Full Planning Application
Change of use from Use Class B2 to A2, B1 and D1 including proposed extensions to Sandygate Mill, Sandygate Mill Weaving Shed and Sandygate Engine House; erection of car park in Sandygate Mill Weaving Shed; reinstatement of the external elevations of the existing Waterloo Hotel; demolition of Trafalgar House and Waterloo Works and 1 bay of Sandygate Mill Weaving Shed with associated landscaping and servicing. [Variation (by substitution of drawings and details required by condition) of planning permission originally granted under reference APP/2012/0505].

WEAVERS TRIANGLE, LAND AND BUILDINGS OFF TRAFALGAR STREET/SANDYGATE, BURNLEY

Background:

The applications relate the rectangle of land shown on the plan below, and contains Slater Terrace (Grade 2 listed), Trafalgar House and the attached Waterloo Works; Sandygate Shed, Waterloo Hotel and Sandygate Mill (Grade 2 listed).

Planning permission (part full, part outline), together with Listed Building and Conservation Area Consents, was granted on 8 February 2013. A variation of the terms and details of the planning permission is now sought. The LBC and CAC would not be changed.

Relevant Policies:

Burnley Local Plan Second Review (Saved Policies)
Economy and Work:
EW1 - Land for Business (B1) and General Industrial (B2) and Warehousing (B8) Development

Town Centre, retail and associated matters:
BTC12 - Canal and Riverside Development in Burnley Town centre
BTC6 - The Weaver's Triangle
Transport:
TM11 - Traffic Management in Burnley Town Centre
TM2 - Transport Assessments
TM16 - Car Parking Standards
TM3 - Travel Plans
TM6 - Footpaths and Walking within the Urban Boundary

General Policies:
GP3 - Design and Quality
GP5 - Access for All
GP7 - New Development and the Control of Pollution
GP8 - Energy Conservation and Efficiency
GP9 - Security and Planning Out Crime

Environment and Conservation:
E11 - Alterations, Extensions, Change of Use and Development Affecting Listed Buildings
E13 - Development in, or adjacent to, Conservation Areas
E14 - Demolition in Conservation Areas
E20 - Development and Archaeological Remains
E22 - Gateways and Throughroutes
E3 - Wildlife Links and Corridors
E9 - Water Bodies and Water Courses

National Planning Policy Framework (NPPF)
Planning Policy Statement 5 – Planning for the Historic Environment (PPS5PN)

Article 31 Statement

There was need for negotiation with the applicant on details of the proposals. Amendments were made to the proposal which brought a consensus of acceptability amongst agencies involved in heritage matters relating to the development. The proposal was thereby in accordance with the development plan and the National Planning Policy Framework.

Site History:

87/0273: Refurbishment to convert premises to office, dwellings and workshops (Slaters’ Terrace) - Granted
88/0393: Renovation of Mill building to for craft workshops on ground floor/offices on upper floors (Clock Tower Mill) – Withdrawn
94/0209: Change of use from Mill and Cottages to Hotel (Slaters’ Terrace) - Granted
94/0211: Erection of new Public House/Restaurant (Outline) (Land Opp Slaters’ Terrace) - Granted
96/0580: Refurbishment of part of building and new 5 storey building for specialist retail and conference centre (Clock Tower Mill) – Withdrawn
2006/0865: Proposed erection of new buildings and adaptations/alterations/extensions to existing buildings to promote a mixed use commercial development including B1 office/business uses; D2 leisure; A3 and A4 restaurants/cafes and drinking establishments; A2 financial and professional services; A1 retail and C3 residential; together with ancillary parking/servicing and provision of public spaces (all other matters reserved for future approval) - Granted

APP/2007/1155: Proposed erection of new buildings and adaptations/alterations/extensions to existing buildings to promote a mixed use commercial development including B1 office/business uses; D2 leisure; A3 and A4 restaurants/cafes and drinking establishments; A2 financial and professional services; A1 retail and C3 residential; together with ancillary parking/servicing and provision of public spaces (all other matters reserved for future approval) (Amended Scheme for APP/2006/0865)) – Granted

