

APPLICATION NUMBER	2014/0059	DECISION LEVEL	Delegated
		CASE OFFICER	Lauren Ashworth
PROPOSAL	Change of Use from church (D1) to training centre for renewable energy projects (C2) including installation of solar panels, new toilet building, new access and car park, repair of walls and works to culvert	DATE FOR DECISION	30 January 2015
LOCATION	St John The Evangelist Church, Burnley Road, Rawtenstall	REPORT WRITTEN	26 January 2015

1. **SITE**

The application site comprises the St John's Church, Crawshawbooth which is grade II* listed, placing it in the top 8% of all listed buildings nationally. The church was built 1890-1892 to designs by Paley, Austin and Paley at the height of the practice's creative output. The design appears to have been heavily influenced by Hubert Austin in particular. This large gothic church is distinguished by its unusual form; its late medieval style; its lofty and spacious interior and its internal fixtures and fittings and furniture designed by the architects.

The church is elevated above Burnley Road which it faces, and is set within grounds which contain a number of mature trees. The trees are covered by Tree Preservation Orders. It has an existing vehicular access onto Burnley Road on the south-east end of the site and a gated pedestrian access on to Burnley Road further north. There is an area of hardstanding around the southern side of the site which forms an informal parking area, and the majority of the remainder of the grounds are covered with ornamental planting and mature trees. There is a channelized brook in a gulley to the west and the site is bordered to the north by Limy water which is a stream.

The site is located opposite Crawshaw Grange which is a modern housing development and there is a short row of cottages on Pinner Lane to the south. There are further dwellings located to the north on St John's Close, Lord Street and Kershaw Close.

The site is within the countryside area as shown on the proposals map.

2. **RELEVANT PLANNING HISTORY**

2009/0445 - Listed Building Consent for the relocation of the war memorial from St John's Church to the open space opposite in Crawshaw Grange. Approved with conditions 22/10/2009.

2009/0371 - Relocation of the war memorial from St John's Church to the open space opposite in Crawshaw Grange. Approved 22/10/2009.

3. **PROPOSAL**

Planning permission is sought to change the use of this vacant church building into a training centre for staff for design, installation and demonstration of renewable energy projects. It will include photovoltaic solar, thermal solar, and biomass amongst others.

Other building and engineering operations are proposed alongside the change of use:

- A new 5 metre wide access from Burnley Road is proposed to replace the existing access. This also involves excavation works and a new internal road leading around the front of the building and widening to 10 metres within the north-eastern area of the grounds.
- The existing access will be closed with the wall built up using materials from the new opening.
- 10 new parking spaces created with solar panels installed above.
- A biomass boiler will be sited within a steel shipping container on the north-east edge of the church grounds.
- New lavatories will be installed within shipping containers located immediately adjacent to the church on the north elevation, with a connecting link and stair to the church and car park area.

4. **CONSULTATION RESPONSES**

LCC Highways

"The parking standards require 13 parking spaces for a D1 Training and Conference Centre (the figure includes a 15% reduction for accessibility). There are currently 4 - 6 spaces within the car park.

The applicant has suggested that 10 employees would be employed within the first year with a weekly training event for a maximum of 8 customers. It would be reasonable to expect the staff to double park their vehicles on training days to allow the customers to park within the car park, should the maximum number arrive in separate vehicles.

I would recommend that 13 spaces would be adequate to serve the premises without detriment to highway safety and that the existing car park could be sympathetically extended to accommodate these spaces without the need to create a new car park on the northern side of the Church. I have attached a plan which shows the area in question edged red.

The site will require space for a large delivery vehicle to load and unload. I recommend that a small area of hard-standing is created close to the south eastern corner of the Church for the reversing of large vehicles to enable them to unload from the car park, turn and exit the site in forward gear, I have edged this area purple on the plan.

I would support the creation of a new access point which will provide improved sightlines along Burnley Road. The existing access point has poor sightlines due to its position close to the buildings on Burnley Road and the vehicles parked on street.

Should the application be approved I would ask for the following conditions:-

- *No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i) *The parking of vehicles of site operatives and visitors*
 - ii) *The loading and unloading of plant and materials*
 - iii) *The storage of plant and materials used in constructing the development*
 - iv) *The erection and maintenance of security hoarding*
 - v) *Wheel washing facilities*
 - vi) *Measures to control the emission of dust and dirt during construction*
 - vii) *A scheme for recycling/disposing of waste resulting from demolition and construction works*
 - viii) *Details of working hours**
- *This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority can carry out these works and therefore before any access works can start you must contact Lancashire County Council using the website link <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx> to obtain a quotation and request the works.*

The car park and access road should be constructed of a porous bound material to ensure that no loose material is deposited onto the highway and to minimise surface water run-off. The car park and access road should be provided prior to first occupation of the Church.”

