

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

Agenda Item No

meeting date: THURSDAY, 15 MARCH 2012  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES

### PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION NO: 3/2011/0044/P & 3/2011/0045/P (GRID REF: SD 373300 436044)  
 PROPOSED CONSERVATION AREA CONSENT APPLICATION (3/2011/0044/P) FOR THE  
 DEMOLITION OF EXISTING INDUSTRIAL AND STORAGE BUILDINGS AND FULL  
 PLANNING APPLICATION (3/2011/0045/P) FOR THE REGENERATION OF THE SITE TO  
 PROVIDE 3 NO TWO STOREY DWELLINGS (ONE DETACHED AND ONE PAIR OF SEMI  
 DETACHED) AT THE REAR OF 19-21 KING STREET, WHALLEY

PARISH COUNCIL: Comments in relation to application 3/2011/0045/P that the Parish Council has previously provided documentation to the Borough Council that objections will be made to any applications for residential development until the issue of inadequate infrastructure has been addressed. This application would increase residential usage without an attendant increase in infrastructure.

ENVIRONMENT  
 DIRECTORATE  
 (COUNTY SURVEYOR): No objection in principle to the application on highway safety grounds.

The proposed residential use of this land includes clearly identified parking areas that will meet the anticipated needs of the residents and will provide more focused movements than were the case with previous activity at this location.

Whilst the proposed development might not result in a significant reduction in vehicular activity at the access from Back King Street on to King Street, there is less scope for larger vehicles to require access on a regular basis.

ENVIRONMENT  
 DIRECTORATE COUNTY  
 ARCHAEOLOGIST: Comments that, as there is potential for archaeological deposits to be encountered during development, the applicants should be required by condition to undertake an archaeological watching brief.

UNITED UTILITIES: Initially expressed no objections to the proposal provided that the following condition was met:

- A public sewer crosses the site and we will not permit building over it. We will require an access strip of 6m comprising 3m either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of 'Sewers for Adoption', for maintenance or replacement.

Following discussions with the applicant's agent, United Utilities has confirmed that they will have no objections to the proposed development provided that the foundations are taken to a depth that will pose no loading onto the public sewer and that no piling is employed within 3m of the sewer. They also advise that the applicant will be required to adhere to the protective measures laid out in United Utilities Building Consent – Schedule A, a copy of which they have sent to the agent.

**ADDITIONAL  
REPRESENTATIONS:**

A letter has been received from an architect acting on behalf of a nearby resident. It is stated that the neighbour has no objections in principle to the site being redeveloped in a way that improves the current situation as the existing buildings are in poor condition and their proximity to dwellings is not good in terms of light and outlook. Concerns, however, are expressed that the application plans do not provide details of the relationship to existing properties, and that a bedroom window in the detached dwelling would overlook the neighbouring property, and that the historic drainage system might not cope with the development. It is suggested that the use of roof lights in the rooms facing King Street plus a lower eaves height would improve privacy and minimise visual impact.

A letter has been received from another resident of King Street who objects to the application on the grounds that the area shown as "visitors parking" has always been used as a turnaround area.

**Proposal**

This report relates to two applications, the first of which seeks Conservation Area Consent for the demolition of two existing commercial units that have a combined floor area of approximately 340m<sup>2</sup>. The smaller of the two buildings has ridge/eaves heights of 3m/5m and the larger building has eaves/ridge heights of 4m/6m. The buildings were constructed in the 1970s and have a mixture of brick and blockwork walls with profiled sheet roofs.

The second application seeks planning permission for the replacement of the demolished buildings with three dwellings in the form of a semi detached pair and the detached house. They are relatively small units with each having two bedrooms.

The semi detached pair would have overall dimensions of 11.5m x 8m and the detached unit would be 5.9m x 8m. Both buildings would have eaves/ridge heights of 4.7m/7.7m and both would be of natural stone construction with natural slate roofs.

The semi detached units would each have two off street parking spaces at the front and the detached unit would have one space. On the opposite side of the access track, there is an area of land in the applicant's ownership that will be used to provide two visitor parking spaces and a bin storage area.

## **Site Location**

The application relates to the site of two former commercial buildings that are situated behind the applicant's own dwelling and hardware shop and other dwellings on the west side of King Street within Whalley village centre and within the Conservation Area.

Access to the site is from Back King Street, a road that also gives vehicular access to a number of commercial premises and access to the rear of a number of dwellings.

On the opposite side of Back King Street, there is the four storey high residential development of Corn Mill Mews.

## **Relevant History**

3/2010/0120/P – creation of a first floor flat above existing shop and alterations to existing shop front at 21 to 23 King Street, Whalley. Approved.

## **Relevant Policies**

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy ENV16 - Development Within Conservation Areas.

Policy EMP11 - Loss of Employment Land.

PPS3 - Housing.

PPS5 - Planning for the Historic Environment.

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

The matters for consideration in the determination of these applications relate to the principle of the development and the effects upon the appearance and character of the Conservation Area, the amenities of nearby residents and highway safety.

### **Principle of Development**

The Council presently has a 3.3 year supply of deliverable housing land (most up to date monitoring information dated 1 October 2011). Paragraph 71 of PPS3: Housing states that where LPAs cannot demonstrate an up to date five year supply of deliverable sites, they should consider favourably planning applications for housing having regard to the policies in PPS3 including the considerations in paragraph 69.

Paragraph 69 states that, in deciding planning applications, LPAs should have regard to:

- Achieving high quality design;
- Ensuring developments achieve a good mix of housing;
- The suitability of a site for housing, including its environmental sustainability;
- Using land effectively and efficiently;
- Ensuring the proposed development is in line with planning for housing objectives.

An important consideration in assessing proposed housing development is bullet point 3 of paragraph 69 (as above) which relates to the need for LPAs to have regard to the suitability of a site for housing, including its environmental sustainability, as well as bullet point 5, which requires that development is in line with planning for housing objectives.

The application site is within the settlement boundary of Whalley that is defined as a main settlement by Policy G2 of the Local Plan. Policy G2 directs development towards land within the main settlement boundaries. In Whalley, development will be approved if it is located wholly within the built part of the settlement or serves to round off the built up area.

I consider that the proposed development satisfies the requirements of Policy G2. Therefore, not only does the proposal satisfy the advice in PPS3: Housing concerning sustainability, but it is also in line with planning for housing objectives as evidenced by its compliance with Settlement Strategy Policy G2.

As a development of less than 5 units within a settlement boundary, the Council's current housing policy as defined by the document "Addressing Housing Needs in Ribble Valley" does not require any affordable provision as part of this development.

The site has in the past, been used for business purposes in the form of storage. In the 1970s they were used to store the Post Office vans. Presently, however, they are used by the applicant for hobby purposes including the storage and restoration of vintage vehicles.

Policy EMP11 of the Local Plan states that "proposals for the conversion or redevelopment of industrial or employment generating sites will be assessed with regard to the following criteria:

1. The provisions of Policy G1.
2. The compatibility of the proposal with other policies of this plan.
3. The environmental benefit to be gained by the community.
4. The potential economic and social damage caused by the loss of jobs in the community.
5. Any attempts that had been made to secure alternative employment generating use of the site."

In response to those criteria, the proposed housing development, in my opinion, does satisfy the general development control requirements of Policy G1. As stated above, the proposal is in accordance with the advice contained in PPS3: Housing and the requirements of Saved Policy G2 of the Local Plan.

Given the proximity of the buildings to dwellings and the limitations of Back King Street to accommodate large commercial vehicles, I consider that the proposed residential development would result in environmental and highway safety benefits to the local community when compared to the possible re-development of the site for some form of commercial/industrial purposes. The proposal would not result in the loss of any jobs.

Overall, I consider the development to be acceptable in principle.

#### Visual Amenity/Effects upon Conservation Area

The existing buildings are in a poor state of repair, they are of no architectural merit or historical interest, and they certainly do not make any positive contribution to the appearance and character of the Conservation Area. The proposed dwellings, however, are similar in scale, design and external materials to the existing dwellings and business premises on King Street. In my opinion, the proposed development will significantly improve visual amenity and will enhance the appearance and character of the Conservation Area.

### Residential Amenity

The outlook from adjoining dwellings, in my opinion, would be significantly improved by the replacement of the existing buildings with three relatively small, well designed dwellings and their gardens and parking areas. The effects of the three dwellings on the amenities of existing nearby residents will also be substantially less than the effects that could result from either the reuse of the existing buildings for commercial purposes or for the re-development of the site for commercial use.

The matter of windows in the rear elevations of the proposed dwellings has, in my opinion, been carefully considered. The windows in the semi detached pair will generally face the applicant's own business premises. The detached house is sited to the rear of a dwelling that in separate ownership. For this reason, the only first floor window in the rear elevation of that unit is to a bathroom. The window to the rear bedroom in the detached dwelling has been placed in the side elevation so that it only overlooks the gardens of neighbouring dwellings, and does not directly face any windows in any of those existing properties.

Overall, I consider that the proposal would not have any seriously detrimental effects on the privacy of any existing properties and that, in general terms, the level of amenity afforded to the dwellings surrounding the application site would be improved/enhanced.

### Highway Safety

The County Surveyor is satisfied with the proposed parking provision and has no objections to the application on highway safety grounds.

With regards to a comment made by one of the nearby residents, the area proposed for visitors parking and bin storage might have been used in the past as a turning area, but it is private land in the applicant's ownership, and he could at any time fence the land off to prevent its use for turning purposes. Its proposed use will, of course, still leave it available for turning when it is not being used for visitor parking.

Overall, I can see no highway safety related reason for refusal of the application.

### Parish Council Comments

With regards to the comments of the Parish Council, this is an application for just three dwellings that, in my opinion, will bring about significant improvements in the appearance and character of the locality and the amenities of nearby residents. Much larger developments than this have recently been refused for reasons relating to lack of infrastructure, but this reason has generally not been supported on appeal. I do not therefore consider that it would represent a sustainable reason for refusal of this relatively minor proposal.

### SUMMARY OF REASONS FOR APPROVAL (3/2011/0044/P)

The demolition of the two relatively unattractive modern buildings would have no detrimental effects upon the appearance and character of the Whalley Conservation Area.

## SUMMARY OF REASONS FOR APPROVAL (3/2011/0045/P)

The proposed replacement of the former industrial buildings with three dwellings is acceptable in principle and would have beneficial effects upon visual amenity, including the appearance and character of the Conservation Area, the amenities of nearby residents and highway safety.

RECOMMENDATION 1 (3/2011/0044/P): That Conservation Area Consent be GRANTED subject to the following conditions:

1. No development (which shall include any demolition works) shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in by the Local Planning Authority.

REASON: To ensure and safeguard the recording of any archaeological deposits to comply with the requirements of Policy ENV14 of the Ribble Valley Districtwide Local Plan and PPS5: Planning for the Historic Environment.

2. Prior to demolition works the applicant shall submit a programme of works in relation to the proposed demolition which shall include details of the maintenance of the site following demolition.

REASON: In the interests of safeguarding visual amenity in accordance with Policy G1 of the Ribble Valley Districtwide Plan.

RECOMMENDATION 2 (3/2011/0045/P): That planning permission be GRANTED subject to the following condition(s):

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

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

2. This permission shall relate to the proposal as shown on drawing numbers 3980-04, 05 and 07.

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

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

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

4. Prior to the first occupation of any of the dwellings hereby permitted, their respective individual off-street parking spaces and the proposed visitor parking spaces shall have been provided to the satisfaction of the Local Planning Authority. Thereafter, these spaces shall be permanently retained clear of any obstruction to their designated use.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (or any Order revoking or re-enacting that Order, any future extensions, external alterations to the building, including any development within the curtilage as defined in the Schedule to the Order, Part 1, Classes A to H shall not be carried out unless a further planning permission has first been granted in respect thereof. Specifically, no new door or window openings shall be formed in the rear elevation of any of the dwellings without a further planning permission having first being granted.

REASON: In the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. No development (which shall include any demolition works) shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in by the Local Planning Authority.

REASON: To ensure and safeguard the recording of any archaeological deposits to comply with the requirements of Policy ENV14 of the Ribble Valley Districtwide Local Plan and PPS5: Planning for the Historic Environment.

APPLICATION NO: 3/2011/0107/P (GRID REF: SD 365048 436284)  
PROPOSED DEMOLITION OF A RANGE OF MODERN AGRICULTURAL BUILDINGS AND THE CREATION OF SIX HOLIDAY COTTAGES AND GARDENS AND THE CHANGE OF USE FROM EXISTING BUILDING TO A RECREATION ROOM TOGETHER WITH INTERNAL ACCESS ROAD AT OAK BANK FARM, STONEYGATE LANE, RIBCHESTER

PARISH COUNCIL: Objects to the applications for the reasons described below.

The application site is one that has been used for agricultural purposes for a number of years. While the Council note that the development would remove several decrepit and unsightly buildings, they do not believe that the proposals are an acceptable alternative to agricultural use.

The Borough Council has a rather relaxed attitude to tourism type developments which often conflicts with the requirement to protect the visual amenity of an area. During the past few years a number of such developments have been approved, the total impact of which is to slowly destroy the peace and tranquillity that tourists supposedly come to the area to enjoy.

The proposed development lies outside the existing main settlement and its visual impact would be out of keeping with the existing nature of the area. Also, the development lies close to a bend on a road with restricted sight lines in either direction. While the original proposal (for a conference centre) has been curtailed, nevertheless it is still not well related to the existing highway network and will, in all likelihood, generate traffic movements of a scale and type to cause problems.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Is satisfied that the access arrangements are adequate for the proposed development and would not give rise to any highway safety problems. He therefore has no objection to this proposal.

ADDITIONAL  
REPRESENTATIONS:

Two letters have been received from nearby residents in which objections to the application are made on the following grounds:

1. Detriment to highway safety as the proposal will increase traffic on an already problematic country road on which there have been a number of serious accidents in recent years. The access to the development is at a particularly vulnerable point where visibility in both directions is impaired by bends.
2. The built development would reduce the amount of water that can be absorbed by the land thus exacerbating an existing problem of excess water flowing over the surface of Stoneygate Lane.
3. Lighting columns in the proposed development would cause light pollution in an essentially rural area.
4. Detriment to the visual amenities of residents living close to the proposed development.
5. Is there really a proven need for this type of holiday accommodation? If similar existing developments in the locality are not heavily patternised, then surely the need for any more is minimal.
6. There has recently been a number of tourist developments in this locality. Not only are they harmful to visual amenity, but it is questionable whether they are being used for holiday purposes as opposed to residential dwellings.
7. Whilst supporting commercial diversification of existing redundant buildings into offices, holiday lets and light industrial use, this is a large scale new development. It will create a precedent for developments similar to Eastgate and Chesterbrook in every field along Stoneygate Lane.



8. This development is out of character with the locality and will create a precedent for more large scale development in the as yet unspoilt areas of Ribble Valley.

### **Proposal**

The application seeks full planning permission for a development of six two storey holiday cottages following the demolition of a number of redundant agricultural buildings. The plans originally submitted with the application showed buildings of somewhat ostentatious design including a 'tower' feature at the corner of one of the buildings, numerous balconies, a predominance of glazing on some elevations and glazed sections of roof. The development as originally proposed was not therefore considered to be appropriate for the locality.

Amended plans were, however, received on 24 October 2011 that show a development of more traditional appearance and less volume than the originally proposed scheme.

The proposed development still comprises six two storey holiday cottages in the form of a detached unit, a semi detached pair and a terrace of three, laid out in an L shape with the units facing an internal access road, parking spaces and incidental amenity space.

In the north western corner of the site, a playing field is proposed upon which there would be children's play equipment, picnic benches and a single storey utility building. An existing single storey building presently used for office purposes would be converted to form a play/recreation room.

The proposed units would be constructed with random natural stone walls with quoins and natural slate roofs. Doors and windows would all be timber. A 1.8m high natural stone wall would be constructed on the external boundaries of the site. The submitted plans show some indicative landscaping within the site boundaries, but a landscaping condition would be necessary in the event of planning permission being granted.

### **Site Location**

The farmhouse of Oak Bank Farm that is owned by the applicant, is located close to the western side of Stoneygate Lane in an area of open countryside to the north of the village of Ribchester. The land and agricultural buildings to which this application relates are situated to the rear (west) of the farmhouse and served by a vehicular access from Stoneygate Lane.

### **Relevant History**

There are no previous planning applications of relevance to the consideration of this application.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy RT1 - General Recreation and Tourism Policy.

PPS4 - Planning for Sustainable Economic Growth.

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

The application site is adjacent to Oak Bank Farmhouse which is also owned by the applicant. The farmhouse is situated adjacent to the west side of Stoneygate Lane, and separates the application site from the highway. There are a number of dwellings and farmsteads along both sides of Stoneygate Lane. The application site is within the open countryside about half a mile north of the village of Ribchester. The site is not within the Forest of Bowland Area of Outstanding Natural Beauty.

The saved policies of the Local Plan that are applicable to the consideration of this application are therefore G1, G5, ENV3 and RT1.

Policy G1 requires development to provide a high standard of design and to satisfy a number of criteria, the first of which is at the development and should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature.

This proposal involves the demolition of a range of unattractive and redundant agricultural buildings to be replaced by 6 holiday cottages within 3 buildings. The cottages will be erected on land formally occupied by the buildings and the existing yard areas. The scale of the development is therefore influenced by the size of the site, and, in my opinion, is appropriate for the locality.

The next criteria of Policy G1 is that the likely scale and traffic generation needs to be assessed in relationship to the highway infrastructure and the proposed and existing public transport network.

Whilst the proposed development of 6 holiday cottages will generate extra vehicle movements, the County Surveyor has not expressed any objections to the application, which will utilize the existing access onto Stoneygate Lane which is considered to be adequate for this type and scale of development. The site is also within walking distance of the village of Ribchester where there are regular bus services. Overall, I consider that the proposals satisfies this requirement of Policy G1.

The holiday cottages are to be constructed using stone with blue slate roofs with timber windows and timber and aluminium doors. The materials that will be used in the proposed development are therefore more sympathetic and reflective of the local character of the surrounding area than the existing buildings that are to be demolished. The requirement for materials to be sympathetic to the character of the area is therefore also satisfied.

The proposal would not contravene any of the other specific requirements of Policy G1.

Policy G5 states that: “outside the main settlement boundaries the village boundaries planning consent will only be granted for small-scale developments that fall into one of five categories, one of which is “small-scale tourism developments and small-scale recreational developments appropriate to a rural area subject to Policy RT1”. In my opinion, this proposal falls into that category.

One of the other categories of Policy G5 concerns developments that are “essential to the local economy or the social wellbeing of the area”. Whilst this development might not be essential to the local economy, I consider that it would be beneficial to local businesses including the shops, cafés and public houses in Ribchester.

Policy ENV3 requires development in the open countryside to be in keeping with the character of the landscape area and to reflect local vernacular, scale, style, features and building materials.

As previously stated this development will use materials which will reflect and enhance the local character of the area. As such, and because the holiday cottages would be replace existing unattractive former agricultural buildings, I consider that the proposal will provide a significant improvement in the character and visual quality of the locality in compliance with the requirements of Policy ENV3.

Policy RT1 is supportive of developments that extend the range of visitor and tourism facilities in the borough. The proposal is therefore, in my opinion, in accordance with this policy in principle. The specific requirements of Policy RT1 are as follows:

1. The proposal must not conflict with other Policies in the Local Plan.
2. The proposal must be physically well related to an existing main settlement or village or to an existing group of buildings.
3. The development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design.
4. The proposal should be well related to the existing highway network. It should not generate additional traffic movements of a scale or type likely to cause undue problems or disturbance. Where possible the proposals should be well related to the public transport network.
5. The site should be large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas.

The development will be located on the site of a range of dilapidated existing farm buildings at Oak Bank Farm in close proximity to an existing dwelling and so will not be an isolated development. It is also located close to the nearby village of Ribchester.

As amended, I consider that the proposal will be built to a high standard using traditional materials which will be more sympathetic to the character of the area than the existing buildings and so will enhance the surrounding area.

The proposal would satisfy the highway related requirements of criterion 4, and adequate parking, service areas and landscaped areas are shown on the submitted plans.

In addition to those local plan policies, PPS4 contains some advice and guidance that is relevant to the consideration of this application. Eg, Policy EC6 states amongst other things that “in rural areas Local Planning Authorities should set out the criteria to be applied to planning applications for farm diversification, and support diversification for business purposes that are consistent in their scale and environmental impact with their rural location”.

Policy EC7, amongst other things, states that Local Planning Authorities should “wherever possible, locate tourist and visitor facilities in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside should, where possible, be provided in, or close to, service centres or villages but may be justified in other locations where the required facilities are available in conjunction with a

particular countryside attraction and there are no suitable existing buildings or developed sites available for reuse”.

Policy EC12, amongst other things, advises that, in determining planning applications for economic development in rural areas, Local Planning Authorities should “support small-scale economic developments where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport.

Overall, I consider that this proposal is in accordance with the national guidance in PPS4 and also satisfies all the relevant requirements of the saved policies of the Local Plan. In my opinion there are therefore no sustainable reasons for refusal of this application.

I am aware, however, of concerns that there is no proven need for holiday accommodation of this type and fears that the units in time will become permanent residences. I am also obviously aware that the Council is presently receiving planning applications seeking the removal of holiday occupancy conditions in part using an argument of lack of demand to support such applications. The majority of these cases, however, relate to the removal of holiday occupation conditions on barn conversions which, but for the moratorium on housing development between 2002 and 2008, would more than likely have been granted planning permission for full residential use in accordance with the Council’s adopted policies on such development. Where applications such as this are determined favourably, it is because the conversion of the barn concerned into a residential unit would have been acceptable in principle but for the moratorium, rather than any claim that there is no longer any need for such accommodation.

It could therefore be argued that, rather than demonstrating a lack of demand for holiday cottage use, the removal of occupancy conditions in those circumstances will reduce the Council’s stock of holiday cottages and therefore increase the demand for those that remain and any proposed new holiday accommodation.

The applicant’s agent has stated that his client is confident that proposal is viable, and that he has good connections to Stonyhurst College which, coupled with the close proximity to the village of Ribchester he believes will result in good levels of occupancy. Furthermore, he says that the properties will be well presented aiming at the more discerning clients in today’s market and will also offer access to the land that forms part of Oak Bank Farm for informal recreational opportunities and therefore he feels that any attempt to resist or refuse this application on the basis of lack of demand could not be supported.

The agent concludes by saying that his client has obtained information from letting agents that support his opinion that the occupancy levels of this proposed development are expected to be high.

Having made these comments on this issue, I confirm as stated above, that I consider the proposal to be in accordance with the relevant national guidance and local planning policies and, as such, it is acceptable in principle. I therefore recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposed small-scale tourism development will be beneficial to the local economy and will 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 condition(s):

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

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

2. This permission shall relate to the proposal as shown on drawing no Wade/133/437/07 and on the amended plans received by the Local Planning Authority on 24 October 2011 (drawing no's Wade/133/437/01,02,03,04 and 06).

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

3. The units of holiday accommodation hereby permitted shall not be let to or occupied by any one person or group of persons for a continuous period of longer than 3 months in any one year and in any event shall not be used as a permanent accommodation. A register of such lettings shall be kept and made available to the Local Planning Authority to inspect on an annual basis.

REASON: In order to comply with Policies G1, G5, ENV3 and RT1 of the Ribble Valley Districtwide Local Plan as the building is located in an area where the Local Planning Authority would not normally be minded to grant the use of buildings for a permanent residential accommodation.

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

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

5. Prior to the first use of any of the units of holiday accommodation hereby permitted, the following shall all have been provided and available for use for their designated purpose to the satisfaction of the Local Planning Authority:

- The internal access road and all vehicle parking spaces shown on the submitted plans.
- The playing field with the play equipment, tables and utility building as shown on the submitted plans.
- The play/recreation building.

Thereafter, these facilities shall all be retained and shall be permanently available for their designated purpose.

REASON: In the interests of highway safety and to ensure the provision of the facilities that are incidental to the proposed holiday use of the units and to comply with Policies G1 and RT1 of the Ribble Valley Districtwide Local Plan.

4. There should be no extensions or alterations to the holiday cottages hereby permitted unless a further planning permission has first been granted in respect thereof.

