

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 25 NOVEMBER 2010
 title: PLANNING APPLICATIONS
 submitted by: DIRECTOR OF DEVELOPMENT SERVICES

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION NO: 3/2010/0421/P (GRID REF: SD 373213, 456352)
 PROPOSED CREATION OF ADDITIONAL CAR PARKING SPACES AT THE SCHOOL LANE CAR PARK WITHIN THE EXISTING BOUNDARY OF THE CAR PARK. 5 NO. SPACES ARE TO BE DE-COMMISSIONED WITH 48 SPACES CREATED, GIVING A NET INCREASE OF 43 NO. SPACES. A CAR PARKING METER WILL BE INSTALLED AT SCHOOL LANE CAR PARK, GISBURN FOREST, SLAIDBURN

PARISH COUNCIL: The Parish Council have no objection to the plans to extend the car park. They do however have concerns over the pay and display element as presently all the parking in the forest is free. They are also concerned that a metered car park would lead to roadside parking.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection in principle to this application on highway grounds.
 The Highway Engineer is satisfied that the expanded car park will address an existing level in demand which currently results in inconsiderate and potentially hazardous on road parking.

LCC ENVIRONMENT DIRECTORATE (ARCHAEOLOGY): It would appear that the car park is located on the site of St James's Church (Lancashire Historic Environment Record PRN 13309), consecrated in 1852, and dismantled in 1925 in advance of the creation of the reservoir. The graveyard is recorded as having been cleared at that time.

I would recommend that the proposals are amended so that they do not affect the former footprint of the Church. If works for the creation of the car parking spaces were limited to a depth of no more than c. 500mm then it is considered unlikely for any human remains that might not have been removed as part of the 1920s exhumation to be encountered.

LCC SPECIALIST ADVISOR (LANDSCAPE) The applicant's School Lane Car Park proposal drawing does not show the existing trees so it is not possible to confirm with certainty what likely impacts there would be on existing trees.

The applicant proposes a substantial increase in the number of car parking spaces from 5 to 48. This could, if not adequately mitigated, result in significant landscape and visual impacts which would be unacceptable given the location of the

site within an AONB. I strongly recommend that the scheme be revised so that belts of native shrub mitigation planting are provided along the south west and south eastern boundaries.

COUNTRYSIDE OFFICER

The proposals as submitted did not include sufficient detail in order to determine the application in relation to its impact on trees, the tree survey that was eventually submitted was of sufficient detail but unfortunately the felling of trees identified in the survey for removal has been carried out prior to this application being determined.

The impact of the tree work carried out does not appear to have diminished the visual amenity value of the tree cover and the car parking proposals should not seriously affect remaining trees.

ADDITIONAL REPRESENTATIONS:

Two letters of objection have been received, which raise the following issues:

1. Questions the need for extra car parking as the School Lane Car Park which is rarely filled to capacity.
2. The parking meter will increase roadside parking.
3. The parking areas will impact upon the original graveyard and site of St James' Church.
4. The existing avenue of trees leading to the site of the former Church are of historical and cultural importance.
5. Damage and compaction of the tree roots will occur as a result of the works.
6. There is a lack of waste facilities including litter bins, dog waste bins and public toilets.

Proposal

It is proposed to create an additional 48 car parking spaces within the existing car park. This will involve decommissioning five existing spaces and removing some of the trees within the site and pruning others to make room for the additional spaces. A car parking meter is also to be installed.

Site Location

The site is located between Slaidburn and Tosside on the site of the former Dale Head Church and graveyard, adjacent to Stocks Reservoir, where the road takes a sharp right hand bend outside the car park before climbing on its way to Bowland Knotts.

Relevant History

3/1984/0042 – Proposed public car park. Approved.

Relevant Policies

Policy G1 – Development Control
Policy G5 – Settlement Strategy
Policy ENV1 – Area of Outstanding Natural Beauty
Policy ENV9 - Important Wildlife Site
Policy ENV13 – Landscape Protection
Policy RT1 - General Recreation and Tourism Policy

Environmental, AONB, Human Rights and Other Issues

Matters for consideration are the principle of the development, the historical importance of the site, highway safety and visual amenity.

In terms of the principle of development, I am of the opinion that Policy G5 of the Districtwide Local Plan would allow for such a development, as it is small scale to meet the needs of visitors to the area to park off the only access road to Bowland Knotts. It is thus, in principle, in accordance with plan policy subject to the following considerations.

In respect of the visual impact of the works, this is a relatively small-scale car park of simple design, no lighting is shown, and the stone boundary wall treatment will remain as existing. The scheme has been discussed with the LCC specialist landscape advisor who raises concern about the loss of trees along the south west and south eastern boundaries of the site and suggests a planting condition should be implemented to ensure tree growth along these boundaries. At the time of commenting, the landscape advisor informed the Council that he did not have the necessary plans to make an accurate assessment of the works proposed. Since this time, the plans have been amended to change the location of the proposed spaces due to the spaces being within the site of the former Church, as requested by the LCC Archaeologists, and as a result the number of trees due to be felled has decreased from eleven to six, thus reducing the visual impact of the proposal.

The Council's Countryside Officer has visited the site to assess the impact of the tree works which have been undertaken during the application process, and concludes that the removal of these trees and the pruning of seven others has not diminished the visual amenity value of the tree cover. In my opinion, the reduction in tree loss and the fact that the forest on three sides still surrounds the site mitigates the visual impact of the proposals, thus proving them to be acceptable.

Next it is important to consider potential impact on neighbouring amenity. This will not be a concern as the site is located well away from any residential properties due to its location within Gisburn Forest, the nearest property is approximately 850 metres away.

With regards to the objectors concerns regarding the disturbance of the east end of the Church site. The applicant, United Utilities, has sent an amended site plan showing the proposed spaces in relation to the Church. This plan shows that all the spaces being created are further away from the Church than the existing spaces. This, together with three spaces nearest the Church being removed means the proposal is acceptable in archaeology terms.

It is evident from the observations of the County Surveyor that the proposed increase in parking spaces is acceptable in highway terms, thus there are no objections on highway safety grounds.

Finally, I note the objectors concerns about the fight against litter and dog fouling, however this is a not a material consideration in the determination of this planning application and is an issue that concerned visitors/ local residents should contact the Council's Environmental Health department about. Furthermore, United Utilities have confirmed that they are in the process of recruiting a new Ranger for the estate who is likely to play a key role in ensuring that the public do not drop litter on site.

Therefore, having carefully considered the scheme, I am of the opinion that the extension of the car park would not detract from the visual amenities of the AONB in which it is set. The highway engineer at Lancashire County Council is also satisfied that it would not compromise highway safety; I thus recommend the application accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate form of development and given its size and location would not result in visual detriment to the surrounding countryside, nor would its use have an adverse impact on highway safety.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. This permission shall be implemented in accordance with the proposal as amended by the plan received on the 27 October 2010.

REASON: For the avoidance of doubt since the proposal was the subject of agreed amendments.

APPLICATION NO: 3/2010/0514/P (GRID REF: SD 373886 441296)
PROPOSED ERECTION OF CANOPY TO EXISTING YARD AREA AT LITTLE TINKERS
NURSERY, 54 WEST VIEW, CLITHEROE

PARISH COUNCIL: No objections.

ADDITIONAL REPRESENTATIONS: One letter of objection has been received from a neighbouring resident who raises to raise the following concerns:

- Increased noise disturbance.

Proposal

Permission is sought for the erection of an 'L-shaped' canopy attached to the south western corner of the existing single storey extension to the nursery. The canopy is to project 2.4 metres from both the southern and western rear elevation of the premises in which the southern edge of the canopy will measure 4.5 metres in length and the western edge of the canopy will measure 2.7 metres in length. The canopy will be open to all sides and constructed of timber posts with UPVC opaque glazing sheets to the roof with a maximum height of 2.4 metres.

