

Outline Planning Application

Proposal: Proposed mixed use development of residential and commercial (use classes A2, A3, A4, B1 & C3) (all matters reserved for future approval) (re-submission of application APP/2008/0223) Amended plan received 10 July 09

Location: Site of George Street Mill George Street Burnley

Background:

The application relates to a roughly rectangular site of 1ha fronting the Leeds and Liverpool Canal, in the Weavers' Triangle.

This is a resubmission following refusal of an earlier application, and has involved a lengthy period of negotiation.

This application shows ambitious proposals for development of the site that, when implemented, would help lever forward the economic and social development of the Weavers' Triangle and the Borough as a whole.

Initially, the application included indicative proposals for erection of a 6 storey building alongside the Canal, with a similar building fronting Charlotte Street. For these proposals have now been substituted a scheme of parameters – indicating in block and zone form how the site might be developed for the amount of development (residential, commercial and leisure uses) for which permission is sought. This enables greater flexibility in rolling out acceptable details at the Reserved Matters stage.

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

General

GP1 - Development within the Urban Boundary

GP10 - Developer Contributions

GP3 - Design and Quality

GP4 - Mixed Use Development

GP5 - Access for All

GP7 - New Development and the Control of Pollution

GP8 - Energy Conservation and Efficiency

GP9 - Security and Planning Out Crime

Town Centre, Retail and associated matters

BTC12 - Canal and riverside development in Burnley Town Centre

BTC14 - Provision of open spaces in major development proposals

BTC6 - The Weavers' Triangle

BTC8 - Movement in Burnley Town Centre

CF13 - Restaurants, cafes, public houses and hot food take-aways

Environment & Conservation

E10 - Alterations, extensions, change of use and development affecting listed buildings

E12 - Development in or adjacent to Conservation Areas

E13 - Demolition in Conservation Areas

E15 - Locally important buildings, features and artefacts

E19 - Development and archaeological remains

E20 - Views

E3 - Wildlife links and corridors

E7 - Water bodies and water courses

Economy & Work

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

EW7 - Redvelopment of Existing Employment Land and Premises for Non Employment Uses

Residential Development

H1 - Land for new housing development

H11 - Living over shops and other commercial premises and housing and training projects

H2 - The sequential release of further housing land for development

H3 - Quality and design in new housing development

H4 - Providing a choice of housing in new development

H5 - Local housing needs

H6 - Housing density

H7 - Open space in new housing development

H9 - Regenerating urban areas and neighbourhoods

Transport

TM11 - Traffic management in Burnley Town Centre

TM15 - Car parking standards

TM2 - Transport Assessments (TAs)

TM5 - Footpaths and walking within the urban boundary

North West of England Plan Regional Spatial Strategy to 2021

RT2 – Managing Travel Demand

Site History:

- 1977/0469: Construction of new access into lower factory from George Street - Granted
- 1979/0427: New parking area with footpath and landscaping, alteration to access - Granted
- 1979/0428: New parking area and widening of existing vehicular access to George Street Mill - Granted
- 1986/0460: Single storey extension to premises - Granted
- 1992/0263: Demolition of walls and resurfacing of yard - Permitted development.
- 2008/0223: Outline; Proposed mixed use development of residential and commercial (all matters reserved) – Refused
- 2008/0224: Conservation Area Consent; Proposed mixed use development of residential and commercial - Refused

Consultation Responses:

British Waterways (BW) – No objections. Conditions should be attached requiring a method statement including details of measures relating to protection of the canal and boundary wall, during any works. Request is made for a financial contribution towards upgrading and maintaining the canal towpath. *[My view on this last matter is that as there is presently no access to the Canal towpath from the site, BW is able to make appropriate financial arrangements in relation to the towpath in any agreement with the developer granting rights to towpath access].*

United Utilities – No objection. Advisory notes for the applicant in relation to existing services and apparatus, drainage and water supply.

Environment Agency – No objection in principle. Recommend conditions relating to investigation and possible remediation of contaminated land.

Burnley Civic Society – Support the principle of redevelopment of the site but express the views that the height of the building be reduced and materials used be sympathetic to the remaining buildings in the Weaver's Triangle.