REASON: In order that the Local Planning Authority can retain control over any such extensions or alterations in the interests of the visual amenities of the locality and to comply with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

5. Prior to the first use of any of the holiday cottages hereby permitted, the 1.2m high stone wall on the external site boundaries shall have been erected in its entirety as shown on the submitted plans.

REASON: To comply with the submitted plans and in the interests of visual amenity and to comply with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

6. All demolition and development works shall be carried out in accordance with the mitigation measures included in the Protected Species Survey Report dated 21 October 2010 that was submitted with the application. In the event that any bats are found or disturbed during any demolition or development, all works shall cease until advice has been obtained from a licensed ecologist.

REASON: In order to minimise the impact of development on a protected species (bats) and to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan.

APPLICATION NO: 3/2011/0796/P (GRID REF: SD 374277 442552)  
PROPOSED DETACHED DWELLING IN GARDEN AT SUNNYMEDE COTTAGE,  
HAWTHORNE PLACE, CLITHEROE

TOWN COUNCIL: Object on the grounds of over intensive development.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): Has no objections to the application on highway safety grounds and comments that, although the development will introduce some additional vehicular activity along Hawthorne Place, it would have only a marginal impact on the general level of activity in this immediate area. He also comments that the proposed provision of four off-street parking spaces is consistent with LCC parking requirements for a property of this type.

ADDITIONAL  
REPRESENTATIONS: A letter has been received from a solicitor acting on behalf of the owner of an adjoining dwelling. The letter contains a number of objections to the application as originally submitted as follows.

1. The development contravenes the requirements of Policy G1 of the Local Plan because:
  - It is not at all sympathetic to existing and proposed land uses in terms of its size, intensity and nature. It is a three-storey house when others in the area are only two-storey. It would be only 1m away from the neighbour's boundary. As such, it would not be sympathetic. Two ground floor windows in the side

elevation of the dwelling would be detrimental to the neighbour's privacy.

- The additional traffic would be a danger to local children who play in this area at the head of the cul de sac. The proposed use of the property for bed and breakfast purposes would further add to this safety problem.
  - The relationship between the proposed building and the neighbour's dwelling, with a side elevation only 1m from the neighbour's boundary would be overbearing and would significantly reduce light to the neighbour's property.
  - The dwelling will be built on part of a large garden that is typical of the locality. The loss of such a large area of open space can only be severely detrimental to the local landscape generally.
2. Policy H10 of the Local Plan states that for reasons concerning street scene and loss of light and privacy to neighbours, over large extensions should not be permitted. This argument should also apply to a completely new house.
  3. The proposal does not satisfy the guidance within PPS3 that requires developments to:
    - Be well integrated with and compliment the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.
    - Create or enhance a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.
  4. Amendments to PPS3 in the form of the exclusion of gardens from the definition of previously developed land and the deletion of the national indicative minimum density of 30 dwellings per hectare, indicate that government policy is now opposed to over intensive developments of this nature.
  5. In summary, the proposal is contrary to several existing policy guidelines, both local and national, and should therefore be refused.

## **Proposal**

As originally submitted, this application sought permission for a three storey dwelling with an eaves height of 5.9m and a ridge height of 9.4m sited 1m away from the boundary with the adjoining property to the south west in Hawthorne Place and only 7m away from a ground floor habitable room window in that neighbouring dwelling. There were also two clear glazed ground floor windows and two obscure glazed first floor windows in the side elevation of the proposed dwelling that faces the adjoining property.

The original proposal was therefore considered to be detrimental to the amenities of the adjoining dwelling. It was also originally stated in the application that the proposed dwelling would be used for bed and breakfast purposes. In line with this original intention, the second floor level accommodation comprised two bedrooms (Nos 5 and 6) a bathroom and a lounge/kitchen.

By letter dated 3 February 2012 (received 6 February 2012) the applicant's agent has requested an amendment to the application by the deletion of the reference to bed and breakfast use. Amended plans, also received on 6 February 2012 show a dwelling of a substantially revised design sited further away from the adjoining property.

The dwelling now proposed has a garage attached to the rear half of its side elevation that faces the adjoining dwelling. This garage has an eaves height of only 2m and its single slope roof is in the form of a continuation of the roof of the main dwelling. The sidewall of the garage is 1m away from the boundary to the adjoining dwelling.

The main two-storey side elevation of the proposed dwelling however, is now 12.5m away from the side elevation and habitable room window of the neighbouring property. The main two-storey part of the dwelling now has an eaves height of 5.1m and a ridge height of 8.6m. That maximum height is at a distance of 17.5m away from the side elevation of the neighbouring property.

The entrance door to the property is in the side elevation facing the neighbouring property but there are no windows in that elevation. There are three roof lights in that roof slope, two serving en-suite shower rooms and the other above a staircase.

The dwelling would be constructed with facing bricks to the ground floor walls with roughcast render above this height and it would have an artificial blue/grey slate roof.

## **Site Location**

Sunnymede Cottage is a dwelling on a relatively large plot that obtains access via a driveway off the cul de sac head of Hawthorne Place. The existing dwelling is sited close to the northern boundary of the plot with its main garden area to the south between the dwelling and the adjoining property, 51 Hawthorne Place. The proposed dwelling would be sited within the garden between those two properties. The site is adjoined to the northwest by large dwellings in Ribblesdale Avenue and to the southeast by an agricultural field. It is within the settlement boundary of Clitheroe.

## **Relevant History**

3/2007/0628/P – proposed extensions and alterations to Sunnymede Cottage. Approved.



## **Relevant Policies**

Policy G1 - Development Control.  
Policy G2 - Settlement Strategy.  
Policy ENV13 - Landscape Protection.  
PPS3: Housing.

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

The matters for consideration in the determination of this application are the principle of development and effects upon visual amenity, the amenities of nearby residents and highway safety.

### **Principle of Development**

The Council presently has a 3.3 year supply of deliverable housing land (most up to date monitoring information dated 1 October 2011). Paragraph 71 of PPS3: Housing states that where LPAs cannot demonstrate an up to date five year supply of deliverable sites, they should consider favourably planning applications for housing having regard to the policies in PPS3 including the considerations in paragraph 69.

Paragraph 69 states that, in deciding planning applications, LPAs should have regard to:

- Achieving high quality design;
- Ensuring developments achieve a good mix of housing;
- The suitability of a site for housing, including its environmental sustainability;
- Using land effectively and efficiently;
- Ensuring the proposed development is in line with planning for housing objectives.

An important consideration in assessing proposed housing development is bullet point 3 of paragraph 69 (as above) which relates to the need for LPAs to have regard to the suitability of a site for housing, including its environmental sustainability, as well as bullet point 5, which requires that development is in line with planning for housing objectives.

This application site is within the settlement boundary of Clitheroe which is designated in the Local Plan as a main settlement. Policy G2 states that development will be directed towards land within the main settlement boundaries. The proposal therefore, not only satisfies the advice in PPS3 concerning sustainability, but it is also in line with planning for housing objectives as evidenced by its compliance with Settlement Strategy Policy G2.

As the application is for just one dwelling on a site within the settlement boundary of Clitheroe, the Council's housing policy as defined in the document 'Addressing Housing Needs in Ribble Valley' does not require the dwelling to be affordable.

The proposed development is therefore acceptable in principle.

### **Visual Amenity**

As amended, I consider the proposed dwelling to be of an appropriate size and design for its site and the general locality. Subject to the approval of precise details of the external materials through a condition, I consider that the proposed dwelling would be in keeping with the character of the locality and would not be detrimental to visual amenity.

### The Amenities of Nearby Residents

I consider that the amended plans have satisfactorily addressed the detrimental effects upon the amenities of No 51 Hawthorne Place that would have resulted from the originally proposed dwelling.

The siting of the dwelling and its window positions are also such that it would not have any seriously detrimental effects upon the amenities of the applicant's own dwelling, Sunnymede Cottage or the adjoining dwellings to the north west in Ribblesdale Avenue.

### Highway Safety

The County Surveyor expressed no objections to the application as originally submitted which was for a larger dwelling with a proposed element of bed and breakfast accommodation. As amended, the application proposes appropriate garage/parking facilities and would result in less vehicle movements than the original proposal. The application is therefore considered to be acceptable in relation to highway safety.

### Additional Matter relating to Trees

There is an existing Ash tree in the south eastern corner of the site. On the amended plans the dwelling is sited outside the required root protection zone of this tree. The protection of this tree during construction works will need to be the subject of an appropriate condition.

### Conclusion

A dwelling on this site is acceptable in principle and, as amended, I consider that the proposed dwelling would not detract from the appearance or character of the area and would not have any seriously detrimental effects upon the amenities of any nearby residents, highway safety or the existing Ash tree.

### SUMMARY OF REASONS FOR APPROVAL

The proposed development 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 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 development as shown on amended plans received by the Local Planning Authority on 6 February 2012 (Drawing Nos 379-1A and 379-2A).

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

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (or any Order revoking or re-enacting that Order, any future extensions, external alterations to the building, including any development within the curtilage as defined in the Schedule to the Order, Part 1, Classes A to H shall not be carried out unless a further planning permission has first been granted in respect thereof. Specifically, no new door or window openings shall be formed in the southern side elevation of the dwelling without a further planning permission having first being granted.

REASON: In the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Prior to the commencement of any site works including delivery of building materials and excavations for foundations or services, the existing Ash tree identified on drawing number 379-2A shall be protected in accordance with the BS5837 (Trees in Relation to Construction) the details of which shall be agreed in writing by the Local Planning Authority and shall be implemented in full. A tree protection monitoring schedule shall also be agreed and the tree protection measures shall be inspected by the Local Planning Authority before any site works are begun.

The root protection zone shall be 12 x the DBH and shall remain in place until all building work has been completed and all excess materials have been removed from the 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 without the Council's prior written permission, which will only be granted when the 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 this mature tree is afforded maximum physical protection from the adverse effects of development in order to comply with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan.

PROPOSED DEMOLITION OF THE EXISTING WOODEN STRUCTURE TO BE REPLACED BY 4 NO RESIDENTIAL UNITS AT PRESTON'S YARD, LONGRIDGE ROAD, CHIPPING

PARISH COUNCIL: The Parish Council supports the plan for affordable housing with the following provisos:

1. As the proposed building is directly opposite a primary school in the village, the Parish Council would like to ensure that each house has off-road parking for at least 2 cars.
2. That double yellow lines are marked along the road edge. Traffic congestion at the beginning and finishing of the school day is at the moment very bad along Longridge Road.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Had objections to the application as originally submitted but these have been addressed by amended plans. The County Surveyor now has no objections to the application subject to the imposition of conditions concerning the satisfactory provision of access, parking spaces and visibility splays. A standard Note is also required as the proposal involves the alteration of an access to the public highway.

UNITED UTILITIES:

Has no objections to the proposed development.

ADDITIONAL  
REPRESENTATIONS:

Three letters have been received from nearby residents.

The first letter expresses support for the proposal commenting that it would "enhance the appearance of the village, especially that part of Longridge Road and bring extra housing stock which we think the village needs in order for it to survive".

The other two letters do not include any objections to the application but their writers express concerns relating to the following matters:

- That existing parking problems would be exacerbated if the proposal increased on-street parking in this locality. It is suggested that double yellow lines across the site frontage would address this particular problem.
- Safety measures need to be taken to ensure that children being dropped off and picked up at school are put at no greater risk due to increased roadside parking and site traffic. Access to properties in the surrounding areas should not be hindered by these vehicles at any time and emergency vehicle access along Longridge Road and surrounding areas should never be compromised.

- The design of the houses does not reflect the character of the Victorian cottages in the locality.
- The need for affordable housing is questioned when there are currently two sites in the village already intended for affordable housing.

### **Proposal**

Permission is sought for the erection of four dwellings in the form of two semi-detached pairs. In one of the pairs, one unit would comprise lounge and kitchen on the ground floor with two bedrooms and a bathroom above, whilst the other unit would be slightly larger comprising lounge and kitchen/dining room on the ground floor with three bedrooms (one with en suite shower room) and a bathroom above. The other pair would comprise two identical larger dwellings each having an integral garage, lounge, kitchen/dining room and utility room with four bedrooms (one with en suite WC) and a bathroom above.

The dwellings would be constructed using a mixture of random natural stone and render to the walls with natural slate roofs.

The smaller units would each have two off-street parking spaces whilst the larger units would have one off-street parking space in addition to the integral garage.

### **Site Location**

The application site is on the northeastern side of Longridge Road within the settlement boundary of Chipping but just outside the boundary of the Conservation Area.

The site is adjoined to the southeast by relatively modern housing development in Brookfield Court and to the northwest by the Community Hall. St Mary's Church and St Mary's Cottage are sited on lower ground at the rear (north and east) of the site. The Brabbins Endowed School is on the opposite side of Longridge Road to the application site.

The site has been used by the applicant for in excess of 40 years for the parking of HGV vehicles. A wooden building, that was the applicant's workshop remains on the front part of the site and is presently used for storage purposes. The rear part of the site slopes steeply downwards from the rear edge of the relatively flat front part of the site. This land at the rear is laid to lawn and is presently used by the applicant as a private "allotment".

### **Relevant History**

3/80/1023 – proposed renewal of permission for HGV parking. Approved for a temporary period of 2 years.

3/83/0119 – renewal of temporary permission for HGV parking. Approved for a temporary period of 2 years.

3/85/0191 – renewal of permission for the parking of HGVs. Permission granted personal to the applicant and for no more than 2 HGVs.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G4 - Settlement Strategy.  
Policy ENV16 - Development Within Conservation Areas.  
PPS3 - Housing.

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

The matters for consideration in the determination of this application are the principle of development and effects upon visual amenity, the amenities of nearby residents and highway safety.

#### Principle of Development

The Council presently has a 3.3 year supply of deliverable housing land (most up to date monitoring information dated 1 October 2011). Paragraph 71 of PPS3: Housing states that where LPAs cannot demonstrate an up to date five year supply of deliverable sites, they should consider favourably planning applications for housing having regard to the policies in PPS3 including the considerations in paragraph 69.

Paragraph 69 states that, in deciding planning applications, LPAs should have regard to:

- Achieving high quality design;
- Ensuring developments achieve a good mix of housing;
- The suitability of a site for housing, including its environmental sustainability;
- Using land effectively and efficiently;
- Ensuring the proposed development is in line with planning for housing objectives.

An important consideration in assessing proposed housing development is bullet point 3 of paragraph 69 (as above) which relates to the need for LPAs to have regard to the suitability of a site for housing, including its environmental sustainability, as well as bullet point 5, which requires that development is in line with planning for housing objectives.

The application site is within the settlement boundary of Chipping, a village covered by Policy G4 of the Local Plan. Policy G4 states that “within such villages, planning permission would be granted for proposals falling within a number of categories, one of which is “the use of infill sites not defined as essential open spaces”. The policy defines an infill development as one not leading to ribbon or fragmented development and having a density that is comparable to the general surrounding area.

I consider that the proposed development satisfies the requirements of Policy G4. Therefore, not only does the proposal satisfy the advice in PPS3: Housing concerning sustainability, but it is also in line with planning for housing objectives as evidenced by its compliance with Settlement Strategy Policy G4.

At the time the application was submitted, the Affordable Housing Memorandum of Understanding would have required one of the four units to be affordable. It was therefore originally stated in the description of development that one unit would be affordable and an appropriate draft Section 106 Agreement was submitted with the application. As a development of less than 5 units within a settlement boundary, the Council’s current housing policy as defined by the document “Addressing Housing Needs in Ribble Valley” does not require any affordable provision as part of this development.

The site has in the past been used for business purposes in the form of HGV storage and maintenance by the applicant. In recent years, however, the building on the site has only been used by the applicant for storage purpose with the land being used as a private "allotment". Policy EMP11 of the Local Plan states that "proposals for the conversion or redevelopment of industrial or employment generating sites will be assessed with regard to the following criteria:

1. The provisions of Policy G1.
2. The compatibility of the proposal with other policies of this plan.
3. The environmental benefit to be gained by the community.
4. The potential economic and social damage caused by the loss of jobs in the community.
5. Any attempts that had been made to secure alternative employment generating use of the site."

In response to those criteria, the proposed housing development, in my opinion, does satisfy the general development control requirements of Policy G1. As stated above, the proposal is in accordance with the advice contained in PPS3: Housing and the requirements of Saved Policy G4 of the Local Plan. Given the surrounding land uses of residential, school and church, and the parking/traffic issues raised by the Parish Council and nearby residents, I consider that the proposed residential development would result in environmental benefits to the local community when compared to the possible redevelopment of this site for some form of commercial/industrial purposes. I also consider it worthy of note that a number of previous planning permissions for the use of this site for the parking of HGVs were granted for a temporary period and that the most recent permission 3/1985/0191/P was made personal to the applicant and limited to 2 HGVs only. Those conditions were imposed 'in view of the difficult situation within the village and also its proximity to residential properties'. No existing jobs would be lost. In all of these circumstances, it has not been deemed necessary or appropriate to market the site for an employment generating development.

Overall, I consider the development to be acceptable in principle.

#### Visual Amenity

The existing timber building on the site detracts from the visual amenities of the locality. The existing buildings to the north west of the site that are within the Conservation Area are generally traditional cottages of stone construction with natural slate roofs. To the south east of the site, however, there are a number of more recent semi detached houses that have fully rendered walls.

The proposed dwellings with a mixture of natural stone and render, with stone quoins and stone heads and sills to the windows, and with natural slate roofs, in my opinion form an appropriate transition between the older buildings to the north west within the Conservation Area, and the more recent dwellings outside the Conservation Area to the south east.

The application site itself, of course, is not within the Conservation Area, and I do not consider that the proposal would adversely affect the appearance and character of the Conservation Area or the locality in general.

#### The Amenities of Nearby Residents

The proposed siting of dwellings on the frontage part of the site facing a school on the opposite side of the road, is such that the development will not have any detrimental effects upon the amenities of any existing nearby residents. I consider it worthy of note in this regard that no

letters have been received from any nearby residents in which harm to residential amenities is cited as either a concern or an objection.

### Highway Safety

Following amendments to the application, the County Surveyor is now satisfied that the proposed garage/parking provision for the units is appropriate and acceptable. Subject to appropriate conditions he therefore has no objections to the application on highway safety grounds.

The suggestion by the Parish Council and one of the nearby residents that double yellow lines should be provided on the site frontage is a matter to be considered by the County Council Highway Authority separately from the consideration of this planning application.

### Conclusion

Overall, I consider that the proposed development of four houses is acceptable in principle and would not have any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

### SUMMARY OF REASONS FOR APPROVAL

The proposed development would not have any seriously detrimental effect upon visual amenity, the amenities of nearby residents or highway safety.

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

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

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

2. This permission shall relate to the proposal as shown on the amended plans received by the Local Planning Authority on 10 February 2012 (drawing No JP/BKP/150/1).

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

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (or any Order revoking or re-enacting that Order, any future extensions, external alterations to the building, including any development within the curtilage as defined in the Schedule to the Order, Part 1, Classes A



to H shall not be carried out unless a further planning permission has first been granted in respect thereof.

REASON: In order that the Local Planning Authority can retain effective control over the development in order to ensure compliance with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. The access driveways to each of the dwellings hereby permitted shall remain ungated.

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

6. Prior to the first occupation of each of the dwellings hereby permitted, their respective access driveways shall be appropriately paved in tarmacadam, concrete, block paviers or other approved materials.

REASON: To prevent loose surface material from being carried on to the public highway in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. There shall not, at any time in connection with the development, 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 that is the subject of this condition shall be that land in front of a line drawn 3.5m measured back from the edge of the carriageway of Longridge Road along the entire frontage of the development. This land consists of the proposed 1.5m pedestrian footway and a first 2m of the proposed properties, and shall be maintained at footway level in accordance with a scheme that has first been agreed in writing by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To ensure adequate visibility at the site access in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

#### NOTE

1. This permission 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, the applicant or developer must contact the County Council Environment Directorate for further information.

APPLICATION NO: 3/2011/0847/P (GRID REF: SD 381250, 443225)  
PROPOSED REPAIRS TO EXISTING ACCESS TRACK AND INSTALLATION OF A CATTLE  
GRID AT THROSTLE HALL, TWISTON, BB7 4BY

PARISH COUNCIL: No comments or observations received within the statutory time period. Any observations will be reported verbally.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

No objections to the proposal.

ADDITIONAL  
REPRESENTATIONS:

One letter has been received from a resident of one of the dwellings at Brownlow Farm which raises the following concerns:

- The submitted plans fail to show the steepness of the incline down to Throstle Hall and a concrete surface will have significant run off.
- A stream exists approximately 30 metres from the house and due to the fall of the land the run off from the track may go in to this.
- The stream is the only pristine water resource flowing down from Pendle and is a precious resource.
- Details of the cattle grid have not been submitted.
- A cattle grid is normally fenced at the peninsular rather than as a funnel as proposed – concerns raised over the potential for cattle and sheep to be injured due to the layout and siting of the cattle grid close to the route of the PROW.
- All the local access tracks in the locality are of the limestone type which currently exists. Allowing this development will set a dangerous precedent in an area dependant on tourism because it is so unspoilt.

### **Proposal**

This application seeks to replace part of an existing limestone access track to a holiday cottage with concrete strips and replace a set of timber gated with a cattle grid.

The proposed concrete strips will be constructed on either side of an existing central grassed verge. The track extends from the property and up the steep incline over a field. The concrete strips will cover a distance of approximately 37 metres up to the existing access gates and for a 6.5 metre length beyond the existing double gates. The length after the gates has been reduced (plan dated 14 February 2012) to 6.5 metres from the originally submitted 14.0 metres.

The existing gates will be removed and a cattle grid will be inserted in to the ground in their place on the boundary of the curtilage. The cattle grid, shown on plan reference: S1282/11 would have approximate dimensions of 2.0m x 3.0m.

### **Site Location**

The holiday cottage Throstle Hall, formerly known as Brownlow Cottage, stands in an isolated position, down a steep hill, approximately 80 metres to the south-west of the complex of

dwellings at the former Brownlow Farm in Twiston and is accessed from a track which runs to the side of East Barn, Brownlow Farm, over a field and down a hill.

The property is situated within the Forest of Bowland Area of Outstanding Natural Beauty at the junction of two public footpaths (Footpaths no 13 and 19) in the Parish of Twiston.

### **Relevant History**

3/2006/0614/P – Proposed amendment to holiday let cottage of previous planning approval ref. 3/2001/0842/P to include proposed extension and alterations at Brownlow Cottage, Brownlow Farm, Twiston - Approved with Conditions.

3/2001/0842/P – Renovation of existing redundant building into a holiday cottage - Approved with Conditions.

3/1994/0810/P – Application for a Certificate of Lawfulness for an existing use (use of building as a single dwelling). Refused and Appeal Dismissed.

### **Relevant Policies**

Policy G1 – Development Control.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy RT1 – Tourism and Recreation.

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

The main issues to consider in respect of this proposal are the visual impact of the proposed track and cattle grid.

With regards to the visual impact of the proposed scheme, the holiday let is located within the Forest of Bowland Area of Outstanding Natural Beauty. Policy ENV1 of the Districtwide Local Plan states that the protection, conservation and enhancement of the natural environment are the most important consideration in the assessment of any development proposal. Regard will also be had to the economic and social well-being of the area.

Due to the steep gradient of the hillside above Throstle Hall the existing limestone access track is subject to significant wear and maintenance.

With regards the replacement limestone track with concrete strips it is prudent to consider the information within the SPG 'Agricultural Buildings and Roads'. The guidance note states that in terms of materials,

“darker surfaces are less noticeable than light ones, and when concrete or crushed aggregate is used, two strips with a central grass verge is preferred”.

Although not entirely relevant due to the track already being in existence, in terms of the siting of a new track,

“where practicable, it should follow established field boundaries and contours to avoid unnecessary scarring of the landscape”.

On this basis, it is considered that the part of the existing track being replaced with concrete strips follows the existing landform. The length of the track outside the existing access gates in to the open field, and which is considered to be visually prominent, has been reduced by approximately 7.5 metres (plans received on the 14 February 2012) and thus its impact on the visual amenities of the locality has been significantly reduced. With regards to the materials proposed, the use of two concrete strips with a central grass verge is considered to comply with the provisions of the above guidance, and as such the proposal is not considered to cause significant detrimental visual harm to the location within the A.O.N.B. or the site in its entirety.

