

Application Number:	2023/0359	Application Type:	Full Planning Permission
Proposal:	Erection of a timber chalet-type building at the Whitaker	Location:	Whitaker Museum Haslingden Road Rawtenstall Rossendale Lancashire BB4 6RE
Report of:	Head of Planning and Building Control	Status:	For publication
Report to:	Development Control Committee	Date:	14.11.2023
Applicant:	Rosendale Borough Council	Determination Expiry Date:	12.10.2023 EOT agreed to 17.11.2023

Contact Officer:	Claire Bradley	Telephone:	01706 238636
Email:	planning@rossendalebc.gov.uk		

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

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

Approval subject to conditions

2. APPLICATION SITE

The Whitaker Museum is a former mid 19th Century dwelling, which is now a museum. The building has a modern extension to the rear and side elevation.

There is a range of outbuildings/barns on the eastern side.

The property is set well back from Haslingden Road and has substantial landscaped gardens.

The building will be located in the enclosed area to the rear of The Whitaker close to the end of Willow Tree Close, which is separated by fencing and mature landscaping.

3. RELEVANT PLANNING APPLICATION HISTORY

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 with Conditions

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

2020/0354: Discharge of condition 5 (bat method statement) pursuant to planning approval 2018/0602 – Approved

2020/0425: Discharge of Condition 6 (specification of plaster and mortar) pursuant to planning permission 2018/0602 - Approved

2020/0490: 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 – Approved with Conditions

2021/0119: Approval of details reserved by condition 3 (planting and landscaping) pursuant to planning application 2018/0602 – Approved

2022/0370: Erection of garden room - Withdrawn

2023/0383: Installation of a secure shipping container for storage of tools and gardening equipment for the use of Friends of Whitaker Park who operate as part of Civic Pride Rossendale - Approved

4. PROPOSAL

This application is for the erection of a timber chalet type building in the enclosed land to the rear of The Whitaker.

The Whitaker is identified as being a non-designated heritage asset.

The original planning statement was vague in relation to the use of the proposed building. This has now been revised in the information submitted on 16.09.2023 and the applicant describes the proposal as follows:

The plan for the chalet in the Whitaker Garden is to enable us to have an additional space to support our community and outreach work more than anything. We had funding to develop the garden space which is now complete and gives us a wonderful space behind the building that we hope to utilise much more and eventually make accessible to the public from the park at the rear of the site.

We already have Rossy Rays and Beacon Dementia groups utilising the old coach house and a wooden workshop unit in the courtyard area and want to build on this 'community village' initiative.

Having an additional space will enable us to have further space for workshops, wellbeing activities and a space away from the main building for small talks, schools workshops and additional space for community groups to use for meetings and activities. We often struggle for this kind of space within the museum as most spaces are utilised for exhibitions and hospitality operation.

We envisage the space being used primarily during the museum opening hours.

The building will be 7.75 metres x 5.35 metres with an eaves height of 2.04 metres and a ridge height of 3.14 metres.

The building will be clad with timber "log" profile weatherboarding in a mid-brown stain finish, to match the extension to the museum. The building will have a green, mineralised felt double pitched roof. The front elevation will have two three-light sliding folding doors.

5. POLICY CONTEXT

National Planning Policy Framework

Section 2 Achieving Sustainable Development
Section 4 Decision Making
Section 12 Achieving Well Designed Places
Section 16 Conserving and Enhancing the Historic Environment

Development Plan

Local Plan Policies

Policy SS: Spatial Strategy
Policy SD1: Presumption in Favour of Sustainable Development
Strategic Policy SD2: Urban Boundary and Green Belt
Policy ENV1 High quality Development in the Borough
Policy ENV2 Historic Environment

Other material considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Consultee	Summary of response
Growth Lancashire (Conservation)	See Heritage Section below
LCC Highways	No objections

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on the corner of Willow Tree Avenue and Parkwood Drive, on 13.09.2023 and neighbouring properties notified by letter sent out on 25.08.2023. A further re consultation letter was sent out to all that made representations on 25.09.2023 advising of an amended location plan and amended details in relation to the use.