Site Location

The canopy is to be erected at Little Tinkers Children's Nursery, which is located at 54 West View, Clitheroe. The nursery is located in an end-terraced property, the southern side elevation of which faces the access road to Richmond Terrace.

Relevant History

None

Relevant Policies

Policy G1 – Development Control.

Environmental, AONB, Human Rights and Other Issues

Matters for consideration are the visual impact of the proposal and the potential impact on neighbouring residential amenity.

In terms of visual impact I consider that the scale, size and design of the proposal is appropriate and as it is to the rear of the premises which is bounded to all sides by a 2 metre high stone wall it will not prove visually prominent within the street scene.

I note the concerns of a neighbouring resident who wishes to raise an objection to the application on the grounds of a possible increase in noise disturbance from children being able to use the canopy in inclement weather when they would otherwise be indoors.

Whilst I note these concerns I consider that as the children can presently play outside of the premises any increase in noise from the use of the canopy sited to the south-eastern corner of the premises, sited 16 metres from the nearest residential property to the south and 22 metres to the east will not be sufficient as to warrant refusal of the application.

Therefore, having regard to all the above I am of the opinion that the works would not prove significantly detrimental to either visual or residential amenity and recommend accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity nor would it have an adverse visual impact.

RECOMMENDATION: That planning permission is GRANTED subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. This permission shall relate to drawing no. 2000-03 in relation to the proposed roof plan, drawing no. 2000-04 in relation to existing elevations, drawing no. 2000-05 in relation to the existing ground floor plan, drawing no. 2000-06 in relation to proposed elevations and 2000-07 in relation to the proposed ground floor plan.

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.

APPLICATION NO: 3/2010/0673/P (GRID REF: SD 370762 435973)
PROPOSED APPLICATION FOR THE REMOVAL OF CONDITION 5 (TIME LIMIT ON OCCUPANCY) AND CONDITION 6 (SECTION 106 AGREEMENT) OF PLANNING CONSENT 3/2002/0386/P TO ALLOW THE HOLIDAY LET TO BE USED FOR PERMANENT RESIDENTIAL ACCOMMODATION AT SUDELLS FARM BARN, NORTHCOTE ROAD, LANGHO

PARISH COUNCIL: Object as its makes a mockery of the planning system as these holiday lets have been used for permanent residential accommodation for a considerable length of time already.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): I have no objection to this application on highway safety grounds. The removal of the proposed conditions will have no material highway implications beyond a marginal increase due to their permanent occupation as opposed to their temporary use.

ADDITIONAL REPRESENTATIONS: No comments received.

Proposal

Consent is sought to delete conditions 5 and 6 attached to planning application 3/2002/0386/P which gave approval for the change of use of a reconstructed barn to holiday let accommodation.

Condition 5 is the standard holiday let condition which states: *The unit(s) of accommodation shall not be let or occupied by any one person or group of persons for a continuous period of longer than three months in any one year and, in any event, shall not be used as a permanent accommodation*”.

Condition 6 reads: *This permission shall be read in conjunction with the Section 106 Agreement dated 20 November 2002.*

Removal of these two conditions would allow the use of the holiday cottage at Sudells Farm Barn as permanent residential accommodation.

Site Location

Sudells Farm is set approximately 500m to the northeast of Northcote Road within land designated open countryside in the Districtwide Local Plan. The site is accessed via a single width track leading from the main road and the overall site comprises of the holiday let unit, Sudells Farmhouse with a small collection of buildings to its north and areas of hardstanding for parking and turning associated with both the farmhouse and holiday let. There is a public footpath which follows the route of the access track and then heads northwards through the collection of buildings on site.

Relevant History

3/2002/0386/P – Change of use of reconstructed barn to holiday let accommodation. Approved with conditions 20 November 2002.

3/2010/0674/P – Application for discharge of a planning obligation (Section 106 Agreement) on planning consent 3/2002/0386/P to allow the holiday let to be used as permanent residential accommodation. See elsewhere within this agenda.

Relevant Policies

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy H2 - Dwellings in the Open Countryside.

Policy H15 - Building Conversions - Location.

Policy H16 - Building Conversions - Building to be Converted.

Policy H17 - Building Conversions - Design Matters.

Policy H23 - Removal of Holiday Let Conditions.

Environmental, AONB, Human Rights and Other Issues

The key issue for consideration is the principle of allowing the holiday lets to become permanent residential accommodation.

The property is the result of a scheme granted consent in 2002 to convert a reconstructed barn to form a single unit. It lies within land designated open countryside, with the saved policies of the Districtwide Local Plan of most relevance, insofar as principle, being H23, H2 and H15. Policy H23 concerns itself with the removal of holiday let conditions stating: *“Proposals seeking the removal of conditions which restrict the occupancy of dwellings to tourism/visitor usage will be refused unless the proposal conforms to the normal development control policies of the Local Plan. Policies G5, H2, H15, H16 and H17 will be particularly relevant in any assessment.”*

In practice, what we presently have is an established built development with a restricted class of residential use. Given its restriction I am of the opinion that the current proposal should be treated as tantamount to the conversion of a rural building.

Policy H2 concerns itself with dwellings in the open countryside and allows for *“the appropriate conversion of buildings to dwellings provided they are suitably located and their form, bulk and general design are in keeping with their surroundings ... see Policies H15, H16 and H17 for further advice.”*

The building, subject of this application, has already undergone one scheme in a manner which is in keeping with its surroundings in terms of form, bulk and general design. Therefore, it is a question over whether it is a suitable location that warrants further consideration. When assessing the conversion of rural buildings to dwellings regard is had to their location with Policy H15 of the Districtwide Local Plan offering detailed criteria on this matter. The supporting text of the Policy makes clear that *“The conversion of appropriate buildings within settlements or which form part of an already defined group is acceptable. Problems arise however where isolated buildings in the landscape such as barns are proposed for conversion.”*

The key matter in assessing locational criteria therefore is whether the building, subject of this application, would be considered as isolated or constitute part of an already defined group. As stated previously the building subject of this application does stand within a small group of buildings that forms the overall Sudells Farm complex.

On approach along the access track the building is clearly seen set at a right angle to the farmhouse with other buildings to the rear of the farmhouse. It does not appear as an isolated feature in the landscape and thus, in locational terms, I am satisfied that the requirements of Policy H15 are met.

The proposal does not detail any physical alterations to the property or its curtilage/access areas and it does have an area of hardstanding to its south and southeast with the boundary to the fields beyond formed by a dwarf stone wall with timber post and rail fencing above. Thus a clearly defined curtilage area exists and I do not consider that the residential amenities of the farmhouse would be significantly compromised were this building to be occupied on a permanent basis.

Therefore, having carefully assessed the above, I am of the opinion that given this particular building forms part of an already defined group the removal of conditions to enable permanent residential occupation would, in principle, accord with the saved policies of the Districtwide Local Plan. There would not be any significantly detrimental urbanising effects on the rural landscape given the relationship with other buildings nor would the existing residential amenities of the farmhouse be compromised.

I thus recommend accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity, nor would it have an adverse visual impact or be to the detriment of highway safety.

RECOMMENDATION: That planning permission be GRANTED.

APPLICATION NO: 3/2010/0706/P (GRID REF: SD 369934 436633)
PROPOSED CONSTRUCTION OF A DETACHED FIVE BEDROOMED DWELLING ON
PLOT 2, WEAVERS LOFT, CHERRY DRIVE, BROCKHALL VILLAGE

PARISH COUNCIL: Object to this application as it is further development in the green belt area and would take the number of houses previously agreed to be built on this site over the original quota. There would also be a detrimental effect on the local highway.

Proposal

The application relates to plot 2 within a development of seven detached houses with associated work units off Cherry Drive, Brockhall Village for which permission was granted on appeal under reference 3/2007/1071/P. The dwelling originally approved on this plot had an integral double garage with accommodation over three floors with the top floor accommodation within the roof space.

