

Application Number:	2023/0350	Application Type:	Full
Proposal:	Full: New fence to perimeter of external terrace	Location:	Units 1 and 2 Rawtenstall Bus Station Bacup Road Rawtenstall Rossendale BB4 7LZ
Report of:	Head of Planning and Building Control	Status:	For Publication
Report to:	Development Control Committee	Date:	05/09/2023
Applicant:	Mr Michele Pillitteri	Determination Expiry Date:	29/09/2023 EofT 12.10.23
Agent:	Mr Francesco Pillitteri, J S Design Partnership		

Contact Officer:	Caroline Callow	Telephone:	01706 252432
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Yes - Council owned land
Member Call-In Name of Member: Reason for Call-In:	No
3 or more objections received	No
Other (please state):	

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

That planning permission be approved subject to the conditions set out in Section 10 of this report.

2. THE SITE

As part of the application for Rawtenstall Bus Station 2015/0476 three small scale retail units were located at ground floor level within the bus station comprising 154 sq.m in total. It was intended that these would provide facilities e.g. café or retail kiosk, for those using the bus station, similar to the services found in most public transport interchanges. This application concerns units 1 and 2 and adjoining external space which is paved. The applicant occupies the units from the Council on a 10 year lease and has been operating the property as a pizza restaurant since May 2023.

The Site is located within the Urban Boundary and the Rawtenstall Town Centre Conservation Area.

3. RELEVANT PLANNING HISTORY

2015/0476 The redevelopment of the site for a bus station and retail/cafe units (Use Classes A1, A2, A3, A4, A5 or B1), including associated facilities, car parking and landscaping, demolition of former police station, town hall annex, public toilets and part demolition and works to the Old Town Hall, within Rawtenstall Conservation Area – Approved 09.03.16

2016/0608 Section 73 application to vary remove conditions 2, 3, 4 ,7, 11, 12, 13, 14, 20, 21, 22 and 28 attached to planning approval 2015/0476 which granted consent for the erection of a bus station and retail/cafe units (Use Classes A1, A2, A3, A4, A5 or B1), including associated facilities, car parking and landscaping, demolition of former Police Station, Town Hall Annex, Public Toilets and part demolition and works to the Old Town Hall, within Rawtenstall conservation area. - Approved 06.01.2017

4. PROPOSAL

The applicant seeks retrospective permission to erect a 1.1m high fence with a gate to the north east and another to the south west around a paved area adjacent to Units 1 and 2. The proposal is to form an enclosed area for external seating. The fence will be black powder coated to match fencing within the surrounding town square. The applicant has indicated that they will carry out new planting on the outside of the fence.

5. POLICY CONTEXT

National

National Planning Policy Framework

- Section 2 Achieving sustainable development
- Section 4 Decision-making
- Section 6 Building a strong, competitive economy
- Section 12 Achieving well-designed places
- Section 16 Conserving and Enhancing the Historic Environment

Development Plan

Local Plan 2019-2036

- SS Spatial Strategy
- ENV1 High quality Development in the Borough

Other Material Planning Considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

LCC Highways –No objections. As there is a route around the fenced area for pedestrian connectivity there is no highway objection to the application.

Growth Lancashire (Heritage Consultant) – No objections see below

Property Services: There is no objection to the fencing itself on planning grounds.

7. REPRESENTATIONS

To accord with the General Development Procedure Order 31 neighbouring properties were notified on 07.08.2023, a site notice was posted on 07.08.2023 and it was advertised in the Free Press on 11.08.23.

No representations have been received.

8. ASSESSMENT

The main considerations in this case are as follows:

1. Heritage
2. Visual Amenity
3. Neighbour Amenity
4. Other Issues

Heritage

The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should, in coming to decisions, consider the principle Act which states the following;

Listed Buildings – Section 66(1)

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Conservation areas – Section 72(1)

In undertaking its role as a planning authority the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

In relation to conservation area decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

Growth Lancashire have advised that the fencing is of a simple design and is located within the immediate surroundings of the modern bus station. Visually, in this context, it would not look out of

place or introduce a detracting element within the Conservation Area or in the wider setting around the bus station precinct.