With regards to the impact of the scheme on nearby highway safety, the Traffic and Development Officer from Lancashire County Council raises no objections to the scheme on highways safety grounds.

With regards the neighbours concerns regarding water run off and the impact on the nearby stream. The resurfaced access track is approximately 28 metres from the nearby stream. The applicant has stated that a sustainable drainage system will be used to dispose of the surface water, however, no details have been submitted as to what this will entail. Therefore, a condition will be imposed requesting details to be submitted to and approved by the Local Planning Authority prior to commencement of works.

Therefore, whilst I am mindful of the other objections raised by a local resident, I consider the scheme to comply with the relevant Policies, and as such the application is recommended accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate form of development and given its design 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 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 Numbers:  
S1382/05/B - Proposed Access Track  
S1382/11 - Typical Cattle Grid Details and Sections

**REASON:** For the avoidance of doubt and to ensure that the development is carried out in accordance with the amended plans received on the 14 February 2012.

3. No development approved by this permission shall be commenced until details of a Sustainable Drainage System which will deal with the surface run off from the concrete strips has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

**REASON:** To ensure a satisfactory means of drainage and to prevent pollution of the water environment in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

APPLICATION NO: 3/2011/0971/P

(GRID REF: SD 377734 437286)

RESERVED MATTERS APPLICATION FOR APPROVAL OF APPEARANCE AND LANDSCAPING DETAILS, FOLLOWING OUTLINE APPROVAL FOR REGENERATION OF THE SITE TO PROVIDE 44 DWELLINGS (6 OF WHICH WOULD BE AFFORDABLE), WITH ACCESS FROM WATT STREET AND ASSOCIATED PARKING AT COBDEN MILL, WATT STREET, SABDEN, LANCASHIRE, BB7 9DZ

PARISH COUNCIL:

On the basis of the plans originally submitted, Sabden Parish Council raised objections to this proposal siting that the reserved matters application has major changes from the existing permission. The following points of objection were raised:

1. The flat roof of the 6-bed apartment block is out of character on this site, as it lies within an area surrounded by stone built, pitched roof properties, and in an AONB will be visually intrusive.
2. The white render, whilst to the rear of the properties, is very visible, and is highly inappropriate in this area where properties are traditionally stone.
3. The close-boarded boundary fence is causing concern as wooden fencing is high maintenance and soon falls into disrepair. The P.C. would prefer a more permanent structure e.g. stonewall.
4. Concern regarding the gateway access to Pendle St East & along the Bowling Green.
5. Plans do not show a pedestrian link from the site to Cobden Bridge, which the P.C. feel would be beneficial.

The P.C. have noted that they are reasonably happy with the amended plans submitted, as they have addressed the previously raised issues such as:

- apartment block now has a pitched roof, not a flat roof;
- rendered facia on Whalley Rd, Pendle St East & Watt St is now stone/reconstituted stone;
- confirmation there are ONLY 6 affordable homes; and
- that the close-boarded fencing is now remaining as the historic wall.

The following additional points are also raised:

1. Concerns regarding the heights of the boundary walls/fencing on site, as the black and white plans are difficult to clarify which line applies to the key shown. To date they have not had a response but would like a further opportunity to comment once the information is available.

2. No provision for a pedestrian access leading from the site onto Whalley Rd in the vicinity of Falcon House/Cobden Bridge & has raised this issue with the Agent. The walk from the site along Watt St/Whalley Rd is quite lengthy particularly from those properties further within the site and fear is that an 'unofficial access' will be made by residents wishing to find a short cut.
3. Confusion about the Falcon House B1 business use listed in the proposal as it has been advised that this is not relevant to the current application & should have been removed.
4. Deep concern that the ethos/policy of the site owner is usually to rent rather than sell, and they therefore recommend RVBC put some robust measures/conditions in place to prevent the possibility of any further homes, other than the existing 6, being made available for rental. The P.C. has learned recently that there are over 100 existing rental properties within the village & there are proposals for further on other sites in the village where planning consent has been approved.

LCC ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Proposed development is considered satisfactory from a highway safety viewpoint.

ENVIRONMENT AGENCY:

No observations or comments received within the statutory 21-day consultation period.

UNITED UTILITIES:

No comments on the reserved matters as the information submitted does not appear to impact on the surface water or foul water management on the site.

ADDITIONAL  
REPRESENTATIONS:

34 letters have been received from nearby neighbours in Sabden, who wish to raise the following points of objection in relation to the originally submitted plans:

1. Three-storey flat roof building will be an eyesore and is totally out of keeping.
2. The development will spoil the whole area as it is not in keeping with the village.
3. The timing of the application being put in over Christmas has meant me rush to make my concerns known to you.
4. Concerned regarding work starting on the other Mill site early this year.
5. What will happen to the grass area in front of my house (opposite Pendle Street East)?
6. Insufficient parking on site still.

7. Increase in car numbers in Sabden.
8. Impact on highway safety.
9. The materials shown on the original plans are not in keeping with the stone built village.
10. Materials proposed for the roofs are not acceptable, should be slate.
11. Doors and windows should match those in adjacent properties.
12. Design of the dwellings should reflect the current village environment (proposed style is out of keeping).
13. Existing village infrastructure cannot cope with this development (highways/sewers/electric/shops).
14. Parapet roof is out of keeping with the architecture of the village.
15. Overall design is very old fashioned.
16. The Cobden Mill site is in a central location within the village, within the Conservation Area and the AONB, and should fit in accordingly.
17. Increased traffic to the village.
18. Increase in noise.
19. Outsourcing of local amenities.
20. No more affordable housing needed in Sabden.
21. Massive increase in housing would change the character of Sabden.
22. Plans in the D&A Statement indicate that only 6 of the houses on site will be 'Market Housing', the rest being 'Affordable', surely this suggests a significant change in the type of housing proposed.
23. Concerns regarding loss of established hedgerow on the boundary between the site and Whalley Road.
24. Houses not selling in Sabden at the moment so more are not needed.
25. The existing wall surrounding the site should remain as fencing is out of keeping.
26. Loss of light.
27. Size of dwellings is not acceptable as larger family homes (four bedrooms) are needed.
28. New scheme seems to be a cost cutting measure, which will visually impact on what may have been a promising and appealing development.
29. The Clitheroe Advertiser reports there are now to be 23 'Social Houses' to be built on this site? Who has the control over letting them?
30. Will the 'Affordable' houses be allocated to people who have ties to the village?
31. Angry at the Council being intent on spoiling a beautiful rural village to increase Council Tax.
32. What will we see next? Tesco's on a play area or Aldi on the bowling green?
33. The logical inference of this proposal is that 38 dwellings would be 'unaffordable', so therefore ALL the dwellings should be 'Affordable'.

34. If unaffordable housing is built, surely these will remain unsold, unoccupied and slowly become untidy units.
35. More units on the site should be 'Affordable' as the media are always informing us that there is a chronic shortage of housing.
36. Impact on privacy.
37. Sabden is a small, safe village with a strong sense of community, and these ill considered, unsympathetic and over development proposals are a threat.

### **Proposal**

This is a Reserved Matters Application for the approval of Appearance and Landscaping details following the outline approval for the regeneration and redevelopment of the former Cobden Mill site, Watt Street, Sabden, to provide 44 dwellings with access from Watt Street and associated parking. Details relating to the refurbishment of the adjacent Falcon House have not been submitted with this application.

### **Site Location**

The site is located within the Sabden village settlement boundary, as designated by the Ribble Valley Districtwide Local Plan (DWLP), opposite to the Victoria Mill site currently occupied by Marbill Ltd. The site also lies within the Forest of Bowland Area of Outstanding Natural Beauty, and sits in a hole within the recently adopted Conservation Area within Sabden that surrounds the entire site.

### **Relevant History**

3/2010/0001/P - Regeneration site to provide 44 dwellings (6 of which would be affordable), with access from Watt St. and associated parking. Retention and re-furbishment of Falcon House to provide 557.4 sq.m. of class B1 business space – Granted Conditionally.

3/2000/0335/P – Phase 1 & 2 Development for Light Industrial/Warehouse – Granted Conditionally.

3/2000/0065/P - Outline Application for extension to existing premises for manufacturing/warehousing - Withdrawn.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G4 – Settlement Strategy.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy ENV7 – Species Protection.

Policy ENV13 – Landscape Protection.

Policy ENV16 - Development within Conservation Areas.

PPS1 - Delivering Sustainable Development.

PPS3 - Housing.

PPS5 – Planning for the Historic Environment.

PPS7 - Sustainable Development in Rural Areas.

PPS22 – Renewable Energy.

PPS25 - Development and Flood Risk.



Historic Environment Planning Practice Guide (HEPPG, March 2010).  
Draft National Planning Policy Framework.  
Planning (Listed Buildings and Conservation Areas) Act 1990.

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

The keys issues with regards to this application are the two elements proposed as part of this Reserved Matters Application, namely the Appearance and Landscaping of the proposed development. As permission has already been granted for the development of this site for housing (3/2010/0001/P), the principle of the development, the impact on highway safety and the potential ecological impacts through developing this particular site have already been accepted.

A large number of objection letters have been received in respect of the proposed development, and in assessing this proposed scheme; these objections/issues will be covered within this report. Given the distance between the proposed dwellings and any adjacent residential properties, there is not considered to be an impact on the residential amenity of nearby neighbours.

For reference, the layout of the housing development shown on the submitted plan was the subject of negotiation due to the impact of the initial scheme on the openness of the site and on the setting and character of Sabden Conservation Area and this location within the Forest of Bowland Area of Outstanding Natural Beauty. Policy G1 of the Local Plan notes that all development proposals will be expected to provide a high standard of building design and landscape quality, and that development which does will be permitted unless it adversely affects the amenities of the area, with Policy ENV16 of the Local Plan noting that in deciding proposals outside the designated area, development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials. Policy ENV1 of the Local Plan states that development will need to contribute to the conservation of the natural beauty of the area, and that the environmental effects of proposals will be a major consideration, with the design, materials and landscaping of developments important factors in deciding planning applications.

The draft National Planning Policy Framework (dNPPF) was published on 25<sup>th</sup> of July 2011 for consultation. It gives an indication on the Government's 'direction of travel', and therefore whilst it is not yet adopted it is a material consideration, although the weight to be given it is a matter for the decision maker. In supporting sustainable development as a core principle, dNPPF brings through into draft policy the same issues of location and accessibility. Paragraph 2 of the draft NPPF states 'The Government expects the planning system to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, while protecting and enhancing the natural and historic environment.' Paragraph 183 also considers the impact of a proposed development on a designated heritage asset, such as the Conservation Area, noting that considerable importance and weight should be given to its conservation as heritage assets are irreplaceable, and any harm or loss should require clear and convincing justification.

Sustainable development is the core principle underpinning the planning system (National Planning Policy Statement 1 (PPS1) paragraph 3), with the above draft NPPF superseding PPS1 in due course. One of the key principles outlined within PPS1 is that, *'(vi) Planning policies should promote high quality inclusive design in the layout of new development and individual buildings in terms of function and impact, not just for the short term but over the life*

*time of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.'*

Paragraph 4 of PPS1 notes that *'The Government set out four aims for sustainable development in its 1999 strategy, one of which was the effective protection of the environment,'* with Paragraph 5 of PPS1 noting that *'Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by amongst other things protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities.'*

In respect of protection and enhancement of the environment, the statement also makes clear in paragraph 17 that, *'The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policy should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources. Those with national and international designations should receive the highest level of protection.'* Ministerial advice on development in the countryside is contained within PPS7, which states as one of its key principles, *'(iv) All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.'*

Paragraph 19 of PPS1 also notes that planning authorities should seek to enhance the environment as part of development proposals. Significant adverse impacts on the environment should be avoided and alternative options, which might reduce or eliminate those impacts pursued. Where adverse impacts are unavoidable, planning authorities and developers should consider possible mitigation measures, with Paragraph 20 also considering the protection of the wider countryside and the impact of development on landscape quality.

#### APPEARANCE/LANDSCAPING/VISUAL IMPACT OF THE DEVELOPMENT

The layout of the housing development has been kept as per the approved plans (3/2010/0001/P), and this retains the openness and views through the site, considered to be important aspects of this particular location. It is therefore important that the proposed development will best reflect this location within the Conservation Area and A.O.N.B. in terms of relating to the key characteristics of the housing that surrounds the site. This is not only in respect of the linear, terraced blocks, but also the fenestration details, the roofscapes and the materials to be used. This consideration is supported in Paragraph's 114 and 116-117 of the HEPPG relating to setting, and note that *"the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and by our understanding of the historic relationship between places.'* (paragraph 114), and that *"the setting of a heritage asset can enhance its significance whether or not it was designed to do so"* (paragraph 116). The Sabden Conservation Area Appraisal chose not include this site within the newly designated Conservation Area in 2007, however this does not necessarily weaken the design guidance, requirements and characteristics that would make a development suitable on this site. Indeed, in such locations the protection of the setting and character of the surrounding Conservation Area is AS important.

On this basis, the key consideration here is whether or not the overall 'Appearance' of the proposed development will have an acceptable visual impact on the setting and character of this location within the A.O.N.B. and the adjacent Conservation Area.

## Materials to be used

The scheme originally submitted indicated the use of white render, grey slate roof tiles, engineering brickwork, white upvc windows and the minimal use of reconstituted stone. The initial assessment of this materials palette was that it was unsympathetic and non-traditional. These, as well as other concerns, were discussed with the Agents, and a complete re-think on the palette is now offered.

The Watt Street elevation and the elevation facing Whalley Road are the most prominent external elevations with views into and from the Conservation Area, and as such 'Natural' stone is now proposed to these two key streetscene elevations to ensure a more appropriate reflection of the surrounding Conservation Area. The rest of the dwellings, and the backs of the above dwellings, will be finished in a locally complimentary reconstituted stone (the final details of which will be agreed via condition), along with the cills and lintels also cast in reconstituted stone to all windows and doorways. Key gateway and landmark window positions will include a full surround. The existing stonewall surrounding the site will be retained, and extended using reclaimed stone from the site to formally enclose the development.

The windows still remain white upvc, however as they are a thin profile this gives the appearance of a thinner timber window. This material also helps towards enabling the development to attain Code for Sustainable Homes Level 3 throughout the site.

The roofs are all proposed to be a blue-black fibre cement slate (used at a number of location within the Ribble Valley), chosen for their stable colour properties, thin dressed edges and the texture of natural slate. The Agent also notes that the slates are A+ rated in the Green guide, the highest score attainable for sustainability and is manufactured within 50 miles of the site. The Applicant considers that this slate represents the most appropriate match for the site, whilst still maintaining project viability, and that whilst natural slates were considered, the poor colour stability within the range available may have actually meant the scheme took on an appearance at odds with the surrounding blue/black slate roofs.

## Fenestration Detailing

As noted earlier, the windows proposed still remain white upvc, however a thinner profile window is proposed as this gives the appearance of a thinner timber window. The Council's Principal Planning Officer (Design and Conservation) noted in relation to the original scheme that the fenestration proposed was unsympathetic, with the character of the conservation area suggesting vertically emphasised openings and a consistent treatment within terraces/blocks. Having visited the site a number of times, and assessed the window materials most commonly used in dwellings overlooking the site, upvc windows are the most common. Granted, there are a higher percentage of oak effect upvc windows and doors in these dwellings, but in my opinion these are indeed more harmful to the character and appearance of these dwellings due to their thick profiling and methods of opening. The revised scheme now also includes a more consistent and uniform approach to the openings within the elevations of the properties.

## Roofscapes

The Council's Principal Planning Officer (Design and Conservation) noted in relation to the original scheme that the roofscapes are weakened by the absence of chimneystacks, a feature noted within Sabden's valley bottom location and the impressive approaches from the hills to the north and south. This matter was discussed with the Applicant who whilst appreciating the sentiment behind the comments, noted that this could not be achieved on this development due

to the building methods the developers would be using. The proposed houses will seek to attain Code for Sustainable Homes Level 3 through use of high performance building fabric to ensure minimal energy use in occupation, and as such the incorporation of chimney stacks (likely non functioning) would result in a reduced fabric performance, thereby a corresponding increase in energy use to compensate.

The proposal originally submitted with this current application also included a three storey, flat roof apartment block, and a dominant theme of hipped roofs and gables that were not considered to connect to the character or appearance of the Conservation Area. These have since been removed from the scheme and replaced with traditional gable ended properties, with the apartment block to the southeastern corner of the site now sporting a hipped roof.

### Landscaping Details

The landscaping details originally submitted saw the removal of the historic boundary walling surrounding the site removed to be replaced by an extensive close boarded timber fence, which would then run almost continuously around the site. This was considered inappropriate in line with guidance provided by the Sabden Conservation Area Management Guidance which noted that *'Traditionally most boundaries in the Sabden Conservation Area are defined by stone walls,'* and that for new development within Sabden, it would be important that *'local materials and detailing are used and new boundaries follow the historic precedent of stone to help development to fit into its context. Close-boarded fencing, with timber posts, may be an alternative to stone in certain locations away from the public viewpoint'.*

Along with other design amendments, the revised plans submitted in February now indicate the historic walling being retained and extended using reclaimed stone to enclose the site, and the use of flat top metal railings, stone walling and railings and stone walling and fencing on the more visible boundaries of the site. This represents a significant overall improvement of the landscaping of the site, and should present a development more coherent with the historic surroundings once complete. The full landscaping and planting plans have been discussed with the Council's Countryside Officer, David Hewitt, and he considers that the native mix, type and planting schedule proposed for this site is more than acceptable for a development in this location within the A.O.N.B.

### Conclusion

At a Local Plan level, Policies G1, ENV1 and ENV16 all consider that development proposals will be expected to provide a high standard of building design and landscape quality that reflects the character of the area in terms of design and materials, and will contribute to the conservation of the natural beauty of the area. This is supported at a National level by the draft NPPF and PPS1 that states that the Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas, and those with national and international designations should receive the highest level of protection. They also consider that the planning system should deliver the homes that the country needs, while protecting and enhancing the natural and historic environment, by promoting high quality inclusive design in the layout of new development and individual buildings in terms of function and impact, not just for the short term but over the life time of the development, stating that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. Ministerial advice is also contained within PPS7, which states as one of its key principles, that development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

Given the sustainable aspirations of the developer when considering their design brief, the choice of the building methods, materials palette, fenestration details and roofscape design are understandable, and it is whether these details are considered acceptable to portray a suitable development that would sympathetically reflect the general built form of Sabden (stone with slate roofs and uniform fenestration detailing) without being to the visual detriment of the setting or character of the A.O.N.B. or the Sabden Conservation Area, either at this location or as a whole. Having considered the above assessment of the proposed 'Appearance' of the development, within what will be an essentially enclosed site (due to the retention of the existing boundary wall and screened from Whalley Road by the existing mature trees outside the site boundary), the proposal as a whole is considered to be suitably sympathetic to the character of the village of Sabden, and it will have an acceptable impact on the setting and character of both the Conservation Area and the A.O.N.B. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area, and in this case the development of this empty site by virtue of the detailed plans submitted is considered to enhance the character and appearance of this location.

## OTHER ISSUES

The Parish Council has raised a couple of concerns with the development proposed. They note that there is no provision for a pedestrian access leading from the site onto Whalley Road in the vicinity of Falcon House/Cobden Bridge, which they feel is important as the walk from the site along Watt Street/ Whalley Road is quite lengthy particularly from those properties nearer Falcon house & over looking Whalley Road. Unfortunately, given that a pedestrian route through this portion of the site boundary will mean crossing onto land outside the ownership of the Applicant, it may be unlikely that this would be achievable.

The Parish Council also note confusion regarding the Falcon House B1 business use listed in the proposal, as they have been advised that this is not relevant to the current application & should have been removed. Whilst this reserved matters applications does not include specific details in relation to Falcon House itself, it would appear that the reason for its inclusion in the application description is down to the Applicant using the description of the approved Outline Application.

The Parish Council are concerned that the ethos/policy of the site owner is usually to rent rather than sell, and they therefore recommend that RVBC put some robust measures/conditions in place to prevent the possibility of any further homes, other than the existing 6, being made available for rental. Having discussed this at length with the Head of Planning Services, the Planning Department do not consider there is anything that can be put in place to 'limit' and/or prevent the rental of completed homes on this site over and above the six noted within the Legal Agreement signed in relation to the original application. Unfortunately, the S106 merely stipulates a 'minimum' of 'Affordable units' and therefore beyond this, the developer can choose what to do with the remaining dwellings on site.

Therefore, whilst I am mindful of the points of objection from nearby neighbours and the Parish Council, given the details submitted with this application are considered acceptable to portray a suitable development that will sympathetically reflect the general built form of Sabden (stone with slate roofs and uniform fenestration detailing) without being to the visual detriment of the setting or character of the A.O.N.B. or the Sabden Conservation Area, either at this location or as a whole, the development of this modern, essentially enclosed site is considered to be suitably sympathetic to the character of the village of Sabden, and it will have an acceptable impact on the setting and character of both the Conservation Area and the A.O.N.B.

The application is therefore recommend 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 the character or appearance of the Conservation Area or the A.O.N.B, upon visual amenity, the amenities of nearby residents or upon 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 No's 264-01-Rev.C, 264-02-Rev. C, P01, P02, P03-Rev. D, P04-Rev. C, P05-Rev. C, P06-Rev. C, P07-Rev. P08-Rev. C, P09-Rev. C, P10-Rev. B, P11-Rev. B, P12-Rev. B, P14 and P15.

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

3. This permission shall be implemented in accordance with the proposal as amended by letter and plans received on the 14 February 2012.

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

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

**REASON:** In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies G1, ENV1 and ENV16 of the Ribble Valley Districtwide Local Plan.

5. Precise specifications or samples of the fenestration and door details to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

**REASON:** In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies G1, ENV1 and ENV16 of the Ribble Valley Districtwide Local Plan.

6. Prior to the commencement of the development hereby permitted, details of the type, coursing and jointing of the natural stone to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built to conform with the details which shall have been so approved.

REASON: In the interest of the visual amenity of the area and so that the Local Planning Authority shall be satisfied as to the details and in accordance with Policies G1, ENV1 and ENV16 of the Ribble Valley Districtwide Local Plan.

7. Notwithstanding the details shown upon the approved plans, the proposed Velux roof lights shall be of the Conservation Type, recessed with a flush fitting, details of which shall be further submitted to and approved by the Local Planning Authority before development commences upon the site.

REASON: In the interests of visual amenity in order to comply with Policies G1, ENV1 and ENV16 of the Ribble Valley Districtwide Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2008 (or any order revoking or re-enacting that Order) any future extensions or external alterations to the dwellings hereby approved, 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 consent of the Local Planning Authority.

REASON: In order that the Local Planning Authority shall retain effective control over the site to ensure the future protection of the character and appearance of the Sabden Conservation Area in compliance with Policy ENV16 of the Ribble Valley Districtwide Local Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order amending, revoking or re-enacting that Order) none of the dwellings hereby approved shall not be altered by the insertion of any window or doorway without the formal written permission of the Local Planning Authority.

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

10. 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 additional or replacement walling or fences as defined in Schedule 2, Part II, Class A, shall not be carried out without the formal written consent of the Local Planning Authority.

REASON: In order that the Local Planning Authority shall retain effective control over the development in accordance with Policies G1, ENV1 and ENV16 of the Ribble Valley Districtwide Local Plan and in the interests of safeguarding any adjacent residential amenity or visual amenity.

11. The approved landscaping and planting scheme as indicated on Plan no's 264-01-Rev.C and 264-02-Rev.C shall be implemented in the first planting season following occupation or use of the development 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 Policies G1, ENV1 and ENV16 of the Ribble Valley Districtwide Local Plan.

12. Notwithstanding the details shown on plan drawing's 264-01-Rev.C, P14 and P15, prior to their use in the approved development, full details of the proposed P.O.S. benches, metal railings and close boarded timber fencing (including colours to be used) shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the appropriate use of materials on the site in order to protect the setting of the adjacent Conservation Area in accordance with Policy ENV16 of the Local Plan.

NOTES

- 1. Ribble Valley Borough Council imposes a charge to the developer to cover the administration, and delivery costs in providing wheeled bins to each household within a new build property or conversion. Details of current charges are available from the RVBC Contact Centre on 01200 425111.
- 2. The applicant is advised a Lancashire hedgerow mix consists of Hawthorn 60% with the remainder made up of hazel, guelder rose and holly 45cm bare rooted hedging plants.

