

Application No: RBC TPO T2/133
(Balladen House
Rawtenstall)2006

Application Type: Tree Preservation Order

Proposal: Authority for the making of a
Modification Order and
confirming the same

Location: Land surrounding Balladen
House, Union Road, Rawtenstall

Report of: Head of Planning, Legal &
Democratic Services

Status: For Publication

Report to: Development Control
Committee

Date: 22nd May 2007

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:
Reason for Call-In:

More than 3 objections received

Other (please state)

1. APPLICATION DETAILS

1.1 The Proposal and the Site

The modification of a Tree Preservation Order numbered T2/133 (Balladen House Rawtenstall) 2006.

1.2 Relevant Planning History

Planning Permission numbered 2006/190 for the erection of a 1 storey extension to building and alteration/extension of parking facilities at Balladen House, Union Road, Rawtenstall. This was granted on appeal and it was part of the decision that the developer submitted a landscape scheme to the Council. See copy Appeal Decision at Appendix 1.

2. REPORT

2.1 On 1st December 2006 the abovenamed TPO was made in order to safeguard a group of trees on land surrounding Balladen House and subsequently served on all necessary parties. No objections were then received to the order. The plan attached to the Order is attached at Appendix 2.

2.2 The planning permission for the site required the developer to submit a Landscaping Scheme as part of the implementation of the permission. The developer submitted such details on 5th January 2007. Following this, a request, supported by an Arboricultural report, was received from the developer for various works to be carried out to a number of the trees now covered under the blanket TPO. Advice from the Council's Arboriculturalist was sought and consent to fell 10 trees together with pruning works to 2 other trees was granted subject to suitable replacement planting as stipulated by the Council. Other new planting is to take place under the Scheme and has been detailed to the developer in correspondence dated 11th April 2007. See plan of Landscaping Scheme at Appendix 3.

2.3 The TPO currently in place is therefore in need of modification to reflect the above consents which have been wholly necessary and reasonable. Once modified, the same is to be confirmed with the modifications.

3. HUMAN RIGHTS

3.1 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.

4. CONCLUSION

4.1 In order to continue to safeguard the trees in this area it is necessary to confirm the TPO with the modifications and deal with the issue of replanting.

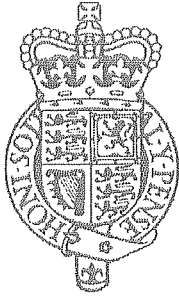
5. RECOMMENDATION(S)

5.1 That authority for the confirmation with modification of the Rossendale Borough Council Tree Preservation Order T2/133 (Balladen House Rawtenstall) 2006 be delegated to the Head of Planning, Legal and Democratic Services.

6. REASONS FOR APPROVAL

1. Continuation of protection of trees under the blanket TPO subject to the consent for works given to the developer and subsequent replanting.

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Appeal Decision

Site visit made on 16 October 2006

by **A D Robinson** BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date: 1 November 2006

Appeal Ref: APP/B2355/A/06/2018505

Balladen House, Union Road, Rawtenstall BB4 6NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Lancashire Care NHS Trust against the decision of Rossendale Borough Council.
- The application Ref 2006/190, dated 3 April 2006, was refused by notice dated 5 June 2006.
- The development proposed is the use of property as a mental health resource centre comprising administration and consulting facilities to ground and first floors with offices to second and third floors. Construction of single storey extensions to western and southern elevations. Construction of extension and alterations to existing surface car park to provide disabled persons parking and motorcycle/cycle parking.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

The Site and its Surroundings

1. Balladen House, an imposing three storey stone building dating back to the early years of the twentieth century occupies spacious grounds off the western side of Union Road. The property contains a further floor of accommodation in the roofspace with light and ventilation provided by a series of dormers. In addition to serving Balladen House, the road also provides access to residential properties lining the eastern side of the road and to a complex of buildings forming Rossendale Hospital to the north-east and east of the appeal property. At its southern end, Union Road joins the Haslingden to Rawtenstall main road (A681). To the north of the hospital, the land is open in character as it gradually rises to Cribden Hill. South of the appeal property the land is also essentially open in character on both sides of the A681.
2. The appeal property and its grounds together with the nearby hospital complex lie within the Green Belt, as shown on the Proposals Map of the Rossendale District Local Plan (LP), adopted in 1995. The open land to the north of the hospital and that to the south of the A681 also lie within the Green Belt. It seems to me that this expanse of Green Belt has been designated in large measure to prevent the coalescence of the built up areas of Haslingden to the west with Rawtenstall to the east.