Permission is now sought for a change of house type (including the deletion of the work unit element of the original permission) to satisfy the particular needs of the purchaser of the plot.

The amended design and layout follows the original permission in terms of size and scale, with a similar internal arrangement, extending over two storeys and into the roof space. The elevations are also of similar scale and adopt the same combination of materials, facing brickwork, with stone and render details, and the roof will have a covering of slates.

Site Location

The application relates to one of seven approved plots on a cul-de-sac situated to the west of Dickens Court and north of Masefield Close at the north western corner of the Brockhall Village development. The site is within the boundary of the Generally Developed Area as defined by Policy A2 of the Local Plan.

Relevant History

3/2006/0008/P – Erection of 26 live/work units. Approved with conditions.

3/2006/0830/P – Erection of 24 live/work units. Approved with conditions.

3/2007/0740/P – Seven detached dwellings with associated work units. Withdrawn.

3/2007/1071/P – Seven detached dwellings with associated work units. Permission granted on Appeal.

Relevant Policies

Policy A2 - Brockhall Area Policy.

Policy G1 - Development Control.

Environmental, AONB, Human Rights and Other Issues

The application seeks permission only for a change of house type on one of seven plots within a development for which planning permission has already been granted on Appeal. The principle of a dwelling on this plot has therefore already been accepted (although the previously approved dwellings all had an associated work unit). None of the approved seven dwellings have yet been built.

As previously stated, the amended size, scale and general design and appearance of the dwelling now proposed is very similar to the originally approved dwelling on this plot. The approved work unit, however, would now become a living room.

Subject to the precise external materials being agreed through a condition, I do not consider that the proposed amended house type would have any detrimental effects upon the street scene of this proposed cul-de-sac as it does not differ significantly in design/size/appearance from the house types approved on the other six plots. It would also, in my opinion, not have any detrimental effects upon the privacy or amenities of the eventual occupiers of the dwellings approved on the adjoining plots.

In the current situation in the Borough of a lack of a five year housing land supply, there is no longer considered to be a requirement for this dwelling to have an associated workspace. This opinion is consistent with other recent planning decisions relating to Brockhall Village including the recently approved 3/2010/0387/P for three dwellings (without work units) on land at Hillside, immediately to the north of this current application site.

In response to the objection of the Parish Council, the application does not result in further development in the Green Belt or increase the number of houses to be built on the site, as the application is for the change of house type on one of seven plots for which permission has previously been granted. The effects on the local highway network of the house type now proposed are no different to the one previously approved. The Parish Council's comments do not therefore, in my opinion, represent an objection to the application. Overall, I can therefore see no objections to the proposed amended house type.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity nor would it have an adverse visual impact.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. The permission shall relate to the development as shown on drawing Nos BWL/02/01 and BWL/02/02 and BWL/02/03.

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted.

3. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

APPLICATION NO: 3/2010/0763/P (GRID REF: SD 360533 437511)
RE-SUBMISSION OF APPLICATION 3/2009/0821/P, FOR 2 NO. 2 BEDROOM BUNGALOWS (57 SQ.M.), 1 NO. 2 BEDROOM BUNGALOW (59 SQ.M.) AND 4 NO. TWO-STOREY TERRACED, TWO BEDROOM HOUSES (59 SQ.M.) AT LAND AT THE END OF SEVERN STREET, LONGRIDGE, LANCASHIRE, PR3 3ND

TOWN COUNCIL: Providing consultation with neighbours is undertaken, no objection.

COUNTY SURVEYOR (LCC): No comments or observations received at the time of the reports submission, however the County Surveyor has indicated verbally he has no objections to the scheme on highway safety grounds.

ADDITIONAL REPRESENTATIONS: A letter stating 'No objection' to the scheme has been received from a nearby neighbour.

Proposal

This application is a re-submission of a previously approved scheme for the erection of seven residential units on land at the end of Severn Street, Longridge. The units include 2 no. Two Bedroom Bungalows (57 SQ.M.), 1 no. 2 Bedroom Bungalow (59 SQ.M.) and 4 no. Two-Storey Terraced, Two Bedroom Houses (59 SQ.M.).

In order to facilitate this, the existing workshop building on site will be demolished (subject to C.A. Consent) and Severn Street will be widened and extended beyond the existing end of the street. The existing building is un-insulated with an asbestos roof, and due it being considered unfit for industrial/business use by the Applicant, the site has lain unused for over 10 years, and is currently overgrown and fenced off and closed to the public. The scheme also provides off street parking space for 14 vehicles.

Site Location

The site lies centrally within Longridge, with half of the site within a recently added portion of the Longridge Conservation Area, as defined by the Ribble Valley Districtwide Local Plan.

Relevant History

3/2009/0979/P - Demolition of concrete block built workshop/storage building with corrugated asbestos roof to make way for a housing development - see application 3/2009/0821P – Granted Conditionally.

3/2009/0821/P - Development of seven properties as follows:- 2no. two bedroom bungalows (57sq.m), 1no. 2 bedroom bungalow (59sq.m), 4no. two-storey terraced two bedroom houses (59sq.m) – Granted Conditionally.

3/1989/0170/P – Secure Car Compound – Refused.

3/1974/0085/P – Proposed erection of an 800-gallon auto-diesel tank and supporting masonry – Granted Conditionally.

4/2/132 – Erection of joinery workshop - Granted Conditionally.

Relevant Policies

Policy G1 - Development Control.

Policy G2 – Settlement Strategy.

Policy ENV16 – Development in Conservation Areas.

Policy T1 – Development Proposals – Transport Implications.

SPG 'Extensions and Alterations to Dwellings'.

Longridge Conservation Area Appraisal 2007.

Affordable Housing Memorandum of Understanding 2010.

PPS3: Housing

Environmental, AONB, Human Rights and Other Issues

This application is a re-submission of a previously approved scheme for the erection of seven residential units on land at the end of Severn Street, Longridge. The units include 2 no. Two Bedroom Bungalows (57 SQ.M.), 1 no. 2 Bedroom Bungalow (59 SQ.M.) and 4 no. Two-Storey Terraced, Two Bedroom Houses (59 SQ.M.).

This re-submission proposes two alterations to the approved scheme. Firstly, in dealing with an easement discovered by the Applicant that affected the siting of Unit no. 2, this Unit has now been re-designed and moved 1.5m closer to Unit 1. Secondly, Units 4-7 were thought by the Applicant to be a little tight internally, and as such a small ground floor lean-to bay has been added to the rear elevation of the four properties. These two alterations make very little difference to the scheme as a whole, as they have no affect on neighbouring properties or on highway safety. As such, I consider the scheme to still comply with the relevant policies, and the application is recommended accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity, nor would it be to the detriment of highway safety or have an adverse visual impact on the streetscene or setting of the Longridge Conservation Area.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990J04.

2. The permission shall relate to the development as shown on Plan Reference No's 2474-15 Rev. B, 2474-21 Rev. A, 2474-22, 2474-23, 2474-24, 2474-25 and 2474-26 Rev. A.

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.

3. This permission shall be implemented in accordance with the proposal as amended by letter and plan received on the 30 October 2010 and 6 November 2010.

REASON: For the avoidance of doubt since the proposal was the subject of agreed amendments.

4. Notwithstanding the submitted details, prior to the commencement of development, precise specifications and samples of walling and roofing materials and details of any window and door surrounds including materials to be used in the approved development shall have been submitted to and approved by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance - "Extensions and Alterations to Dwellings".

5. The new road between the site and Severn Street shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

6. The proposed new highway extension to Severn Street, car parking spaces, manoeuvring areas and all other highway improvements indicated on the amended site plan submitted on the 6 November 2010, drawing no. 21, revision A, shall be surfaced or paved, marked out and completed in accordance with this site plan, before the occupation of the dwellings hereby approved. Details of the surfacing or paving shall have been submitted to and approved by the Local Planning Authority before their use in the proposed works.

