

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

Agenda Item No

meeting date: THURSDAY, 28 APRIL 2011  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF COMMUNITY SERVICES

APPLICATION NO: 3/2010/0591/P (GRID REF: SD 373866 441098)  
RETROSPECTIVE APPLICATION FOR A REAR SINGLE STOREY KITCHEN EXTENSION AT  
20 PRIMROSE STREET, CLITHEROE

TOWN COUNCIL: No objections to this application.

ADDITIONAL REPRESENTATIONS: A letter has been received from the owners/occupiers of one of the immediately adjoining dwellings who say that they do wish to object to the proposal. The letter then makes reference to previous meetings and correspondence etc since the original planning permission was granted in 2006. The neighbours are not satisfied with the way in which this matter has been dealt with by the Council (but this has been appropriately dealt with through the Council's formal complaints procedure).

The neighbours do not make any objections in their letter that are relevant to the consideration and determination of this planning application.

### **Proposal**

I consider it important to consider this application within the context of a previous application relating to this site.

Application 3/2006/0882/P sought permission for the demolition of an existing single storey kitchen and the erection of a larger single storey extension at this address. The application was received by the Council on 27 October 2006 and neighbours were notified of the application by letter also dated 27 October 2006. By letter dated 2 November 2006, one of the neighbours had expressed two 'concerns' about the proposal although he did not specifically state that he objected to the application. The concerns were that the removal of the existing kitchen wall might cause damage to the floor area in his yard and that, due to its height, the extension might result in loss of light to his living room.

The original kitchen at the property (now demolished) extended 4.44m from the main two storey rear elevation and was 2.45m wide. The replacement kitchen proposed in application 3/2006/0882/P was also to extend 4.44m from the rear wall and was 4.25m wide (ie the full width of the rear yard). With regards to height, the plans submitted with that original application contained stated dimensions of 2.4m to the eaves/gutter height and 0.95m from eaves to ridge giving a maximum height of 3.35m.

The application was considered by the Planning and Development Committee on 28 November 2006. In his report to Committee, the officer dealing with the application informed Committee Members of the dimensions of the proposed extension including its height. He explained that

the height of the proposal was little greater than the existing with the overall maximum height difference being only approximately 0.4m; that the pitch of the roof was shallower than the existing kitchen roof; and that the length of the extension would be no greater than the existing.

For these reasons the officer expressed the opinion that the proposal would not result in significantly greater loss of light to the adjoining property, and that the proposal complied with the BRE 45° test that the Council uses to evaluate any potential loss of light to neighbouring properties. The officer acknowledged the neighbours concern about the development possibly resulting in damage to the floor of this yard, but he correctly advised the Committee that this was not a material planning consideration. The officer accordingly recommended that permission be granted and Committee resolved in accordance with that recommendation.

Construction works on the extension did not commence until November 2009, shortly before the expiry of the three year commencement condition. The extension as built is 2.4m to eaves and 3.35m to ridge, and it is 4.25m wide, all in accordance with the approved plans. However, it has been built 5.5m long and not 4.44m as approved.

This application effectively seeks retrospective permission for the retention of the extension as built.

### **Site Location**

The application relates to a mid terraced property that has a rear access track allowing access to the rear yard of the property. The neighbouring property No 22 Primrose Street has an approximately 5.5m long single storey rear extension up to the side boundary with the application site. The adjoining property on the other side, No 18 however, has an open rear yard adjacent to the extension that is the subject of the current application.

### **Relevant History**

3/2006/0882/P – Proposed kitchen extension to rear of property. 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**

The main issues to consider relate to visual impact and effect on residential amenity. The carrying out of development that is not in accordance with the approved plans and then seeking permission retrospectively for the development as built, cannot be condoned. However, planning legislation does allow for such applications.

In this case, the height, width and external materials of the extension remain as approved. The single difference is that it is 1.06m longer than approved.

I do not consider that the increase in the length of the extension results in any detrimental effects upon the appearance of the property itself or the visual amenities of the locality in general.

As it immediately abuts and does not project any further than the existing similar extension at No 22, the extension does not have any effects upon the light or privacy of that particular neighbouring property.

The main consideration therefore relates to the effects of the increase in the length of the extension on the amenities of No 18 Primrose Street. As no windows or other openings have been formed in the side elevation of the extension, there are no adverse effects upon the privacy of No 18.

As the height of the extension is as approved, and the increase in length is only approximately 1m, I consider that any increased loss of light to the rear ground floor windows of No 18 would be minimal, and would not be sufficient to represent a sustainable reason for refusal of this application. Additionally, it would not represent sufficient expediency for the instigation of enforcement action to have the extension reduced to its approved length. The existing extension of a similar length at No 22 serves to strengthen my opinion that a refusal of this application would be both unreasonable and difficult to sustain. I therefore consider that retrospective permission should be granted.

#### SUMMARY OF REASONS FOR APPROVAL

The difference between the extension as approved and as built does not have any seriously detrimental effects upon visual amenity or the amenities of any nearby residents.

RECOMMENDATION: That planning permission be GRANTED.

APPLICATION NO: 3/2010/0600/P (GRID REF: SD 366180 431216)  
PROPOSED CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC LAND TO FORM  
IMPROVED HIGHWAY ACCESS AND OFF-ROAD PARKING AND TURNING AREA TO  
NUMBERS 1-4 THE FINCHES, PRIMROSE HILL, MELLOR

PARISH COUNCIL: Has no objections to this application.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): The County Surveyor expressed no objections in principle to this application as originally submitted and made the following comments:

1. The proposal to provide off-street parking for the residents of 1-4 The Finches would bring considerable highway safety benefits as the present parking arrangement results in vehicles being parked on a bend where there is restricted visibility and where drivers access directly onto the carriageway.
2. The proposed access offers sightlines between the bends to the south and north towards High Ridge. The hedgerows should be reduced in height to a maximum of 1m and maintained at this level for a distance of 20m to either side of the access.

3. My only concern relates to the width of the proposed access which stretches for 25m between the radii. At this width it may attract passing traffic as a convenient place to stop or turnaround. Reducing the overall width to 17m (made up of 2 x 6m radii and 5m access width) and increasing the first 10m length of the access to a width of 5m would make the misuse of the access less likely whilst still maintaining a conspicuous and appropriate design.

(Amended plans received on 13 April 2011 show the design of the access amended in accordance with the requirements of the County Surveyor.)

ADDITIONAL  
REPRESENTATIONS:

Three letters have been received from the owners of two nearby residential properties who make the following comments/objections:

1. No objections in principle to the provision of car parking for the residents of The Finches, but the application in its present form should not be permitted.
2. The existing parking area should be extended using the existing access or a new parking area should be formed at the front of the properties rather than at the rear.
3. This proposal would result in the loss of a considerable length of established hedgerow contrary to the statement of CPRE that such hedges should be preserved.
4. The proposal would disturb the wildlife that uses this field including deer, hares, rabbits, curlews and oyster catchers.
5. Nuisance to a neighbouring property as a result of increased noise and car headlights glaring across the field.
6. The proposed position of the access is not appropriate from the point of view of highway safety. It is on a narrow section of the lane that is particularly hazardous in the winter months due to ice. The access should be situated some 10m to 15m further south towards Mellor Lane. This would leave a short, straight and wider stretch of road to the junction with Mellor Lane to the south.

## **Proposal**

Permission is sought for the creation of a new access onto Primrose Hill leading onto a driveway that would then cross a field for a distance of approximately 40m before entering a proposed extension to the existing parking area at the rear (north) of the terrace of 4 properties, numbers 1-4 The Finches. The extended parking area would allow 8 vehicles to be parked with an appropriate turning/manoeuvring area.

The first 5m of the access from Primrose Hill would have a tarmac surface to prevent loose materials being scattered onto the adjoining highway. The rest of the access track and the proposed extension to the car parking area would be compacted hardcore.

## **Site Location**

Numbers 1-4 The Finches are a terrace of houses positioned at right-angles to the east side of Primrose Hill. Immediately to the rear (north) of the terrace there is an existing small parking area with access directly onto Primrose Hill. The application site comprises the existing parking area, an area of the adjoining field to the north and that part of the same field upon which the new access and access track would be formed.

The site is outside any settlement boundary and within the open countryside.

## **Relevant History**

None.

## **Relevant Policies**

Policy G1 - Development Control.

Policy ENV3 - Development in Open Countryside.

## **Environmental, AONB, Human Rights and Other Issues**

Primrose Hill is a relatively narrow country road that runs between Saccary Lane and Mellor Lane. The existing parking area for the dwellings at The Finches is not large enough to provide parking spaces for all four dwellings, and does not have an adequate manoeuvring area. The access to this parking area is also immediately adjoining the northern elevation of the dwellings and is close to a bend in the road. All in all, this is an unsatisfactory situation from the point of view of highway safety.

This application seeks to provide two parking spaces for each of the dwellings with an adequate turning and manoeuvring area, and an access in a more appropriate and safe position away from the building and the bends. As originally submitted, the County Highway Engineer required certain changes to be made to the precise design of the access. In amended plans received on 13 April 2011, these changes have been made and the County Highway Engineer now has no objections to the application on highway safety grounds.

The level of the field at the access point is approximately 1m higher than road level, and there is an existing hedge on the field boundary to the road. The amended plans show that a section of the hedge would be removed and a new hedge would be planted on the visibility splay line of 2.4m x 20m required in both directions by the County Highway Engineer. The land between the

new hedge and the road would be maintained at a height of not more than 1m above road level in order that the required visibility splay is provided. Subject to the hedge being an appropriate Lancashire hedgerow mix, and its appropriate maintenance for five years, the Countryside Officer, has no objections to this application. The requirements of the Countryside Officer can be covered by an appropriate condition in the event of planning permission being granted.

Subject to the field on either side of the access tracking remaining in its existing agricultural use (and its use for any other purpose would require a separate planning permission) I do not consider that the proposal would have any seriously detrimental effects upon the appearance or character of the locality.

