


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:		Date:		Manager:		Date:	
Site Notice displayed		Photos uploaded						

Application Ref:	3/2020/1073	 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	15/01/2021	
Officer:	AB	
DELEGATED ITEM FILE REPORT:		Decision

Development Description:	Retention of unauthorised change of use of land from agricultural to agricultural and forest pre-school and change of building from mixed use for agriculture, office, staff facilities and cider making to forest pre-school, agriculture, office and staff facilities.
Site Address/Location:	Dove Syke Nursery Eaves Hall Lane West Bradford Clitheroe BB7 3JG

CONSULTATIONS:	Parish/Town Council
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Having read the submission carefully, the Parish Council notes that the application is retrospective and relates to the change of use of land from agricultural to agricultural / forest pre-school. The application also seeks approval for change of building use to a variety of non-residential purposes. The Parish Council is aware that at least two previous applications have sought approval for residential use (3/2016/0853 and 3/2016/0558), both of which have been refused; from this perspective, the present application may be considered less contentious.

With regard to the establishment of a forest pre-school, the Parish Council is not opposed in principle to the use of the premises for this purpose, with some support for the concept being expressed by individual members. Reassurance is provided by the OFSTED registration and the qualifications / experience of the current owner (paragraph 4.6 of the Planning Statement confirms).

However, notwithstanding the above, members remain concerned at the highways implications arising from the opening of the forest pre-school. Paragraph 4.2 of the Planning Statement suggests that there may be up to 15 persons attending the pre-school (10 children plus 5 assorted staff). The Parish Council has noted that children are driven to the school by their parents (a view conceded in paragraph 6.11) rather than make their way on foot. As such, there has clearly been an increase in traffic flow on Eaves Hall Lane, which is narrow and well-used by occupants of the Lane including the large residential caravan site at Three Rivers. The Parish Council has consistently voiced concern at the increase of traffic on the Lane, as evidenced by the content of an email sent to Lancashire County Council as Highways Authority on 12 October 2020:

Over the summer, members of the Parish Council had considered planning application 3/2020/0544 (construction of 15 eco lodges and infrastructure to provide additional accommodation for Eaves Hall, Eaves Hall, Eaves Hall Lane, West Bradford). It was agreed that a consultation response relating specifically to the merits of this particular application would be submitted, although no reference would be made in that response to wider highways concerns as it seemed unfair to focus these solely on the applicant in this case. Instead, it was felt better to make a later approach to the Highways Authority in which these wider concerns were outlined; hence this email.

Members had noted that, as well as application 3/2020/0544, other applications with a potential impact on traffic flow have recently been approved. These include 3/2019/0845 (dog day care at

Eaves Hall Farm). It is also believed that other development is likely to exacerbate the traffic situation on Eaves Hall Lane, e.g. further expansion of the Three Rivers Country Park site and the establishment of a children's nursery at Dove Syke, the latter having led to complaints from residents about increased traffic volume and speeding in the vicinity.

The County Council subsequently declined to introduce any general traffic calming measures on Eaves Hall Lane – a response which has done nothing to reduce Parish Council members' concerns at the cumulative effect of additional planning applications in the vicinity.

As referenced in the email to LCC, members are aware that Condition 3 of planning consent 3/2019/0845 imposes the following restriction on a dog care facility located at the upper end of Eaves Hall Lane:

All dogs using the day care services shall arrive by vehicles associated with the business on a pick-up basis. For the avoidance of doubt no dogs shall be accepted from customers whose dogs arrive by private motor-vehicle whether on a customer drop-off or appointment basis.

Members consider the highways implications arising from the above two scenarios (dog day care and forest pre-school) to be broadly similar and Planning Officers may wish to consider adoption of appropriate measures to mitigate traffic impact should this latest application be granted.

In summary, members do not oppose the concept of a forest pre-school but, for the reasons set out above, would wish to formally register their concerns at the increased traffic flow arising from this and other applications on Eaves Hall Lane.