APPLICATION NO: 3/2011/1049/P (GRID REF: SD 364840 430985)  
PROPOSED REPLACEMENT DWELLING AT ELSWICK FARM, MELLOR BROW, MELLOR

PARISH COUNCIL: Objects to the proposal on the grounds of overdevelopment.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections subject to the same condition relating to parking provision that was imposed on previous permission 3/2011/0163/P.

UNITED UTILITIES: Has no objections to this application.

ADDITIONAL REPRESENTATIONS: Three letters (two from the same person) have been received from nearby residents who express objections to the application for reasons that are summarised as follows:

- The proposed increase in height of the northern part of the building from the previous approval will lead to a loss of light, especially as the ground level of the neighbouring property is 1m lower than the application site. There is no reference to this height increase in the Design and Access Statement.
- The 2m high wall required by the condition on the previous permission is not shown on the plans. Even if this wall is again required and is built, it would be possible to look over it from the new patio doors resulting in a loss of privacy.



- The application is retrospective as development is ongoing; the original buildings were all demolished before Christmas 2011; and the building has already been largely rebuilt to the amended specifications in this current application.
- Concern that the “internal courtyard” referred to in the application relates to grassland that is outside the applicant’s ownership.
- When viewed in conjunction with other development at this site, including four holiday lets, the proposal represents overdevelopment.

## **Proposal**

I consider it appropriate in this case to refer to some recent planning history of this part of the site before describing this current application.

Permission was granted for the formation of two units of holiday accommodation (3/2009/0063/P). One unit was to be formed by the conversion and extension of a then existing building. The other unit would be a new build structure in the general area of a garage and stable building of modern construction that were to be demolished. This second unit was to have a footprint of approximately 28% larger than the buildings that it would replace. No works were commenced on the implementation of that previous planning permission.

Permission was then sought for the formation/erection of one dwelling in basically the same position as the two approved holiday lets (3/2011/0163/P). The traditional single storey building at the southern end of the group was to be retained and extended northwards to provide a single storey part of the proposed dwelling. This was to contain a garage, conservatory, bedroom with en-suite shower room, separate WC and a kitchen/breakfast room. A two-storey part of the dwelling was to be attached to the northern end of the single storey part. This was to contain a lounge/dining room occupying the whole of the ground floor with 2 bedrooms, each with en-suite bathrooms, on the first floor. In this way the previously proposed dwelling would have had an elongated footprint of irregular shape. Its single storey element was to be in approximately the same position as the approved single storey holiday let and its two-storey element was to be in roughly the same position as the approved two-storey holiday let. Again in common with the approved holiday lets, the northern elevation of the two-storey part of their dwelling contained a glazed curtain wall overlooking the adjoining farmland.

The building was to be of natural stone construction with a natural slate roof. The main eaves/ridge heights of the single storey section were to be approximately 3.6m/4.8m whilst the maximum eaves/ridge heights of the two-storey part of the dwelling were to be approximately 4.1m/6.2m.

In the Design and Access Statement submitted with this current application, the agent says that detailed costings obtained for the implementation of the approved scheme established that it would be more cost effective to rebuild the property in total rather than undertaking the expansive extension and renovation works. Permission is now therefore sought for a complete replacement dwelling with the following differences from the approved scheme:

1. The originally approved integral garage would now be additional living accommodation.

2. An additional bedroom/study would be formed in the roofspace above the former garage area. This would be illuminated by 4 no rooflights that were shown on the originally approved development plans.
3. Alterations to fenestration details in the western elevation overlooking the internal courtyard as follows:
  - A personnel door to the garage becomes a patio window to a lounge.
  - Two normal height windows to a bedroom become 1 patio window still serving the bedroom.
4. The ridge/eave heights of the two-storey element at the northern end of the building are increased from approximately 4.1m/6.2m to approximately 4.5m/6.5m.

The replacement dwelling is to be completed in natural stone on the primary elevations with rendered finish elsewhere under a blue slate roof with timber windows and doors throughout. Precise details of the stone and slate have been approved through a discharge of condition application relating to the previous conversion/extension scheme.

There is a hard surfaced area adjoining the eastern elevation upon which three cars could be parked.

### **Site Location**

The site is located to the north of Mellor Brow. It is served by a single width access track from Mellor Brow that runs parallel to the gable end elevation of a terrace of houses. The access track coincides the settlement boundary, which includes a terrace of properties to the east of the farm but excludes the farm itself and the properties to the south and west. Accordingly, the application site is located within open countryside just outside the settlement boundary.

The complex of buildings at Elswick Farm is adjoined to the south, east and west by residential properties and to the north by farmland.

### **Relevant History**

3/2002/0128/P – Change of use of tack room to general works accommodation. Refused.

3/2003/0055/P – Conversion of agricultural building to restricted a business use, self-catering accommodation. Refused.

3/2003/0865/P – Conversion of barn to form four holiday lets. Refused.

3/2004/0450/P – Change of use to form self-catering holiday accommodation. Approved subject to conditions.

3/2009/0063/P – Proposed creation of two holiday cottages. Approved subject to conditions.

3/2010/0416/P – Extensions and alterations to main farmhouse, Hey Moo. Approved subject to conditions.

3/2011/0163/P – Demolition of two outbuildings and conversion of a third to form a new detached dwelling. Approved subject to conditions.

## **Relevant Policies**

Policy G1 - Development Control.  
Policy G5 - Settlement Strategy.  
Policy ENV3 - Development in Open Countryside.  
Policy H2 - Dwellings in the Open Countryside.  
PPS3 – Housing.

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

As previously stated, the site of the proposed dwelling is within the open countryside but immediately adjoining the settlement boundary of Mellor. In general housing policy terms (including consideration of PPS3 and the fact that the Council cannot presently identify a five-year supply of housing land) it is considered that the provision of one dwelling on this site immediately adjoining the settlement boundary is acceptable in principle, as of course, already accepted by the existing permission 3/2011/0163/P.

The relevant detailed considerations relate to the effects of the proposed alterations to the approved scheme upon visual amenity, the amenities of nearby residents and highway safety.

### Visual Amenity

In common with the previously approved scheme, the development is to be carried out using natural stone and natural slates. Also, as with the previous scheme, I consider that the proposed dwelling would complement the existing group of buildings. I do not consider that the slight increase in the height of one part of the building, and the fenestration alterations would result in any harm to the visual amenities of the locality.

### Residential Amenity

As with the previously approved development, the dwellings that would be most affected by this amended proposal are numbers 50, 52/54, 56, 58 and 60 Mellor Brow to the south and west of the site.

In the western rear elevation of the approved scheme, there were a personnel door to the garage, and windows to a bedroom, an en suite shower room and a separate WC. The garage door has been replaced with a patio door to a lounge; the bedroom window has been replaced with a patio door, still serving the bedroom; the en suite shower room and its window have been deleted from the scheme; and the windows to the separate WC (that will be obscure glazed) remains unaltered. All of these windows are at ground floor level and will face a 2m high wall or fence that, as in the previous permission, will be required by a condition in the event that this application is approved. The heads of the two patio doors now proposed are no higher than the head of the bedroom window as previously approved. It was not considered that the previous proposal would result in any serious detriment to the privacy of adjoining dwellings. I do not consider that the alterations to the fenestration in the western elevation would in any way increase the potential for overlooking of neighbouring dwellings.

I do not consider that the very slight increase in the height of the two-storey part of the building would result in any loss of light to any neighbouring property.

I therefore consider the proposed amendments to the approved development to be acceptable in relation to the consideration of neighbours' amenities.

## Highway Safety

Although the previously proposed integral garage has been replaced by additional living accommodation, it will still be possible to park three vehicles within the curtilage of the proposed dwelling. The County Surveyor is satisfied with this level of provision and has no objections to this amended proposal on highway safety grounds.

## Additional Matter Relating to Trees

Until recently there was a group of 9 trees close to the site of the proposed building that formed Group 1 of the Elswick Farm Tree Preservation Order 1989. An arboricultural report submitted with application 3/2009/0063/P concluded that none of the trees were particularly worthy of retention. It recommended that 8 should be felled and replaced with appropriate stock in a more appropriate location. The ninth, a Sycamore, was recommended to be either removed or retained but that if it is retained, it should be the subject of remedial pruning and monitoring. The Countryside Officer visited the site and provided a visual amenity valuation of the trees in which he generally concurred with the conclusions of the applicant's arboricultural report. He considered the trees to be of little importance to the landscape and of "some" visual amenity value to people. Overall he considered that the visual amenities of the locality would benefit by the felling and replacement of these trees. A condition requiring replacement planting was therefore imposed on permission 3/2011/0163/P. A similar condition will be implemented in the event that this current application is approved.

## Conclusion

Overall, it is not considered that the proposed alterations to the previously approved development will result in any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

## SUMMARY OF REASONS FOR APPROVAL

The proposed dwelling is in accordance with the presently applicable housing policies and guidance and would not have any seriously detrimental effects upon visual amenity, the amenities of any nearby residents or highway safety.

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

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

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

2. This permission shall relate to the development as shown on drawing number WI/06Dwg02.

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

3. Prior to the first use of the dwelling hereby permitted, three parking spaces shall be formed within its curtilage to the satisfaction of the Local Planning Authority. Thereafter, the spaces shall be permanently retained and available for use by the occupiers of the dwelling.

REASON: In the interests of highway safety 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) (Amendment) (No 2) (England) Order 2008 (or any Order revoking or re-enacting that Order) any future extensions, external alterations to the building, including any development within the curtilage as defined in the Schedule to the Order, Part 1, Classes A-H shall not be carried out unless a further planning permission has first been granted in respect thereof.

REASON: In order that the Local Planning Authority can retain effective control over the development to ensure compliance with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. In the first planting season following the completion of the development or the first occupation of the dwelling (whichever is the sooner) a replacement planting scheme shall be carried out on land within the applicant's ownership to replace the trees, previously covered by a Tree Preservation Order, that have recently been felled. Precise details of the number (which shall be a maximum of 9) species and location of the replacement trees shall first have been submitted to and approved in writing by the Local Planning Authority. The replacement trees 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 which is removed, or dies, or is seriously damaged or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: To replace trees that have recently been felled in the interests of visual amenity and to comply with Policy ENV13 of the Ribble Valley Districtwide Local Plan.

6. Prior to the first occupation of the dwelling hereby permitted a 2m high wall or fence shall be erected on the rear (west) boundary of the proposed patio area in accordance with details that have first been submitted to and approved in writing by Local Planning Authority.

REASON: In the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

APPLICATION NO: 3/2011/1051/P (GRID REF: SD 374396 441431)  
PROPOSED EXTENSION AND REBUILDING OF EXISTING DECKING TO THE REAR OF  
THE PROPERTY (RETROSPECTIVE APPLICATION) AT 3 CHAPEL CLOSE, LOW MOOR,  
CLITHEROE

TOWN COUNCIL: No objections to this application.

ADDITIONAL REPRESENTATIONS: Three letters have been received from a neighbouring resident in Chapel Close and one letter has been received from a neighbouring resident in Riverside. The objections to the proposal made in the letters are summarised as follows:

1. The decking has been the subject of an Enforcement Notice and the appeal Inspector required its removal by

14 July 2011. It is therefore illegal and should not be the subject of a retrospective application. The application should therefore be refused as per the Planning Inspectorate decision.

2. Statements on the application form and in the Design and Access Statement are misleading and inaccurate.
3. Many of the reasons for the appeal failing are applicable to this application for a modification to the decking. Contrary to the appeal Inspector's opinion, the existing decking does adversely affect the privacy of no 2 Chapel Close as people are able to stand on the decking and look into the lounge of that property. As amended the proposed decking would still adversely affect the privacy of no 2 Chapel Close and also the privacy of properties at the rear on Riverside.
4. The decking is hollow underneath and echoes when walked upon. The applicant's two dogs use the decking and bark at each other and at people in neighbouring gardens causing a noise nuisance.

## **Proposal**

The application seeks retrospective permission for the retention of part of the structure at the rear of 3 Chapel Close, Low Moor, that has been the subject of an Enforcement Notice, an Appeal that was dismissed and prosecution proceedings. It is therefore considered appropriate in this particular case to describe the planning history of the property in general, and events relating to this specific structure, before describing precisely the element of the structure for which this application seeks retrospective permission. Planning permission was granted for a four-bedroom detached house on this plot under reference 3/2000/0410/P.

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

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

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

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

scheme. The dwelling was constructed in accordance with the permission and the required screen planting was carried out.

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

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

In July 2010, it came to the Council's attention that decking was under construction at this property at the higher level and extending across the whole of the rear elevation. This therefore constituted the development that had been specifically deleted from application 3/2006/1027/P in order to make that previous proposal acceptable and allow planning permission to be granted. The decking under construction also extended further to the rear than the upper level decking shown in that previous application.

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

An application seeking permission retrospectively for the structure (3/2010/0836/P) was eventually received on 15 October 2010. The development to which that application related comprised timber decking, a raised and projecting timber platform, fencing, trellising and a timber screen. The decking and projecting platform extended across the full 10.2m width of the property and projected 3.6m beyond the sunroom which is approximately 7.8m beyond the main rear elevation of the dwelling. It was constructed of wood and had a 1.2m high fence on its rear boundary and a 2m high fence on the side boundary to 2 Chapel Close. On the side boundary to 4 Chapel Close there was a trellis above a 1.2m high fence, giving a total height of 2m, adjoining which was an evergreen hedge. The void beneath part of the decking was enclosed by a close-boarded screen. The decking however, was cantilevered for a distance of 1.5m beyond that screen. The overall height of the structure (from the ground level beneath the western edge of the cantilevered edge of the decking up to the top of the 2m high side boundary fencing) was approximately 4.3m.

A report relating to application 3/2010/0836/P was prepared and placed on the printed agenda of the Planning and Development Committee meeting to be held on 25 November 2010. It was recommended in the report that retrospective permission be refused for four reasons and that formal enforcement action be instigated to secure the removal of the unauthorised structure. However, by email dated 22 November 2010, the applicant's agent withdrew the application. The report was not, therefore considered by the Planning and Development Committee at its meeting on 25 November 2010. The reasons for refusal as recommended in that report were as follows:

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

An Enforcement Notice requiring the removal of the structure was served on 7 February 2011. The reasons recommended for the refusal of the planning application (with some minor alterations to the wording) were the stated reasons for issuing the Enforcement Notice.

The applicants appeal against the Enforcement Notice was dismissed by an Inspector's letter dated 14 June 2011, in which the Inspector stated that the two main issues were the impact on the Riverside street scene and on the living conditions of neighbouring residents. In relation to these issues, the Inspector commented as follows:

- Looking at the context of the appeal site from Riverside, the gardens to no's 1 and 2 have been terraced in a similar manner to each other using structural timber, with planting on each of the several terrace levels. Although recently carried out and still yet to flourish, I am in little doubt that the planting will soften the retaining timber in an attractive manner. The garden to no 4 is less steeply sloping and is landscaped in a more natural manner. By way of contrast, the development at the appeal property is a large, cantilevered structure, creating a high level terrace, at broadly the same height as the ground floor of the dwelling. It appears as an alien and obtrusive feature contrasting sharply with both the character of its host dwelling and the setting of its neighbouring properties. The harmful visual impact is exacerbated by both the solid timber fence around the edge of the structure and the timber enclosing the void beneath the cantilevered structure.
- Turning to the impact on neighbouring residents, the use of the decking is capable of diminishing their privacy. However, I have taken account of the reasonable requirement of the appellant for a level and useable area to the rear of his dwelling, noting that there was previously an area of decking that was acceptable to the Council. I have also taken account of his rights to construct decking and fencing as permitted development under the terms of the Town and Country Planning (General Permitted Development) Order 1995, as amended (GPDO). I find that the additional extent of the decking that now exists compared to either the decking which formally existed, or that which could be constructed as permitted development, has only a very limited impact on the privacy of the occupants of either of the adjoining houses, no's 2 and 4, or of those dwellings in Riverside which face the appeal site.



- Of much greater concern to me is the overbearing and overshadowing impact of the cantilevered structure on the rear garden of no 4. It is so large, so close to the common boundary, that I judge its impact to be unacceptable. I note that there is coniferous planting alongside the new development which may remain, but I do not regard this as a good reason to find the impact on the residential amenity of the occupants of no 4 to be acceptable. I conclude that the development unduly harms their living conditions, contrary to the aim of RVDLP Policy G1.

Having dismissed the appeal, the Inspector gave a deadline of 1 month for compliance with a Notice. The required demolition works therefore should have been carried out by 14 July 2011. After this deadline had not been met prosecution proceedings were commenced which culminated in a Court appearance by the applicant on 22 February 2012 at which he pleaded guilty and was fined £1,000 (reduced from £1,500 due to his early guilty plea) and was ordered to pay the Council's costs.

Whilst the prosecution proceedings were being undertaken, the application to which this report relates was received on 21 December 2011. It seeks permission for the retention of some of the existing structure and has sought to address the appeal Inspector's reasons for dismissing the appeal (namely adverse effect on the street scene of Riverside, and overbearing/overshadowing effect on no 4 Chapel Close).

As now proposed, the decking/structure for the 3.3m of its width closest to no 4 Chapel Close would be significantly reduced in size. The projection of this section from the main rear wall on that part of the dwelling (the kitchen wall) would be reduced from the existing approximately 6.3m to approximately 2.3m. From that point 3.3m in from the northern side elevation of the property, the structure would then extend at an angle until it reaches a point approximately 2.2m beyond the rear wall of the sunroom and 5.7m beyond the line of the kitchen wall. Due to a stagger in the main rear elevation, that is 6.2m beyond the rear wall of the southern part of the dwelling which is a reduction from the existing projection of 7.8m.

The reduction in the size of the structure involves the removal of the whole of the cantilevered section of the structure. The fencing and trellising and the boarding beneath the structure remain very much as existing.

### **Site Location**

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

### **Relevant History**

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

3/20001/0495/P – Change of house type incorporating a conservatory to the rear. Refused.

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

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

3/2010/0836/P – Retrospective application for retention of decking, fencing and trellis. Withdrawn by the applicant.

### **Relevant Policies**

Policy G1 - Development Control.

Policy H10 - Residential Extensions.

Policy SPG – “Extensions and Alterations to Dwellings”.

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

In this particular report, a considerable amount of background information has been given in the “proposal” section. Leading on from this, the only question to be asked in the determination of this retrospective application is whether the proposed reduction in the size of the existing structure would satisfactorily address the reasons given by the appeal Inspector for dismissing the Enforcement Notice appeal.

Firstly, I consider it necessary to point out the matters that the Inspector did **not** cite as reasons for dismissing the appeal. He considered that the existing structure had only a very limited impact upon the privacy of no’s 2 and 4 Chapel Close and the dwellings on lower ground to the rear of the site in Riverside. Also, he did not in his decision letter say that the existing structure had any overbearing or overshadowing effects upon no 2 Chapel Close.

The Inspector also said that he took into account the reasonable requirements of the applicant for a level of useable area to the rear of his dwelling, noting that there was previously an area of decking that was acceptable to the Council. He also took into account the applicant’s right to construct decking and fencing as permitted development.

The Inspector did comment, however, that, in contrast to the terracing of adjoining gardens that used structural timber, the existing development at this property is a large cantilevered structure creating a high level terrace, at broadly the same height as the ground floor of the dwelling that appears as an alien and obtrusive feature contrasting sharply with both the character of the host dwelling and the setting of its neighbouring properties. He concluded that the existing development caused harm to the street scene of Riverside.

The Inspector also said that, what was of much greater concern to him was the overbearing and overshadowing impact of the cantilevered structure on the rear garden of no 4.

Bearing in mind the Inspector’s acceptance of the applicant’s reasonable requirement for a level and useable area at the rear of his dwelling, the proposed reduction in the size of the structure, including the removal of the cantilevered element, in my opinion would significantly reduce the impact of the structure on the street scene of Riverside. I consider the degree of that improvement to be sufficient to conclude that this particular objection to the existing structure would be satisfactorily addressed if the structure was reduced to the size for which retrospective permission is hereby sought.

The main area in which the structure is to be reduced in size is that part which adjoins the northern boundary of the site that the Inspector considered to have seriously overbearing and overshadowing effects upon no 4 Chapel Close. I consider that the removal of the structure in this area respects the applicant’s reasonable requirement to a level and useable area at the rear of his house whilst not having any seriously harmful effects upon the amenities of no 4. I

consider it appropriate to point out that the owners/occupiers of no 4 have not expressed any objections to this application.

Overall, I consider that the alterations and reduction in size of the structure in accordance with this application would result in a structure that would not be seriously detrimental to visual amenity or the amenities of any nearby residents. As such, I consider that permission can therefore be granted in respect of this application.

Such a permission, of course, would still require certain works of demolition to be carried out, and until those works have been carried out, the applicant remains in breach of the Enforcement Notice, and continues to be guilty of the offence for which he has already been prosecuted. The applicant has therefore been requested to provide a detailed description of exactly how and when the required demolition works will be carried out. Any such details received from the applicant will be reported orally to the Committee.

At the time of preparing this report it was only considered necessary to include an Informative Note on the permission to remind the applicant of the necessity to carry out the demolition works as soon as possible. As drafted, the period stated on that Note is 1 month but this could be discussed at the Committee meeting and amended if considered necessary following a consideration of the applicant's written stated intentions (should any be received prior to the meeting).

#### SUMMARY OF REASONS FOR APPROVAL

The alteration of the existing structure in order to leave only that part of the structure for which permission is retrospectively hereby sought would result in a smaller structure that would not have any seriously detrimental effects upon visual amenity or the amenities of any nearby residents.

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

1. This retrospective permission shall relate to the development as shown on drawing no TRI-XXXX-01/P02.

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

#### NOTE(S):

1. The applicant is reminded that the structure in its existing form continues to represent a breach of planning control in respect of which he is liable to further prosecution proceedings by the Council. The applicant is therefore advised that the demolition works required to comply with the permission hereby granted should be completed to the satisfaction of the Local Planning Authority within 1 month of the date of this permission.

APPLICATION NO: 3/2012/0001/P (GRID REF: SD 368639 432801)  
PROPOSED ALTERATIONS AND EXTENSIONS TO DWELLING INCLUDING REMOVAL OF  
DORMER WINDOW AND RE-MODELLING OF THE ROOF AT 6A SOMERSET AVENUE,  
WILPSHIRE

PARISH COUNCIL:

It is a large development, concerns about the massing as viewed from the end and rear of Vicarage Lane, and for no. 28 in particular. For no. 28 there are possible issues of loss of light. Though the planned development is to the east from the rear of Somerset Avenue, the proposed roof line is significantly higher than the row of existing houses on Vicarage Lane.

Privacy – there will be some overlooking at the rear of 8 Somerset Avenue, the crown of existing trees has been lifted so that the proposed new windows at first floor level will not be screened.

ENVIRONMENT  
DIRECTORATE (COUNTY  
SURVEYOR):

No objection to the proposal.

ADDITIONAL  
REPRESENTATIONS:

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

- The loss of privacy and associated amenities caused by the increase in height of the building.
- The proposal will visually have an overbearing impact as the present bungalow had a minimum impact on the residential amenity due to its height being limited.
- Consider the description of the works inaccurate as is more akin to significant works rather than minor alterations.
- No details are shown regarding the proposed rooflights.
- The extension is un-neighbourly by virtue of its size, design and visual impact and will overlook private living and leisure area of adjacent homes.

### **Proposal**

This proposal seeks to alter and extend the existing dormer bungalow with the creation of a more traditional two storey dwelling and would introduce an extension above an existing garage to the western side elevation to form a two-storey gable extension as well as a two-storey gable extension above the existing single storey bay projection to the front (southern) elevation. The overall size of the main footprint of the building measures approximately 17m x 13m with an overall height of 9.5m.

The proposal will also involve a rear single storey extension that would measure approximately 4m x 11.5m with a hipped roof incorporating a significant glazed dining room area. The revised total height of the building would be increased from approximately 7.3m to 9.5m. In relation to additional windows, the existing bungalow has no first floor windows on the front elevation and this scheme would incorporate windows serving bedrooms and en-suite on this elevation. The existing rear elevation had first floor windows in the form of a sloping dormer and this is to be substituted by traditional windows to serve bedrooms and en-suite dressing rooms as well as

roof lights on the main rear roofscape. The property is in essence within the same footprint of the building but would involve significant design changes to the rear elevations as well as an increase in roof height.

