

Application Number:	2024/0264	Application Type:	Listed Building Consent
Proposal:	Listed Building Consent for painting the bricked-up entrance to the Waterfoot railway tunnels with a mural	Location:	Entrance to Railway Tunnels, Newchurch Road, Waterfoot. Rossendale.
Report of:	Planning Manager	Status:	For publication
Report to:	Development Control Committee	Date:	03/09/2024
Applicant:	Ms Leah Armitage	Determination Expiry Date:	10/09/2024
Agent:	Ms Leah Armitage		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Yes (Council Application)
Member Call-In Name of Member: Reason for Call-In:	No
3 or more objections received	No
Other (please state):	No

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

That Listed Building Consent be granted.

2. SITE

Waterfoot Railway Tunnels (there are two) are grade II listed and are located to the immediate south east of the Waterfoot Local Shopping Centre and some 320 metres south east of the junction of Newchurch Road and Burnley Road East. They are no longer used as railway tunnels with one of them 'blocked up' and the other currently used as part of the East Lancashire Cycleway. The tunnel entrances themselves are constructed of regular coursed natural stone.

3. RELEVANT PLANNING HISTORY

The tunnels themselves have not been the subject of any recent relevant planning history. However, planning permission was granted on 8th October 2020, under planning approval number 2020/0270, allowing for a freestanding memorial depicting the image of a person to be erected near to the north western entrances. This has since been erected.

4. PROPOSAL

Listed Building Consent is sought to paint a mural on the stone blocks that have been used to infill one of the tunnel mouths at the north western entrance.

5. POLICY CONTEXT

National

National Planning Policy Framework

Section 16 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Local Plan 2019 to 2036

Policy ENV2: Historic Environment

Other Material Planning Considerations

National Design Guide

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Consultee	Summary of Comments received
Growth Lancashire (Conservation)	No objections provided that the mural does not encroach onto the tunnel arch itself.

7. REPRESENTATIONS

In this instance the application has been advertised solely by posting a site notice outside of the site and by inserting an advertisement in a local newspaper. These were posted/inserted on 19th July and 9th August 2024 respectively. No representations have since been received.

The applicant has also submitted Design, Access and Heritage Statements in support of their application in which they state:

- a) that the 'blocked up' tunnel has no aesthetic value,
- b) that the mural will enhance the appearance of the tunnel entrance and the appearance of the surrounding area,
- c) that the proposal will create a piece of large-scale public art that will positively contribute to the emerging Waterfoot Arts Town concept.

8. ASSESSMENT

Paragraph 203 of the National Planning Policy Framework requires that when determining applications affecting heritage assets local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of those assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 adds that when considering the impact of a proposed development on a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset the greater that weight should be).

The above is essentially echoed in Policy ENV2 of the Council's adopted Local Plan.

In this case the main issue for consideration is whether or not the introduction of the proposed mural will meet these aims by reasonably preserving and enhancing the character, appearance and setting of this grade II listed structure. In this case it is considered that it will provided that it is painted wholly on the blockwork that has been used to infill the tunnel mouth and not on any part of the surrounding stone arch itself. A condition to ensure this can reasonably be imposed and is therefore recommended.

The proposal has been considered by the Council's Conservation Consultant who supports this view agreeing that the mural will cause no discernible level of harm or loss of significance to this heritage asset provided the above limitation is imposed.

In view of the above the proposal is considered to be acceptable in heritage terms meeting the requirements of Section 16 of the National Planning Policy Framework and Policy ENV2 of the adopted Local Plan in this regard.

Conclusion

It is considered that the proposed works will reasonably preserve and enhance the character, appearance and setting of this Grade II listed structure. The proposal is therefore considered to be in accordance with the requirements of Policy ENV2 of the Council’s adopted Rossendale Local Plan 2019 to 2036 and Section 16 of the National Planning Policy Framework.

9. CONDITIONS

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

<u>Drawing Title</u>	<u>Drwg No</u>	<u>Date Rec’d</u>
Location Plan	100023294	16/07/2024
Proposed Elevation		16/07/2024

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development, in accordance with the requirements of Policy ENV2 of the Council’s adopted Rossendale Local Plan 2019 to 2036 and Section 16 of the National Planning Policy Framework.

3. Notwithstanding any details given on the approved plans, the mural shall be painted wholly on the blocks that have been used to infill the tunnel mouth and shall not, at any time, encroach onto the adjoining stone arch.

Reason: For the avoidance of doubt and so as to preserve the character, appearance and setting of this heritage asset, in accordance with the requirements of Policy ENV2 of the Council’s adopted Rossendale Local Plan 2019 to 2036 and Section 16 of the National Planning Policy Framework.

10. INFORMATIVE

1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority has worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement as set out in Paragraph 38 of the National Planning Policy Framework.