REASON: To comply with Policies G1 and T1 of the Districtwide Local Plan and to allow for the effective use of the parking areas.

7. The proposed new boundary wall indicated on the amended site plan, drawing no. 26, revision A, in between the development site and Mersey Street, shall remain so in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to retain a suitable screen between the adjacent neighbouring properties, in the interests of protecting residential amenity.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) any future extensions and/or alterations to the dwellings including any development within the curtilage as defined in Schedule 2 Part 1 Classes B to E shall not be carried out without the formal written consent of the Local Planning Authority.

REASON: In the interests of the amenity of the area in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) any future additional structures, hard standing or fences as defined in Schedule 2 Part I Class F and Part II Class A, shall not be carried out without the formal written consent of the Local Planning Authority.

REASON: In order that the Local Planning Authority shall retain effective control over the development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and in the interests of safeguarding any adjacent residential amenity or visual amenity.

10. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out in strict accordance with the recommendations of the bat survey and report submitted with the application dated 5 October 2009.

REASON: To comply with policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan ensuring that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed.

INFORMATIVE

1. 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 or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.

APPLICATION NO: 3/2010/0800/P (GRID REF: SD 374532 442373)
RE-SUBMISSION OF PROPOSED SINGLE STOREY EXTENSION TO GUEST HOUSE (32 PIMLICO ROAD) AND CHANGE OF USE OF HOUSE TO GUEST ACCOMODATION ON GROUND FLOOR WITH FLAT ABOVE (34 PIMLICO ROAD) AT 32 & 34 PIMLICO ROAD, CLITHEROE.

PARISH COUNCIL: Objects to the application – Loss of amenity for the residents of No. 30 Pimlico Road.

COUNTY SURVEYOR: No objections to the application on highway safety grounds subject to a condition maintaining access to the rear of No's 32 and 34 Pimlico Road for use by the fire service.

ADDITIONAL REPRESENTATIONS: Six letters of objection have been received from neighbouring residents with an additional objection from the fire service summarised as follows:

- Loss of privacy, light, view and general amenity.
- Demand for parking on Pimlico Road will increase traffic leading to conditions to the detriment of highway safety.
- No provision of disabled parking.
- Access road to Fire Station may be blocked.
- Parking provision for three vehicles to the rear of No. 32 Pimilco Road cannot be accommodated due to the small turning circle.
- Visual impact resulting from removal of rear boundary wall and character of residential property will be lost.
- Works to No. 34 don't appear to meet fire regulations.
- The conversion at No. 34 could be let as a flat.

Proposal

This application is a resubmission of 3/2010/0196 which was for proposed single storey extension to guesthouse (No. 32 Pimlico Road) and change of use of house to guest accommodation on ground floor with flat above (34 Pimlico Road). The application was refused due to the lack of appropriate parking provision leading to additional demand for parking being displaced onto neighbouring residential roads to the detriment of highway safety.

This re-submission is similar to the previously refused application as it comes in two parts, the first relates to a proposed extension to the rear of the existing Guest House at No. 32 Pimlico Road with approx. dimensions of 6.1m x 4.6m x 3.8m. The second part of the application requests permission to convert the ground floor of adjacent terraced property No. 34 Pimlico Road into two guest bedrooms, one with en-suite and another with bathroom and kitchenette, ancillary to the existing Guest House at No. 32. In addition, the second and third floor above is to be used as separate residential accommodation. Three parking spaces are to be provided to the rear of No. 32 Pimlico via the removal of 4.1 metres of wall and the adjacent rear gate.

The only difference between the previously refused decision and this application is that to address concerns regarding highway safety and to adequately accommodate two car parking spaces to the rear of No. 34 Pimlico Road 10.6 metres of rear wall between No. 32 and 34

Pimlico Road is to be removed to facilitate a parking space aside the gable wall of the existing single storey extension to No. 32 Pimlico Road and the existing single storey garage to the rear of No. 34 Pimlico Road is to be removed to accommodate an additional space.

Site Location

The application site comprises of a large detached property on Pimlico Road used as Bed and Breakfast Accommodation (No. 32 Pimlico Road) located within a terrace of residential properties which lies to the north of Princess Avenue and directly opposite the junction to Fox Street. The applicant has acquired adjacent property No. 34 Pimlico Road, in which conversion works into two guest bedrooms on the ground floor with one residential flat above are proposed.

Relevant History

3/2010/0196 – Proposed single storey extension to guest house (32 Pimlico Road) and change of use of house to guest accommodation on ground floor with flat above (34 Pimlico Road). Refused.

3/1986/0284 – Change of use of premises as bed and breakfast accommodation, 32 Pimlico Road, Clitheroe. Approved with Conditions.

Relevant Policies

Policy G1 – Development Control
RT1 – Tourism and visitor facilities
Policy RT2 – Small Hotels and Guest Houses
Policy T7 – Parking provision

Environmental, AONB, Human Rights and Other Issues

Matters for consideration are the impact of the development upon neighbouring residential amenity and highway safety.

In relation to the proposed extension to the rear of the main guest house I consider that in terms of scale, size and design the proposal is acceptable and would compliment the design of the main property, and as it is to the rear of the premises it would not be seen within the immediate locality and as such have minimal visual impact. Having assessed this aspect using the BRE methodology detailed in the Councils SPG 'Extensions and Alterations' I am satisfied that as the extension is single storey and the roof is hipped, the proposal meets the above methodology and as such any loss of light to the ground floor patio doors of adjacent property No. 30 Pimlico Road is not sufficient as to warrant refusal.

I do not consider that the partial loss of the rear boundary walls will have a significant impact upon visual amenity as their location to the rear of the properties do not significantly contribute to the character of the area. As there are no extensions or alterations proposed to the front elevation of No. 34 Pimlico Road its appearance, as a residential property to this elevation within the street scene will be unaffected by the proposal.

With regards to loss of privacy the submitted plan indicates that the door to the southern side elevation of the extension is to be solid and a fire door, which will minimise its use. In addition, there is an existing boundary wall with lattice screening above, between No. 30 and No. 34

Pimlico Road. Therefore it is considered that any loss privacy to the residents of No. 30 Pimlico Road will be minimal.

With regards to the principle of changing the use of the ground floor accommodation of No. 34 Pimlico Road to that of ancillary guest house accommodation for No. 32 Pimlico Road Policy RT2 of the Ribble Valley Districtwide Local Plan states that the '*conversion of existing residential properties for small hotels, guest houses or self-catering accommodation...will be favourably considered providing that the proposal:*

- i) does not conflict with the other policies of this plan;*
- ii) any extension is in keeping with the character of the area, by virtue of size, scale materials or design;*
- iii) includes satisfactory access arrangements and appropriate numbers of car parking spaces, and*
- iv) proposals should not adversely affect the residential amenity of the area.*

I consider that, as No. 34 Pimlico Road has been used as residential accommodation, set amongst a row of terraced residential properties, the application does not include any extensions and the only exterior alteration is the insertion of a window to the top of the gable wall any potential impact of the proposal upon neighbouring residential amenity will be minimal.

With regards to the use of the second and third floor of No. 34 Pimlico Road as a flat it is considered that its use within a predominantly residential area will have minimal impact upon neighbouring amenity. If the applicant wishes in future to change the use of the ground floor accommodation at No. 34 Pimlico Road to separate residential accommodation this will require planning permission and would be considered on its own merits.

Policy T7 of the Ribble Valley Districtwide Local Plan states that 'all development proposals will be required to provide adequate car parking and servicing space' which is mirrored by Policy G1 which states that 'developments should make adequate arrangements for car parking' and to satisfy policy RT2 in relation to guest houses states applications will be favourably considered providing that the proposal 'includes satisfactory access arrangements and appropriate numbers of car parking spaces'.