To the first consultation, there were 15 objections on the following grounds:

Too close to residential properties.

Will create noise and nuisance adjacent to dwellings.

Existing noise levels are already disruptive to local residents this will make it worse.

Not enough information on use submitted.

Whitaker Park is a park for people to enjoy for its tranquillity not for noisy functions and weddings.

Will create parking problems

Not enough consultation with residents only 3 residents consulted

Function room used regularly and this courtyard is used as an extension to the function room.

Building will create a fire risk amongst the trees.

Lighting of the access to the building will cause intrusion to neighbouring properties

Access to and from the building will cause noise nuisance to neighbouring properties.

No mention of facilities i.e. sanitation, waste and food waste.

No disabled access to the building.

Use of the building to serve food and alcohol would exacerbate existing conditions.

The re-consultation letters were sent out on 25.09.2023. The revised consultation period expired on 9th October 2023:

2 further objections have been received with comments as follows:

Building will be able to be used for licensed activities which will generate noise and disturbance to surrounding occupiers

Noise from the Whitaker affects the surrounding residential properties

No assurance in the application that the education and training use will be adhered to.

Lighting of the access to the building will cause intrusion to neighbouring properties

8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle;
- 2) Heritage/Visual Amenity;
- 3) Residential Amenity;
- 4) Access, Parking and Highway Safety

Principle

The application site is located within the enclosure to the rear of The Whitaker Museum which is identified as a non-designated heritage asset.

The proposed scheme is for the erection of a chalet type building to use for workshops, wellbeing activities and a space away from the main building for small talks, schools workshops and additional space for community groups to use for meetings and activities.

The site is within the Urban Boundary and within the enclosure to the rear of the Whitaker.

Consequently it is considered that in principle the proposal meets the requirements of Sections 2 and 16 of the NPPF and Policies SD1 and SD2 of the Local Plan.

Heritage/Visual Amenity

The site is located to the rear of the Whitaker Museum.

Section 12 of the Framework refers to the importance which Government attaches to the design of the built environment:

- *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” (Para 127)*
- *“Planning policies and decisions should ensure that developments...will function well and add to the overall quality of the area...are sympathetic to local character and history, including the surrounding built environment and landscape setting.” (Para 130).*

Section 16 of the Framework states local planning authorities should take account the desirability of new development making a positive contribution to local character and distinctiveness and the desirability of sustaining and enhancing the significance of heritage assets.

Paragraph 197 of the National Planning Policy Framework requires that when *determining applications affecting heritage assets local planning authorities should take account of:-*

- a) *the desirability of sustaining and enhancing the significance of those assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that the 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.*

Paragraph 203 states:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications

that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policies ENV1 and ENV2 of the Local Plan seek to ensure that the built and historic environment is safeguarded and enhanced and proposals take into account design, lighting and materials.

Growth Lancashire (heritage consultants) have been consulted and have commented as follows:

Overall, I feel that the proposed chalet will have a minor impact on the setting (and significance) of the NDHA. The cabin will be set back to the rear of the museum, obscured from view of the former C19 dwelling and existing extension, on the approach off Haslingden Road. As such, there will be limited views of the chalet from the museum's principal elevation. Whilst the chalet will be appreciated in the same context of the museum from the rear gardens, because of its limited height and scale of the building this will have a minor impact on the wider setting and overall significance of the NDHA. In heritage terms given the building's low significance any impact will be negligible in scale.

Regardless of the above, in order to ensure that the chalet is of an appropriate design and appears appropriate in its parkland setting, I feel that it would be beneficial for examples of the roof type/colour and cladding to be submitted and agreed.

It is considered that the proposed chalet will only have a limited impact on the setting of The Whitaker Museum and will cause no discernible loss of significance. The proposed materials and colours have now been included on the submitted drawings and subject to a condition being applied ensuring the materials used are in accordance with the approved plans, it is considered that the scheme would meet with the objectives of Chapter 16 of the NPPF and accord with policy ENV 2 of the Local Plan.

