

Application No: 2006/441LB	Application Type: Listed Building Consent
Proposal: 20 Bedroom Extension to Existing Nursing Home and Connecting Link	Location: Ashlands Nursing Home Turnpike Rossendale BB4 9DU
Report of: Development Control Team Manager	Status: For Publication
Report to: Development Control Committee	Date: 9 th January 2007
Applicant: Mrs. A. Marriott	Determination Expiry Date: 4 th October 2006
Agent: Mr. J. Cowpe	

REASON FOR REPORTING

Outside Officer Scheme of Delegation

Yes

Member Call-In

Yes

Name of Member:

Peter Gill

Reason for Call-In:

It is in the Members ward – rules on Call-in since clarified.

More than 3 objections received

No

Other (please state)

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.

APPLICATION DETAILS

1.1 The Site and the Proposal

The application site lies to the north of Turnpike and to the east of Bridleway, Waterfoot. The site is occupied by a detached stone and slate mid-nineteenth Victorian villa. The building is set within a substantial garden with mature trees,

part of which forms a sunken garden to the east which responds to the topography of the site. There is mature woodland around Ashlands which is covered by Tree Preservation Order. Ashlands is a Grade II Listed Building which lies within the Urban Boundary.

The more detailed description of Ashlands from application 2006/621 reads as follows :

The main body of the house has been constructed with ashlar-stone for its principal elevations, with symmetry and a degree of ornamentation around window and door-openings which is typical of mill-owners houses built in the mid-19th century. Its low-pitched slate roof is largely hidden from view behind parapet, but a number of chimney-stacks project above it. To the rear (ie to the north side) is the service-wing, of comparable age and height, its elevations faced with rock-faced stone and with less ornamentation. The service-wing has been set-back from the east elevation of the main house so as not to detract from its symmetry and that of the raised-terrace to this side of the house and the flight of steps leading down to the formal pattern of paths and planting-beds.

The edge of the site backs on to open Countryside to the north, to the east runs Bridleway which provides access to a number of dwellings, to the south stands Newchurch Methodist Church and several houses fronting Turnpike and to the west runs a track and Greendale Avenue.

The application is an identical repeat application of 2005/621 which was refused by Officers on the following grounds:

By reason of its scale/siting/design the proposed development would cause significant harm to Ashlands, which has been include[d] by Central Government on the List of Buildings of Special Architectural or Historic Interest. The wider need which may exist for additional nursing/care home accommodation (and could equally well be met elsewhere) do not warrant granting approval for a scheme of development which will cause such significant harm to a building recognised as being of national importance, particularly in the absence of information to show that the accommodation the new building would contain is being provided in a manner that minimises impact on the Listed Building and its setting and, as far as is possible, mitigation is provided for that impact.

The current application is the same as 2005/621 as it was the applicant's intention for the proposal to be "called in" so it could be heard before the Development Control Committee. As such, the description of the proposal from application 2005/621 is reproduced here:

"Approval is sought to erect an L-shaped building to the NE of the existing building, to accommodate on two floors over a basement 20-bedrooms (with en-suites) and associated lounges, dining-room, laundry, etc. This building will have external walls of pitched-face stone, mock-sash timber windows, cast-aluminium rainwater-goods and a slated hipped-roof. Variations in ground-level mean that, whilst the west elevation will appear 2-storey, the east elevation will appear 3-storey. A 9m long glazed-link will bridge between the existing building and the extension.

Construction will require the removal of a [number] of trees and certain outbuildings.

At this stage planning permission is sought for the principle of development and for details of siting/design/external appearance/access, with only landscaping reserved for later consideration.

The Applicant's Case

- The proposal gives rise to no significant issues of land use principle given the established use of the premises and their location within the Urban Boundary.
- The location, overall shape and massing of the proposed extension have all been the subject of pre-application discussion.
- Reference is made to PPG15 (including the quote that "*many listed buildings can sustain some degree of sensitive alteration or extension...*") and the proposal is also said to accord with Policy HP2 and DC4 of the Local Plan.
- Reference is made to the existing premises being full/the closure of 2 care homes elsewhere in the borough/to the increasing burden of regulatory controls/to the safeguarding of 20 (fte) existing jobs and likely creation of 19 more.
- It will be less physically intrusive to provide the additional bedrooms in an essentially free-standing extension that is connected to the principal building by a corridor/link characterised by a visually lightweight structure containing significant areas of glazing.
- The trees to be felled are not especially attractive/important specimens.
- The increase in traffic will be limited, the proposal likely to increase the number of staff employed at the busiest time from 10 to 16."

