

Application Recommended for Approval

APP/2008/0109

Whittlefield with Ightenhill Ward

Full Planning application

Erection of unit offices UCO Class B1 (a) and ancillary parking (re-submission)

LAND OFF PENDLE WAY, BURNLEY

Background:

The site is part of a larger site, which is currently being developed for a hotel under planning consents 05/1142 and 07/0303 and a public house (details yet to be submitted). The site is 2085 sq m. in area and fronts Pendle Way.

A previous application for offices was refused because they would have created an overbearing effect and an oppressive outlook for the occupiers of the dwellings to the rear on Bamburgh Drive. The applicants have changed the position and details of the proposed offices in order to overcome the reason for refusal.

Objections have been received to the proposals.

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

E5 - Species protection

E6 – trees, hedgerows and woodlands

TM5 – footpaths and walking within the Urban Boundary

EW1 - Land for Business (B1) and Industrial (B2) and Warehousing (B8)

Development

EW9 – Small businesses, working from home, and community enterprises in residential areas.

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

GP5 - Access for All

H12 - Non-residential uses in residential areas

TM15 - Car parking standards

TM3 – Travel Plans

PPS6 – Planning for Town Centres

Site History:

02/0669 –proposed leisure development (outline app.) – refused

05/1142 – proposed erection of 85 bedroom hotel and public house (outline app.) – c/c

07/0303 – reserved matters application – erection of 102-bedroom hotel – c/c

07/0915 – proposed offices with ancillary car parking - refused

Consultation Responses:

British Waterways – have no comments to make.

Green Spaces and Amenities – The landscaping design looks attractive and the tree planting proposed will greatly enhance the development. However, have concerns about the proposed embankment adjacent to the public footpath between Pendle Way and the motorway. This has been proposed to provide screening of the car park and offices from the adjoining estate, however it also blocks views of the footpath from the car park, therefore decreasing natural surveillance of the path. Suggest that the planting of semi-mature trees of medium to large eventual size, set in grass or low planting, would provide adequate screening of the development, yet still allow natural surveillance of the footpath. (*The footpath will however be overlooked by the offices*).

Environmental Health – The site is a recorded landfill site within a 250m radius there are two other recorded sites. A desk study should be initiated to identify the historical land use and risks from that use associated to ground contamination and gas.

Environment Agency – has no objection in principle. Suggest a condition is attached in respect of ground contamination

United Utilities – Have no objection to the proposal providing the site is drained on a separate system etc. A main runs along the western boundary of the site. Development will not be permitted in close proximity to the main. An access strip of no less than 5m wide measuring at least 2.5m either side of the centre line of the water main is required.

Highway Authority – Raise no objection to the proposal on highway grounds subject to conditions.

Ramblers Association – Object - Footpath no.18 appears to run through this site – unless and until a diversion order for path 18 is issued, public access should be maintained through the site.

Residents – 9 letters and petition with 51 names received objecting to the proposals, for the following reasons;

- a) Will create a blot on the landscape.
- b) Traffic/congestion on Pendle Way.
- c) The development next to residential properties will deprive the occupants of sunlight.
- d) These commercial enterprises should be accommodated away from residential areas.
- e) The offices will overlook residential properties. This is an invasion of privacy.
- f) Will have an overbearing and oppressive appearance, height, size, and proximity to dwellings on The Moorings.
- g) Loss of trouble free greenery including insects, birds and other small animals.
- h) Will attract unsociable behaviour and security problems.
- i) It is a residential area.
- j) Noise nuisance.
- k) Loss of value of their properties.
- l) Loss of a green field site.

Planning and Environmental Considerations:

The site was allocated for leisure/tourism uses in the Local Plan (First Review) with particular reference to a hotel or pub/restaurant. However, the site does not have an allocation in the Burnley Local Plan (Second Review).

Local Plan policy EW1 Land for Business (B1) etc. states that proposals should be acceptable with respect to size, layout, parking, landscaping and design; be accessible, or potentially accessible, by a choice of transport modes without having a detrimental effect on the safe and efficient operation of the trunk work network; not harm the amenity of nearby occupiers; and not harm the character, appearance or environment of the site or its surroundings.



view from site towards Bamburgh Drive



view from site towards Bamburgh Drive



footpath between site and Bamburgh Dr



from Pendle Way towards Bamburgh Dr

The proposal

The proposal involves the erection of Class B1 offices with a gross floor area of 2085 sq m. and split into 27 small self-contained office suites (now 25 office suites/gross floor area reduced to 1921 sq m.-amended plans received 9th April 2008), together with a shared central reception and meeting area at ground floor level in the southwest corner of the development. The proposed office suites were arranged mainly on two floors, with a third floor only in the southern and truncated eastern wings, around three sides (east, south and west) of a central courtyard; amended plans have now been received (8/4/08) with the third floor removed as requested. (There is parking beneath the building together with 4 offices, which have been added on the amended plans).

The main issues are;

- 1) Acceptability of offices in this out of town location;
- 2) Impact of the development on the adjacent residential properties;
- 3) Design and appearance.

1) Acceptability of offices in this out of town location

PPS6 – Planning for Town Centres – states that ‘need’ must be demonstrated for a town centre use (such as offices) if it is to be located outside the town centre.

The applicants state that their Sequential Assessment shows that there is an unsatisfied need and demand in the local commercial property market that is not being met elsewhere in Burnley for this type of development. They anticipate that a significant proportion of the occupiers of the office suites and those employed in them will be drawn from the surrounding residential suburbs.

