

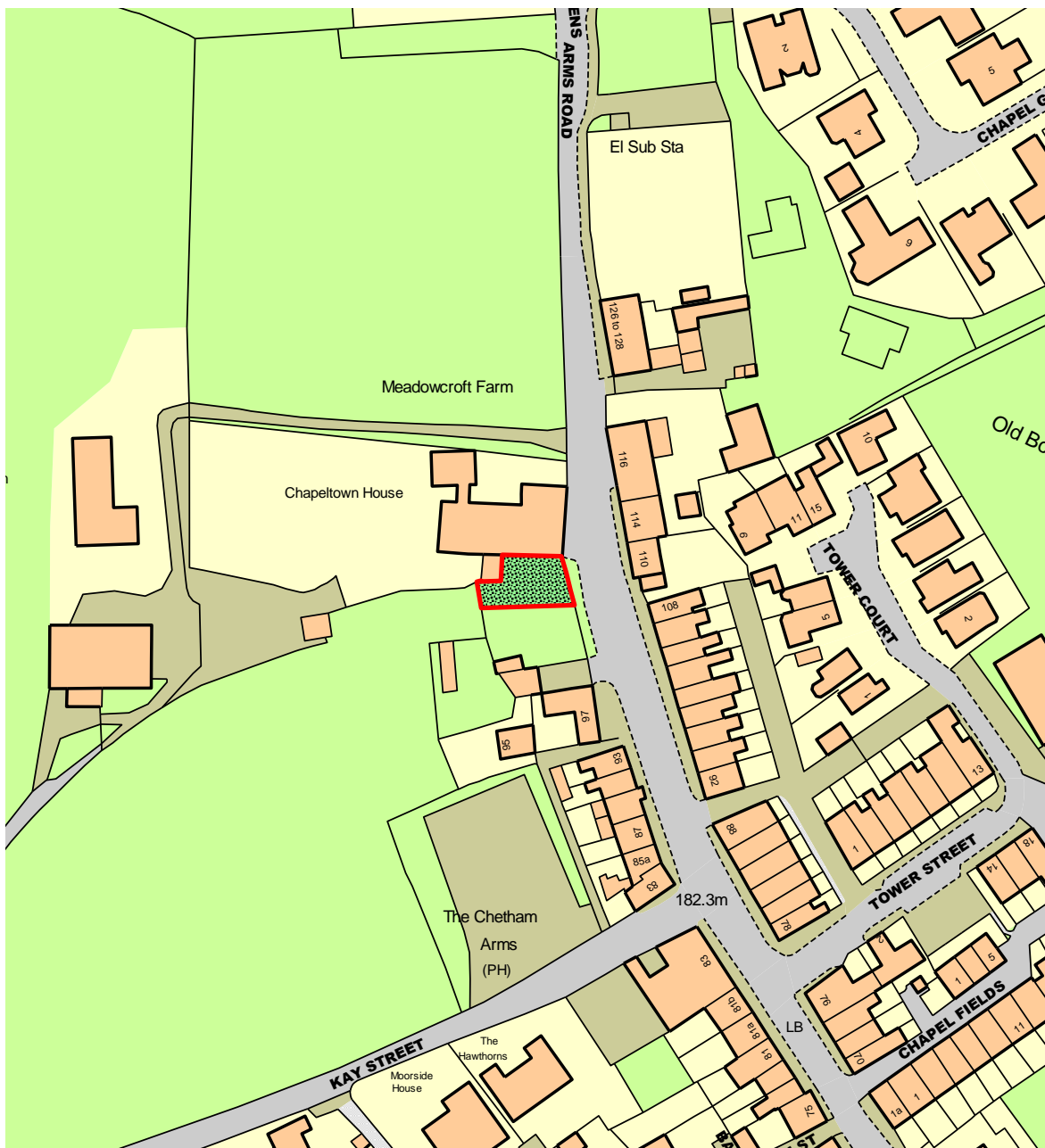
Proposed Development: Relocation of Grade II listed cross

Site Address: Chapeltown Memorial Garden, High Street, Chapeltown

Applicant: North Turton Parish Council

Ward: West Pennine

**Councillor Jean Rigby
Councillor Neil Slator
Councillor Julie Slator**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted listed building consent, subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the application has been made on behalf of the Parish Council.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 11 adjacent properties on 10th April 2024. In addition, a site notice was displayed on 26th April 2024. No public comments have been received for the application so far. Should any comments be received ahead of the meeting they will be presented as part of a committee update report.
- 2.3 The Council's development plan supports new heritage developments and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The proposed development involves relocating a Grade II listed cross ('Market Cross'), which is located within a memorial garden at the centre of the village OF Chapeltown. A number of modifications to the base and surfacing treatments are also proposed to facilitate the development.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be addressed in determining this application are predominantly limited to impacts on heritage assets given the nature of the submission. Impacts on trees have also been assessed given that the surrounding trees are protected by a Tree Preservation Order.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is a Grade II listed building that is located within a memorial garden, the village of Chapeltown and the Chapeltown Conservation Area. The Grade II listed 'Village Stocks' are located within the garden. A number of other listed buildings are also positioned nearby along High Street. Dwellings surround to three sides with fields positioned to the west. The wider site contains landscaped areas and hard surfaces comprising of stone flags and block pavements. The trees within the garden are all protected by a Tree Preservation Order (Old01G1).