### **Site Location**

The property is located within a residential area which comprises predominantly detached two-storey dwellings. The property itself has an extensive rear garden and access to the property is from Vicarage Lane.

### **Relevant History**

None.

### **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 in this application relate to the visual impact caused by the alteration and any effects the proposal would have in relation to loss of residential amenity of adjacent properties by either virtue of overlooking or overshadowing as well as whether or not the extensions and alterations would detract from the character of the existing building.

In relation to overlooking, it is important to have regard to both the existing situation and whether or not the proposed alterations, which in this instance involve the introduction of first floor windows, would significantly make things worse than in the current situation in relation to overlooking issues and loss of privacy. Nos. 26 and 28 Vicarage Lane are located 10 metres west of the proposed development, however due to the fact that there are mature shrubs and trees close to the common boundary, they are sited at an obscure angle and the proposed window at first floor level to the western gable elevation of the property is to serve a bathroom (in which the glazing shall be conditioned as obscure glazed) any loss of privacy or overbearing impact will be minimal. It is normally the case that one would require 21m between habitable windows at first floor to safeguard residential amenity. Upon assessing the location of the existing property and the proposal from both the gardens and first floor rooms of neighbouring properties (No. 8 Somerset Avenue and 6 Somerset Avenue) it is clear that loss of privacy will be minimal. Views from the property will be at an obscure angle, also mature trees on the common boundary between the properties will offer some screening and there will remain a distance of over 40 metres from the rear elevation of No. 8 Somerset Avenue and the applicants property, as well as over 30 metres between the rear elevation of No. 6 Somerset Avenue and the applicants property. Due to the distance between neighbouring properties to the south-west and south-east, their obscure angle and existing boundary treatments which include mature trees and hedgerows, it is considered that there is adequate privacy distance between the main windows of the proposed property and the existing adjacent dwellings. Therefore whilst the proposal will result in some overlooking this would not be so significant as to warrant refusal of the application. I also consider that any overbearing impact and resultant loss of light will be minimal.

In relation to design, I recognise that there is a significant amount of work but this scheme still relates sufficiently to the local area in terms of form and building design, and as such it is considered that the proposed extensions would not involve a scheme that would detract from the visual amenity of the area.

I note the concerns of the Parish Council and the nearby residents but in this instance do not consider their comments to be particularly valid in terms of privacy or overbearing impact when having regard to the Councils planning documents and in particular the adopted SPG on extensions.

Therefore, in consideration of the above I do not consider this application would cause a significant detrimental impact on nearby residential amenity nor would it have an adverse visual impact. As such, the application is recommended accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

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

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

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

2. This permission shall be implemented in accordance with Drawing Nos. 4198-01A in relation to the existing site plan, 4198-06 in relation to the proposed site plan, 4198-04A in relation to the existing floor plans and elevations and 4198-05A in relation to the proposed floor plans and elevations.

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

3. Notwithstanding details of the proposed materials indicated on Drawing No. 4198-05A the materials used in the external finish of the approved extensions and main property, as well as the slate used for the roof shall be of the colour and type as detailed in the submitted document entitled 'External Material Information' dated the 9<sup>th</sup> of February 2012.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) the eastern and western side elevations of the property at first floor level shall not be altered by the insertion of any window or doorway.

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 window on the western side elevation of the property at first floor level serving the bathroom shall be obscure glazed to the satisfaction of the Local Planning Authority and remain in that manner in perpetuity.

REASON: In order to protect 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”.

6. No development shall take place until an updated protected species survey has been carried out during the optimum period of May to September and the findings of the updated survey shall be submitted to the Local Planning Authority Countryside Officer and Natural England.

If such a use by a protected species of any part of the land or any buildings included in the planning permission granted is established, a mitigation scheme including appropriate protected species license details shall be submitted to and agreed in writing by Natural England and the Local Planning Authority Countryside Officer before any work commences on the approved development. The actions, methods and timings included in any mitigation measures or conditions identified of any Natural England License shall be fully implemented and adhered to. In the event that any bats are found, disturbed or harmed during any part of the development work, work shall cease until further advice has been sought from a licensed ecologist.

REASON: To comply with policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan ensuring there are no adverse effects on the favourable conservation status of a bat population protected by the Wildlife and Countryside Act 1981.

APPLICATION NO: 3/2012/0010/P (GRID REF: SD 375156 438116)  
PROPOSED DEMOLITION OF ALL BUILDINGS ON SITE (EXISTING HOUSE, KENNELS AND VARIOUS OUT BUILDINGS) AND ERECTION OF DWELLINGHOUSE INCLUDING BED AND BREAKFAST ELEMENT AT THE EAVES, PENDLETON ROAD, WISWELL

PARISH COUNCIL: In relation to the originally submitted application stated that they object on the grounds that it contravenes the following Local Plan policies:

1. G1 (a) and (e) – the size of the proposed development will adversely affect the amenities of the surrounding area.
2. ENV1 and ENV2 – the AONB and area immediately adjacent to the AONB must be protected, conserved and enhanced.

3. ENV3 – the development is not in-keeping with the character or the landscaped area and does not reflect local vernacular, scale, style, features and building materials.
4. H2 – the development does not meet the criteria for dwellings in the open countryside. The proposed dwelling does not solve a housing need.
5. PPS7 – the plans are not of exceptional quality or of an innovative nature.
6. The development will be detrimental to the street scene from Pendleton Road and from the A59.
7. Policy RT1 – the development is not well related to the public transport network as the nearest connection is 1½ miles away.
8. Policy H14 para 5.12.6 – The development should be classed as a new build in open countryside, not a replacement dwelling. The hybrid use of the development is not sufficient to merit a relaxation of Policy H14. The ratio between employment and residential should be in the order of 40% residential and 60% employment (broadly the current use of the existing site between the bungalow and kennels) but this is not the case on this planning application.

In addition, the Parish Council wish to make the following comments:

1. The property is out of keeping with its neighbouring properties which are bungalows. The scale of the property (13 bedrooms plus swimming pool) has all the makings of a spa hotel.
2. The property to be demolished has only recently been refurbished.
3. The properties used as illustrations in the Design and Access Statement are very old houses set in extensive grounds not next to a country lane.
4. Concerns regarding traffic both during demolition and construction phases.
5. Reference to another site and issues surrounding trying to obtain consent for a barn conversion.



6. If consent is granted then a request that hours of working be imposed for construction and that construction of the building and associated landscaping be complete within 24 months from the date of commencement of development.
7. A property of such a large scale will have a significant visual impact on the AONB. It would dwarf surrounding properties and impact on long range views.
8. The name Wiswell Hall has already been used, the building existed for hundreds of years.

In relation to the subsequent amendment to reintroduce the bed and breakfast element maintain their strong objections outlined above and add the following comments:

1. The application should be treated as a new build in the open countryside and not as a replacement dwelling.
2. The B&B is not supported by a business plan. As the original application did not refer to a B&B business, the Councillors are concerned that this is not the true intended use of the property, nor will it be a viable business.
3. The amended plans show a gross area of 272m<sup>2</sup> of the dwelling to be used for the B&B business. As this figure includes a dining area on the ground floor that is a shared space used by the family and not solely as part of the business, this space should not be included in the calculations of business use.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Informally has expressed no objection in principle on highway safety grounds.

LCC (ECOLOGY):

Provided mitigation and compensation can be secured by imposition of planning conditions, the proposals will be in accordance with the requirements of the biodiversity planning policy guidance and legislation.

UNITED UTILITIES:

No objections to the originally submitted scheme nor in relation to revised scheme.

ENVIRONMENT AGENCY:

No objection in principle to the scheme.

CPRE RIBBLE VALLEY  
DISTRICT GROUP:

Are of the opinion that there is insufficient evidence of a material change to justify a resubmission. Therefore object on the grounds as previously stated below and feel permission cannot be granted for what is substantially the same proposal.

1. G1 – the size and grandure of the development would dramatically affect neighbouring properties because of their single height structure. One property is within 20m of the development and this would result in an overbearing presence causing unnecessary distress to the present occupiers and would trigger undue harm with regard to residential amenity and visual impacts.
2. ENV1 – the development will have a significant impact on the setting of the AONB due to the proposed imposing structure and scale within the existing lowland fringe farmland.
3. ENV2 – the size of the proposed development located within a landscape of much less intrusive properties and the open, undulating features of the landscape would only exaggerate the dominant nature of the proposed development subsequently making it stick out like a sore thumb, resulting in the views from the AONB will not be enhanced but will in fact be degraded.
4. ENV3 – the imposing structure would not be in-keeping with the character of the area.
5. H2 – the criteria iterates the importance of considering the siting and design of dwellings and a countryside mansion would most probably not fall into the category as solving a required need.
6. PPS7 – CPRE fails to see any architectural innovation in the design and the documentation fails to provide a sustainability assessment, so the design cannot be judged on those credentials.

ADDITIONAL  
REPRESENTATIONS:

Ten letters of objection have been received to the originally submitted and subsequently amended plans. Members are referred to the file for full details which can be summarised as follows:

1. The intrusive scale of the development is not considered appropriate for the selected site.
2. Approval could set a precedent for total site re-development along this stretch of road where it is considered there has been a policy of retaining bungalows to protect the views.
3. A manor house of this scale and proportion would be much more appropriate in an area with a long sweeping drive.

4. A critique of the submitted design and access statement is provided by one objector.
5. Reference to planning advice given on a neighbouring site historically regarding extensions to a dwelling and concerns expressed about extending upwards to create a two storey dwelling.
6. An over reliance on calculating the footprint of the new building compared with the existing property plus all manner of outbuildings.
7. Over bearing nature of development which would over shadow an adjacent property.
8. Loss of privacy with the designated bed and breakfast bedrooms having direct views of a neighbour's property and garden.
9. The architecture of the property is out of character with neighbouring properties and the village as a whole.
10. Concerns over the viability of the project and possible potential for other future uses – no doubt that this is intended for use as a 14 bedroom hotel.
11. If looking at Policy G5 this allows for small scale developments which are small scale tourism developments and small scale recreational developments appropriate to rural area. It could be argued that the inclusion of a bed and breakfast business is an attempt to circumnavigate rural planning policies.
12. Concerns over traffic generation. At the moment the kennels traffic is confined to working hours which would change with the introduction of this business. There is no public transport within walking distance.
13. The kennels are a thriving business and the loss of employment needs to be considered.
14. Contrary to ENV1, ENV2, ENV3, G1 and H14.
15. The repositioning of the building on site from the previously refused scheme does not address the reasons for refusal and makes it more visible.
16. Reducing the number of bedrooms is such a minor change that the rooms created in place of previously shown bedrooms eg dressing rooms could be converted back to bedrooms at any time.

17. There should be a restriction on floodlighting.

One letter has been received stating that the new layout is not considered to have a detrimental effect on the property directly opposite the site and that they are in favour of the proposal should it go to Committee.

### **Proposal**

This application details the proposed demolition of an existing dwelling, The Eaves, and kennels and replacement with a major new residence that incorporates bed and breakfast accommodation and ancillary facilities – it is a resubmission of a previously refused scheme submitted under 3/2011/0498/P.

The house is designed around a compact 'E' plan over four levels with the basement level sunk fully into the ground and the top floor being contained within the roof space. The formal reception rooms (drawing room and billiard room) are contained within the northern wing whilst the family areas are located predominantly in the southern wing. Guest accommodation is located at the second floor level (two bedrooms). There are 8 en-suite bedrooms in total arranged over the first and second floors. The basement level provides accommodation for stores/plant room, garaging, cinema/games room, sauna, changing rooms and swimming pool – the pool is an extension beyond the side elevation of the dwelling but given it is sunk into the ground presents itself as a raised terraced area when viewed from the west.

The dwelling would have overall dimensions of approximately 32m in length and 25m in depth to the northern wing, 19m to the southern wing with a height to ridge of approximately 10m. Construction materials would be dressed of stone, slate tiles, metal windows and timber doors.

In this resubmitted scheme the proposed building has been moved south within the site by approximately 10m and west by 8.5m and these alterations increase the amount of garden between Pendleton Road and new property and increases the distance to the dwelling to the north. Moving the house down the site also reduces the impact of the ridge line in long range views. Proposed formal landscaping will be contained within the existing developed boundaries of the site with the remainder of land being retained as semi improved grassland. The area of land between the proposed building and Pendleton Road will be planted as a formal garden, retaining existing trees and including the planting of new. Two vehicle access points into the site will be maintained allowing for a one way drive across the front of the building. This will involve the widening of the gap in the hedge of the existing vehicular access to allow for visibility splays. New gateposts would be constructed set back from the road allowing vehicles to pull off the highway before stopping at the gates. There are three garage spaces within the basement for family use and an additional six spaces provided off the driveway adjacent to the south entrance.

### **Site Location**

The site lies to the west of Pendleton Road outside the defined settlement limit of Wiswell. It is set in land designated open countryside with the boundary to the AONB aligning the eastern side of Pendleton Road. There is presently a dwelling and kennels on site with a property located to the north of the site and opposite to the east.

## **Relevant History**

3/2011/0498/P – Demolition of all buildings on the site (existing house, kennels and various outbuildings) and erection of a new dwelling incorporating a bed and breakfast business. Refused 12 January 2012. Appeal submitted.

3/08/0799/P – Construction of balcony and orangery to rear, two rear windows, front dormer and detached garage. Approved with conditions.

3/07/0009/P – Single storey extension to rear, bedroom over garage, new canopy, stone facings to two elevations and new roof covering. Approved with conditions.

3/07/0008/P – Amended extension to cattery. Approved.

3/04/0991/P – Extension to cattery. Approved.

3/99/0338/P – Single storey garage extension. Approved with conditions.

3/92/0088/P – Modification of conditions to permit further kennel facilities. Approved.

3/90/0123/P – Single storey detached cattery. Approved with conditions.

3/89/0599/P – Outline application for erection of building to be used as cattery. Approved with conditions.

## **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV2 - Land Adjacent to Area of Outstanding Natural Beauty.

Policy ENV3 - Development in Open Countryside.

Policy ENV13 - Landscape Protection.

Policy RT1 - General Recreation and Tourism Policy.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Policy H14 - Rebuilding/Replacement Dwellings - Outside Settlements.

Policy EMP11 - Loss of Employment Land.

Policy DP1 - Spatial Principles – North West of England Regional Spatial Strategy to 2021.

Policy DP2 - Promote Sustainable Communities - North West of England Regional Spatial Strategy to 2021.

Policy DP7 – Promote Environmental Quality - North West of England Regional Spatial Strategy to 2021.

Policy RDF2 – Rural Areas - North West of England Regional Spatial Strategy to 2021.

Policy W6 – Tourism and the Visitor Economy - North West of England Regional Spatial Strategy to 2021.

Policy EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets - North West of England Regional Spatial Strategy to 2021.

PPS1 – Delivering Sustainable Development.

PPS7 – Sustainable Development in Rural Areas.

The Good Practice Guide on Planning for Tourism.

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

The matters for consideration in the determination of this resubmitted application are the principle of development, highway safety, visual and residential amenity and whether revisions to the scheme address the previous reasons for refusal. For Members' information when initially submitted the scheme did not include the bed and breakfast element but was subsequently amended to include that commercial/tourism element in addition to the private residential accommodation. For ease of reference the key issues are broken down into the following sub headings for discussion.

### **Principle of Development**

In terms of assessing the appropriateness of this scheme, there are various saved policies of the Districtwide Local Plan that the proposal should be judged against. There is an existing dwelling on site and Policy H14 of the Plan allows for the demolition and replacement of dwellings in the open countryside subject to a number of criteria – in particular *(ii) 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.* The remainder of the site is currently an existing employment use (kennels) and Policy EMP11 of the Plan concerns itself with the loss of employment land. In particular one of its criteria seeks to establish *(v) any attempts that have been made to secure an alternative employment generating use for the site.*

The proposal that is before Members is in part a private dwelling but also an employment generating tourism use. Details provided on the application form state there are two full time employees at present and that should consent be forthcoming, two full time and one part time jobs would be created in order to service the bed and breakfast accommodation within this scheme. Given the details submitted, I am satisfied that the requirements of EMP11 have satisfactorily been addressed. I am also mindful of Policies G5 and RT1 of the Plan that advise outside settlement/village boundaries planning consent will only be granted for small scale developments, which are amongst other things, small scale tourism developments appropriate to a rural area. Under RT1 the proposal must be physically well related to an existing main settlement/village or to an existing group of buildings. I am of the opinion that the nature of use of the building proposed and its location in relation to other buildings would accord with these criteria of G5 and RT1. Thus, in terms of the actual principle of a development of this nature, which represent a hybrid residential/tourism,/employment use, I am satisfied that it accords with planning policy (the relaxation on size of the dwelling under H14 is a reflection of its hybrid uses). There are however, other detailed development control considerations that need to be explored in order to assess the impact of the proposal and these are detailed below.

### **Highway Safety**

Whilst the formal observations of the County Surveyor had not been received at the time of report preparation, informally he has expressed no objection in principle to this development. In relation to the previous scheme he questioned the retention of two points of access to the site but confirmed verbally that he would not wish to recommend refusal of that scheme should the arrangements remain in their originally submitted form.

The additional vehicular activity associated with this development would derive from two sources – two rooms operating as commercial B&B business and a 6 bedroom family home. It is not anticipated that traffic movements generated by such an establishment would place any significant burden on the capacity of the road. The layout provides for three garage spaces, an

extensive driveway and a six vehicle car park and this level of off street parking provision is considered sufficient to meet the anticipated domestic and commercial uses of the development.

Therefore, notwithstanding concerns expressed over highway safety matters, I must be guided by the County Surveyor and conclude that there would be no significant detriment to highway safety as a result of this scheme's implementation. Members are reminded that this did not constitute one of the previous reasons for refusal and the total number of private bedrooms has been reduced to 6 (the refused scheme had 13 en suite bedrooms – 4 of which were for B&B use).

#### Visual Amenity/Scale/Layout/Design

As noted earlier, the site lies outside any defined settlement limit within land designated open countryside but on the fringe of the AONB. For these reasons, Policies ENV2 and ENV3 of the Districtwide Local Plan must be considered when assessing the visual impact of the scheme as well as the criteria of RT1 that stipulates *the development should not undermine the character, quality or visual amenities of the Plan area by virtue of its scale, siting, materials or design*. G1 is also of relevance as it requires development to be sympathetic to existing and proposed land uses in terms of size, intensity and nature.

Indeed this was of concern to Members previously with one of the reasons for refusal given on the previous scheme stating:

*The proposal by virtue of its scale, design and massing is not considered to reflect adequately the local vernacular and as such would have a significant detrimental impact on the setting of the Area of Outstanding Natural Beauty and in particular the views of Pendle Hill enjoyed from the northwest. An approval would thus be to the detriment of visual amenities of the area and contrary to the provisions of Policies G1, ENV2 and ENV3 of the Ribble Valley Districtwide Local Plan.*

In order to address this issue the applicants have sited the proposed building further to the west of the site in order to make greater use of the fall of the land to mitigate the height of the building (a reduction of approximately 350mm over the previous application).

As Members will note from the planning history section of this report, the existing house on site has been subject of extensive alterations to its post war construction. The kennel buildings are also detailed in the planning history section. There is currently vehicular access into the site off Pendleton Road via driveways to both the house and kennels. The existing buildings are separated from the agricultural land to the north western end of the site by a hedge and timber panel fence. All of the development proposed under the previous application was contained within this boundary with the residential dwelling to the north being similarly constrained whereas the revisions to the siting of the building now under consideration mean an encroachment into that land.

The applicant has put forward a design rationale as part of their design and access statement and they suggest that the Ribble Valley around Clitheroe is home to a series of major country houses and the proposal to create a new 'Wiswell Hall' is conceived as a continuation of this long tradition. The applicant has looked at examples of local vernacular to take inspiration from places such as Mitton Hall, Stirk House, Browsholme Hall and Hammerton Hall in Slaidburn. From such analysis, they consider that stylistically, there is a clear language of 'E' form or variant plan arrangements, raised plinths, string course, corniced eaves and gables with finial

details. Using this 'local language' the applicants consider they have put forward a proposal which is rooted in and appropriate to the local landscape character.

Given the location of the site on the fringe of the AONB there have been previous consultations with the AONB Manager at Lancashire County Council. This was as part of the pre-application discussions that took place in relation to the previous submission and his comments at that time were as follows:

*The estate country house style has some resonance in the wider Pendle Hill area but the development clearly meets a modern need that is quite different from early country houses of this scale and therefore does not have all the features that might be associated with a typical country house of an earlier century, eg it is not set within the traditional landscape setting with planned landscaping of woodland, copses with pastures dotted with parkland trees, with a main house approach by tree lined driveways. It therefore has to be assessed in the modern context.*

*In the photo montages, although Pendle Hill remains the dominant feature, its dominance is visually challenged by the large scale manmade structure proposed. The views benefit from the building being seen in the larger frame of the hillside, rather than the building being seen as breaking the skyline.*

That scheme was revised prior to submission as a formal application in order to reduce the length of the building. In respect of the previously refused application scheme the officer at LCC Landscape Unit commented that:-

*the building as proposed does have much to commend it and, arguably, could be regarded as a positive feature in the landscape. The applicant has made a positive and largely successful attempt at designing a building which reflects much of the area's 'country house' vernacular, scale, form and massing such as that exhibited at Mitton hall (3.4km away). The proposals would consolidate the extent of development at the site by unifying the current collection of irregularly arranging buildings into one distinctive structure. Visibility of the application site from areas to the north and south are limited by the filtering effects of field boundary trees, hedging and buildings.*

*Taking into account the issues relating to location and scale described above, I conclude that the proposed building would likely have the following landscape and visual impacts:*

*a) localised landscape character impacts of **negligible – slight** significance.*

*b) localised landscape amenity impacts, particularly for users of public rights of way to the west and south east of the site, of **moderate significance**.*

*c) localised impacts of **moderate** significance on the setting and character of the AONB.*

*However there is considerable potential to mitigate these likely landscape and visual impacts to acceptable levels by native tree planting to the west of the building to filter views of it. The planting should be designed to reflect the 'parkland' style (just as the building has taken inspiration from others in the area) such as that found at Mitton Hall and Browsholme Hall; and provision of native shrub planting along the site's northern boundary to enhance the mitigating effects of the boundary trees.*

*Much greater amounts of tree/shrub planting would create a bolder landscape structure appropriate for the scale of the proposed building and the area's landscape character. This*



*planting would greatly reduce visibility of the site from the footpath network to the west of the site. Crucially, from the elevated areas within the AONB to the south east of the site, the building's rooftop would be seen within a more substantially wooded area greatly reducing its presence in the landscape.*

Whilst the AONB Officer at LCC has not been re-consulted on this latest revision, I am of the opinion that the repositioning of the building further into the site does go towards meeting the concerns expressed previously by Members in respect of the need to set the building within a more traditional landscape setting ie further back from the roadside. Moving the built form further down the slope of the land and a greater distance from the dwelling to the north would also move towards a more traditional standalone setting with landscaped grounds surrounding.

Therefore, after carefully considering the above, I am of the opinion that whilst this is a sizeable building, its visual impact would not prove so significantly detrimental to the visual amenities of the area and setting of the AONB as to warrant an unfavourable recommendation on design grounds.

### Residential Amenity

In assessing the potential impact of this scheme on residential amenity, I am mindful of the properties that lie to the north and east of the site and the second reason for refusal given on the previous scheme which stated:

*The proposal is considered by virtue of its scale, siting and design to have a detrimental impact on the amenities of a neighbouring property by virtue of the overbearing nature of the development with overlooking of private garden areas. It is thus contrary to provisions of Policy G1 of the Ribble Valley Districtwide Local Plan.*

The proposed house is now positioned approximately 28m from the northern boundary and is set further back into the site than the existing dwelling (approximately 25m from the roadside to the southern wing and 41m to the main central section of the property). The dwelling to the north is set approximately 18m from the common boundary and has a driveway/parking area that runs along the site boundary. The private garden area is set to the rear of the property with there being a belt of trees that runs down the boundary division. The elevation of the new building that faces towards that property has windows serving a billiard room and dining room at ground floor, with two family bedrooms and bathrooms at first floor and two bed and breakfast bedroom and bathroom windows at second floor. Having regard to the distances involved, and positioning of the new build in relation to the aforementioned existing house (front building line is set behind the existing dwelling and its rear garden area) I do not consider that the potential impact on them in terms of overlooking or oppressive or overbearing nature of development would be so significant as to warrant an unfavourable recommendation on residential amenity grounds. I am of the opinion that the repositioning of the building does address the previous reason for refusal in respect of its relationship with the neighbouring property.