APP/2010/0554: Urgent works across the Sandygate site of the Weavers Triangle, Canalside Conservation Area, the site includes the Victoria Mill complex, Sandygate Mill, Slater Terrace, works comprise removal of asbestos, stabilisation and structural repairs, boarding of existing windows and doors, provision of new roofing and temporary rainwater goods - Granted

APP/2010/0556: (Listed Building application) Urgent works to secure the buildings Slater Terrace and Sandygate Mill. Works comprise roof repairs, new roof coverings, window hoardings, door hoardings, temporary rainwater goods, removal of asbestos, access works, demolition of modern boiler house for improved access setting. – Granted (Secretary of State)

APP/2010/0550: (Listed Building application) Urgent works to stabilise Victoria Mill Weaving Shed and Engine House, plus consolidation works to the external walls of Victoria Mill itself. To secure the buildings against vandalism and to make the structures watertight. Works to include: underpinning, structural anchors and ties, removal of the roof and upper floor of the engine house to prevent collapse, providing new roof coverings, overboard windows and doors, removal of asbestos shed – Granted (Secretary of State)

APP/2012/0134: Change of use of Victoria Mill from B2 (General Industrial) to D1 (Non-residential Institutions) and proposed erection of multi-function hall, including demolition of Trafalgar House, Waterloo Works (including lean-to at north east end), car-wash canopy and building, and building on Wiseman Street Yard, to provide a Visions Learning Trust University Technical College, with associated landscaping, car parking and servicing – Granted (Secretary of State)

APP/2012/0135: Alterations and extension to Victoria Mill in connection with change of use from B2 to D1 and proposed erection of multi-function hall, to provide a Visions Learning Trust University Technical College, with associated landscaping, car parking and servicing - Listed Building Consent Granted

APP/2012/0136: Demolition of Trafalgar House (retaining its Trafalgar Street façade), Waterloo Works (including lean-to at north east end), car-wash canopy and building, and building on Wiseman Street Yard, in connection with change of use of Victoria Mill from B2 to D1 and proposed erection of multi-function hall, to provide a Visions Learning Trust University Technical College, with associated landscaping, car parking and servicing – Conservation Area Consent
APP/2012/0505 – (Part Full and Part Outline)
Change of use from Use Class B2 to A2, B1 and D1 including proposed extensions to Sandygate Mill, Sandygate Mill Weaving Shed and Sandygate Engine House; erection of car park in Sandygate Mill Weaving Shed; including demolition of Trafalgar House and Waterloo Works and 1 bay of Sandygate Mill Weaving Shed with associated landscaping and servicing; together with Outline Application (with all matters reserved); partial demolition of Waterloo Hotel and the erection of a new building for Use Classes A2, B1 and D1 – Granted

APP/2012/0506: Works to listed buildings and adjacent buildings in connection with:
Change of use from use class B2 to A2, B1 and D1 including proposed extension to Sandygate Mill Engine House; Erection of car park in Sandygate Mill Weaving Shed, including demolition of Trafalgar House and Waterloo Works and one bay of Sandygate Mill Weaving Shed, with associated landscaping and servicing; partial demolition of Waterloo Hotel and erection of new building (outline application with all matters reserved) for use classes A2, B1 and D1 - Listed Building Consent Granted

APP/2012/0507: Demolition of Trafalgar House, Waterloo Works and one bay of Sandygate Mill Weaving Shed and partial demolition of Waterloo Hotel - Conservation Area Consent Granted

Consultation Responses:
Highway Authority – Previous conditions apply.

A series of meetings, including representatives from English Heritage, in which the details were discussed, with a general consensus on the final designs on which the recommendation is made.

Planning and Environmental Considerations:

The site is in the Canalside Conservation Area, part of the Weavers’ Triangle. The Weavers’ Triangle is highly regarded nationally as a largely intact area representative of the period of C19th industrialisation, in particular, the development of cotton textile manufacture and allied trades. The development plan is strongly supportive of the regeneration of the area.

