

Application Recommended for Approval
Briercliffe Ward

APP/2008/0550

Outline Planning Application
Proposed residential development (all other matters reserved for future approval)
PRIMROSE MILL SITE HARRISON STREET HARLE SYKE BURNLEY

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Conservation Area Consent
Demolition of existing works for proposed residential development
PRIMROSE MILL SITE HARRISON STREET HARLE SYKE BURNLEY

Background:

The proposal is for the demolition of a building on the site and for the redevelopment of the site for residential.

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

E12 - Development in or adjacent to Conservation Areas

E13 - Demolition in Conservation Areas

EW6 - Economic Improvement Areas

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

GP1 - Development within the Urban Boundary

GP10 - Developer Contributions

GP3 - Design and Quality

GP6 - Landscaping and Incidental Open Space

H4 - Providing a choice of housing in new development

H5 - Local housing needs

H7 - Open space in new housing development

PPG15 - Planning and Historic Environment

TM15 - Car parking standards

Site History:

APP/2007/1008 – Conservation Area Consent - Demolition of existing works: Refused

APP/2007/1005 – Outline application for proposed residential development including details of means of access: Refused

12/01/0171 – Change of use from storage area to hardware shop: Granted

12/93/0161 – Removal of Condition 1 on 12/75/0672 to allow any type of wholesale, packaging, warehousing, distribution and associated offices: Granted

12/75/0672 – Change of use from weaving mill to wholesale pharmaceutical distribution and the provision of parking, loading and unloading area:
Granted

Consultation Responses:

1. Environmental Health – no objections. Conditions required in relation to contaminated land and to limiting the hours of construction works.
2. Streetscene – no objections
3. LCC (Property Services) – have concerns as follows
 - (i) The site is within a Conservation Area
 - (ii) Volume of traffic on access roads
 - (iii) Will have an adverse effect on parking in the area
 - (iv) The inspection chambers for the reservoir at the rear of Queen Street Mill are on the Primrose Mill site. The development could have serious implications for this
 - (v) There is inadequate water pressure at Queen Street Mill. This proposal will exacerbate the problem.
 - (vi) The development will lead to the loss of employment land.
4. Councillor Lishman objects on the grounds that the three storey houses would not be in keeping with the area; the increase in traffic would be detrimental to the area; can the surrounding schools and services cope?
5. Environment Agency has no objections but requires a condition in relation to contaminated land.
6. Parish Council does not have any objections to the proposal but comment as follows
 - (i) The information submitted does not seem to address the loss of employment opportunities
 - (ii) Have concerns in relation to the transport assessment at the level of traffic the development would produce and the existing parking problems in the area.
 - (iii) Three storey buildings are not in keeping with the surrounding area
 - (iv) Inadequate parking provided for the larger dwellings on the site
 - (v) The remote garages on the site have the potential for anti social behaviour
 - (vi) Is there sufficient capacity within local schools
 - (vii) Site requires affordable housing
 - (viii) Bungalows should be included.
7. United Utilities have no objection to the proposal
8. English Heritage – no comments
9. CABE – no comments as application is in Outline
10. Highway Authority – location lends itself to residential development rather than industrial due to the constrained nature of the access.. Plots 22 and 34-40

could seek access from the track to the rear this would create problems in terms of highway safety.

11. R.E.D.U. – The Primrose Mill site has the potential to offer B1, B2 and B8 development. However this site would only ever be considered as a secondary location in terms of accessibility, amenities and location
12. Blackburn Diocesan Board of Finance object on the grounds that the area is a conservation Area and the site represents the edge of the urban form. The proposal does not give any consideration to a community use or small craft workshop. Three storey development would not be appropriate in the north and north westerly areas of the site.. Traffic generated by the proposal is a major concern
13. 16 letters of objection from residents in the area on the following grounds
 - (i) More bedrooms means more traffic problems
 - (ii) Access to the site is constrained
 - (iii) Concerns that the properties will not be built in materials in keeping with the Conservation Area
 - (iv) Will add to overstretched schools in the area
 - (v) Bungalows would be a better option
 - (vi) The three storey houses will not preserve and enhance the Conservation Area
 - (vii) Should not lose the employment area
 - (viii) Side streets leading to the development are overly congested
 - (ix) The site is too close to the heritage area of Queen Street Mill
 - (x) Overdevelopment is spoiling the village of Briercliffe
 - (xi) Development will dominate the skyline

Planning and Environmental Considerations:

The applications are an outline application for residential development with all matters reserved for future approval and Conservation Area Consent for the demolition of the remaining building.

