

<b>Application Number:</b>	2020/0490	<b>Application Type:</b>	Full
<b>Proposal:</b>	S.73 Application: Variation of Condition 2 (approved plans) pursuant to Planning Approval 2018/0602, to enable installation of a ventilation system including vents, cowls, ducts and louvres on the building elevations and roof, and to include new stonework.	<b>Location:</b>	The Whitaker Haslingden Road Rawtenstall Rossendale Lancashire BB4 6RE
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	19/11/2020
<b>Applicant:</b>	Carl Bell	<b>Determination Expiry Date:</b>	18/12/2020
<b>Agent:</b>	Charlotte Steels (RBC)		

<b>Contact Officer:</b>	<b>James Dalglish</b>	<b>Telephone:</b>	<b>01706 238643</b>
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	
<b>Other (please state):</b>	<b>Council-owned land</b>

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

Approve planning permission subject to the conditions set out in this report.

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## **APPLICATION DETAILS**

### **2. SITE**

Whittaker Park and the associated house (a substantial two storey building of stone construction) were created in 1840 before being gifted to Rawtenstall in 1902, following which the house was transformed into a museum and the grounds into a public park. The associated barn and stables are situated immediately north of the house and are currently used as a storage and maintenance facility by the Council's Operations team. The house is currently in use as a museum and as a bar / restaurant / gallery facility known as The Whittaker.

The House has the appearance and certain elements of the later Georgian period. The stable block is slightly set back from the house in an east west plan form.

Neither the wider Park nor the buildings are statutory Listed however they are considered to be non-designated Local Heritage Asset which holds strong value within the Borough and community.

The high level of survival of both internal and external features provides a clear insight into the historic use and development of the site.

External features to the stables building include the circular pitching holes for straw/ hay distribution, wagon entrance and stone setts which give contrast to the architecture of the house with the continuous dividing wall providing a clear separation.

Internally within the stables there is a wealth of surviving flagstones which contributes to the overall character of the building. The extant stalls of timber and cast iron construction are reminiscent of the 19th century style. The tongue and groove boarding is well preserved and feeding hatches are intact. The mezzanine is supported on cast iron columns with decorative capitals, also drop pinnacles and brackets to hang tack. There are some surviving cast iron railings between the stalls and the fireplace also survives intact.

The site is located within the defined urban boundary and is on land owned by the Council.

### **3. RELEVANT PLANNING HISTORY**

2001/0410 - Construction of two storey extension at rear of museum (Approved)

2018/0602 - Redevelopment of site including conversion and change of use of barn / stables, alterations to existing buildings, construction of a new link building, plus associated landscaping and access works (Approved)

2020/0086 - Approval of details reserved by condition 7 (site access details) pursuant to planning approval 2018/0602 (Approved)

### **4. PROPOSAL**

Following the approval of application 2018/0602 (for the re-development of The Whittaker complex), the applicant now seeks to amend the approved plans by including the following new elements:

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- 4 no. proposed roof cowls for ventilation intake / exhaust to the north-facing slope of roof.
- Proposed extract louvre to eastern gable of barn.
- Proposed extract louvre to western gable of barn.
- Proposed balanced flue to the northern elevation of barn.
- Proposed extract louvres to replace existing blocked-up openings to northern elevation of barn.
- Proposed kitchen extract duct to the north-facing field of the roof (terminating 1m above roofline).
- Poor quality blockwork infill replaced with stone to match surrounding façade.

To achieve the above amendments, the applicant proposes that condition 2 (approved plans) pursuant to 2018/0602 is suitably amended to reflect the new plans.