Residential Amenity

Paragraph 130 of the NPPF advises that Planning policies and decisions should ensure that developments:

“Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”

Policy ENV1 of the Local Plan states that all proposals should take account of the following:

- “c) Being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the area*
- “d) The scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being overbearing or oppressive, overlooking or resulting in an unacceptable loss of light:- nor should it be adversely affected by neighbouring uses and vice versa.”*

There have been many objections to the proposal on the grounds that it will be used as an extension to the function space within the Whitaker extension. Incorrect and insufficient information was contained in the original planning statement submitted with the application in this respect.

The information has now been amended and corrected by the applicant, and residents have been re-consulted. Again several respondents have re-confirmed their objections.

In terms of the premises licence for The Whitaker, the whole of the park area is licensed for various entertainment activities as well as the provision of late night refreshment and alcohol for the following times:

Monday to Sunday 1000 - 0000 Indoors
Monday to Sunday 1000 - 2300 Outdoors

The proposed use of the building will be for workshops, wellbeing activities and a space away from the main building for small talks, schools workshops and additional space for community groups to use for meetings and activities.

These activities will be held during the normal opening hours of the Whitaker and will be controlled by a planning condition.

It is considered that subject to a condition restricting hours of use, the use of the building and restriction of lighting, the proposed use as detailed above will not impact on the residential amenity of the surrounding area, and will not be available as additional function space.

Subject to conditions, the proposed development will be in accordance with Policy ENV1 and the NPPF.

Access, Parking and Highway Safety

There will be no impact on access, parking or highway safety from the proposed development.

The Highway Authority have advised that there are no objections to the proposed development and it will not have an impact on highway safety in the surrounding area.

9. CONCLUSION

The proposal has been assessed to cause minimal harm to the significance of the non-designated heritage asset.

Subject to restrictive conditions being attached to an approval, the proposals have also been assessed as having no adverse impacts on visual amenity residential amenity, or highway safety.

On this basis it is considered that the proposal is in accordance with the Rossendale Local Plan and the NPPF.

10 RECOMMENDATION

That planning permission is granted subject to the following conditions:

11. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following:

Application form received 06.08.2023
Location Plan received 16.09.2023
Plans and Elevations received 23.10.2023
Revised Planning Statement received 16.09.2023

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

3. No materials shall be used on the elevations of the proposed development other than those referred to on the approved plans.

Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.

4. The application building shall only be used between the hours of 10:00 to 16:00 Wednesday to Sunday, and 10:00 to 20:00 on Thursdays.

Reason: To protect the amenity of the adjoining land users/occupiers.

5. The building shall be only used for workshops, wellbeing activities, meetings and educational use and for no other purpose.

