Applications Recommended for Delegation

Trinity Ward

APP/2012/0505 – Part Full and Part Outline 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; 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

APP/2012/0506 - Listed Building Application
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.

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

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

Background and Report Summary:

1. 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).
2. 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.

3. The heritage buildings have now been vacant and vulnerable for several years, earlier proposals having been unsuccessful.

4. The position has now changed, however, with the development of Victoria Mill (adjacent the present site) for education purposes. The present scheme is phase 2 of the area regeneration proposals which are shown on the indicative masterplan copied below:

![Development Masterplan](image)

5. The applicant has the imperative to make an early start to the development (if granted), and pre-application discussion on design and details was on-going at the time of submission, and indeed, negotiation is still in progress.

6. Some initial consultation response was unfavourable – in particular, this was about loss of the Waterloo Hotel and general concern about the loss on the integrity of the conservation area/Weavers Triangle.

7. In light of the initial representations the scheme has now been revised, seeking to resolve issues raised. In particular, the vacant Waterloo Hotel building would be re-built (for a new use) in a form retaining part of the original structure.
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 (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
BTC8 - Movement in Burnley Town Centre
BTC9 - Gateways and Throughroutes

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 Policy Note (PPS5PN)
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, stablisation 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

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

Consultation Responses:
Highway Authority – Comments awaited. It is anticipated that any matters of concern can be reserved by condition to enable more extended negotiation.

English Heritage
- General support for the scheme.
- Initial concern about the demolition of Waterloo Hotel resulted in an objection.
- The objection has now been withdrawn, with a request that there is consultation on reserved matters – details of the rebuilt Hotel building.
- Otherwise content that major items of details can be controlled by planning conditions.

Canal and River Trust (formerly British Waterways) – No objections. Comments about arrangements for discharge of surface water into the canal, which is a matter for the applicant to resolve directly with the Trust.

County Archaeologist (LCC) – No objections. Comments related to the need to ensure that historic buildings are recorded prior to their demolition or alteration.

Victorian Society
- General support for the scheme.
- Objection to loss of the Waterloo Hotel. Regard it as a charming and characterful stone-built structure completely in keeping with the wider conservation area in which it stands; occupying an important corner, defining the street.
- [In awareness of the amended proposal to re-build the Hotel building] - Require full restoration of the external envelope of the building in order to withdraw the objection.
- Secondary concerns about some details of the scheme, including:
  - Use of aluminium framed double-glazed windows in Sandygate Mill regarding it as in conflict with the building itself and its part in the setting of the listed Slater Terrace;
• LED lighting of retained façade of Trafalgar House out of character with the historical industrial context.

**Burnley Wildlife Conservation Forum – Comments about the need to make provision for bats and nesting swifts in the exterior of the remodelled buildings. [This would be dealt with under the recommended condition relating to ecology matters]**

**Planning and Environmental Considerations:**

The application relates to a rectangular site bounded by Trafalgar Street, Sandygate and the Leeds and Liverpool Canal, with Victoria Mill set at its westerly end.

A brief description of, and proposals for, the various parts of the site is as follows::

- **Slater Terrace and warehouse (Grade 2 listed)** – proposed to be converted to offices;
- **Sandygate Mill spinning block (Grade 2 listed)** – proposed to be converted for education/training purposes;
- **Sandygate Mill engine house (included in Grade 2 listing for warehouse)** - proposed to be converted to offices in connection with Slater terrace proposal;
- **Sandygate Mill weaving shed (locally listed)** – proposed use as surface car park with 112 spaces.
- **Trafalgar House and the attached Waterloo Works locally listed** – proposed for demolition with the Trafalgar House frontage to Trafalgar Street retained; [consent for demolition has already been granted in relation to the adjacent Victoria Mill proposal. It is included in this application because of site overlap]. The site would be use for construction of an extension to the surface car park in the weaving shed.
- **Waterloo Hotel** – proposed for partial demolition in an outline application. The indicative details show retention of parts of external walls facing Trafalgar Street and Sandygate.

The applicant has submitted a comprehensive set of application documents in support of the proposed development.


These are available on the Council’s planning website.
The layout of the proposed development is copied below for ease of description:

The application sets out proposals to convert and renovate the buildings to enable their new uses. The images below illustrate the proposal.
Slater Terrace and warehouse - existing

Slater Terrace and warehouse – proposed

Proposed frontage to Sandygate
Proposed elevation facing Victoria Mill (UTC)

Proposed elevation facing Victoria Mill (UTC) [Showing possible initial phase]

Image of the proposals for Slater Terrace
Policies and Assessment

A wide range of policies set the planning requirements for the development. The main planning issues arising are the appropriateness of the land use in this location; the provision of sustainable access and transport; and, preservation and enhancement of the heritage fabric.