## 5. POLICY CONTEXT

### **National Planning Policy Framework**

Section 2	Achieving Sustainable Development
Section 4	Decision Making
Section 6	Building a Strong, Competitive Economy
Section 8	Promoting Healthy and Safe Communities
Section 9	Promoting Sustainable Transport
Section 11	Making Effective Use of Land
Section 12	Achieving Well Designed Places
Section 15	Conserving and Enhancing the Natural Environment
Section 16	Conserving and Enhancing the Historic Environment

### **Development Plan**

#### **Rossendale Core Strategy DPD**

AVP 4	Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 11	Retail and Other Town Centre Uses
Policy 14	Tourism
Policy 16	Preserving and Enhancing the Built Environment
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low and Zero Carbon Sources of Energy
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

### **Other material considerations**

National Planning Practice Guidance

National Design Guide

Emerging Rossendale Borough Council Local Plan (currently at publication stage)

## 6. CONSULTATION RESPONSES

None

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted and neighbour letters were sent out.

No comments were received.

## 8. ASSESSMENT

The application seeks only to amend the plans previously approved under 2018/0602. The proposed amendments do not require reconsideration of the acceptability in principle of the scheme or its impact on ecology or access / highway safety.

The main considerations in this case are therefore as follows:

1) Visual Amenity and Heritage Impact and 2) Neighbour Amenity

### Visual Amenity and Heritage Impact

Policy 16 of the Core Strategy states the following:

*“The Council will protect, conserve, preserve and enhance Rossendale’s historic built environment including Listed Buildings, Conservation Areas, Registered Parks and Gardens, Scheduled Ancient Monuments, archaeological sites, historic landscapes and locally identified buildings, sites and structures. These heritage assets all contribute to the local distinctiveness and character of the area. Their futures, including their settings will be safeguarded and secured by:*

*1. Promoting the positive management of the Borough’s heritage assets, avoiding unnecessary loss and requiring appropriate mitigation of any negative impacts.*

*5. Ensuring that all development is:*

- a. Located in a way that respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context.*
- b. Of a high standard of design, reinforcing the local distinctiveness of Rossendale.*

*6. Encouraging innovative new design(s), where it responds to the character, scale and setting of historic buildings and areas.*

*7. Maximising the potential for the re-use of buildings of historic or local interest for appropriate uses to ensure their future longevity. However where this is not possible/appropriate, considerate and sensitive redevelopment will be supported, subject to advice from the Council’s Conservation Team and English Heritage.*

*8. The Council will support those schemes and proposals which contribute to conservation-led regeneration, particularly where they exploit the regeneration potential of the textile mill-towns and traditional architecture of rural villages within Rossendale.”*

Although not a Listed asset or within a Conservation Area, the existing buildings on site do have a significant degree of heritage value.

Paragraph 192 of the Framework states:

*“In determining applications, local planning authorities should take account of:*

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

The proposed amendments are relatively minor in terms of their impact on the overall scheme of redevelopment. Although not traditional features associated with the original buildings, it is considered that the proposed cowls, louvres and ducts are satisfactory in terms of their impact on the design and appearance of the scheme.

It is understood that the proposed additions are vital in ensuring that the proposed redevelopment of the buildings can take place, and are necessary to allow the buildings to be used for their intended purpose efficiently. Having regard to the fact that the proposed additions will facilitate the redevelopment of the building and its ongoing use, any minor visual harm that may be caused is clearly outweighed by the benefit of keeping the building in use – which is important in its preservation and continued contribution to the local economy as a visitor destination.

The plans as amended will still result in a high quality development, sympathetic to the context of the site. It is not considered that the proposed amendments will significantly reduce the design value of the scheme.

Having regard to the above, and to the context of the site and its surroundings, it is considered that the visual and heritage impact of the proposed development is acceptable, and aligns with the aims of Policy 16 of the Core Strategy and Section 16 of the Framework.

#### Neighbour Amenity

As amended the scheme would not have any unacceptable impact on the daylight, privacy or outlook enjoyed by the occupants of any neighbouring residential properties.

The scheme is considered acceptable in terms of neighbour amenity.

### **9. RECOMMENDATION**

Approve planning permission subject to conditions.

