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

Approval subject to Conditions and payment of the sum to address accessibility/highway safety issues referred to in Section 11 of the report.
2. **SITE**

Stubbylee Hall is a Grade II listed building situated in Stubbylee Park, which is located in the area of Countryside to the south of New Line and is also designated as Greenlands.

Stubbylee Hall is currently used as RBC Council Offices. There are numerous recreational facilities in the park including an aviary, tennis courts and bowling greens. The park is registered with the Charity Commission as the Miles Ashworth Charity, of which Rossendale Borough Council are trustees.

The application relates to Stubbylee Barn (which also has listed building protection) and its associated yards, an open site on the opposite side of Stubbylee Lane to the Barn, and an area of hardstanding to the rear of the annexe building. All these areas are to be leased for a period of 50 years by Rossendale and Accrington College.

Stubbylee Barn is currently used by the Council’s Operations Team, its adjacent yards accessed principally from Stubbylee Lane, although one has a vehicular access directly into the park to the rear. Whilst the Barn and attached stone built structures attached to its rear form part of the proposed scheme, the aviary and its attached outbuilding do not.

The application site on the opposite side of Stubbylee Lane shares a vehicular access with Stubbylee Garden Nurseries. It has a loose stone track running within it, a timber structure near the boundary with Stubbylee Lane that is in poor repair, two concrete garages and a triple garage towards its rear, and a number of trees within and bounding it (not all of which are in the best of health). Nearby neighbours/uses include the bowling club to the north, Olive House Elderly Care Home to the north east.

The area of hardstanding next to the annexe is currently unused and is not marked out for parking although it has previously been used as such.

The Barn and site opposite are accessed along the narrow Stubbylee Lane, which lacks passing points for vehicles or a separate pedestrian footway along the entire stretch from New Line. Stubbylee Lane has lighting up to the annexe building and then no further. The lane is both adopted highway and designated as a part of a Valley Way.

3. **RELEVANT PLANNING HISTORY**

There are no previous applications for Stubbylee Park of particular relevance to the current proposal. However, Members may re-call the following applications, which related principally to St Saviour’s Church and its grounds, but did propose formation of a car park within the grounds of the park (immediately to the rear of the houses that front New Line).

2010/605 & 606LBC

*Convert existing church to 8 Apartments, demolish existing church hall & replace with 7 Dwelling Units and Construct a 34-Space Car Park within Stubbylee Park*

Refused for the following reason:

As submitted, the scheme would result in a form and intensity of development leading to unacceptable harm to heritage assets (St Saviour’s Church and Stubbylee Hall and their settings), the amenities of residents of Rose Terrace and the users of Stubbylee Park.
4. **THE PROPOSAL**
The applicant proposes to establish a vocational training centre specialising in motor repair, horticulture and construction, which will provide employment for 4 to 5 members of staff and places for 50 learners in 2012/13, rising to 100 in the following academic years. There are no proposals to fell any trees on site although the tree survey recommends felling/pruning works for all but one tree on the application site.

The main elements of the proposal are as follows:

1. **Stubbylee Barn**
The barn itself would be converted to be used for classroom, workshop, storage and welfare facilities for the users and staff of the college. There would be new windows and doors installed in the barn but no new openings are proposed. Above the main door entrance (facing their rear yard) there would be a new ventilation grille installed and repairs to the stone lintel.

The barn would be provided with a new solid concrete floor, internal block walling and a new suspended ceiling. There would also be two new partition walls within the building.

The works to the Barn require both planning permission and Listed Building Consent; the other elements of the scheme require only Planning Permission.

2. **Land immediately adjacent to Stubbylee Barn**
The enclosed yard on the North side of the Barn would be partly covered by a new hard surfacing to provide a suitable surface for a disabled parking space and disabled access to the building. Towards the existing gated access at the south of the courtyard there would be a single disabled car parking space provided. Within the courtyard along the western boundary with the aviary there would be a portacabin providing welfare facilities for the students.