The applicant is a major employer in the town and operates from premises in Martin Street and New Hall Street, Burnley. Until July 2005 this site was used as a major storage and distribution depot by the company but the majority of the premises was destroyed in a major fire.

The remaining premises have poor access and are within or adjacent to residential areas. The company have initiated a search for a suitable site or premises to allow them to consolidate their activities onto a single site to allow on-going business development. An essential element of this development programme is the need to unlock the asset value of the existing land holdings

The application site lies adjacent to the Urban Boundary, and within the Harle Syke Conservation Area. The site is also within the Queen Street, Harle Syke Economic Improvement Area. To the north of the site is St James's Vicarage (Locally Listed) and Church which is included in the Statutory List., and to the south of the site is the rural area. The east of the site comprises of the remainder of the economic improvement area, and the west of the site is predominantly residential.

A window manufacturing business operated from the remaining building on the site, but has recently relocated to alternative premises. The remainder of the site is vacant following a substantial fire in 2005.



view of site from rear

The main issues are

- The loss of the employment land
- The impact on the Conservation Area
- The impact on the Highway network

The loss of the employment land

The site falls within the Queen Street Harle Syke Economic Improvement Area. Within these older employment areas the Local Plan promotes improvements, which would allow for the improvement of existing businesses. The starting point when considering the redevelopment of such sites is that there is a presumption for employment development to remain on the site.

The proposed scheme however removes the remaining employment use and redevelops the whole site for residential. The applicant's case for such a proposal is that the redevelopment of Primrose Mill for business or industrial use would fail to meet the criteria of EW7, which relates to the redevelopment of existing employment sites for non-employment uses. The applicant considers that the land is not suitable

for employment use by reason of residential amenity, access and character. This would not be justification for removing any existing use that is operating from the site.

Also on sites within economic improvement areas the Council understands that the re-occupation of whole sites for employment uses may not be feasible for a number of reasons.

In this case, the Council would have encouraged a mix of uses that would ensure an employment presence was maintained on the site. However, the applicant has submitted a report with the application, that has indicated Harle Syke as being remote from the Town Centre and the M65 Corridor making it unappealing to occupiers and as access to the premises is through a traditional compact residential area the roads are not ideal for modern commercial vehicles.

The report also states that rental levels have to be competitive to attract any new occupiers to a site, which would make any new development of a site of this nature is not economically viable. The applicant has submitted a development appraisal with the report that indicates that it would not be financially viable to develop the site for business uses.

I would therefore conclude that, on balance, redevelopment of the site for residential use only would be acceptable.

The impact on the Conservation Area



view of site along Harrison Street

The Conservation Area lies in the southern part of the village, being centred on St. James's Church and Vicarage. These buildings, built around 1840 of local sandstone, are plain, solid and dignified, thus lending a sense of repose and quality to the area. The Church and Vicarage grounds are fringed by mature deciduous trees and form an island site enclosed by Church Street, Harrison Street, Queen Street and Granville Street. Both the Church and the Vicarage are worthy to be included in the Statutory List of Buildings of Special Architectural and Historic Interest.

The Church Street and Queen Street frontages are lined by two-storey, stone-built, terraced houses of about 1900, some with front bays and gables to the street, creating a rhythmic quality in the street scene.