The Main Issues

3. Balladen House was built originally as a residential accommodation for nurses, but more recently it has been used as a training centre for nursing staff. The Council and the appellant share the view that as both the current use of the building and the proposed use come within Class D1 of the Town and Country Planning (Use Classes) Order 1987,

planning permission is not required for the use of Balladen House as a mental health resource centre. I concur with this assessment. It seems to me, therefore, that the appeal revolves around those elements which require planning permission, the two single storey extensions and the extension to the car park.

4. In the light of the above, I consider that the main issues in this appeal are:
- (i) Whether the extensions and the enlargement of the car park represent inappropriate development in the Green Belt and if so, whether there are any very special circumstances sufficient to overcome the presumption against such development; and
 - (ii) The effect of the extensions and the enlargement of the car park on the visual amenities of the Green Belt.

Planning Policy Framework

5. Local policy in respect of development in the Green Belt is provided by LP Policy DS.3. LP Policy C.6 is also relevant. The former indicates that within the Green Belt planning permission will not be given, except in very special circumstances, for the erection of new buildings and the change of use of existing buildings other than for a limited range of purposes. The latter sets out the criteria to be used in the assessment of proposals for the re-use and adaptation of rural buildings. Amongst other things, the criteria indicate that any extensions should be ancillary in size and mass to the existing buildings and be so designed and located and are of matching materials that they reflect the existing building.
6. It seems to me that Policy DS.3 does not fully reflect national policy towards Green Belts as set out in Planning Policy Guidance (PPG) 2 insofar as the re-use of buildings is concerned. Paragraph 3.7 of PPG2 indicates that with suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, because they are already there. Paragraph 3.8 sets out a number of tests for assessing the appropriateness or otherwise of proposals to re-use buildings. These include strict control being exercised over any extensions and also over any associated uses of land. Also pertinent is paragraph 3.15 which seeks to protect the visual amenities of the Green Belts from proposals whether they are for an appropriate or inappropriate form of development.

Inspector's Reasoning

Appropriateness of the Development

7. The proposed extensions comprise a single storey extension to the western end of the property to provide a day care facility and a single storey extension along the front to provide an entrance vestibule to the proposed mental health resource centre. The appellant estimates that the two extensions together account for an addition of less than 7% in floorspace over and above that of the existing building and in terms of volume, somewhat less than 10%. The Council has not sought to dispute these figures. To my mind, these point to the limited scale and mass of the extensions compared to the existing property. Accordingly, I do not consider that the extensions on their own would be disproportionate or impinge upon the openness of the Green Belt to any appreciable degree. In this respect, I take the view that the extensions comply with national policy in paragraph 3.8 of PPG2.

8. Whilst I share the appellant's view that LP Policy C.6 is essentially concerned with residential conversions, it seems to me that its criteria provides a useful measure in assessing the acceptability of other re-use proposals for rural buildings. The adoption of matching stonework for the external elevations of the extensions, the use of matching slate for the roofs and the adoption of fenestration which reflects that of the existing property means that the extensions would blend in with Balladen House and not be seen as an afterthought. In addition, the extensions would not be visible from public vantage points along Union Road. The side extension would be on the furthest side of the building away from the road, whilst the front extension would occupy part of a raised terrace between, and largely screened by, two wings projecting from the front of Balladen House. As such, it seems to me that the extensions meet the tests set out in LP Policy C.6.
9. However, the extensions cannot be considered on their own. The proposal also incorporates an enlargement of the existing car park. The present car park occupies the western part of a level area in front of the building; the remaining two thirds of this area comprises an expanse of lawn with a mature eucalyptus tree in the middle. The proposal is to extend the car park over the area occupied by the lawn, although the eucalyptus would be retained. The works to create the enlarged car park would involve an extensive area of hard surfacing to provide a total of 68 spaces together with a dedicated covered area for the parking of motor cycles and cycles.
10. The appellant makes the point that the proposed level of parking provision falls well within the maximum level of provision set out in the Joint Lancashire Structure Plan. That maybe the case, but it is the scale of the enlargement of the car park and the effect that this would have on openness which are critical to a consideration of its appropriateness. In my view, the more than doubling of the surfaced area of the car park represents a substantial enlargement of the existing parking arrangements. I am in little doubt that the parking of up to 60 cars and the erection of a covered parking area for motorcycles and cycles would impinge upon the openness of the Green Belt. Accordingly, I consider that the proposal represents, by dint of the substantial enlargement of the car park, inappropriate development in the Green Belt. As such, the proposal as a whole falls outside of the supportive stance taken by PPG2 towards the re-use of buildings in the Green Belt.
11. As paragraph 3.2 of PPG2 makes clear, inappropriate development is, by definition, harmful to the Green Belt. In addition, I consider that the enlargement of the car parking arrangements would conflict with a fundamental aim of national policy, which is to maintain the openness of the Green Belt.
12. Paragraph 3.2 also makes it clear that the onus lies with those wishing to carry out development that is inappropriate to explain why planning permission should be granted. The paragraph goes on to say that very special circumstances to justify such development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by these considerations.