LCC Ecology

“The submitted Arboricultural Report indicates that bat surveys are being carried out (paragraph 1.4.2); however I understand that no ecology reports have been submitted with the application. I am therefore unable to assess what the likely ecological impacts of the proposals would be. The applicant has not demonstrated that the proposals would be in accordance with the legislation, planning policy and guidance listed below.

Rossendale Borough Council does not have sufficient information on which to base a planning decision. The proposals have the potential to result in a number of adverse ecological impacts, for example the church building and trees proposed for removal may have potential to support roosting bats (European Protected Species) (as is indicated in the submitted Arboricultural Report paragraph 1.4.2).

Prior to determination of the application the applicant will need to submit a full ecological assessment of the proposals. The ecological assessment should include:

- A phase 1 habitat survey of the development site and immediately adjacent land.
- An assessment of the potential of each habitat to support protected and priority species.
- An evaluation of the ecological status of each habitat e.g. Habitats of principal Importance.
- A phase 2 habitat survey of any semi-natural habitats, priority habitats, or habitats and features with the potential to support species of ecological interest. This should include mapped plant communities and full species-lists showing relative abundance.
- Surveys for protected and priority species that may be affected by the proposed development.
- An assessment of likely ecological impacts, including quantified and mapped areas of habitat loss, damage or fragmentation.

All surveys will need to be carried out by suitably qualified and experienced individuals, in accordance with recognised guidance and at appropriate times of year. The survey results should be used to inform the design of the proposals. Prior to determination of the application the applicant will need to demonstrate that the proposals would be located and designed in a way that would firstly avoid ecological impacts. If ecological impacts are unavoidable then the applicant will need to submit proposals to demonstrate that there would be adequate mitigation/compensation measures to fully off-set all unavoidable ecological impacts.

Rossendale Borough Council will need to have regard to the Habitats Directive in reaching a planning decision. If European Protected Species (such as bats) would be unavoidably affected then Rossendale Borough Council would need to consider whether there is a need for a Natural England licence and, if so, should not approve the application if there is reason to believe that Natural England would not issue a licence.

LEGISLATION AND PLANNING POLICY

In determining this application, the requirements of the following legislation, planning policies and guidance should be addressed:

- The Conservation of Habitats and Species Regulations 2010 (as amended).
- The Wildlife and Countryside Act 1981 (as amended).
- The Natural Environment and Rural Communities Act 2006.
- The Protection of Badgers Act 1992.
- The National Planning Policy Framework, 2012 (NPPF)
- Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).
- Environmental Protection / Nature Conservation policies of the Local Plan.

I am unable to provide any further comments at this stage.”

Lancashire Badger Group

“I wish to object to the planning applications listed above on the grounds that neither application although for the same site have had an Environmental Impact assessment carried out.

I have visited the site and found numerous badger paths around the site a significant amount of snout holes, a number of latrines with fresh badger pooh in them. The badgers have also accessed the church foundations or possibly the cellars in 3 locations (I have no idea of the layout of the church so can't be certain which).

Any work to be carried out near these areas would have to be carried out under Natural England Licence or exclusion of the badgers would have to be carried out under Natural England Licence. A phase one habitat survey would also now be required. I would be happy to work alongside the developer if he so required and assist in any way we can."

Environment Agency

"Thank you for consulting us on the above application, which we received on 15 December 2014. We have no objection in principle to the proposed development and would like to offer the following comments:

Flood Risk

The watercourse that is proposed to be culverted is classified as an "ordinary watercourse" and the applicant will need the prior consent of Lancashire County Council (LCC) as the Lead Local Flood Authority (LLFA) under the Land Drainage Act 1991. We recommend you consult the LLFA to determine whether consent has been, or would be granted for the proposal outlined.

With reference to Section 1 of the report on the culvert, dated December 2013, the responsibility for the repair and maintenance of the watercourse structure rests with the riparian landowner. The report refers to the adjoining landowners being disinterested in the condition of the watercourse but the remedial works to the channel must be proven as adequate to ensure flood risk is not created or increased. Again, LCC should advise on this.

The proposals refer to the channel walls of Limy Water being reinstated using the Readirock system of retaining wall construction. This is noted as being in a limestone finish which would not be appropriate for the Rossendale area that is predominantly Gritstone. The works that affect Limy Water will require our Flood Defence Consent and reinstatement of the outfall must be in materials that match the existing channel walls and not limestone.

Advice to applicant

Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of Limy Water which, is designated a 'main river'.

RBC Environmental Health

"There are no objections in relation to this application."