Land uses

In **Policy BTC6** the Local Plan seeks to permit heritage led regeneration within the wider Weavers’ Triangle area, including the present site. A range of possible uses are identified: Leisure, Tourism, Industrial, Commercial, Residential, and a mix of these uses. The proposed employment based uses are in line with the development plan policy.

**Policy EW10** seeks the provision of training facilities [as included in the proposal] to extend the skills base and increase opportunities.

**NPPF** sets local planning authorities the task of planning proactively to meet the needs of business and support an economy fit for the C21st, encouraging knowledge driven industry.

The policies, taken together, give firm support for the proposal.

Sustainable access and transport

**Policy BTC8** which expects there to be no detrimental impact on road safety, with priority being given to pedestrians, cyclists and public transport.

**Policy GP5** which requires disability access.

**Policy TM15** sets car parking standards for development.

Flexibility in setting local car parking standards is expected by **NPPF** which requires account to be taken of the accessibility of the development, together with the availability of public transport and local car ownership. However, no specific conflict is identified with Local Plan policies.

There are ongoing discussions about off-site highway requirement, including accommodation work in the immediate environs and possible mitigation of traffic impacts on the wider highway network. In this, account is taken of the needs of the adjacent UTC development and opportunities for further development of the Sandygate area. This will be reported further at the meeting.

It is likely that highway, transport and car parking would be managed under the terms of a planning condition related to sustainable travel planning.

Heritage fabric

**Policy BTC6** seeks heritage led regeneration within the Weavers’ Triangle and development that does not respect its character and historical significance will not be permitted.

**Policy E12** (in line with conservation legislation) seeks the preservation and enhancement of the conservation area.
Policy E13 (as relevant in this case) seeks to retain buildings in the conservation area, allowing removal where removal would have no adverse effect on the character or appearance of the area, or where alternative proposals outweigh those in favour of preservation.

The policies are not in conflict with NPPF which supports conservation of heritage assets, putting them to viable uses, and, the desirability of new development making a positive contribution to local character and distinctiveness.

The application is supported by a Heritage Statement which addresses the heritage policies set out in the NPPF.

The retention and re-modelling of heritage fabric shown in the scheme demonstrates that a blend of old and new would be achieved in an appropriate way.

Slater Terrace and adjoining warehouse would be renovated in a manner suited to the listed buildings, with some areas of construction detail for approval under conditions.

The re-modelled weaving shed would have a new use as a car park within its walls retained, thereby continuing its fundamental contribution to the Trafalgar streetscene. Part of its north-light roof structure would be retained as an exemplar of the historic form of construction.

Sympathetic extensions are proposed to facilitate new uses of the buildings; conditions are recommended to require final details of external treatment.

The outline proposal for Waterloo Hotel is shown in the indicative details copied below.

| Indicative details of Waterloo Hotel replacement - Elevations |
**Policy E13** seeks to retain buildings in the conservation area, allowing removal where removal would have no adverse effect on the character or appearance of the area, or where alternative proposals outweigh those in favour of preservation.

**NPPF** requires account to be taken of the heritage significance of the building and the positive contribution it makes, together with the desirability of new development making a positive contribution.

The detail shows how, at once, it would retain a firm corner in the streetscene, rescue features of the Victorian building, and provide animation by introduction of large glazed elements. On that basis the proposal is in accordance with the development plan and national planning policy.

Full details would be reserved matters if outline permission is granted.

There is possibility of archaeological interest in the standing structures and below ground, which would be addressed under the terms of a planning condition.

**Other matters**

*Ecology and habitats*

The application contains a bat inspection report that confirms absence of bat roosts and the intention to work in a precautionary way regarding these protected species. A condition is recommended on relevant ecology matters.

*Archaeological interests*

A condition is recommended in relation to building recording before demolition or alteration takes place.
Conclusion

The proposal has the potential to safeguard important listed building and enhance the highly regarded Weavers’ Triangle conservation area.

It is not unusual for industrial heritage areas to be seriously compromised by long periods of vacancy; and, with the passage of time, to show bleak prospects for economic re-use.

The former basic industries (textiles and heavy engineering) of the C19th, spilling over into C20th will not return – the economic uses proposed require the area to have a lighter and livelier, human-friendly feel. Without that, the area cannot attract the vitality and footfall necessary to secure its future.

The analysis leading to the concept of the overall development indicates clear need for selective remodelling of the industrial fabric to create an environment suited to the new uses proposed.

