



Appeal Decision

Site visit made on 4 August 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2020

Appeal Ref: APP/Z2315/W/20/3252022

Astley House, Albert Street, Burnley BB11 3DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by HPW Ltd against the decision of Burnley Borough Council.
 - The application Ref FUL/2020/0010, dated 14 January 2020, was refused by notice dated 1 April 2020.
 - The development proposed is the redevelopment of existing industrial building as supported accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of an existing industrial building as supported accommodation at Astley House, Albert Street, Burnley BB11 3DE in accordance with the terms of planning application Ref FUL/2020/0010, dated 14 January 2020, subject to the conditions in a schedule to this decision.

Application for costs

2. An application for costs was made by HPW Ltd against Burnley Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appeal site lies adjacent to the Canalside Conservation Area (CA). There is no dispute between the main parties that the proposed development would have no adverse effect on the setting of the CA. Having considered the proposal and visited the site, I concur with that view. Accordingly, it is my view that the development proposed would preserve the setting of the CA and I shall make no further reference to this matter.

Main Issues

4. The main issues are the effect of the development on:
 - local housing need;
 - the living conditions of prospective occupiers of the building; and,
 - the security and safety of future occupants.

Reasons

Housing Need

5. The site lies within the Tier 1 settlement area of Burnley. Development Strategy Policy SP4 of Burnley's Local Plan (2018) (LP) identifies Burnley as a Principal Town in the borough where, along with Padiham, most development will be focussed. The development strategy envisages large scale, major and small site development to deliver a comprehensive range of choice of types and tenures of housing.
6. Paragraph 60 of the National Planning Policy Framework (the Framework) requires strategic housing policies to be based on local housing needs assessments to deliver the minimum number of homes needed. Paragraph 61 states that 'Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies'. This includes specialist housing needs of which homeless households form part.
7. In this case I am not directed to any other strategic or detailed policies within the LP as they relate to homeless households or other specialist housing. Although the Council's statement indicates that the assessed need for homeless family housing in 2016, and updated for 2018/19, is currently being met, there is little evidence to indicate the extent of any remaining capacity or how changing circumstances resulting in a requirement to provide for additional need would be met.
8. In the absence of LP policies indicating otherwise, the assessed need is intended only to provide the **minimum** requirement to find consistency with the Framework. As a type of accommodation that will offer increased range of housing choice in a locality prioritised for new development, that is close to services and supporting infrastructure, that would re-use currently underused previously developed land and make efficient use of the land, I find that there is no policy obstacle to the proposal in relation to housing need.
9. Whilst I acknowledge the Council's concerns in relation to how the management and use of the site will integrate with existing provision in the Borough, this detailed matter is subject to influence under other statutory requirements and regulatory regimes. Accordingly, I find that it is not a compelling reason to prevent development that accords with the spatial policies within the LP and the Framework. Furthermore, there is little evidence before me to identify any adverse impacts of providing additional specialist household provision within the Borough.
10. For the above reasons, I conclude that the proposal would contribute to the Government's objective of significantly boosting the supply of homes and meeting the needs of groups with specific housing requirements. It is therefore consistent with the Framework as it seeks to deliver a sufficient supply and variety of homes and accommodation.

Living Conditions

11. The proposals include hostel rooms of between 21-31m² according to the appellant's plans. These are shown to provide a double bed space, en-suite facilities, storage, sitting area and other facilities. Each room would benefit

from natural daylight, an external outlook and additional indoor and outdoor communal spaces would be available to occupiers.

12. In the absence of specified internal space standards within the LP, the Council reference the Government's space standards¹ as a starting point for assessing the size of the proposed individual rooms within the scheme. Whilst this approach is not uncommon, those standards are intended for new dwellings rather than hostel or temporary forms of accommodation.
13. The rooms would provide a functional layout providing for combined bed, dining, living and kitchen space. This space would be augmented by the additional use of the communal areas and would be comparable to many modern hotels or halls of residence. As a proposal for temporary accommodation, I find that the room sizes would be capable of providing a comfortable standard of accommodation proportionate to temporary living needs.
14. For the above reasons, I conclude that the development would align with Policy SP5 of the LP and the Framework as they seek to achieve good standards of accommodation and acceptable living conditions for future occupiers.