RBC Tree Officer

*"I formally object to the proposed development at **St John the Evangelist Church, Burnley Road, Rawtenstall, BB4 8LZ** for the following reasons:*

- Two thirds of the tree cover on site is identified for removal, these trees are mostly on the side closest to the main road and are very visible within the local area. The trees are of very high amenity value.*
- More than half of the trees identified for removal are categorised as category A (excellent amenity value) or category B (very good amenity value) trees. These trees are vital for retention and characterise the setting of the listed building and the surrounding area.*
- The trees have not been inspected for possible use by bats, therefore the Council is not in a position to be able to grant consent as we are unable to discharge our obligations relating to European Protected Species.*
 - Due to the very significant levels of tree removal it is not possible to obtain sufficient compensation on site at a reasonable ratio in order to protect local amenity."*

LCC Archaeology

No significant archaeological implications.

English Heritage

"Summary

St John's Church is one of the greatest works of the nationally significant practice of Paley, Austin and Paley. The proposals are to convert the closed church, which has been on English Heritage's Heritage at Risk Register since 2012, into an alternative energy centre. We welcome the scheme which could safeguard the future of the building. The success of the scheme will lie in the quality of the design which at present we do not feel entirely compliments St John's Church; however, with relatively minor changes we do feel an acceptable scheme could easily be created. These changes are detailed below.

English Heritage Advice

St John's Church, Crawshawbooth is listed grade II placing it in the top 8% of all listed buildings nationally. The church was built 1890-1892 to designs by Paley, Austin and Paley at the height of the practice's creative output. The design appears to have been heavily influenced by Hubert Austin in particular. This large gothic church is distinguished by its unusual form; its late medieval style; its lofty and spacious interior and its internal fixtures and fittings and furniture designed by the architects.*

The proposals are to convert the former church into an alternative energy centre, including demonstration spaces, lecture rooms, creation of a toilet pod to the north of provide income for the former church (such as photovoltaic canopies over parking bays, ground-source heating and a biomass boiler in a reused shipping container).

We welcome the intention to reuse this important building at risk and safeguard its future. In principle we support the proposals to convert the closed St John's Church into an alternative energy training centre. This new use would require less intervention than most other alternatives given the condition of the building.

Changes to such an important building need to be designed with care and the materials and design details will make the difference between an exemplary scheme and a missed opportunity. We hope the following points will help inform the detailed design:

Visual Impact of the development

The changes to the exterior of the church will have a visual impact on St John's Church; however, this is minimised by the screening of mature trees and the topography. The north side of the church has been identified as one of the less visually sensitive parts of the church, in terms of public views, due to the most significant elevations being to the south and east and because of the cover afforded by the mature trees and topography. This area can therefore accommodate a greater level of intervention than the south. While we concur with this assessment we believe that the development to the north needs to be of a quality appropriate the setting of a grade II listed building that will be valued now and in the future.*

We are not opposed to the principle of the extension of the church to the north to incorporate facilities that would cause harm within the church building through subdivision and removal of fixtures and fittings, such as seen with toilets. However, this should be of a good design quality including the selection of complimentary materials and with a high degree of execution. We are not convinced that the current proposals meet this aspiration; however, this could be easily mitigated through simple changes in the design.

We can understand the value of the reuse of ship containers for the biomass boiler house and toilets from the perspective of affordability and reversibility; however, we would question the appropriateness of the proposed external finish in such a sensitive location. We suggest a well-designed conventional building might be a more appropriate approach. If this is not economically viable one way to mitigate this harm might be to clad the containers in a high quality material or with living green walls. The latter would increase the green credentials of the scheme, help the containers to blend in with the wooded backdrop and give the flexibility to modify the provisions in the future.

We are comfortable with the photovoltaic canopies over the parking to the north of the church. This is one of the least sensitive locations around the church; the canopies are reversible and will be read as different to the church; and they would help support the business that could safeguard the future of the church. We are happy to see the brook retaining wall is proposed to be finished in natural stone and that the biomass boiler house is proposed to be at a lower level to reduce the visual impact.

To understand the visual impact of the development better we suggest that visualisation is produced that shows the impact of the proposals on the character of the church from Burnley Road approaching the church from the north-east or that an elevation is created from Crawshaw Grange that shows the church and proposals in the context of the Burnley Road frontage. To assess the visual impact we recommend that you use the methodology in English Heritage's setting guidance (<http://www.helm.org.uk/guidance-library/setting-heritage-assets/>) and Seeing the History in the View (<http://www.helm.org.uk/guidance-library/seeing-history-view/>).

From the current information we believe that the proposals would have a moderately harmful impact that could be reduced to a minimal impact by the changes detailed above.