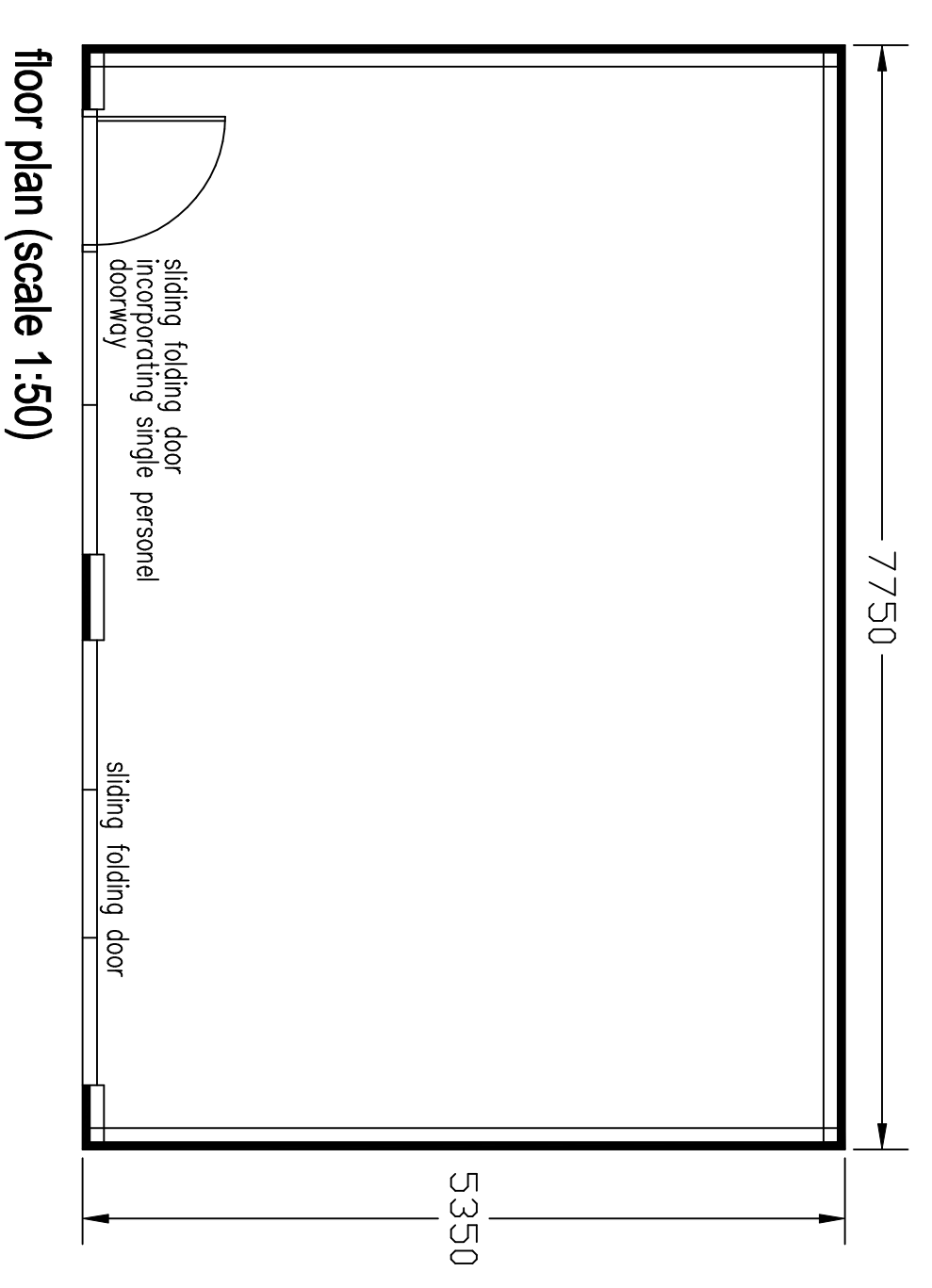
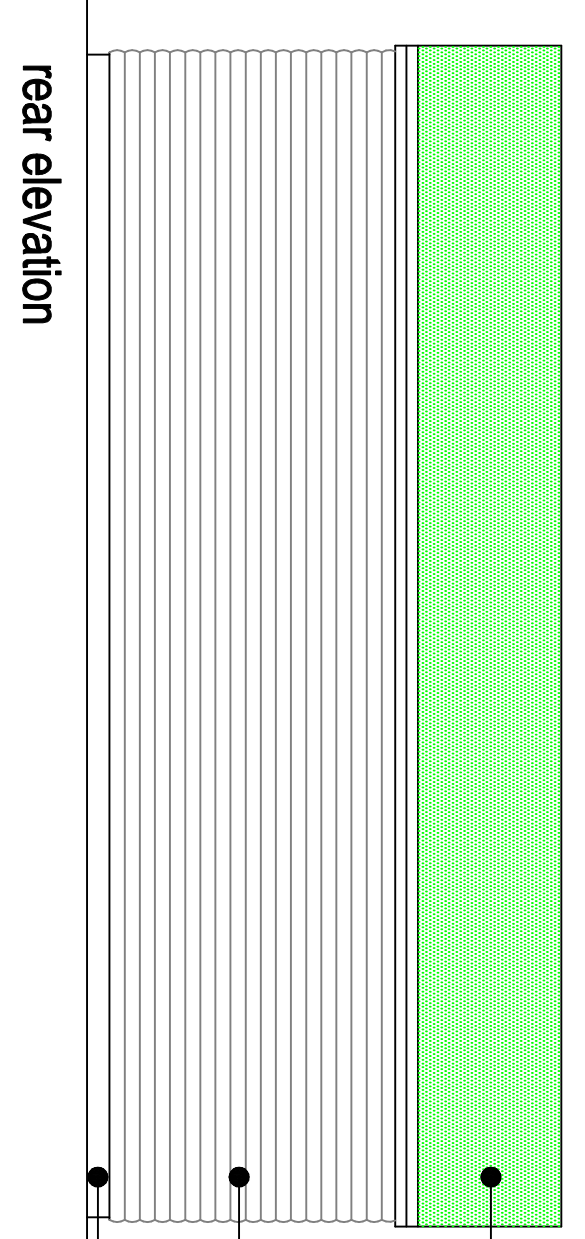