Safety and security

15. Policy SP5 of the LP reflects the Framework's requirements to create safe, inclusive and accessible places and avoid crime or disorder, or the fear of it, from undermining quality of life. In that respect the Council previously received the views from Lancashire Constabulary's Architectural Liaison Officer in response to an earlier, identical scheme² at the appeal site.
16. The response advised in relation to concerns over the site's position within a Police Incident Location on the edge of the town centre and adjacent to the Leeds-Liverpool canal where crime rates are relatively high. However, to provide a suitable level of security for the development, the Council reported that the Constabulary advocated the redevelopment of the site in accordance with 'Secured by Design' principles with suitable measures for the building and curtilage to be agreed.
17. Having had regard to the measures reported, I find that they would advance a secure form of development for the future occupiers and assist in improving incidental surveillance in the locality. Whilst the measures are numerous, they are substantially capable of being incorporated within the scope of the development without recourse to seek further planning permission.
18. The Framework states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions or planning obligations³. Although the appellant failed to provide additional information in this respect, despite having had the benefit of the decision to the earlier planning application, this does not prejudice the opportunity to impose a suitably worded condition/s to secure delivery of safety and security measures to make the development acceptable in planning terms.

¹ Technical Housing Standards – nationally described space standard

² FUL/2019/0434

³ Paragraph 54 of the Framework

19. Subject to securing measures to enhance the security rating of the building, I find that the proposal would be capable of ensuring the safety and security of future occupants. The proposal would therefore be consistent with the requirements of Policy SP5 of the LP and the Framework as they seek to achieve designs of development with the safety and security of occupants and passers-by in mind and help to reduce crime and the fear of crime including through increasing the opportunity for natural surveillance.

Conditions

20. The Council have suggested several conditions which I have considered alongside the advice in the Framework and Planning Practice Guidance (PPG). I find the majority to be reasonable and necessary in the circumstances of this case. However, some have been edited for precision and clarity. An additional condition in relation to the agreement and implementation of building security measures has been added to achieve a safe and secure form of development, as anticipated by the appellant.
21. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
22. To ensure that risks from contamination to people and the environment arising from potentially contaminating former uses of the site are minimised, a condition requiring the assessment of site contamination and any consequential remedial works is required. This condition is, of necessity, a pre-commencement condition to encompass safe measures at all stages of the development.
23. To provide effective vehicular access, parking, and encourage reductions in carbon emissions, conditions requiring implementation of the access and parking arrangements along with electric vehicle charging provision are required.
24. To safeguard the living conditions of occupiers from internal and external noise sources a noise attenuation scheme is necessary. To safeguard the amenities of nearby residents a condition to limit the times of building operations on the site is imposed.

Conclusion

25. For the above reasons, the appeal should be allowed subject to the conditions contained in the attached schedule.

R Hitchcock

INSPECTOR

Schedule of conditions for planning permission Ref. FUL/2020/0010.

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans, except where revised versions are required by other conditions: CHOUD/02 – DWG 00 – site plan; CHOUD/02 – DWG 02a – proposed block plan; CHOUD/02 – DWG 05a – proposed floor plans; and, CHOUD/02 – DWG 06 – proposed elevations.
- 3) No development shall take place until:
 - 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 any required remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

The required 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.
- 4) Prior to first occupation of the building for supported accommodation, a scheme for works to provide a secure form of development with reference to Secured by Design – Homes 2019, or any subsequent iteration of that document, shall be submitted to and approved in writing with the local planning authority. The approved measures shall be incorporated within and for the duration of the development.
- 5) The car park and manoeuvring scheme shall be marked out in accordance with the approved plan before the use of the premises hereby permitted becomes operative. The parking and manoeuvring areas shall be retained for those purposes for the duration of the development.
- 6) Electric charging points shall be provided for 1 of the car parking spaces shown on the Block Plan drawing 'CHOUD/02 Dwg 02a'. The spaces shall be constructed and marked out and the charging point installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Continued.....

7) The accommodation hereby approved shall be insulated against noise before the building is first occupied as supported accommodation in accordance with a scheme previously submitted to and agreed in writing with the local planning authority. The scheme shall provide details of noise insulation to ensure that the noise level within the units does not exceed: 35 dB LAeq, 16hour for living rooms (07.00 hours - 23.00 hours); 35 dB LAeq, 16hour for bedrooms (07.00 hours - 23.00 hours 30 dB LAeq, 8hour for bedrooms (23.00 hours - 07.00 hours); 45dB LAm_{ax} for individual noise events in bedrooms (23.00 hours - 07.00 hours).

8) All works and ancillary operations in connection with the construction phase of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 08.00 hours and 17.00 hours on Mondays to Fridays and between 08.00 hours and 13.00 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, application in writing must be made with at least seven days notice to the local planning authority.

End of schedule.