The applicants have stated that although there are sites available within Burnley Town Centre, at the present time, all the sites identified have been found unavailable, unsuitable or unviable.

The site is accessible by walking and cycling (the site is adjacent to the canal towpath which provides a short cut to the town centre) and there is currently a bus service through the adjacent housing estate, but does not go directly along this section of Pendle Way (at hourly intervals). LCC Highways say there is presently no call for a bus service along this section of Pendle Way, however the nearest bus route is not far away. The site is only approx. 250m from Burnley Barracks Railway Station and therefore well positioned in terms of this mode of transport.

Given the above and the fact that the Pendle Way location demonstrates sustainability in terms of access from transport modes other than the private car, it is considered that development of the Pendle Way site for the proposed use, would not compromise sustainability objectives or prejudice the economic growth and regeneration of the town centre. It is therefore considered that a relatively small-scale development would not harm the vitality or viability of the town centre as a whole.

The scheme has been enlarged in size since the previous proposal. An additional floor consisting of 5 offices has been added. It is considered that the proposed offices are too large with this extra floor, unless adequate justification for the additional floor space is provided. The applicants have therefore been asked to remove this additional floor space (or provide justification). Amended plans have now been received (8th April 08), removing these 5 offices.

2) Impact of the development on the surrounding residential properties.

The proposed office block is approx. 20.5m away from the gable of the nearest house on Pendle Way. As there are no habitable room windows in this gable, the proposal more than meets the required 15m standard.

The minimum distance between the new offices and the houses on Bamburgh Drive is 25m. This is between no. 11 and 15 and a blank gable on the office block.

3) Design and appearance.

The design is contemporary and uses a mix of modern materials. The layout of the building is in a 'courtyard' design, with three wings of the building wrapping around a central area.

The self-contained office suites are now arranged mainly on two floors (amended plans received 8/4/08), around three sides (east south and west) of a central courtyard.

The applicants have stated that the materials and detailing have been chosen to complement the contemporary design of the adjoining hotel development. Walls are to be faced in proprietary profile steel panels fixed horizontally in a light grey colour, with darker panels used between windows. The roof material will comprise a complementary trapezoidal steel composite panel roof system. Doors and windows are proposed in powder-coated aluminium frames.

Although the design and materials are not traditional, other properties in the surrounding area are not traditional and the adjacent hotel, which is in the process of being built, is of a contemporary design and materials. The design and materials are therefore considered to be acceptable in this location.

Parking

Most of the ancillary parking is located within the central courtyard and beneath the building. Additional parking is located on the south and east sides of the eastern wing. The vehicular access to Pendle Way is shared with the adjoining hotel (which is currently in the process of being built). The applicants have stated that the hotel car park will be used as an overspill car park. (There were 56 spaces proposed for 27 offices; this has now been amended to 45 spaces for 25 offices).

Landscaping

It is intended that 'soft' landscaping will be carried out around the outer sides of the development, especially facing Pendle Way on the bank and bund flanking the public footpath linking from Pendle Way to the Town Centre on the north side. Within the central courtyard and adjoining the car parks, the emphasis is on high quality hard landscaping and surfacing, but with some low maintenance ornamental shrubs and small trees in beds and planters. Further details of the landscaping can be obtained by way of condition.

Footpaths

Footpath no. 18 currently crosses the site and will need to be the subject of a diversion.

The applicants have added a footpath/cycle link from the rear of the offices to the footpath at the rear of houses on Bamburgh Drive.

Conclusion

It has been determined that an office development is acceptable in this out of town location (as has been shown by the submitted Sequential Assessment), that the impact on the surrounding area in terms of traffic etc. is acceptable and that the design and materials are appropriate in this location.

Recommendation: That the application be approved subject to the following conditions:

1. The development must be begun within three years of the date of this decision.
2. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. Hard landscaping shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); Soft landscaping shall include schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate.
3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme approved in writing by the local planning authority.
4. Notwithstanding any description of materials in the application, no development shall start until precise details of the colour of the panels for the elevations, and the roof have been submitted to and approved in writing by the Local Planning Authority.
5. No development shall be commenced unless and until three copies of a site investigation report (the Report) has been submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of ground contamination and ground gases on site and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of ground conditions on the health and safety of site workers, on nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property. The investigation shall where appropriate include a risk assessment and an options appraisal including the remedial strategy.

The proposed risk assessment, including the sampling and analytical strategy shall be approved in writing by the Local Planning Authority prior to the start of the site investigation survey.

The development shall be carried out in accordance with the approved Report including its risk assessment, options appraisal and recommendations for implementation of the remedial strategy.

Prior to discharge of the Contaminated Land Condition, a Site Completion Report shall be submitted to the Local Planning Authority for approval. The Site Completion Report shall validate that all works were completed in accordance with those agreed by the Local Planning Authority.

6. A scheme for the layout of the car park shall be agreed with the Local Planning Authority. The scheme shall include 10% mobility spaces, motorcycle spaces and secure cycle spaces in accordance with the Lancashire County Council Parking Standards. The scheme as agreed shall be implemented before the premises hereby permitted become operative.
7. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.
8. Before the use of the site hereby permitted is brought into operation, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
9. Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals as approved and the approved plan shall be carried out.

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. In order to ensure that landscaping works contribute to a satisfactory standard of completed development and the long-term appearance of the site harmonises with its surroundings.
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4. To secure a satisfactory development in materials/colour which are appropriate to the locality, in the interests of visual amenity.
5. To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health.
- 6/7. To allow for the effective use of the parking areas.
8. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.
9. To ensure a multi-modal transport provision for the development and reduce the traffic impact on the local road network.