I note the concerns of neighbouring residents and the fire station with regards to the potential of the proposal resulting in increased traffic onto Pimlico Road and the blocking of the access to the fire station. With regards to the latter, the County Surveyor notes the fire stations concerns and suggests that a condition is placed on any approved decision notice requesting that 'all work to the rear of No's 32 and 34 must be carried out from within the site; that no vehicles or machinery associated with the construction work on site should be placed on the service road to the rear of the properties and that temporary storage of materials should take place within the site'. It is considered that this condition will adequately address concerns regarding access to the fire station whilst works are being carried out.

With regards to any impacts upon highway safety and further congestion of Pimlico Road, the submitted plan provides five off-street parking spaces. This number of spaces is considered appropriate by the County Surveyor to accommodate the main guest house, the annex guest house accommodation and the two bedroomed flat.

With regards to the lack of disabled parking the County Surveyor has not raised this as an issue. Whether the conversion at No. 34 meets fire regulations is considered a civil matter and loss of view is not classed as material considerations in the determination of this application.

Therefore, having regard to all of the above I am of the opinion that the works would not prove significantly detrimental to visual or residential amenity nor be to the detriment of highway safety and therefore recommend accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity nor would it have an adverse visual impact.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of The Town and Country Planning Act 1990.

2. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

3. This permission shall relate to drawing no. 3990-01C in relation to existing and proposed floor plans and elevations.

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.

4. All work to the rear of No's 32 and 34 must be carried out from within the site; no vehicles or machinery associated with the construction work on site should be placed on the service road to the rear of properties and the temporary storage of materials should take place within the site.

REASON: In the interests of highway safety and to ensure access to and from the fire station at all times in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

C APPLICATIONS WHICH THE DIRECTOR OF DEVELOPMENT SERVICES RECOMMENDS FOR REFUSAL

APPLICATION NO: 3/2010/0738/P (GRID REF: SD 375686 445995)
CONSTRUCTION OF 3 NO. AFFORDABLE, TWO-STORY HOUSES ON LAND ON MAIN STREET, GRINDLETON, CLITHEROE, LANCASHIRE

PARISH COUNCIL: Grindleton Parish Council object to this development on the following grounds:

1. Increased traffic through the village, and that it
2. Restricts the only westerly view in the village.

COUNTY SURVEYOR (LCC): No objections to the application in principle on highway safety grounds.

LCC PLANNING OFFICER (ARCHAEOLOGY): No objections in principle, however given the historic significance of the site it is recommended that the applicants be required to undertake a programme of archaeological work on site prior to any work commencing, and this shall be subject to an appropriate planning condition.

ADDITIONAL REPRESENTATIONS: Six letters have been received from nearby neighbours, as well as a petition sent in on behalf of 23 other residents of Grindleton, who wish to raise the following points of objection:

1. Loss of views,
2. Impact on highway safety,
3. Loss of existing hedgerow to be replaced with a stonewall is unacceptable,
4. Visual impact on the landscape, the Forest of Bowland A.O.N.B. and on the Grindleton Conservation Area,
5. How will the proposed bitmac footpath be of benefit?
6. The site lies outside the village settlement boundary,
7. This development will promote ribbon development,
8. Access to the site does not meet visibility standards,
9. The site was not included in the recent Housing Land Availability Assessment,
10. There are other Brownfield sites within Grindleton that are more appropriate for development,
11. The design and style of the proposed dwellings are out of keeping with the village,
12. Other low cost schemes in Grindleton have done very little to provide housing for those in genuine need,
13. Parking provision is insufficient,
14. Proposal at variance with relevant Planning Policies
15. It is questionable whether or not the correct application has been submitted, and
16. The Trustees of Grindleton Alms Houses wish to raise the point that the outbuilding in the southeast corner of the site in fact lies within their land ownership.

Proposal

This is an Outline Application proposing the construction of three affordable, two storey dwellings to be made available for social rent, and managed by the applicant, on land on Main Street, Grindleton, Lancashire. Only the matters of Access and Scale have been submitted for consideration, with Appearance, Landscaping and Layout reserved for future consideration.

Site Location

The site is located on a parcel of land that sits outside the Grindleton village settlement boundary, as designated by the Ribble Valley Districtwide Local Plan (DWLP), but lies wholly within the Grindleton Conservation Area. The site also lies within the Forest of Bowland Area of Outstanding Natural Beauty.

Relevant History

N/A

Relevant Policies

Policy G1 - Development Control.

Policy G5 – Settlement Strategy.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy ENV16 – Development within Conservation Areas.

Policy H2 – Dwellings in the Open Countryside.

Policy H20 – Affordable Housing – Villages and Countryside.

Policy H21 – Affordable Housing – Information Needed.

PPS1 - Delivering Sustainable Development.

PPS3 - Housing (June 2010).

PPS5 – Planning for the Historic Environment.

Planning (Listed Buildings and Conservation Areas) Act 1990.

Grindleton Conservation Area Appraisal.

Environmental, AONB, Human Rights and Other Issues

Whilst the application has been submitted as an Outline Application, with approval being sought for the Access and Scale of the development, the principle of the development of the site to be used for housing and the visual impact of the development (on both the streetscene, on the character of the surrounding area, on the A.O.N.B. and on the Conservation Area) are important considerations. Given the distance between the proposed dwellings and any adjacent residential properties, there is not considered to be an impact on the residential amenity of nearby neighbours

PRINCIPLE OF THE DEVELOPMENT/LAND USE ISSUES

The principle of the proposed must be considered, against the following relevant Planning DWLP Policies G1, G5, ENV1, ENV16, H2, H20 and H21, as well as national guidance. The canal does not currently have a 5-year land supply, so the scheme should also be assessed against the criteria of Para 69 of PPS3 - Housing. Finally, given the location of the site within the Grindleton Conservation Area, PPS5 – Planning for the Historic Environment is also a material consideration.

Policy G5 notes that outside settlement boundaries, planning consent will only be granted for small scale developments, such as sites developed for local needs housing (subject to Policy H20 of the DWLP). Policy H20 of the DLP notes that planning permission will only be granted for 100% affordable needs housing developments which are intended to meet a proven local need, and within the supporting text it notes that this Policy allows for exceptions to normally restrictive Policies where an identified and proven local need exists, in full conformity to Government guidance on the subject of affordable housing in rural areas set out in PPS 3 Housing. In addition, Policy H21 discusses what information must accompany applications for local needs housing development, including details of who the accommodation will be expected to accommodate (which shall include a full survey of the extent of need and include persons who have expressed an interest in the property, and how the cost of the accommodation will be matched to the incomes of these target groups) and details of the methods by which the accommodation will be sold/let, managed and retained (S106 Agreement).

With regards to the proposed Affordable units, the Council's Housing Officer has noted that the village of Grindleton is an example of a Parish that offers no tenure choice for households, with only two social rented properties in the village. There has been no turn over in these properties for 16 years, and there is currently no option for households other than to owner-occupy. The Officer also notes that with 'Affordability' a major issue in the Parish with the income to house prices ratio being 7.9 X the household's income, this makes access to the housing market extremely difficult. On this basis, the Council's Housing Officer considers this an opportunity to achieve a much-needed affordable housing option for Grindleton Households, and is fully supportive of the proposed 3 x 2 bed social rented properties.

On this basis, despite the lack of supporting detail submitted with the application in relation to Policy H21, having discussed the existing Housing Needs Survey for Grindleton with the Council's Housing Officer, there appears to be sufficient evidence to satisfy that the development proposed is compliant with the relevant Policies as it could provide housing to meet an identified local need. However, whilst Policy H2 notes that outside the settlement boundaries, residential development will be limited to development specifically intended to meet a proven local need, it also notes that the impact of proposals on the countryside will be an important consideration in determining all applications, and that such development should be appropriately sited and landscaped. It is this issue that I have most concern with, and given this consideration affects the principle of the development, an assessment of the visual impact as well as an assessment on the impact of the proposal on the A.O.N.B. and on the Conservation Area are key considerations.