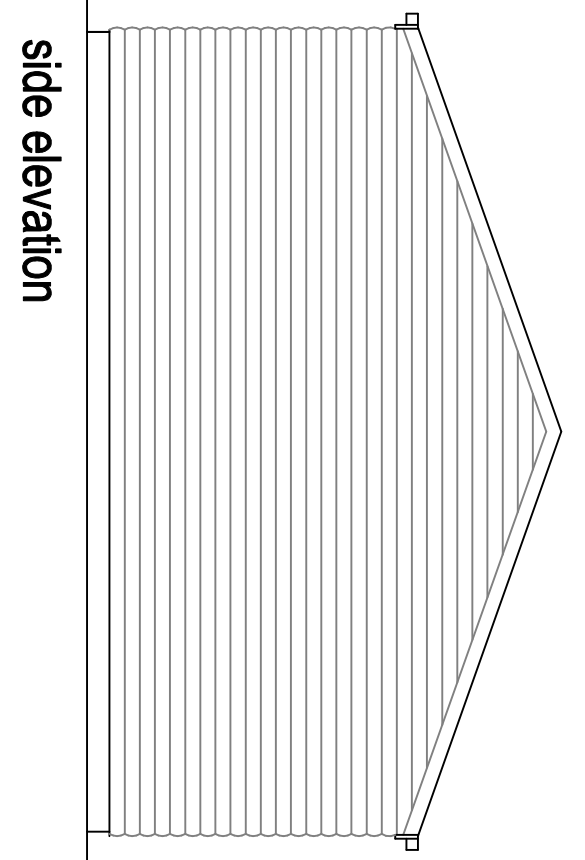
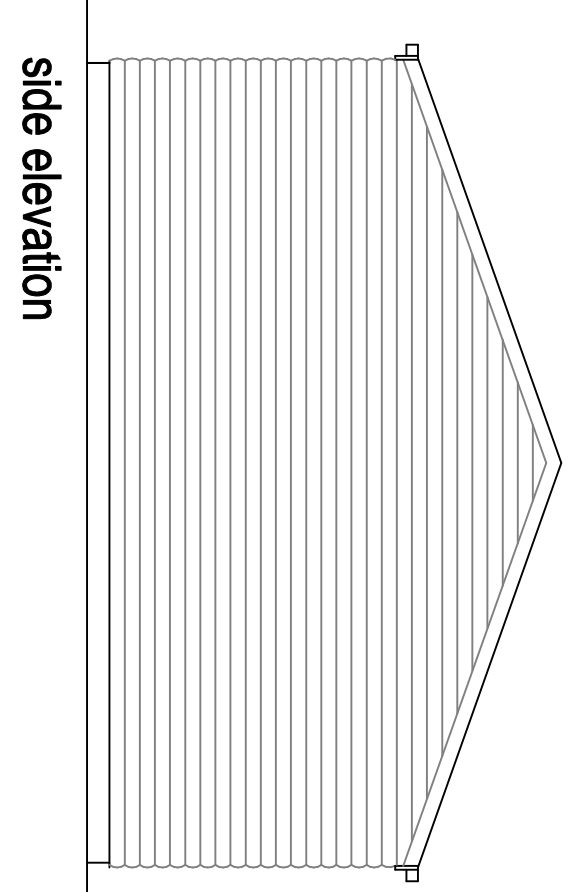
