

Application Number:	2011/0170	Application Type:	Full
Proposal:	Environmental Improvements including works to Boundary Treatments, Creation of a Band Stand, Resurfacing of Paths, Installation of Bat & Bird Boxes and General Plant/Flowerbed Improvements	Location:	Whitworth Memorial Gardens, Market Street, Whitworth
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	12 th July 2011
Applicant:	Mrs Rachael Marsden	Determination Expiry Date:	1 st July 2011
Agent:			

Contact Officer:	Rebecca Taylor	Telephone:	01706 238640
Email:	rebeccataylor@rossendalebc.gov.uk		

REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input checked="" type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input type="checkbox"/>
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.

1. RECOMMENDATION(S)

To approve with the Conditions as detailed in section 11 of this report.

APPLICATION DETAILS

2. SITE

The application relates to Whitworth Memorial Gardens which is located on Market Street Whitworth. The site is bounded along Market Street by a 1.4m stone wall and large entrance way with iron gates. There are also a number of mature trees along the boundary with Market Street.

There is a string of pathways which lead to all corners of the garden as well as paths providing direct routes to the central memorial structure running both latitudinally and longitudinally across the site. Areas of land between the pathways are primarily grassed with a large central flowerbed and a number of other smaller flower beds.

The site is owned and maintained by Rossendale Borough Council and is for use by local residents. There are a number of benches and bins in the gardens.

There is a thick strip of trees to the rear of the gardens which are made up of a combination of beech, sycamore, horse chestnut, ash, wild cherry, whitebeam, goat willow and lime.

The application site lies within the Urban Boundary of Whitworth, as designated in the Rossendale District Local Plan.

3. RELEVANT PLANNING HISTORY

No relevant planning history.

4. THE PROPOSAL

The applicant seeks permission for environmental improvements including works to boundary treatments, creation of a band stand, resurfacing of paths, installation of bat & bird boxes and general plant/flowerbed improvements.

Along the boundary with Market Street and extending around the corner of Longacres Lane there would be the erection of steel fencing on the top of the existing stone wall and a new entrance gate. The existing stone pillars at the entrance would be repaired and made safe. A bronze plaque would be attached to each of the entrance pillars. The applicant has stated that this element of the scheme will provide security for the gardens.

The flowerbeds would be replanted with plants of varying colours and types including a small winter bed to the rear of the gardens. There would be a number of bird and bat boxes installed to encourage wildlife in the gardens.

Trees to the rear of the gardens would be felled under the scheme with all felled trees being replaced. A number of trees would be monitored to ensure any further deterioration is picked up at an early stage. Some other trees on site will be pruned and made safe.

A Band Stand would be erected at the centre of the site to the east of the central monument. A retaining wall would be constructed to the rear of the band stand as the band stand would be set into the grassed slope of the gardens. The band stand would be constructed of reclaimed stone with steps leading up to it from the existing pathways. All paths within the gardens are to be resurfaced with tarmac.

5. POLICY CONTEXT

National

PPS1 Sustainable Development
PPG24 Noise

Development Plan

Regional Spatial Strategy (2008)

DP1-9 Spatial Principles
RDF1 Spatial Priorities
RT2 Managing Travel Demand
RT4 Management of the Highway Network
EM 1 Environmental Assets

Rossendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Criteria

Other Material Planning Considerations

LCC Parking Standards (2005)
RBC Submitted Core Strategy (2010)

6. CONSULTATION RESPONSES

RBC Parks and Open Spaces – support the application

RBC Environmental Health – No comments

Whitworth Town Council – support the application

LCC Ecology – Raise 3 main points;

- LCC requested that the suitability of trees to support roosting bats should be established prior to determination of the application, and any necessary mitigation measures (i.e. precautionary approach to tree felling) should be in place through planning conditions.
- It will be important to ensure that impacts on nesting birds are avoided. This can be achieved by avoiding works (including vegetation clearance and tree felling) between the months of March and July (inclusive).
- All trees being retained should be adequately protected during works. Replacement tree planting (in accordance with the recommendations of the tree survey report) could be dealt with through a landscaping scheme/planning condition.

Following receipt of the above comments the applicant has provided a landscaping scheme and LCC Ecology have removed the requirement to condition these details be submitted as the landscaping plan now submitted is acceptable.

The Council feels it is sufficient to condition that a scheme to mitigate against any potential impacts on bats is submitted and agreed in writing by the LPA. The number of trees that would be lost by the works would be a small proportion of the tree population on site and bat boxes would be provided to ensure the long term protection of bats. The works shall also be conditioned to ensure nesting birds are protected during works.

7. REPRESENTATIONS

To accord with the General Development Procedure Order two site notices were posted on 08/06/2011 and 36 neighbours were notified by letter on 06/06/2011. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

No neighbour comments have been received.

8. REPORT

The main considerations of the proposal are:

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Highway Safety

Principle

The site is located within the Urban Boundary, where the Council seeks to locate most new development. Accordingly, the proposal is considered acceptable in principle.

Visual Amenity

The proposals involve a number of improvements to the gardens to enhance the visual quality and make the space more attractive for users. The proposed alterations to the boundary along Market Street are considered in keeping with the existing entrance way and at the same time providing additional security to the area.

The resurfacing and replanting of the flowerbeds would enhance the visual appearance of the site. The band stand would be constructed of appropriate materials and the design is considered in keeping with the current layout and landscaping within the garden.

There are a large number of trees on the site and many of the works are to fell and replace these with local species. It is considered that the loss of the trees on the site would not be unduly detrimental to the overall visual amenity of the site due to the proposed replacement tree planting, flower bed improvements and resurfacing and repair works proposed for the site.

Neighbour Amenity

It is considered the scheme would not cause significant detriment to neighbour privacy, sunlight or outlook. Environmental Health have raised no objections relating to the potential for the increase in noise nuisance.

Highway Safety

The Highway Authority is satisfied that this proposal will not add greatly to traffic movements on the local highway network or require the need for additional off-street parking at the premises. Accordingly, it has raised no objection to the proposal.

9. CONCLUSION

To approve with Conditions as listed in section 11.

10. REASONS FOR APPROVAL

The works for which permission is sought are considered appropriate in principle for a public open space within the Urban Boundary and will not detract to an unacceptable extent from neighbour amenity or highway safety and are considered to add to the visual amenity of the area. The scheme has been considered in relation most particularly with PPS1, Policies RT2/RT4/EM1 of the Regional Spatial Strategy and Policies DS1/ DC1 of the Rossendale District Local Plan.

11. 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 development shall be carried out in accordance with the drawings numbered 055/L01, 055/D03, 055/D02-1 date stamped 06/05/2011 unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.
3. Development shall take place until a scheme providing full details of bat protection measures to be used during the development period has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted.
Reason: In the interest of biodiversity.
4. All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building. Any trees or plants in the approved scheme of landscaping which within a period of 5 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 neighbour and visual amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
5. To avoid impacting on nesting birds works (including vegetation clearance and tree felling) should be avoided between the months of March and July (inclusive). If works are proposed during the bird breeding season, the absence of nesting birds should be confirmed by inspection/survey and, if there is nesting activity, works must be delayed until such time as nesting is complete.
Reason: In the interests of biodiversity.
6. 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 to 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.