The yard to the south of the barn would be retained for use by the Council's Operations Team. The frontage of it to Stubbylee Lane is presently open and it is proposed to erect here a 1.8m high green palisade fence, with a vehicle-gate and separate pedestrian-gate.

3. **Land on opposite side of Stubbylee Lane to the Barn**
The land on the opposite side of Stubbylee Lane would be used for general construction operations. There would be a poly-tunnel to the centre of the site, measuring 7m x 21m with a height of 3m. The timber shed on the boundary with Stubbylee Lane would be demolished and not replaced. The triple concrete garage to the east of the site would be retained. South of these garages, and near to the exit from the site, there would be two disabled car parking spaces. To the north of the site and on the boundary with the bowling green the garages would be demolished and a portacabin for welfare purposes provided of the same footprint. There would also be a building waste storage area along this boundary.

The applicant has suggested that internal flood lighting will be installed around the edges of the site although no details of this have yet been submitted.

4. **Land rear of Annexe Building**
The originally submitted scheme proposed car parking for the college would be accommodated within the yard to the south side of the Barn. However, it is now intended that this area be retained for use by the Operations Team and the yard to the south east of the annexe instead be used for college parking of vehicles and bikes. This parking area
would provide 8 parking spaces and 2 motor cycle spaces and has the virtue of not requiring vehicles to travel so far up Stubbylee Lane.

5. POLICY CONTEXT

National Planning Guidance
PPS1  Sustainable Development
PPS7  Rural Development
PPS9  Biodiversity and Geological Conservation
PPG13  Transport
PPG15  Historic Environment
PPG17  Open space, Sport and Recreation
PPG24  Noise

Development Plan
Policy DP1  Spatial Principles
Policy RDF2  Rural Areas
Policy L1  Health, Sport, Recreation, Cultural & Education Services Provision
Policy RT2  Managing Travel Demand
Policy RT4  Management of the Highway Network
Policy RT9  Walking and Cycling
Policy EM1  Environmental Assets
Policy EM3  Green Infrastructure

Rossendale Core Strategy DPD (2011)
Policy 1  General Development Locations and Principles
Policy 6  Training and Skills
Policy 8  Transport
Policy 9  Accessibility
Policy 16  Preserving and Enhancing the Built Environment
Policy 17  Rossendale’s Green Infrastructure
Policy 18  Biodiversity, Geodiversity and Landscape Conservation
Policy 22  Planning Contributions
Policy 23  Promoting High Quality Designed Spaces
Policy 24  Planning Application Requirements

Other
LCC Historic Towns Survey for Bacup (2005)

5. CONSULTATION RESPONSES

RBC Environmental Health
Recommend standard daytime operating hours (9am – 5pm) condition is attached to any permission granted. Also recommend a condition stating that motor vehicle work shall not take place anywhere on the site except within the barn building and the door kept shut whilst noisy work is taking place. Also no burning of materials shall take place at the site.

RBC Policy
The Area Vision for Bacup, Stacksteads, Britannia and Weir (AVP2) in the adopted Core Strategy DPD seeks to ensure that “Local people will have a variety of employment and residential opportunities to choose from, supported by appropriate training and educational facilities.”
Policy 6 relates to Training and Skills. Bullet point 1 notes “The enhancement of educational and training facilities including plans for a facility for 14-21 year olds in the Bacup area will be actively supported.”

Policy 16 deals with “Preserving and Enhancing Rossendale’s Built Environment”. Of particular note is ensuring that all development is

“5(b) Of a high standard of design, reinforcing the local distinctiveness of Rossendale

6. Encouraging innovative new design(s) where it responds to the character, scale and setting of historic buildings and areas

7. Maximising the potential for the re-use of buildings of historic or local interest for appropriate uses to ensure their future longevity

8. The Council will support those schemes and proposals which contribute to conservation-led regeneration, particularly where they exploit the regeneration potential of the textile towns and traditional architecture of rural villages”.