NPPF (paragraph 133) says that consent should be refused where a proposed development would lead to total loss of a heritage asset. However, it has not come to that – a substantial part of the exterior of the Waterloo Hotel would be retained in its re-building.

Pre-application discussion indicated that major items of the fabric of Slater Terrace and warehouse would be best dealt with under planning conditions requiring full details of the treatment for each item.

Negotiation is still on-going on details of the proposal and the recommendation is made on that basis.

Recommendations:

That provided any matters material to the applications, raised in consultations and negotiations can be satisfactorily resolved, the Head of Housing and Development be delegated to Grant Planning Permission, Listed Building Consent and Conservation Area Consent for the development subject to the conditions set below and any conditions arising from negotiations.

APP/2012/0505

Conditions applying to Planning Application for Change of Use:

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. Before the development is brought into use (or before such other date as may be approved in writing by the Local Planning Authority) the site access and any off-site works of highway improvement (including to be inserted…..) shall be constructed in accordance with a scheme having the prior written approval of the Local Planning Authority in consultation with the Highway Authority.
4. 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 with details having the prior written approval of the Local Planning Authority.

5. 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 before the development is brought into use.

6. 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.

7. 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.

8. Before the development is first occupied, provision shall be made 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. In order to ensure that the final details of the works are acceptable and made available within a reasonable time period for use in connection with the development, in the interests of highway safety and in accordance with policy GP1 of the Burnley Local Plan, Second Review.

4. 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.

5. 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.
6. 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.

7. To ensure a sustainable form of development and prevent pollution of this aquatic habitat.

8. 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.

Conditions applying to Outline Planning Application (Waterloo Hotel site):

1. Approval of the details of the access, layout, scale and appearance of the buildings, and the landscaping of the site (the reserved matters) shall be obtained from the Local Planning Authority in writing before any development starts.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the access, layout, scale and appearance of any buildings to be erected and 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 matters 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 last of the reserved matters to be approved.

Reasons:

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.

APP/2012/00506 (Listed Building Consent)

Conditions:

1. The works shall start within three years of the date of this consent.

2. The development shall be carried out in accordance with the application details and the drawings listed above.
3. All new stonework shall match the existing building in terms of material, colour, texture, coursing, size and surface tooling, unless otherwise approved in writing by the local planning authority.

4. Notwithstanding the submitted details of treatment of the hereby identified parts of the building, the treatment shall be in accordance with full details to be submitted to and approved in writing by the Local Planning Authority. The identified parts are as follows:
   
   a) details of window frames, glazing and external doors,
   b) details of external materials,
   c) details of surface treatment of outdoor areas,
   d) details of reinstatement of the balcony to Slater Terrace,
   e) details of treatment of the barrel vaulted roof of the Slater Terrace basement,
   f) details of designs relating to internal timbers.
   g) details of rainwater goods,
   h) details of external plant.

Reasons:

1. Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. To ensure that the work remains in accordance with the requirement to safeguard the Listed Building as set out in the relevant law, policies and advice.

3. To ensure the extension is constructed in material which is in keeping with the existing building, in accordance with policy E10 of the Burnley Local Plan Second Review.

4. Full details of those matters are not included in the application, and to ensure that the works and alterations to the buildings preserve and enhance the character and appearance of the Listed Buildings, in accordance with policy E10 of the Burnley Local Plan, Second Review.

APP/2012/0507 (Conservation Area Consent)

Conditions:

1. The works hereby permitted shall start within three years from the date of this consent.

2. This consent shall only have effect in relation to the development described in planning application APP/2012/0505 or any planning permission granted for that purpose.

3. Consent is not given to the demolition of the Trafalgar Street facade of Trafalgar Works and means of support of that façade shall be provided from the
time of demolition of the remainder of the building. The means of support shall have the prior written approval of the Local Planning Authority.

4. No works of the partial demolition of Waterloo Hotel shall start before:
   I. Approval of all reserved matters under outline planning application APP/2012/0505 has been granted, AND,
   II. A method statement demonstrating how the retained walls of the building are to be supported, following the start of demolition, has been submitted to and approved in writing by the Local Planning Authority.

   The partial demolition shall be carried out in accordance with the approved method statement.

**Reasons:**

1. Required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. To ensure that the work remains in accordance with the requirement to preserve or enhance the character and appearance of the conservation area as set out in the relevant law, policies and advice.

3. For the avoidance of doubt and to ensure that attention is given to retention of the façade in the interests of the character and appearance of the conservation area in accordance with Policy E13 of the Burnley Local Plan Second Review.

4. To ensure that (a) full details of a replacement building suited to the conservation area are approved before demolition starts, and (b) proper provision is made for the safeguard of the partially retained heritage asset (Waterloo Hotel).

AR
25.1.2013