

Application Number:	2018/0610	Application Type:	Full
Proposal:	Renovations to wall and lights surrounding the fountain	Location:	Bacup Town Centre, St. James Square, Bacup, Lancashire
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	26 th February 2019
Applicant:	Rossendale Borough Council	Determination Expiry Date:	Friday 1 st March 2019
Agent:			

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	The proposal is on 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

Approve the application subject to the conditions set out in this report.

APPLICATION DETAILS

2. SITE

The application relates to the coronation fountain in St. James Square in the town centre of Bacup. The fountain was erected in 1953 and is constructed from cast concrete. It no longer functions as a water feature yet is a historical focal point of the town.

The immediate area around the fountain comprises a mix of Listed Buildings such as the Grade II Mechanics Institute to the east of the application site and other None Designated Heritage assets.

As such, it is a highly sensitive area and falls within the conservation area of Bacup.

3. RELEVANT PLANNING HISTORY

None

4. PROPOSAL

The applicant seeks planning permission to renovate the coronation fountain and implement a lighting scheme around the fountain in line with recommendations made by Lancashire County Council (LCC).

The renovation works would consist of the following:

- Taking up and rebedding the existing stone sets on the outer circumference of the fountain.
- Installing new concrete flags around the fountain walls which would include new light fittings.
- Replacing existing light fittings with new fittings to match the existing.
- Make safe the existing water pumps whilst allowing them to be kept for use should LCC sanction the fountain to become a water feature in the future.
- Provide adequate drainage to prevent standing water in the lower plinth.

5. POLICY CONTEXT

RELEVANT PLANNING POLICIES

National

National Planning Policy Framework (2018)

Section 4	Decision making
Section 12	Achieving well-designed places
Section 16	Conserving and enhancing the historic environment

Development Plan

RBC Core Strategy DPD (2011)

AVP 2	Bacup, Stacksteads, Britannia and Weir
Policy 1	General Development Locations and Principles
Policy 14	Tourism
Policy 16	Preserving & Enhancing the Built Environment
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

6. CONSULTATION RESPONSES

LCC Highways	No objection
RBC Conservation Officer	No objection, subject to conditions
RBC Economic Development Officer	Support

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 07.01.2019 and 56 neighbour letters were sent out on 02.01.2019. An advertisement was also published in the Rossendale Free Press on 25.01.2019.

One response was received from those consulted raising the following matters:

- Insufficient information on proposal
- There are 960 supporters of the Bacup Coronation fountain who wish to see it fully restored and refurbished in keeping with its original design and construction.
- Request application is postponed in order to raise additional funds to ensure refurbishment is in line with original construction.

8. REPORT

The main considerations of the application are:

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; and 4) Access, Parking and Highway Safety

Principle

The site is located within the Urban Boundary where most new development is directed to by Policy 1 of the Core Strategy. Accordingly the proposal is acceptable in principle.

Visual Amenity / Heritage Impact

As the responsible Highway Authority, Lancashire County Council has confirmed that a water feature is not acceptable in this location due to the fountain's close proximity to the highway. Therefore, the proposed scheme, which does not propose a water feature, represents a simple but sympathetic restoration project in line with LCC's recommendations.

Notwithstanding the former water feature, the proposed restoration works would be in keeping with the existing features and design of the fountain and would make use of materials that match the existing.

The Council's Conservation Officer has raised no objection to the scheme and considers that the proposal would have a neutral impact on the character of the area.

The Conservation Officer did comment that matching colours and aggregates would need to be ensured with respect to the concrete repairs, and that the new lighting to be installed should be low level to ensure there is no over spill. Both suggestions made by the Conservation Officer would be conditioned.

Furthermore, should LCC's position on reinstating the water feature change in the future, the proposed works would retain the existing water pumps and it should be noted that this application does not prevent alterations to the fountain in the future.

In light of the above, it is considered that the development is compliant with the SPD and Policies 1, 23 and 24 of the Core Strategy with regards to visual amenity.

Neighbour Amenity

The proposed scheme is related to the fountain which sits in the centre of St. James Square, Bacup, and is located at the centre of the local road system. Neighbouring properties are located a significant distance away from the scheme.

Therefore, the proposed development does not significantly harm the outlook, privacy or reduce the amount of daylight and sunlight enjoyed by the neighbouring residents and is compliant with the SPD and Policies 23 and 24 of the Core Strategy with regards to neighbour amenity.

Access, Parking and Highway Safety

Due to the nature and close proximity of the proposed scheme to the local road system, the proposal has been agreed in line with recommendations made by the Local Highway Authority during the course of the Bacup Townscape Heritage Initiative.

Providing that the work is carried out by a contractor who holds all of the relevant accreditations and insurances for working on the highway, as well as providing that the correct permit is obtained prior to the commencement of any works from the streetworks section of the county council for working in the highway, LCC Highways would raise no objection towards the proposal.

It is not considered, the proposal would have a detrimental impact on highway safety or the free flow of traffic.

Therefore, the scheme is considered acceptable in terms of access, parking and highway safety.

9. SUMMARY REASON FOR APPROVAL

The proposed development is considered acceptable in principle and would not unduly detract from visual amenity, neighbour amenity or highway safety subject to the use of planning conditions. It is therefore considered that the development is in accordance with the National Planning Policy Framework and Policies AVP2, 1, 14, 16, 23 and 24 of the adopted Core Strategy DPD.

10. 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:

- Planning application forms signed and dated 18/12/2018
- The submitted plans:
 - Location Plan received 18 December 2018
 - Proposed Plan / Elevation / Section drawing number C-0396-02 received 18 December 2018

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

3. No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.

Reason: In the interests of visual amenity of the area in general and the existing building in particular, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

4. Any new sections of concrete / cement required as a result of the development shall be of a colour, aggregate and texture to match existing.

Reason: In the interests of visual amenity and to protect the setting of the conservation area.

5. Any lighting shall be restricted in such a way as to prevent light directly shining out of the fountain and overspilling.

Reason: In the interests of visual amenity and to protect the setting of the conservation area.

11. INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at: http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.