing the significance of the heritage asset and putting it to a viable use consistent with its conservation.
- The positive contribution that conservation of the heritage asset can make to sustainable communities including their economic viability; and,
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 135 then says that, in the matter of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The emerging local plan seeks in **Policy HE3** to give development plan effect to these requirements.

The submitted Heritage Assessment comments that:

the former Gannow Baths features in key views within the area including along the Leeds and Liverpool Canal, Gannow Lane and the M65. Within the local setting the majority of the structure is utilitarian in nature, with a principal elevation of minor interest. The building has a distinctive roof shape and the chimney and the boiler house both feature in long distance views into the area and are a reminder of the industrial heritage of the area. However, it must be noted that none of these views are within a Conservation Area.

The loss of the building and associated chimney would constitute harm to the character of the local area. However, the current condition has a detrimental impact on the immediate environs on Sycamore Avenue and Gannow Lane, and the site would benefit the area through a new use.

Desirability of conservation

The building is not in a Conservation Area, nor is it statutorily listed. For planning purposes it is a non-designated heritage asset, due the consideration set out in the relevant policies.

It has a street presence by virtue of its scale, mass and classical stone front elevation. It is a public building of important community-memory interest, and on that basis its loss would not be without some regret.

However, it is set apart from the borough's traditional built form. The large factories originally set around Gannow Lane Canal Bridge have been redeveloped for housing purposes. Therefore, the building is without an urban context or setting that would be harmed by its removal. Indeed, it neighbours a suburban residential estates and there is a degree of incongruity in its setting, and some visual harm to the setting of the residential area.

The building has a relationship with the Leeds and Liverpool Canal by virtue of its long presence, but it has never been a 'canal-side' building, as would a historic weaving mill or iron works, built alongside the canal for transport purposes. It does not front the canal nor have access to it, but it does provide a degree of visual interest to users of the canal and its towpath.

Contribution to sustainability and economic viability.

The planning history shows that some effort to find a new use for the building was made in earlier years. In 2004, following its closure as a swimming pool, permission was granted for a church and community use. However, that use ceased when a new church was built under the 2007 permission. A further attempt was made in the submission and granting of a proposal for its use commercial/retail and residential purposes in 2017. However, that proposal has not made any further progress.

The present applicant initially proposed to re-use the building, in an adapted form, as a training facility to support the specialised residential buildings venture. However, nature of the interior of the building, its difficulty of access and its present poor condition has led the applicant to choose alternative accommodation for the training space. In that scheme, the classical front of the original building would have been removed to enable suitable access for the training/workshop purpose, so that much of its significance would have been removed.

Presently, in its unused, vacant, and deteriorating form, the building has a negative visual impact on the streetscene and area generally. And, it provides no positive economic benefit.

New development, local character and distinctiveness

The proposed development is a residential mix of two storey houses and three storey apartments. Their design is a blend of traditional and contemporary style and materials. It makes good use of the canal side outlook, provides appropriate, car parking and landscaping. It is a site well served by public transport and it would fit well with the existing residential area.

It would be of different appearance to the Baths building but more fitting to its context.

The balance

The building is not readily adaptable to alternative use. Such use, if any, is likely to be of a commercial or industrial nature with the likelihood of harm to the existing residential context.

Removal of the building would allow a new page to be turned. A new form of development – residential apartments, taking advantage of the canal side location, and new housing giving an active frontage to this part of Sycamore Avenue, complementing the residential development, existing, new and proposed, face to face with it across the street; this would make a positive contribution to the economic and social well-being of the area.

Residential development

The general form and appearance of the development is illustrated by the application images, copied above.

The proposal would be in accordance with the requirements of **Policy H3** which sets the expected standard/quality of new housing.

Policy H5 seeks provision of 10% affordable housing, which is acceptable to the applicant. A condition is imposed to put this into effect.

Policy H4 seeks a variety of house types. The proposed mix of 3-bedroom houses and two- and three- bedroom apartment makes appropriate provision.

Car parking would be provided in accordance with the standards set by **Policy TM15**.

Other matters

The Education Authority (LCC) has indicated that, following an initial scoping exercise of the local schools, it has determined that Lancashire County Council intend to use the primary and secondary education contributions to provide additional school places at Burnley Ightenhill Primary School and Burnley High School. These are the closest schools to the development that has space to accommodate an expansion.

The request for an education contribution is under discussion with the applicant.

Comments from the Lead Local Flood Authority and from the Council's ecology consultant are awaited.

Conclusion

The proposal, whilst seeing the loss of a building from Burnley's past, would allow the construction of 17 dwellings which would blend well with the existing residential area; and, significant economic and social benefit would arise.

The recommendation is made on that basis.

Recommendation:

MINDED TO APPROVE SUBJECT TO: the applicant agreeing to provide an Education Contribution (or demonstrating conclusively that provision of such contribution would make the proposed development financially unviable) and that the Head of Housing and Development Control be delegated to grant planning permission for the development subject to there being no adverse comments on ecology or from the Lead Local Flood Authority, the following conditions and any further conditions arising from the negotiations.