Environmental Health – Potential for site contamination due to past uses. Contaminated land condition required. In addition conditions are required relating to noise assessment, details of external plant, and extraction systems required prior to any development commencing. *[Conditions are recommended as regards contaminated land and noise assessment; details of the other matters would form part of the Reserved Matters application].*

Weavers' Triangle Trust – Do not oppose development for residential and commercial use, but have misgivings about the height and massing of the proposed buildings, considering it more acceptable if they were to be of a low-rise form, especially where adjacent the Canal.

English Heritage -

EH has been re-consulted on the revised application and I am awaiting comments.

On the initial submission EH advised that the applications be refused, because (summarised):

CAC application:

- Demolition not justified
- New development would not preserve or enhance the CA

Outline planning application:

- Outline application with all matters reserved not appropriate in a CA
- Indicative plans show development that is monolithic, overbearing and blocks views into and out of the area due to the layout, orientation and massing.

[Comment - My opinion is that on developments of this scale a step-by-step approach is necessary as the development is brought forward. This involves concept; promotion, marketing and evaluation; and then detailed design to fit an end user. This can only be achieved through the outline application process, and this was the basis of discussion resulting in the present revised submission now for consideration. The application relating to the adjacent Clocktower Mill site (Hurstwood scheme) was dealt with under this process.

I believe this is a reasonable way of reconciling the real concerns about design and character, as expressed by English Heritage and others, and which I share, with the equally real need to see the site brought forward into beneficial use].

Places Matter (Design Review Report of original scheme):

- Acknowledges that this is an ambitious scheme on a complex site; and applauds the architects determination to get to grips with and understand the site; but, as it is a Conservation Area it was strongly felt that a full planning application would have been more appropriate.
- Vertical stacking not necessarily the right solution and encourage looking towards the horizontal.
- Concerns about the viability of the amount of development – phasing development would ease the concerns.
- Approval of the outline application would be to approve the massing and layout – these have neither been worked up in enough detail nor are they felt to be sufficiently successful.

[Comment – These comments were helpful in the discussion leading to the present revised submission].

Planning and Environmental Considerations:

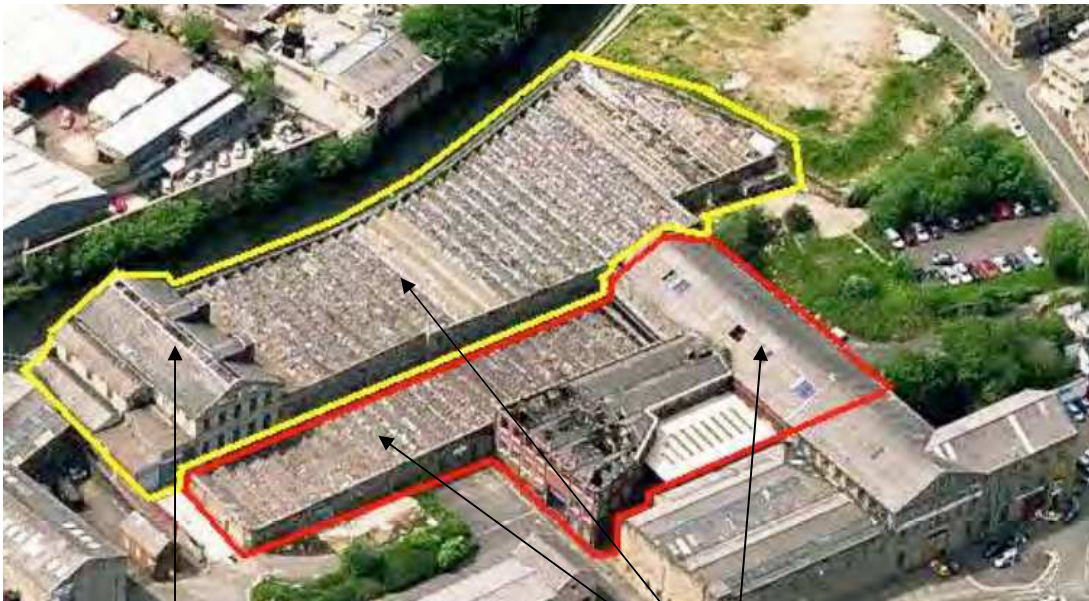
The site and policy context

The proposal relates to a one hectare site alongside the Leeds and Liverpool Canal, in a part of the Canalside Conservation Area known as the 'Weavers' Triangle' (WT). The buildings on the site are not listed.