Turning to the property opposite the site, the repositioning of the building means that there would be an impact on long distance views across the site from that property. The provision of the swimming pool in a basement area does reduce the impact for the neighbour when looking in a south westerly direction (their present outlook is between the existing dwelling and on to the kennel building) but there would now be the mass of the southern wing directly opposite the existing bungalow. There would be a distance of approximately 45m between the front elevation of the bungalow and extended southern wing of the new building. However having

carefully assessed this relationship I do not consider that there would be any significant detrimental to impact upon them.

Therefore, having carefully assessed all the above, I am of the opinion that the proposal accords in principle with planning policy and whilst substantial in size would not have a significantly detrimental effect on visual or residential amenity nor would such a use be to the detriment of highway safety. An extended phase 1 survey was submitted in support of the application along with arboricultural assessments. Subject to the imposition of appropriately worded conditions, nature conservation interests should not be significantly compromised as a result of this scheme's implementation. I thus recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

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

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

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

2. This permission shall be implemented in accordance with the scheme as detailed on drawings:

105/01(02)001REVB; 105/01(00)002; 105/01(02)003REVD; 105/01(02)004REVB;  
105/01(02)005REVB; 105/01(02)006REVB; 105/01(02)007REVC; 105/01(02)008REVA;  
105/01(02)009REVB; 105/01(02)010REVB; 105/01(02)011REVB; 105/01(02)012REVB;  
105/01(02)013REVB; and 105/01(02)014REVB.

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

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

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

4. Prior to the commencement of the development hereby permitted, details of the type, coursing and jointing of the natural stone to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built to conform with the details which shall have been so approved.

REASON: In the interest of the visual amenity of the area and so that the Local Planning Authority shall be satisfied as to the details and in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

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

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

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

6. This permission shall relate to the Extended Phase I Habitat Survey; Stage 1 Arboricultural Report with Tree Constraints Plan and Arboricultural Implications Assessments to aid in the size and design/layout and stage 2 arboricultural indications assessment and method statement submitted with the application. All details shall comply fully with recommendations of those reports.

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

7. Unless otherwise agreed in writing with the Local Planning Authority the development shall be carried out in strict accordance with the recommendations and mitigation notes attached to the protected species survey submitted with the application dated 25 May 2011.

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

APPLICATION NO: 3/2012/0022/P (GRID REF: SD 373629 436992)  
PROPOSED GROUND FLOOR AND FIRST FLOOR EXTENSION AND REMODELLING TO HOUSE AND GARAGE. AMENDED RESUBMISSION OF 3/2011/0555 AT 3 SPRINGFIELD CLOSE, WHALLEY

PARISH COUNCIL: Whilst not objecting, observe that the increased height of the amended proposal, particularly above the garage, is likely to create a substantial continuous development which will dominate the street scene at the northern end of Springfield Close.

**ADDITIONAL  
REPRESENTATIONS:**

Five letters have been received, three of which are from neighbouring residents and two from an agent acting on behalf of residents who wish to make the following objections:

- Scale and size of proposal above the garage is not acceptable resulting in a large and continuous property frontage which is forward of the official building line of the main house.
- The proposal may affect the foundations of the garage, which has a gas and water main underneath.
- Level of development and changes to height so near to the boundary will look inappropriate to the area.
- Obtrusive development resulting in loss of visual amenity and privacy.
- Loss of light to property and garden.
- Materials are inappropriate.

**Proposal**

Consent is sought to remove the existing lean-to porch extension to the front (south-eastern) elevation of the property and erection of a single storey hipped roof porch extension constructed of rendered walls with a slate and lead roof to the centre of the existing western gable fronted two-storey extension measuring 2.6m x 2.4m x 3.6m in height with a covered lean-to canopy to either side of the main property with a slate roof. A first floor extension is proposed above the existing single storey I-shaped extension to the south-western gable elevation and rear of the property, measuring 4.8m x 10.3m x 7.3m in height to the ridge to match the main property constructed of weatherboarding to the front elevation, rendered walls to the rear with a slate roof.

Permission is also sought to increase the size of the existing detached garage with attached rear extension eastwards, in order to link the development to the main property at ground and first floor level. Following initial plans, amended plans have been received which has reduced the width of the garage to match that of the previously approved decision (3/2011/0555), the garage is not to project forward of the existing building line, the length has been reduced by 0.7 metres and the piked dormer to the front roofslope has been removed. As a result the proposal now results in an extension at ground floor level measuring 8.5m x 13.3m x 6.2m in height to the ridge with a hipped roof above providing an additional bedroom and a piked dormer to the rear roofslope, to be constructed of rendered walls to the front and both side elevations with weatherboarding to the rear and a slate roof. In addition, a single storey hipped roof extension is to be attached to the north-eastern side elevation of the proposed gable fronted rear two-storey extension measuring 3.7m x 3.7m x 3.9m in height to the ridge constructed of rendered walls with a slate/lead roof. Alterations are also to be made to the fenestration details of the property which are to include horizontal sail cloth coloured fibre cement boarding to face the majority of the property at first floor level to the front elevation and alterations to the size of existing window openings to the front and rear elevation.

**Site Location**

This application relates to a large detached property sited within a substantial plot at the head of Springfield Close off Wiswell Lane, just to the north of, and outside, the main settlement of Whalley and the designated Conservation Area.

## **Relevant History**

3/2011/0555 – Proposed ground floor and first floor extension and remodelling to house and garage. Works to include external elevational treatments. Formation of a new balcony to the first floor master bedroom to the rear elevation. Approved with Conditions 19<sup>th</sup> September 2011.

## **Relevant Policies**

Policy G1 – Development Control  
Policy ENV3 – Development in Open Countryside  
Policy H10 – Residential Extensions  
Policy SPG – “Extensions and Alterations to Dwellings”

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

Matters for consideration are the visual impact of the proposal upon the appearance of the property and locality, as well as potential impact upon neighbouring residential amenity.

I note the concerns from neighbouring residents with regards to the scale and size of the proposed extensions. Members should note that permission has previously been granted (3/2011/0555) for an extension above the existing single storey extension to the south-western side elevation of the property and an increase to the width of the garage to the front and rear elevation at ground floor level of the same dimensions as detailed in this application. No objections were received from the parish or neighbouring residents in relation to the previous application. Also of note is that aspects of the previously approved scheme have been omitted from this re-submission, including a large two-storey gable fronted rear extension with attached single storey conservatory, rear balcony and alterations to the number and size of windows to all elevations.

Considering that the first floor extension above the existing single storey extension has been previously approved and was considered appropriate in scale, size and design I see no reason to refuse this current application on the basis of this aspect of the proposed extensions. In addition I consider that the proposed porch extension to the front elevation will appear subservient against the main property, and as it is set well back from the main road and that large detached properties of varying design and materials are typical of this area the alterations to the fenestration details to some of the elevations will have minimal impact upon the overall appearance of the property within the locality.

Due to the size of the plot that the dwelling is located within, a review of the planning history reveals that extensions have been approved incrementally to the original property. These have included a single storey extension to the south-western side and rear elevation of the property, a two-storey gable fronted extension to the north-eastern side elevation of the property, a detached garage to the south-western gable elevation which was approved forward of the original building line with a further extension approved to the rear. As a result there is no evidence when viewing the property as it exists today of what was formally the original dwelling.

I note that the majority of the objections raised are in relation to the alterations proposed to the existing garage and in particular the addition of a hipped roof above. A letter received from an agent acting on behalf of resident's notes that the extensions equate to more than a 33% increase to the original property, which is contrary to the Councils SPG in relation to extensions of properties within the Open Countryside. Whilst I note that the property has been previously extended I consider that the scale, size and design of this aspect of the proposal is appropriate.

It is important to emphasise that irrespective of guidance documents in relation to percentage increases it is important to have regard to whether there is a material harm resulting from any proposal. The property is currently viewed as a substantial size and benefits from a large plot that can accommodate the proposed extensions without appearing cramped in appearance. The property is just outside of the main designated settlement of Whalley and according to the proposals maps is within Open Countryside. However in this instance it is considered that the development is appropriate as the property is not set within a traditional 'rural locality', but is in fact surrounded by other large detached residential properties that have been extended. Therefore the appearance of the property as a result of the proposed extensions will not appear wholly obtrusive or incongruous but reflect the scale of development that can accommodate large detached properties of this type with extensive curtilages within this area, whilst ensuring that there is minimal impact upon the appearance of the street scene and locality.

The ridge height of the extension above the garage will be set down from the main ridge height of the property by 1 metre, and as the ridge height of the garage is 3 metres, the roof is to be hipped and the roofslope which will form a link at first floor level will be set back 3 metres from the front roofslope of the extension above the garage, the bulk of the extension will not be as visually dominant as it appears on plan form as viewed to the front elevation. The proposal will in fact slope away from the built development at ground floor level thus appearing subservient to the main property satisfying Policy G1 and H10 of the Ribble Valley Districtwide Local Plan and the Councils SPG 'Extensions and Alterations to Dwellings'. In addition, as the property is sited 120 metres down an existing private driveway off Wiswell Lane it is not clearly visible within the public realm, and as such; the proposals will result in the appearance of a property that has minimal impact upon the street scene.

I note the concerns from neighbouring residents with regards to the obtrusive nature of the development to, and above the garage. The extension to the garage will not extend the south-western elevation further towards the common boundary shared with No. 4 Maple Close. It is considered that increasing the length of the detached garage with extension to the rear by 2.4 metres and the hipped roof design, which will slope away from the neighbouring boundary, will have minimal impact upon neighbouring residential amenity. The design of the roof as opposed to a pitched roof design ensures that the bulk of the extension is reduced, and as the rear elevation of No. 3 and 4 Maple Close is over 17 metres from the south-western boundary of No. 3 Springfield Close I do not consider that this aspect of the proposed extensions will appear significantly oppressive or overbearing so as to warrant refusal of the application.

The previously approved scheme included three windows at first floor level to the south-western side elevation of the main property and this application does not include any windows to this elevation thus removing any concerns regarding the privacy of neighbours to the south-west of the applicants property. Notwithstanding this, there currently exists a distance of 20 metres from the south-western side elevation of the detached garage and the rear elevation of properties opposite. To safeguard privacy, and if members are mindful to approve the application I consider that an appropriate condition is placed on the decision notice restricting the insertion of any window or doorway to the south-western side elevation of the property or roofslope of the garage at first floor level. I also consider that the proposed piked dormer to the rear (north-western) roofslope will have minimal impact upon the privacy of neighbouring residents as any views towards the rear elevation are at an obscure angle.

To minimise the impact of the proposed extension upon the privacy of neighbouring residents at the property directly to the south-east (The Bungalow) the amended plan has removed the piked dormer to the front roofslope. I also note the concern from this neighbouring resident with regards to the expansion of built form to this side of the property. There will remain a distance of

just over 10 metres from the front building line of the proposed garage and the south-eastern boundary of the applicants property, as well as a further 13 metres from the south-eastern boundary to the north-western side elevation of neighbouring property 'The Bungalow'. The majority of the built form to the proposed extensions (apart from the minimal porch extension) will not project forward of the original building line of the property or garage and will be to the rear and south-western side elevation of the property and forward of the front building line of the neighbouring property to the south-west, therefore it is considered that the proposals will not result in a significantly overbearing or oppressive impact. I also consider that due to the height of the proposed development and the hipped roof design any loss of light to the windows of neighbouring properties will be minimal.

Concern with regards to the impact of the development upon an existing gas and water main is a civil matter and not classed as a material consideration in the determination of this application.

Therefore, in consideration of the above I do not consider this application would cause a significant detrimental impact on nearby residential amenity nor would it have an adverse visual impact. As such, the application is recommended accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

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

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

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

2. This permission shall be implemented in accordance with the proposal as amended by plan received on the 15<sup>th</sup> of February (Drawing No. 4191-06A) in relation to the amended size and design of the attached garage extension. Also Drawing Nos. 4191-03 in relation to the existing site plan and 4191-02 in relation to the existing elevations.

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

3. Notwithstanding details of the proposed materials indicated on Drawing No. 4191-06A the materials used in the external finish of the approved extensions and main property, as well as the slate used for the roof shall be of the colour and type as detailed in the submitted document entitled 'External Material Information' dated the 7<sup>th</sup> of February 2012.

**REASON:** In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 and ENV3 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance – "Extensions and Alterations to Dwellings".

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) the south-

western side elevation of the proposed two-storey rear extension at first floor level and roofslope of the extension above the garage shall not be altered by the insertion of any window or doorway.

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. No development shall take place until an updated protected species survey has been carried out during the optimum period of May to September and the findings of the updated survey shall be submitted to the Local Planning Authority Countryside Officer and Natural England.

If such a use by a protected species of any part of the land or any buildings included in the planning permission granted is established, a mitigation scheme including appropriate protected species license details shall be submitted to and agreed in writing by Natural England and the Local Planning Authority Countryside Officer before any work commences on the approved development. The actions, methods and timings included in any mitigation measures or conditions identified of any Natural England License shall be fully implemented and adhered to. In the event that any bats are found, disturbed or harmed during any part of the development work, work shall cease until further advice has been sought from a licensed ecologist.

REASON: To comply with policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan ensuring there are no adverse effects on the favourable conservation status of a bat population protected by the Wildlife and Countryside Act 1981.



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

APPLICATION NO: 3/2011/0761/P & 3/2011/0762/P (LBC) (GRID REF: SD 374363 441806)  
PROPOSED CHANGE OF USE TO HOT AND COLD FOOD ESTABLISHMENT AND  
INSTALLATION OF EXTRACT VENTILATION DUCT AND INTERNAL RECONFIGURATION  
AT 2 SWAN COURTYARD, CASTLE STREET, CLITHEROE

TOWN COUNCIL: No objections.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): No objection in principle on highway safety grounds as the proposed change of use will have any discernable impact on the adjacent highway infrastructure or related amenities.

ADDITIONAL  
REPRESENTATIONS &  
STATUTORY  
ADVERTISEMENT: None received.

### **Proposal**

This application seeks planning permission and listed building consent for a change of use from retail shop to a Class A3 premise which is the use of sale of hot and cold food. It also involves various internal alterations with the reconfiguration of a ground floor food counter, as well as alterations to create additional WC toilet facilities. The only external change involves the insulation of an extract ventilation duct. The original permission involved an external projection of approximately 1.5m with it being a curved duct and therefore the maximum length would be 1.150m and a diameter of 0.460m. It would be located on the rear part of the roof which would be adjacent to the flat roof configuration of the retail shop McKays. A revised plan has been submitted and the flue has been erected without consent. This is a Skyflow flue, which is in essence a square box, 0.9m x 0.9m x 0.45m and has been painted grey.

### **Site Location**

The building is located within the Swan and Royal Courtyard and is a Grade II listed building which would have originally been one of the stable buildings. It is prominently sited within the Clitheroe Conservation Area and the flue itself can be seen from the car park at Lowergate.

### **Relevant History**

3/2007/0104/P - Replace existing shop sign and replace the window and door. Granted.

3/2007/0705/P – Listed building consent for shop alteration and sign. Granted.

3/1999/0658/P – Change of use from retail to offices. Granted.

### **Relevant Policies**

Policy ENV20 - Proposals Involving Partial Demolition of Listed Buildings.

Policy ENV19 - Listed Buildings.

Policy ENV16 - Development Within Conservation Areas.

Policy G1 - Development Control.

Policy S1 - Shopping Policies - Clitheroe Centre.  
Policy S3 - Principal Shopping Frontage - Clitheroe.  
Planning (Listed Buildings in Conservation Areas) Act 1990.  
PPS5  
HEPPG  
Clitheroe Conservation Area Appraisal.  
Draft NPPF.

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

The main issues to consider in this application relate to the appropriateness of a an A3 use hot and cold food establishment in this location, having regard to highways and residential amenity, as well as the effect the visual impact of the flue would have as well as the internal changes on either the setting of the Conservation Area and the character of a listed building, as well as whether or not there would be an impact on adjacent residential amenity caused by the impact of smells and fumes emanating from the business.

In relation to the principle of the use I am satisfied that given its town centre location that the nature of this use is acceptable. In relation to residential amenity I have had no formal objections. The Council's Environmental Health has requested additional information and at the time of writing his report I have received no further details. I am aware that it is likely to request a condition relating to normal shop hours.

The other issue relates to the impact the flue would have on the character of the listed building and in particular the roofscape which is a blue slate roof without any alterations, the effect this would have on the Conservation Area and the character of a listed building. In terms of the internal alterations, I am satisfied that these changes are relatively modest and would not impinge on the character of the listed building but I do have strong reservations regarding the erection of a flue on the roofscape of the building.

Whilst recognising the benefit to the economy of a vacant shop being occupied and the possible spin-off to the regeneration of the Swan Courtyard, it is important to continue to have regard for the need to protect the fabric of the listed building as well as the Conservation Area and its setting from inappropriate development. It is for this reason that although the application could have been refused, based on the initial plans, the Design and Conservation Officer has sought to address the visual impact and negotiated a more appropriate scheme. Various other schemes have come forward and it was suggested that it would be better to locate an extraction system on the rear wall rather than on the roofscape as this would be regarded as less prominent. It should be noted there are two unauthorised condenser units on the wall below the eaves. Although I am of the opinion that this flue, which does not have consent, is better than the original plan, it is still unacceptable and that the painting of the flue does reduce the impact.

In relation to the importance of safeguarding the listed buildings, Policy ENV19 of the Districtwide Plan states that:

Policy ENV19 of the Ribble Valley Districtwide Local Plan states that "development proposals on sites within the setting of buildings listed as being of special architectural or historic interest, which cause visual harm to the setting of the building, will be resisted. In assessing harm caused by any proposal the following factors will be taken into account:

- (i) *the desirability of preserving the setting of the building;*
- (ii) *the effect of the proposed development on the character of the listed building;*
- (iii) *any effect on the economic viability of the listed building;*

- (iv) *the contribution which the listed building makes to the townscape or countryside;*
- (v) *the extent to which the proposed works would bring substantial benefits to the community including economic benefits and enhancement of the environment”.*

Policy ENV16 of the Ribble Valley Districtwide Local Plan concerns development proposals within conservation areas:

*“Within conservation areas development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials. Trees, important open spaces and natural features will also be protected as appropriate. The desirability of preserving or enhancing the character or appearance of a conservation area will also be a material consideration in deciding development proposals outside the designated area which would affect its setting or views into or out of the area”.*

Policy G1 of the Ribble Valley Districtwide Local Plan is a ‘saved policy’. This states *“In determining planning applications the following criteria will be applied:*

- (a) *Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature”.*
- (h) *materials used should be sympathetic to the character of the area’.*

Policy H17 of the Ribble Valley Districtwide Local Plan is a ‘saved policy’ and would appear to have some relevance in respect to the proposed alterations to the historic former hotel outbuildings. It states *that” planning permission for the conversion of buildings will be granted providing:*

- (a) *the design of the conversion is of a high standard and is in keeping with local tradition, particularly in terms of materials, geometric form and window and door openings..”.*

This is expanded upon in subtext 5.13.17 – 5.13.19. Paragraph 5.13.19 states *‘the single most important element of a traditional farm building is the roof, seen at a distance, they tend to dominate elevations. Large unbroken roof slopes are a characteristic within the Borough which should be respected...even small roof lights catch the eye by reflecting open sky or sunlight’.* Paragraph 5.13.18 states *‘it should be remembered that these are not new buildings, they are conversions of special buildings. This should be reflected in the final scheme. Too many doors and windows, the insertion of dormers, roof lights and chimneys and the alteration of roof trusses will devalue the character of traditional farm buildings and that of the surrounding environment’.*

Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require, when considering whether to grant listed building consent or planning permission for development that affects a listed building or its setting, that the local planning authority have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Planning Policy Statement 5 – Planning for the Historic Environment (PPS5, March 2010) states at paragraph 7 that government objectives for planning for the historic environment include:

the delivery of *'sustainable development by ensuring that policies and decisions concerning the historic environment ..recognise that heritage assets are a non-renewable resource..'*;

and the conservation of *'England's heritage assets in a manner appropriate to their significance by ensuring that .. decisions are based on the nature, extent and level of that significance, investigated to a degree proportionate to the importance of the heritage asset'*

PPS5 Policy HE7.1 states *"in decision making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal"*.

PPS5 Policy HE9.1 states *"there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss is a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification.."*

PPS5 Policy HE9.5 states *'Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. The policies in HE9.1 to HE9.4 and HE10 apply to those elements that do contribute to the significance. When considering proposals, local planning authorities should take into account the relative significance of the element affected and its contribution to the significance of the World Heritage Site or Conservation Area as a whole. Where an element does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of the World Heritage Site or Conservation Area ...'*

Policy HE10.1 states *"when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval"*.

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

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

PPS5 is accompanied by the Historic Environment Planning Practice Guide (HEPPG, March 2010). Paragraph 2, Introduction, of the HEPPG states that the practice guidance may be *"material to individual planning and heritage consent decisions"*.

Paragraphs 179 and 182, Addition and Alteration, of the HEPPG refer to historic fabric, plan form and significance.

*“179 – the fabric will always be an important part of the asset’s significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new”.*

*“182 - the plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance. Indeed, they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on the significance (particularly architectural interest) as for externally visible alterations”.*

Paragraph 185, Addition and Alteration, of the HEPPG states: *“the insertion of new elements such as doors and windows, (including dormers and roof lights to bring roof spaces into more intensive use) is quite likely to adversely affect the building’s significance. Harm might be avoided if roof lights are located on less prominent roof slopes. New elements may be more acceptable if account is taken of the character of the building, the roofline and significant fabric.. in some circumstances the unbroken line of a roof may be an important contributor to its significance”.*

Paragraph 178, Addition and Alteration, of the HEPPG states *‘..it would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting’.*

Paragraph 189, Addition and Alteration, of the HEPPG states: *‘new services, both internal and external can have a considerable, and often cumulative, effect on the appearance of a building and can affect significance..’.*

Paragraph 190 of the HEPPG states: *‘Removal of, and change to, historic shopfronts may damage the significance of both the building and the wider conservation area, as may the introduction of new shopfronts to historic buildings where there are none at present..’.*

Paragraph 114 and 116-117 of the HEPPG relate to setting.

*‘the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and by our understanding of the historic relationship between places..’(paragraph 114)’.*

*“the setting of a heritage asset can enhance its significance whether or not it was designed to do so”(paragraph 116).*

*‘the contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting...Nevertheless, proper evaluation of the effect of change within the setting of a heritage asset will usually need to consider the implications, if any, for public appreciation of its significance’(paragraph 117)’.*

Paragraph 181, Addition and Alteration, of the HEPPG states “when a building is adapted for new uses, its form as well as its external and internal features may impose constraints. Some degree of compromise in use may assist in retaining significance. For example, headroom may be restricted and daylight levels may be lower than usually expected”.

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

Planning Policy Statement 5 ‘Planning for Sustainable Economic Growth’ (December 2009) paragraph 10 states ‘To help achieve sustainable economic growth, the Government’s objectives for planning are to:

- ... promote the vitality and viability of town and other centres as important places for communities. To do this, the Government wants:
- new economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities
- competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups)
- the historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity’.

PPG19 ‘Outdoor Advertisement Control’ (March 1992) paragraph 9 states that the display of outdoor advertisements can only be controlled in the interests of “amenity” and “public safety”.

PPG19 paragraph 11 states that “in assessing an advertisement’s impact on “amenity”, LPAs should have regard to its effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. They will therefore consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality”.

PPG19 paragraph 12 states ‘Where there is a group of buildings...the presence of ‘listed’ buildings or a designated conservation area...will be relevant..’.