Interior Changes

The changes within the interior are minor and do not involve any permanent subdivision. The stated aim is that the majority of furniture will be retained as present with the exception of the reinstatement of the choir stalls into the chancel, the nave pews being turned to face the west and there is the possibility of the removal of the benches currently within the chancel. We welcome the retention of the majority of the furniture and do not object to the removal of a small number of pews from the chancel. This represents a minimal intervention in comparison to other types of church reuse. There are currently no utilities and heating within the building. The connections to and from mains utilities will have to be detailed carefully to minimise the impact on the former church. We welcome the intention to reuse the existing heating routes within the new facility and recommend that this approach is adopted for all services to help reduce the visual impact on the interior of the building.

Renewable Options

The use of renewable technology to heat and power the church and to sell to the national grid is accepted in principle, however, the design and location of technology and connections is of paramount importance. The detailed design might benefit from the good practice advice in the following guides - Small scale solar electric (photovoltaics) energy and traditional buildings (<<http://www.helm.org.uk/guidance-library/small-scale-solar-thermal-energy-and-traditional-buildings/>>) and heat pumps (<<http://www.helm.org.uk/guidance-library/eetb-heat-pumps/>>). In deciding how best to incorporate a renewable technology, the principle of minimum intervention and reversibility should be adopted whenever and wherever possible.

Repair

We are happy with the approach of minimal impact repairs, such as the treatment of dry rot by the removal of moisture. The full extent of the condition will not be known until the investigative works are conducted and we would hope there are provisions within the budget for any contingencies.

In summary, the proposals cause a degree of harm to the character and appearance of St John's Church; however, we believe this harm is outweighed by the public benefits of the reuse of the church and the safeguarding of its future (NPPF 134).

Recommendation

An alternative energy training centre within St John's Church, Crawshawbooth, could help to safeguard the future of this nationally important former church while, importantly, minimising the degree of internal alteration and sub-division. We welcome the endeavours of this project and agree with the proposals in principle subject to the satisfactory resolution of the above details. We

recommend the acceptance of this application subject to the agreement of the detailed design by condition.

It is not necessary to consult us again on this application. Please send us a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.”

RBC Conservation Officer

“St John the Evangelist Church, Crawshawbooth, is one of 10 Grade II listed buildings in Rossendale. Designed by architects Austin and Paley, the high Victorian Gothic spire and raised setting with mature tall trees provide an attractive addition to the street scene along Burnley Road. The church retains highly detailed tracery windows and ornately carved columns. The list description describes a large and imposing church, with a fine and complete interior. The church was closed for worship in February 2012.*

The church is currently on English Heritage’s At Risk Register as priority category A (Immediate risk of further rapid deterioration or loss of fabric: no solution agreed) and its condition is classed as very bad.

In assessing applications which affect listed buildings, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that local planning authorities shall have special regard to the desirability of preserving the building or its setting or any special features of architectural or historic interest which it possesses.

In determining an appropriate reuse scheme, any proposals that retain or enhance the significance of the heritage asset must be favoured, in accordance with paragraph 131 of the National Planning Policy Framework:

In determining planning applications, local planning authorities should take account of... the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 134 of the National Planning Policy Framework states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Optimum Viable Use is defined in the National Planning Policy Guidance:

The optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

In principle, the proposal for change of use is acceptable as it could cause minimal harm to the asset. It does not involve any subdivision of the interior of the church: the interior is described as lofty in the list description and this element of the church undoubtedly forms part of its significance. Therefore the

proposal should respect this element of its significance, and enable the retention of fixtures and fittings.

The conflict between the proposals and the Planning (Listed Buildings and Conservation Areas) Act 1990, national planning policy and Rossendale Borough Council's Cores Strategy Policy 16 arises through the approach to change of use, and the design of elements of the scheme itself, rather than the proposed use being fundamentally unacceptable in conservation terms.

Paragraph 129 of the National Planning Policy Framework states:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Setting is defined in the National Planning policy framework as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

The setting of St Johns Church is not a known designed landscape. Nevertheless, the rich variety of mature trees in the grounds of the church accentuate the verticality of the spire and contribute to the setting of the church. Fine views are experienced from Burnley Road facing west: the raised position of the church emphasises the dramatic verticality. Views from the north and south encompass the substantial grounds and mature trees. The raised, prominent position and presence of trees creates a dramatic setting, which in turn contributes the overall character of the church.

In accordance with paragraph 131 of the National Planning Policy Framework, the local planning authority must take account of the desirability of sustaining and enhancing the significance of the heritage asset, which in this case this includes its setting.

Paragraph 129 states local authorities should identify the significance of the asset that may be affected by the proposal, and take this into account in order to avoid or minimise conflict between conservation and other aspects of the proposal.

Proposals for Tree Removal

The arboricultural report provided with the submission defines Category A trees as of high quality and value with a significant life expectancy, normally over 40 years, and should be retained within the development (p8).