The final consideration relates to the effects of the proposal on the amenities of nearby residents. The new access point would be approximately 60m away from the nearest dwelling and the extended parking area approximately 120 away from that same property. Given these distances, I do not consider that the activity resulting from the provision of parking spaces for four dwellings would result in any seriously detrimental effects upon the amenities of that particular dwelling. There are no other residential properties close enough to be affected by the proposal.

Overall, for the reasons given above, and in view of the highway safety benefits of the proposal, I can see no objections to the application.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal will result in highway safety improvements without any seriously detrimental effects upon the appearance or character of the locality or the amenities of nearby residents.

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 the amended plan received by the Local Planning Authority on 13 April 2011 (drawing number ML/DF/4719).

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

3. The development hereby permitted shall not be commenced until details of a replacement Lancashire hedgerow planting mix 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 and their distribution on site.

The approved scheme shall be implemented in the first planting season following the completion of the development or the first use of the car parking area hereby permitted, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub or hedge plant 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 visual amenity and to comply with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

4. Prior to the first use of the new parking area hereby permitted, a visibility splay of 20m in both directions measured 2.4m back from the carriageway edge shall be provided in accordance with the submitted amended plans. Thereafter, the ground level within the splay shall be maintained at a height not exceeding 1m above road level. Additionally, nothing that is in excess of 1m above road level shall be allowed to grow or be placed within the visibility splay.

REASON: To ensure compliance with the submitted amended plan and in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Prior to the first use of the parking area hereby permitted, the first 5m of the access track from the adopted highway shall be given a tarmacadam surface. Thereafter, this 5m length of the access track shall be permanently maintained with this specified surface.

REASON: To prevent loose materials from spreading on to the adjoining highway in a manner that could be detrimental to highway safety and contrary to Policy G1 of the Ribble Valley Districtwide Local Plan.

APPLICATION NO: 3/2010/0786/P (GRID REF: SD 363611 438026)  
PROPOSED APPLICATION FOR THE RENEWAL OF PLANNING CONSENT 3/2007/0425/P  
FOR THE DEMOLITION OF PART OF THE BAKERY AND EXTENSION OF THAT INTO REST  
OF BUILDING, CONSTRUCTION OF CAR PARK AND DECK AT TIME HOUSE, LOWER  
ROAD, KNOWLE GREEN

PARISH COUNCIL: Raises no objection.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): No observations received at time of report preparation.

ADDITIONAL  
REPRESENTATIONS: Correspondence has been received from one nearby property that objects to the development on the following grounds:

1. Highway safety – the plans are directly in relation to parking for 6 holiday flats opposite on a separate application as well as parking for this new property which overloads the area with cars on a dangerous corner road.
2. Noise disturbance – the property is a business premises and not allowed use at night and weekends, therefore the development will have disturbances not present now.

3. Devaluation of property – construction of a car park opposite devalues our property.
4. Privacy – the application includes new windows and change of opaque windows to clear which directly overlook our property.
5. Rights for our access into the said garage premises are not mentioned.
6. The road floods outside the property due to the nearby stream and bad drainage issues. Evidence by photographs. Reference to flood assessments and that flooding still occurs today.

### **Proposal**

Consent is sought for a renewal of planning consent 3/2007/0425/P which granted consent for the demolition of the eastern end of Time House and occupation of the remainder of the building as a dwelling. At the time of that application, the ground floor of the premises was in use as a bakery with a self contained flat at first floor. The flat was to be extended into the remainder of the building with no increase in the number of residential units on site. A new timber deck was to be provided to the rear of the building with the forecourt area providing a total of 2 parking spaces for this development and space for 6 cars for a future development of the mill on the other side of Lower Road within the applicant's ownership.

### **Site Location**

The premises lie to the south of Lower Road within land designated open countryside in the Districtwide Local Plan. There are residential properties opposite with the premises backing directly onto a stream. The plot is roughly triangular in shape with the building being of 1 and 2 storey construction.

### **Relevant History**

3/2007/0425/P – Demolition of part of bakery and extension of flat into rest of building, construction of car park and deck. Approved with conditions 10 October 2007.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy EMP11 - Loss of Employment Land.

PPS4 – Sustainable Economic Development.

### **Environmental, AONB, Human Rights and Other Issues**

Planning consent 3/2007/0425/P was granted consent on 10 October 2007 with condition 1 of that consent requiring works to commence not later than the expiration of 3 years beginning with the date of that permission ie by 10 October 2010. The application before Committee to renew that consent was made valid on 7 October 2010 and thus the 2007 permission was extant when

the current application was made. Government guidance is clear that where no material change in planning circumstances has occurred a refusal to renew a planning permission may be unreasonable.

Whilst I am mindful that since the last approval was granted, new Government guidance in the form of PPS4 'Sustainable Economic Development' has emerged to replace PPG4 'Industrial and Commercial Development of Small Firms', I do not consider this to be material to the determination of this renewal application. The scheme retains an existing residential unit on site and the business that once occupied the ground floor has relocated elsewhere within the borough. In determining the initial application reference was made in the officer's report to the fact that a change of use away from a mixed use ie employment and residential to purely residential was acceptable in particular having regard to the residential unit opposite and open countryside location. I do not consider there has been any material change in planning circumstance to alter that opinion.

Members will note the objections raised however it would be considered unreasonable to refuse to renew a consent where all matters have been considered previously with limited objection made. For clarity last time the neighbours objected on grounds of loss of employment, flooding, rights of access with deeds and query over the mixed status of the building ie business and residential. The additional items raised in response to this application are devaluation of property which, as Members are aware, is not a material planning consideration, privacy and noise disturbance. In respect to the latter it was concluded under the 2007 application that a residential as opposed to a commercial activity at ground floor could be argued to be an improvement to the existing situation for dwellings opposite.

In terms of privacy there is a distance of approximately 15m between this property and that which lies to the opposite side of the road. I do not consider that the utilisation of existing window and door openings for a residential as opposed to commercial use would significantly compromise the amenities of the dwelling opposite.

Thus I am of the opinion that all matters have been fully explored. As there has been no material change in planning circumstance since the original permission was granted, which this application seeks to renew, 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 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 TRI-0188 sheet 3 REV0 proposed plans; TRI-0188 sheet 4 REV0 proposed

elevations; TRI-0188 sheet 5 REVA proposed site layout and TRI-0188 sheet 6 REV0 location map as previously submitted and approved under 3/2007/0425/P.

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

3. In the event that any bats are found or disturbed, all work shall cease until advice has been sought from a Licensed Ecologist.

REASON: To comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan in order to ensure that a protected species (bats) is protected against the harmful effects of development.

APPLICATION NO: 3/2011/0022/P (GRID REF: SD 363222 432303)  
CHANGE OF USE OF AGRICULTURAL LAND TO FORM NEW CAR PARK IN ASSOCIATION WITH ST LEONARDS SCHOOL AND ST LEONARD CHURCH, COMMONS LANE, BALDERSTONE, BB2 7LL

PARISH COUNCIL: The Parish Council supplied a letter of support for the proposed car park as part of this application, as they feel it will tackle a number of highway and parking issues for both the school and the church.

LCC COUNTY SURVEYOR: No objections to the application in principle on highway safety grounds, however a number of comments were made by the Officer in respect of the originally submitted scheme, hence the submission of the amended plan received on the 6<sup>th</sup> of April 2011. A revised view of the scheme from the County Surveyor has not been received at the time of this reports submission.

ADDITIONAL REPRESENTATIONS: Six letters have been received four separate representatives who wish to object to this proposal. These letters raise the following points of objection to the proposal.

1. Danger of accidents with small children crossing the road to get to the car park,
2. Traffic slows due to parked cars on the road at the moment,
3. A previous scheme was turned down at Committee due to highway safety issues,
4. Our property will eventually be sold and a car park next to it will not be a good selling point,
5. Traffic issues are only apparent during early mornings and late afternoons,
6. Introduction of a car park at this remote location could be a security risk from undesirables,
7. Potential area for fly tipping,
8. How will the locking of the car park work?

9. Parents of children will not all use it as more cars will be off the road, meaning that people will choose to drop off outside the school still,
10. Other churches in the vicinity cope perfectly well with no car park, and they are in more residential areas,
11. No matter how well landscaped, this car park will detract from the peaceful hamlet of Balderstone,
12. People who do not live on Commons Lane, and therefore have no consideration of the residents directly affected, are making the application.

Forty One (41) letters of support have been received in regards to this application, with an additional twenty nine (29) letters received from pupils at Balderstone CE Primary School. The letters raise the following points of support:

1. If approved, the car park would relieve congestion on Commons Lane during busy periods,
2. This scheme will immensely improve highway safety at this particular location,
3. Picking up and dropping off children is very difficult at the moment, and this scheme will improve the situation,
4. It will have a positive effect on this locality given the obvious benefit to the community,
5. The scheme will improve pedestrian safety at this location when people (including children) attending school, church and/or other functions in this vicinity,
6. The scheme provides a sympathetic visual impact on the locality and is not intrusive,
7. A car park at this location is long overdue,
8. The new car park will clear the road of parked cars and make it more accessible,
9. There is no pavement in the vicinity, and walking with children along a single-track road between parked cars is not safe. This proposal will prevent this happening.
10. The loss of the school bus has seen an increase in pupils being brought to school by car, hence the congestion during term times,
11. The fear of emergency service vehicles not being able to get through will be alleviated by this proposal,
12. There will be a drop in damage to vehicles if cars are parked in a car park,
13. During the winter, the dark nights make the road even more treacherous and a designated area off road for parking will improve safety,
14. The car park will make it easier for people to attend functions such as weddings/funerals/etc

15. As a user of the road with a tractor and trailer, clearing the road of cars will ease the chaos, and
16. Suggestion to use other materials on the car park, not tarmac, in order to preserve aesthetic value of the area.

The Head Teacher at the Primary has also written in explaining the current issues regarding not only day-to-day parking but also for specialist events at the school such as parents evenings/school plays/events, and that the 19 staff at the school would also benefit from use of the car park.