The applicant's agent has submitted a supporting letter with the current application which rehearses the history of the scheme, pre-application discussions and the reasons for refusal on applications 2006/621 & 622. The applicant does not give any further reasoned justification for the scheme from the previous submission and appears in essence to rely on the need to provide nursing home accommodation overriding the character and appearance of an historic building of recognized National importance. The applicant has not submitted a detailed design justification for the scheme.

Three meetings have been held with the applicant and their agent to discuss the proposal on 26th September, 4th and 7th December 2006. During the last two meetings the applicant indicated that other options were open to the business in terms the accommodation they wished to provide. It appears that the applicant is not bound to providing the kind of facility proposed, rather is seeking to expand the business. Nevertheless, the applicant has chosen not follow the guidance given by Officers.

1.2 Relevant Planning History

- 1993/300 - The Removal Of Condition No 6 - Preventing The Use For Any Other Purpose Than Residential Rest Home – Approved.
- 1994/308 LB - Proposed Siting Of Satellite Dish – Approved.
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- 2005/622 LB - Outline: Proposed erection of 20 no. bed extension to an existing nursing/care home – Refused.

1.3 Policy Context

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- E4 - Tree Preservation
- HP2 - Listed Buildings
- DC1 - Development Criteria
- DC4 - Materials

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 2 - Main Development Locations
- Policy 7 - Parking
- Policy 20 - Lancashire's Landscapes
- Policy 21 - Lancashire's Natural & Manmade Heritage

Other Material Planning Considerations

- PPS1
- PPG13
- PPG15
- LCC Parking Standards
- Borough of Rossendale (Newchurch No 1) TPO 1979

1.4 Other Material Planning Considerations

2. INTERNAL CONSULTATIONS

Conservation Officer – considers that the building is of particular quality and completeness. So much so, that a case could be made to resist any form of extension attached to the property because any change would disrupt the design and composition of the building and its dominance of the site which would undermine the very reason the building was originally granted protection.

The proposed extension would be a substantial structure with a volume which appears to be larger than the existing building. Its bulk would impact on all the elevations and would dominate and be at odds with the main elevation of Ashlands. The elevations of the proposed extension are an odd mix of window and wall giving a strong horizontal emphasis which would conflict with the character of the existing building. The connecting corridor would compound this. Whilst traditional materials are proposed they are used in a way that does not respect the design and appearance of the Listed Building.

PPG15 Annex C, paragraph C7 states that extensions to Listed Buildings should not dominate the existing building in either scale, material or situation. It continues to say that there are some Listed Buildings where extensions would be damaging and should not be permitted. Successful extensions show a sensitive handling of scale and detail. The proposed extension is considered to fail the guidance given in paragraph C7.

Ultimately, the proposed extension would be detrimental to both the Listed Building and its setting and should be refused.

2.1 EXTERNAL CONSULTATIONS

Lancashire County Council

Social Services – no response received.

Archaeology – consider no further comments necessary.

Highways – no objection to the scheme although requests adequate access, parking and turning facilities be provided on site.

Rossendale Civic Society – would prefer to see no extension to this property as it would compromise its setting. The proposed extension is too large for the site and the proposed link corridor access through the 3-light window would result in the loss of an unusual and distinctive feature.

Ancient Monuments Society – Ashlands is mentioned in Nikolaus Pevsner's volume on North Lancashire as one of the more interesting mill owner's mansions in Rawtenstall. It was constructed in 1863 at a cost of £8,000 by the architect Harry Thorndyke Percival.

The link corridor would destroy one of the most important elements of the whole building – namely the tripartite (3-light) window whilst the extension itself, in their view, would need to be compellingly justified and to be of a high standard of design that compliments the existing building. Neither of these conditions appear to have been achieved in their view.

Council for British Archaeology – No response received.

Society for the Protection of Ancient Buildings – No response received.

3. REPRESENTATIONS

3.1 No letters of objection received from occupiers of adjoining or nearby properties.

4. REPORT

4.1 The main considerations of the application are the principle of the proposal in relation to the need for care home places and whether an extension would be acceptable to this building. The other considerations relate to the details of the proposal in relation to the impact on the character and setting of the Listed Building, residential amenity, parking, turning and servicing as well as highway safety.

4.2 The supporting statement submitted with the application makes a compelling case for the need for care home spaces in Rossendale. However, the bed-spaces could be provided on another part of the site which is less sensitive or another part of the Borough. At the site meeting on 7th December 2006 the applicant indicated that they are not tied to providing this type of accommodation and that there were options that could be assessed, which would be less damaging to the character and setting of the Listed Building. It

would appear then, that the purpose of the extension is more to expand the business than to provide the particular bed-spaces.