The report goes on to say:

The proposals necessitate the removal of 78% of the trees surveyed within the site, of which roughly 10% are due to impaired condition. 38% are category A...Through discussions with the LPA, the proposed access into the site from Burnley Road has been agreed as the only feasible option due to vehicular access reasons, and is the reason why the majority of the category A trees to the south east of the site are to be removed (pp12-13).

There is a clear conflict between the proposals and preservation of the asset's setting (thus conflicting with paragraph 129 of the National Planning Policy Framework: identifying significance and minimising harm; and paragraph 131 of the National Planning Policy Framework: the desirability of sustaining significance of an asset and putting it to uses consistent with its conservation).

Further, the proposals conflict with the advice of the arboricultural report, which advises category A trees should be retained. There are no further details or justification for their removal included in the submission.

Paragraph 132 of the National Planning Policy Framework states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

There is no clear or convincing justification for removal of the trees, so the proposal for tree removal also conflicts with paragraph 132 of the National Planning Policy Framework.

Policy 16 of Rossendale Borough Council's Core Strategy DPD, Preserving and Enhancing Rossendale's Built Environment, states:

The Council will protect, conserve, preserve and enhance Rossendale's historic built environment including Listed Buildings... These heritage assets all contribute to the local distinctiveness and character of the area. Their futures, including their settings will be safeguarded and secured by:

- 1. Promoting the positive management of the Borough's heritage assets, avoiding unnecessary loss and requiring appropriate mitigation of any negative impacts.*

The proposal is at odds with Policy 16 Section 1 as there is no evidence that the tree loss is necessary and no proposed mitigation is put forward.

As no impact assessment is provided for tree removal, it is not clear the level of harm this will cause to the setting of the church. This means the proposal is also contrary to paragraph 128 of the National Planning Policy Framework:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be

proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Having special regard to the desirability of preserving the setting of the Grade II building, the impact on setting is unacceptable. Therefore the proposed tree removal is also contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

Proposed Installation of solar panels

The submission does not include an impact assessment of the proposed solar panels, so impact on setting is not known. This is again contrary to paragraph 128 of the National Planning Policy Framework.

Proposed Toilet Block

The proposal includes plans to install external toilet blocks to the northeast of the church for the renewables centre. The metal shipping container is not appropriate in terms of materials and design for this Grade II building and so it will clearly harm its setting. This is contrary to paragraph 132 of the National Planning Policy Framework (When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.)*

The siting of the block will also be highly visible, given the raised position and proposed tree loss.

This is also contrary to Policy 16 of the Rossendale Borough Council's Core Strategy Development Plan Document:

The Council will protect, conserve, preserve and enhance Rossendale's historic built environment including Listed Buildings...These heritage assets all contribute to the local distinctiveness and character of the area. Their futures, including their settings will be safeguarded and secured by: 5. Ensuring that all development is:

- a. Located in a way that respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context.*
- b. Of a high standard of design, reinforcing the local distinctiveness of Rossendale*

Paragraph 64 of the National Planning Policy Framework states:

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The proposal for installation of the toilet block is also contrary to paragraph 64 of the National Planning Policy Framework.

Conclusion

The proposals associated with the scheme for change of use are contrary to Policy 16 (Sections 1 and 5 a and b) of Rossendale Borough Council's Core Strategy DPD, paragraphs 64, 128, 129, 131 and 132 of the NPPF, and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Limey Valley Residents Association

- The Association is delighted that a new purpose has been found for the church.
- Concerned about the use of containers as outbuildings. Will they be painted to ensure the appearance is appropriate? Could they be cladded to ensure they will be sympathetic to the building.
- Could the containers be screened to ensure it is not an eyesore and is sensitive towards the church as its setting.

5. NEIGHBOUR NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice has been displayed and 19 neighbour letters have been sent. The development has also been advertised in the Rossendale Free Press. Six letters of objection have been received from different individual residents, (two residents have sent more than one letter each although they have been counted as one each). The objections are summarised below:

- Insufficient details submitted with regards to the proposed biomass boiler to enable the Council to consider it;
- The proposed shipping containers are not appropriate;
- The applicant has not undertaken a bat survey;
- Concerned about dry rot and if it has fully dried out as stated in the report.
- The north side of the church grounds will be completely remodelled including large shipping containers and solar panels. This is the most photographed side of the church and is highly visible in the street. This will damage the heritage asset of the site.
- The work involves removal of many protected trees including category A trees. The overall appearance will change significantly and for the first time.
- The council refused my request to remove sycamore trees within the same vicinity. Should this application be approved I would hope any future requests from this address would be similarly viewed.
- Building this plant has implications on health, financial and social welfare.
- Loss of and damage to grounds surrounding St Johns Church in Crawshawbooth.
- Concern regarding is the negative effect on the area's wildlife.
- I think the aesthetic damage alone is sufficient to warrant rejecting this planning application.
- The value of our property would be adversely affected.
- The view from our property and neighbouring properties would be unsightly.