### **Proposal**

This application seeks permission for the proposed change of use of agricultural land to form a new car park in association with St Leonard's School and St Leonard's Church, Balderstone. The car park will provide 42 parking spaces, 3 of which will be available for disabled users. There will also be an area for cycles and motorcycles. There will be one vehicular entrance into the site off Commons Lane, and one pedestrian entrance with a safety barrier. The central area of the car park will be tarmac, however the spaces around the edge of the site will be gravel or stone chippings in order to break up the visual appearance of the car park. There has also been a footway provided within the site that follows around the edge of the car park to enable pedestrians to walk safely to the exit. The site will be surrounded by a new Lancashire hedgerow, with areas of additional planting with indigenous trees within the site. The applicant has advised that they will also provide additional planting to the front of the site if required, however this may interfere with the site lines required. Aside from the creation of the entrance to the site, the existing boundary hedge on the Commons Lane boundary will be maintained.

### **Site Location**

The site is located opposite Balderstone Church of England Primary School, and to the south east of The Vicarage on Commons Lane, Balderstone. The land is designated as open countryside within the Districtwide Local Plan.

### **Relevant History**

3/2004/0353/P – Creation of Off Road Car Park for 26 Cars (Re-submission) – Refused.  
3/2003/0523/P - Creation of Off Road Car Park for 34 Cars – Refused.

### **Relevant Policies**

Policy G1 - Development Control.  
Policy G5 - Settlement Strategy.  
Policy ENV3 - Development in Open Countryside.  
Policy RT1 - General Recreation and Tourism Policy.

### **Environmental, AONB, Human Rights and Other Issues**

In considering the proposal for a community car park serving both the Primary School and the adjacent St Leonard's Church, aside from the principle of the development, other key issues to consider are the potential visual impact caused by the development, the potential impact on the amenity of other properties in this vicinity and any potential impact on highway safety.

## PRINCIPLE OF DEVELOPMENT

In order to assess the principle of the scheme, we must assess the scheme against Policies G5 and RT1 of the Districtwide Local Plan. Policy G5 notes that only planning consents for 'small scale developments, which are essential to the local economy or social well being of the area'. In addition, Policy RT1 is also considered appropriate as it notes that the Council will again only approve development proposals that extend the range of tourism and visitor facilities subject to the scheme meeting the following criteria:

- Proposal must not conflict with other Policies,
- Proposal must be well related to an existing main village or settlement,
- Development should not undermine the character, quality or visual amenities,
- Proposal should be well related to the existing highway network and should not generate additional traffic movements of a scale and type likely to cause problems, and
- Site should be large enough to accommodate the necessary car parking service areas.

On this basis, as the scheme is clearly providing a development that a vast majority of those people who attend the local amenities (either the school or the church) feel is essential to the locality, providing the scheme complies with the criteria of RT1, then the principle of the proposed car park is acceptable. As the site sits opposite the local Primary School and within 30m of St Leonard's Church, the question of the site being well related to the local amenities is not contested.

## VISUAL IMPACT

As the site is within open countryside, it is subject to Local Plan Policy ENV3 which states "Development will be required to be in keeping with the character of the landscape area and should reflect local vernacular, scale, style, features and building materials. Proposals to conserve, renew and enhance landscape features will be permitted, providing regard has been given for the characteristic landscape features of the area."

With regards to the size of the proposed car park, having assessed the Design and Access Statement and supporting information provided by both the Parish Council and the Head Teacher for the Primary School, I am satisfied that the number of spaces proposed/required can be justified at this location. In addition, the proposed layout of the site makes appropriate use of the natural screening provided to the frontage of the site, as well as proposing a traditional hedgerow to screen the other boundaries of the site. The Applicant also proposes the planting of indigenous trees within the site to further soften the impact of a car park on the locality. The plan has been amended following discussions with the Highways Officer, hence the change from two access points to one, however the other major alteration is the change in surface types for the car park. This has been done in order to break up the visual impact of the car park, with the spaces on the northwest, northeast and southeast edges of the site will be finished in gravel/stone chippings with the central area and disabled parking spaces finished in tarmac. As noted previously, the additional planting on site will also soften the impact.

On this basis, given that the site is well screened by both existing and proposed boundary treatments, I do not consider the scheme will have an adverse visual effect on the wider landscape or local environment.

## IMPACT ON NEARBY AMENITY

In respect of potential impact on neighbouring amenity, there are two properties most affected by the scheme, these being The Garth and The Vicarage. Both are within 25m of the proposed car park, however there is an existing mature hedge proving separation from the two sites. The car park has been sited to avoid being within direct views from these properties, and given the added screening proposed, will not be to the visual detriment of their outlook. Both properties have objected to the scheme, and their points of objection can be found earlier in my report, however whilst I am mindful of their concerns, and aside from the obvious benefit to highway safety and the minimal visual impact of the scheme, I do not consider the introduction of a car park at this location would be significantly detrimental to the amenity of the occupiers of these two properties.

## IMPACT ON HIGHWAY SAFETY

The County Highways Officer raised no objection in principle to the originally submitted scheme, however he made a number of points regarding the current issues at this location. These comments have led to the Agent altering the proposed layout and access points for the car park, and these can be seen on the amended plan submitted on the 6<sup>th</sup> of April 2011. I have not received a formal view from the Highways Officer in relation to the amended plan at the time of this reports submission, however this shall be provided to Committee members on the night. For reference, I have included a summary of other comments made by the County Highways Officer in relation to the scheme as a whole.

The problems of queuing and congestion outside the school being experienced at the beginning and end of the school day are common throughout the County. While the provision of some off-street parking can be of benefit, it is not necessarily a panacea for these short-term problems and it is important to recognise that it can bring about alternative traffic conditions that require careful consideration. It is the policy of County Council to encourage diverse and sustainable transport patterns in view of their potential road safety, health, social and economic benefits. The provision of such a large car park in a rural location is problematic given this background. However, given its isolated location, lack of footway and narrow carriageway width, it may not be appropriate to encourage walking and cycling without providing relevant highway improvements.

The number of spaces being considered is high in light of a school role of just 90 pupils. On those occasions when I have visited the site, I observed up to 29 vehicles dropping off or waiting in the morning peak and at the end of the school day. There are a number of staff vehicles that could be directed to the proposed car park. Presently, there has been one reported collision on the entire length of Commons Lane, from Nightfield Lane to Higher Commons Lane, involving personal injury during the last five years, 1 December 2005 to 30 November 2010. The circumstances of this particular incident involved hazardous road conditions during a prolonged period of cold weather. In view of this recent road safety record, I would wish to exercise considerable caution in determining the apparent benefits of a development that would introduce additional turning traffic directly opposite a primary school, on a rural road where the National Speed Limit is in operation.

At present, parked vehicles in this area of Commons Lane can act as a deterrent to excessive speeding and the removal of these same vehicles could have negative consequences, resulting in an increase in vehicle speeds. In respect of the Speed Limit in operation on Commons Lane, Lancashire County Council is presently pursuing a proposal to introduce a 30mph Speed Limit

through the villages of Osbaldeston and Balderstone that would include Commons Lane and the school. While it is not possible to provide a rigid timeframe for this measure, informal local consultations have begun and it is anticipated that the formal consultation process will be completed in the next financial year, 2011/12.

I would also acknowledge that there are potential benefits for St Leonard's Church in having available at a convenient distance, a substantial area for off-street car parking. However, the same note of caution must be sounded in terms of the additional turning movements to this location. Once again I am unclear as to the necessity of the car park capacity to accommodate the number of parishioners attending regular Sunday services. While I have no doubt there will be occasions when there is a service or event with a particularly high demand for parking or where the school and church happen to take place concurrently.

It should also be noted that some parents will continue to park on road, because it is more convenient and fits in with their subsequent journey. Where substantial numbers of vehicles may utilise the car park there will be no additional restrictions related to on street parking and it will continue to be possible for parents to drop off children at the kerb edge, away from the mandatory School Keep Clear markings.

The introduction of a new car park will generate a substantial number of turning movements focused in the vicinity of the pedestrian and vehicular entrance to the school. For this to operate safely the speed of approaching vehicles must be reduced to 30mph, as has been proposed and suitable measures introduced to encourage compliance. This proposal should therefore be subject to the implementation of the proposed 30mph zone in the area.

A previous application considered in 2003, 3/2003/0526 proposed the creation of a car park for 34 cars and was recommended for refusal on the grounds that the proposed car park was excessive in size and inconsistent with the County Council's policy on sustainable transport. I am satisfied that the present design offers additional pedestrian provisions and an improved frontage treatment, as there is now a clear focus to the crossing movements to/from the car park, linking to the main pedestrian route to the school, and helping to reduce the potential for indiscriminate pedestrian activity across the entire frontage.

## CONCLUSION

Therefore bearing in mind the above, and whilst I am mindful of the visual impact and the comments from both objectors and the Parish Council, the proposed scheme is considered to provide a much needed facility for this particular locality, that will benefit the local amenities and subsequently improve highway safety at this location for both vehicles and pedestrians, without being visually detrimental to the environment. The scheme is considered to comply with the relevant planning policies, and is therefore recommended accordingly.

## SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate form of development and given its design, 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 letter and plan received on the 6 April 2010.

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

3. The development hereby permitted shall not be commenced until full Is 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 prior to the 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.

4. All planting and construction within the frontage of this development and in advance of the new hedge line shall be maintained at below 0.9m above the height of the carriageway.

REASON: In order to maintain adequate visibility.

5. Any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays to be not less than 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain ungated 45° splays shall be provided between the highway boundary and points on either side of the access measured 5m back from the nearside edge of the carriageway.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.

6. The surface of the car park must be made up to a suitable, specified standard to ensure that no debris is brought onto the highway and that the parking spaces can be clearly and permanently marked out on site. This definition can be achieved through materials other than thermoplastic paint but the appropriate means must be identified. These and other details, namely the materials to be used, shall be submitted to and approved in writing by the Local Planning Authority in correspondence with the County Highways Officer.

REASON: To comply with Policies G1, G5 and ENV3 of the Local Plan and to allow for the effective use of parking areas without being to the detriment of the visual amenity of the area.