The canal follows the contours along the hillside to the south of Burnley town centre; it runs NW-SE at this point and is considerably elevated (up to 8m) in relation to the site.

Existing buildings

At the outset the built fabric comprised part single-storey, part two-storey north light sheds alongside and parallel to Canal; attached to a 3/4 storey building, also alongside the canal.



Existing 3 / 4-storey building

Sheds, now partly demolished

Partial demolition has now occurred, removing the roof and interior of the sheds, but notably, the canal side wall of building remains. The 3 / 4-storey building remains, but is in deteriorating condition.



View from footbridge



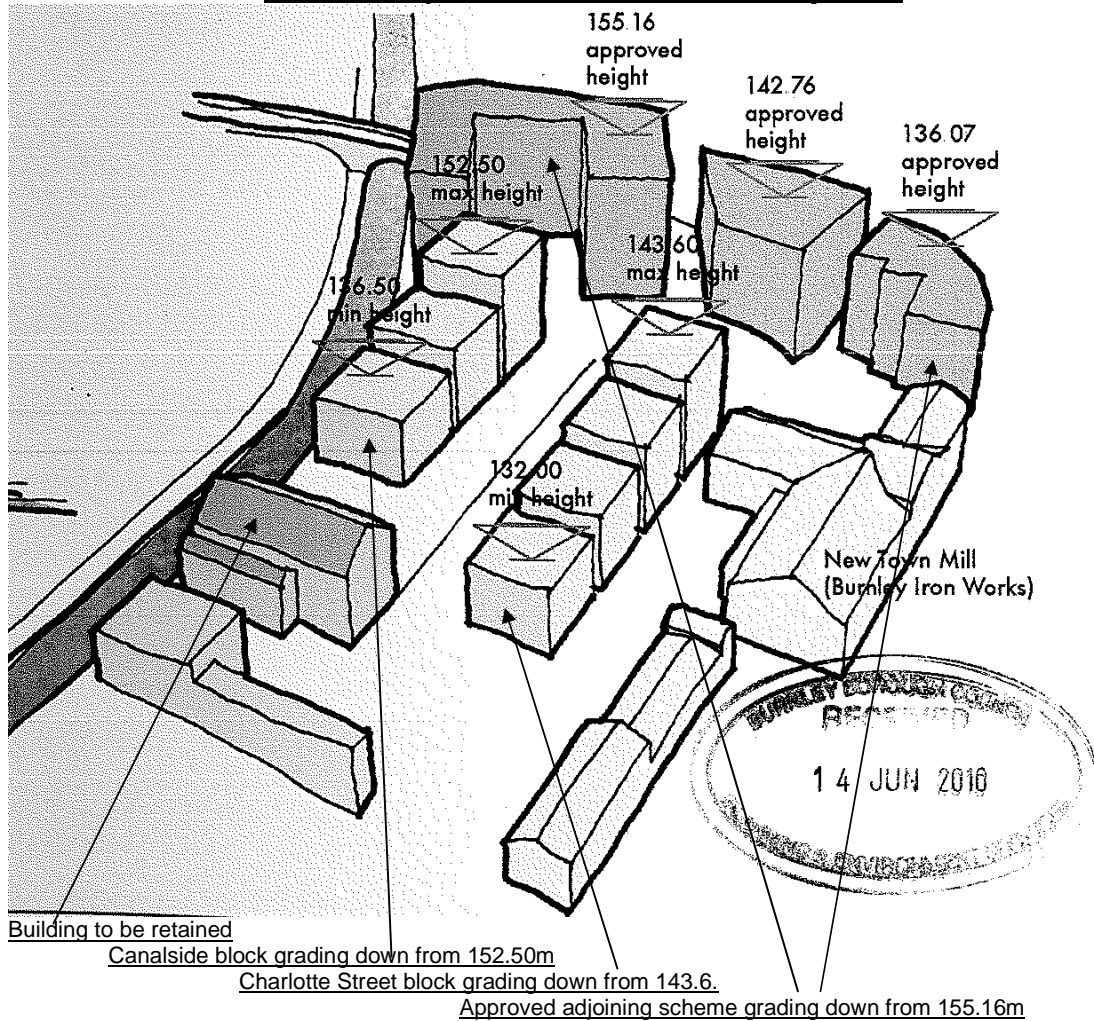
View from near Sandygate

Present proposal