The listed National Westminster Bank building which is grade II listed lies some way to the north-west and whilst overlooking the newly formed landscaped precinct it has very limited association with the terraced area around the new bus station and there would be no impact upon its setting. Overall it is considered that the proposed fencing would meet the statutory test 'to preserve' the character and appearance of Rawtenstall Conservation Area and the significance of the designated heritage asset. Therefore, no balancing exercise is required as per NPPF P.202. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accord with the policy ENV2 of the Local Plan.

Visual Amenity

The proposed fencing would be a metal railing type fence in a simple round top style to the perimeter of the existing external terrace. The fencing is black powder coated and includes gates, at either end of the terrace. It will be of a similar appearance to other fencing in the immediate vicinity of the site and the bus station. It is therefore considered that the proposal will have a satisfactory visual appearance.

Neighbour Amenity

There are no nearby residential properties in the immediate vicinity of the site that would be adversely impacted in respect of overlooking, privacy, light and general disturbance.

9. CONCLUSION

It is considered that the proposal will have an acceptable visual appearance and will cause no discernible harm to the character or appearance of Rawtenstall Town Centre Conservation Area and nearby listed building.

10. RECOMMENDATION

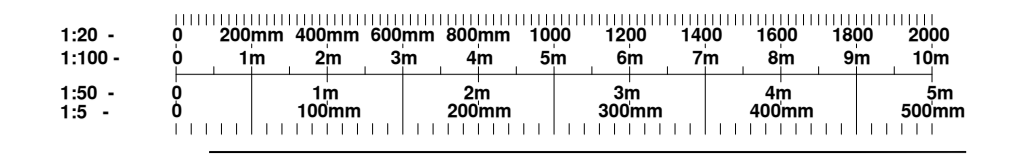
That Planning permission be approved subject to the following condition:

1. The development shall be carried out in accordance with the following:
 - Planning application forms signed and dated.2023.
 - The submitted plans:
 - Location Plan received 20.07.2023
 - Existing and Proposed Site Plan drawing no. 2201-01 received 20.07.2023;

Reason: To define the permission and in the interests of the proper development of the site.