7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order amending, revoking or re-enacting that Order) there shall not at any time in connection with the development hereby permitted, be erected or planted, or allowed to remain upon the land hereinafter defined, any building, wall, fence, hedge, tree, shrub or other device.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Commons Lane to points measured 70m in each direction along the nearer edge of the carriageway of Commons Lane, from the centre line of the access, and shall be constructed and maintained at verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

8. The car park shall be drained in accordance with the details submitted within the document 'Surface Water Disposal and Drainage System Details' submitted with the application.

REASON: In order to prevent conditions to the detriment of the locality, and to ensure the satisfactory drainage of the site.

9. Other than the location of the vehicular and pedestrian accesses onto the site, the hedgerow fronting the site shall be protected in accordance with the BS5837 [Trees in Relation to Construction]. A protection zone shall be agreed in writing with the LPA, and shall remain in place until all construction work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

REASON: In order to ensure that the hedgerow affected by development, and considered to be of visual value, is afforded maximum physical protection from the adverse affects of development.

10. The access design and subsequent visibility calculations are based on the average speed of vehicles on Commons Lane being consistent with a 30mph Speed Limit. Lancashire County Council is pursuing such a limit and no development shall take place until this reduced Speed Limit has been progressed beyond the formal consultation stage.

REASON: In the interest of highway safety as the access design and subsequent visibility calculations are based on the average speed of vehicles on Commons Lane being consistent with a 30mph Speed Limit.

11. This permission shall relate to the development as shown on plan drawing No JP/CB/3320/B.

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

## NOTES

1. Surface water from car parking areas of less than 0.5 hectares and roads should discharge to watercourses via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area, oil interceptor facilities are required such that at least six minutes retention is provided for a 12.5mm rainfall per hour. With approved 'by-pass' type of interceptors, flow generated by rainfall rates in excess of 5mm per hour may be allowed to by-pass the interceptor provided the overflow device is designated so that oily matter is retained.
2. The applicant should ensure that the land proposed for the soakaway has adequate permeability in accordance with BS6297:1983.
3. 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: 3/2011/0087/P (GRID REF: SD 370056 436696)  
ERECTION OF DETACHED HOUSE WITH ATTACHED GARAGE. CREATION OF A GARDEN AREA AND MODIFICATION OF THE VEHICLE ACCESS (PLOT 2) AT FORMER MAINTENANCE DEPOT FRANKLIN HILL, BROCKHALL VILLAGE, BLACKBURN, LANCASHIRE

PARISH COUNCIL: The Parish Council object to this application as they feel that the number of dwellings originally agreed to be built on this site will have increased and be over the original quota agreed. In addition to this, there are no facilities for the local residents, which is another one of the original conditions that has not been met.

LCC TRAFFIC AND DEVELOPMENT ENGINEER: No observations or comments have been received at the time of the reports submission.

ADDITIONAL REPRESENTATIONS: No additional representations have been received.

### **Proposal**

This application seeks permission for the erection of a detached house with attached garage, and the creation of a garden area and modification of an existing vehicular access on the site of the former maintenance depot on Franklin Hill, Brockhall Village. This application is one of two applications for the site, with this particular proposal considering Plot 2.

## **Site Location**

The site is located within the Generally Developed Area (GDA) of the Brockhall Village development, as designated by the Ribble Valley Districtwide Local Plan.

## **Relevant History**

3/2005/0315/P - Redevelopment of remaining areas of former hospital to provide employment uses (B1, C1, C2, D1 and D2), 38 dwellings, village hall and associated open space, kick-about area, formal garden area and garden store – Granted Conditionally.

3/2004/0570/P - 14 Live/Work Units, 24 apartments, swimming pool/gymnasium, village hall – Refused.

3/2002/0687/P - Outline Application: Development of a Village Hall and Laying out of open space. Construction of New Footpaths. Laying out of additional open space on land with Permission for Residential Dev – Withdrawn.

3/1999/0198/P - Outline Application for Development of Remainder of Village (with exception of sewage treatment plant) to provide 261 new homes & 10,500 sq.m. of Employment Space (Resubmission of 3/98/0426/P) – Granted Conditionally.

3/1998/0426/P - Outline Application for Development of remainder of village to provide 262 new homes and 10,500 sq.m. of Employment Space – Granted Conditionally.

3/1994/0532/P - Re-Development and Re-Use of Brockhall Hospital to form a mixed use Village consisting of Employment Uses and Residential Development up to 400 additional houses – Granted Conditionally.

## **Relevant Policies**

Policy G1 - Development Control.

Policy G4 – Settlement Strategy.

Policy T7 – Parking Provision.

SPG – “Extensions and Alterations to Dwellings”.

PPS3 - Housing (June 2010).

Affordable Housing Memorandum of Understanding (AHMU).

## **Environmental, AONB, Human Rights and Other Issues**

The matters for consideration in the determination of this application involve an assessment of the application in relation to the currently applicable housing policy, the effects of the development on visual amenity, the amenities of nearby residents, highway safety and any potential impact on trees to the rear of the site with TPO's on.

## **PRINCIPLE OF THE DEVELOPMENT**

The site lies within the Generally Developed Area (GDA) of the Brockhall Village development and as such falls within Policy G4 of the Local Plan. The GDA is subdivided via a Section 106 Agreement of 1995 attached to planning application 3/94/0532, and this refers to Land Parcel R5.03 (Store Workshop) that appears to include the site in question. R5.03 lies within a series of

parcels given outline approval for residential development (see Map 1 and subsequent maps within the agreement), and it is also included in a schedule of sites headed VP3, itself a part of several sites together termed The Village Perimeter. On this basis, the outline permissions appear to establish the possibility of residential development on the site and therefore, in this case, there is no objection in principle to the proposed development of the site for housing.

The Local Plan Policy above also however needs to be seen in the context of the revised National Planning Policy Statement 3 (PPS3) para 71 which states that in the absence of a five year supply of deliverable sites, which is the current position within the Borough, planning applications for housing should be considered favourably having regard to the wider policies within the PPS and including criteria in PPS3 para 69. Paragraph 69 states that, in deciding planning applications. Local Planning Authorities should have regard to, (among other issues):

- the suitability of a site for housing, including its environmental sustainability;
- using land effectively and efficiently; and
- ensuring that the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

In considering suitability in this context the following are considered to be important:

- The location of the site in relation to the settlement of Brockhall Village.
- The existing and proposed density of housing development in this particular area.
- The subsequent visual impact on surrounding areas.
- The ease of access to the site and the potential impact of creating a new access (which would be advised by Lancashire County Council Highways staff).

On this basis, given the site lies within the 'Village Perimeter' of Brockhall Village, the location of this site for housing is considered entirely suitable. In addition, as a single dwelling there is no requirement under the terms of the Affordable Housing Memorandum of Understanding (AHMU) for the dwelling to be 'affordable'. The proposed development of this site for one dwelling is therefore acceptable in principle when considered in relation to the current housing policies and guidance.

## VISUAL IMPACT OF THE DEVELOPMENT

The existing maintenance depot building is a single storey, portal framed building with a pitched roof, constructed in green coloured sheeting for both the walls and for the roof. The depot site as a whole is surrounded on all sides by a tree-planting belt, with the trees planted in a bund on the north, east and west boundaries of the site. With regards to this Plot, the trees on the east, north and west boundaries provide a large level of screening from other properties to the north, east and west of the site. The design, size and height of the proposed dwelling is similar to other residential properties in the nearby vicinity, both existing and currently being constructed, and is considered to be acceptable given the difference in house types all over the Brockhall Village development. The dwelling proposed is a five-bedroom property, with an attached double

garage to the rear (east) of the site. The dwelling measures 9.03m in height, and has rooms spread over two floors, with another bedroom within the roof space.

Visually, any development of the site will affect the streetscene and views around and through the site, however in order to refuse a development the harm of a proposal must be demonstrated. The dwelling has been designed to be closely related to the variety of properties in the nearby vicinity in terms of its principle elevations, and its size and massing is considered to be acceptable as the property carries the same form and is similar in scale to other properties on this road, with similar sized openings. The dwelling is considered to provide sufficient amenity space around it to ensure it does not appear cramped within the streetscene. On this basis, the visual impact is considered to be minimal.

With regards to the bund to the rear of the property (on the eastern boundary), a further outline permission (app no 3/99/0198/P) of June 1999 has an attached Section 106 agreement which (page 5) refers to a scheme for landscaping, management and maintenance of open space shown edged in green on an attached plan (called "Proposed revisions under 3/99/0198"). This map, which is on a large scale, appears to carry this green edged open space along the eastern boundary of the site, and site visits and satellite photography seem to identify this green space as the bund running along the site. On this basis, provided the bund and the trees planted nearby are kept as they are on site, then there is no objection to the proposal.

On this basis, the scale, design and massing of the proposed new dwelling and replacement garage are considered to be visually acceptable within the streetscene.

#### IMPACT ON RESIDENTIAL AMENITY

One of the main concerns in regards to the proposed development is the potential overlooking/loss of privacy caused by both the position and design of the dwelling. The guidance provided within the SPG – "Extensions and Alterations to Dwellings" discusses a distance of 21m between existing dwellings and the proposed first floor windows of habitable rooms in new developments. However, given the proposed retention of the existing boundary treatment to the side and front boundary of the site, that there are no habitable room windows facing onto the property to the north of the site (no. 1 Chapel Close) and that there is approximately 29 metres between the front elevation of the proposed property and the rear elevation of Dickens Court, I do not consider that the scheme will have a detrimental impact on the residential amenity of adjacent neighbouring properties.

#### HIGHWAY SAFETY ISSUES

At the time of this reports submission, I have not received comments from the LCC Traffic and Development Engineer, however I do not perceive there to be any potential issues with the proposed scheme or layout given the satisfactory level of on-site parking provided and the visibility splays provided at the access. Any formal comments provided by the Officer will be made available for Committee Members on the night.

#### IMPACT ON TPO'S

There are protected trees on adjacent land to the east of the site that are within influencing distance of the development, and as such further details were requested from the Agent including the Diameter of the trees at breast height in order to calculate the required Root Protection Area for the trees in question. On the basis of this information, the Council's

Countryside Officer has raised no objection to the proposal providing that the bund remains in place as it affords the trees some physical protection. In addition, he has recommended a site-specific tree protection planning condition.