4.3 Policy 21 of the Joint Lancashire Structure Plan reads as follows:

“WHERE, IN EXCEPTIONAL CIRCUMSTANCES, UNAVOIDABLE LOSS OR DAMAGE TO A FEATURE OR ITS SETTING IS LIKELY AS A RESULT OF A PROPOSED DEVELOPMENT, MEASURES OF MITIGATION AND COMPENSATION WILL BE REQUIRED TO ENSURE THERE IS, AS A MINIMUM, NO NET LOSS OF HERITAGE VALUE. SUCH MEASURES MAY INCLUDE THE CREATION OF APPROPRIATE NEW HERITAGE RESOURCES, ON OR OFF-SITE.

The underlying principle of Structure Plan Policy 21 is to protect and enrich Lancashire’s overall heritage resource. The policy approach of ‘as a minimum no net loss’ in the value of natural and man-made heritage assets recognises that whilst change and new development are both inevitable and desirable, this should not be at the expense of the County’s environmental heritage. This approach should not be seen as a constraint but as offering the opportunity, through appropriate and well designed development, to enhance the existing capital of natural and man-made heritage. The policy and this central principle are supported and explained by the following guiding principles”.

Policy HP 2 – Listed Buildings in the Rossendale District Local Plan states:

*1. The Council will safeguard Listed Buildings and structures by strict control of development proposals in relation to such buildings or structures and development of neighbouring sites.
2. The Council will not grant Listed Building Consent for the demolition of a Listed Building other than in the most exceptional circumstances.
3. The Council will not grant planning permission for alterations or additions to a Listed Building unless there is no adverse effect on its architectural or historic character.”*

4.4 The supporting statement does not give a detailed statement on how the design of the proposal was reached, rather rehearses the process of meetings. It does not explain why officer advice was discounted and does not explain the mitigation measures which have been employed to reduce the impact of the proposal, nor does it address the guidance given in PPG15. This is perhaps unsurprising given the insensitive nature of the scheme. From the Conservation Officer’s comments, it is clear that Ashlands is a rare example of its kind in relation to its quality and completeness and could be seen as approaching unspoilt. Thus, a strong case could be put for resisting any form of development on the site. It is therefore considered that the need to preserve the character and setting of the Listed Building is paramount and that the principle of extending the Building is unacceptable.

4.5 The Conservation Officer considers that the proposed extension would be out of keeping with the existing building owing to its size, siting and design. Not only would it be out of keeping but it would actually detract from the character and setting of the building. As such the detailed aspects of the scheme are considered to be unacceptable.

- 4.6 Notwithstanding, the application is identical to the previous applications submitted. However, the currently submitted plans do not scale at the same size as the previous scheme and as such are inconsistent and prevents the plans from being properly assessed. From the submitted plans there would be inadequate parking, turning and servicing on site and no provision has been indicated for bin stores. There is no Tree survey or landscaping plan and a lack of detail regarding the loss of the historic fabric of the building. These points have been raised with the applicant who has chosen not to address these matters. As such, there is inadequate and insufficient information to determine the application.
- 4.7 The distance between the proposed extension and any nearby properties is sufficient to avoid any deleterious affect on residential amenity. The Highways officer does not object to the scheme in terms of access at the junction but does request adequate parking and turning on site which have not been demonstrated. The scheme is not a major application and therefore does not trigger the need for planning contributions via a section 106 agreement. It is recommended that the application should be refused on insufficient information rather than on highways grounds.

5. **CONCLUSION**

- 5.1 The application is unacceptable in principle and also in terms of the detail of the application that can be gleaned and is deficient in terms of information which is inconsistent with the previous plans submitted.

6. **RECOMMENDATIONS**

- 6.1 That the application be refused on the grounds that the proposal would be detrimental to the character and setting of the Listed Building and contains insufficient information for the application to be properly assessed.

REASONS FOR REFUSAL

1. The proposed development by reason of its size, siting and design would be detrimental to the character and setting of the Listed Building and therefore conflicts with Policy 21 – Lancashire’ Natural and Man-made Heritage of the Joint Lancashire Structure Plan and Policies DC1 – Development Criteria, DC4 – Materials and HP2 – Listed Buildings of the Rossendale Local Plan.

2. The application and submitted plans provide inadequate and inconsistent information, with regard to dimensions, levels, parking, turning, servicing, bin storage and a Tree survey, for the application to be properly assessed. The proposal thereby conflicts with Policy 21 – Lancashire’ Natural and Man-made Heritage of the Joint Lancashire Structure Plan and Policies DC1 – Development Criteria, DC4 – Materials and HP2 – Listed Buildings of the Rossendale Local Plan.

Contact Officer	
Name	Adrian Harding
Position	Senior Planning Officer
Service / Team	West Area Team – Development Control
Telephone	01706 238646
Email address	adrianharding@rossendalebc.gov.uk

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4. **REPORT**

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and setting of the Listed Building is paramount and that the principle of extending the Building is unacceptable.

