

**RIBBLE VALLEY BOROUGH COUNCIL
REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**

Agenda Item No

meeting date: THURSDAY, 3 FEBRUARY 2011
 title: PLANNING APPLICATIONS
 submitted by: DIRECTOR OF DEVELOPMENT SERVICES

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION NO: 3/2010/0574/P (GRID REF: SD 371023 433712)
 PROPOSED REPLACEMENT DWELLING AT RIBBLE VIEW, YORK LANE, LANGHO

PARISH COUNCIL: Object to the application on the following grounds:

1. The proposal is contrary to Policies G1, ENV3, ENV4 and H14 of the Ribble Valley Districtwide Local Plan in that the proposed replacement dwelling, by virtue of its size, design and massing would be an over dominant feature in the street scene to the detriment of the visual amenities of the area.
2. If approved would set a dangerous precedent.
3. The only acceptable replacement dwelling will be a single storey bungalow only slightly larger than the building it will be replacing.
4. No replacement should be more visible against the skyline than the current dwelling.
5. The replacement house should be of a size that whether sold or rented remains affordable.

ENVIRONMENT
 DIRECTORATE
 (COUNTY SURVEYOR):

Informally has expressed no objections to the development.

ADDITIONAL
 REPRESENTATIONS:

12 Letters of objection have been received to both the originally submitted drawings and additional information provided. Members are referred to the files for full details which can be summarised as follows:

1. The recently constructed replacement dwelling at Lynwood does not blend in with the area and is totally out of keeping. This application seems to be worse.
2. A bungalow would be more appropriate.
3. The height of the building should not be obtrusive on the skyline.

4. No objection in principle to the replacement of the existing property which is a derelict eyesore but it is important that the type, size and style of the replacement property blends in with this area of open countryside and green belt.
5. The figures put forward by the developer regarding increase is questioned but is still a large increase and a substantial breach of Policy H14 which recommends a maximum increase of 70 cubic metre or 15% whichever the greater.
6. There is a major need for affordable properties for single people. The Council should invoke its policy on affordable housing thresholds which stipulate on developments of three or more 30% should be affordable. While this proposal presents an application for a single dwelling, Ribble View is one of six adjacent properties the freehold of which all belong to the Dunkenhagh Estate. No doubt applications will come in to demolish and replace some of these other units in the next year or so. To all intents and purposes this is then a development of six properties spread over a number of years.
7. The developer's view that it would not be profitable to build the same size property as currently on site is not correct.
8. Loss of light to neighbouring properties.
9. Increase in traffic.

Proposal

Consent is sought to replace a bungalow with a two storey dwelling having approximate dimensions of 11m x 8.5m x 4.1m to eaves, 6.6m to the apex of its pitch. It would have two piked dormer type projections to its front elevation and three to the rear. A single storey porch is shown positioned centrally on the front elevation with approximate dimensions of 2.7m x 1m x 3.3m in height. Construction materials are shown as natural stone under a blue slate roof. The dwelling would be set down approximately 0.8m below the existing ground level and utilise an existing vehicular access leading from York Lane.

Site Location

The property lies to the north of York Lane near to its junction with Whalley Old Road. It lies outside any defined settlement limit within land designated both open countryside and green belt. To the immediate east of the site is a two storey dwelling (result of a substitution of house type application), to the west by bungalows on this side of York Lane with two storey terraced rows to the southern side of York Lane and along Whalley Old Road.

Relevant History

82/0243 – Single storey domestic dwelling. Approved with conditions 16 June 1982

76/1382 – Extensions to provide first floor bedroom accommodation and garage. Refused 24 January 1977.

Relevant Policies

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy ENV4 - Green Belt.

Policy H14 - Rebuilding/Replacement Dwellings - Outside Settlements.

Environmental, AONB, Human Rights and Other Issues

Matters for consideration are compliance with plan policy and potential effects on visual and residential amenity.

The principle of the replacement dwelling is in accordance with Policy H14 of the Districtwide Local Plan subject to the proviso that careful consideration is given to the design and use of materials. It also advises that additional increases in the size of the property will not be permitted. Given the location of the site within green belt it is also important to have regard to the provisions of PPG2, in particular Paragraph 3.6 as follows:

The replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. The Development Plan should make clear the approach local planning authorities will take, including the circumstances (if any) under which replacement dwellings are acceptable.

In this case the proposed dwelling would extend 11m across the width of the site whereas the existing dwelling and attached garage have a width of approximately 13.5m. The dwelling would be set down into the site with a regrading of the land to lower it by approximately 0.8m and it would be set back approximately 1.3m from the front building line of the existing house on site. The depth of the replacement dwelling would be approximately 9.5m (if including the single storey front porch) compared with approximately 9.4m as existing. Thus, when looking at the difference in terms of massing of the replacement dwelling, it is the impact of the increased eaves and ridge heights and formation of front and rear dormer windows that should be given further consideration not in terms of actual footprint on the site. Information has been provided by the applicant that states in terms of the volume of the building this would be increased from approximately 360m³ to 536m³. This does exceed the 70m³ increase advocated by Policy H14 which, in this instance would take the "permitted" volume to approximately 430m³ (360 + 70) and would equate to roughly a 48% increase in size. Questions have been raised over the accuracy of the volume figures provided but I have no reason to question them. For Committee's information the dwelling to the immediate east, Lynwood, was a replacement dwelling granted consent under 3/07/0187/P that represented over a 60% increase in size from the original dwelling. As was the case with that application, it is important to have regard to the actual scale and massing of the proposal in the context of the wider street scene. The sectional plan provided as part of the application shows the dwelling to be set down which means that the existing roofscape of York Lane would not be unduly interrupted by this building. The design is

similar to that at Lynwood and I do not consider that it would represent an over dominant feature in the streetscene. Nor would it compromise the openness of the green belt.