## 10. SUMMARY REASON FOR APPROVAL

The proposed development would result in an enhancement of the existing facilities on site and is appropriate in principle. Subject to conditions it is considered that the development would not unacceptably detract from visual amenity, heritage interest, neighbour amenity or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies AVP4, 1, 8, 9, 11, 14, 16, 17, 18, 23 and 24 of the adopted Core Strategy DPD.

## 11. CONDITIONS

1. The development shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

- Application form
- Site Location Plan (Drawing Number AL-02-001)
- Proposed Site Plan (Drawing Number AL-04-001 Rev. E)
- Proposed Ground Floor Plan (Drawing Number AL-04-002 Rev. E)
- Proposed First Floor Plan (Drawing Number AL-04-003 Rev. E)
- Proposed Roof Plan (Drawing Number AL-04-004 Rev. B)
- Proposed Landscape Plan (Drawing Number AL-04-101 Rev. A)
- Proposed Elevations Sheet 1 (Drawing Number AE-04-001 Rev. F)
- Proposed Elevations Sheet 2 (Drawing Number AE-04-002 Rev. E)
- Bat Box Proposals (Drawing Number ASK-90-001 Rev. A)
- Arboricultural Impact Assessment with Tree Protection Measures (Godwins Arboricultural Limited)
- Proposed Materials & Finishes (Day Architectural Limited)
- Samples of stone, timber cladding and window / door frames (RAL 7015)
- Drawing SCP\_18331\_F03 (Proposed Access Arrangement)
- Drawing SCP\_190935\_ATR01 REV A (Swept Path Analysis)
- Drawing SCP\_190935\_SK02 REV A (Proposed Access Arrangement)

Reason: To ensure the development complies with the approved plans and submitted details.

2. Prior to any planting or landscaping works being carried out as part of the approved scheme, and notwithstanding information previously submitted, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- The specification for any topsoil to be used in the scheme of landscaping.
- Details of cultivation and preparation for planting, seeding or turfing.
- Details and specifications of all planting to take place on site.

The planting and landscaping works shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the proposed scheme of landscaping is appropriately carried out, in the interests of visual amenity.

3. All new planting forming part of the approved scheme (as shown on approved drawing number AL-04-101 Rev. A) shall be carried out in the first planting season following substantial completion of the development. Any trees or plants which within a period of 5 years of first use of the facility are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and to enhance the biodiversity value of the site.

4. The development shall be implemented in strict accordance with the approved Bat Method Statement (version 2) dated 28/07/2020 (Angela Graham Bat Consultancy Service Limited).

Reason: In the interests of protecting any bats on site.

5. Any plastering or pointing works forming part of the development hereby approved shall be carried out in accordance with the approved Hydrated Lime and Cement Pointing and Plastering Specification Rev. A (DAY Architectural Ltd).

Reason: To protect the character of the historic buildings on site.

6. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme of access (as shown on the following approved plans) has been constructed and completed in accordance with the scheme details:

- Drawing SCP\_18331\_F03 (Proposed Access Arrangement)
- Drawing SCP\_190935\_ATR01 REV A (Swept Path Analysis)
- Drawing SCP\_190935\_SK02 REV A (Proposed Access Arrangement)

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

## 12. INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

[http://www.rossendale.gov.uk/downloads/download/331/core\\_strategy\\_local\\_plan\\_part\\_1\\_adop\\_ted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adop_ted)

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

2. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this

proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.

The applicant should be advised to contact the Environment Directorate for further information by telephoning the Developer Support Section (Area South) on 0300 123 6780, or writing to Developer Support Section, Lancashire County Council, Environment Directorate, Cuerden Mill Depot, Cuerden Way, Cuerden, PR5 6BJ or email [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk)

3. If, during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance with an agreed process and within agreed timescales in agreement with the Local Planning Authority.

The applicant is advised that they have a duty to adhere to Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.