PPG19 paragraph 21 states “ Special care is essential to ensure that any advertisement displayed on, or close to, a listed building or scheduled monument does not detract from the integrity of the building’s design, historical character or structure, and does not spoil or compromise its setting”.

Paragraph 177 of the draft National Planning Policy Framework (July 2011) states ‘the Government’s objectives for planning for the historic environment are to:

..conserve heritage assets in a manner appropriate to their significance..’.

Paragraph 183 of the draft NPPF states '*..as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification..*'.

Paragraph 76 of the draft NPPF states '*Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. Local planning authorities should:*

- *recognise town centres as the heart of their communities and pursue policies to support the viability and vitality of town centres ...*
- *recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites'.*

The Clitheroe Conservation Area Appraisal (The Conservation Studio consultants; adopted by the Borough Council following public consultation 3 April 2007) identifies:

- (i) '*Panoramic views from Clitheroe Castle*' and '*a pleasing historic townscape enhanced by the town's changes of level..*' (Summary of Special Interest);
- (ii) '*The Castle provides panoramic views across the town and surrounding countryside*' (Spatial Analysis: Key Views and Vistas);
- (iii) '*viewed from a high point such as the Castle, the roofscape is dominated by slate ... chimney's are a significant element of the conservation area's lively roofscape which is also enhanced by the turrets and pinnacles of the town's many churches and chapels;*
- (iv) '*Lowergate is an ancient route which meanders, with varying width, from Wellgate to the lower end of Moor Lane. It contains some important historic buildings but west of Townley House its townscape is marred by the blank aspect of the car park and the "back street" atmosphere of its southern end*' (Character Area 1: Clitheroe's Historic Core);
- (v) "*insensitive alteration of historic buildings, including some modern shop fronts*", "*garish commercial signs and advertising*", "*20<sup>th</sup> century development that fails to preserve the historic character and appearance of the Conservation Area*", "*poor state of repair and neglect of the rear of Moor Lane (facing Lowergate)*", and "*obtrusive banner advertisements on railings at Lowergate car park*" (Principle negative features of Character Area 1);
- (vi) "*poor state of repair and neglect of the rear of Moor Lane (facing Lowergate)*" (Opportunities within Clitheroe Conservation Area: sites for enhancement);
- (vii) "*the use of inappropriate modern materials or details ...*" (Threats to the Clitheroe Conservation Area: loss of original architectural features);
- (viii) '*Clitheroe's role as a market town resulted in a large number of pubs, inns and hotels but few can be dated to earlier than the C18. The most significant are the grade II listed Swan and Royal ...*' (Architectural and Historic Character).

The 'Setting of Heritage Assets: English Heritage Guidance' (EH, October 2011) states:

*'the cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development' (4.5).*

*.. arguments about the sensitivity of a setting to change should not be based on the numbers of people visiting it. This will not adequately take account of qualitative issues, such as the importance of quiet and tranquillity as an attribute of setting; constraints on the public to routinely gain access to a setting because of remoteness or challenging terrain; or the importance of the setting to a local community who may be few in number' (2.4).*

English Heritage's 'Conversion of Traditional Farm buildings: A Guide to Good Practice' (October 2006) suggests:

*Roof character/features – The roofs of farm buildings are often highly visible in the landscape and represent a very significant aspect of their character. Farm buildings are often characterised by long unbroken roof profiles with undulating ridges across the various bays of the building. It is vital to be sensitive to this historical and dominant characteristic (page 21)*

*Adding new elements to the roof – As the roof forms such a sensitive part of the character of most farm buildings, interventions to the roof itself need to be particularly carefully considered. One of the most sensitive issues with any farm building conversion is the insertion of roof lights. Farm buildings rarely had any form of glazing at roof level, though sometimes glazed tiles/slates were used.*

*Roof lights can have an intrusive impact on the character of farm building roofs, particularly those where the roof is the dominant characteristic and is steeply pitched. Many designers go to great lengths to introduce light by other means rather than resort to the introduction of roof lights, such as the careful insertion of new openings and the use of borrowed light. A farm-building roof with roof lights spaced regularly or in different positions can undermine the original simplicity of form so fundamental to these buildings. The need for a large number of roof lights suggests the use has over-pressurised the space available or light levels are unnecessarily high (page 22)'.*

I do recognise the benefits of preventing vacancy of any commercial property but I do not consider that this should be at the expense of the building fabric and the effect on the Listed Building's character.

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

1. The proposed flue would be unduly harmful to the character (including setting) and significance of the listed building and the character, appearance and significance of Clitheroe Conservation Area because it would be a prominent and conspicuous visual intrusion into an otherwise large and unbroken roofscape. This would be contrary to Policies ENV19, ENV16 and ENV20 of the Ribble Valley Districtwide Local Plan.

RECOMMENDATION 2: That listed building consent be REFUSED for the following reason(s):

1. The proposed flue would be unduly harmful to the character (including setting) and significance of the listed building because it would be a prominent and conspicuous visual intrusion into an otherwise large and unbroken roofscape.



APPLICATION NO: 3/2011/0821/P (LBC) & 3/2011/0822/P (PA)  
(GRID REF: SD 362283 443328)

PROPOSED DEMOLITION OF EXISTING SINGLE STOREY REAR EXTENSION AND REMOVAL OF RENDER TO FRONT ELEVATION, REPAIR AND REPOINTING OF STONWORK; REFURBISHMENT AND EXTENSION TO EXISTING HOTEL TO CREATE 9 NO EN-SUITE BEDROOMS, FUNCTION SUITE, BISTRO RESTAURANT AND BAR AREA WITH ANCILLARY HOTEL, KITCHEN AND STAFF FACILITIES; CHANGE OF USE OF EXISTING BARN TO FORM 11 NO EN-SUITE BEDROOMS ANCILLARY TO THE HOTEL ACCOMMODATION; EXTENSION AND REFURBISHMENT OF EXISTING CAR PARKING FACILITIES TO CREATE 50 NO CAR PARKING SPACES INCLUDING THE REPAIR AND REFURBISHMENT OF THE EXISTING COBBLED FORECOURT AT TALBOT HOTEL, 5 TALBOT STREET, CHIPPING

PARISH COUNCIL:

Welcomes the proposal to develop the Talbot Hotel site. This site is mentioned specifically in the Chipping Village Plan “the village plan supports the re-development of this prime site to restore it as an asset for the village. The site has potential to create jobs and encourage tourism. The need to preserve the heritage of this listed building must be balanced with the commercial needs that make it a viable business. Improvement of the site including the cobbled area at the front, is a priority to enhance this part of the village for both residents and visitors. The re-development plans should recognise the wide public support for a brookside walk from the former HJ Berry works through the Talbot Hotel grounds to meet Talbot Street”.

The application presents issues to be addressed:

1. Car parking – insufficient as acknowledged in the Transport Statement. No spaces for staff – employees walking/cycling is laudable but unrealistic. The village plan highlights parking as a major issue;
2. Road safety – access on to Talbot Street is a safety issue as limited visibility of oncoming traffic. Appropriate mitigation necessary;
3. Noise – an imperative to minimise noise nuisance from the function room (doors closed, noise limiters to amplifiers, hours of operation);
4. Visual impact – important to maintain trees along Brook to reduce visual impact of function room to neighbours.

It is also considered that any potential negative impacts on similar businesses in the district will be outweighed by the overall improvement to the site (including potential employment).

LANCASHIRE COUNTY  
COUNCIL (HIGHWAYS):

Having studied the Transport Assessment supporting this application, satisfied that the levels of parking provision proposed are appropriate for a development of this size, and that should demand for parking occasionally exceed supply, there are suitable alternatives within easy walking distance. However, request that the parking space nearest to the car park entrance on the highway frontage of the main building is removed in order to maximise the waiting/manoeuvring space at the entrance to the main car park. Provided that appropriate signage is provided for priority working at the entrance as indicated in the Transport Assessment, satisfied that safe operation is achievable.

Some concerns originally about how coaches would be dealt with at the development. However, LCC Highways are now satisfied that the highway frontage area of the site can be used for short term drop off and pick up without causing any specific safety issues, and given the options indicated in the Transport Assessment for longer term parking/layover, LCC highways are sure that a workable arrangement can be achieved. LCC Highways would expect service vehicles to use the highway frontage area for deliveries and refuse collection etc as was the case when the hotel was open previously. Furthermore, the frontage parking spaces could always be coned out of use for the majority of such operations.

LCC Highways are satisfied that the levels of traffic generated by this development, whilst inevitably higher than for the site's previous use, would not cause any additional traffic issues within the village or on the surrounding highway network.

Therefore, LCC Highways have no objection to the proposal.

In respect to local resident concerns commented on 1 March 2011 that:

The transport assessment may well have incorrectly claimed that 7 rooms were in use at the hotel, however the number of trips generated by the proposed 20 room development is still so small as to have a negligible impact on the local highway network even when taken in their entirety. It is therefore recognised that whilst a mistake may have been made it is not relevant.

ENVIRONMENT  
AGENCY:

No objection in principle but recommend that any planning approval is conditioned to reflect the flood risk. Having reviewed the Flood Risk Assessment the Environment Agency is satisfied that the proposed development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere providing the findings of the FRA are fully implemented (as surface water drainage will be discharged from the watercourse, a drainage scheme should be designed prior to commencement of development).

Biodiversity – the proposed site is adjacent to Chipping Brook. The proposed site plan incorporates a 3m sewer easement which runs between the watercourse and the development and the Environment Agency is therefore satisfied that the riparian corridor of Chipping Brook should be unaffected by the proposed development.

Agency informatives – any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal consent of the Environment Agency under Section 23 of the Land Drainage Act 1991. Culverting other than for access purposes is unlikely to receive consent, without full mitigation for loss of flood storage and habitats.

A copy of this letter has been sent to the applicant/agent.

UNITED UTILITIES:

No objection at this stage. However, the applicant should be made aware that the proposed development may fall within the required access strip of a public sewer (contact a building control body at an early stage).

ENGLISH HERITAGE:

Summary – the Talbot Hotel and Stable and barn to the south west of the Talbot Hotel are both Grade II listed in recognition of their national architectural and historic interest. Both buildings date from the late 18<sup>th</sup> century and derive significance from their relationship and make an important contribution to the Chipping Conservation Area.

English Heritage welcome in principle the proposal to bring the Grade II listed hotel back into use and to introduce a new use to the Grade II listed stable and barn. However, English Heritage are unconvinced that the current proposal responds adequately to the character and significance of the Grade II listed buildings and their setting.

Grade II listed stable and barn – English Heritage understand that the Grade II listed stable and barn is redundant and that there is no realistic likelihood of agricultural use returning. It is therefore appreciated that the need for a sustainable and sympathetic new use be found.

The government's overarching aim, set out in paragraph 7 of PPS5, is that the historic environment and its heritage assets should be conserved in a manner appropriate to their significance. An important part of achieving this is to ensure that wherever possible, heritage assets are put to an appropriate and viable use consistent with their conservation.

In assessing proposals for change, PPS5, Policy HE9.1 requires a presumption in favour of the conservation of designated heritage assets. Where a proposal would result in harm to a designated heritage asset, the justification provided should be tested against the criteria set out under either Policy HE9.2 or HE9.4.

English Heritage are extremely sorry to hear that unauthorised works have taken place at the Stables and barn, including the removal of stalls, partitions, troughs and a hay loft. This work has had a harmful impact on the significance of the Grade II listed building. English Heritage understand that in considering how to deal with this issue, RVBC's Planning and Development Committee has resolved that it is in the public interest not to prosecute the owner given the unique circumstances in this instance, including regeneration issues. Nevertheless, English Heritage wish to highlight that the loss of historic fabric and features which contribute to the special interest of a nationally designated heritage asset is extremely regrettable and in assessing the current planning and listed building consent applications, English Heritage draw RVBC's attention to the need to consider Policy HE7.6 of PPS5.

Notwithstanding the loss of important elements of the Grade II listed building and whilst appreciating that there are financial arguments surrounding the viability of the proposed scheme, such as the number of bedrooms which need to be delivered on the site, English Heritage are concerned that the current proposal may not represent the optimum viable use for the Grade II listed Stable and barn. Similarly, there may be less harmful ways to achieve the proposed level of development on site whilst preserving more of the character and interest of both Grade II listed buildings.

The conversion of the Stables and barn into an ancillary accommodation block containing 11 en-suite bedrooms would require a particularly intensive level of sub-division, alteration and upgrading of fabric which would fundamentally alter the character of the Grade II listed building and have a major impact on its historic interest. English Heritage therefore question whether as part of the process of developing the Business Plan for the site, the option of using the Stables and barn for alternative uses such as a function room and/or restaurant has been considered.

The barn is five bays wide and therefore the larger than average size and the open character of the interior is an important part of the significance of the Grade II listed building. Introducing a new open plan/flexible space into the building would have the benefit of preserving the character of the interior and be more in-keeping with its original function. This would also reduce the need for an intensive level sub-division, upgrading of internal walls and the introduction of services, pipework, drainage, serving etc as currently proposed and could perhaps also involve the reinstatement of features of interest. This could also be seen as a public benefit as it would allow greater public access to the building and create a more characterful function room with an active frontage to the street.

Extensions to the rear of the Grade II listed hotel – PPS5, Policy HE7.5 requires Local Planning Authorities when assessing proposals to take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. At present, the proposed extensions, by virtue of their scale, height, massing and roofscape, have an overbearing impact on the Grade II listed Hotel. The HEPPG, paragraph 186 states that “new features added to a building are less likely to have an impact on the significance if they follow the character of the building”. The design of the various structures at the rear do not in English Heritage’s view respond to the character and appearance of the Grade II listed hotel or the Grade II listed barn.

Therefore, should RVBC be satisfied that the need for the amount of new development has been justified, English Heritage would suggest that consideration be given to the desirability of introducing a more subservient extension, or separate accommodation block to the rear of the Hotel or Stables and barn. This could be achieved through a simplified design of low units, possibly with an agricultural outbuilding character, set in a linear arrangement or arranged in a courtyard plan which would be more sympathetic to the layout and setting of the hotel, result in a less harmful impact on the setting of both Grade II listed buildings, addressing PPS5, Policy HE10.2.

Internal alterations proposed to the Grade II listed Talbot Hotel – English Heritage welcome the identification of features, fixtures and fittings of interest presented in the Historic Building Assessment and the retention of these items. With regards to areas of loss, English Heritage advise that RVBC assess the impact of the various internal alterations proposed against the criteria set out in PPS5, Policy HE9.4,

The HEPPG, paragraph 182 states that the planform of a building is frequently one of its most important characteristics and proposals to modify internal arrangements, including the insertion of new openings, will be subject to the same considerations of impact on significance as for externally visible alterations.

The proposed new opening through the principle internal wall on the second floor, into bedroom 19, would result in the loss of historic fabric and appears to lack justification and could be avoided through amending the proposed layout. English Heritage suggest that it may well be possible to make an en-suite within the room, similar to bedroom 18, or alternatively to have a separately accessible bathroom, or an en-suite, in order to avoid the impact on significant historic fabric. Similarly, on the first floor, reversing the en-suite arrangements for bedrooms 13 and 14 would result in less loss of historic fabric.

English Heritage welcome the retention of the existing historic staircase, however, the proposed new external staircase and rear glass box extension at first floor level will have an impact on the rear elevation of the building. RVBC are urged to consider whether the need for an additional staircase and internal space to the rear has been adequately justified.

Recommendation – RVBC are urged to consider the issues raised above in assessing the impact of the proposed scheme on the significance of both Grade II listed buildings and the character and appearance of the Conservation Area.

If, notwithstanding English Heritage's advice, RVBC propose to approve the scheme in its present form, please advise English Heritage of the date of the Committee and send it a copy of the Committee report at the earliest opportunity.

ADDITIONAL  
REPRESENTATIONS:

One letter of support has been received expressing delight at the plans to restore and extend the derelict hotel.

Eleven letters of objection have been received which are summarised below:

Size

Too large for restricted area in a small village. Plans are too ambitious and inappropriate. Would the quoted 71.6% of supporting respondees to outline proposals in the Chipping Village Plan have supported a large function suite extension? Bloated and unsupportable scale placing unserviceable pressure on a modest village infrastructure.

## Road Safety

Unacceptably high volumes of traffic, increased congestion from on-street parking and increased likelihood of traffic accidents. Chipping has serious issues around parking. Narrow approach road with no pavement. Huge increase in traffic as proposal designed to attract custom from afar (previously local). Talbot Street already reduced in effect to one carriageway, as there is parking in contravention of yellow lines forcing pedestrians into the highway. Parked up roadsides are undesirable and dangerous mindful of many large agricultural and heavy goods vehicles up to 60ft long passing through at various times of the week. For the proposed business to succeed the function suite will have to be extensively used which will not be accommodated by the car park. Application states only three times a year when not enough car parking spaces – if this is the case, business in serious trouble. At Parish Council meeting applicants readily admitted three instances incorrect. The building appears large enough to accommodate more than 120 people – natural desire to maximise profit will encourage more frequent/intensive use. Coaches parking in lay-bys is unrealistic – coach drivers will not wish to miss their free meal and will not wish to walk into the village to obtain it – northern lay-by is used for farm traffic, lies at a very narrow twisting road, is too small to allow a coach turn and the road beyond is unsuitable for large vehicles. None of the proposals in the transport plan are enforceable. Windy Street and Talbot Street are in effect one-way streets during the weekend. It is proposed to mitigate the lack of car parking by other facilities which are not in the control of the applicant (furthermore the village hall car park will be in use when required). Transport assessment suggests majority of functions in summer when roads about Chipping are at their busiest. Disembarking and boarding on main road is a hazard to passengers and other road users particularly when it is dark and hotel clients have been drinking alcohol. Transport report does not account for up to 300 people being transported in the early hours when the village hall is also hosting a function. Assumption that the majority of staff are from the village – other venues would suggest ten parking spaces will be required for them. The Talbot Hotel has not been a hotel for 50 years. The application is confused in respect to whether some existing rooms are guest accommodation or “attic rooms probably used by servants ... clearly disused for many years”. The existence of a single bathroom to service 14 guests indicates that claims of previous hotel usage are wishful thinking (the vehicle movement figures are therefore flawed which invalidates the transport assessment). The submitted information states that there have been no accidents in Chipping in the last 5 years – this is when the Talbot Hotel has been closed. Few pavements in Chipping – unreasonable to expect young people to walk or

cycle home late at night. Serving the car park through the narrow access between the hotel and the barn will be problematic. The transport assessment has no concern to the increase in the number of vehicles, as well as potential danger to patrons and staff walking/cycling where there are no pavements.

Overspill customers from the Talbot will fill Talbot Street and other streets in preference to using the pay and display car park in the village centre. The lack of visitor and residents' parking in Talbot Street is very detrimental to Brabbins Shop and Gallery business. Often cars are parked in front of the shop for several hours particularly at weekends whilst parking is restricted at weekend and bank holidays, this is regularly ignored because it is not enforced. Wish to see parking restrictions at the front of Brabbins Shop and the Tillotsons Arms amended to allow customer parking limited to 30 mins maximum during shop opening hours.

### Neighbours

Close proximity of neighbours. The large extension to accommodate the function suite will have a major impact on neighbours invading their privacy and causing a nuisance.

8 Talbot Street, opposite barn – object to plans for the barn. Windows in roof will directly overlook bedroom compromising privacy (which uninterrupted since late 18<sup>th</sup> century). New entrance will result in higher volume of people passing immediately in front of property causing disturbance and nuisance. Currently property for sale – affect on ability to sell and valuation.

3 Talbot Street – object to plans for the barn. Elevation 'J' shows 2 new windows in the end wall of the barn – 90cm away from property and looking directly over small garden seating area which on same level. As bathroom, concern at smells and noise from extraction.

7 Talbot Street – object to reduced privacy. Joined directly to the Talbot Hotel and shares boundary points at the rear and is connected to the grounds and access points of the hotel with no privacy between. The staff will be able to walk up to 7 Talbot Street's kitchen and lavatory windows; staffroom directly behind the property (30-35 staff smoking and working); unable to open windows (smoke and noise). Roofline and size of extension will reduce sunlight. Proximity of kitchen (smells, noise). Noise from licensed birthdays and weddings – bedrooms directly overlook proposal. Size and elevation of extension will block Parlick Fell views. Existing parking problems (photographs submitted). Partygoer collection – estimate up to 150 people at front of 7 Talbot Street from



midnight onwards (noise and drunken revelry repeated in early hours many times during the week). 7 Talbot Street bought on a third party bonded mortgage – would like legal advice in respect of the prospect of devaluation resulting from another commercial purpose. Oppose construction of any buildings in and around the Talbot Hotel but no objection to a scaled down development.

Mill House, Talbot Street – 150yds to the north-east of Chipping Brook and will be overlooked from the redeveloped hotel exterior seating alongside brook. It is stated that the brook is “bounded by trees giving a dense screening to properties” but this is not so as only a sparse screening. Also, cooking smells, pollution, intrusive lighting, loud music and general noise into late hours. Property devaluation. Policies EMP9 (Employment) and RT3 (Tourism) of the Ribble Valley Districtwide Local Plan emphasise the proposed usage should not cause unacceptable disturbance to neighbours in any way. This will be breached.

Elm Croft and Wharf Farm – whilst height of extension in keeping with the Talbot it is too great for the resident’s bungalow and overbearing. Light pollution – will affect sleep. Also, cooking smells and noise.

Brabbins Shop and Gallery – concern about the level of noise from the function room. Would like to see the entertainment licence restricted to midnight.

### Ecology

No ecological assessment. Given trees and watercourse, an oversight. Bats have been frequently sighted along the brook and around Elm Croft bungalow.

### Submitted Information

Seems to be some favourable claims in the application which questioned. Difficult to make an accurate assessment of true scale of intended operation and associated disruption from information submitted – contains omissions and errors – eg traffic report based on previous operation of a 7 bedroom hotel – untrue (no accommodation in living memory); report states will be serviced as before – increase in size and shift from roadside makes impractical and therefore details of goods deliveries is required; no indication of floor space split between uses making an accurate assessment of parking requirements and traffic movements impossible; parking requirements an underestimate – comparable to Ferrari’s Country House (car park for 90 vehicles, often beyond capacity). Chipping Village Hall hosts functions for 200 guests and fills adjacent two coach bays and 70 place car park on two other occasions each

month. Alternative parking sites are out of control of the applicant – lack of car parking massively understated. Chipping brook tree screening – suggestion that the tree officer has been consulted, but there is no report to show what discussed and what resulted. Can the river walk footpath be created without causing damage to trees? Natural screening not as effective in winter. The Design and Access Statement refers to the Chipping Conservation Area Weakness of the neglected state of the Talbot Hotel – another of the appraisal Weaknesses is insufficient off-road parking resulting in cars parked on the pavement in Talbot Street. There are no drawings to show how the proposal relates to the buildings outside the immediate site boundary (residents of Elm Croft and Wharf Farm). No accurate plans showing the proposal in relation to the settlement boundary – encroachment? Where are bins to be stored? The submitted information does not show the position of the extractor fan and does not discuss soundproofing. The proposed expanse of glazing and terraced areas will allow out the sounds. Licence hours – hours of use required to decide about disruption to neighbours.

#### Servicing

Will refuse vehicles be able to reach the back of the site? No apparent provision.

#### Noise

Already two hostelrys playing loud music until late at night in this residential area.

#### Chipping Village Plan

Respondents not given any indication of intention to build a new large function room.

#### Competition/Need/Viability/Employment

Already two hostelrys in village which compete to attract business. Suitable function facilities with ample car parking are already provided at Chipping Village Hall, Gibbon Bridge Hotel and the Inn at Whitewell; comparable local venues do not have immediate neighbours. What market research has been undertaken – very difficult market and doubt the viability. What will happen to the site if the business fails? Minimum wage kitchen and service jobs proposed, do not go any way to meet the vacuum after closure of HJ Berry and Sons (which was skilled and semi-skilled jobs). Gibbon Bridge Hotel – only 3 employees from Chipping – service positions are filled by foreign workers. The existing is a valuable and peaceful rural location. Realistically, many of the jobs are likely to be of a part-time nature filled by in-comers, some of whom will take up

parking spaces. Unsure that development will benefit the wider community to any significant level. A new venue does not in itself create greater demand – existing business spread thinner. Benefits should be considered alongside displacement of existing activity. Application suggests benefit to local coach company – but this will generate double the mileage of a company located close to the start and end points of the customer journey.