In assessing the scheme's visual impact I am mindful of the existing conifer trees to the site's frontage onto York Lane and have had discussions with the Council's Countryside Officer regarding these given that ground re-profiling is shown. It is unlikely that these will remain unaffected by the development as they have a shallow root plate and thus it is recommended that, should Committee be minded to approve the application, a landscaping condition is imposed to ensure that appropriate planting takes place. The existing trees are not considered to be of significant amenity value which is why their potential loss, whilst regrettable, is not a reason to withhold planning consent.

Objectors have referred to increased traffic but the scheme has been discussed with the County Surveyor who has informally raised no objection to the scheme. Whilst the plans do show the dwelling repositioned further back into the site I do not consider this would lead to significant neighbouring amenity issues in terms of potential loss of light or privacy.

Reference has been made by objectors to affordable housing and the potential to apply the thresholds of the Affordable Housing Memorandum of Understanding (AHMU) to this scheme. The development is for a single dwelling to be provided under the replacement dwelling policy of the Districtwide Local Plan. This does not require any such dwelling to be provided as affordable accommodation and there has been no evidence submitted in support of the application to indicate that it has been or will be provided as an affordable unit – this is a matter for the applicant to decide for themselves and not a requirement for due consideration by the local planning authority. The AHMU concerns itself with schemes for new residential development be it by new build or conversion schemes and, notwithstanding the fact that the applicant may own other properties in the vicinity, Committee should determine this application on its own merits under the terms of Policy H14 of the Districtwide Local Plan and PPG2 which comprise the development plan framework applicable to establishing the principle of this form of development, ie the replacement of a single dwelling.

Therefore, having carefully considered all of the above I am of the opinion that the principle of the scheme complies with plan policy and would not prove significantly detrimental to visual or residential amenity. 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 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. This permission shall be implemented in accordance with the proposal as detailed on drawings DUN/02dwg04 Proposed Plans and Elevations and DUN/02dwg05 Site Sections and Landscaping.

REASON: For the avoidance of doubt to clarify which plans are relevant.

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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) the building(s) shall not be altered by the insertion of any window or doorway in the western elevation without the formal written permission of the Local Planning Authority.

REASON: In order to safeguard nearby residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) any future extensions and/or alterations to the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to H 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 H14 of the Ribble Valley Districtwide Local Plan.6

6. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever possible the retention of existing trees, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

PARISH COUNCIL:

Considers the application to be unacceptable due highway safety implications. The Parish Council comments that the junction of Higher Ramsgreave Road and the access lane to Haggs Hall has been the scene of numerous accidents in recent years (one of which resulted in a local resident being cut from her car). The concerns of the Parish Council have resulted in requests to Lancashire County Council that further warning signs be placed on the main road in the vicinity of this junction; but the installation of such signs is still awaited.

Concern is also expressed about the danger caused to parents and children by increased heavy vehicle usage of the lane that passes close to a children's nursery.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

The County Surveyor has no objections on highway safety grounds and makes the following supporting/explanatory comments:

- The level of vehicular activity associated with the proposed development is consistent with activity as a thriving agricultural site. Access to the farm is from a junction with Ramsgreave Road that has clearly benefited from improvements in the provision of junction markings and warning signs.
- The road to the farm is privately maintained and is shared with a number of residents, a children's nursery and Ramsgreave Hall Farm. It is relatively narrow and does not allow two way movements along its full length.
- The applicant's agent has provided details of the anticipated traffic volume and vehicle types which represents an average additional vehicular activity of 3.6 vehicles per week and a maximum activity of six vehicles per week. The frequency of the larger vehicles does not represent any specific highway safety concern and many of the other movements can be viewed as normal agricultural activity.
- I do not consider that the development and the associated highway impacts will be detrimental to the safe operation of the immediate local highway network or to residents and other users of the existing farm access given the frequency and size of the anticipated additional vehicular movements.

ADDITIONAL
REPRESENTATIONS:

A total of four letters have been received from or on behalf of local residents and a children's nursery in the vicinity of this site. Concerns and objections are raised in the letters as summarised below:

1. There is no design and access statement with the application to confirm the access routes and a notice was not served on the owner of the private road that serves the application site.
2. The proposal will result in increased traffic levels using the access lane to Hags Hall Farm that also serves the Ramsgreave Hall Farm complex, a children's nursery and six chalets for which planning permission has been granted for use as holiday lets. The proposal will be detrimental to highway safety due to:
 - The number, size and speed of vehicles.
 - The limitations of the access road that is narrow and, in parts, steeply sloping.
 - There is poor visibility at the junction of the access road with Ramsgreave Road. This section of road is an accident black spot where there are regular accidents.
 - The increase in heavy plant vehicles directly passing the nursery car park will be a danger to the children/families attending the nursery which primarily caters for up to 75 children aged 4 years and under.
3. Large vehicles frequently cause damage to walls on the boundaries of the narrow lane.
4. The increase in traffic will be detrimental to the amenities of the approved holiday chalets.
5. The holiday chalets could suffer a nuisance of smell from the proposed building.
6. Hags Hall Farm does not have any right of access over the relatively recently formed track between the nursery and Ramsgreave Road.