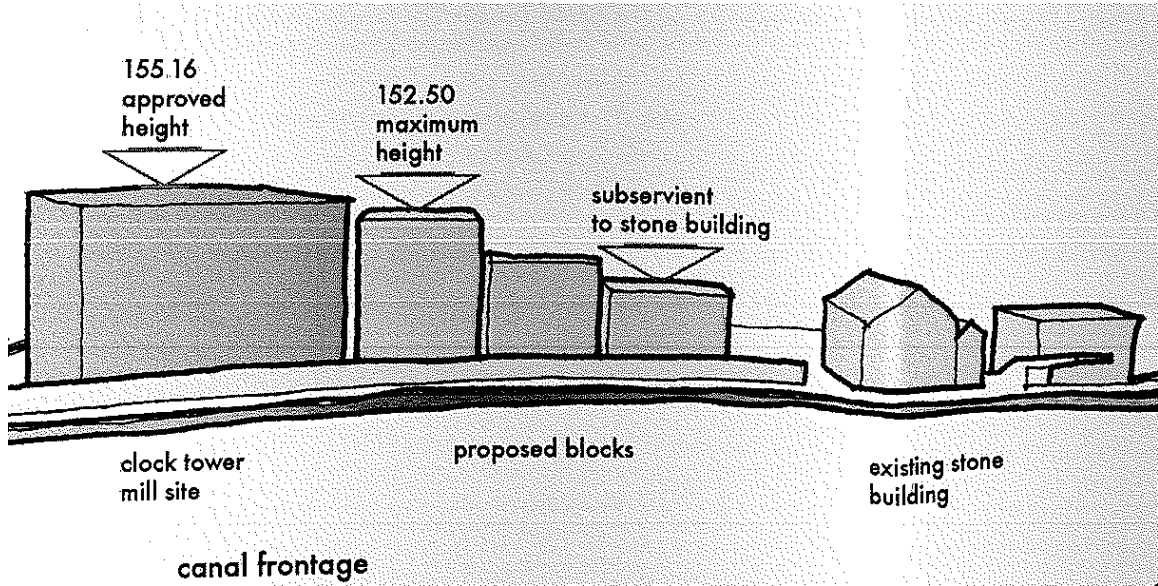
The outline application is for a mixed use development comprising 3700m² of commercial development and 143 residential units. The 3 / 4-storey building would be retained.

The application is presented in a parameters plan document that sets the approximate position of buildings, their maximum height and dimensions, and the principles on which the height and massing should be designed in future submission of reserved matters. Diagrams from the document are copied below for ease of description.

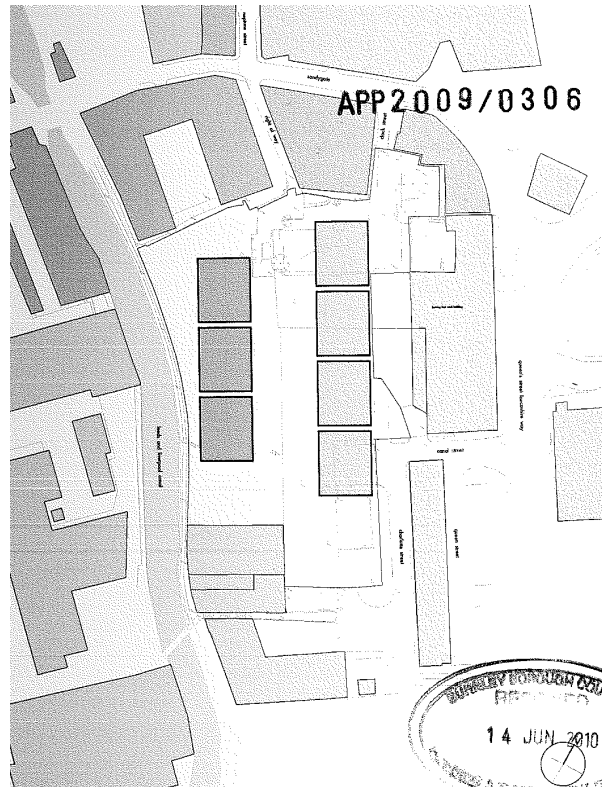
3-D Representation of layout



Canal frontage



Layout Plan



Policy BTC6 states that the Council will *permit heritage led regeneration within the Weavers Triangle for the following uses*

