Appendix 2- Conservation Area Management Plan- Summary

Recommendations

The Setting of the Conservation Area

1. Although no formal boundary extensions are proposed in this appraisal, the following areas contribute, or have the potential to contribute more strongly, to the setting of the Canalside Conservation Area. Any proposals for development in the following areas should be sympathetic to the Conservation Area and enhance its setting, as per guidance in the National Planning Policy Framework.

2. Area 1: The Renault garage on Trafalgar Street which is of very different character to the surrounding industrial buildings. Further development on, or comprehensive redevelopment of this area, should take the opportunity to enhance the Conservation Area’s setting.

3. Area 2: The Crown Court and adjacent buildings and car parks. This area contains Meadow Mill which has a positive impact on the Conservation Area, being of similar construction to the Canalside’s principal heritage assets. Any proposals to redevelop this area should be done so sensitively, to tie in the Weaver’s Triangle to the town centre with high-quality legible design and integrated public realm improvements.

4. Area 3: The immediate surroundings of Finsley Wharf, including the terraced housing at the eastern end of Marlborough Street. The character of the site is largely defined by the raised ground to the south and east that creates the bowl effect. The terraces to the east and south rise above the Wharf and provide an extremely strong backdrop and boundary. Any redevelopment of sites within this area would need to replicate the strong sense of enclosure created by the existing terraced housing.

5. Area 4: The area of land containing Susan Mill and its chimney. The mill and chimney are of considerable merit, and a key element of the setting of the Conservation Area at this point. Any development proposals for this area should respect and enhance the Conservation Area’s setting, and seek to preserve and enhance Susan Mill and the chimney in accordance with national guidance on non-designated heritage assets.

6. Area 5: The area of land including Central Mill and its chimney, which is an important landmark to the east of the canal. These buildings should be preserved and enhanced through the planning system, and any redevelopment proposals should respect the Conservation area’s setting.
Review of Statutory and Locally Listed buildings

7. The Conservation Area contains 35 statutory listed buildings and 35 locally listed buildings and 1 ancient monument. It is recommended that a review of all buildings within the Conservation Area should be carried out. A formal review of statutory listed buildings has not been carried out for some time. It is recommended that an assessment of the locally listed buildings and other historic buildings in the Borough check whether any have enough historic or architectural features to for a spot listing application to be made. If any unlisted buildings are found to be of some historic merit but not enough to be for statutory listing, consideration should be given to whether they should be added to the local list. This work will be carried forward as part of the wider review of Burnley's Local List, which will underpin the heritage aspects of the Local Plan, over the course of 2013/14.

Identification of Buildings at Risk

8. The Council will use its Annual Monitoring Report to assess the effectiveness of the Management Plan, and identify where buildings within the area are at risk. Where the Annual Monitoring process highlights the potential for significant deterioration of a heritage asset within the Conservation Area, this will trigger more detailed and focused work, with site owners and others to address the decline.

Statutory Powers

9. Burnley Borough Council is fully committed to using its statutory powers where they are considered appropriate to preserve and enhance the special interest of the Canalside Conservation Area and secure the future of its historic buildings. A clear strategy for exercising statutory planning controls is required, and will form part of the heritage aspects of the forthcoming Local Plan. This will ensure that decisions are consistent and based on policies and guidance.

10. A full appraisal of the legal and financial implications would be undertaken before the Council makes a commitment to implementing any of the above recommendations.

Article 4 Directions

11. Incremental changes to buildings, by way of permitted development rights can have a detrimental impact on the character and appearance of the area. Article 4 Directions can be used to withdraw certain permitted development rights under the 1995 Town and Country Planning (General
Permitted Development) Order. In order to implement such a direction it is necessary to prove that works carried out under the Order have a direct and detrimental impact on the character and/or appearance of a Conservation Area.

12. There are currently no Article 4 Directions in force within the Canalside Conservation Area. This report recommends that the use of Article 4 directions is investigated as part of the wider heritage aspects of the Local Plan, including a review of resources available to progress manage and resource any additional controls.

Urgent Works and Repair Notices

13. Where necessary the Council will deploy the planning, architectural and legal resources necessary to serve Urgent Works and Repair Notices on property owners who neglect historic buildings to enable urgent works and repair works for the proper preservation of listed buildings within and outside the conservation area that contribute to the setting of the conservation area.

Section 215 Notices

14. Where land and buildings (through fire damage or general dereliction) are considered to adversely affect the amenity of the Conservation Area, the Council will consider the serving of a Section 215 Notice.

15. Powers are available under Section 215 of the Town and Country Planning Act 1990 to require the owner and occupier of land which the authority considers is in such a condition as to adversely affect the amenity of the borough to take steps to remedy that adverse condition. This takes the form of a formal Section 215 Notice and 28 days notice has to be given.

Enforcement

16. The failure to comply with any of the special planning procedures within the Conservation Area could lead to enforcement by the Council.