The heritage buildings have now been vacant and vulnerable for several years, earlier proposals having been unsuccessful, but the position has now changed with the development of Victoria Mill (adjacent the present site) for education purposes. The present scheme is phase 2 of the area regeneration proposals; the present submission is to update the details of the development which is proceeding in earnest.

Details of the present proposal
A brief summary of the changes now made are given by the applicant as follows:

Waterloo Hotel
1. Waterloo pub building is now retained in its entirety without major modification except for reinstating timber sash windows, rebuilding chimneys and re-slating roof covering
2. Car park elevation to Waterloo pub to be masonry pointed and not rendered

**Link Tower**

1. Link tower is now proposed as a masonry structure with individual windows and a lead top/roof detail and not lightweight cladding and glass as originally proposed.

**Sandygate Mill**

*Drawings 12.106.04.422M, 12.106.04.425J*

1. Proposed top floor balcony has been omitted
2. Proposed coloured panels at ground floor have been omitted and simple matching multi pane windows proposed.
3. All windows proposed to be timber multi pane windows to patterns shown

**Trafalgar Street elevation**

*Drawing 12.106.02.209C*

1. Large existing opening to have timber boarded door detail and not built up as previously indicated
2. Existing window openings to retained facade of Trafalgar House to have new timber windows to patterns shown

**New deck car park**

*Drawings 12.106.02.222E*

1. Cladding to car park elevation facing UTC building amended to be galvanised open steel mesh and not Corten, pattern and extent also amended.
2. Corner of retained rear facade at Trafalgar House to have Corten cladding as indicated

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**Form of permission; terms and conditions**

The original permission was granted as part full/part outline to enable further investigation of the design needs of former Waterloo Hotel part of the site. There was a possibility of partial demolition; but that was strongly counselled against by the Victorian Society and others, and, it was in conflict with development plan conservation area and heritage policies.

The applicant’s present proposal is to retain the building, full design details are now included and outline terms of permission are not required.

The application is made in the form of a s73 variation of the original permission. The application has to be considered (in relation to the development for which the previous permission was granted) only on the question of the conditions subject to which the planning permission is granted.
Under s72 conditions may be imposed on the grant of planning permission. Circular 11/85 sets the tests for such conditions, including ‘necessary’. The ‘outline’ form of conditions is not necessary; the permission should be in plain form.

The time for starting the development cannot be extended under s73 applications. However, as the new terms of the permission would dispense with the outline permission it is reasonable that the development under the permission is construed as one – with one specified start date, tied to the original permission.

**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. Measures, having the prior written approval of the Local Planning Authority, (including temporary protective fencing or as otherwise approved) shall be put in place (and kept so throughout the operational development) to prevent debris entering the canal.

4. Full details of any external materials, treatment, fittings, plant or equipment, not identified in the application, shall be submitted to and approved in writing by the Local Planning Authority before their use, construction, fitting or other placement in the exterior of the development.

5. The treatment of outdoor areas shall be carried out in accordance with the application details (drawings no. 12.106.111A and 112B) before the first occupation of the development (unless other details and/or date is approved in writing by the Local Planning Authority). Any other hard and soft landscaping works shall be in accordance with details having the prior written approval of the Local Planning Authority. Hard landscaping shall include changes made to finished levels; means of enclosure; pedestrian and vehicle barriers; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (including furniture, outdoor equipment, refuse or other storage units, signs, lighting). Soft landscaping shall include schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

6. Unless otherwise approved in writing by the Local Planning Authority, no part of the development shall be brought into use until (a) a scheme for the construction of all site access, emergency access and the off-site works of highway improvement (insofar as necessary to accommodate the development and mitigate its impact on the highway network) has been submitted to and approved in writing by the Local Planning Authority, AND, (b) any construction in accordance with that scheme has been carried out as approved. The scheme may demonstrate account taken of any mitigation measures relating to other development (being development identified on a masterplan for the area submitted with the scheme) for which permission is granted,
or an application is submitted and granted before the development hereby permitted is brought into use.

