

**TITLE: ERECTION OF MULTI-FUNCTIONAL ASSEMBLY BUILDING,
INCLUDING A LOCAL COUNCIL CHAMBER, AND CAR PARK**

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 2 AUGUST 2005

BY: TEAM MANAGER DEVELOPMENT CONTROL

APPLICANT : ROSSENDALE BOROUGH COUNCIL

DETERMINATION EXPIRY DATE : 20 JULY 2005

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.

Site

Festival Park is owned by Rossendale Borough Council and fronts Market Street, the main road running through Whitworth..

The application relates to the part of the park occupied by :

- Whitworth Civic Hall until it was destroyed by fire in December 2003
- The tarmaced area to the front of it, presently occupied by the principal equipped play area in Whitworth
- The car park to the rear, use of which is also made by visitors to the Leisure Centre, located just to the other side of the River Spodden.

The part of the park to the south side of the site access, occupied by the bowling green and its associated pavilion, is not included in the application site and will be retained in its present form.

To each side of Festival Park are residential properties. A number of mature trees lie within and bound the park, the four trees situated to the side of 667 Market Street protected by a Tree Preservation Order.

Proposal

Permission is sought to erect a building of 2-storeys in height broadly in the position of the old civic hall, and with a 1-storey projection to each side.

The 2-storey element of the building will measure 14m x 35m, with a height at the gutter of 6.75m and at the ridge of 10m. It will accommodate the main assembly hall, with a stage at the northern end. The 1-storey lean-to on the north side will accommodate the associated changing rooms, while the projections to the south and west sides will accommodate the foyer, a lounge, a kitchen and associated storage space. The largest projection is towards Market Street. It will measure 14m x 21m, with a ridge-height of 5.75m, and will accommodate the Council Chamber, offices and toilets. The building is to be constructed of artificial stone, with a concrete-tile roof.

Whilst the existing car park can be entered by vehicles via the access-point midway along the frontage to Market Street or from Industry Street, with exit only to the latter, the application proposes widening of the access midway along the frontage sufficiently to accommodate two-way traffic and closure of the other entry/exit point. The capacity of the existing car park will be increased by delineation of individual bays and with additional parking spaces to be made available towards the front of the proposed building, suitable for use by people with mobility difficulties.

Consultation Responses

None

Notification Responses

None

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- E2 - Recreation Area
- E4 - Tree Preservation
- DC2 - Landscaping
- DC4 - Facing Materials

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 5 - Development Outside Principal Urban Areas/Main Towns/Key Service Centres
- Policy 7 - Parking
- Policy 21 - Lancashire's Natural & Manmade Heritage

Other Material Planning Considerations

- PPS1 - General Policy
- PPG13 - Transport

Planning Issues

In dealing with this application the main issues to consider are :

- 1) Principle; 2) Townscape; 3) Neighbour Amenity; & 4) Traffic/Parking.

PRINCIPLE

There is no objection in principle to the proposed development.

The building intended is somewhat bigger than the civic hall which previously occupied the site, and the range of uses to which it will be put somewhat broader. However, there is no doubt in my mind that there is need in Whitworth for such a community facility, and the proposed building is neither unduly large to meet that

need or unduly large for the site. Furthermore, the site is well-placed within the settlement to meet that need, can be directly accessed from the main road and is accessible by means other than the private car, a bus stop directly fronting it.

Policy E2 of the Local Plan reads as follows :

“Proposals for development within recreation areas will not be considered favourably unless the proposed development :-

- a) makes a positive contribution to the recreational opportunities provided;
- b) does not change the predominantly open character of the area.”

In order that the proposal does not fall foul of this policy I consider it appropriate that permission be granted subject to a condition requiring an equivalent or enhanced facility for outdoor-play by children be provided in a convenient location to serve the catchment-area of the existing equipped play area which will be lost if the proposed development goes ahead.

TOWNSCAPE

The proposed building is to be set so well back from the highway I am satisfied that its construction will neither require or result in loss or damage to the trees on the site frontage, or those bounding 667 Market Street protected by the TPO. When finished the building will not appear unduly prominent or intrusive by reason of its size, and I consider the intended design and facing materials to be appropriate.

The 1-storey lean-to proposed on the north side of the building will stand within 3m of the trunk of a mature Poplar tree. Whilst the applicant has not indicated that it is their intention to fell this tree construction of the building will require its pruning and, in all likelihood, result in significant damage to its root-system. Loss of such a mature tree, standing approx 10m in height, is to be regretted. However, it is not in the best of health, many of its branches already exhibiting signs of die-back. This being the case, I do not consider it to provide grounds for seeking amendment in the siting of the building.

NEIGHBOUR AMENITY

I am satisfied that the proposed building will not result in significant detriment for any neighbours by reason of its siting/design/appearance. The only dwellings it can be said to come near to are 667-671A Market Street. I am satisfied that the proposed building will not cause the residents a significant loss of light/privacy/outlook, not least because of the mature trees and 2.5+m high hedge bounding the gardens of these dwellings.

Although the Environmental Health Manager has powers he may exercise to ensure that these residents do not experience noise nuisance as a result of events within the building (particularly those involving the use of sound-amplification systems), it is appropriate to control by way of conditions the doors/windows installed in the building, together with the mechanical ventilation systems likely to be required.

