

**Application No:** 2009/509

**Application Type:** Full

**Proposal:** Environmental Improvement Schemes ( including railings, seating, walls, steps & landscaping)

**Location:** Site1 - Land on corner of Dale St/Fern St  
Site 2 - Land on south side of 13 Dale Street, Bacup

**Report of:** Planning Unit Manager

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 14 December 2009

**Applicant:** Groundwork Pennine Lancs

**Determination Expiry Date:**  
22 December 2009

**Agent:**

**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:

Reason for Call-In:

**More than 3 objections received**

Other (please state) ..... 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.

## **APPLICATION DETAILS**

### **1. SITE**

The application relates two sites located within Bacup Town Centre Conservation Area, the second of which bounds St John's Church (a Grade II listed building) :

- Site 1 comprises of a slightly-mounded square grassed area, which is bounded to the west by Dale Street, to the south by Fern Street, to the north by Goose Hill Street and to the east by shrubbery that separates it from a public car park.
- Site 2 comprises of a rectangular area which is located between the Parish Centre and the end-terraced house at 13 Dale Street. It sits behind a parking lay-by, the front half for the most part paved (but with 2 mature Whitebeams, one failing and with a distinct lean) and the rear half densely shrub-planted.

### **2. RELEVANT PLANNING HISTORY**

2007/667	-	<u>Vicinity of Baker St, Daisy Bank, Dale St, Fern St</u>	
2007/688		<u>Lily St/Back Lily St, Rose Hill Street/Back Rose Street</u>	
2008/800		Refurbishment of back streets and other environmental improvements, including installation of raised planting-beds & provision of gates, bin-stores & lighting.	APPROVED

### **3. THE PROPOSAL**

Groundwork seeks permission for the next phase of environmental improvement works in the area.

For Site 1 it is intended to provide a hard-surfaced area accessed from Dale Street, with a bench and litter-bin, and with a flight of steps down to Goose Hill Street.

For Site 2 it is intended to : remove the two Whitebeams; provide a 1.2m high wall/railing across the site frontage, with a gate giving access to a re-modelled hard-surfaced area containing a couple of benches and planting-beds; introduced two replacement trees and other shrub planting into the shrub belt to the rear (to diversify the species range and add to its ecological/visual interest); and erect a metal railing on top of the wall on the party-boundary with St John's Church.

### **4. POLICY CONTEXT**

#### **National**

PPS1	Delivering Sustainable Development
PPS3	Housing

#### **Development Plan**

##### Regional Spatial Strategy for the NW of England (2008)

DP1-9	Spatial Principles
L3	Existing Housing Stock & Housing Renewal
RT2	Managing Travel Demand
RT4	Management of the Highway Network

EM1 Environmental Assets

Rossendale District Local Plan (1995)

DS1 Urban Boundary

DC1 Development Criteria

**Other Material Planning Considerations**

RBC Core Strategy

RBC Emerging Bacup, Stacksteads & Britannia AAP

RBC Bacup Town Centre Conservation Area

LCC Bacup Historic Town Assessment Report

**5. CONSULTATION RESPONSES**

LCC (Highways)

No objection. However, would wish :

1. Access along Dale Street for pedestrians and vehicles to be maintained at all times.
2. The highway kept clear of mud and debris, and any other obstruction, at all times.
3. Prior to the start of works a joint survey is carried out between the Developer and the Highway Authority to determine the condition of the highway adjacent to the sites and again following completion of the works, the developer to make good any damage done to the highway.

RBC (Conservation)

No objection subject to the railing to be erected on top of the wall on the party-boundary with St John's Church being of appropriate design.

**6. REPRESENTATIONS**

To accord with the General Development Procedure Order site notices were posted on 17/11/09 and in the Rossendale Free Press on the 13/11/09, and letters were sent to neighbours on the 29/10/09.

No responses have been received.

**7. ASSESSMENT**

As the land falls within the Council's ownership it falls to be determined by Committee.

The principal issues for consideration are :

- 1) Principle; 2) Visual and Heritage Interest;
- 3) Neighbour Amenity; & 5) Access/Parking.

Principle

In the adopted Local Plan the application sites lie within the Urban Boundary and the works proposed for them are intended to enhance their functionality for residents of nearby residents and their visual appeal. It is therefore considered that the proposed schemes accord in principle with Policy L3 of the RSS and Policy DS1 of the Local Plan.

### Visual and Heritage Interest

The proposed development is located within the Bacup Town Centre Conservation Area. Accordingly, it is necessary to consider whether the proposed works will serve to preserve and enhance the character and appearance of the area.

Site 1 is presently a rather plain and uninteresting grassed area. The proposed works will add to its visual interest in a manner in-keeping with the surrounding area.

Site 2 is not of unpleasing appearance, although one of the trees presently near to the site frontage is failing. The proposed works will add to its visual interest in a manner in-keeping with the surrounding area.

The Council's Conservation Officer has raised no objection to either scheme but, with respect to the latter, has asked that care be taken to ensure the railing to be erected on top of the wall on the party-boundary with St John's Church (a Grade II listed building) is of appropriate design; a condition to ensure this is the case is proposed.

### Neighbour Amenity

Whilst the proposals are intended to add to the usage of these sites by local residents, they are not considered likely to give rise to significant detriment for immediate neighbours in terms of noise, privacy, etc. The proposals therefore accord with Policy DC1 of the Rossendale District Local Plan.

### Access/Parking

The Highway Authority has not raised objection to the proposal. The matters of detail it has raised are more appropriately Notes for Applicant, rather than Conditions, and will be reproduced on the Decision Notice as such.

## **8. SUMMARY REASON FOR APPROVAL**

The sites are located within the Urban Boundary of Bacup and the works proposed will enhance the character and appearance of the Bacup Town Centre Conservation Area/nearby Listed Buildings and not unduly detract from neighbour amenity or highway safety. It is therefore considered that the proposal accords with the provisions of PPS1/ PPS3, Policy LEM1 / RT4 of the Regional Spatial Strategy, and saved Policy DS1 (Urban Boundary) and the criteria of saved Policy DC1 Development Criteria) and saved Policy HP1 (Conservation Areas) of the Adopted Rossendale District Local Plan.

## **9. RECOMMENDATION**

That the permission be granted subject to the following conditions:

## **10. CONDITIONS**

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

Reason : Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. The railing to be erected on top of the wall on the party-boundary with St John's Church shall be coloured black and match in design that shown on DO1 @Detail of Wall and Railings at Dale Street Garden', unless otherwise first agreed in writing by the Local Planning Authority. All materials to be used in the proposed development shall otherwise be as stated on the application form and approved drawings, unless otherwise first agreed in writing by the Local Planning Authority.  
Reason : To ensure that the development will be of satisfactory appearance and to accord with Policies DC1 / HP1 / HP2 of the Rossendale District Local Plan.
  
3. The replacement trees proposed in Dale Street Garden shall be suitably staked and protected until established. Any trees or plants in the approved scheme of landscaping which within a period of 2 years of planting 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 : To protect the character and appearance of Bacup Town Centre Conservation Area/nearby Listed Buildings and the amenities of neighbours, in accordance with Policies DC1 / HP1 / HP2 of the Rossendale District Local Plan.
  
4. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.  
Reason : To safeguard the amenities of neighbours, in accordance with Policy DC1 of the Rossendale District Local Plan.

<b>Contact Officer</b>	
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