A letter in support of the application in principle has been received from a resident of Pinner Lane who owns the toilet / washhouse structure. The land within the church now surrounds this building. Concerns were raised in relation to the proposed works adjacent to this building, but the letter states that the plans appear to have been amended to address this.

6. **RELEVANT PLANNING POLICIES**

National Planning Policy Framework

Achieving sustainable development

Section 1 Building a strong, competitive economy

Section 4 Promoting Sustainable Transport

Section 7 Requiring Good Design

Section 8 Promoting Healthy Communities

Section 10 Meeting the Challenges of Climate Change, Flooding, etc

Section 11 Conserving and Enhancing the Natural Environment

Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 4 Rawtenstall and Crawshawbooth

Policy 1 General Development Locations and Principles

Policy 6 Training and Skills

Policy 7 Social Infrastructure

Policy 8 Transport

Policy 9 Accessibility

Policy 10 Provision for Employment

Policy 16 Preserving and Enhancing Rossendale's Built Environment

Policy 17 Rossendale's Green Infrastructure

Policy 18 Biodiversity, Geodiversity and Landscape Conservation

Policy 19 Climate Change and Low and Zero Carbon Energy

Policy 22 Planning Contributions

Policy 23 Promoting High Quality Design & Spaces

Policy 24 Planning Application Requirements

7. **ASSESSMENT**

The main considerations of the application are: 1) Principle; 2) Ecology 3) Visual amenity and impact on setting of the listed building; 4) Neighbour Amenity and 5) Access/Parking

Principle

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is located within the Countryside area. It is in a sustainable location however and lies immediately adjacent to Urban Boundary in Crawshawbooth. Core Strategy Policy 1 sets out the overall development approach within the Borough and this includes locating "...*development within*

the defined urban boundary, unless it has to be located in the countryside, and should be of a size and nature appropriate to the size and role of the settlement.” Policy 1 goes on to state that the priorities for new development include: *“Make best use of under-used, vacant and derelict land and buildings; and...enhance and protect the countryside, geodiversity and biodiversity resources including habitats and species.”* The core planning principles within the NPPF reiterate the need to encourage the reuse of vacant buildings and also to conserve heritage assets in a manner appropriate to their significance.

It is not necessary for the proposed training centre to be located within the countryside, because it could be reasonably accommodated within the urban boundary. However, officers are mindful of the urgent need to find a new use in order to safeguard the future of this grade II* listed church which has been on English Heritage’s Heritage at Risk Register since 2012. This weighs in favour of the principle of the new use.

Officers consider that the proposed conversion of the vacant listed church is acceptable in principle. The overall acceptability of the scheme lies in the detail, in particular the quality of the design of the new structures, visual impact of the development as a whole in the countryside and on the listed church, and its impact on biodiversity resources. These matters are considered in the following sections of this report.

Ecology

Lancashire County Council’s Ecology response is set out in full earlier in this report. The application is not accompanied by an ecology assessment, the purpose of which is to survey the habitat within the development site (and immediately adjacent), then assess any potential of each habitat to support protected and priority species, and finally evaluate the ecological status of each habitat. Importantly, the results of the assessment should then be used to inform the design of the development, including location of roads, buildings and removal of trees.

There is evidence within the applicant’s Arboricultural Report and advice from the County Ecologist that the proposals have the potential to result in a number of adverse ecological impacts, for example the church building itself and trees proposed for removal may have potential to support roosting bats (European Protected Species). Lancashire Badger Group has objected to the proposal on the grounds that the site contains badgers (including the church foundations and possibly cellars) and that any work to be carried out near these areas would have to be carried out under Natural England license. The Badger Group reiterates the comments of County Ecology that a habitat survey is required. It is essential that the presence or otherwise of protected species, and the extent that they may be affected is established before permission is granted, otherwise all relevant material considerations may not have been addressed. Paragraph 119 of the NPPF makes clear that the presumption in favour of sustainable development (paragraph 14 of the NPPF) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

Based on expert advice from consultees, the Council concludes that it does not have sufficient information on ecology matters to enable a positive recommendation. The Council has received objections from neighbours in this

regard, and officers concur with their concerns. The applicant has not demonstrated that the proposals would be in accordance with the necessary legislation and planning policy. The applicant has been provided with a copy of LCC's response, which explains in detail the information that is required, and this is consistent with advice provided during pre-application discussions.