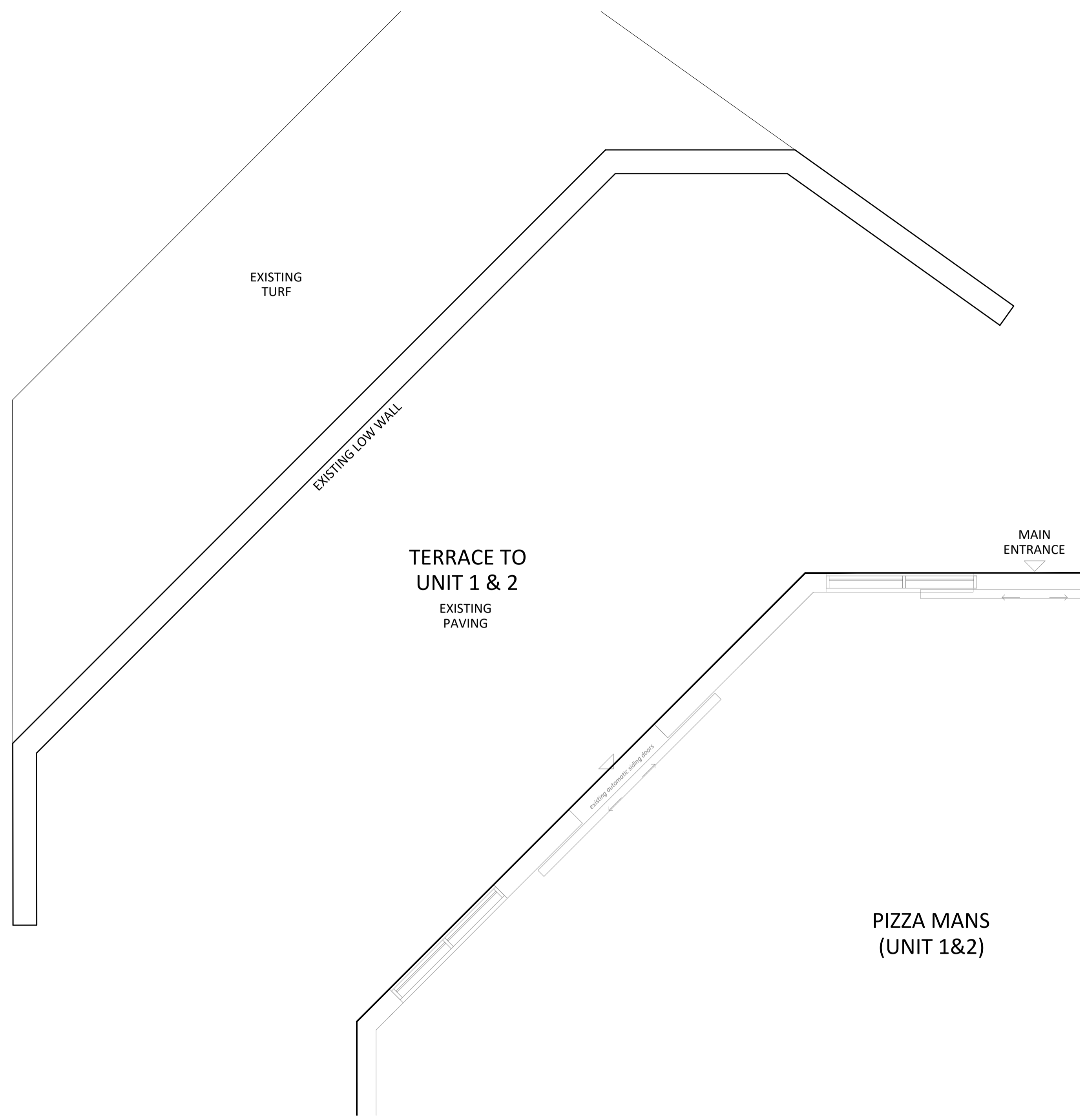
Informatives

1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

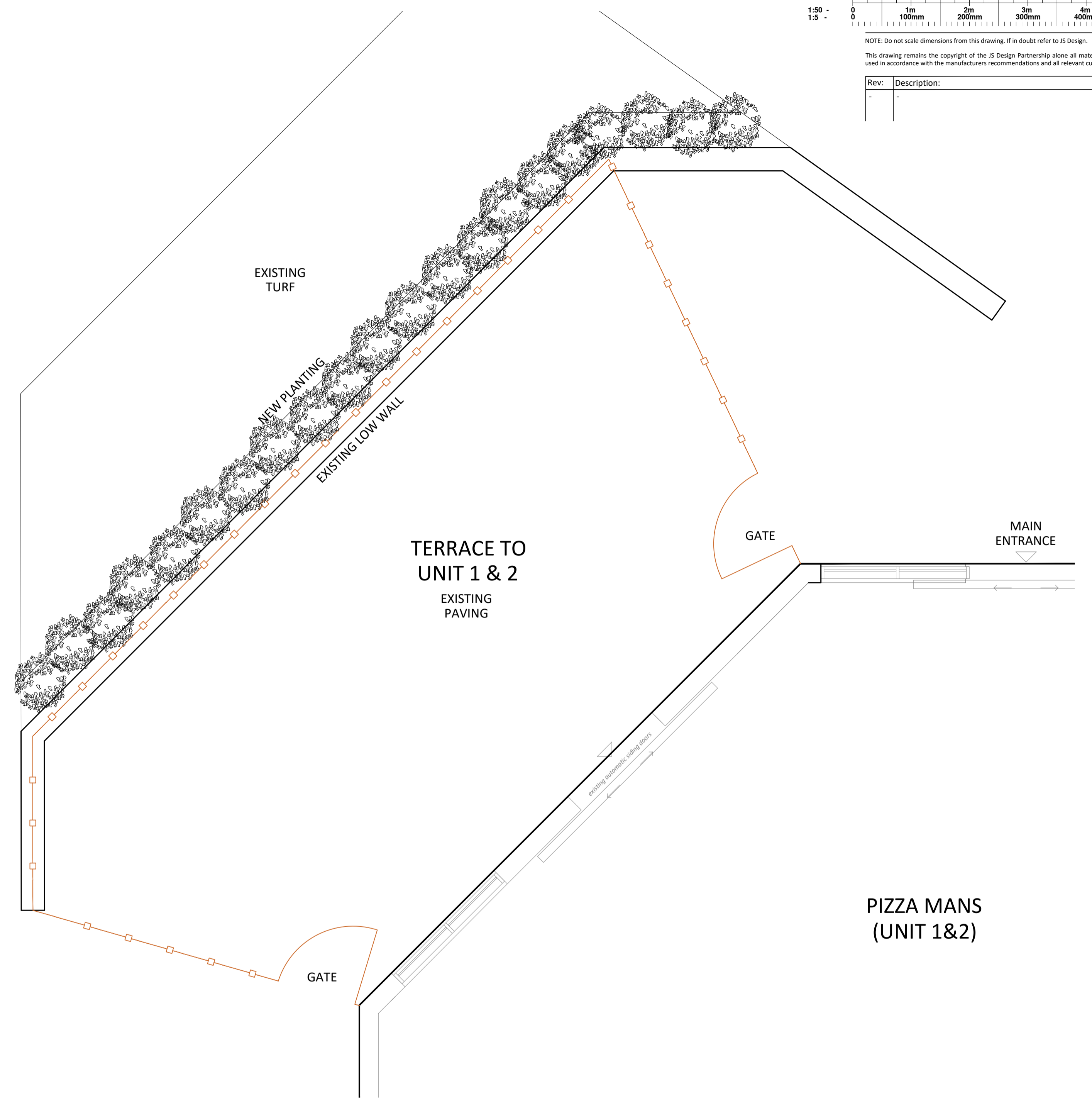


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Rev:	Description:	Date:
-	-	-



1 Existing Part Plan
 Scale: 1:20



2 Proposed Part Plan
 Scale: 1:20

new fence & gate



3 Completed Photos

CDM 2015:
 Under the CDM regulations there are no significant design risks.

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Client:
 PIZZA MANS LTD

Project:
 PIZZA MANS
 RAWTENSTALL

Title:
 -

Drawing No:	Rev:	Date:	Drawn By:	Checked:	Scale @ A1
2201-01	-	18.07.23	FP	-	1:20



The building is a two-story structure with a prominent stone facade made of light-colored, rectangular blocks. It features a dark grey, gabled roofline. Large glass windows are integrated into the design, with two main sections. The left window section displays the 'Pizzomans' logo, which includes a stylized pizza slice and the brand name in a pink, rounded font. The right window section shows a colorful abstract pattern of geometric shapes in yellow, pink, and black. The building is surrounded by a paved area and a grassy lawn.

A black metal fence with vertical bars and decorative finials runs along the perimeter of the outdoor seating area. The fence is supported by wooden posts and encloses a paved area with several wooden benches.

There are several wooden benches arranged in a row within the fenced outdoor seating area. The benches are made of light-colored wood and are positioned on a paved surface.

A wide, paved walkway made of light-colored concrete or stone tiles leads from the foreground towards the building's entrance. The walkway is bordered by a grassy area on the right and a paved area on the left.

Two people are standing near the entrance of the building. One person is wearing a dark jacket and the other is wearing a light-colored jacket. They appear to be engaged in a conversation or waiting for someone.

In the background, there are other buildings, including a brick building with a gabled roof and a hillside with green vegetation under a cloudy sky.