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	
<p>The proposal is for retrospective permission for the continuation of a forest school for pre-school children. The proposal utilises existing land and building facilities and the Planning Statement submitted with the application states that the facility will accommodate 10 children and 3 staff. On this basis and on the understanding that there are no local issues raised during the local consultation process, I would be minded to raise no objection to the proposal on highway grounds.</p> <p>However, looking at the access from Eaves Hall Lane, the access would benefit from being widened at the junction to allow 2 opposing vehicles to pass. It is unclear from the submitted plan whether the applicant is in control of the land either side of the access to permit the local widening of the lane. If this is the case then this would be considered of benefit to the parents arriving at the nursery and should therefore be considered.</p>	
CONSULTATIONS:	Additional Representations.
<p>Two objection letters have been received and raise the following concerns:</p> <ul style="list-style-type: none"> • Site plan not accurate – some of the blue edged land is owned by Dove Skye Farm. • The main building is, in part, used as a permanent place of residence by the applicant and their family (and has been since late 2017). • Significant area of agricultural land surrounding the building has been lost to domestic curtilage and use in connection with children's nursery including construction of numerous structures. • Variety of animals introduced on site. • The site will not be used solely for a registered children's nursery. • Proposals would have a significant impact of local highway network and safety. • Site is in an isolated location in the countryside. • Site track is unmade, rough and narrow and can be treacherous in wet and icy weather. • The applicant does not own the track or any of the land around it. • Passing places as shown on the plan do not exist. 	

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RELEVANT POLICIES AND SITE PLANNING HISTORY:

Ribble Valley Core Strategy:
Key Statement DS1 – Development Strategy
Key Statement EC1 - Business and Employment Development
Key Statement EN2 – Landscape
Key Statement EN4 – Biodiversity and Geodiversity
Key Statement EC2 – Development of Retail, Shops and Community Facilities and Services
Key Statement DMI2 – Transport Considerations
Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport and Mobility
Policy DME1 – Protecting Trees and Woodlands
Policy DME2 – Landscape and Townscape Protection
Policy DME3 – Site and Species Protection and Conservation
Policy DMB1 - Supporting Business Growth and the Local Economy
Policy DMB2 - The Conversion of Barns and Other Rural Buildings for Employment Uses

National Planning Policy Framework
National Planning Policy Guidance

Relevant Planning History:
3/2016/0853 - Change of use from storage building to dwelling house. Refused.

3/2016/0558 - Prior approval sought for (Class q (a) and (b)) for the change of use of an agricultural building to a dwelling house (Class 3) and for associated operational development for an agricultural building at Dove Syke Nursey, Moor Lane, West Bradford. Refused.

3/2014/0389 - Change of Use of part of a mixed use building currently used for agricultural, office, staff facilities and cider making for use as a holiday cottage. Withdrawn.

3/2012/0870 - Change of use of an agricultural building with office and staff facilities to mixed use for agricultural, office, staff facilities, and cider making (retrospective). Approved with Conditions.

3/2007/0603 - Agricultural building to house office & staff facilities. Application to leave building 'C' standing. Approved.

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:
The application site is located off a single-track lane approximately 350m to the southwest of the junction with Eaves Hall Lane, West Bradford. The track also provides access to two residential properties sited further to the southwest. The site is within the Forest of Bowland Area of Outstanding Natural Beauty.

The application building was granted consent in 2007 as an agricultural building including office and staff facilities. The building is of portal frame construction with profiled sheet cladding. Historically the building has also been used in association with a nursery (horticulture)/landscaping business and cider making.

The applicant purchased the site in 2017 as an existing Christmas tree business and continue to grow Christmas trees for whole and retail from the site. In the summer of 2019 the applicant ran parent and child 'forest school' sessions before establishing a forest school in January 2020, albeit without the benefit of express planning consent.