VISUAL IMPACT OF THE DEVELOPMENT/SCALE

It is considered that the site in question is intrinsic to the significance of Grindleton Conservation Area (a designated historic asset), as the Grindleton Conservation Area Appraisal (The Conservation Studio consultants, 2005) identifies the view from Main Street across the paddock to the open countryside as being 'Important'. The appraisal Summary of Special Interest in particular refers to the significance of 'reminders of the agricultural history of the village' and 'the close proximity of relatively wild moorland and open fields, which provide a rural setting to the village', which is considered to add weight to the retention of this 'Important' view. PPS5 – Planning for the Historic Environment (March 2010) confirms at Policy HE7.1 that such identification and assessment of the particular significance of each element of the historic environment is fundamental to decision making, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires Local Planning Authorities to pay

special attention to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions.

PPS5 Policy HE 9.1 states that: “there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss is a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting, and loss affecting any designated heritage asset should require clear and convincing justification”.

The justification provided in this case is the provision of ‘Affordable’ units within the village, and this must be weighed against the visual harm the scheme may on the A.O.N.B. and the Conservation Area. In respect to designated heritage assets, PPS5 Policy HE9.2 states that where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:

- (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; and
- (ii)
 - (a) the nature of the heritage asset prevents reasonable uses of the site;
 - (b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation;
 - (c) conservation through grant-funding or some form of charitable or public ownership is not possible; and
 - (d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use”.

On this basis, and in respect of the development proposed, despite the scale of the buildings proposed being complementary to the typical house scale within Grindleton, the development of this site from an open rural site with traditional Lancashire hedgerow bordering the site, to a housing site with newly constructed stone wall and access drive would detrimentally affect important views through the site and the sites rural context, harming the character, appearance and significance of this location within the Conservation Area and the A.O.N.B. I therefore do not consider the loss of this important open site within the A.O.N.B. and the Grindleton Conservation Area outweighs the provision of ‘Affordable’ Housing, meaning the scheme does not comply with the National Guidance provided within PPS5 nor with the requisite DWLP Policies.

ACCESS

In respect of the access to the site, the LCC Traffic and Development Engineer has raised no objections to the proposal, noting that the design of the access from Main Street provides for sightlines consistent with the residential location within a 30mph Speed Limit and the provision of a 1.8m footway along the frontage of the site are to be welcomed.

CONCLUSION

To conclude, although the access to the site is being considered acceptable, the principle of the proposed scheme is considered to be at variance with the DWLP Policies ENV1, ENV16, G1, G5 and H2 of the Districtwide Local Plan and the provisions of PPS5, and as such I recommend the scheme accordingly.

RECOMMENDATION: That planning be REFUSED for the following reasons:

1. The proposed construction of three new dwellings in the open countryside is considered contrary to PPS5 and Policies ENV1, ENV16, G1, G5 and H2 of the Districtwide Local Plan, in that it would cause substantial harm to a designated heritage asset without sufficient justification.
2. The proposal is considered contrary to PPS5 and Policies ENV1, ENV16, G1, G5 and H2 of the Districtwide Local Plan, as approval of the scheme would be visually harmful to the character, appearance, significance and rural context of this location within the Area of Outstanding Natural Beauty and the Grindleton Conservation Area, by virtue of the loss of the openness of, and the important views through, the site.

APPLICATION NO: 3/2010/0836/P (GRID REF: SD 372J974 441925)
RETROSPECTIVE APPLICATION FOR RETENTION OF DECKING, FENCING AND TRELLIS
AT THE REAR OF THE PROPERTY AT 3 CHAPEL CLOSE, LOW MOOR, CLITHEROE

TOWN COUNCIL: No objections.

ADDITIONAL REPRESENTATIONS: Three letters have been received from nearby residents who express objections to the application on the following grounds:

1. Adverse effects on the privacy of both adjoining neighbours (including a view into the bedroom of one of those properties) and also on the dwellings of Riverside on much lower ground to the rear of the site.
2. Noise nuisance of people walking on the decking as it is hollow underneath. Also noise nuisance from the applicant's dogs which can walk freely on the decking and bark at each other and at neighbours in their gardens.
3. The structure is large, unsightly and not in-keeping with a domestic environment.
4. Loss of light and overshadowing of a neighbouring patio.
5. The structure is complete and the application is therefore retrospective even though the applicant was advised by both the Building Inspector and the Planning

Enforcement Officer not to continue with the building when it was just the metal framework. It is hoped that it is not too late to reverse the imposition of this eyesore on the neighbourhood.

6. The structure is built over or very close to a 750mm pipe which crosses the gardens of 2 and 3 Chapel Close, the ownership of which is unclear.

Proposal

The application seeks retrospective permission for timber decking with fences and trellis at the rear of 3 Chapel Close. The decking extends across the full 10.2m width of the property and projects 3.6m beyond the sunroom, which is approximately 7.8m beyond the main rear elevation of the dwelling. It is constructed of wood and has a 1.2m high fence on its rear boundary and a 2m high fence on the side boundary to 2 Chapel Close. On the side boundary to 4 Chapel Close there is a trellis above the 1.2m high fence giving a total height of 2m, adjoining which is an evergreen hedge.

The void beneath part of the decking is enclosed by a close boarded screen. The decking, however, is cantilevered for a distance of 1.5m beyond that screen. The overall height of the structure (from the ground level beneath the western edge of the cantilevered section of the decking up to the top of the 2m high side boundary fencing) is approximately 4.3m.

Site Location

The application relates to one of four detached houses that face the eastern side of Chapel Close. In common with the other three properties on the Close, the application site has a very steeply sloping rear garden which slopes down to other residential properties on Riverside.

Relevant History

3/2000/0410/P – Erection of a four bedroomed dwelling with integral garage. Approved.

3/2001/0495/P – Change of house type incorporating a conservatory to the rear. Refused.

3/2001/0705/P – Change of house type to incorporate a conservatory. Approved.

3/2006/1027/P – Demolition of rear conservatory and erection of two storey extensions to rear plus decking at first floor level. Approved.

Relevant Policies

Policy G1 - Development Control.

Policy H10 - Residential Extensions.

Policy SPG – “Extensions and Alterations to Dwellings”.

Environmental, AONB, Human Rights and Other Issues

In considering this retrospective application, it is considered important to first have regard to the planning history of the site, including events relating to the construction of the decking. Following this, the effects of the development upon visual amenity and upon the residential amenities of nearby dwellings will be considered.

Planning History

Planning permission was granted for a four bedroomed detached house on this plot under reference 3/2000/0410/P.

Permission was sought by 3/2001/0495/P for a change of house type to incorporate a conservatory at the rear. In the report to Planning and Development Committee for that application, the officer commented as follows:

“In terms of overlooking, the proposed house style, as it is now, would be nearer to properties at Low Moor and would increase the impact and perceived effect of overlooking the residential properties at the rear of the proposal. In this instance, given the elevated position I am of the opinion that it would lead to loss of residential amenity with the creation of unacceptable overlooking and, as such, would lead to the loss of residential amenity.”

The application was refused for a reason relating to the overlooking of the properties on lower ground on Riverside at the rear of the site.

Application 3/2001/0705/P also sought permission for the change of house type to incorporate a rear conservatory. In that application, however, the stone dwarf wall of the conservatory was increased in height, and a planting scheme was proposed for the lower part of the site adjoining Riverside. Those changes were considered to overcome the objections to the previous application subject to a condition requiring the implementation of the submitted planting scheme. The dwelling was constructed in accordance with this permission and the required screen planting was carried out.

Application 3/2006/1027/P sought permission for the demolition of a conservatory and the erection of two storey extensions at the rear plus decking at first floor level. The plans submitted with that application showed existing decking on two levels. On the southern half of the rear elevation, there was decking at ground floor level of this dwelling, which is the same as the ground floor level of the neighbouring property on that side (No. 2). On the northern part of the rear elevation, the decking was at a lower level being the approximate level of the ground floor of the three storey dwelling on that side (No. 4).