Enclosed with the letter from the children's nursery were the comments of nine parents. One expressed no objections. The other eight expressed concerns and objections principally relating to highway safety issues and the damage caused to the surface of the access road by the increased traffic, especially heavy vehicles.

Proposal

Permission is sought for a poultry laying building with dimensions of approximately 64m x 16m with an eaves height of 3.6m and a ridge height of 6.7m. The external materials comprise concrete blocks to a height of 0.9m with timber weather boarding to the rest of the walls; and the roof would be slate blue coloured profiled steel sheets.

There would be two 6.7m high steel feed hoppers sited next to the eastern end elevation of the building.

The building would house 20,000 hens as a diversification by the applicant into poultry farming.

Site Location

Hags Hall Farm has an area of approximately 33 hectares. The complex of farm buildings, including the farmhouse, is in a relatively isolated location at the end of a long access road off the northern side of Ramsgreave Road in the open countryside between Ramsgreave and Mellor. The site is not within the Greenbelt.

The proposed building would be sited immediately to the north of the existing farm buildings. It would be served by an extension to the existing access track that runs between some of the existing buildings, and a new vehicular turning area would also be formed at the eastern end of the building.

Relevant History

3/2007/0315/P – Construction of single storey extension to farmhouse to form an annex. Approved.

3/2007/0755/P – Conversion of part of an attached barn to form an annex. Approved subject to a condition that only one of the two permissions for an annex could be implemented.

3/2008/0441/P – Certificate of Lawfulness granted for the use of six wooden chalets (on land adjoining Hags Hall Farm) as holiday lets.

Relevant Policies

Policy G1 - Development Control.

Policy ENV3 - Development in Open Countryside.

Policy SPG - Agricultural Buildings and Roads.

Environmental, AONB, Human Rights and Other Issues

The application relates to the proposed erection of an agricultural building at a farm within the open countryside. As such, I consider the proposal to be acceptable in principle. The location is not subject to any special designation such as Greenbelt or Area of Outstanding Natural Beauty.

The appearance of the proposed building is very much that of a typical modern agricultural building. It is not, in my opinion excessively high. It is also appropriately sited on relatively low lying ground immediately to the north of the existing group of farm buildings. As such, when

viewed from the south it would be screened by the existing buildings; from the north it would be viewed against the existing buildings; and from the east and west it would appear as an appropriate addition to the existing group of buildings. I therefore consider the proposal to be acceptable with regards to its effects upon the visual amenities of the locality.

There are no residential properties (other than the applicant's farmhouse) in the immediate vicinity of the group of farm buildings. The nearest, 'Ravenswing', is on considerably higher ground to the south east approximately 170m away from the proposed building and separated from it by the existing group of buildings. I do not consider that the proposed agricultural building at this farm would have any detrimental effects upon the amenities of that nearest dwelling or any other dwellings in the locality.

The chalets with permission for holiday let use are approximately 235m away from the proposed building. Due to that distance and the intervening existing buildings, I do not consider that the proposed building would adversely affect the level of amenity afforded to the holiday lets. In any event, the proposed building is for an agricultural/rural use in the rural location within which the possible future holiday lets are located.

The main concerns/objections to the application by third parties relate to highway safety. In response to those concerns/objections, the applicant's agent comments that Higgs Hall Farm has been a farm for at least 100 years and has only one farm access over which it has a right of way 'at all times and for all purpose with or without horses, carts, motor cars or other vehicles to pass and repass over and along the road'. It is explained that, for at least 55 years the farm has been principally a dairy farm involving the arrival and departure of eight wheel milk tankers on a daily basis. In recent times it is explained that the concentration on dairy farming has eased and the applicant, whilst not wishing to abandon that venture, wishes to concentrate more on egg production.

The agent states that the traffic associated with egg production is limited and is summarised as follows:

- Bird delivery and collection by eight wheeled lorry – two lorries every 14 months.
- Egg collection by 7.5 tonne lorry – two per week.
- Feed delivery by eight wheeled lorry – one every eight weeks.
- Manure removal by tractor and trailer that are kept on the farm – twice a week in summer and once a week in winter.

The agent considers those vehicular movements to be far less than if the farm was fully utilised as a dairy unit.

With regards to the nursery, the agent comments that parents do not need to cross the access road as they can go straight from the parking area into the nursery. Even if they did need to cross the road, the agent repeats the comment about the level of traffic compared with that of a 'full blown' dairy.

The agent comments that no vehicles associated with Higgs Hall Farm have ever been involved in any of the accidents on Ramsgreave Road; and he refers to the highway authority's recently installed chevron signs aimed at alleviating this problem.

As stated previously in the report, the County surveyor does not consider the approximately 3.6 vehicular movements per week associated with proposed poultry unit to be detrimental to highway safety. He also refers to the recent improvements to the junction of the access road with Ramsgreave Road in the provision of junction markings and warning signs.

The applicant is aware that his right of access on to Ramsgreave Road is via the track that passes the Ramsgreave Hall group of buildings and that he has no right of access over the more recently constructed access that runs in an approximate east to west direction between the nursery and Ramsgreave Road. The prevention of any unauthorised use of the newer track, however, would be the responsibility of the owners of that track. I do not therefore consider it necessary or appropriate to impose a planning condition that requires access to the proposed building to only be gained by the route over which the farm has an existing right of way.

Overall, I can see no sustainable objections to this proposed agricultural building at an existing farm within a rural location.

