

Application Recommended for Approval
Daneshouse with Stoneyholme Ward

APP/2012/0251

Outline Planning Application

Outline application for the erection of a five storey building incorporating a restaurant at ground floor and basement level, 96 student bedspace on floors one to four (Landscaping reserved)

KINGSWAY HOUSE KINGSWAY BURNLEY

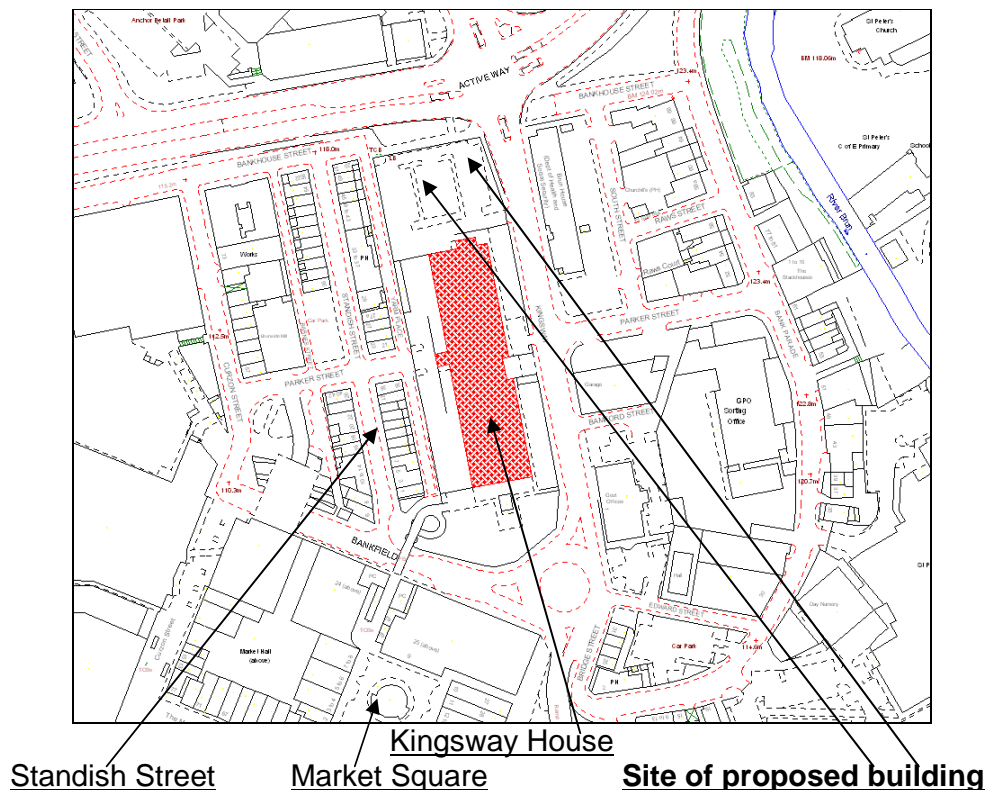
Background:

The application relates to land attached to Kingsway House built in the early 1970's for Great Universal Stores and locally known as the 'GUS' building.

Proposed change of use of the building itself, from a mixture of A1 retail and B1 offices to A1 retail, B1 office use and 126 student bedspace accommodation and a managers apartment was approved (subject to s106 agreement) at the November Committee meeting.

The applicant's intention is to reconfigure the whole site, with new buildings on the street frontages at each end of it.

The present application relates to the northern frontage (to Bankhouse Street), together with car parking space within the site. Application APP/2012/0250, which is also before the Committee, relates to the southern frontage (to Bankfield). There is a degree of overlap as the sites would share common access and car parking arrangements.



Summary of Reason for Recommendation:

The development is generally in accordance with the Development Plan, in particular the policies listed below if granted subject to a condition restricting the type of residential accommodation provided; it is sustainable development as required by the National Planning Policy Framework; and, there are no other material considerations to indicate that planning permission should not be granted.

Relevant Policies:Burnley Local Plan Second Review

GP1 - Development within the Urban Boundary

GP4 – Mixed use development

BTC7 - Kingsway/Bank Parade

BTC10 - Upper floors in Burnley Town Centre

H15 – Conversions and re-use for flats and bedsits

H3 – Quality and design in new housing development

TM15 - Car parking standards

TM2 - Transport Assessments (TAs)

TM3 - Travel Plans (TPs)

National Planning Policy Framework (NPPF)**Site History:**

TP9747: (Outline) Erection of three-storey office building – Granted (8.5.68)

TP10135: Construction of office premises - Granted

86/0735: Change of use of part of ground floor from staff shop to general retail use (1709 sq m) and from offices to storage in connection with shop (1200 sq m) - Granted

91/0801: Change of use of lower ground floor to Job Centre and associated offices and alterations to external elevations – Granted

97/0273: Modifications and extension to loading platform - Granted

98/0016: Proposed new entrance canopy – Granted

98/0017: Erection of single storey extension to house generator - Granted

2009/0131: Change of use from Job Centre (Class A2) to offices (Class B1) - Granted

2009/0182: Installation of metal roller shutters – Granted

2012/0249: Proposed change of use from a mixture of A1 retail and B1 offices to A1 retail, B1 office use and 126 student bedspace accommodation and a managers apartment – Approved subject to s106 agreement at November Committee.