Bearing this in mind, it is considered that the scheme submitted complies with the relevant Local, Regional and National Policies. Therefore, bearing in mind the above comments and whilst I am mindful of the points of objection from the nearby neighbour, I recommended the scheme accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal is in accordance with the relevant policies and guidance relating to new residential development and would not have any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

**RECOMMENDATION:** That planning permission be GRANTED subject to the following conditions:

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 permission shall relate to the development as shown on Plan Drawing Reference No's A20 – NW 01, A20 – NW 02 and A20 – NW 03.

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

3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2008 (or any order amending, revoking or re-enacting that Order) any future extensions or external alterations to the dwelling, including any development within the curtilage, hard standing or fences, as defined in Schedule 2 Part 1 Classes A to H, and Part II Class A, shall not be carried out without the formal consent of the Local Planning Authority.

**REASON:** In order that the Local Planning Authority shall retain effective control over the development to ensure compliance 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 amending, revoking or re-enacting that Order) the main dwelling shall not be altered by the insertion of any window or doorway without the formal written permission of the Local Planning Authority.

**REASON:** In order to safeguard nearby residential amenity in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance – “Extensions and Alterations to Dwellings”.

5. The dwelling hereby approved shall be constructed with the window in the north facing side elevation obscurely glazed, details of which shall be submitted to, and agreed in writing, by the Local Planning Authority before development commences; and also fitted with restrictors limiting the degree of opening of each opening light to not more than 45°. Thereafter it shall be maintained in that condition in perpetuity to the satisfaction of the Local Planning Authority.

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

6. The proposed garage shall not be used for any purpose (including any purpose ordinarily incidental to the enjoyment of the dwelling house as such) which would preclude its use for the parking of a private motor vehicle.

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the dwelling in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance "Extensions and Alterations to Dwellings".

7. The bund and planting belt on the north western and eastern boundaries of the site shall be retained as existing on site in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to retain the existing levels of privacy afforded to both the site and the adjacent properties in compliance with Policy G1 of the Local Plan.

8. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services the multi stemmed Sycamore [*Acer pseudoplatanus*] shall be protected in accordance with the BS5837 [Trees in Relation to Construction] the details of which shall, including a tree protection monitoring schedule, shall be submitted as a discharge of planning condition.

The root protection zone shall be 10 x the DBH [ $10.80\text{m} + 20\% = 12.96\text{m}$ ] and shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented with out prior written consent, which will only be granted when the local authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development and included in a Tree Preservation Order are afforded maximum physical protection from the adverse affects of development. In order to comply with Planning Policy G1 of the District Wide Local Plan.

APPLICATION NO: 3/2011/0088/P (GRID REF: SD 370064 436679)  
ERECTION OF DETACHED HOUSE WITH ATTACHED GARAGE. CREATION OF A GARDEN AREA AND MODIFICATION OF THE VEHICLE ACCESS (PLOT 1) AT FORMER MAINTENANCE DEPOT FRANKLIN HILL, BROCKHALL VILLAGE, BLACKBURN, LANCASHIRE

PARISH COUNCIL: The Parish Council object to this application as they feel that the number of dwellings originally agreed to be built on this site will have increased and be over the original quota agreed. In addition to this, there are no facilities for the local residents, which is another one of the original conditions that has not been met.

LCC TRAFFIC AND DEVELOPMENT ENGINEER: No observations or comments have been received at the time of the reports submission.

ADDITIONAL REPRESENTATIONS: No additional representations have been received.

### **Proposal**

This application seeks permission for the erection of a detached house with attached garage, and the creation of a garden area and modification of an existing vehicular access on the site of the former maintenance depot on Franklin Hill, Brockhall Village. This application is one of two applications for the site, with this particular proposal considering Plot 1.

### **Site Location**

The site is located within the Generally Developed Area (GDA) of the Brockhall Village development, as designated by the Ribble Valley Districtwide Local Plan.

### **Relevant History**

3/2005/0315/P - Redevelopment of remaining areas of former hospital to provide employment uses (B1, C1, C2, D1 and D2), 38 dwellings, village hall and associated open space, kick-about area, formal garden area and garden store – Granted Conditionally.

3/2004/0570/P - 14 Live/Work Units, 24 apartments, swimming pool/gymnasium, village hall – Refused.

3/2002/0687/P - Outline Application: Development of a Village Hall and Laying out of open space. Construction of New Footpaths. Laying out of additional open space on land with Permission for Residential Dev – Withdrawn.

3/1999/0198/P - Outline Application for Development of Remainder of Village (with exception of sewage treatment plant) to provide 261 new homes & 10,500 sq.m. of Employment Space (Resubmission of 3/98/0426/P) – Granted Conditionally.

3/1998/0426/P - Outline Application for Development of remainder of village to provide 262 new homes and 10,500 sq.m. of Employment Space – Granted Conditionally.

3/1994/0532/P - Re-Development and Re-Use of Brockhall Hospital to form a mixed use Village consisting of Employment Uses and Residential Development up to 400 additional houses – Granted Conditionally.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G4 – Settlement Strategy.

Policy T7 – Parking Provision.

SPG – “Extensions and Alterations to Dwellings”.

PPS3 - Housing (June 2010).

Affordable Housing Memorandum of Understanding (AHMU).

### **Environmental, AONB, Human Rights and Other Issues**

The matters for consideration in the determination of this application involve an assessment of the application in relation to the currently applicable housing policy, the effects of the development on visual amenity, the amenities of nearby residents, highway safety and any potential impact on trees to the rear of the site with TPO’s on.

### **PRINCIPLE OF THE DEVELOPMENT**

The site lies within the Generally Developed Area (GDA) of the Brockhall Village development and as such falls within Policy G4 of the Local Plan. The GDA is subdivided via a Section 106 Agreement of 1995 attached to planning application 3/1994/0532/P, and this refers to Land Parcel R5.03 (Store Workshop) that appears to include the site in question. R5.03 lies within a series of parcels given outline approval for residential development (see Map 1 and subsequent maps within the agreement), and it is also included in a schedule of sites headed VP3, itself a part of several sites together termed The Village Perimeter. On this basis, the outline permissions appear to establish the possibility of residential development on the site and therefore, in this case, there is no objection in principle to the proposed development of the site for housing.

The Local Plan Policy above also however needs to be seen in the context of the revised National Planning Policy Statement 3 (PPS3) para 71 which states that in the absence of a five year supply of deliverable sites, which is the current position within the Borough, planning applications for housing should be considered favourably having regard to the wider policies within the PPS and including criteria in PPS3 para 69. Paragraph 69 states that, in deciding planning applications. Local Planning Authorities should have regard to, (among other issues):

- The suitability of a site for housing, including its environmental sustainability,
- Using land effectively and efficiently and;
- Ensuring that the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

In considering suitability in this context the following are considered to be important:

- The location of the site in relation to the settlement of Brockhall Village;
- The existing and proposed density of housing development in this particular area;

- The subsequent visual impact on surrounding areas; and
- The ease of access to the site and the potential impact of creating a new access (which would be advised by Lancashire County Council Highways staff).

On this basis, given the site lies within the 'Village Perimeter' of Brockhall Village, the location of this site for housing is considered entirely suitable. In addition, as a single dwelling there is no requirement under the terms of the Affordable Housing Memorandum of Understanding (AHMU) for the dwelling to be 'affordable'. The proposed development of this site for one dwelling is therefore acceptable in principle when considered in relation to the current housing policies and guidance.

## VISUAL IMPACT OF THE DEVELOPMENT

The existing maintenance depot building is a single storey, portal framed building with a pitched roof, constructed in green coloured sheeting for both the walls and for the roof. The depot site as a whole is surrounded on all sides by a tree-planting belt, with the trees planted in a bund on the north, east and west boundaries of the site. With regards to this Plot, the trees on the east, south and west boundaries provide a large level of screening from other properties to the east and west of the site. The design, size and height of the proposed dwelling is similar to other residential properties in the nearby vicinity, both existing and currently being constructed, and is considered to be acceptable given the difference in house types all over the Brockhall Village development. The dwelling proposed is a six-bedroom property, with an attached double garage to the rear (east) of the site. The dwelling measures 9.03m in height, and has rooms spread over two floors, with another two bedrooms within the roof space.

Visually, any development of the site will affect the streetscene and views around and through the site, however in order to refuse a development the harm of a proposal must be demonstrated. The dwelling has been designed to be closely related to the variety of properties in the nearby vicinity in terms of its principle elevations, and its size and massing is considered to be acceptable as the property carry's the same form and is similar in scale to other properties on this road, with similar sized openings. The dwelling is considered to provide sufficient amenity space around it to ensure it does not appear cramped within the streetscene. On this basis, the visual impact is considered to be minimal.

With regards to the bund to the rear of the property (on the eastern boundary), a further outline permission (app no 3/99/0198/P) of June 1999 has an attached Section 106 agreement which (page 5) refers to a scheme for landscaping, management and maintenance of open space shown edged in green on an attached plan (called "Proposed revisions under 3/99/0198"). This map, which is on a large scale, appears to carry this green edged open space along the eastern boundary of the site, and site visits and satellite photography seem to identify this green space as the bund running along the site. On this basis, provided the bund and the trees planted nearby are kept as they are on site, then there is no objection to the proposal.

On this basis, the scale, design and massing of the proposed new dwelling and replacement garage are considered to be visually acceptable within the streetscene.

## IMPACT ON RESIDENTIAL AMENITY

One of the main concerns in regards to the proposed development is the potential overlooking/loss of privacy caused by both the position and design of the dwelling. The guidance provided within the SPG – "Extensions and Alterations to Dwellings" discusses a

distance of 21m between existing dwellings and the proposed first floor windows of habitable rooms in new developments. However, given the proposed retention of the existing boundary treatment to the front boundary of the site and that there is approximately 29 metres between the front elevation of the proposed property and the rear elevation of Dickens Court, I do not consider that the scheme will have a detrimental impact on the residential amenity of adjacent neighbouring properties.

## HIGHWAY SAFETY ISSUES

At the time of this reports submission, I have not received comments from the LCC Traffic and Development Engineer, however I do not perceive there to be any potential issues with the proposed scheme or layout given the satisfactory level of on-site parking provided and the visibility splays provided at the access. Any formal comments provided by the Officer will be made available for Committee Members on the night.