SUMMARY OF REASONS FOR APPROVAL

The proposed building would have no detrimental effects upon visual amenity, the amenities of any nearby residents or highway safety.

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. This permission shall relate to the proposal as shown on drawing numbers 10E135E/03 and 10E135SREVB/02.

REASON: For the avoidance of doubt and to ensure compliance with the submitted plans.

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: 3/2010/0770

(GRID REF: SD 374347, 441704)

PROPOSED CHANGE OF USE FROM CLASS A1 TO CLASS A3 AT GROUND FLOOR LEVEL AT 5 MOOR LANE, CLITHEROE

TOWN COUNCIL: No objections.

ENVIRONMENTAL
HEALTH:

No objections in principle, however, if the nature of the business changes, to include the selling of hot food (other than those stated), they will need suitable and sufficient means of ventilation, (which will probably mean mechanical extraction) and therefore would be subject to additional planning consent.

With regards the opening hours proposed; due to the presence of a first floor 'residential' flat in the adjacent building, I recommend the permitted hours be modified as follows;

- Monday to Friday - 07.00 to 19.00
- Saturdays - 08.00 to 18.00
- Sundays and Bank Holidays - 10.00 to 16.00

ADDITIONAL
REPRESENTATIONS:

Three letters of objection have been received that raise the following points:

1. The suitability of the 'shed type room' for preparing food is questioned as is along with the number of staff toilets;
2. Concerns over the storage of food waste in the rear yard area and the risk of smells and rodents affecting the use of the adjacent yard area.
3. Questioning whether any right of way exists across the rear yards of 1 and 3 Moor Lane (Age Concern and Passion Florists) so bins can be emptied;
4. Fire access would be restricted if bins were stored at the rear;
5. Allowing another café will dilute business;
6. Questions how foul sewage and trade effluent will be disposed

Proposal

Planning permission is sought to change the use of the ground floor of the property from use class A1 (Retail) to class A3 (Restaurants) to enable a café to open. The existing shop area at ground floor will move on to the first floor and the ground floor will change to a café area providing 28 covers. The shop area and storeroom at the rear of the shop would become a prep area with serving counter and the other half would provide customer toilets. A staffroom would be provided at the rear of the first floor area.

Although not included in the application description, the drawings show that the first floor of the property, currently used as ancillary storage to the shop will be used for retail purposes. Despite requests to change the description of the application to include this, the Agent has decided not to seek permission for this aspect. Any decision on this application therefore will relate solely to the ground floor of the property.

The proposal will not involve any external alterations to the building, as confirmed by a letter from a catering equipment professional, dated 7 January 2011, and as a result no extraction equipment will be necessary as everything on the proposed menu can be cooked in a microwave convection oven.

Site Location

The former Lords Shoe Shop site is located at the northern end of Moor Lane on the east side, between Passion Florists and the East Lancashire Hospice shop. The property is within Clitheroe Conservation Area is classed as a Building of Townscape Interest and is adjacent to a Listed Building (Passion Florists).

Relevant History

There have been other applications relating to the external appearance of the property however none of the applications relate to changes of use.

Relevant Policies

Policy G1 – Development Control
Policy ENV16 - Development Within Conservation Areas
Policy S3 - Principal Shopping Frontage - Clitheroe.

Environmental, AONB, Human Rights and Other Issues

The two main issues relate to the acceptability of the proposed change of use and the impact on neighbouring amenity.

In planning policy terms the proposed café use complies with Policy S3 in the Districtwide Local Plan that allows the change of use of properties on the principal shopping frontages to cafes and restaurants. Thus in policy terms the proposal is acceptable.

Having regard to residential amenity, a flat exists at first floor level next door. These neighbours have concerns over the storage of food waste in the rear yard area and the risk of smells and rodents. On the original application no details were given about the disposal of waste, only that it would be stored within the rear yard area. An amended plan, dated 02 December 2010, has since been received, showing that the waste will be stored in bins as required under environmental health legislation. Regarding the neighbours worries over the smells, Environmental Health have no objections to the application based on the types of foods being served e.g. panini's, jacket potatoes, sandwiches, soup etc.

The application applies for opening hours of 7am to 7pm Monday to Saturday and 10am to 4pm on Sundays. As already mentioned a flat exists next door at first floor level, and although the owner has objected about the potential smells resulting from the café they have not objected to the proposed opening hours. Although this is the case, it is important that the amenity of current and future residents are protected, and whilst I consider that the hours of 7am to 7pm are acceptable during the working week of Monday to Friday, I am concerned that the amenity of these neighbours could be affected by the proposed café use on Saturdays. This has been confirmed by the Environmental Health department and for this reason the opening hours on Saturday's will be reduced to 8am to 6pm. The Sunday opening hours proposed by the

applicants of 10am – 4pm are acceptable and this will extend to bank holidays. I consider that, for the avoidance of doubt, an hours of use condition should be imposed specifying the hours.

Many of the objectors concerns fall outside the remit of planning control and will be dealt with under the relevant environmental health legislation. The Environmental Health Officer has no objections to the application subject to compliance with the relevant environmental health legislation concerning toilet provision, food preparation, staff facilities and appropriate extraction equipment for the kitchen should it be needed.

No external alterations are proposed in this application as the applicant's have stated that only food that has been warmed through will be served. Notwithstanding this, should permission be granted and the applicant's decide to serve hot food, in the interests of visual and residential amenities, I consider that any proposed external flues to the kitchen should be required to be submitted for approval by using an appropriate condition.