The Harrison Street frontage was lined by a single-storey, stone-built wall of the weaving shed to Queen Street Mill and by the main frontage of Primrose Mill. Queen St Mill contains machinery of great industrial archaeological interest, including a working mill steam engine. Both mills were worthy of inclusion in the Local List for their technological historical interest, although Primrose Mill no longer stands

The whole area forms a wooded "square", centering on the Church and Vicarage, and includes the main elements of a typical Lancashire textile town at the turn of the century, all in remarkably authentic condition.

Walshaw Mill and Kings Mill, together with Primrose and Queen Street Mills, formed a very definite unit of industrial architecture. Kings Mill in particular forms a very significant part of the setting of Queen Street Mill.

Although the application is in Outline with all matters reserved, the applicant has submitted an indicative layout and the proposed street layout is similar to the development in Annarly Fold, Worsthorne which should preserve and enhance the character of the Conservation Area.

Residents and other respondents have indicated concerns in relation to the design, layout and materials of the proposed development. The full details will be assessed at reserved matters application stage. An acceptable development can be achieved on the site that will preserve and enhance the character of the Conservation Area.

The impact on the Highway network

The site is readily accessible by a range of modes of transport and is close to the existing facilities and services within the Harle Syke District Centre.

The transport assessment indicates that the number of trips that would be generated by the proposed residential development of the site will be fewer than the amount of traffic created when the site was occupied by the former Primrose Mill and the windows manufacturer. In addition some of the previous trips would have been made by HGV's which by redevelopment of the site will be removed from the local highway and improve road safety in the area.

The modelling and the traffic counts undertaken by the applicant's traffic consultant has indicated that there will be very little change in the operation of the Burnley Road/Queen St junction and the Burnley Road/Granville St/Parker St junctions following the introduction of the proposed development. The junction modelling has

indicated the impact on the local highway network would be minimal and will not cause any traffic problems.

The Highway Authority agrees with the Transport Statement and considers that the site is more suitable for residential development than industrial/business development.

The proposed development is in accordance with the Local Plan Policies.

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

1. Approval of the details of the layout, scale and appearance of the building(s), the access thereto 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 layout, scale and appearance of any buildings to be erected, the access to the site 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..
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no access points shall be created to the access track leading from Granville Street at the rear of Plots 22 and 34-40
6. Before any development starts 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 shall be 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.
7. Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation 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. The contents of the scheme are subject to the approval in writing of 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 is subject to the approval in writing of 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,
- o ecological systems,
- o archeological sites and ancient monuments;

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

This 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 is subject to the approval in writing of 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

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.

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 is subject to the approval in writing of the Local Planning Authority.

d. Reporting of Unexpected Contamination

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 is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c).

e. Long Term Monitoring and Maintenance

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 are subject to the approval in writing of the Local Planning Authority.

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.

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

8. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays.
9. Provision shall be made for Affordable or Special Needs Housing in connection with the development, in accordance with Policy H5 of the Burnley Local Plan Second Review, before any of the houses are occupied.
10. Before the development hereby permitted is first started, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

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. In the interests of highway safety and in accordance with policy GP1 of the Burnley Local Plan, Second Review.
6. 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.
7. 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 policy GP7 of the Burnley Local Plan, Second Review.

8. To protect the amenities of nearby residents, in accordance with policy GP1 of the Burnley Local Plan, Second Review.
9. To ensure provision of Affordable or Special Needs Housing in accordance with Policy H5 of the Burnley Local Plan Second Review.
10. 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.

And **Conservation Area Consent** be granted subject to the following conditions

1. The works shall start within three years of the date of this consent.
2. Work shall not start on the demolition of any part of the building until a true copy of a contract, signed, exchanged and completed, has been submitted to the local planning authority for the construction of the residential development approved under outline planning permission APP/2008/0550 and any subsequent Reserved Matters application is approved or any subsequently approved development.

Reasons:

1. Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the site is not left undeveloped for an unreasonable length of time to the detriment of the character and appearance of the conservation area in which the site is located, in accordance with policy E13 of the Burnley Local Plan Second Review.

CRP
18/09/2008