One of the benefits which will accrue from implementation of the proposal is the closing-off of the exit from the existing car park, thereby reducing the likelihood of disturbance for residents of houses on both Industry Street and Market Street.

TRAFFIC/PARKING

The local highway network can satisfactorily accommodate the traffic likely to be generated by the proposed development. The widening of the access midway along

the frontage in order that it may accommodate two-way traffic will necessitate removal of 3 flowering-cherry trees and re-positioning of a pedestrian-refuge in the middle of Market Street. However, the trees concerned are not of significant visual amenity value, being rather poor specimens, to a degree suppressed by a larger native-species tree further along the frontage which is being retained. Widening of the access in the manner proposed is favoured by the Highway Authority over retention of the existing access arrangements/retention of the pedestrian-refuge in its existing position.

Delineation of the individual bays within the car park is to be welcomed as it will help to maximise the spaces available within it. To accord with the Council's approved car parking standards the submitted parking layout will need to be slightly amended to ensure an adequate proportion of the spaces to be made available within it are to mobility-standard and adequate provision is made for motorcycles and bicycles. A condition is recommended to secure this.

Summary of Reasons for Approval

Subject to the proposed conditions, the development accords with the provisions of the Development Plan and is not likely to result in the loss of trees of significant visual amenity value or detract to an unacceptable extent from the townscape, the amenities of neighbours, highway safety or any other material consideration.

Recommendation

That permission be granted subject to the following conditions :

- 1) The development permitted shall be begun before the expiration of five years from the date of this permission. . *Reason : The condition is required by Section 91 of the Town & Country Planning Act 1990.*
- 2) The development shall not be commenced until full details, including representative samples, of the external materials of construction to be used on the roof and walls of the development have been submitted to and first approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with details approved. Nor shall external shutters to windows or doors be fitted without the prior written consent of the Local Planning Authority. *Reason : To ensure a satisfactory appearance to the development and to accord with Policy 1 of the adopted Joint Lancashire Structure Plan.*
- 3) Prior to the commencement of development details of the external doors, windows and mechanical ventilation systems to be fitted shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first use of the building and thereafter maintained. Nor shall any system of external illumination be installed without the prior written consent of the Local Planning Authority. *Reason : To protect the amenities residents of neighbouring properties could reasonably expect to enjoy, and to accord with PPS1 and Policy E12 of the adopted Rossendale District Local Plan.*
- 4) Prior to the commencement of development details of the intended slab-level for the proposed building shall be submitted to and approved in writing by the Local Planning Authority. *Reason : To reduce the risk of flooding, and to accord with PPG25.*

- 5) Prior to first use of the building hereby permitted :
- a) the vehicular access midway along the site frontage shall be widened and improved in accordance with the approved Site Plan;
 - b) the pedestrian-refuge in Market Street shall be re-positioned at the applicants expense; and
 - c) the existing access/egress to the car park from Industry Street gated in accordance with a scheme first agreed in writing with the Local Planning Authority and thereafter kept closed except in the event of an emergency, unless otherwise agreed in writing by the Local Planning Authority.

Reason : To ensure the provision of adequate off-street parking and secure a sustainable form of development, in accordance with PPG13, Policy 1 of the adopted Joint Lancashire Structure Plan and the Council's approved Parking Standards..

- 6) Notwithstanding the details shown on the submitted drawing, the development shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority in respect of the surfacing, draining and marking out of all areas to be used for the parking and manoeuvring of vehicles; 10% of car parking spaces shall be to mobility-standard and half of these allocated for parent-and-child parking, with an additional 4% of spaces for motorcycles and 10% of spaces for cycle parking in secure/covered facilities. The submitted scheme shall also provide for the construction of the Tarmac Pathway further from the trees to be retained on the north side of the site frontage. The approved scheme shall be fully implemented prior to first use of any of the building hereby permitted (or as otherwise agreed in writing by the Local Planning Authority), and the facilities thereby provided shall be kept available for use as such thereafter.

Reason : To ensure the provision of adequate off-street parking and secure a sustainable form of development, in accordance with PPG13, Policy 1 of the adopted Joint Lancashire Structure Plan and the Council's approved Parking Standards.

- 7) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through trapped gullies with an overall capacity compatible with the site being drained. *Reason : To prevent pollution and to accord with Policy E9 of the adopted Rossendale District Local Plan.*

- 8) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, identify any to be retained and the measures for their protection in the course of development, and detail any changes in ground-level proposed and the materials to be used for proposed boundary fences/walls/gates and areas of hardstanding. *Reason : In the interests of visual amenity and to accord with Policy 1 of the adopted Joint Lancashire Structure Plan.*

- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the substantial completion of the building hereby permitted, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason : In the interests of visual amenity and to accord with Policy 1 of the adopted Joint Lancashire Structure Plan.*

NOTE FOR APPLICANT

- 1) This consent requires the construction works within the public highway. Under the Highways Act 1980 Section 184, the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority, or a contractor approved by the Highway Authority, can carry out these works and therefore before any access works can start you must contact the Environment Directorate at Lancashire County Council, quoting the planning application number.

- 2) Your attention is drawn to the protection afforded to trees bounding 667 Market Street by inclusion in a Tree Preservation Order.