Subject to conditions as described above, I consider the proposed change of use of the ground floor of this existing A1 business to A3 use to be acceptable.

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. The use of the premises in accordance with this permission shall be restricted to the hours between 0700 to 1900 on Mondays to Friday, 08:00 to 18:00 on Saturdays, and 1000 to 1600 on Sundays and Bank Holidays.

REASON: To comply with Policies G1 and S3 of the Ribble Valley Districtwide Local Plan. The use of the premises outside these hours could prove injurious to the character of the area and in order to safeguard residential amenities.

3. The permission shall relate to the proposed uses of the ground floor accommodation as shown on Drawing No 2010/48/1A and shall serve cold food only.

REASON: For the avoidance of doubt and to comply with the Agents email dated 09 December 2010, to ensure that the development is carried out in accordance with the submitted plans and serves only cold food due to there being no extraction equipment at the premises.

4. No flues or extraction equipment shall be attached to the exterior of the building or erected or placed within its curtilage without planning permission first being obtained from the Local Planning Authority.

REASON: In the interests of visual and residential amenities, to comply with Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan.

5. This permission shall be implemented in accordance with the proposal as amended by the plan received on the 02 December 2010.

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

C APPLICATIONS WHICH THE DIRECTOR OF DEVELOPMENT SERVICES RECOMMENDS FOR REFUSAL

APPLICATION NO: 3/2011/0014/P (CAC) & 3/2011/0015/P (FULL CONSENT)
(GRID REF: SD 373391 436156)

PROPOSED DEMOLITION OF FORMER NURSERY AND ERECTION OF A NEW RETAIL AND OFFICE BUILDING WITH CAR PARKING. RESUBMISSION AT 7 ACCRINGTON ROAD, WHALLEY

PARISH COUNCIL:	No comments received at the time of report writing.
LANCASHIRE COUNTY COUNCIL (HIGHWAYS):	No comments received at the time of report writing.
ENGLISH HERITAGE:	Do not consider it necessary for English Heritage to be notified of the conservation area consent application.
UNITED UTILITIES:	No comments received at the time of report writing.
RVBC (COUNTRYSIDE OFFICER – BATS):	No comments received at the time of report writing.
ADDITIONAL REPRESENTATIONS:	No comments received at the time of report writing.

Proposal

Conservation Area Consent is sought for the demolition of two mid-late Twentieth Century former nursery buildings. Planning permission is sought for the redevelopment of the site with a retail and office building. The proposed building is shown to be three storey and to have a 'T' shaped plan (5 bay range with projecting 3 bay central wing). The ground floor of the wing has three shop fronts. Hipped roofs of blue slate. Walls of stone and render. Maximum width 14m, maximum depth 13.8m and height to eaves/ridge/chimney of 7.7/9.8/10.5m. Four space car parking in ground floor undercroft. Cycle parking and bin storage to rear of building. No information in respect of proposed number of employees. Solar panels and ground source heat pump.

A design and access statement has been submitted. This describes the existing children's day nursery as single storey with white painted walls and a blue slate roof. It retains its original appearance as a bungalow (sic) despite the change of use in 1991. Behind it is a single storey flat roof building. An unfavourable OFSTED report forced the closure of the nursery in 2005/06 since when the premises has stood vacant.

4.2 of the Design and Access Statement acknowledges that the 'T' shaped plan of the proposed building is a product of site dimension constraints.

3.4 and 3.9 suggest that the proposed development has been informed by Planning Policy Guidance Note 15 (replaced by Planning Policy Statement 5 and the accompanying Historic Environment Planning Practice Guide in March 2010).

Site Location

7 Accrington Road is a prominent and central site close to the junction with King Street. It is within Whalley Conservation Area and forms part of a street scene distinguished by listed buildings and buildings positively contributing to the Conservation Area (Buildings of Townscape Merit identified by the Conservation Studio consultants in the Whalley Conservation Area Appraisal 2005; adopted by the Borough Council following public consultation in April 2007).

Relevant History

3/2009/1078/P – Erection of a new retail and office building with car parking – planning application withdrawn.

3/2010/0011/P – Demolish former nursery building Conservation area consent application withdrawn.

3/2009/0047/P – New office development and car parking – planning permission refused 6 March 2009.

3/2009/0046/P – Demolition of former nursery building. Conservation area consent refused 6 March 2009.

3/2007/0890/P – Demolition of nursery and erection of office building and car parking. Planning permission refused 17 January 2008.

3/2007/0900/P – Demolition of existing buildings. Conservation Area consent refused 17 January 2008.

3/2005/0824/P – Demolition of children's nursery and erection of offices. Withdrawn.

3/1993/0618/P – Extension to childcare centre. Planning permission granted 22 October 1993.

3/1991/0299/P – Change of use from residential dwelling to private day nursery, approximately 20 places. Planning permission granted 31 July 1991.

3/1990/0826/P – New wing extension to contain two bedrooms and bathroom. Planning permission granted 20 December 1990.

3/1990/0225/P – Change of use of bungalow to a restaurant. Planning permission refused 24 May 1990.

3/1989/0848/P – Conversion of bungalow to restaurant. Planning permission refused 8 March 1990. Decision upheld at appeal 12 October 1990.

6/10/566 – Proposed conversion of builder's offices into bungalow. Planning permission granted 10 July 1957.

Relevant Policies

Planning (Listed Buildings and Conservation Areas) Act 1990.
Planning Policy Statement 5 – Planning for the Historic Environment.