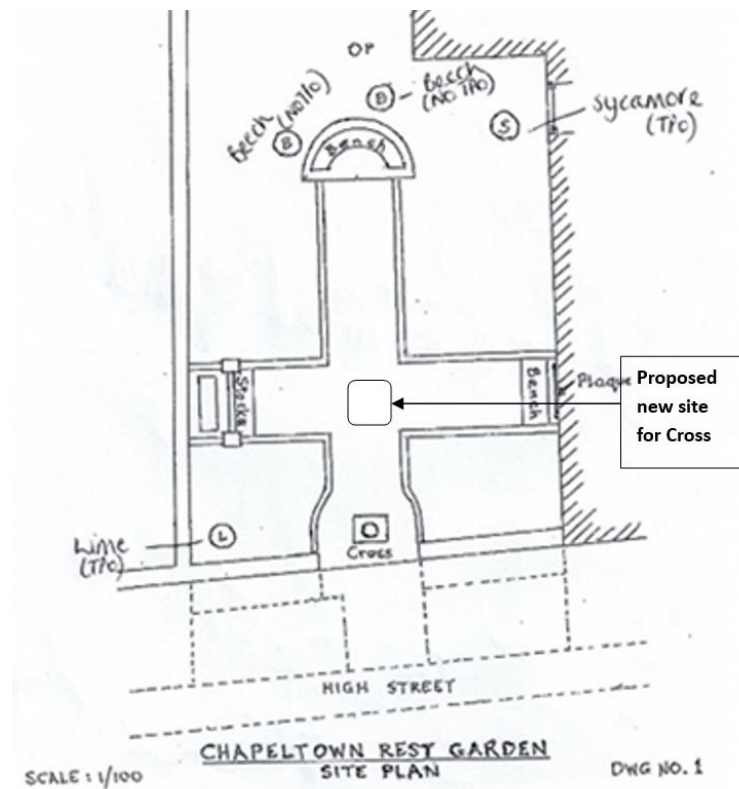
Figure One – Location Plan and Satellite Image



- 3.1.2 The official Historic England listing (List Entry Number: 1260177) describes the listed building as a *'market cross, date unknown but base may be medieval. Square stone base, short pedestal, cylindrical wooden shaft about 2 metres high with small, moulded cap and horizontal cross. Probably ex situ'*.
- 3.1.3 All that remains of the medieval cross is its unusual sandstone base. Set on a modern stone pedestal, the bottom of the original base is eight sided, which then tapers to a cylinder to hold a wooden cross shaft. The tall wooden shaft and metal (lead) cap are modern additions.
- 3.1.4 The cross originally was situated outside the Chetham Arms Inn but was relocated in 1845 to Turton Tower. In 1933 it was moved by TUDC (Turton Urban District Council) to its present position, a very short distance away from the Chetham Arms, and put at the entrance to the Community Garden.
- 3.2 Proposed Development
- 3.2.1 As detailed above, the proposed development involves relocating the Grade II listed cross. The cross would be moved approximately 3m to the west, thereby occupying a more central position within the memorial garden.
- 3.2.2 The submitted Schedule of Works provide the following narrative – *The Grade II Listed Cross has been affected by tree roots making it unstable. The Parish Council therefore propose to relocate the Cross as the initial part of a larger Garden Redesign Project. The cross would be carefully taken down and the base stones lifted. The setts would then be lifted around the base and a solid slab (possibly concrete) would be created in which to seat the relocated cross. The setts would then be made good in both positions. The base stones would be cleaned by hand to remove surface debris and moss. The base stones would then be re-pointed in lime mortar and stainless-steel pins would be used, if required, to secure the relocated stones.*

3.2.3 The works are proposed as part of a wider grant funded project by the National Lottery Community Fund and North Turton Parish Council, working together with Edgworth & District Horticultural Society. They broadly involve the restoration of the Community Garden. The wider works include making the garden more accessible with disability access for all. Over the years the cross has been affected by tree roots making it unstable and has caused the shaft to lean towards the rear of the garden.