Consultation Responses:

Highway Authority – No objection provided adequate provision is made in respect of cycle access and motorcycle parking; and provision is made for the enhancement of the cycle infrastructure in the vicinity of the development. [*The applicant would enter into a s106 agreement for this purpose*]. Conditions are advised relating to car park surfacing, additional cycle and pedestrian crossing points and a travel plan to reduce movement by private car.

Representation from Aldmere Ltd - Comments about the acceptability of the proposal on the basis that the proposal would grossly over provide for student accommodation needs and the accommodation might then be used for social housing.

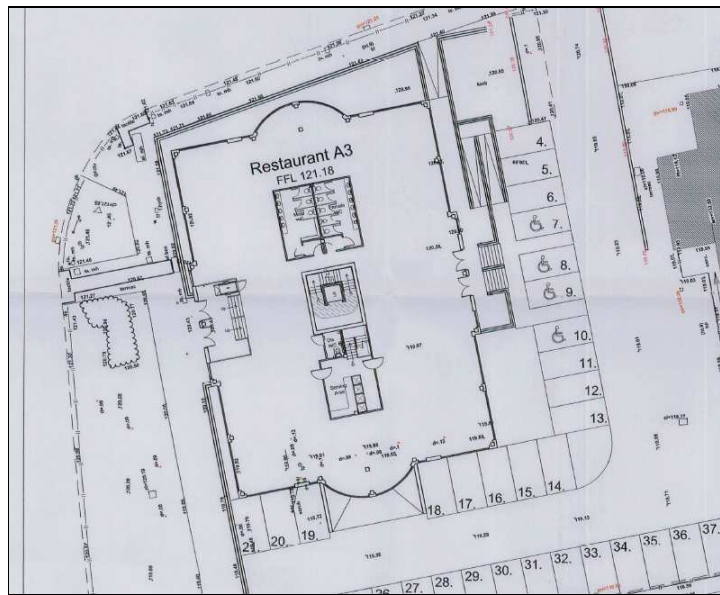
Planning and Environmental Considerations:

The application relates to the northern part of the site of a large building (originally built for office purposes around 1970/71) set towards the middle of a substantial plot of car parking and landscaped land.

The site is roughly rectangular in shape, with the rear of terraces fronting Standish Street to the west and Kingsway to the east.

The application is in outline but includes full details of the access, appearance layout and scale of the proposed building. It proposes a restaurant on the ground and basement floors, with four floors of student residential accommodation above.

The proposed layout is copied below for ease of description:



Site layout plan

The building would be set back a short distance from Active Way behind a landscaped strip.



Proposed elevation to Active Way

Policies and assessment

For planning purposes the site is within the Kingsway/Bank Parade area of Burnley Town Centre where **Policy BTC7** permits other uses than office and business (B1) when they complement and do not have a detrimental effect on, the area's existing employment uses. The policy justification acknowledges that the area has a number of uses such as retail, pubs, restaurant and nurseries that complement the service based employment of the area.

The policy is silent on the acceptability of residential uses although there are many dwellings in the mix of the area's uses. The proposed use would complement retail, pub and restaurant uses (themselves providing employment). It would not harm other employment uses; indeed it would have a minor positive impact because the additional 24 hour residence would be likely to contribute to security of the area.

Policy BTC10 encourages use of upper floors in the town centre for residential purposes in the interests of efficient use of buildings and increasing activity there. This gives some policy indication of the general support for the benefit of residential uses as part of the town centre mix, which, in this case the proposed mix of uses would accord.

Policy GP4 encourages mixed use development, particularly in town centre locations, as it reduces the need to travel, creates diversity and increases vitality.

Policy TM15 does not set a car parking standard for student accommodation. The town centre location, close to public transport and education providers leads the Highway Authority to conclude that the proposal would be acceptable in that respect if adequate provision is made for cycle and motor-cycle parking.

The restaurant would share the existing grouped car parking space on the site. The application has been the subject of considerable negotiation and the amended layout is now considered acceptable by the Highway Authority.

NPPF sets a presumption in favour of sustainable development and recognises that residential development can play an important role in ensuring the vitality of centres. It sets core planning principles to encourage effective use of land and to promote mixed use development in the interests of urban efficiency and sustainability. This would be achieved by finding acceptable, economically viable uses for underused but well located buildings.

Policy H15 sets criteria for acceptability of conversions to flats and bedsits, requiring (summarised) as follows. Assessment comments are given in italics.