Historic Environment Planning Practice Guide.
Policy ENV19 - Listed Buildings (Setting).
Policy ENV16 - Development Within Conservation Areas.
Policy ENV18 - Retention of Important Buildings Within Conservation Areas.
Policy G1 - Development Control.
Policy S4 – New Small Scale Shopping Development – Whalley.

Environmental, AONB, Human Rights and Other Issues

The main consideration in the determination of both the Conservation Area Consent and Planning Applications is the impact of development on the character, appearance and significance of Whalley Conservation Area.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires *special attention* to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area (South Lakeland DC -v- Secretary of State for the Environment, (1992) 2 WLR 204 suggests that ‘preservation’ can be achieved by development which leaves character and appearance unharmed). Section 74(3) of the Act requires that applications for the demolition of unlisted buildings in conservation areas be considered in a similar fashion to applications for the demolition of a listed building. This includes the requirement for the Borough Council to give special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 16(2)).

Planning Policy Statement 5 ‘Planning for the Historic Environment’ (March 2010) refers to ‘designated heritage assets’. Annex 2 of PPS5 confirms conservation areas to be designated heritage assets. I have also been recently advised by English Heritage that unlisted buildings within conservation areas may also be considered to be designated heritage assets in their own right.

PPS5, Policy HE9.1 states: *“There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage 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. Loss affecting any designated heritage asset should require clear and convincing justification...”*

PPS5, Policy HE9.2 states: *“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:*

- (1) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or*
- (2) (a) the nature of the heritage asset prevents all reasonable uses of the site; and
(b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
(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.*"

PPS5, Policy HE9.4 states: *"Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:*

- (1) *weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and*
- (2) *recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss."*

PPS5, Policy HE7.1 states: *"In decision making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset) taking account of ...*

- (vi) *where appropriate and when the need to understand the significance of the heritage asset demands it, expert advice (from in-house experts, experts available through agreement with other authorities, or consultants, and complemented as appropriate by advice from heritage amenity societies)."*

PPS5, Policy HE7.4 states: *"Local planning authorities should take into account:*

- *the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping; and*
- *the positive contribution that conservation of heritage assets and the historic environment generally can make to the establishment and maintenance of sustainable communities and economic vitality by virtue of the factors set out in HE3.1 (ie contribution made by the historic environment by virtue of:*
 - (1) *its influence on the character of the environment and an area's sense of place;*
 - (2) *its potential to be a catalyst for regeneration in an area, in particular through leisure, tourism and economic development;*
 - (3) *the stimulus it can provide to inspire new development of imaginative and high quality design ... "*

PPS5, Policy HE9.5 states: *"Not all elements of a ... Conservation Area will necessarily contribute to its significance. The policies in HE9.1 to HE9.4 and HE10 apply to those elements that do contribute to the significance. When considering proposals, local planning authorities should take into account the relative significance of the element affected and its contribution to the significance of the ... Conservation Area as a whole. Where an element does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of the ... Conservation Area, including, where appropriate, through development of that element. This should be seen as part of the process of place-shaping".*

The Historic Environment Planning Practice Guide accompanies PPS5 and is: *“Material to individual planning and heritage consent decisions”* (paragraph 2).

HEPPG Paragraph 34 *“Quality of place”* states that:

“... heritage assets can inform and inspire place making. Recognising how the design, materials and pattern of land use of the built environment provide character and definition to a locality can enable local planning authorities to better understand the appropriateness of proposed development”.

HEPPG, Paragraph 35 states: *“heritage assets can play a key role in regeneration”*. Paragraph 36 states: *“High quality places also bring wider community benefits, such as better health and education outcomes, reduced levels of crime, and improvements in community cohesion and social inclusion. Heritage assets play a key role in defining place and in building local pride. They can have a totemic value to a community, provide local focal points, they can offer spaces for recreation or for people to meet”.*

HEPPG, Paragraph 44: ‘Design Policies’ states: *“... by encouraging applicants to consider both how existing valued heritage assets can inform high quality design that is inspired by its local context and how the best contemporary design can fit comfortably into its surroundings, the local planning authority can help deliver sustainable communities and places that residents value highly. It is important to recognise that new development that relates well to its surroundings is likely to last longer before its replacement is considered and therefore make a greater contribution to sustainability. Local planning authorities are encouraged to seek well conceived and inspirational design that is founded on a full understanding of local context”.*

HEPPG, Paragraph 78: ‘Weighing up the proposals’ states: *“Local authorities are advised to take into account the likely longevity of any public benefits claimed for a proposed scheme. Speculative, ill-conceived or short-term projects will not compare so favourably when considering an irreversible harm to the significance of a heritage asset”.*

Policy ENV18 of the Ribble Valley Districtwide Local Plan states: *“There will be a presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a conservation area ...”.*

It has been held in the courts that the decision maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area. In this regard, Policy ENV18 of the Ribble Valley Districtwide Local Plan states: *“Consent to demolish a building in a conservation area will not be granted unless a suitable detailed planning application for the re-use of the site has been approved and a contract let for the carrying out of the works of redevelopment”.*

The explanatory text to Policy ENV16 of the Local Plan states: *“The main elements of Council policy are retention and enhancement”*. The policy itself states that: *“Within conservation areas development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials”.*

Whalley Conservation Area Management Guidance (The Conservation Studio, 2006, page 15) suggests that: *“The emphasis in any new development or proposed alteration must always be on the need to provided a high quality of design. Consideration of scale, density, height and*

massing may be used to set out the basic form of the building... and, most importantly, the relationship of the new buildings to existing surrounding buildings and to the street”.