7. The car and cycle/motor cycle parking details shown in the application (drawings no. 12.106.02.220B and 12.106.02.221B) shall be implemented prior to the first occupation of the development, unless otherwise approved in writing by the Local Planning Authority.

8. Before construction works begin, a construction works management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provisions to avoid or minimise adverse impact on adjacent highways and through routes during construction works and shall include details of phasing of construction of the development and off-site highway works, routing and parking of construction vehicles, proposed temporary closure of any highway, arrangements to minimise peak-time movement and standing of vehicles on the highway. The scheme shall be implemented as approved.

9. Wheel scrubbing/wash down facilities (to prevent mud being deposited by construction vehicles onto the public highway) shall be provided at all times following the start of and during the construction works in accordance a scheme having the prior written approval of the Local Planning Authority.

10. Within 6 months of the date the development comes into use a Travel Plan identifying methods of encouraging sustainable modes of transport (in particular reducing trips by private car to and from the site) shall be submitted to and approved in writing by the Local Planning Authority. Without prejudice to its generality the Travel Plan shall (as one of those methods) include provision for the management of any car parking spaces provided in connection with the use of the building. The Travel Plan shall be implemented as approved.

11. There shall not, at any time, be obstruction to driver visibility, more than 1m in height above the road level, within any visibility splay.

12. The development hereby approved shall include a scheme for the disposal of foul and surface waters which shall have the prior written approval of the Local Planning Authority. The scheme shall be implemented as approved in relation to any part of the development before that part of the development is brought into use.

13. Before the development starts (or before such other date as may be approved in writing by the Local Planning Authority), a written scheme of investigation relating to a programme of building recording and analysis shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. A copy of the record shall be lodged with the Local Planning Authority within two months of its completion.

14. Before any part of the development is first occupied, provision shall be made, in relation to that part of the development, in accordance with a scheme, having the prior written approval of the Local Planning Authority, for the enhancement of ecological habitat features in relation to species (which may include bats and swifts) identified in the scheme.
Reasons:

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 avoid pollution of this aquatic habitat.

4. To ensure an acceptable quality of any necessary or incidental works and alterations to the buildings, in accordance with policy GP3 of the Burnley Local Plan, Second Review.

5. 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 in accordance with policy GP6 of the Burnley Local Plan, Second Review.

6. In order to ensure that the final details of the works are acceptable and made available before traffic impacts of the development on the highway network, in the interests of highway safety and in accordance with policy GP1 of the Burnley Local Plan, Second Review.

7. In the interests of highway safety and in order to ensure that safe and convenient off-street car parking is provided in connection with the development, in order to encourage alternative methods of travel and a wider choice of transport modes, in accordance with policy GP1 of the Burnley Local Plan, Second Review.

8. To maintain the operation of local streets and through routes in the area during construction, particularly during peak periods.

9. In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, in accordance with policy GP1 of the Burnley Local Plan, Second Review.

10. To identify measures for improving sustainable transport, and in particular reduce private car use, in relation to the development, in accordance with policies TM3 and TM15 of the Burnley Local Plan, Second Review.

11. In the interests of highway safety.

12. To prevent the increased risk of flooding and to prevent pollution of controlled waters in accordance with policies E8 and E9 of the Burnley Local Plan, Second Review.

13. To ensure that adequate records are made, as the buildings are of historical importance, in accordance with policies E10 and E11 of the Burnley Local Plan, Second Review.
14. To ensure provision is made for conservation and enhancement of habitats in accordance with Policy E5 of the Burnley Local Plan Second Review and the National Planning Policy Framework.

Notes:
1. This permission is in relation to the original planning permission APP/2012/0505 which was granted partly in full and partly in outline. It changes the original permission (a) by: variation of Condition 2 of the full planning permission (by substitution of drawings), together with minor consequential changes to other conditions; and, (b) by removal of ‘outline’ conditions 1, 2, 3 and 4 relating to Waterloo Hotel, so that no part of the permission is thereby construed as being in outline.

AR
31.3.2014