

**TITLE: APPLICATION 2006/79
ERECTION OF 1-STOREY BUILDING TO HOUSE ELECTRICITY
SUB-STATION
ST MARY'S WAY, RAWTENSTALL**

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 5 APRIL 2006

BY: TEAM MANAGER DEVELOPMENT CONTROL

**APPLICANT : ASDA STORES LTD
DETERMINATION EXPIRY DATE : 17 APRIL 2006**

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

When ASDA purchased from Hurstwood's the site upon which it is currently building its new store it agreed to provide a new electricity sub-station to serve the adjacent site, occupied by Holly Mount and the Amtrack Building. In accordance with that obligation, it now seeks permission to erect a building in which to house the necessary apparatus.

The proposed building is to be sited mid-way between Holly Mount and the Amtrack Building, close to the party-boundary with a terrace of houses fronting St Mary's Court. In this spot, within the service yard associated with the Amtrack Building, once stood an oil-storage tank surrounded by a low brick wall; whilst the tank has now gone, the brick wall remains.

Holly Mount is a Grade II listed building, and lies within the Rawtenstall Town Centre Conservation Area. The application site lies a short distance beyond the boundary of the Conservation Area.

Proposal

The proposed building will measure 3.8m x 4.6m, with a gutter-height of 2.7m and ridge-height of 4.2m. The submitted drawing indicates that it is to have a slate roof, brick walls, timber doors and a couple of brown-painted louvred ventilation-openings.

Consultation Responses

None

Notification Responses

Three objections to the application have been received.

One reads as follows : "Hurstwood as landowner are currently examining a number of development options and opportunities relating to this site. At this moment in time, therefore, the location of a sub station is premature. This matter will be considered at a later stage following discussions with Asda. Hurstwood also object to the scheme in terms of the proposed materials which are not sensitive to the nearby listed building."

The other two letters (from people outside the Borough) similarly object on the basis that the intended facing materials pay little regard to the nearby listed building.

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- E4 - Tree Preservation
- HP1 - Conservation Areas
- HP2 - Listed Buildings
- DC1 - Development Control
- DC4 - Materials

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 21 - Lancashire's Natural & Man-Made Heritage

Other Material Planning Considerations

- PPS1 - Sustainable Development
- PPG15 - Historic Environment

Planning Issues

That the owner of the land has objected to the application on the grounds that it is premature ahead of discussions they wish to have with ASDA/completion of their own examination of development options for the site are 'private' matters for them and ASDA to resolve.

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

- 1) Amenity of Nearby Residents; & 2) Heritage Interest.

Amenity of Nearby Residents

I am satisfied that the proposed development will not detract from the amenities any local residents could reasonably expect to enjoy. Such installations do not give rise to noise or fumes likely to cause disturbance to neighbours. Nor will the building affect outlook from/light to the terraced houses fronting St Mary's Court. This is because : 1) these houses are at a lower level than the application site and screened from it by a high stone wall, topped by a timber fence; & 2) the building is to stand 1.5m from this wall/fence, thereby enabling the trees and other vegetation in

the margin between the service yard and party-boundary to be retained/supplemented.

Heritage Interest

Whilst I have no reason to doubt that this ancillary building is needed, it is necessary to consider what impact it will have upon the setting of Holly Mount, as it is a listed building, and also upon the nearby Conservation Area.

As previously stated, the proposed building is to be sited where there was previously an oil-storage tank. Its siting/size/design are such that I am satisfied the proposed building will not detract unacceptably from the character and appearance of the area. I consider it appropriate to require, by condition, submission and approval of the material to be used for the external walls and thereby ensure use of local natural stone (or an alternative closely matching it), in accordance with Policy DC4 of the adopted Local Plan. This matter has been discussed with the applicant.

Recommendation

That permission be granted subject to the following conditions :

- 1) The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason :The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2) Notwithstanding what is shown on the submitted drawings, the development hereby permitted shall not commence until samples of the local natural stone to be used to construct the external walls to the proposed building (or an alternative closely matching it) has been submitted to and approved in writing by the Local Planning Authority. The external facing materials to be used shall in all other respects accord with those shown on the submitted drawings, unless a variation is first agreed in writing by the Local Planning Authority.
Reason: To ensure that the materials used are visually appropriate to the locality, in accordance with Policy DC4 of the adopted Rossendale District Local Plan.
- 3) No part of the building hereby permitted (including its foundation) shall be constructed within 1.5m of the wall/fence bounding the passageway running to the rear of 5-9 St Mary's Court and its construction shall not commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate all existing trees and shrubs in the vicinity of the site; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.
Reason: In the interests of neighbour and visual amenity, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
- 4) All hard-landscaping comprised in the approved details of landscaping shall be completed prior to first use of the permitted building. All 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, and any trees or plants which within a period of 5 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: In the interests of neighbour and visual amenity, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

