

Application Recommended for Approval
Gannow Ward

APP/2013/0103

Full Planning Application
Replacement of fire damaged shop
SPAR STORES PADIHAM ROAD BURNLEY

Background:

The application arises because of the urgent need to replace the store seriously damaged by fire in January this year.

Objections have been received.

Summary of Reason for Recommendation:

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

Relevant Policies:

Burnley Local Plan Second Review

EW4 - Expansion and Improvement of existing businesses

TM15 - Car parking standards

GP7 – New development and the control of pollution

National Planning Policy Framework (NPPF)

Site History:

99/0591: Extension and conversion of part of garage to a Spar shop – Granted on Appeal.

Consultation Responses:

Highway Authority – No objections in principle. Desirable that there be alteration to the kerb line, west side of the access from Padiham Road to prevent right turn manoeuvres from the opposite carriageway.

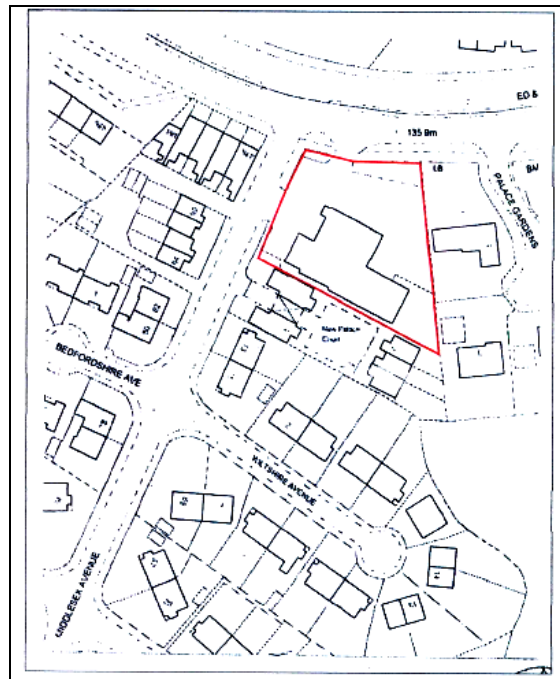
Coal Authority – No objection. The submitted Coal Mining Risk Assessment Report demonstrates that the site is, or can be, made safe and stable for the proposed development.

Neighbouring Residents – Letters from 3 residents making objections as follows (summarised):

- Not happy with proposed opening hours. (2 letters)
- Object to presence of the shop, restating concerns about the 1999 extension proposal.

Planning and Environmental Considerations:

The Spar shop is at the junction of Padiham Road and Middlesex Avenue. Padiham Road (A671) is dual carriageway at this point. There is a single 'left turn in' entrance from the west bound carriage; and an in/out access from Middlesex Avenue.