Amongst Management Guidance ‘key design principles’ is included the advice that: *“New development should reflect the proportion of solid to void found in the elevations of traditional buildings and should employ robust detailing and avoid fussy or gimmicky use of applied features or detailing”.*

In Management Guidance ‘shop fronts and security grills’, it is stated that: *“The Whalley Conservation Area contains a small number of commercial premises with shop fronts. The appearances of many of these properties has been compromised by badly designed shop fronts... the most common problems are... bad proportions...”.*

Whalley Conservation Area Appraisal ‘SWOT’ analysis (strengths, weaknesses, opportunities, threats, page 3-4) states that poor quality shop fronts are a Threat to the Conservation Area.

Other material considerations are the impact of development upon highway safety, residential amenity, and the setting of nearby listed buildings and the appropriateness of retail/office in this location. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. However, this statutory provision does not apply to conservation area consents.

In November 2008, and mindful of two previous proposals for this site which had unfortunately failed to preserve Whalley Conservation Area, your officers conferred with the Design and Heritage Pennine Lancashire panel (partnership between the Commission for Architecture and the Built Environment, English Heritage, Elevate and RENEW NW) in respect of appropriate guidelines to offer to the site owner in production of a resubmitted scheme. In summary, the CABE architects present advised that the varied character of this part of the Conservation Area would allow the designer freedom to produce a bold, interesting design, in context (eg using traditional materials), but true to its time. They also commented that the hipped roofs of the most recent scheme “picked up on the more mediocre buildings in the area and were not what Whalley is about”. Such an approach is advocated by others. In ‘Managing Change in Conservation Areas’ (English Heritage Conservation Bulletin, Spring 2009), Davies (Planning and Development Director English Heritage (South)) suggests that a graduated contextual approach be adopted to new development in conservation areas. In areas of high quality varied townscape (7 Accrington Road?) new development should be integrated fully into its surroundings based on a proper understanding of the heritage values of a place; good modern design may be acceptable providing it follows these broad parameters and has led to some outstanding new buildings.

The applications now under consideration follow recent pre-application meeting and discussion.

The Whalley Conservation Area Appraisal does not consider the existing nursery buildings to be harmful to the character and appearance of the Conservation Area. However, they would not appear to make a positive contribution or be of significance to designated heritage assets. PPS5, Policy HE9.5 would therefore appear relevant which infers that the presumptions to conserve designated heritage assets and to resist substantial harm to them without robust justification, does not apply. In my opinion therefore, the loss of the nursery buildings, inter alia, would not be harmful to the character appearance or significance to the Conservation Area.

Unfortunately, pre-application advice (including the considerations of CABE) has not resulted in redevelopment proposals which preserve or enhance the character, appearance or significance of Whalley Conservation Area. A letter to the agent of 16 July 2010 conveyed concerns (draft scheme) as to plan form, hipped roofing, the undue prominence and poor proportion of shop fronts and suggested both the incorporation of chimneys or other devices to ensure verticality and for detailing to be robust. The intention was to encourage the use of architectural devices to 'break up' the apparent bulk of the proposed building so as to reflect the scale and rhythms of the site's immediate context and to ensure a sympathetic shop frontage. Unfortunately, the submitted scheme has a more pronounced and incongruous 'T' plan, has a wider principal shop front, retains its hipped roofing, incorporates unconvincing chimney stack additions and introduces two further poorly proportioned shop fronts (at the sides of the projecting wing) which in my opinion only further detracts from the proposal.

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

1. The proposed building design would be harmful to the character, appearance and significance of Whalley Conservation Area because of its incongruous plan form, scale, roof configuration, over extensive and poorly proportioned shop frontage and use of unsubstantial detailing. This would be contrary to Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan.

RECOMMENDATION 2: That conservation area consent be REFUSED for the following reason:

1. The proposed redevelopment would be harmful to the character, appearance and significance of Whalley Conservation Area because of its incongruous plan form, scale, roof configuration, over extensive and poorly proportioned shop frontage and use of unsubstantial detailing. This would be contrary to Policies G1, ENV16 and ENV18 of the Ribble Valley Districtwide Local Plan.

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

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>
3/2010/0731/P	Proposed loft conversion with dormer windows to front and rear	49 St Marys Drive, Langho
3/2010/0752/P	Erection of a new garage and stores at basement level and a new conservatory over	153 Pasturelands Drive Billington
3/2010/0772/P	Substitution of house type to include single storey extension to rear of property for use as a dining room	2 Eden Gardens off Cherry Drive Brockhall Village
3/2010/0776/P	Proposed single storey rear extension	21 Larkhill Cottages Old Langho
3/2010/0787/P	Change of use of Rectory Croft to create and extension to Churchyard for St Ambrose Parish Church giving an additional 500 grave spaces, with access through the present Churchyard	St Ambrose Churchyard Sawley Road Grindleton
3/2010/0793/P (LBC)	Retrospective application to render the quoins over on the east side, to make watertight	Edisford Hall Farmhouse Edisford Bridge Clitheroe
3/2010/0797/P	Proposed single storey rear extension and chimney stack to side elevation of main property	81 Padiham Road Sabden
3/2010/0811/P (CDA)	Replacement panel to the existing post sign	Stirk House Hotel Gisburn Road, Gisburn
3/2010/0849/P	Two storey extension to the rear with single storey utility and alterations to existing first floor room	25 Clitheroe Road Whalley
3/2010/0876/P	Retrospective application for wrought iron handrailing to an existing flat roof to include obscure glazed screen (north). Re-submission	8 Longridge Road Hurst Green
3/2010/0880/P	Greenhouse	Denisfield House Rimington Lane, Rimington
3/2010/0899/P	Proposed two-storey side extension and a rear garden room	52 Hawthorne Place Clitheroe
3/2010/0908/P	Proposed installation of a new shop front	34 Castle Street, Clitheroe
3/2010/0909/P	One non-illuminated fascia sign	34 Castle Street, Clitheroe
3/2010/0913/P	Application for the discharge of condition 2 (materials) of planning consent 3/2006/0026/P	12 Stoneygate Lane Knowle Green