Effect on Visual Amenities of the Green Belt

13. I have already concluded that the extensions themselves would be modest in scale and not be visible from surrounding public vantage points. However, the enlarged car park would be seen from Union Road and from the front of a number of the houses on the east side of the road. However, I do not consider that the enlarged car park would be unduly intrusive

for two reasons. First, the car park would be well screened from the road by a belt of mature trees. I accept that there would be views of the car park through the access from the site onto Union Road, but such views would be of limited extent given the trees on either side of the access and the angled nature of the proposed access into the car park. Second, the visual impact of the car park is capable of being controlled through the imposition of conditions. These could control the nature of lighting in the car park and also thicken the belt of planting along Union Road.

14. From other directions, the proposed car park would be concealed from public vantage points by thick well established belts of planting and by sharp changes in ground levels. For example, from the A681 to the south, the car park would be masked by a steep bank covered in an almost impenetrable thicket of undergrowth and trees. Similarly, there are belts of trees to the rear of Balladen House and along the western boundary of the site. Given the extent of this screening, I conclude that the enlargement of the car park would not adversely affect the visual amenities of the Green Belt, which paragraph 3.15 of PPG2 seeks to safeguard.

Very Special Circumstances

15. The appellant puts forward a number of very special circumstances to justify the proposed development. In the first place, I accept that the proposed use of the property would secure the long term future of what is an imposing building within the locality. The building is clearly underused and has been for some time. The building wears a neglected and uncared for air. This can be seen from the outside. For example, many rooms appear to be empty and the dormers in the roof appear to be in need of urgent refurbishment. If a new use is not found for the building then this could bode ill for the long term survival of the building.
16. The appellant points out that the health service has an urgent need to secure suitable premises in which to base this mental health resource centre given the deficiencies in the existing properties owned by the health service in this part of the County. The Council has not sought to dispute this argument nor has sought to contest the appellant's view that the proposed use of the building would have benefits to both those using mental health services as well as staff in bringing mental health teams together on a single site.
17. I also recognise that suitability of the site for the proposed use. The site is in a sustainable location, being well served by public transport along the A681. It is also very close to the services on offer in the nearby Rossendale Hospital should these be needed.
18. The appellant also makes the point that even with the current partial use of the site, the existing car park is often full and cars are parked in a haphazard fashion in the narrow confines of the access as well as on Union Road itself. On my visit, I noticed some tell tale signs, such as tyre marks, of parking taking place outside of the parking area and I also saw a line of vehicles parked on both sides of Union Road up to its junction with the A681. These are indications of parking provision being under pressure. The parking in Union Road also leads to unsatisfactory traffic conditions, with vans finding it difficult to pass one another with ease and of ambulances having to slow down to pass parked vehicles.
19. To my mind, these arguments advanced by the appellant, and which have not been refuted by the Council, constitute the very special circumstances needed to overcome the presumption against inappropriate development in the Green Belt and the impact of the enlargement of the car park upon the openness of the Green Belt. As such, I conclude that

the proposal satisfies the requirements set out in paragraph 3.2 of PPG2 and also LP Policy DS.3 for very special circumstances to be advanced to justify inappropriate development.