## IMPACT ON TPO'S

There are protected trees on adjacent land to the east of the site that are within influencing distance of the development, and as such further details were requested from the Agent including the Diameter of the trees at breast height in order to calculate the required Root Protection Area for the trees in question. On the basis of this information, the Council's Countryside Officer has raised no objection to the proposal providing that the bund remains in place as it affords the trees some physical protection. In addition, he has recommended a site-specific tree protection planning condition.

Bearing this in mind, it is considered that the scheme submitted complies with the relevant Local, Regional and National Policies. Therefore, bearing in mind the above comments and whilst I am mindful of the points of objection from the nearby neighbour, I recommended the scheme accordingly.

## SUMMARY OF REASONS FOR APPROVAL

The proposal is in accordance with the relevant policies and guidance relating to new residential development and would not have any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

**RECOMMENDATION:** That planning permission be GRANTED subject to the following conditions:

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 permission shall relate to the development as shown on Plan Drawing Reference No's A20 – DPL 01, A20 – DPL 02 and A20 – DPL 03.

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

3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2008 (or any order amending, revoking or re-enacting that Order) any future extensions or external alterations to the dwelling, including any development within the curtilage, hard standing or fences, as defined in Schedule 2 Part 1 Classes A to H, and Part II Class A, shall not be carried out without the formal consent of the Local Planning Authority.

REASON: In order that the Local Planning Authority shall retain effective control over the development to ensure compliance 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 amending, revoking or re-enacting that Order) the main dwelling shall not be altered by the insertion of any window or doorway without the formal written permission of the Local Planning Authority.

REASON: In order to safeguard nearby residential amenity in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance – “Extensions and Alterations to Dwellings”.

5. The dwelling hereby approved shall be constructed with the window in the south facing side elevation obscurely glazed, details of which shall be submitted to, and agreed in writing, by the Local Planning Authority before development commences; and also fitted with restrictors limiting the degree of opening of each opening light to not more than 45°. Thereafter it shall be maintained in that condition in perpetuity to the satisfaction of the Local Planning Authority.

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

6. The proposed garage shall not be used for any purpose (including any purpose ordinarily incidental to the enjoyment of the dwelling house as such) which would preclude its use for the parking of a private motor vehicle.

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the dwelling in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance “Extensions and Alterations to Dwellings”.

7. The bund and planting belt on the eastern, southern and western boundaries of the site shall be retained and maintained on site in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to retain the existing levels of privacy afforded to both the site and the adjacent properties in compliance with Policy G1 of the Local Plan.

8. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services the multi stemmed Sycamore [*Acer pseudoplatanus*] shall be protected in accordance with the BS5837 [Trees in Relation to Construction] the details of which shall, including a tree protection monitoring schedule, shall be submitted as a discharge of planning condition.

The root protection zone shall be 10 x the DBH [10.80m + 20% = 12.96m] and shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented with out prior written consent, which will only be granted when the local authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development and included in a Tree Preservation Order are afforded maximum physical protection from the adverse affects of development. In order to comply with Planning Policy G1 of the District Wide Local Plan.

APPLICATION NO: 3/2011/0138/P (GRID REF: SD 368568 438107)  
SUBSTITUTION OF HOUSE TYPE FOR APPLICATIONS 3/2009/1014/P AND 3/2010/0765/P  
AT THE WARREN OFF AVENUE ROAD, HURST GREEN, LANCASHIRE, BB7 9QH

PARISH COUNCIL: The Parish Council strongly object to the submitted plans as they have gone beyond the original footprint of the building that was once on this site.

ADDITIONAL REPRESENTATIONS: No additional representations have been received.

### **Proposal**

Planning permission is sought for a substitution of house type for a replacement dwelling originally granted planning permission in July 2008. Previously approved revisions to the replacement dwelling have sought single storey additions to firstly the north facing side elevation, and most recently a single storey addition to the south facing side elevation, however not for extensions on both elevations. As well as the single storey extension to the south facing elevation, as previously approved under application reference number 3/2010/0765/P, this proposed substitution of house type also includes a single storey extension to the west facing (rear) elevation of the property to be constructed over the area previously approved as an 'evening patio'. Aside from this addition to the main bulk of the dwelling, the dimensions of the dwelling are to remain the same as previously approved under consents submitted in 2009 and 2010.

### **Site Location**

The site is located to the east of Hurst Green just outside the main settlement boundary and within the Area of Outstanding Natural Beauty with part of the site just within the Hurst Green Conservation Area. Access to the site is from Avenue Road.

## **Relevant History**

3/2010/0765/P - Substitution of house type granted under consent 3/2009/1014/P – Granted Conditionally.

3/2009/1014/P – Substitution of house type granted under consent 3/2008/0400/P – Granted Conditionally.

3/2008/0400/P – Proposed replacement dwelling, extension to residential cartilage and alterations of vehicle access and redistribution of excavating material and existing hollows in surrounding agricultural land – Granted Conditionally.

## **Relevant Policies**

Policy G1 - Development Control.

Policy G5 – Settlement Strategy.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy H12 – Curtilage Extensions.

Policy H14 – Rebuilding/Replacement Dwellings – Outside Settlements.

## **Environmental, AONB, Human Rights and Other Issues**

Given that the principle of the replacement dwelling on site has been accepted, and that work has already commenced on site, the main issues to consider in respect of this application are whether the additional works proposed, the additional single storey extension to the rear (west facing) elevation would prove significantly detrimental to the visual character of the area, whether they have any impact on the residential amenity of the occupiers of neighbouring dwellings and whether the proposed alterations ultimately comply with the relevant planning policies.

Given that an entire floor of the approved dwelling is sunk below the ground level on site, when viewed from outside the site, the northern, western and southern elevations of the dwelling appear as a single storey dwelling. When the introduction of the additional single storey element to the side elevation of the property was considered under previous applications, it was considered not to cause any further undue visual harm to the location within the A.O.N.B. nor to the building or the site in its entirety, mainly due to the fact that the main dwelling is modern in its design, materials and glazing, and that the form and design of the proposed side extension would fit in neatly with overall design of the dwelling and in the context of the site. This proposed substitution of the house type previously approved, now seeks the same dwelling as approved in November 2011 but with an additional single storey extension to the rear (west facing) elevation. The applicant had consider completing the dwelling he has approved and then applying separately for this additional extension, however as they have builders on site now constructing the property, they chose to apply now.

The Parish Council have raised concerns that the additional single storey element proposed on the rear of the dwelling would subsequently increase the footprint of the property beyond that of the original, and therefore be contrary to Local Plan Policy. As the site lies within open countryside, the application must be considered against the requirements of Policy H14 of the Local Plan, which states, *“the rebuilding or replacement of dwellings will be permitted in such locations subject to the following criteria:*

1. *The residential use of the property should not have been abandoned;*
2. *The impact on the landscape will be assessed in relation to that of a new dwelling. As such very careful consideration to design and use of materials must be made. In addition, excessive increase in the size of property will not be permitted; and*
3. *The terms of Policy G1 will apply.”*

The text to the Policy also provides a general guide to increases in property size, however these restrictions were imposed on the basis that the stock of properties in rural areas were generally small, local workers cottages, and their normal size is relatively small. In the case of this replacement dwelling, the footprint of the original dwelling on site had not previously been altered, due to the additional floor area to the dwelling being created underground, and as such given the proposed additional extension will increase the property size contrary to the guidance within the Policy text, we must consider whether the scheme is in compliance with the detail provided within Criterion 2 of the Policy, namely that the impact on the landscape and the design and use of materials is visually acceptable.

This particular elevation can only be viewed in full from the properties known as Bilsberry Cottages (to the west), and given the scale and design of the extension, it will only be seen against the backdrop of the main dwelling, and therefore I consider the visual impact of the proposal to be acceptable. The extension may also be glimpsed from the rear of the properties Sandy Nook and Whitehall, however given the existing and proposed boundary planting and screening, the modern design and the single storey nature of the extension, again I consider the visual impact of the proposal to be acceptable. On this basis, it is considered that this proposed house type will not cause any further undue visual harm to the location within the A.O.N.B. nor to the building or the site in its entirety, due to the fact that the main dwelling is modern in its design, materials and glazing, and that the form and design of the proposed rear extension would fit in neatly with overall design of the dwelling and in the context of the site.

In terms of the impact on nearby residential amenity by virtue of the proposed rear extension, given the distance between the rear elevation of this dwelling and those known as Bilsberry Cottages, I do not consider that there will be any significant detrimental impact on the amenity of the occupiers of nearby dwellings.

With regards to the impact of the scheme on nearby highway safety, a Condition requiring that the unmade condition of the privately maintained access track leading from Warren Close be improved with the use of appropriate materials to ensure that stone, mud and other loose debris is not brought onto the highway as a result of the increased vehicular activity to the development, in line with the advice made by the County Surveyor on previous schemes.

Therefore, whilst I am mindful of the objection made by the Parish Council, I consider the scheme to comply with the relevant Local Plan Policies, and as such be recommended accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity, nor would it have a significant visual impact or adverse effect upon the setting of the Conservation Area, 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 not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The permission shall relate to the development as shown on Plan Drawing No's 2547-10, 2547-11, 2547-12, 2547-13 and 2547-14.

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

3. Prior to the occupation of the development hereby approved, details of the landscaping of the site, including wherever possible the retention of existing trees, shall 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.

4. 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 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.

5. Prior to the occupation of the development hereby approved, the condition of the privately maintained access track leading from Warren Close shall be improved with the use of appropriate surfacing materials, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to ensure that stone, mud and other loose debris is not brought onto the highway as a result of the increased vehicular activity to the development.

APPLICATION NO: 3/2011/0172/P

(GRID REF: SD 360627 436484)

APPLICATION FOR THE RENEWAL OF PLANNING CONSENT 3/2008/004/P, FOR THE ERECTION OF AMERICAN BARN STYLE STABLES AND ASSOCIATED YARD, COMPOSTING AREAS INCLUDING ADJUSTMENT TO FIELD GATE AT LAND ON CHAPEL BROW, LONGRIDGE

LONGRIDGE TOWN  
COUNCIL:

It was resolved that the Town Council has no objection to this application. Attention is drawn to the footpath that crossed the land which is not shown on the site plan, and whether this is a public right of way.