Accordingly, there are no objections in principle to this development, subject to compliance with normal development control criteria, especially Policies 23 and 24 of the Core Strategy DPD, and particularly those criteria relating to access and Travel Planning. It is hoped that the portacabin, used to house welfare facilities, will be a temporary measure and replaced by a better designed alternative building that will not detract from the setting of listed buildings.

RBC Conservation
Barn
The proposed use of the barn for motorbike mechanic courses is considered to be an imperfect fit for a Listed Building in a park setting. However, in broader planning terms, the benefits of what the college are to provide in terms of vocational courses may outweigh the harm to heritage assets. If this is considered so there is, nevertheless, need to address possible noise issues generated by both the mechanics area and the construction-skills site.

The proposed works to the barn - including the reinforced concrete flooring, the blockwork wall, false ceiling, extraction-grille and stud partition walls - are said by the Applicant to be the minimum necessary to provide suitable accommodation for teaching of the courses intended, and a ‘reversible’ approach to alterations has been proposed for certain elements of work.

Nevertheless, it is disappointing that the existing flooring in the barn has got to be removed as it is a good example of coach tracks - the stone flags are in reasonably good condition and were clearly provided to enable coach wheels to run over more easily than the surrounding setts between/around them. Their removal should only be accepted after recording of the barn and with storage of the materials (to enable re-instatement when the college vacates the premises).

I am satisfied that the internal block wall and false ceiling will be constructed, and could be removed, without permanent and lasting damage to the barn building. The removal of existing partition walls, and introduction of new partition walls, to facilitate the new classrooms would not have an unduly detrimental impact on the building.

I am happy to accept the replacement window frames proposed, subject to a condition to ensure they are set into the opening a similar distance to those existing. Repair of the deteriorated stone lintel above the existing barn door is to be welcomed, subject to use of appropriate
materials/method of construction. However, I would like to see more detail for the intended extraction vent and there is mention of external lighting but no details have been submitted.

**Adjacent Yard**
The removal or covering up of good quality setts adjacent to the barn is of concern as this surface treatment provides an appropriate setting for the listed buildings. Should consider a way to retain this high quality surfacing.

The proposed welfare portacabin in the barn courtyard would also be of concern as a permanent structure. It is accepted that they provide a cheap and easy solution to the needs for wc’s and changing areas but considered we need to strike the correct balance between facilitating the college use of the site and permitting poor design/quality structures especially within the grounds of a listed building.

**Land opposite Barn**
Would encourage planting of new trees for any that need to be removed, to assist screening of the site from Stubbylee Lane and to ensure the sylvan character of the wider area is maintained in the long term.

**LCC Highways**
The parking area proposed is of more than adequate size to meet the needs of the college for car parking, but the lane giving access to it is sub-standard.

It does not object to the proposal subject to the following:

- A green travel plan being submitted and approved prior to the development commencing.
- A pedestrian gate must be made available to the south west side of the barn complex to allow pedestrians to enter/exit the premises without having to walk along Stubbylee Lane.
- Secure, covered cycle and motorcycle parking must be provided for the staff and students at a rate agreed as part of the travel plan.
- The revised parking area behind the annexe building being marked-out to formalise and maximise the use of the area.
- A legal agreement being entered into by the Applicant to secure:
  - the provision of 2 street lighting columns on StubbyLee Lane between the Hall and the Barn to ensure pedestrian and cyclist safety - £6,000
  - the provision of signage for pedestrians and cyclists through the park and on adjacent highway link roads - £2,000
  - the provision of 2 bus shelters on New Line - £3,000
  - the provision of improvements to the sightlines at the StubbyLee Lane and New Line junction by the way of road markings - £500.00

It states that the above contributions will address in part its concerns that the proposal will increase vehicular traffic on Stubbylee Lane, which is only 4m wide along the majority of its length, not sufficient to take 2-way traffic over its 100 metre length from by the Hall. Also the footway is narrow on New Line to the west of the junction of Stubbylee Lane and there is no separate footway along Stubbylee Lane over its entire length. This is a concern for pedestrians with the increased volume of traffic.
LCC Ecology
If RBC is minded to approve this application, the following conditions are recommended:

1. That works that could result in disturbance of bats be avoided during the months June to August.
2. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds be avoided between March and August, unless the absence of nesting birds has been confirmed by further surveys. Other wildlife (eg common toads, hedgehogs) should be moved to a safe place prior to any works.
3. The attic area used by nesting swallows will be retained in a suitable condition to enable continued nesting by swallows. If the existing swallow nesting opportunities cannot be retained, and prior to the loss of the existing nest site, details of replacement swallow nesting opportunities be provided
4. No external lighting (including security lighting, path or road lighting) shall be installed without the prior written approval of Rossendale Borough Council.

United Utilities
Do not object to the application but provide advice to the applicant of what procedures need to be taken to avoid harm to its infrastructure.

7. REPRESENTATIONS
To accord with the General Development Procedure Order a site notice was posted on the 27/01/12, a newspaper notice published on 3/2/12 and 23 neighbours were consulted by letter on the 27/01/12.

No neighbour comments received.

8. ASSESSMENT
The main issues to be considered in the determination of this application are:

1) Principle
2) Heritage / Visual Amenity / Ecology
3) Neighbour Amenity
4) Access/Parking

Principle
The site lies outside the Urban Boundary of Bacup, on land in the Countryside designated as Greenlands. Establishment here of a Vocational Training Centre is not in accordance with Countryside policy or entirely in-keeping with the need to “preserve and enhance” Listed Buildings and their settings.

However, the scheme will address an identified need to improve training facilities in Bacup and will do so in a location reasonably accessible by public transport, and utilises an existing building and under-used land.

Heritage / Visual Amenity / Ecology
The scheme involves works affecting the exterior of the listed barn. However, no new openings will be created and existing roller-shutter doors are to be replaced with timber doors and new window frames will be timber sash.
I concur with the view of the Council’s Conservation Officer that the internal works to the barn can be largely reversed and, as such, will not have a permanent and unduly damaging effect on the character of the listed building.

The removal of flooring of stone flags and sets is most regrettable as they are an important feature which contribute to the character of the listed building. The college has stated that as part of their intended works this flooring material will be removed and stored within the Barn.

The immediately adjacent courtyard is currently covered with a mix of stone flags/sets and areas of concrete. The most prominent part of courtyard (visible from Stubbylee Lane) would remain as is. The area now to be surfaced with tarmac has less heritage value and the Applicant considers this re-surfacing necessary for the disabled parking bay in the yard and to create a level/smooth access into the building.

When the college vacates the premises the proposed portacabin can be easily removed and will be screened for the most part from beyond the boundaries of the site.

The poly-tunnel is relatively large and would be used for general construction training. It would be more common for such a structure to be used for horticulture, similar to the greenhouse structures on the adjacent site, but as a result them will not look out of place and is to be positioned in the centre of the site, away from the boundary with neighbours and the lane. There is need and scope for additional boundary planting.

Whilst not all the trees on this part of the application site are in the best of health (some containing a large amount of deadwood), they collectively contribute positively to the character and appearance of the park and are of benefit to bats and other wildlife. Accordingly, a condition is recommended to minimize the works to the existing trees and ensure additional/compensatory planting is undertaken.

Overall, and subject to appropriate conditions, the scheme is considered acceptable in terms of heritage impact / visual amenity/ecology.

Neighbour Amenity
I am satisfied that the proposed development will not unduly affect the visual amenities of neighbours and other park users subject to re-inforcement of existing boundary planting.

However, the Council’s Environmental Health Unit is concerned that the proposed vocational training centre, by virtue of its specialisms in general construction and motor repairs, would have the potential to cause undue harm as a result noise. Also the waste storage facility associated with the construction-skills area is located on the boundary with the bowling green. It has therefore recommended conditions to restrict operation hours, motor vehicle work to within the barn building and with the door kept shut whilst noisy work is taking place, and to ensure there is no burning of waste materials on the site.