For the reasons above the proposed development fails to comply with Policies 1 and 18 and 24 of the Core Strategy, and the National Planning Policy Framework.

Visual amenity and impact on setting of the listed building

Proposed tree removal

The application is accompanied by an Arboricultural Report which identifies that the site contains 25 individual trees and 3 groups. The majority of these are covered by Tree Preservation Orders and the report states that many of the trees are large, mature and of high retention value and in a relatively prominent position in the area. The report explains that 78% of the trees are proposed to be removed and only 10% of these are due to impaired condition. Of those to be removed, 40% are category A trees and 20% are category B. The report explains that category A trees are of high quality and value with a significant life expectancy, and states they "should be retained within the development." Category B trees are of moderate quality and "should be retained where possible within the development". Category C trees are of low quality and should not constrain development although relocation should be considered where possible.

The proposed development includes removal of 78% of the trees on the site, the majority being protected, with no attempt to demonstrate that relocation is possible, and no replacement planting proposed. The Council's Tree Officer has objected to the proposal. The officer notes that the trees to be removed are in close proximity to the main road, they are very visible within the local area and are of high amenity value:

"More than half of the trees identified for removal are categorised as category A (excellent amenity value) or category B (very good amenity value) trees. These trees are vital for retention and characterise the setting of the listed building and the surrounding area.

The trees have not been inspected for possible use by bats, therefore the Council is not in a position to be able to grant consent as we are unable to discharge our obligations relating to European Protected Species.

Due to the very significant levels of tree removal it is not possible to obtain sufficient compensation on site at a reasonable ratio in order to protect local amenity."

The application fails to demonstrate that the harm by way of the tree removal could be avoided by amendments to the scheme, adequately mitigated i.e. the impact lessened, or as a last resort compensated for. The Council's Tree Officer considers that due to the very significant levels of removal, it would not be possible to obtain sufficiently compensation on site in order to protect local amenity. For this reason the proposal fails to comply with Section 11 of the

NPPF paragraph 118. In addition, the Council's Conservation Officer has found there is a clear conflict between the proposals and preservation of the asset's setting by reason of such significant tree removal, and that the proposals conflict with the advice of the arboricultural report, which advises category A trees should be retained. There are no further details or justification for their removal included in the submission. There is no clear or convincing justification for removal of the trees, so the proposal for tree removal also conflicts with paragraph 132 of the National Planning Policy Framework. The proposal is also at odds with Policy 16 of the Core Strategy as there is no evidence that the tree loss is necessary and no proposed mitigation is put forward. Neighbours have objected to the proposal on the grounds of substantial tree removal and the harm this will cause to the setting of the building.

As no impact assessment is provided for tree removal, it is not clear the level of harm this will cause to the setting of the church. This means the proposal is also contrary to paragraph 128 of the NPPF, and having special regard to the desirability of preserving the setting of the Grade II* building, the impact on setting is unacceptable.

Proposed buildings and highway works

English Heritage has provided detailed comments in relation to the proposed development. No objection is raised to the principle of a toilet block to the north and a biomass boiler house, however, the appropriateness of the finish of steel containers is questioned given such a sensitive location. The Council's Conservation Officer has advised that metal shipping containers for toilets and to house the boiler is not appropriate in terms of materials and design for this Grade II* building and resultantly it will harm its setting. This is contrary to paragraph 132 of the National Planning Policy Framework (*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.*) Core Strategy Policy 1 requires the use of locally distinctive materials which enhance the character and heritage of Rossendale – the current proposals fail in this regard. Paragraph 64 of the National Planning Policy Framework states: "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*" The proposal for installation of the toilet block is also contrary to paragraph 64 of the National Planning Policy Framework. The siting of the block will also be highly visible, given the raised position and proposed tree loss. A well-designed building, preferably using high quality natural materials including stone is needed.

Whilst English Heritage raise no objection to the PV canopies over the parking to the north of the church (they note that this is one of the least sensitive locations around the church) they state that this area is less sensitive because of the topography and screening by mature trees. However, the Tree Removal Plan shows that 11 trees will be removed from this location. A further 7 trees are proposed to be removed from the front of the site to make way for an access road and additional hardstanding. The submission does not include an impact assessment of these works, therefore the full impact on setting is not known. This is contrary to paragraph 128 of the National Planning Policy Framework which states: "*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets*

affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

Neighbour Amenity

The proposed development will not affect neighbouring properties by way of loss of privacy or loss of light.

Access/Parking

No objection is raised by the Highway Engineer towards the proposals subject to conditions. 13 parking spaces are required to serve the development, and there are currently around 6 spaces within the site. The Engineer notes that the existing car park could be sympathetically extended to accommodate the additional spaces without the need to create a new car park on the northern side of the Church.