COUNTY SURVEYOR (LCC):

As per the previously approved scheme, he has verbally raised no objections to the proposal, but would wish to have the following comments noted again.

1. The stables are to be provided for exclusively private use and there is to be no commercial activity associated with this development.
2. The access is shown on the plan to be widened to provide a minimum width of 5.5m for a distance of 10m back from the edge of carriageway on Chapel Brow, and also maintained at a minimum of 4.5m for a further 20m back towards the stable yard. This provides sufficient width to accommodate vehicles with trailers and other servicing and delivery vehicles that could reasonably be anticipated to require access to this site.

ADDITIONAL  
REPRESENTATIONS:

One letter of objection has been received from nearby neighbours, with the following points of objection being raised:

1. The intended site is adjacent to number five, not number one who owns this field.
2. If the intended access is via Chapel Brow then this is totally unsuitable for both construction and horsebox vehicles.
3. The access road is a narrow, un-adopted and unmade road owned by United Utilities.
4. Traffic too and from the site is likely to cause havoc to other parked vehicles, and cause dust, noise and vibration.
5. If another access were available this would be preferable.

## **Proposal**

This is an application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation, for the development to erect an American Barn style stable block with an associated yard and composting area, which will contain four stables, a tack room and a feed bay. The stables are to be sited approx. 250m down Chapel Brow, on the east side of the road, and will replace an existing small set of dilapidated buildings. The proposed building will be almost entirely screened from view by existing densely grown hedge and trees along the boundaries of the site, and by further planting shown on the plans to the

south of the new building. The footprint of the building will measure approx. 13.35m x 11.19m, x 4.58m to the ridge height. The building will be constructed in rendered concrete blockwork up to 1.25m off the ground then finished with treated timber cladding and will have an onduline, corrugated sheet roof.

### **Site Location**

The site is located on the east side of Chapel Brow, Longridge, off Chapel Hill, and the building would be approximately 33m from the adjacent road and bridleway. The site lies just outside the settlement boundary of Longridge within land designated as open countryside within the Ribble Valley Districtwide Local Plan. I can confirm that no public right of way crosses the site.

### **Relevant History**

3/2008/0014/P - Erection of American Barn style stables and associated yard, composting areas including adjustment to field gate – Granted Conditionally.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy SPG – “Extensions and Alterations to Dwellings”

### **Environmental, AONB, Human Rights and Other Issues**

This is an application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation, for the development to erect an American Barn style stable block with an associated yard and composting area, which will contain four stables, a tack room and a feed bay. Given that the previously Approved planning permission, Reference Number 3/2008/0014/P, was extant at the time of the submission of this application, the main consideration with this application is whether there has been any significant changes to the current saved planning policies, or the introduction of any new policies that could be material considerations. In this case, there have been no alterations to the current planning policies and nor have there been any relevant policies recently introduced. On this basis I can provide the following summary of the proposal.

With regards to the principle of the development, Policy G5 of the Districtwide Local Plan states that ‘Outside the main settlement boundaries and the village boundaries, planning consent will only be granted for small scale developments which are needed for the purposes of agriculture or other small scale developments appropriate to a rural area which conform to the policies of this plan.’ Bearing this in mind, it is considered that the development proposed is requisite for an agricultural use and given its small scale, is considered appropriate to this rural area, and as such complies with the above Policy.

With regards to the visual impact on the area, the site itself is well screened at present by a dense hedge and tree treatment on the boundary of the site, and as such it is considered that the introduction of the proposed building at this site will have a minimal visual impact on the streetscene. It is considered that the design and style of the building is appropriate for this type of area, and whilst it is slightly higher than most typical heights used for stable buildings, the building has been sited to cause minimum visual impact on the surrounding area, and it

provides the most appropriate location given that it will be adequately screened from the nearby highway.

With regards to any potential impact the proposal may have on the residential amenity of the occupiers of the adjacent properties, the proposed stable block is separated by existing boundary screening and an open field from the nearest property, no. 5 Chapel Brow, and is approx. 60m away. The site itself is well screened at present by hedge and tree treatments on the highway boundary of the site, and is a significant distance away from other nearby properties. As such, given that the proposal is appropriate for a rural area, it is considered that due to the siting and location of the building on site, and that the proposed stables will only be available for use by the owners of No. 1 Chapel Brow, the proposal will have no significant, detrimental impact on the residential amenity of the occupiers of the adjacent dwellings, and as such is considered to comply with the relevant Policies.

With regards to any potential impact the proposal may have on highway safety along Church Brow, the LCC County Surveyor has no objections in principle to the scheme and as the various amendments previously required by him (in relation to the extant permission) have now been incorporated into the scheme, aside from the private and domestic restrictive conditions, no other site specific conditions are required. As such, it is considered that the proposal will have no significant impact on highway safety, and as such is considered to comply with the relevant Policies.

Therefore, bearing in mind the above comments and whilst I am mindful of the comments from the nearby neighbours, given its well screened location and design, I consider the scheme to now comply with the relevant policies, and as such be recommended accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate form of development and given its design, 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. The permission shall relate to the development as shown on Plan Drawing No's 01 Rev. A and 02.

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

3. The proposed stable and store building shall be for private and domestic purposes only and no trade or business whatsoever shall be carried out from within the building.

REASON: In order to safeguard nearby residential amenities as provided for within Policy G1 of the Ribble Valley Districtwide Local Plan.

4. The proposed development shall inure for the benefit of the owners of No. 1 Chapel Brow and accompanied friends/family only and not for the benefit of the land nor any other person or persons, whether or not having an interest in the land, and it shall not be used as a separate unit.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan. The division of the dwelling curtilage and this adjoining land into separately occupied units could be injurious to the amenities of the neighbouring occupiers and to the character of the area and would require further consideration by the Local Planning Authority.

5. No external lighting, including security lighting shall be installed or used at the site other than in accordance with a scheme that shall previously have been submitted to and approved in writing by the local planning authority. Development shall only be carried out in accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that there is minimal visual impact in accordance with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan given the location of the site within open countryside.

6. Precise specifications or samples of the materials to be used for the walls and roof of the approved stable, including their colour and texture, 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 Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan ensuring a satisfactory standard of appearance given the location of the site within open countryside.

7. Notwithstanding the approved plans, the proposed screen planting shown on plan drawing no. 01 Rev. A, shall be planted within the first planting season following the completion of the stable building and shall be maintained and retained in perpetuity.

REASON: In order to provide permanent and effective boundary screening for the site, in accordance in with Policy G1 of the Ribble Valley Districtwide Local Plan.

8. No part of the built development hereby approved shall be commenced until the field access and access road works have been completed in accordance with the scheme and construction method indicated on plan drawing no's 01 Rev. A and 02 hereby approved.

REASON: To comply with Policy G1 of the Local Plan and to enable all vehicles to enter and leave the site in a safe manner without causing a hazard to other road users.

9. Prior to commencement of any site works, including delivery of building materials and excavations for foundations or services all trees identified shall be protected in accordance with the BS5837 [Trees in Relation to Construction] and tree details attached to this decision notice.

The protection zone must cover the entire branch spread of the trees, [the area of the root soil environment from the trunk to the edge of the branch spread] and shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented with out prior written consent, which will only be granted when the local authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development and included in a Tree Preservation Order/ Conservation area/considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse affects of development.

#### INFORMATIVES

1. The facilities must comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 (as amended 1997)

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

2. The stables should be designed and constructed so that there is no discharge of effluent to any surface water or seepage to underground strata.

Any manure must be stored and handled so as not to pollute surface or underground waters.

3. The applicant should ensure that the land proposed for the soakaway has adequate permeability in accordance with BS6297:1983.
4. Only clean surface water from roofs and paved areas should be discharged to any soakaway.
5. The proposed development must comply fully with the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oils) Regulations 1991, (as amended 1997).

## **C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL**

APPLICATION NO: 3/2010/0755/P (GRID REF: SD 373370 436079)  
PROPOSED DEMOLITION OF EXISTING DISUSED PUBLIC TOILET AND CLEARANCE OF THE SITE AT FORMER TOILET BLOCK OFF KING STREET, WHALLEY

PARISH COUNCIL:	Fully support this application.
ENGLISH HERITAGE:	In relation to the previous application, stated it should be determined with national and local policy guidance and on the basis of your Conservation Officer's advice.
OTHER AMENITY SOCIETIES	No observations received at the time of preparing this report.
ADDITIONAL REPRESENTATIONS:	One letter which does not object to the demolition but raises concern about the use of the access for emergency vehicles and possible overlooking issues. Also concern on highway issues.

### **Proposal**

This application seeks Conservation Area Consent to demolish a former toilet block which is located at the rear of the Whalley Medical Centre, King Street, Whalley. The submitted application does not indicate any proposals for its intended use and therefore the application needs to be considered purely for the demolition of a building in the Conservation Area. The building measures approximately 8m x 6m and is of a red brick and render construction with a glass lantern and a clayhole roof. It is of single storey construction. The building is identified as a Building of Townscape Merit.

### **Site Location**

The building is at the rear of Whalley Medical Group building which itself has a road frontage at King Street, Whalley. The toilet is accessed via King Street, Whalley. The building is situated adjacent to the car park area and in close proximity to the Village Hall.

### **Relevant History**

3/2010/0755/P – Demolition of existing disused public toilet – refused.

### **Relevant Policies**

Policy G1 - Development Control.

Policy ENV16 - Development Within Conservation Areas.

Policy ENV18 - Retention of Important Buildings Within Conservation Areas.

PPS5 – Planning for the Historic Environment

Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Environmental, AONB, Human Rights and Other Issues**

The main issue to consider in this application for conservation area consent is the visual impact caused by the removal of a building which is defined as architectural value and specifically referred to in the Conservation Area Appraisal as a Building of Townscape Merit. It is also relevant to have regard to any potential community and the applicant has indicated that the initial intention is to use as car parking area for the purposes of the Whalley Medical Centre, it is difficult to give significant weight to this issue as it is not possible to assess the overall community benefit.