Figure Two – Proposed Site Plan



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan (2024)

- Policy CP7: The Historic Environment
- Policy DM17: Trees and Woodland

- Policy DM26: Heritage Assets

4.0 ASSESSMENT

4.1 Impacts on Heritage Assets

- 4.1.1 The proposals relate to a Grade II listed building, as detailed above. Policy CP7 states that decision-making must proactively manage and work with partners to protect and enhance the significance, character, appearance and historic value of the Borough's heritage assets. In addition, Policy DM26 states that the Council will support proposals which conserve or, where appropriate, enhance the historic environment of Blackburn with Darwen. A Heritage Statement has been submitted in support of the proposals.
- 4.1.2 The proposals are limited in their extent and would ensure the structural integrity of the listed building is improved, thereby securing its future. They have been subject to ongoing pre-application discussions and the requirements of the listed building consent submission have been clarified through that process. The BwD Heritage Advisor has reviewed the submitted Heritage Statement together with the merits of the application as a whole. No objections have been raised.
- 4.1.3 That said, additional information has been requested in the form of a clear methodology for the removal of the stone base and its re-location. Ideally, the methodology would be prepared by a specialist conservation contractor and the works detailed should cover the removal, repair, and relocation of the listed cross. The submission documents identify this route, and the Parish Council are currently seeking quotes for the work from contractors. It is likely that the base will need repairing as part of the relocation works and those works would need to be confirmed by the chosen specialist contractor.
- 4.1.4 Therefore, a condition is recommended to control those details. Subject to compliance with that condition, the proposed development would be acceptable with reference to impacts on heritage assets, in accordance with the relevant requirements of Policies CP7 and DM26. For clarity, no wider complications arise from the proposed works for the conservation area or nearby listed buildings, including the Village Stocks.

4.2 Arboricultural Assessments

- 4.2.1 The trees within the site are all protected by a Tree Preservation Order, as detailed above. Those trees also contribute towards the heritage significance and setting of the listed building. Amongst other things, Policy DM17 states that all development should ensure existing trees are adequately maintained in accordance with the guidance contained within BS.5837:2012. No Tree Survey has been submitted in support of the application.
- 4.2.2 The BwD Arboricultural Advisor has reviewed the merits of the application and no objections have been raised. The Lime tree fronting the site in the vicinity of the cross base makes an important contribution to the amenity of the local area.

The Cherries and Sycamore are no longer present. Consent was recently given for the removal of the Sycamore and for pruning works to the Lime, which were approved under application 10/23/0082.

- 4.2.3 The position for the proposed relocation of the cross is within the rooting area of the Lime tree. However, the new position is not likely to impact on roots or the rooting environment to any notable degree. No further controls are necessary regarding trees. For those reasons, the proposed development is acceptable with reference to arboricultural assessments, in accordance with the relevant requirements of Policy DM17.

4.3 Summary

- 4.3.1 This application seeks listed building consent for the repositioning of the Grade II listed Market Cross. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies detailed in Section 3.4.

- 4.3.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposals would be acceptable in terms of impact on heritage assets and arboricultural assessments. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 **RECOMMENDATION:**

Delegated authority is given to the Strategic Director of Growth and Development and Deputy Chief Executive to approve listed building consent, subject to the following conditions.

- 5.1 The works hereby approved shall be begun before the expiration of three years from the date of this consent. No later than three days after works first begin on site, written notice shall be given to the Local Planning Authority of the date on which works are first commenced.

REASON: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

- 5.2 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings and documents: Location Plan (1:1250) and Proposed Site Plan (1:100).

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

- 5.3 No development shall commence on site unless and until a methodology for the removal and relocation of the Market Cross, together with details of any required repair works, has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details.

REASON: In order to control the scope of those works, in the interests of safeguarding the historical significance of the listed building, and to comply with the requirements of Policies CP7 and DM26 of the Blackburn with Darwen Borough Council Local Plan (2021-2037).

6.0 PLANNING HISTORY

- 6.1 10/23/0082 – Sycamore - Fell. Lime Tree - Crown thinning to a maximum of 35%. Two Beech - Reduce the height by at least 30% and crown thin to alter the architecture of branches to allow more sunshine – Granted – February 2023.

7.0 CONSULTATIONS

- 7.1 BwD Heritage Advisor – Subject to the work being undertaken to an agreed specification I do not feel the slight re-location to the cross base would cause any harm or loss of significance to the existing listed Cross. In this regard the proposal would (subject to confirmation of a works methodology via a suitable Condition) conform to the requirements of both Chapter 16 of the NPPF and Local Plan. I raise no objections from a heritage perspective.

- 7.2 BwD Arboricultural Advisor – The proposals will not pose a threat to the health of existing trees.

- 7.3 North Turton Parish Council – Due to a conflict of interest, the Parish Council are unable to comment on the proposed planning application.

- 7.4 National Amenities Society

- 7.5 Ward Cllrs

- 8.0 CONTACT OFFICER:** Christian Barton – Senior Planner

- 9.0 DATE PREPARED:** 10th May 2024

- 10.0 SUMMARY OF PUBLIC REPRESENTATIONS** – none received.