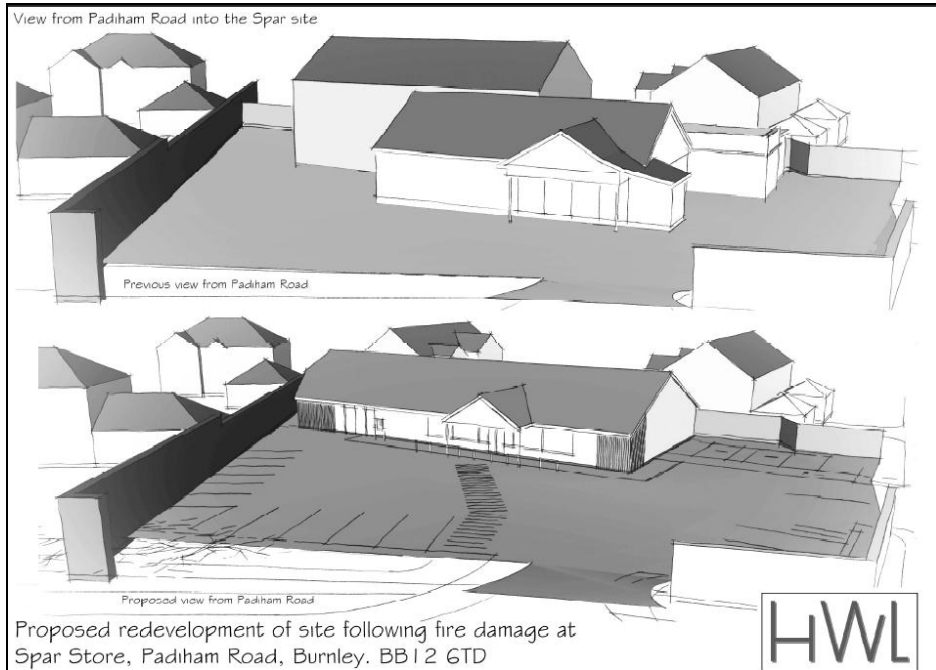
Location plan

The property was seriously damaged by fire earlier this year and the shop has been closed since that incident. The applicant is seeking to re-open at an early date in the interests of the business, employees and customers.

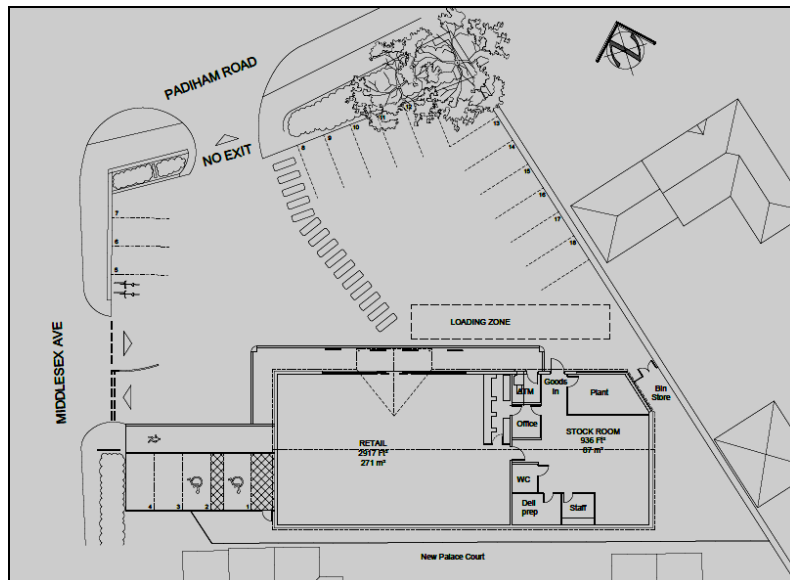
Part of the building had to be demolished as a result of the fire, and other parts are in poor condition. Whilst considering the option of a simple reinstatement as an 'easy' option, a thoughtful evaluation has led to the present proposal to rebuild the store anew.

The logic of the proposal for full rebuild arises from the history of the premises as a conversion from a car showroom/garage. That took place around 2001. Planning permission was not required for the new use as it was a change permitted by the General Permitted Development Order 1995. However, the venture did require an extension which, together with some conversion work, was granted permission on appeal. This created an only moderately effective building, with an unnecessarily large stockroom. The option of creating an efficient, attractive shop has, therefore, been taken forward.

The image reproduced below illustrates the relative massing and positioning in the existing and proposed arrangements.



Notably, one single storey building (430 sq m) would replace the significantly higher and more bulky existing buildings (504 sq m). The active shop front would face the car park on the Padiham Road frontage.



Proposed layout

The new site layout would provide an increased area for manoeuvring of delivery vehicles; the delivery pattern would be the same as the previous arrangement.

The building would have a simple, low rectangular form. It would have walls finished in smooth render with the gable facing Middlesex Avenue in recovered, natural stonework, under a roof in dark grey tiles.



Elevations

The appeal decision in 2000 established the principle of the acceptability of the shop in this location.

The main planning considerations in the present application are design and layout, the amenity of neighbouring residents, and highway matters.