Conditions

20. The Council has put a number of conditions in the event that the appeal is allowed. The appellant has made no comment on these suggestions. I consider that the suggested conditions are necessary, relevant to the development being proposed and are reasonable in all other respects. Accordingly, I intend to impose them although with a number of amendments in the interests of brevity, clarity and enforceability.
21. To ensure that the extensions reflect the appearance of the existing building, I am requiring submission of samples of external materials for approval. To ensure that the enlarged parking provision is made available in good time, I am requiring the extensions not to be used until the larger car park is ready. As no details were submitted, I am also requiring details of the car park, access and motor cycle/cycle covered store to be submitted for approval. Details of the car park should include the means by which the disabled and those in wheelchairs can get from their cars to Balladen House without having to use steps.
22. To reduce the demand on the car park and to lessen the use of the private car, I am requiring the submission of a Green Travel Plan. To safeguard the landscaped setting of the site within the locality, I am also requiring the submission of soft and hard landscaping plans. On my visit I was asked to consider a condition requiring details of external lighting, including that in and around the car park, to be submitted for approval. I accept that such a condition is needed to limit the visual impact of the proposal.

Other Matters

23. I have considered all other matters raised in the written representations, including concerns about changes to mental health care within the health service. Whilst I recognise that the re-organisation of health services can lead to uncertainty and concern as different means of care are taken up and existing patterns of care are dropped, this is ultimately a matter for those responsible for running the health service. I also acknowledge the fears expressed by some at the possibility of anti-social and even unruly behaviour from some of those who may attend the mental health resource centre. However, the control and management of the few who may have the potential for such behaviour are essentially the responsibility of those staffing the proposed facility. Neither these nor any other matters raised are sufficient to outweigh the considerations that have led to my conclusions on the main issues in this appeal.

Conclusions

24. For the reasons above, I conclude that the appeal should succeed and I shall exercise my powers accordingly.

Formal Decision

25. I allow the appeal, and grant planning permission for the use of the property as a mental health resource centre comprising administration and consulting facilities to ground and first floors with offices to second and third floors, construction of single storey extension to western and southern elevations and construction of extension and alterations to existing

surface car park to provide disabled persons parking and motorcycle/cycle parking at Balladen House, Union Road, Rawtenstall in accordance with the terms of the application, Ref 2006/190, dated 3 April 2006, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) Notwithstanding what is shown on the submitted drawings, the development hereby permitted shall not commence until samples of the materials to be used on the external surfaces of the extensions, including samples of stonework, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 3) Neither of the extensions hereby permitted shall be brought into use until the enlarged car park shown on the submitted site layout plan has been constructed in accordance with details which have previously been submitted to and approved in writing by the local planning authority. The details to be submitted shall include the surfacing and drainage of the car park, the design and materials of the covered motorcycle and cycle store, the access arrangements from Union Road to the car park and the arrangements for access for the disabled from the car park to Balladen House. Thereafter, the approved parking and access arrangements shall be retained.
- 4) The development hereby permitted shall not commence until a Green Travel Plan has been submitted to and approved in writing by the local planning authority. The submitted Green Travel Plan shall include information on public transport services within the area, measures for encouraging the use of alternative means of travel to the car and a mechanism for monitoring and reviewing the Green Travel Plan, including the submission of an annual review and action plan to the local planning authority. The approved Green Travel Plan shall be implemented from the commencement of the use of Balladen House as a mental health resource centre.
- 5) No development hereby permitted shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority, notwithstanding any such details which may have previously been submitted. The submitted scheme shall include an indication of all existing trees and hedgerows within the site; the details of any to be retained, together with measures for their protection in the course of development; an indication of the species and numbers of trees and shrubs to be planted; their distribution within the site, those areas to be seeded, paved or hard landscaped; and details of any changes of ground level or landform.
- 6) All hard surfaced areas/walls/fences forming part of the approved scheme of landscaping/boundary treatment shall be completed prior to first occupation of the extensions hereby permitted, unless otherwise agreed in writing with the local planning authority. All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the extensions hereby permitted. Any trees or plants in the approved scheme of landscaping which within a period of five years of the initial planting die, are removed or become seriously damaged or diseased shall