Access/Parking
The Highway Authority considers the number of parking spaces proposed is adequate and, in-line with its recommendation, the Agent has relocated the motorcycle parking. The college proposes to provide 5 secure cycle spaces within the barn, accessed from the courtyard.

Stubbylee Lane is for part of its length a Valley Way and is well-used by pedestrians and park users. It is narrow, with no separate footway, and it has no lighting between the proposed parking are and the barn. I concur with the view of LCC Highways that, in the interests of highway pedestrian safety, the Applicant should be required to pay £2,500 for improvement of the
Stubbylee/New Line junction and signing/marking-out of pedestrian & cycle routes within the park. Having regard to the number of staff/students the college will have, and the amount of vehicular traffic the college will generate, I do not consider it appropriate to seek the additional £9,000 sought by LCC Highways to fund provision of 2 street lighting columns on StubbyLee Lane and 2 bus shelters on New Line.

However, it is considered appropriate to require of the Applicant a Travel Plan to ensure continued monitoring and management of college traffic movements/parking requirements and remedy of any issues of highway/pedestrian safety that arise.

10. SUMMARY REASON FOR APPROVAL
The Council consider that, subject to the Conditions, the proposed development will not detract to an unacceptable extent from the character and appearance of the Countryside, Greenlands and the Listed Buildings, or from visual and neighbour amenity, ecology or highway safety. The creation of training opportunities for young people is considered to outweigh any harm. The proposal has been considered most particularly in relation to PPS1/PPS5/PPS9/PPG13/PPG17, Policies RDF2/L1/RT2/RT4/EM1 of the Regional Spatial Strategy and Policies 1/6/8/23/24 of the adopted Core Strategy DPD.

11. RECOMMENDATION
Approval of both Planning Permission and Listed Building Consent subject to:

- payment of the sum of £2,500 to address accessibility/highway safety issues referred to above; &
- the Conditions set out below.

Planning Application 2012/004
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 drawings numbered PL/2212/001, PL/2212/002, PL/2212/003, PL/2212/004, PL/2212/005, PL/2212/006 (excluding parking area), PL/2212/007, PL/2212/008, PL/2212/009, PL/2212/012, PL/2212/0015, Class Single Polytunnels Specification, Design & Access Statement and Bat Method Statement all date stamped 25/01/12 and amended drawings numbered 2372.001 received 06/03/12 and amended drawings PL/2212/018 & PL/2212/010 Rev A received 06/02/12, and drawing 2500a and accompanying e-mail both received 13/02/12 unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
   Reason: For the avoidance of doubt and to ensure the development complies with the approved plans and to protect visual and neighbour amenity, in accordance with Policy 23 & 24 of the adopted Core Strategy DPD.

3. The buildings hereby permitted for use as part of the vocational training college, and land associated therewith, shall not be used except between the hours of 8:00 am and 6:00 pm Monday to Friday, and not at all on weekends, Good Friday, Christmas Day or Bank Holidays, unless otherwise first agreed in writing by the Local Planning Authority. Motor
vehicle work shall not take place anywhere on the site except within the barn building and
the door kept shut whilst noisy work is taking place and there shall be no burning of
materials on the site.
Reason: To safeguard the amenities of neighbours and other users of the park, in
accordance with Policy 24 of the adopted Core Strategy DPD.

4. The works to the barn hereby permitted shall not be undertaken between 1 June and 31
August and shall otherwise be in full accordance with the scheme to mitigate potential
impacts on bats set out in the Bat Method Statement dated 23/01/12 submitted, unless a
variation is first agreed in writing by the Local Planning Authority.
Reason: In the interests of biodiversity and ecology, in accordance with PPS9, Policy EM1
of the Regional Spatial Strategy and Policy 18 of the adopted Core Strategy DPD.

5. Tree felling, vegetation clearance works, demolition work or other works that may affect
nesting birds shall not be undertaken between 1 March and 31 August, unless the
absence of nesting birds has been confirmed by further surveys or inspections, and other
animals (eg hedgehogs, common toads) shall be moved to a safe place prior to any
clearance of vegetation.
Reason: In the interests of biodiversity and ecology, in accordance with PPS9, Policy EM1
of the Regional Spatial Strategy and Policy 18 of the adopted Core Strategy DPD.