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2010/0916/P	Proposed change of use from car showroom to class A1 retail use with alterations to the front elevation to create two new shop windows. Erection of gates to entrance	Perry's Car Sales Waterloo Road Clitheroe
3/2010/0918/P	Renewal of planning consent 3/2007/0575/P for the demolition of existing garages and construction of 3 affordable dwellings at land adjacent	28 Kirkmoor Road Clitheroe
3/2010/0924/P	Construction of an agricultural building to provide animal housing and extension of existing track	Fell View Barn Baygate Bolton-by-Bowland
3/2010/0938/P	Proposed rear extension (Resubmission of 3/2010/0714P	20 Masefield Close Brockhall Village Old Langho
3/2010/0939/P	Roof and walls over existing silage clamp	Lime House Farm Whalley Road, Clitheroe
3/2010/0940/P	Discharge of conditions 1. Time; 2. Amended drawings; 3. Landscaping details; 4. Materials; 5. Rainwater goods and fittings; of planning consent 3/2009/0885/P	Land adjacent to Station Hotel, Station Road Clitheroe
3/2010/0943/P	Two-storey rear extension to existing shop and flat. Re-submission of planning permission 3/2010/0386/P	83 Berry Lane Longridge
3/2010/0947/P	Demolition of existing garage and erection of porch and detached garage	Broad Lea, Ribchester Road Clayton-le-Dale
3/2010/0949/P	Retention of fishing hut/refuge adjacent	Hodder Bridge, Chaigley
3/2010/0950/P	Application for the discharge of condition 3 (walling and roofing materials) of planning consent 3/2009/1071/P	Shawbridge Mill Shawbridge Street, Clitheroe
3/2010/0955/P	Reserved Matters application for a proposed dwelling following granting of Outline Planning Permission Ref. No. 3/2010/0335/P	Land adj to 3 Fleet Street Longridge
3/2010/0958/P	Application for the discharge of condition no. 3 (timber samples and colour) and condition no. 4 (steel sample) of planning consent 3/2010/0587	Waddow Hall Waddington Road Clitheroe
3/2010/0968/P	Demolition of detached garage and store to south of property and re-use of materials to be used for an extension to the existing garage and workshop	Mossgate Knowle Green
3/2010/0981/P	Proposed replacement garage including extension (to garage) to form sun-room	47 West View Waddington

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2010/0987/P	Proposed alterations and extension of existing single storey rear outrigger to provide a dining/kitchen	15 Brungerley Avenue Clitheroe
3/2010/0993/P	Renewal of planning consent 3/2007/1028 for a rear conservatory	2 Dovedale Gardens Lower Lane, Longridge
3/2010/1022/P	Conversion of barn to dwelling, erection of garage and creation of driveway and garden (Resubmission)	Rakefoot Farm Thornley Road, Chaigley

APPLICATIONS REFUSED

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
3/2010/0819/P	Proposed single storey extension to the dining room to the north elevation	Waddington Old Mill Mill Lane Waddington	Policies G1, ENV1 and H10 – detrimental effects upon the appearance and character of the property itself and also upon the Area of Outstanding Natural Beauty.
3/2010/0926/P	Proposed two-storey side extension	Happy Cottage Lovely Hall Lane Copster Green	G1, H10, SPG – Incongruous development to the visual detriment of the original property, and the street scene.
3/2010/0941/P	Proposed Orangery to replace the existing conservatory on the side of the dwelling at	Bridge House 2 King Street Whalley	G1, H10, ENV16 - Incongruous development to the visual detriment of the property and the visual amenity of Whalley Conservation Area.

SECTION 106 APPLICATIONS

<u>Plan No:</u>	<u>Proposal/Location:</u>	<u>Progress:</u>
	None	

APPLICATIONS TO BE DETERMINED BY LANCASHIRE COUNTY COUNCIL

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2010/0954/P	Construction of access track and erection of a motor-controlled kiosk and a pressure relief column	Field SW of Catlow Terrace Barrow

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>
3/2010/0474 D	1.9.10	Mrs K Hughes Proposed internal partition, new internal opening and false ceiling (Listed Building Consent) 35 King Street, Whalley	WR	–	APPEAL DISMISSED 16.12.10
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	-	APPEAL DISMISSED 23.12.10
3/2010/0233 D	17.11.10	Mr D M Clegg Proposed detached house in garden area to side of Manor House (Resubmission of 3/2009/0449/P) Manor House Copster Green	WR	–	Awaiting site visit
3/2010/0609 D	30.11.10	Mrs Nicola Gerrard-Russell Proposed extension above existing garage conversion incorporating a master suite and stairs to the loft conversion that will extend the width of the extension and the existing house 14 St. Chad's Avenue Chatburn	WR	–	Awaiting site visit

LEGEND

D – Delegated decision
C – Committee decision
O – Overturn