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5. **CONCLUSION**

- 5.1 The application is unacceptable in principle and also in terms of the detail of the application that can be gleaned and is deficient in terms of information which is inconsistent with the previous plans submitted.

6. **RECOMMENDATION(S)**

- 6.1 That the application be refused on the grounds that the proposal would be detrimental to the character and setting of the Listed Building and contains insufficient information for the application to be properly assessed.

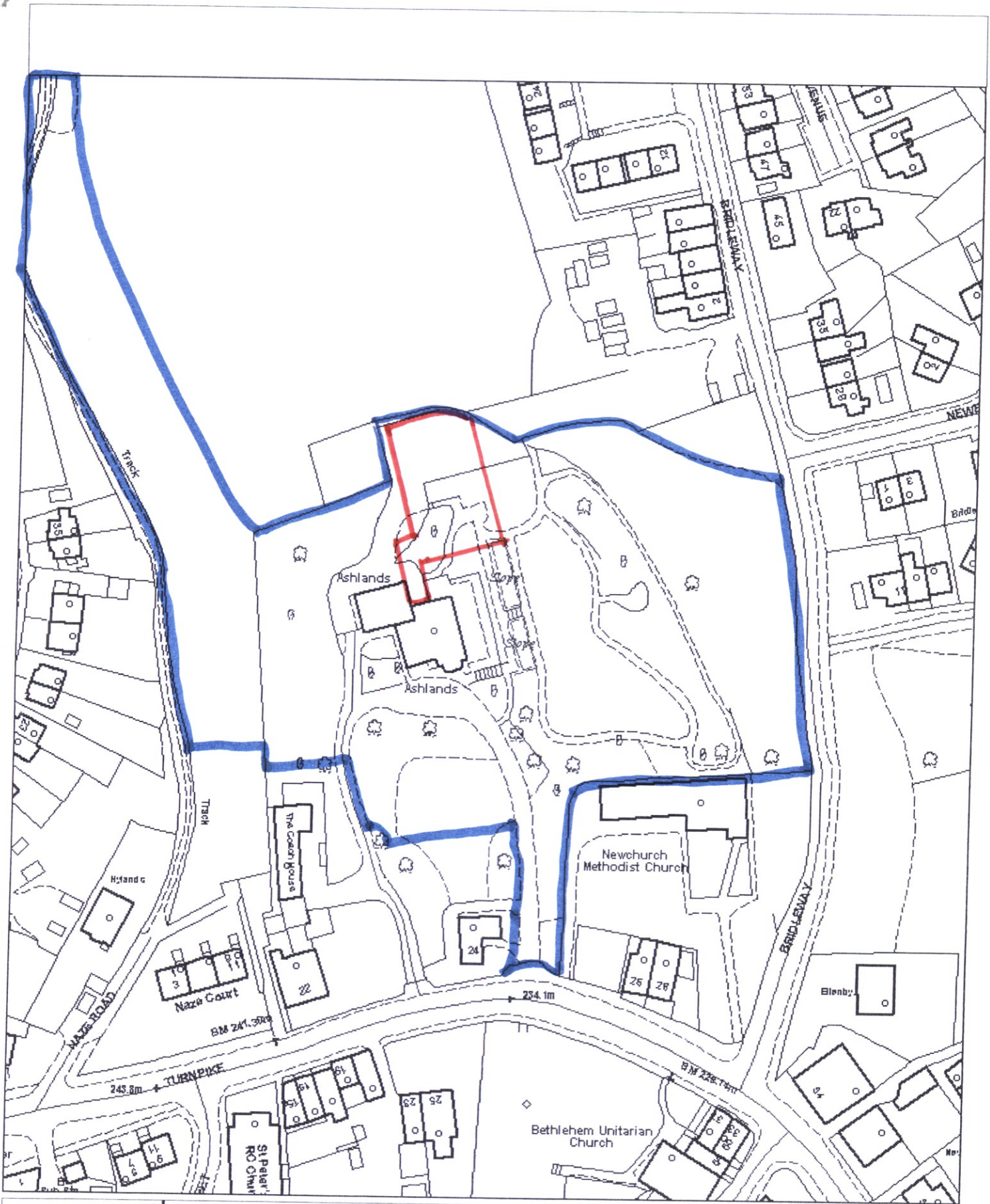
REASONS FOR REFUSAL

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storage and a Tree survey, for the application to be properly assessed. The proposal thereby conflicts with Policy 21 – Lancashire' Natural and Man-made Heritage of the Joint Lancashire Structure Plan and Policies DC1 – Development Criteria, DC4 – Materials and HP2 – Listed Buildings of the Rossendale Local Plan.

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Service / Team	West Area Team – Development Control
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2006

Scale 1:1250 Date: 31/07/2006

Map Center: 383525.599,422527.1715

441 LB

09 JUL 2006