Policy EW4 supports the improvement of existing businesses provided (as relevant in this case):

- it is suitable in terms of size, layout, access, parking, design and landscaping;
- does not harm residential amenity;
- is in character and appearance with its surroundings;

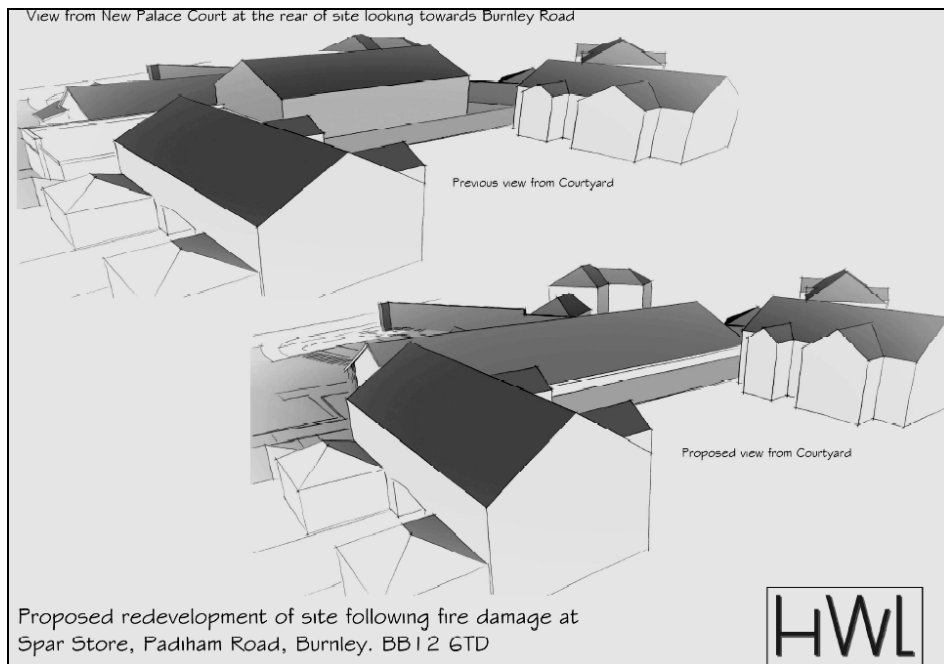
Design and layout

The proposal makes effective use of the site. The building is of a scale, form and choice of materials that would blend well with its surroundings. The layout allows convenient vehicular and pedestrian access. The level of car parking is commensurate with that of the previous buildings. The simple frontage landscaped areas would be retained.

Residential amenity

Since the original shop opened, a small residential development has been carried out on land to the rear. It is noticeably close to the high existing building at the rear of the shop site. The houses are due south of the building and would not have experienced significant over-shadowing or darkening, however, there would be a degree of over-domination visually. Any residents coming to live in the new dwellings would, of course, be aware of these existing impacts.

The proposed building because of its significantly lower massing would help remedy these adverse impacts. The image copied below illustrates this:



The extraction plant would be located at the eastern end of the building, and although there are no known concerns about noise impacts, a condition is recommended to ensure that appropriate sound insulation is fitted and retained.

Traffic

The Highway Authority is content with the proposal but has indicated the desirability of adjustment to the kerb line on the west side of the access to physically rule out the possibility of 'contraflow' movement of vehicles entering the site for the east bound carriageway of Padiham Road. Highway access arrangements are not, however, a material consideration in the present application as the proposed internal layout does not necessitate access changes. It would be helpful to attach a note to any grant of permission to bring the matter to the applicant's attention..

Other matters

Neighbouring residents have referred to shop opening hours and concern that there would be later evening opening. The planning appeal decision imposed a condition restricting shop and delivery hours to 6am – 11pm on any day. The application does not seek to extend these hours; and, a condition is recommended specifying those hours.

Conclusion

The shop has been part of the local scene and economy for over a decade. The present proposal, arising as it does from the unhappy circumstance of the fire damage, sets out to generally improve on the previous arrangements.

With the recommended conditions, the development would be in accordance with the Local Plan.

The **NPPF** sets a presumption in favour sustainable development and requires that development in accordance with the development plan be approved without delay.

The recommendation is made on that basis.

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 shall be carried out in accordance with the application details and the drawings listed above.
3. All specified plant and machinery shall be enclosed with sound insulating materials in accordance with a scheme to be agreed with the Local Planning Authority, which shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.
4. The use hereby approved shall not operate, nor shall deliveries to or from the premises be undertaken, outside the hours of 0600 to 2300 on any day..

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 that the development remains in accordance with the development plan.
3. To prevent noise nuisance to adjoining properties in accordance with policy GP1 of the Burnley Local Plan, Second Review.
4. To protect the amenities of nearby residents, in accordance with policy GP7 of the Burnley Local Plan, Second Review.

AR
11.4.2013