Condition

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Drawings No:016, 021,015, 025, 026, A6121-LIB-B3-A1 20-Z3-02-P2-001 rev P1, A1621-LIB-B3-A1 20-Z3-00-P2-001 reP1, A1621-LIB-

B3A1 20-Z3-ZZE2-001 rev P1, A1621-LIB-B3-A1 20-Z3-01P2-001 rev P1, A1621-LIB-S1-A1 00-ZS-ZZ-E2-001 rev P1, A1621-LIB-S1-A1 00-ZZ-ZZ-P2-001 rev P1, A1621-LIBS1-A1 01-Zs-00-P2-001 Rev P2, A1621-LIB-S1-A1 01-ZS-ZZ-E2-001 rev P1, A1621-LIB-S1-A1 01-Zs-ZZ-S1-001 rev P1, A1621-Lib-B1-A1 20-Z1-02-P2-001 rev P1, A1621-LIB-B1-A1 20-Z1-01-P2-001 rev P1, A1612-LIB-B1-A1 20-Z1-03-P2-001 rev P1, A1621-LIB-B1-A1 20-Z1-ZZ-E2-001 rev P1, A1621-LIB-B1-A1 20-Z1-00-P2 001 revP1, A1621-LIB-B1-A1 20-Z1-ZZ-E2-002 rev P1, A1621-LIB-B2-A1 20 Z2-00-P2-001 rev P1, A1621-LibB2-A1 20-Z2-01-P2-001 rev P1, A1621-LIB-B2-A1 20-Z2-02-P2-001 rev P1, A621-LIB-B2-A1 20-Z2-ZZ-E2-001 rev P1, and location plan, received 30 April 18

3. The existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access.
4. No part of the development hereby approved shall commence until a scheme for the construction of the site access has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.
5. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 4 has been constructed and completed in accordance with the scheme details.
6. Prior to work commencing on site a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how deliveries during construction will be managed and where workers on the site will park during construction; normal hours of site working; how dust and pollutants will be minimised; and facilities available on site for the cleaning of the wheels of vehicles leaving the site and equipment to be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
7. The new estate access between the site and Sycamore Avenue shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
8. Facilities to encourage the use of cycles as a means of alternative transport shall be provided in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority and the facilities shall be provided as approved before the residential use commences.
9. The development shall not begin until the investigation
 - a. A strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;

b. An investigation has been carried out in accordance with the approved strategy;

c. A written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified on the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the local planning authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the local planning authority before any part of the development is brought into use.

10. No development shall start until an investigation and report which demonstrates that the development can be safely undertaken and occupied has been submitted to the Local Planning Authority. The report shall be prepared by a competent consultant, experienced and specialising in the assessment and evaluation of Landfill Gas migration.

The investigation report shall:

- a. describe the methodology, techniques and equipment and circumstances of the survey and set out final conclusions and recommendations to the results and findings of tests and investigations
- b. advise on any remedial measures which demonstrate that the development can be safely undertaken and occupied.

11 If remediation measures are recommended as a result of the investigations required by Condition * above, these measures shall be incorporated into the development, before any buildings are occupied.

12 Full details of the method of illumination of the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before development is occupied and the lighting shall only be implemented wholly in accordance with the approved details.

13 Samples of the external materials of construction shall be submitted to and approved in writing by the Local Planning Authority before their use in construction of the development.

14 Full details of the means of enclosure of the dwellings shall be submitted to and approved in writing by the Local Planning Authority and the means of enclosure shall be provided, as approved, in relation to each dwelling before it is first occupied. The means of enclosure may include the retention of part of the side wall of the existing building to be demolished as indicated on drawing number A1621-LIB-S1-A1-01-ZZ-LL-P2-003, or otherwise.

15 The proposed dwellings on plots 1 to 5 shall be sound insulated in accordance with the details identified in the submitted email dated 25 May 2018 before the dwellings are first occupied.

16 A minimum of two dwellings shall (unless otherwise approved in writing by the Local Planning Authority) be provided as Affordable Housing in connection with the development, in accordance with Policy H5 of the Burnley Local Plan Second Review, before any of the houses are occupied.

Reason

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. To limit the number of access points to, and to maintain the proper construction of the highway.
4. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
5. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
6. To prevent stones and mud being carried onto the public highway to the detriment of road safety; and, to minimise the impact of construction on existing residents in the vicinity of the site, and in the interests of the amenities of the area generally.
7. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative
8. To allow for the effective use of the parking areas
9. To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecology systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy GP7 of the Burnley Local Plan Second Review.
10. To ensure that the developer has demonstrated that the development can be undertaken and occupied in a safe and secure manner given the proximity of the development to a landfill site which is known to be producing landfill gas, in accordance with policy E35 of the Burnley Local Plan, Second Review.
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known to be producing landfill gas, in accordance with policy E35 of the Burnley Local Plan, Second Review.

12. In the interests of the amenities of the neighbouring residents in accordance with policy DC1 and DC2 of the Unitary Development Plan.
13. To secure a satisfactory development in materials which are appropriate to the locality, in the interests of visual amenity and in accordance with policy GP3 of the Burnley Local Plan, Second Review.
14. In the interests of residential amenity and the visual amenities of the area generally, in accordance with Policy H3 of the Burnley Local Plan Second Review, currently saved.
15. In the interests of the amenities of the residents of those dwellings, in accordance with Policy H3 of the Burnley Local Plan Second Review, currently saved.
16. To ensure provision of Affordable Housing in accordance with Policy H5 of the Burnley Local Plan Second Review, currently saved.

AR
29.5.2018