be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

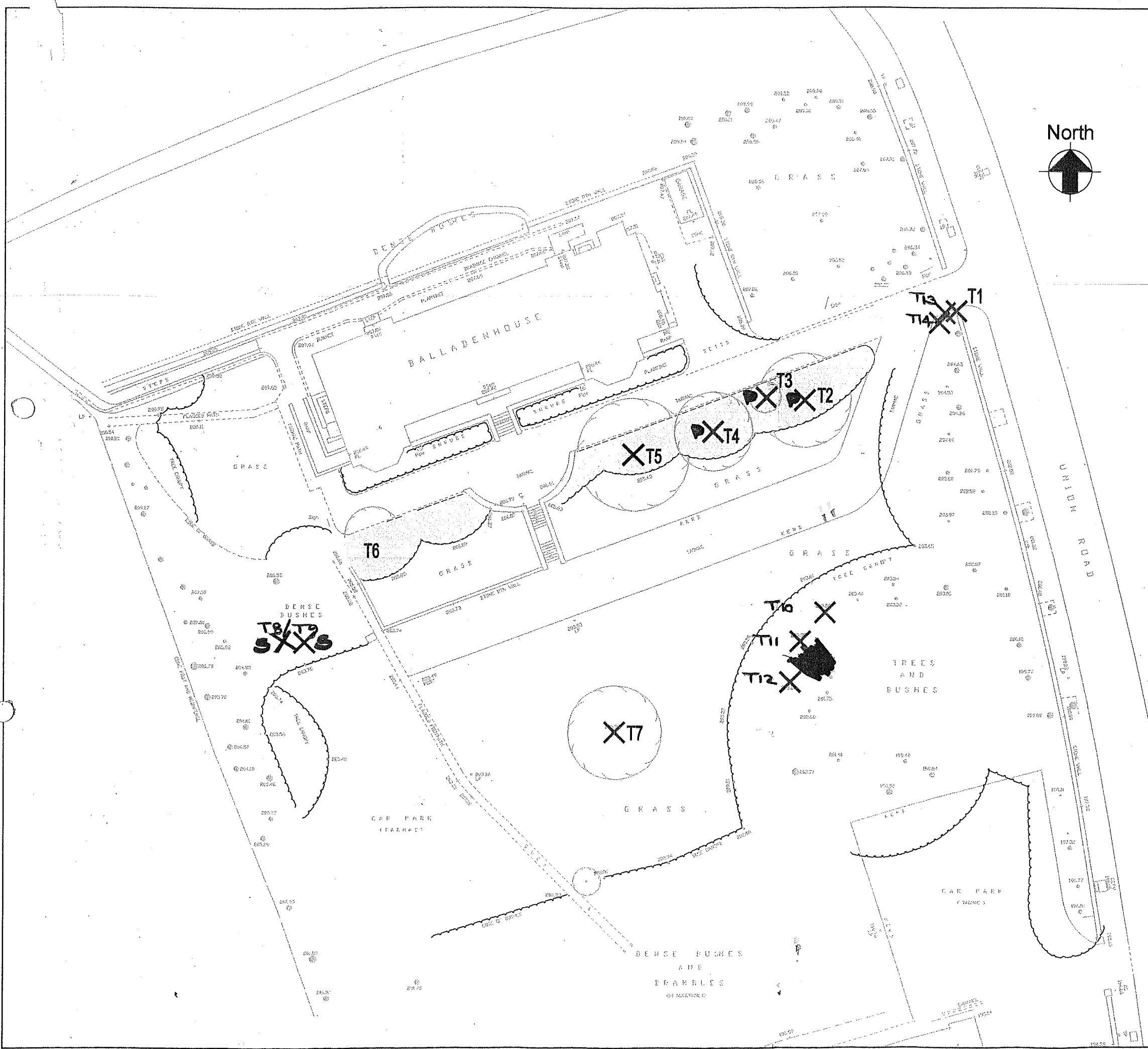
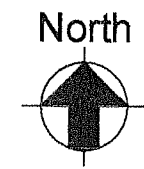
- 7) No external lighting or floodlighting, including any in and around the car park, shall be installed within the site unless details have previously been submitted to and approved in writing by the local planning authority.

Alan D Robinson

Inspector

LEGEND

-  Potentially dangerous trees for removal
-  Trees to be removed for access / construction works
-  Trees to be pruned
-  Shrubs / bushes for removal
-  Very old / potentially diseased ornamental shrubs



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BALLADEN HOUSE
PROPOSED CONVERSION

EXISTING SITE PLAN
TREE SURVEY AND CONSTRAINTS

MAB / EPB	1:200	476/T01
01/12/2006	NTS	