The site will require space for a large delivery vehicle to load and unload, and the Engineer recommends that a small area of hard-standing is created close to the south eastern corner of the Church for the reversing of large vehicles to enable them to unload from the car park, turn and exit the site in forward gear. Again, this may reduce the need for significant tree removal in the north-east corner of the site.

The Highway Engineer requires the creation of a new access point which will provide improved sightlines along Burnley Road. The existing access point has poor sightlines due to its position close to the buildings on Burnley Road and the vehicles parked on street. However, Officers have discussed the need for the internal access road of the size proposed (5 metres) and the Highway Engineer has advised that this is unnecessarily large and that a width of 3-3.5 metres would suffice. Again, this may help reduce the number of trees required for removal.

Summary

Officers are mindful of the urgent need to find a new use in order to safeguard the future of this grade II* listed church which has been on English Heritage's Heritage at Risk Register since 2012. This weighs in favour of the scheme. However, the conflict between the proposals and the development plan and NPPF arises through the approach to change of use, and the design of elements of the scheme itself, rather than the proposed use being fundamentally unacceptable in conservation terms.

Collectively the significant tree removal and proposed works including shipping containers, solar panels, internal road and hardstanding, will have a damaging visual impact on the street scene, and would cause significant harm to the setting of the grade II* listed building. There is no evidence to demonstrate that the significant harm by reason of loss of protected trees at this scale, in particular the category A and B trees, cannot be avoided, mitigated or compensated for. In addition, the proposed shipping containers are inappropriate in this location; they are of poor design and will harm the setting of the listed building. In addition, the applicant has failed to provide an ecological assessment of the site and the impact of the proposed development on

biodiversity. There is evidence to suggest that the trees have potential to support roosting bats, and badger activity has been noted recently. In the absence of such assessments the applicant has not demonstrated if there will be an impact on protected species and if any identified harm resulting from the development can be avoided, adequately mitigated or compensated for.

Officers consider that many aspects of the proposed development could be addressed through re-design for example using stone-built outbuildings rather than shipping containers, and redesign of the access road and parking arrangements as indicated in comments from LCC Highways. However, it is important that any revised application demonstrates that the existing tree survey and ecological assessment (once prepared), are used to inform the design of the proposals i.e. to understand which parts of the site are capable of being developed and this would then inform the location of buildings, roads, parking, removal of trees and proposed landscaping. English Heritage recommends the applicant prepares visualisation to aid understanding of the visual impact particularly from the Burnley Road when approaching the church from the north east. Should the applicant consider addressing the various issues raised above, Officers recommend photomontages accompany any future application.

RECOMMENDATION

Refuse

REASONS FOR REFUSAL

1. The application involves significant works within the grounds of the church which would result in the loss of two thirds of the tree cover on the site (over half of which are Category A and Category B trees), in addition to the removal of significant areas of soft landscaping including ornamental planting. This will have a significant impact on biodiversity. The applicant has failed to demonstrate that the harm caused by the removal of the trees could be avoided, mitigated or compensated for. In addition, the Arboricultural Report states that the trees have the potential to support roosting bats and recent evidence of badger activity has been found within the Church grounds. The application has not been accompanied by a full ecological assessment of the site and the impacts on ecology and biodiversity that would occur as a result of the development. In the absence of such assessments the applicant has not demonstrated if there will be an impact on protected species and if any identified harm resulting from the development can be avoided, adequately mitigated or compensated for. Accordingly the scheme is considered to be contrary to Section 11 of the NPPF, and Policies 1 and 18 of the Rossendale Core Strategy.
2. The grade II* listed building is set within grounds containing a rich variety of mature and protected trees which serve to accentuate features of the church and contribute to its setting. Fine views are experienced from Burnley Road facing west: the raised position of the church emphasises the dramatic verticality. Views from the north and south encompass the substantial grounds and mature trees. The raised, prominent position and presence of trees creates a dramatic setting, which in turn contributes the overall character of the church. The application proposes significant works within these grounds including installation of steel shipping containers to form toilet blocks and to house a biomass boiler; a

5m wide access road and large area of hardstanding for servicing and parking; installation of solar panels and substantial removal of protected trees which are in prominent locations and are of high amenity value with no proposal for replacement. Collectively these works would cause significant visual harm to the street scene along Burnley Road, and would have an unacceptable impact on the setting of the grade II* listed building and the applicant has failed to provide clear and convincing justification. Accordingly the proposal is contrary to Policies 1, 16, 18, 19, 23 and 24 of the Rossendale Core Strategy and Sections 7, 11 and 12 of the National Planning Policy Framework.

CASE OFFICER.....**DATE**:.....

PLANNING MANAGER.....**DATE**:.....