- a) *leisure;*
- b) *tourism;*
- c) *industrial;*
- d) *commercial; and*
- e) *residential.*

Mixed use development for all of the above will also be permitted.

Development that does not respect the character and historical significance of the Weavers' Triangle will not be permitted.

The relevant policies set the requirements for development of this important heritage site. The need is to achieve:

- Development that relates to its canalside and heritage context, preserving and enhancing it (as the case may be); and,
- Providing regenerative economic development.

There is some tension between these two requirements of the policies. In simple terms: the site contained a part single and part two storey mill shed. Yet it covers almost 1ha of town centre land.

However, I do not feel this disparity causes a problem as I see that the character of the development proposed is such that (for CA purposes) it seeks a blend of preservation (retention of canalside wall and building 3) and enhancement (new multi-storey buildings and urban realm).

The character of the application site is of low rise, and low density development. This contrasts with high rise buildings on other sites. Indeed, this high-low contrast is characteristic of the Weavers' Triangle.

My view, however, is that it would be unrealistic to expect low rise development throughout the whole site of the former low rise buildings. The site is centrally located with sustainable transport links, and well suited to an intensive development. The regenerative expectation should be for a development of significant economic and social value to the Borough as a whole.

This need not be done at the expense of the Canalside Conservation Area (CA), or the Weavers' Triangle. But I feel that attempting to simply treat the original form of the canal frontage development as inviolate would be the wrong approach to achieving a 21st century development for this site.

The requirement of planning law and policy is that special attention be paid to the desirability of preserving or enhancing the character or appearance of a CA. The scheme as now presented seeks preservation of the existing Locally Listed canal frontage building; and, it seeks to enhance the CA by replacement urban fabric.

The submitted parameters plan document together with the recommended schedule of condition would set a clear scope to guide submission of the fully detailed designs required for future applications for approval of reserved matters.

I share the concerns raised by the design review panel about immediate viability of the whole scheme. On that basis phasing of development is encouraged in the format of the recommended conditions.

Recommendation: That outline planning permission be granted subject to the following conditions:

Conditions

1. If the development is to be carried out in phases any application for approval relating to this condition shall include a plan sufficient to describe those phases. Approval of the details of the layout, scale and appearance of the buildings, the access thereto and the landscaping of the site (the Reserved Matters) shall in relation to the development (or any phase of the development) be obtained from the local planning authority in writing before the development or phase of the development starts.
2. Plans and particulars of the Reserved Matters referred to in condition 1 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, or If the development is to be carried out in phases, before such date as may be approved in writing by the Local Planning Authority, being not later than the expiration of two years from the first occupation of any other part of the development hereby permitted.
4. The development shall be begun before the expiration of two years from the date of approval of the Reserved Matters relating to the development or any phase of the development.
5. The massing, form, height and layout of any building shown in the Reserved Matters submitted for the purposes of Conditions 1 and 2 shall be substantially in accordance with the submitted Parameters Plan unless such other scheme as is demonstrated to preserve or enhance the Conservation Area is approved by the Local Planning Authority for the purposes of those Conditions.
6. The details of Reserved Matters submitted for the purposes of Conditions 1 and 2 shall demonstrate that the design, materials and quality of the development is such that it will preserve or enhance the character and appearance of the Canalside Conservation Area in which the site is located.
7. The floor space of non-residential development shall not exceed 3700 sqm and not more than 143 dwellings shall be included in the development for which permission is hereby granted.