17. Local planning authorities can take enforcement action where they believe there to have been a breach of planning control. The National Planning Policy Framework suggests that councils should develop a plan to manage enforcement proactively in a way appropriate to their local area.

18. Further work on this will be progressed through the production of the Local Plan’s development management policies, which will firm up the Council's approach to enforcement across the Borough.
Conditions

19. The Council will use the development management process to provide effective control over new schemes. The Council will work with developers to take forward planning applications in a positive manner to enhance the Conservation Area. This will involve application of policy guidance, negotiations with the LPA, retention of key features on street/canal frontages and reinstating lost architectural features. The Council will identify suitable standard conditions that should be attached to appropriate Conservation Area Consent and Listed Building Consent applications.

20. The Canalside Conservation Area Management Plan will form part of a suite of policy guidance for the Canalside Conservation Area. This will include the Canalside Conservation Area Appraisal which appraises the areas historic merit by identifying character areas; an audit of heritage assets; identifying opportunities that exist in the area and making recommendations that are taken forward in this report.

Public Realm Strategy

21. A high quality, attractive and distinctive public realm will help to give confidence to the Weavers’ Triangle and to the Canalside Conservation Area as a whole, providing a strong basis upon which development proposals can come forward. Significant positive steps towards the creation of a high quality public realm have been achieved through the development of Sandygate Square, and the Ropewalks Community Garden.

22. The Council adopted a Public Realm SPD for the Weaver’s Triangle, which guides regeneration and development in the area. This document provides guidance for restoring the quality and distinctiveness of the public realm, in addition to setting out priorities and principles for the design and layout of new public realm. The Council will seek to ensure that any surviving historic streetscape features are retained, and that any future highway works will bring a positive improvement to the character and appearance of the Conservation Area in accordance with the principles of good practice.

23. The Strategy sets out design standards and proposed enhancement schemes for the future and ongoing management and improvement of the public realm.
Design Guidance

24. All new developments will be expected to make a positive contribution to the character and appearance of the Canalside Conservation Area. Respect will be paid to the values contained in the Canalside Conservation Area Appraisal and all developments will be required to respond creatively to their context, respecting the form, scale, massing, materials and local detailing within the historic built environment. In addition, all developments should have a positive response to the Leeds & Liverpool Canal. The built environment should allow easy, attractive and safe routes through the Conservation Area to the Town Centre. The townscape must be added to in a way that enhances the variety and texture. Contemporary design, originality and innovation are encouraged in the context of the historic perspective and if non-traditional materials are proposed, they should be of a high quality. It is to be noted that adopting a contextual approach to new design does not imply that pastiche solutions will be acceptable.

25. The Council is committed to achieving a high quality of design in all new development throughout the Borough. The regeneration of the area requires that proper attention be paid to the maintenance and repair of the existing historic fabric and the traditional detailing of works of reinstatement. In new buildings and the public realm high quality design and attention to detail and materials is paramount if the special character of the area is to be preserved and enhanced.

26. Proposals affecting buildings of heritage merit or the character of the Conservation Area should be based upon the retention of the historic fabric. New developments will be required to meet strict conservation planning requirements in order to ensure that the highest standards of design, materials and craftsmanship are achieved, be they part of either repair or reinstatement works.

27. The historic townscape of the Weavers' Triangle has a strong visual identity due to the traditional building materials used throughout the area. This special character is an asset and must be preserved. Materials utilised in future developments must have a positive relation to the existing texture, colour and scale of materials. Any non-traditional materials must be used respectfully within the Conservation Area and should sit well alongside the traditional building materials. This does not mean that new developments should simply copy traditional building materials. For example rainscreen cladding could relate well to the traditional stone rubble, where large areas of stainless steel might look out of place. All proposals for new developments or refurbishment works should be
discussed with Planning and Conservation Officers. Where appropriate samples should be submitted to the LPA and approved prior to the implementation of the development. Further advice on appropriate materials for the conservation area is contained within the Public Realm Strategy.

28. To ensure that the high standards of design required are achieved, regard should also be had to the design principles contained within the National Planning Policy Framework and English Heritage's Planning for the Historic Environment Practice Guide.

Conclusions

29. The Management Plan has been drafted in the context of ongoing regeneration in particular the Townscape Heritage Initiative and identifies the features within the Canalside Conservation Area that are of special architectural or historic merit and considered worthy of special attention, protection and improvement.

30. The Canalside Conservation Area Management Plan aims to be an effective tool to manage the preservation and enhancement of the Canalside Conservation Area. The Conservation Area Management Plan has been informed by the Conservation Area Appraisal. Once the Conservation Area Appraisal and Canalside Conservation Area Management Plan have been adopted they will be used as a basis to inform development control decisions. They will also be used as a basis for future funding applications to repair and find new uses for derelict properties, restore traditional features and other environmental works.