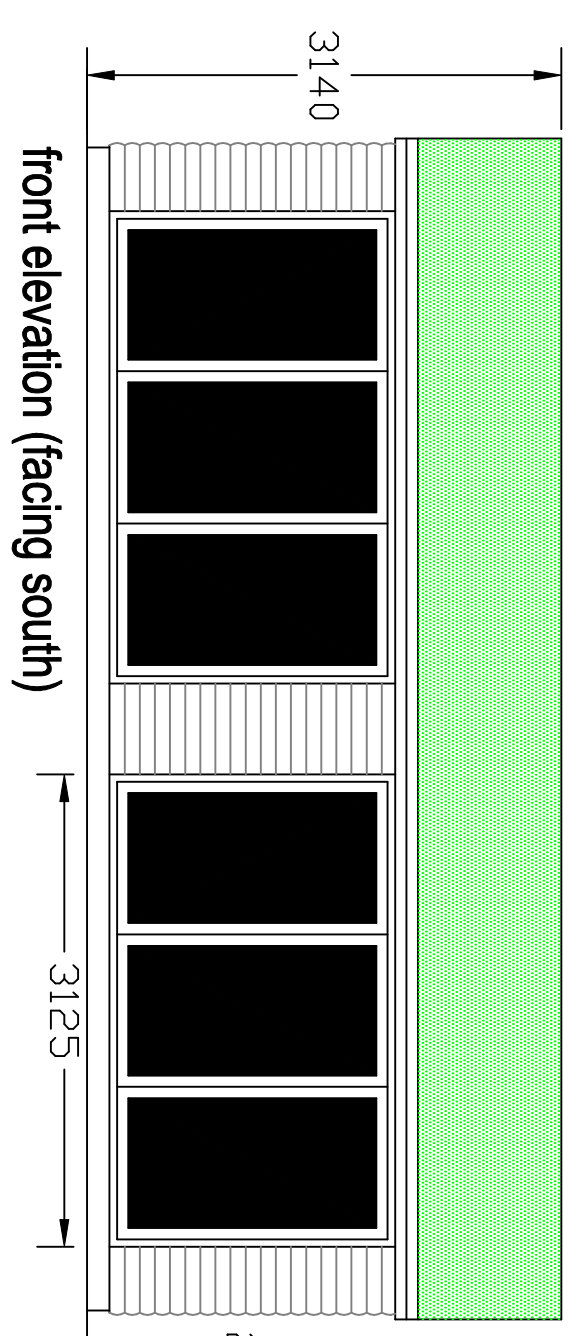
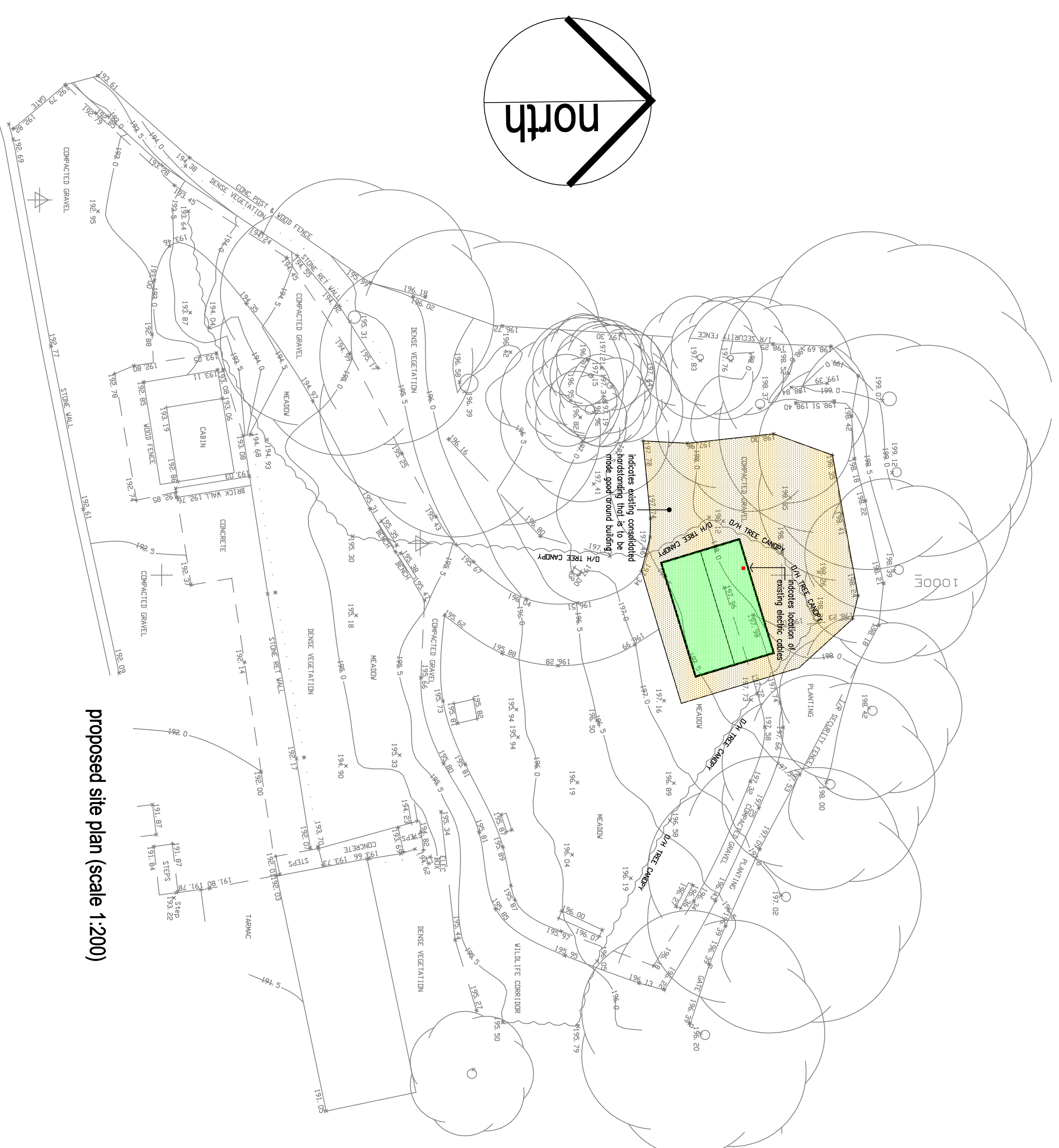
Reason: To protect the amenity of the adjoining land users/occupiers.