- a) no adverse impact on neighbouring residents – *Whilst the building is in an area of commercial and public buildings, the presence of residential accommodation on upper floors should be considered likely, particularly in the Standish Street terraces close to the site. No impact on privacy or outlook would arise from this proposal; there may be some adverse impact of noise and disturbance from the restaurant, however it is reasonable to assume that town centre residents would expect a degree of noise and disturbance to arise from town centre activities.*
- b) sympathetic to the character of the building and locality – *The proposed building is designed to blend with the surroundings and provide an active presence in the streetscene.*

- c) provision of satisfactory residential environment for residents and neighbours – *The residential accommodation is designed in the style of a student hall of residence. The study bedrooms would be admirably suited to the short periods of occupation by students having main homes elsewhere, but would not be appropriate as a sole residence. For that reason a restrictive condition is recommended.*
- d) adequate refuse disposal facilities - *This is included in the proposal*
- e) safe and convenient access for vehicles and pedestrians and provision of appropriate car parking in accordance with standards – *The Highway Authority are content with the proposal subject to conditions being imposed to secure improvement to cycle access and motorcycle storage.*

A footnote to the policy is that to promote conversions in Town Centres, a flexible approach to standards of density, car parking, amenity space and overlooking should be taken.

Other Matters

As the proposal involves a large amount of purposely designed student accommodation, the applicant has been requested to explain what reasonable expectation there is of full occupation. The indication has been given that some consultation has taken place with UCLAN, UCFB and the Health Authority, and that the accommodation has been adjusted to accommodate their specific needs.

However, I believe that the proposal remains, to a degree, speculative. For that reason, and because the accommodation would be unsuitable for general residential purposes (including qualities required by **Policy H3** – especially the lack of a range of house types, internal space, private open space, and appropriate environment, and a reasonable allowance of car parking), a condition is recommended to restrict the use and to avoid general residential occupation of the building in the form proposed.

Conclusion

The proposal would provide appropriate and convenient accommodation for students, whose presence in this part of the town centre would be likely to add to its vitality. It would bring the building back into use, contributing significantly to the economic well being, security and sustainability of the area.

When the original building was built current practice often set buildings away from the highway. This unfortunately resulted in undue looseness of the built environment, and inefficient use of land. The present proposal sets the building closer to streets, giving a sharp edge, security and presence.

Recommendation:

That provided the applicant enters into a section 106 agreement in respect of the enhancement of the cycle infrastructure in the vicinity of the development the Head of Housing and Development Control be delegated to grant planning permission subject to the following conditions and any other conditions arising out of highway matters:

Conditions

1. Approval of the details of the landscaping of the site (the reserved matter) shall be obtained from the Local Planning Authority in writing before any development starts.

2. Plans and particulars of the reserved matter referred to in condition 1 above, relating to the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
3. Application for approval of the reserved matter shall be made to the local planning authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the reserved matter.
5. The development shall be carried out in accordance with the application details and the drawings listed above.
6. Details of the external materials shall be submitted to and approved in writing by the Local Planning Authority before their use in construction.
7. The accommodation described as student bedspace accommodation shall be used for that purpose only and there shall be no change to any other purpose including any purpose within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.
8. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car park spaces and manoeuvring areas marked out in accordance with the approved plan before the use of the premises hereby permitted becomes operative.
9. No part of the development hereby permitted shall commence until a scheme for the construction of the additional cycle and pedestrian access points and the offsite works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. The scheme shall be implemented as approved.
10. Within six months of 50% of the site being occupied, a Travel Plan identifying methods of reducing trips by private car to and from the site shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall promote and enhance alternative modes of transport necessitated by the lack of student parking and shall be implemented as approved.
11. Before the student bedspace accommodation is brought into use the motor cycle parking (in accordance with details of layout, design and external appearance to be submitted to and approved in writing by the Local Planning Authority) and the cycle parking shown in the application details shall be provided and made available in connection with the development.

Reason

1 – 4 Imposed pursuant to Section 92 of the Town and Country Planning Act 1990. The application is in outline only and does not contain complete details of the proposed development.

5 To ensure that the development remains in accordance with the development plan.

6 In the interests of visual amenity in accordance with Policy H15 of the Burnley Local Plan Second Review.

7 The accommodation is purpose designed as student accommodation but lacks facilities (including internal space, private open space, appropriate internal environment, and a reasonable allowance of car parking) required for general residential purposes, and, to enable the Local Planning Authority to consider any future change having regard to Policy H3 of the Burnley Local Plan, Second Review and any other material considerations on drawing number KINGS/03 Dwg 05A Amendment A.

8 To allow for the effective use of the parking areas and ensure that service /delivery vehicles are able to enter and leave in forward gear.

9 To ensure provision is made for highway infrastructure to serve the development..

10 To encourage use of a range of modes of transport and reduce reliance on the private car.

11 To encourage sustainable transport.

AR
20.12.2012