As originally submitted, the plans for application 3/2006/0127/P showed the high level decking being extended across the whole of the rear elevation. Due to the effects on No. 4, that application was amended, prior to determination, by the deletion of the proposed extension to the higher level decking. Permission was granted for the development as amended.

In July 2010, it came to the Council's attention that decking was under construction at this property at the higher level and extending across the whole of the rear elevation. This, therefore constitutes a development that has been specifically deleted from application 3/2006/1027/P in order to make that proposal acceptable and allow planning permission to be

granted. The decking under construction also extended further to the rear than the upper level decking shown in that previous application.

In these circumstances, the applicant was strongly advised in a letter dated 28 July 2010 to cease any further works until planning permission had been obtained. This advice, however, was not accepted and works continued on the construction of the decking. A further letter was, therefore, sent to the applicant on 3 August 2010 with which was enclosed a Requisition for Information Form which is the first stage in the formal enforcement procedure. Further enforcement action has been held in abeyance pending the outcome of this retrospective planning application.

Visual Amenity

As previously stated, all four properties on this side of Chapel Close have very steeply sloping rear gardens. At Nos 1 and 2 this slope has been terraced by the use of timber "sleepers", whilst No. 4 has been left very much in its natural sloping condition.

At the application site, a level amenity area has been formed by the construction of the decking that is the subject of this application. Beyond this, the land slopes down to the conifers planted on the lowest part of the site adjoining Riverside. The submitted "existing" plan shows decking at the upper level extending approximately 6m from the main rear wall of the house. The decking that now exists projects approximately 7.8m with the final approximately 1.5m cantilevered out beyond the screen board that encloses the rest of the void beneath the decking.

The extra projection to the rear, the projection across the whole of the rear elevation and the cantilevered design all, in my opinion, combine to produce an over prominent and incongruous feature that is seriously detrimental to the visual amenities of Riverside at the rear of the site. I consider this to represent a sustainable reason for refusal of the application.

The amenities of the properties on Riverside

The effects of a conservatory without any screen planting on the privacy of the dwellings on Riverside was considered sufficient to justify refusal of application 3/2001/0495/P. The decking is closer to these properties than the conservatory and, obviously, when the decking is in use, the people will be outside and not inside. Notwithstanding the screen planting that was carried out, I consider that to have decking so high above them and with the ability of persons to look down upon them, to be somewhat intimidating and detrimental to the privacy of these properties. I consider this to represent a second sustainable reason for the refusal of the application.

The amenities of No. 4 Chapel Close

This is the three storey property with its ground floor on lower ground than the application site. A smaller decked area at the upper level was, in my opinion, quite correctly, deleted from a previous application in order to protect the privacy and amenities of this property. I consider that the decking that now exists has a severely overbearing and overshadowing effect on this property (especially as it is to the south) and also an adverse effect on their privacy because it is at the same level as the bedroom windows. Any requirement for higher fencing to solve the privacy problem would only exacerbate the overbearing/over shadowing problem. The adverse

effects on this adjoining property to the north of the site are therefore, in my opinion, further reasons for refusal of this application.

The amenities of No. 2 Chapel Close

The flat rear garden area at No. 2 is at approximately the same height as the decking and extends for approximately 6.3m. There is a 2m high fence along this 6.3m length of side boundary. I do not consider this fence to be in any way unduly overbearing on No. 2. It also prevents any overlooking of the rear windows of No. 2 (except by someone standing at the far rear edge of the decking and deliberately looking back, which I consider to be unlikely). I do not consider there to be a sustainable reason for refusal that relates to the amenities of No. 2 Chapel Close.

Other Issue

The reference in one of the letters of objection to the pipe that passes through the garden of the application site does not represent a planning consideration. I would also inform Members that Building Regulation Approval has been granted.

Conclusion

For the reasons given above, I consider there to be four sustainable reasons for refusal of this application. It is therefore considered that permission should be refused for these reasons, and that formal enforcement action should be taken.

RECOMMENDATION 1: That planning permission be REFUSED for the following reason(s):

1. The decking, due to its size, its cantilevered design and its elevated position forms an over prominent and incongruous feature that is detrimental to the appearance of the street scene of Riverside, contrary to Policies G1 and H10 of the Ribble Valley Districtwide Local Plan.
2. The decking, by virtue of its elevated position and the nature of its use (ie by persons outside rather than indoors) has a seriously detrimental effect upon the privacy of the occupiers of the dwellings on lower ground at 58, 59 and 60 Riverside, contrary to Policies G1 and H10 of the Ribble Valley Districtwide Local Plan.
3. The decking and the fencing, trellis and planting on its northern edge has a seriously overbearing and overshadowing effect on the adjoining property, No. 4 Chapel Close, to the detriment of the amenities of the occupiers of that property and contrary to Policies G1 and H10 of the Ribble Valley Districtwide Local Plan.
4. The decking has a detrimental effect upon the privacy of the occupiers of No. 4 Chapel Close, principally because it is at the same level as bedroom windows in the rear elevation of that property. As such, the development is contrary to Policies G1 and H10 of the Ribble Valley Districtwide Local Plan.

RECOMMENDATION 2: That formal enforcement action be instigated to secure the removal of the unauthorised structure.

D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF DEVELOPMENT SERVICES BEING SATISFACTORILY COMPLETED

APPLICATION NO: 3/2010/0674/P (GRID REF: SD 370762 435973)
PROPOSED APPLICATION FOR THE DISCHARGE OF A PLANNING OBLIGATION (SECTION 106 AGREEMENT) ON PLANNING CONSENT 3/2002/0386/P TO ALLOW THE HOLIDAY LET TO BE USED AS PERMANENT RESIDENTIAL ACCOMMODATION AT SUDELLS FARM BARN, NORTHCOTE ROAD, LANGHO

PARISH COUNCIL: N/A

ADDITIONAL REPRESENTATIONS: N/A

Proposal

Consent is sought to discharge the provisions of a legal agreement that covers an existing holiday let at Sudells Farm. The Agreement outlines that the holiday cottage should not be occupied or let by any one person or group of persons for a continuous period of more than three months in any one year, not be used as permanent accommodation and that a monitoring report be provided to the Council detailing lettings.

Site Location

Sudells Farm is set approximately 500m to the northeast of Northcote Road within land designated open countryside in the Districtwide Local Plan. The site is accessed via a single width track leading from the main road and the overall site comprises of the holiday let unit, Sudells Farmhouse with a small collection of buildings to its north and areas of hardstanding for parking and turning associated with both the farmhouse and holiday let. There is a public footpath which follows the route of the access track and then heads northwards through the collection of buildings on site.

Relevant History

3/2002/0386/P – Change of use of reconstructed barn to holiday let accommodation. Approved with conditions 20 November 2002.

3/2010/0673/P – Application for removal of condition 5 (time limit on occupancy) and condition 6 (Section 106 Agreement) of planning consent 3/2002/0386/P to allow the holiday let to be used for permanent residential accommodation. See elsewhere within this Agenda.

Relevant Policies

- Policy G5 - Settlement Strategy.
- Policy H2 - Dwellings in the Open Countryside.
- Policy H15 - Building Conversions - Location.
- Policy H23 - Removal of Holiday Let Conditions.

Environmental, AONB, Human Rights and Other Issues

The Section 106 Agreement is in place to prevent permanent residential occupation of the building concerned and is read in conjunction with the conditions imposed on planning consent 3/2002/0386/P. The additional control/security of a Section 106 Agreement was sought on the original application as it was at that time deemed more akin to a new build for holiday let purposes than a true barn conversion.