6. No lighting shall be erected on the access to the site unless a further application has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the adjoining land users/occupiers.

12. 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.



proposed timber chalet to be used in conjunction with events and outdoor activities at

Whitaker Museum

Haslingden Road

Rawtenstall

- roof covering to be green (RAL 6013)
- mineralised felt
- 100 x 50 timber "log" profile weatherboarding with mid brown (RAL 8024) preservative stain finish
- concrete slab base

scale 1:50 1:200 @ A1

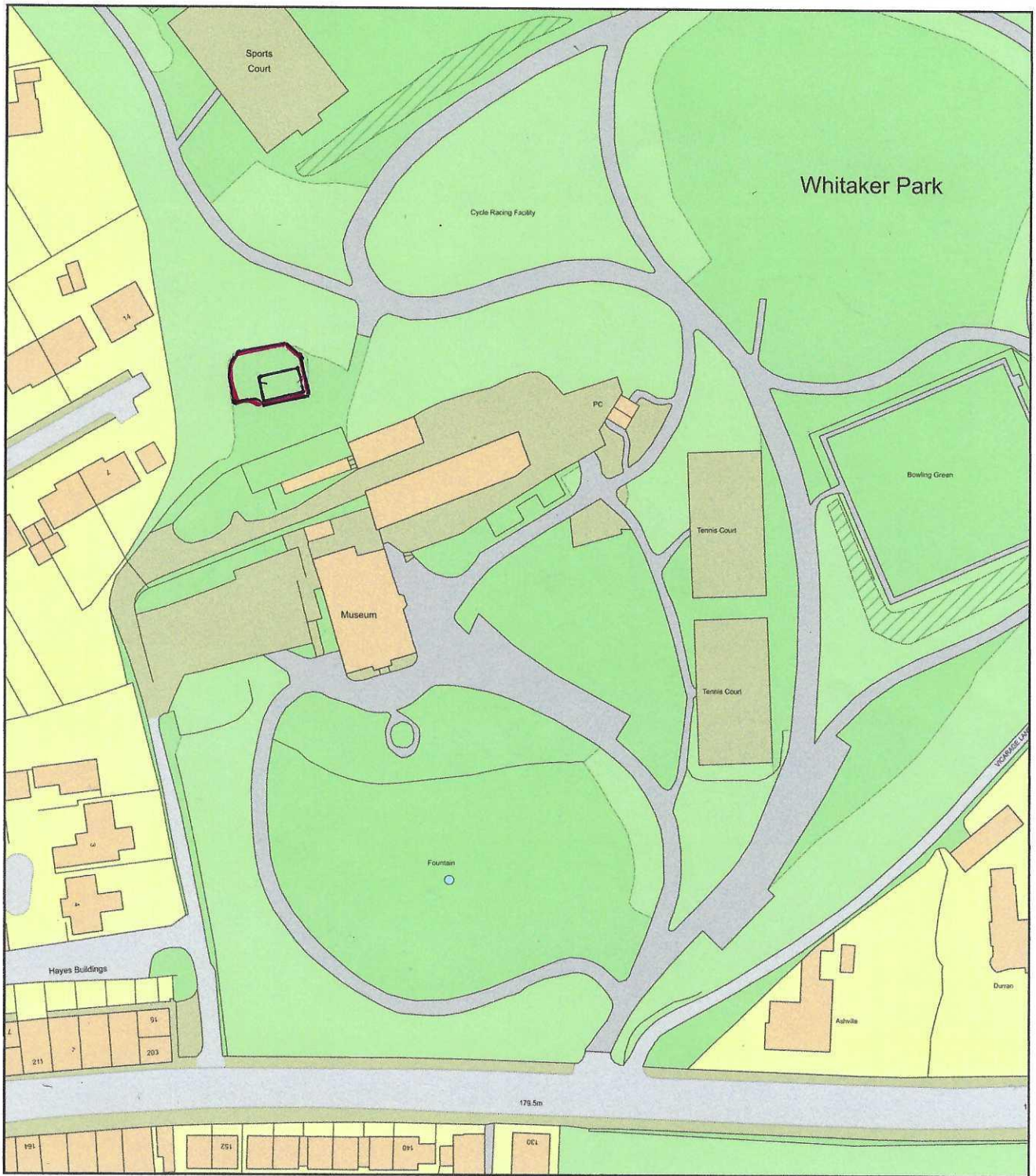
0m 5m

linear scale 1:50 @ A1

drawing number WP-26-07-23-A

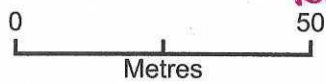
Rae Cornell Associates Building Design and Planning Consultants
214 Burnley Road Bacup Lancashire
01706 873000

The Whitaker



LOCATION PLAN

REF: W.300723.B.



Plan Produced for: **The Whitaker**

Date Produced: 30 Jul 2023

Plan Reference Number: TQRQM23211174446952

Scale: 1:1250 @ A4