6. The attic area used by nesting swallows shall be retained in a suitable condition to enable
continued nesting by swallows. If the existing swallow nesting opportunities cannot be
retained, and prior to the loss of the existing nest site, details of replacement swallow
nesting opportunities that will be provided shall be submitted to and approved in writing by
the Local Planning Authority. The approved details shall be implemented in full.
Reason: In the interests of biodiversity and ecology, in accordance with PPS9, Policy EM1
of the Regional Spatial Strategy and Policy 18 of the adopted Core Strategy DPD.

7. No external lighting (including security lighting, path or road lighting) shall be installed
without the prior written approval of the Local Planning Authority. Any lighting proposed
shall demonstrate avoidance of bat roost entrance illumination and shall not be attached to
any listed building or structure.
Reason: In the interests of biodiversity, in accordance with PPS9, Policy EM1 of the
Regional Spatial Strategy and Policy 18 of the adopted Core Strategy DPD.

8. Prior to the commencement of works to the barn hereby permitted an archaeological
recording of the building shall be submitted to and approved in writing by the local planning
authority.
Reason: To ensure the special features of historical or architectural interest are recorded,
in accordance with PPS5, Policy EM1 of the Regional Spatial Strategy and Policy 16 of the
adopted Core Strategy DPD.

9. Within 2 months of commencement of the works hereby permitted a Travel Plan shall be
submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall
include:
- Appointment of a Travel Plan manager
- Travel survey
- Details of cycling/pedestrian/public transport links to the site
- Provision for parking/manoeuvring for cycles/motorbikes/cars/ambulance
- SMART targets for non-car modes of travel
- Action plan of measures to be introduced, and appropriate funding
• Details of arrangements for monitoring and review of the Travel Plan for a period of five years

The Travel Plan shall be completed and carried out in accordance with the details approved and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and promotion of sustainable transport, in accordance with Policy 24 of the adopted Core Strategy DPD.

10. Notwithstanding what is shown on the submitted drawings, prior to the commencement of development full details of hard and soft landscaping, including tree works/tree planting, shall be submitted to and approved in writing by the Local Planning Authority, to include details of existing boundary planting/trees to be retained or removed and any necessary measures for the protection of planting. Any new planting shall be undertaken in the first planting season thereafter, unless otherwise first agreed in writing by the Local Planning Authority. Any of the plants which are removed, die or becomes seriously damaged or diseased within 5 years shall be replaced by others of the same siting/size/species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect visual and neighbour amenity, in accordance with Policies 1/18/24 of the adopted Core Strategy DPD 2011.

11. Prior to the commencement of the works hereby permitted, a Site Construction Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site Construction Plan shall include: details/timetable of construction; vehicle wheel-cleaning facilities; construction traffic parking & construction compound location; the proposed temporary closure/diversion of any existing parking areas, paths or roadways. The approved Site Construction Plan shall be implemented and adhered to throughout the entire construction period of the development.

Reason: To maintain safe and satisfactory access arrangements for other park users, to accord with Policies 8 & 24 of the Rossendale District Local Plan.

12. 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 and other park users, in accordance with Policy 24 of the adopted Core Strategy DPD.

LBC Application 2012/005

CONDITIONS

1. The development hereby consented to 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. Prior to the commencement of works hereby consented to full details of the replacement windows, external doors and grilles/vents, including scaled drawings, shall be submitted to and agreed in writing by the local planning authority.

Reason: To ensure the special features of historical or architectural interest are protected in accordance with Policy 24 of the adopted Core Strategy DPD.
3. Prior to the removal of the stone flooring in the listed barn hereby consented to full details for the storage on site unless otherwise agreed in writing shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the historic fabric related to the barn is retained within the grounds for future reinstatement or reuse elsewhere within the building, in accordance with Policy 24 of the adopted Core Strategy DPD.