8. At least 10% of the dwellings shall be affordable housing, special needs housing or Lifetime Homes as defined in Policy H5 of the Burnley Local Plan Second Review. If the development is to be carried out in phases any application for approval relating to Conditions 1 and 2 shall include a plan showing the proposed location of those dwellings.
9. Before the development or any phase of the development (as the case may be) is brought into use: Car parking shall be provided in accordance with the level required by the adopted RSS standard or any standard subsequently adopted in substitute therefore; Cycle and motor-cycle, and mobility parking shall be provided in accordance with Policy TM15 of the Burnley Local Plan Second Review.
10. A Supplementary Transport Assessment shall be submitted to and approved in writing by the Local Planning Authority. Details of the means of access to the development submitted for the purposes of Conditions 1 and 2 shall be designed in accordance with that Assessment and shall also include provision for:
 - i. Cycle link to the canal towpath
 - ii. Pedestrian link to rail stations, town centre and Burnley College including a pedestrian and cycle crossing of Queens Lancashire Way
 - iii. Traffic calming measures on Sandygate, Canal Street and Charlotte Street
11. Any off-site works relating to highways and access approved for the purposes of Condition 10 shall be carried out before any part of the development or any phase of the development (as the case may be) is brought into use.
12. Prior to the start of the development a method statement providing details of mitigation measures to prevent pollution of the Canal during and after construction of the proposed development, and how the boundary wall alongside the Canal will be protected during construction, shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall be implemented as approved.
13. No development shall start until a scheme for the provision of Public Open Space in connection with the development, whether by the making of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 or otherwise, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within one year of the start of the development or as otherwise agreed in writing by the Local Planning Authority.
14. Within 6 months of the start of the development hereby granted, a scheme for public art shall be submitted to and approved in writing by the Local planning Authority. The scheme shall specify a date for implementation and shall specify a date for implementation and shall be implemented as approved.
15. No development shall start until a noise assessment of the noise likely to affect the development has been submitted to and approved in writing by the Local Planning Authority. The assessment shall take into account the noise from

surrounding road networks and any other noise sources which are deemed significant on the site. The assessment shall identify all noise attenuation measures which may be determined appropriate to reduce the impact of noise on the residential properties. Once approved in writing, all noise control measures shall be implemented and thereafter retained.

16. Unless otherwise agreed in writing by the Local Planning Authority, development must not start until conditions a) to d) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. Details of the contents of the scheme should be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report should be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters, including controlled waters,
- o ecological systems,
- o archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and submitted to and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of Approved Remediation Scheme

(i) The approved remediation scheme must be carried out in accordance with its terms prior to the start of development (other than that required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

(ii) Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority.

d) Reporting of Unexpected Contamination

(i) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b), which should be submitted to and approved in writing by the Local Planning Authority.

(ii) Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which must be submitted to, and approved in writing by the Local Planning Authority, in accordance with condition c) (ii).

e) Long Term Monitoring and Maintenance

(i) A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed in writing by the Local Planning Authority, and the provision of reports on the same must be prepared, both of which must be submitted to and approved in writing by the Local Planning Authority.

(ii) Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

The measures in condition e) must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

5– 6 To ensure that the development is fitting for the conservation area site.

7 For the avoidance of doubt about the amount of development for which permission is granted.

- 8 To ensure provision of Affordable or Special Needs Housing in accordance with Policy H5 of the Burnley Local Plan Second Review.
- 9 In order to encourage alternative methods of travel and a wider choice of transport modes, in accordance with Policy TM15 of the Burnley Local Plan Second Review.
- 10 – 11 To ensure that matters relating to accessibility and movement are properly addressed in the design of the scheme.
- 12 To avoid contamination of the Canal waterway, and ground water from wind blow, seepage or spillage at the site, and to ensure that the structural integrity of the Canal and towpath is not compromised in accordance with Policy E7 of Burnley Local Plan Second Review.
- 13 To ensure that adequate provision is made for public open space in connection with the development, having regard to Policy H7 of the Burnley Local Plan Second Review.
14. To ensure that provision is made for public art in the development, in accordance with policy E22 of the Burnley Local Plan Second Review.
- 15 In the interests of the amenity of the future occupants of the development, in accordance with policy GP1 of the Burnley Local Plan, Second Review.
16. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy GP7 of the Burnley Local Plan, Second Review.

AR
18.6.2010