Members will see from the report elsewhere in this Agenda for 3/2010/0673/P that consent is also being sought for the removal of conditions on the original approval that refer to holiday let use to enable permanent residential accommodation. The text of that report gives a full explanation as to why the use of the building as a permanent dwelling is considered to comply with the requirements of saved policies of the Districtwide Local Plan. To retain a Section 106 Agreement on a site under such circumstances when planning consent has, if Members have determined the other application as per the officer recommendation, allowed permanent occupancy, would no longer serve any useful purpose.

Thus as the principle of permanent residential accommodation is considered to comply with plan policy I recommend accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity nor would it have an adverse visual impact.

RECOMMENDATION: That the application be DEFERRED AND DELEGATED to the Director of Development Services for approval subject to a Deed of Release being drafted.

ITEMS DELEGATED TO DIRECTOR OF DEVELOPMENT SERVICES UNDER SCHEME OF DELEGATED POWERS

The following proposals have been determined by the Director of Development Services under delegated powers:

APPLICATIONS APPROVED

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2010/0632/P	Reversion from one to two dwellings	Stocks House Bolton-by-Bowland
3/2010/0714/P	Construction of a conservatory in rear garden	20 Masefield Close Brockhall Village Old Langho
3/2010/0722/P	Proposed first floor extension	72 Riverside, Low Moor Clitheroe
3/2010/0732/P	Application for discharge of condition No. 4 (relating materials) of planning permission 3/2006/0302/P	Woodfold Park Stud Woodfold Park Further Lane, Mellor
3/2010/0737/P	Change to approved house type (3/1994/0025/P) to allow the garage to be changed to a kitchen and to form new small window opening in lounge, install to conservation roof lights over a stair well and a roof light over the roof void	Land adjacent The Old Farmhouse Back Lane, Rimington
3/2010/0742/P	Proposed free standing pagoda to rear entrance. Change of parking surface to rear entrance from tarmac to paving. New fence enclosure to kitchen, new roof mounted kitchen air input supply fan and extract	Fieldens Arms Whalley Road Mellor Brook
3/2010/0746/P	Single storey extension to rear elevation	14 Harewood Avenue Simonstone
3/2010/0748/P	Proposed extension to the porch and internal alterations	Rodean, 10 Whiteacre Lane Barrow
3/2010/0750/P	Demolition of redundant agricultural sheds. Conversion and extension of existing barns to form one new residential dwelling including improvements to the existing access	Lawson House Farm Bolton-by-Bowland
3/2010/0754/P	Proposed roof over existing silage clamp	Wood End Farm Dunsop Bridge
3/2010/0759/P	Retrospective application for a sectional door fitted to the previously approved archway extension	1 Rock Terrace Whalley Old Road Billington

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2010/0760/P	Proposed extensions to provide a music room to the SW side and rear elevation, extended kitchen and dining room to the rear elevation and external storage to the NE side elevation	7 Dale view Billington
3/2010/0762/P	Application for the discharge of condition no.1 (time), condition no. 2 (facing material), condition no. 3 (window materials) and condition no.4 (widening of access track) of planning consent 3/2006/1008P	Angram Green Farm Worston, Clitheroe
3/2010/0764/P	Application to renew planning consent 3/2005/0665/P, for the replacement of garage and stabling facility	Bank House, Sawley Road Sawley
3/2010/0765/P	Substitution of house type previously granted in application 3/2009/1014/P	The Warren, Avenue Road Hurst Green
3/2010/0769/P	Proposed change of use from first floor flat to form a beauty salon	59 King Street, Whalley
3/2010/0771/P	Change of use of first floor of existing nursery to an out of school facility to accommodate 24 children aged 4 –12 years	Little Achievers Countryfields Nursery Higher Ramsgreave Road Ramsgreave
3/2010/0773/P	Upgrade existing track with recycled hardcore material and form hardstanding with same materials	Paddock House Osbaldeston Lane Osbaldeston
3/2010/0789/P	First floor bedroom above the garage	12 Stoneygate Lane Ribchester
3/2010/0794/P	Extensions to form additional bedrooms, attached garage and front dormer	Cherrydene Ribchester Road, Longridge
3/2010/0796/P	Demolition of existing single storey side outbuilding and proposed erection of two storey side extension	14 Queensway Waddington
3/2010/0810/P	Application to renew planning consent 3/2007/0932/P for a proposed ground floor dining room extension	May Cottage 7 Longridge Road Hurst Green
3/2010/0813/P	Single storey rear extension	The Hollies Eaves Hall Lane West Bradford
3/2010/0821/P	Proposed garden room extension to garage (Re-submission of 3/2010/0231/P) at	Hill Top Barn, Knowle Green Ribchester
3/2010/0828/P	Application for the discharge of condition no.2 (materials) and part discharge of condition no.3 (road alterations) of planning consent 3/2009/0321P	land to rear 90 Berry Lane Longridge
3/2010/0846/P	Application for a non-material amendment to planning permission 3/2010/0304/P to allow cladding of the existing shop frontage	Pennine Service Station Longsight Road Osbaldeston
Cont/		

Plan No:

Cont...

Proposal:

with insulated wall cladding, the insertion of a metal personnel door in the north-easterly elevation and the reconfiguration of the shop main entrance by blocking up the existing entrance and inserting a new electric sliding door to an existing door opening

Location:

APPLICATIONS REFUSED

Plan No:

3/2010/0766/P

Proposal:

Proposed conversion of existing barn to form a single dwelling and raising the height of the existing farmhouse

Location:

Moorgate Farm
Moorgate Lane
Dinckley

Reasons for Refusal

Contrary to PPS5 and Policies G1, ENV3, H16 and H17 of the Local Plan. The proposal by virtue of the proposed alterations to the roof height, the design of the new build element, the insertion of an excessive number of new openings and the new materials proposed, would be visually harmful to the streetscene, be to the further detriment of the character of the building, and would visually affect the character, appearance and setting of this location, without sufficient justification.

SECTION 106 APPLICATIONS

Plan No:

Proposal/Location:

None

Progress:

APPLICATIONS WITHDRAWN

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2010/0408/P	Duplicate application – deemed withdrawn by authority	18 Water Street Ribchester
3/2010/0409/P	Duplicate application – deemed withdrawn by authority	18 Water Street Ribchester
3/2010/0511/P	Retrospective wrought iron handrailing around an existing flat roof to form a balcony	8 Longridge Road Hurst Green
3/2010/0675/P	Erection of two storey detached dwelling, provision of new vehicular access and associated landscaping on garden land between two existing houses	land between 52 and 54 Knowsley Road Wilpshire
3/2010/0835/P	Glazed orangery to rear	35 Whalley Road Wilpshire

APPEALS UPDATE

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2009/0261 D	6.7.10	Chaigley Farms Limited Resubmission of outline application for farm worker's dwelling, including siting with all other matters reserved Old Dairy Farm Chipping Road Chaigley	–	Hearing – held 23 November 2010	AWAITING DECISION
3/2010/0474 D	1.9.10	Mrs K Hughes Proposed internal partition, new internal opening and false ceiling (Listed Building Consent) 35 King Street, Whalley	WR	–	Awaiting site visit
3/2010/0249 O	8.9.10	Mr John Rowley Construction of detached bungalow in garden area of Hill Top Bungalow Copster Green	WR	–	AWAITING DECISION

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2010/0157 O	26.10.10	Mr & Mrs Mizon Proposed relaxation of a Section 106 Agreement, to allow the indoor and outdoor riding arenas to be used for competitive events, gymkhanas or other such events land adjacent Northcote Manor Northcote Road Langho	-	Hearing – date to be arranged	Notification letter sent 29.10.10 Questionnaire sent 5.11.10
3/2010/0691 D	3.11.10	Mr David Lawson Proposed two-storey side extension and dormer window to rear elevation 7 Hillside Drive West Bradford	Householder Appeal	-	Notification letter sent 3.11.10 Questionnaire sent 8.11.10

LEGEND

D – Delegated decision
C – Committee decision
O – Overturn