Proposed Development for which consent is sought:

The applicant seeks to regularise the use of the building and surrounding land, changing its use from mixed use agriculture, office, staff facilities and cider making to a forest pre-school, agriculture, office and staff facilities. At present the school has three full-time members of staff and has pre-school places for 10 children, operating between 9am-3pm five days a week.

No changes are proposed to the main building externally. Subdivision of the unit internally also remains unchanged. The proposals also include change of use of land surrounding the building from agricultural use to use associated with the pre-school including outdoor play areas and a 'forest area'. From aerial photos it appears that the majority of the land that is the subject of this application was formerly used in association with the nursery (Christmas tree) business. Consent is also sought for a number of timber structures that have been placed on the land in association with the use.

It is noted that the school is Ofsted registered and there is currently a waiting list for places. The main considerations in the determination of this application are the principle of development, the impact of the development on the character and appearance of the area, residential amenity and the matter of highway safety.

Principle of Development:

Policy DMG2 of the Core Strategy is relevant to the determination of this application given the site lies in an area designated as AONB. Policy DMG2 states that outside the defined settlement areas development must meet one of six considerations. This includes development considered to be 'essential to the local economy or social wellbeing of an area' and 'small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated'. The provision of a forest pre-school would, as I understand, be the first of its kind in the borough and would provide an alternative childcare setting and choice for residents supporting the aim to 'widen choice in education' at paragraph 94 of the Framework. Whilst it may not be considered to be 'essential' to the area, the proposals do comply with the second consideration above, insofar that it is a relatively small-scale use. The premise of a 'forest' pre-school, by its nature, would more likely require a location outside of the main town centres and villages and, as noted above, would provide a local benefit, providing additional choice for parents.

Policy DMB2 supports the re-use of rural buildings for employment purposes subject to a number of considerations. This includes that, 'the impact of the proposal or additional elements likely to be required for the proper operation of the building will not harm the appearance or function of the area in which it is situated'; 'the access to the site is of a safe standard or is capable of being improved to a safe standard without harming the appearance of the area' and there is also a requirement that *'the conversion of buildings should be of a high standard and in keeping with local tradition. The impact of the development, including the creation of servicing, storage areas and car parking facilities (or other additions) should not harm the appearance or function of the area in which it is situated'*.

Generally new educational institutions would be expected to be located in the most sustainable locations with good access to the highway network, public transport services and within walkable distance of a large proportion of the catchment area to allow a choice for people to travel. Key Statement DMI2 states that, *'New development should be located to minimise the need to travel. Also, it should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need for travel by private car. In general, schemes offering opportunities for more sustainable means of transport and sustainable travel improvements will be supported'*. Policy DMG3 also places considerable weight on site accessibility.

In this case it is recognised that, due to the focus on outdoor learning, there is a greater likelihood that a suitable site would be less sustainable in terms of location. It is reasonable to assume in this case that the vast majority of parents/guardians would travel to the site by private motor vehicle given the 1.3km distance to the nearest bus stops and lack of dedicated footways. However, I am also mindful that the forest school at present has pre-school places for only 10 children – the use is small-scale and would not result in significant numbers of vehicle journeys.

Considering the above, it is therefore suggested that the use is, at present, acceptable due to its relatively small-scale nature. It is important to understand, however, the capacity of the existing building for childcare numbers as, if a larger number of children could be accommodated within the building than deemed acceptable in this location there may be a requirement to restrict child numbers by planning condition. The applicant has confirmed that the building could accommodate up to 30 children and therefore it has been agreed that pupil numbers should be limited to 20 pupils at any one time in order to control the intensity of the use and restrict vehicle journeys to the site.

The proposed use as a private pre-school nursery means that Key Statement EC1 'Business and Employment Development' and Policy DMB1 'Supporting Business Growth and the Local Economy' are also relevant to the application. KS EC1 supports proposals that strengthen of the wider rural economy.

Having regard to the above, it is considered that the development is acceptable in principle. However, there remains the requirement to assess the development particularly in relation to its visual and landscape impact and highway safety.