The applicant has indicated that the building which was constructed around 1934, has been closed since 2009 since the construction of the new toilets located adjacent to the bus station at Whalley. The old toilets have been difficult to service and it has been expressed that it is becoming an eyesore.

In assessing the proposal, it is proper to have regard to Planning Policy Statement 5 which sets out government planning policies on the conservation of the historic environment. I recognise the desirability for the medical centre to utilise this building and that they consider it inappropriate to convert. It is inevitable that the demolition of a building of townscape merit would have an impact on the conservation area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places duty on Local Planning Authorities to pay special attention to the desirability of processing or enhancing the character or appearance of a Conservation Area and PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets.

Whereas I acknowledge there is a subjective assessment to be made in relation to the buildings design character, the building has been identified as one of townscape merit in the Whalley Conservation Area and therefore regard should be given to its importance. It is also evident that the application has been submitted with little detail and no plans to show its subsequent use.

In relation to the issues raised by the objector, this application only relates to the demolition of the building. The issues raised would be considered if and when a planning application is received.

Notwithstanding this issue, I remain of the opinion that there is a duty to have special regard to the desirability of preserving the building, the demolition of the toilet block will be contrary to national guidance.

**RECOMMENDATION:** That Conservation Area Consent be REFUSED for the following reason(s):

1. The proposed demolition of the building without sufficient justification would lead to the detriment of the visual amenity of the Conservation Area and as such be contrary to advice contained in PPS5 and Policies G1, ENV16 and ENV18 of the Districtwide Local Plan.

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

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

APPLICATIONS APPROVED

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2010/0262/P	Proposed conversion of traditional buildings and demolition and partial rebuilding of modern agricultural buildings to form 2 dwellings	Dewhurst Farm Longsight Road Langho
3/2010/0656/P	Application for the discharge of condition number 1 (time) number 2 (amended drawings), number 3 (landscaping), number 4 (roof colour of polytunnels) and number 5 (lighting columns) of planning permission 3/2009/0721/P	Carr Hall Whalley Road Langho
3/2010/0661/P	Application for discharge of condition No 12 (contaminated land) of planning consent 3/2009/1071/P	Shawbridge Mill Shawbridge Street, Clitheroe
3/2010/0999/P	Change of use of two stables into a dog-grooming business	Lower Fold Stables Northcote Road, Langho
3/2011/0029/P	Application to discharge condition number 3 (visibility splay) of planning permission 3/2010/0485/P	Northwood Longsight Road Clayton-le-Dale
3/2011/0067/P	Application for the discharge of condition number 5 (plan of improvement to site access) of planning permission 3/2009/0841/P	Denisfield House Rimington Lane Rimington
3/2011/0073/P	Reconstruction of two storey rear of dwelling due to subsidence	7 Painterwood, Billington Whalley
3/2011/0084/P	Construction of electric scooter store to front elevation with ramped access to front and side elevation of nos. 1-26 Pendle Court and alteration to front entrance door to nos. with additional external alterations	27-33 Pendle Court and 1-33 Pendle Court Hayhurst Street Clitheroe
3/2011/0108/P	Installation of photovoltaic solar panels on an agricultural building	Potterford Farm, Elker Lane Billington
3/2011/0134/P	Demolition of the existing garage and replacement with a new attached garage	Northmede Ribblesdale Avenue Clitheroe
3/2011/0135/P	Proposed porch and single storey rear extension	3 The Spinney, Grindleton
3/2011/0139/P	Single storey rear extension	73 Whalley Road, Clitheroe
3/2011/0141/P	Retrospective application for a pole mounted Notice Board	Gisburn Festival Hall Burnley Road, Gisburn

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2011/0162/P	Single storey rear extension	7 Old Barrow Clitheroe
3/2011/0165/P	Roof over an existing farm midden	Monubent Head Farm Hellifield Road Bolton by Bowland
3/2011/0176/P	Single storey rear extension	3 Darkwood Crescent Chatburn
3/2011/0191/P	Application for a non-material amendment to planning consent 3/2010/0654 to allow the roof to be tiled in Redland Cambrian tiles instead of the approved slates	18 Water Street Ribchester
3/2011/0213/P	Discharge of materials condition of planning consent 3/2010/0363	1 Read Hall Cottages Read
3/20011/0252/P	Application for discharge of condition number 3 (materials) of planning permission 3/2010/0706/P	Plot 2 Weavers Loft Brockhall Village

#### APPLICATIONS REFUSED

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
3/2010/1010/P	Proposed scheme to provide Juliette balconies to flats in sheltered housing scheme involving the removal of existing windows and creating large opening to house inward opening patio doors	25, 26, 27, 28, 29, 31, 32 and 33 Showley Court Clayton-le-Dale	Policy G1 – detriment to the privacy of nearby residents.
3/2010/1011/P	Detached granny annex	Shuttleworth Farm Henthorn Road Clitheroe	Policies G1, ENV3 and H9 – The building is too large and too far away from the main house and would be detrimental to the appearance and character of the locality.
3/2011/0010/P	Erection of a single storey ground floor extension to the rear of the property, to provide a new garden/day room access from the existing kitchen. The existing rear door opening to	Yew Tree Farm Preston Road Ribchester	The proposed extension would be harmful to the character, setting and significance of the listed building because of its size,
Cont/			

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
Cont.....	be retained and none of the existing openings within the property will be altered. 4 no new conservation roof lights included in the application on the north east facing elevation		extent and incongruous and intrusive fenestration and doors.
3/2011/0026/P	Re-open passageway connecting both living areas in Higher Parkhead Cottage	Higher Parkhead Cottage Accrington Road Whalley	Evidence suggests that the proposal would be harmful to the character and significance of the listed building because of the loss and disruption to important historic fabric (possibly 17 <sup>th</sup> century) and plan form.
3/2011/0063/P	Proposed construction of new mezzanine space in roof void to provide seated area with window to front roof, dormer window with sliding/folding door to rear, complete with guard rail	Copper Beeches 6 The Drive Brockhall Village Old Langho	Policy G1, H10 and the SPG – scale, design and impact on neighbouring amenity
3/2011/0068/P	Proposed garage and loft conversion with dormer windows to front and rear, porch and an increase in roof height	5 Lakeland Drive Calderstones Park Whalley	Policies G1, H10 and SPG – Scale/ design/ massing – adverse impact on highway safety and street scene
3/2011/0069/P	Proposed extension of existing dwelling to provide Granny Flat accommodation above the existing garage	The Farmhouse Dean Top Whalley Road Simonstone	Policy G1, ENV3, H9, H10 and the SPG on Extensions and Alterations to Dwellings – size, massing and materials.
3/2011/0092/P	Proposed two-storey rear extension incorporating increase in roof height to the property and an extension to	21 Hollowhead Avenue Wilpshire	G1, H10, SPG – Visual detriment to the street scene and harmful to the
Cont/			

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
Cont....	existing utility room at the side of the property		amenity of neighbouring residents as a result of the size and massing of the extension.

SECTION 106 APPLICATIONS

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

CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/0155/P	Application for a Lawful Development Certificate for a proposed single storey rear extension	70 Knowsley Road Wilpshire
3/2011/0173/P	Application for a Lawful Development Certificate for a proposed single storey kitchen extension to the rear	16 Fell Brow Longridge

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 PARTS 6 & 7 PRIOR NOTIFICATION OF AGRICULTURAL AND FORESTRY BUILDINGS AND ROADS PRIOR APPROVAL **NOT** REQUIRED

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/0194/N	Open-fronted dry manure and straw storage area	Higher Highfield Farm Tinklers Lane, Slaidburn

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>
3/2010/0233 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 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>
3/2010/0635 D	18.1.11	Mr Steve Burke Proposed provision of a pair of handrails to the vestry door in the east elevation of the church At Mary & All Saints Church Church Lane Whalley	WR	—	AWAITING DECISION
3/2010/0738 C	24.1.11	Diocese of Bradford Construction of 3no. affordable two-storey houses Land on Main Street Grindleton	WR	—	Awaiting site visit
3/2010/0969 D	17.2.11	John Carrington Application for a lawful development certificate for a proposed cantilevered canopy 8A Longridge Road Hurst Green	WR	—	Awaiting site visit
3/2010/0893 D	23.2.11	HWS Ltd Retrospective application for insertion of window to gable front elevation at first floor of existing semi-detached dwelling Roadside Farm Preston Road Alston	Householder appeal	—	AWAITING DECISION
3/2010/0926 D	9.3.11	Mr C J Hutchings Proposed two-storey side extension Happy Cottage Lovely Hall Lane Copster Green	Householder appeal	—	AWAITING DECISION
3/2010/0861 D	23.3.11	Mr Jason Holden Proposed first floor extension at the rear to create master bedroom and en-suite. New window at first floor to the front elevation 92 Ribchester Road Clayton-le-Dale	Householder appeal	—	Notification letter sent 28.3.11 Questionnaire sent 29.3.11 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>
3/2010/0820 O	28.3.11	Co-Operative Estates Outline application for a maximum of 80 residential units at land off Riddings Lane with access from Hayhurst Road with all other matters reserved Land to the north of Riddings Lane Whalley	-	Inquiry – date to be confirmed	Notification letter sent 1.4.11 Questionnaire sent 6.4.11 Statement to be sent by 6.5.11
3/2010/0819 D	1.4.11	Mrs Helen Meloy Proposed single storey extension to the dining room to the north elevation Waddington Old Mill Mill Lane Waddington	Householder appeal	–	Notification letter sent 5.4.11 Questionnaire sent 5.4.11
3/2011/0007 D	7.4.11	Mr Richard Moir Erection of single storey rear extension, with the addition of dormer windows to the rear creating a two-storey conversion. Roof will be replaced and the ridge line raised 10 Carleton Avenue Simonstone	Householder appeal	–	Notification letter and questionnaire to be sent by 14.4.11

#### LEGEND

D – Delegated decision  
C – Committee decision  
O – Overturn