Visual Amenity:

The application site is located in the Forest of Bowland AONB. Paragraph 172 of the Framework states that, '*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas,...*'. Key Statement EN2 of the Core Strategy repeats the requirement to protect, conserve and enhance the landscape and character of the AONB.

The proposal makes use of an existing portal framed building and already has an area for car parking. Small structures have been erected around the site including timber shelters or sheds that have been planted in or close to the Christmas tree nursery. A number of raised planting beds have been created in timber and an outdoor play area contains wooden benches and timber play equipment. It is clear when viewing the site that the land to the east of the main building has undergone the most significant change in its appearance given this serves as the main play area. However, the play equipment and paraphernalia that has been introduced blends in reasonably well and the site is visually well-contained.

It should also be acknowledged that this area of the AONB, along Eaves Hall Lane, also contains Eaves Hall Hotel and Three Rivers Caravan Park. There are also a number of residential dwellings at the south of Eaves Hall Lane on the east side. As such, the landscape in this location is not untouched by development and it is not thought that the relatively low-key proposal would result in undue harm to the wider landscape taking into account the character of the surrounding area. It should be noted that the proposals do not seek to erect any substantial or permanent buildings and therefore, should the business cease, there will be no demand to find alternative uses for new buildings other than the one that is already present.

Impact on Residential Amenity:

The closest residential property is at Dove Syke Barn which is located approximately 100 metres south of the main building. The main play area is located further still from residential properties although the closest point of the application site is approximately 50 metres away. The area between the site and the nearest dwellings includes well treed areas that would provide some screening from any noise generated by the use.

It is noted that the objections received from neighbours appears to focus primarily on highway safety and traffic noise, although it is mentioned that music is played at the site. I am mindful however that the site would only operate between 9am – 3pm and it is considered that, considering the scale and intensity of use and intervening distances including landscape features, the proposals would not be unduly harmful. It should also be acknowledged that the site has a lawful use for the production of cider and for agricultural use. These uses would also be expected to generate some noise and so therefore provide a fall-back position against which to consider the application. The Council's Environmental Health section has

confirmed that no complaints have been made in relation to the pre-school which has been in operation for approximately 12 months.

Highways:

The County Surveyor has raised no objections to the proposal. This is however on the basis that no local issues are raised during the consultation process. However, the issue of road safety has been raised by the Parish Council and neighbouring residents. The Parish Council's concerns relate to traffic flow along Eaves Hall Lane due to recent planning approvals for 15 eco lodges at Eaves Hall Hotel and dog day care facility.

The neighbour objection relates primarily to the suitability of the access and track from Eaves Hall Lane to the site noting it is unmade, rough and narrow and with no dedicated passing places and that the site access is semi-concealed at its junction with Eaves Hall Lane. The County Highways Officer advises that the condition of the track would be a matter for the applicant to consider. At present it is passable and would encourage low speeds. If the lane suffers further deterioration without remedial repairs then this may affect the willingness of parents to take their children to the nursery and with this in mind it is considered that the applicant will strive to maintain the access track.

Observations/Consideration of Matters Raised/Conclusion:

No ecological assessment has been submitted with this application however the main area used by the proposals is part of the Christmas tree nursery site. As such, it is unlikely to have had a relatively low ecological value. Further to this it was noted during a visit to the site that bird boxes and feeders have been erected at the site. It is not considered that the proposals have impacted negatively on ecology/biodiversity at the site.

The forest pre-school would operate 9am to 3pm during daylight hours and therefore there would be no requirement to install or erect external lighting that could potential impact upon bats.

Conclusion

Having regard to all of the above, whilst there is poor access to the site by foot and public transport the use is relatively small-scale and the proposals would make use of an existing building for an employment generating use. The application site is well-contained visually with limited public vantage points and the play areas and associated timber structures are sited so as to minimise their prominence in the landscape.

It is considered that overall the scheme accords with the development plan and accordingly it is recommended that the application be approved subject to planning conditions.

RECOMMENDATION:

That planning consent be granted.