#### Settlement Boundary

Proposed parking areas extend outside and encroach on the countryside.

#### Waste and Sewerage

No reference in application. Has sewer capacity been checked by Council Officers?

#### Conservation and Design

Visitors views of Parlick Fell and beyond from Chipping Brook Bridge will be affected. The general design is out of keeping. Coach, taxi and mini buses on the main street will have a detrimental impact on the appearance of the village contrary to clause 3 of Policy RT3 of the Ribble Valley Districtwide Local Plan. The proposals have a detrimental impact upon important parts of conservation area character ie open space to the rear of the hotel, important tree groups at Chipping Brook and important views from the bridge crossing Chipping Brook. Utmost care needs to be applied to consideration of the damage to the character and appearance one of Lancashire's most picturesque and historic small rural villages. The Conservation Area Appraisal states that new development must be "secondary in character" to the more important buildings facing the main street – not the case with this proposal. The Management Guidance suggests traditional materials should be used – large areas of glass do not comply. Is the "barn-type approach" appropriate to the village core? Does so much roof reflect the main parts of the Conservation Area Appraisal? The general design appears manufactured. The Chipping Conservation Area Management Guidance cites "double yellow lines intruding upon historic street scene" and "insufficient off-road car parking resulting in cars parked on the pavement (there isn't one) in Talbot Street" as Weaknesses of the village. The proposals may increase use of yellow lines to the detriment of the village character and existing businesses. The application site is located within the centre of the Conservation Area and forms a key part in establishing the centre of the village as an attractive and historic setting. The proposed function room is a substantial change to the existing arrangement and is too dominant in form, style and location for

the site and its surroundings. The open space to the rear of the Talbot will be significantly affected by the proposal – the interface of the rural area is poorly considered, with the building lined at an angle that closes the site to the open space behind. The treatment of the tree group adjacent to the brook is unclear – the proximity of the building to these trees and the brook is a matter for concern. No report on what trees to be retained/removed and how retained during construction of building and river walk footpath. Considering the importance of these trees to the Conservation Area treatment needs to be closely monitored and considered.

Four other letters have been received which comment on the proposals:

Bowland with Leagram Parish Council supports some development of the site in principle. The vicar of St Bartholomew's Parish Church adjoining the site is concerned at the location plan showing the development abutting approximately 40m of the boundary wall to the east of the graveyard. The land at this boundary wall is marked by a large change in level, the graveyard being the higher. It therefore receives support from the sloping ground on the proposed site. The vicar trusts that the details of the development will take account of the situation (continuing support to the graveyard and wall). Also hope that this embankment will be enhanced by a landscape scheme providing screening between the graveyard and car parking to maintain the tranquillity of the graveyard where people come to mourn.

Two of the four letters refer to the 'eyesore' of the Talbot Hotel in recent years and welcome redevelopment in principle, particularly for the businesses that rely on tourism. One of these letters states that the proposal will not adversely impact the street scene and will enhance the Conservation Area and help to regenerate the village. However, both letters are concerned at elements of the proposal in detail and the points made have been incorporated above.

## **Proposal**

Listed building consent and planning permission is sought for the extension and refurbishment of the Talbot Hotel and the conversion and change of use of the Stables and barn southwest of the Talbot Hotel. The proposed refurbishment and extension to the existing hotel is suggested to create 9 no en suite bedrooms, a function suite, a bistro restaurant, a bar area and ancillary hotel, kitchen and staff facilities. The proposed change of use and works to the existing stable and barn is suggested to form 11 no en suite bedrooms to be ancillary to the hotel accommodation. It is also proposed to undertake small-scale demolition works and external alterations (including render removal), to create 50 no parking spaces and to undertake the repair and refurbishment of the existing cobbled forecourt.

The proposed works to the historic fabric of the hotel include:

- (1) the removal of the last remaining historic staircase between ground and first floors (Historic Building Assessment indicates early 19<sup>th</sup> century) and the associated loss of important historic fabric to provide a new staircase from ground to second floor (the first to second floor section is an additional staircase);
- (2) the removal of one of the two remaining early 19<sup>th</sup> century multi-paned (10 over 15 pane) sliding sash windows at the rear elevation and loss of historic fabric to form a new doorway;
- (3) the removal of 18<sup>th</sup> century doors, cupboards and walls off the existing first floor landing (room F1 of the Historic Buildings Assessment);
- (4) the removal of 18<sup>th</sup> century second floor (attic) doors, doorframes and walling. At your officer's site inspection (25 November 2011) it was found that plaster had been stripped from ceilings and timber frame partition walls. Two 18<sup>th</sup> century doors, (recorded in the Historic Buildings Assessment, June and October 2011), only one of which is indicated on the plans for removal, were found to have been removed. The agent was asked to account for these works in a letter of 25 November 2011;
- (5) the insertion of roof lights in the currently unbroken rear roof slope; insertion of four sets of roof lights in the front roof slope (there are currently two traditional glass slates).

It is proposed to extend the hotel (existing height at rear 5.5m eaves, 9.8m ridge) by means of a series of units comprising a two-storey stairs/dining block (W22m x D4.2m x H5.4m; fully glazed at first floor) attached to a kitchen/toilet block (W14.2m x D12.7m x H7m) attached to a function room (W21m x D22m x H8.8m). The site has an existing gross internal floor space of 620.7m<sup>2</sup>; the proposal would add (net) 1529.2m<sup>2</sup> to this. Extension materials are shown as coursed stonework walling with feature ashlar stone detailing; timber/aluminium composite patent glazing frames to feature glazed enclosure to link. Blue slate to pitched roofs; single ply membrane or standing seam zinc to flat roof areas. The windows and doors to be timber/aluminium composite PPC.

The proposed works to the historic fabric of the Stables and barn include:

- (1) the removal of all (Historic Building Assessment indicates possibly original 18<sup>th</sup> century) shippon and stable fixtures and fittings. NB this work has already been undertaken;
- (2) the removal of historic fabric to create two new openings between the 18<sup>th</sup> century barn and its early 19<sup>th</sup> century extension;
- (3) the removal of historic fabric to create two new first floor windows at the southwest gable and one window at the rear elevation. These windows are of a two-light, horizontally emphasised domestic form not present on the existing building;
- (4) the removal of most historic doors and shutters;
- (5) the insertion of four sets of roof lights into the stone slated rear elevation;
- (6) the insertion of four sets of roof lights into the front elevation (3 traditional glass slates exist);

- (7) the conversion of the generally open and single storey Stables and barn into a two-storey structure of 29 rooms with associated introduction of services.

The application form states:

- (1) that development has not started;
- (2) that there are no trees on land adjacent to the site that could influence the development or might be important as part of the local landscape character;
- (3) that there are no important habitats or other biodiversity features on the development site or on land adjacent to or near the development site;
- (4) the site is within an area at risk of flooding;
- (5) proposed hours of opening are “not known”;
- (6) proposed employment of 17 full-time staff and 21 part-time staff.

A Design and Access Statement has been submitted from which I note:

- (1) *“each boundary to this site has its own unique character which defines and gives character to different areas of the site. The northwest boundary looks towards the former Berry’s furniture works through a newly created woodland area, in contrast to the southeast boundary which has a steeply rising embankment up to the stone boundary wall of the adjoining St Bartholomew’s Church and Churchyard (Physical Context);*
- (2) *“late 18<sup>th</sup> century ... at that time Inns were generally little different from private houses, and the provision of hospitality to locals and travellers (in the form of food, drink and accommodation) would have been carried out as an adjunct to other activities such as farming” (Social Context; quote from the author of the Historic Buildings Assessment);*
- (3) *“the current application proposals have to be assessed in the immediate context of the existing use and facilities provided (and) the wider economic contexts of the village and the Ribble Valley ... the primary shift in the business model (see Business Plan) is that the future plans see the development as providing a hotel with restaurant and function room facilities and not a pub with rooms ... the wider economy of the village will also benefit from the redevelopment ... village badly hit by the continuing effects of the recession with the demise, and eventual closure of the long established HG Berry furniture works. In the recent community survey conducted by the Chipping Parish Council as part of their consultation for the Chipping Plan, 100% of the 181 responses received supported initiatives and projects which would regenerate jobs for the immediate community. This was further supported by 71.6% of residents supporting a B&B/hotel/restaurant/pub use for the site. It is envisaged that the new facilities will provide employment opportunities for at least 30-35 people, which is the target set by the Chipping Plan for the whole village to replace the jobs lost at HG Berry’s” (Economic Context);*
- (4) *“historically the land to the rear of the hotel was a focus for the local farming community up until the 1950’s when sheep sales would take place. This placed the existing hotel buildings right at the heart of the community and made the land to the rear of the buildings a centre for regular activity”.*

*“The pub also plays an important role in the visual appearance of the village. This is particularly true where the pub is located within a Conservation Area”* (general quote from RVBC's Supplementary Planning Guidance 'Public Houses in Rural Areas').

The re-rendering of the façade of this Georgian building does not appear to be an automatic or, more importantly, to be subject of considerations as to whether or not this is the original form for the building.

It is proposed to demolish the more recent ground floor additions to the rear elevation of the hotel building. The Heritage Assessment suggests that these do not make a contribution to the heritage value of the building.

The Design and Access Statement contradicts the Historic Building Assessment in suggesting the ground to first floor stairs to be modern and the multi-paned sash window to “not have any particular architectural merit”.

*“By the nature of the building type proposed, spaces of a certain footprint, height and massing are unavoidable to achieve modern standards and meet client expectations”* (Heritage Asset Statement).

- (5) *“The site is highlighted as a Key Focal Point in the Chipping Conservation Area. This is predominantly for its contribution architecturally and historically within the village centre. As highlighted in various planning policies though, and more recently in the Chipping Parish Plan, these buildings and the site also form an important focal point on a social and community level ... in its early existence this complex had a dual function of public house and farm”* (Use);
- (6) *“it is proposed along the brook edge to introduce a seating and footpath area for customers. It is also the potential first section of a public accessible river walk which has been encouraged in the Chipping Plan to link the former Berry’s works to the centre of Chipping village”*.

The submitted plans appear to be contradicted by *“existing barn layout ... the plan has been developed to avoid introducing any new openings in the external envelope, with the exception of one window to the rear elevation of the stable block”* (Layout).

- (7) The intention for the extensions is to create *“barnlike structures rather than large two-storey buildings”* (Scale);
- (8) *“Site location ... the site is not in a particularly sustainable location (but) bus service and ... local private coach service in Chipping for larger parties. It is intended to offer employment opportunities to local people from the village which should reduce the need for vehicular transport for those that work in the hotel”* (Sustainability).

A Structural Inspection (February 2011) report has been submitted from which I note:

- (1) *“hotel-attic space ... the original ceiling, joists and lath and plaster ceiling remain”*;
- (2) ‘barn – internal’ – no concern is raised in respect of the historic interior fittings which would have been in situ at the time of survey;

- (3) 'conclusions and recommendations' – appear to be written in anticipation of the insertion of a new first floor (welcomed as a significant addition to the robustness of the structure and to prevent future distortion of external walls). It is also recommended that the central portion of the right-hand gable wall be rebuilt.

A Business Plan has been received from which I note:

- (i) the aim to *“provide employment opportunities and develop a supply chain for the local community”*;
- (ii) *“there is support for the project from other accommodation providers in the area showing that there is a genuine need”*;
- (iii) *“the owners are looking to create a new “niche” where visitors will be looking for high quality accommodation at value for money prices;*
- (iv) *“the extension of a conference centre will add an additional resource for the business in order to increase the appeal of the corporate and wedding markets”*;
- (v) *“the consortium will employ an experienced hotel management team and will include a General Manager, Restaurant/Conference Manager, Sales and Marketing Co-ordinator and a team of chefs. The aim is to employ local where possible but engage people with a passion for the industry”*;
- (vi) *The only reference to designated heritage asset considerations is at page 22 “Project Risk Assessment” where it is acknowledged that “much of the work is to be carried out within the existing grade II building so careful consideration has been given towards any unexpected circumstance arising and possible delays due to weather conditions”.*

A Wildlife Survey for bats and owls (1 October 2010) has been submitted which concludes that no evidence could be found for use of the hotel and barn by bats or barn owls. A level 2 Flood Risk Assessment has been submitted which suggests mitigation strategies to prevent the development conflicting with the requirements of PPS25.

A Transport Assessment has been submitted and I note from this:

- (i) *“The existing hotel has seven guest hotel bedrooms, a barn, a restaurant and a games room”.*
- (ii) *“The route into the rear car park will be opened up more by the removal of a section of the existing hotel building which currently protrudes out into the vehicle path when entering the car park. This will increase the level of inter-visibility between cars entering/exiting the car park, and a priority system will be introduced through signage.”*
- (iii) *“There will be 50 car parking spaces provided ... the redeveloped hotel will typically give rise to a maximum demand of around 20 parking spaces each day ... under normal conditions, the car park will easily be able to accommodate demand.”*
- (iv) *“When events are being held at the proposed function suite, abnormal parking demand conditions may arise. It is estimated that around 3 events per year could take place when this could occur. In these situations, it will however be possible for the hotel to*



*anticipate well in advance and give their guests prior advice (public car park 200m away)."*

- (v) *"There is also the potential, when functions take place, for coach parties to arrive at the site. In these circumstances, it is anticipated that guests would be dropped off by coaches stopped temporarily in front of the hotel on Talbot Street in the forecourt area."*
- (vi) *"Due to the rural location of Chipping and the nature of the roads through the village, all the roads are relatively lightly trafficked and so conflict with pedestrians and cyclists is kept to a minimum. There have been no recorded road accidents in the village at all, let alone any involving pedestrians or cyclists, therefore pedestrian and cyclist safety does not present a material concern."*

An Arboricultural Impact Assessment has not been submitted with the application. However, a copy of such a report has been obtained from the applicant's contractor and considered by the Borough Council's Countryside Officer.

### **Site Location**

The Stable and barn south west of the Talbot Hotel and the Talbot Hotel are prominently sited late C18 Grade II listed buildings within Chipping Conservation Area. The Church of St Bartholomew (Grade II\*) and numbers 2, 8 and 10, 12 and 14, 16, 20 and 22 (Grade II\*) Talbot Street are also listed buildings. The Chipping Conservation Area Appraisal (The Conservation Studio consultants; adopted by the Borough Council following public consultation 3 April 2007) identifies the non-listed buildings in the vicinity to be "Buildings of Townscape Merit" making a positive contribution to the Conservation Area.

The submitted Historic Buildings Assessment identifies:

- (i) The Talbot Hotel (formerly the Talbot Inn) was built in 1779 and was extended at various times in the C19 and C20. The Hotel is essentially a three-bay, double-depth farmhouse-cum-inn of two stories with cellar and attics, in the local vernacular style;
- (ii) the 1779 building has a central entry in its symmetrical façade, leading into what was once the stairs hall, but the staircase was removed c.1991 thereby creating a passage running straight through to the rear extensions. Otherwise the arrangement of four rooms off this is still largely discernible;
- (iii) the plan form is better preserved on the first floor. Many of the fixtures and fittings on this level are original and include C18 doors, a fireplace, skirtings, and wide floorboards. The stairs up to the attic are also original;
- (iv) the attic occupying the second floor is entirely within the roof space and has clearly been disused for very many years;
- (v) the staircase up to the first floor within the early C19 century wing appears to be original, and is now the only means of access between ground and first floor within the whole building;
- (vi) the focus of the barn is the pair of opposed cart entrances in the central bay, both with good arches each composed of three sandstone blocks. To either side of the threshing bay running between these, shippens and perhaps stables were formerly laid out, with brick walls dividing the area: all these internal structures were recently removed however, without the necessary authorisation, and although photographs held by RVBC show some of them, their former arrangement is no longer clear. The cattle stalls, with hayloft over, appear to have been constructed of both oak and softwood and may have been C18.

The submitted Historic Buildings Assessment concludes that *'The Talbot Hotel ... stands next to a large barn with which it has been associated for most of its existence, and the two form important assets both visually and historically at the heart of Chipping Village centre, recognised in their status as Grade II listed buildings ... in something of a contrast to the Hotel, the barn's most important historic asset is its exterior, as its interior has been almost entirely stripped of fixtures, some of them (of demonstrable historic interest) removed in the recent, unauthorised works ... as a consequence, its significance has diminished'*.

The Chipping Conservation Area Appraisal identifies:

- (i) the views up and down Talbot Street to be 'Important Views';
- (ii) the Talbot Hotel to be a 'Focal Building';
- (iii) the tree to the rear of the Stable and barn to be an 'Important Tree';
- (iv) the trees along the Talbot Hotel's riparian boundary (Chipping Brook) to be an 'Important Tree Group';
- (v) the cobbled courtyard between the Stable and barn and Hotel, the land to the rear of the Hotel and St Bartholomew's Churchyard to be 'Significant Open Spaces';
- (vi) *the 'historic layout and street pattern of Talbot Street and Windy Street', 'St Bartholomew's Church and churchyard including sundial, stone boundary wall and steps', 'open areas in front of the Sun Inn and the Talbot Hotel', 'prevalent use of local stone as a building material', 'architectural and historic interest of the conservation area's buildings, including 24 listed buildings', 'Rural setting of the village in lowland farmland below Parlick Fell and Fairsnape Fell', 'Chipping Brook', 'Trees, particularly beside Chipping Brook', 'Areas of historic stone floorscape' and 'Views of ... distant Fells to the north' within the 'Summary of Special Interest'*;
- (vii) the open area in front of the Talbot is thought to represent part of a farm 'yard' and place for agricultural sales as The Talbot may once have been a farmhouse (Character of Spaces within the Area);
- (viii) *'The settlement has evolved along the two main thoroughfares through the village with, generally speaking, buildings fronting directly on to the street ... the Talbot Hotel ... haphazard exceptions to the linear form contribute to the area's varied landscape'* (General Character and Plan Form)
- (ix) *'Talbot Street widens as it proceeds downhill, lined on either side by listed and unlisted historic buildings, all of which make a valuable contribution to the character and appearance of the conservation area'* (Townscape and Settlement Pattern);
- (x) the Strengths of being a *'Picturesque small Lancashire village'* and having a *'Historic character and appearance including 24 listed buildings'*;
- (xi) the Weaknesses of *'Insensitive alterations to historic buildings spoiling the conservation area's strong historic character and appearance', the 'neglected appearance of the vacant Talbot Hotel, front and rear, to the detriment of the conservation area', 'Insufficient off road car parking resulting in cars parked on the pavement in Talbot Street' and 'Double yellow lines intruding upon the historic streetscene'*;
- (xii) the Opportunities of *'Screening of gas cylinders at rear of The Talbot'* and the *'Restoration and re-use of The Talbot'*;
- (xiii) the Threat of the *'Continuing loss of original architectural details and use of inappropriate modern materials or details'*.

### **Relevant History**

11 August 2011 - Listed building enforcement/prosecution proceedings – Stable and Barn south west of Talbot Hotel – Members agreed that in cases of unauthorised works on listed buildings, the principle of prosecution is strongly supported. However, Members considered having regard

to the unique circumstances in this instance including regeneration issues, it be resolved not in the public interest to take a prosecution in this case.

3/2010/0131 - Partial careful demolition of bulge in gable wall of barn and rebuild in stone from demolition (using a mix of 1-part NHL 3.5:3-parts sand). LBC granted 14 April 2010.

3/2006/0428 - Erection of signs and lighting to enhance refurbishment. LBC granted 11 July 2006.

3/2006/0377 - Seven signs of varying description, six floodlights casting an amber light and one Tavern Lantern over entrance door. AC granted 29 June 2006.

3/2005/0723 - To carry out internal alterations. A) Removal of Fireplace & Wall, retain Fireplace for re-use. B) Removal of Glazed Screen at high level. C) Opening up of Fireplace. D) Making safe of Cobblestone Forecourt. LBC granted 10 November 2005.

3/1997/0555 0554 – Replacement illuminated fascia sign and amenity signs. LBC & AC granted 7 October 1997.

3/1997/0279 & 0280 - Change of use of former barn and stable to form 8 no. bedrooms with en-suite facilities as annex to the Talbot Hotel. PP & LBC granted 20 June 1997.

3/1994/0475 & 0474 - Conversion of barn into 2 no. dwellings. PP & LBC granted 7 September 1994.

3/1993/0656 - Car park to rear of public house. PA withdrawn.

3/1993/0501 & 0500 - Conversion of barn to 3 no. dwellings. PP & LBC refused 12 October 1993.

3/1993/0236 – Replacement illuminated signage scheme. AC granted 22 June 1993.

3/1993/0234 - Replace signage and new lighting. LBC granted 22 June 1993.

3/1993/0114 & 0113 - Modification to proposed steps outside emergency exit doors front elevation & 4 no. decorative wall lights to exterior of new extension. LBC & PP granted 27 April 1993.

3/1991/0026 - Alterations and extension. LBC granted 30 April 1991.

3/1991/0025 - Proposed internal alterations and vestibule and family extension (to increase licensed area). PP granted 30 April 1991.

3/1977/0228 – Retention of caravan on land at rear of Talbot Hotel. PP granted 10 April 1977.

### **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990.

Policy ENV19 - Listed Buildings (setting)

Policy ENV20 - Proposals Involving Partial Demolition/Alteration of Listed Buildings.

Policy ENV13 - Landscape Protection.

Policy ENV7 - Species Protection.

Policy ENV16 - Development Within Conservation Areas.  
Policy EMP7 - Extensions/Expansions of Existing Firms.  
Policy EMP8 - Extensions/Expansions of Existing Firms.  
Policy EMP9 - Conversions for Employment Uses.  
Policy RT1 - General Recreation and Tourism Policy.  
Policy RT3 - Conversion of Buildings to Tourism Related Uses.  
Policy ENV1 - Area of Outstanding Natural Beauty.  
Policy G1 - Development Control.  
Policy G5 - Settlement Strategy.  
Policy G6 - Essential Open Space.  
Chipping Conservation Area Appraisal  
PPS5 – Planning for the Historic Environment.  
PPS4 – Planning for Sustainable Economic Growth.  
PPS7 – Sustainable Development in Rural Areas.  
Supplementary Planning Guidance Note – the Retention of Public Houses in Rural Areas.

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

The main consideration in the determination of the listed building consent application is the duty at Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed buildings, their settings and any features of special architectural or historic interest which they possess (there is no statutory requirement to have regard to the provisions of the development plan for decisions on applications for listed building consent).

The main considerations in the determination of the planning application relate to the impact upon the listed buildings and their settings (*including the duty at Section 66(1) of the above Act which requires that special regard be given to the desirability of preserving a listed building, its setting and any features of special architectural or historic interest which it possesses*), the impact upon Chipping Conservation Area (*including the duty at Section 72(1) of the above Act which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area*), the impact upon residential amenity, the potential public/community benefits of the scheme including employment and building re-use, the impact upon the character of the Forest of Bowland Area of Outstanding Natural Beauty and important landscape features including trees, the acceptability of development in the countryside outside of the settlement boundary, highway safety, protected species and flood risk.

In my opinion and minded of representations from English Heritage and local residents, the proposals will be very harmful to the listed buildings and Chipping Conservation Area. The proposals will result in the loss of important historic fabric to the Stables and barn (complete loss of possibly C18 interior; new openings to interior and exterior) and the Hotel (loss of remaining historic staircase; loss of multi-paned sash window; loss of C18 doors, cupboards and walling). The proposed extensions are overbearing and would dominate the listed buildings and site. The insertion of rooflights and new domestic style window openings and the loss of the significant open interior will harm the character of the agricultural building. The proposals will not preserve the character and appearance of Chipping Conservation Area (including the retention of healthy trees) or safeguard the character and significance of the setting to listed buildings and Buildings of Townscape Merit.

Therefore, a principal issue is whether or not this particular scheme is justified, necessary and provides overriding public benefits in regard to the intentionally restrictive legislation, policy and

guidance above and below. For the purposes of considerations at PPS5 HE9.2 and HE9.4 I consider the proposed harm to the Stables and barn to be 'substantial'.

Policy ENV20 of the Local Plan states that *“Proposals involving the demolition or partial demolition of listed buildings will be refused unless the demolition is unavoidable. In assessing such proposals the Borough Council will take the following factors into account:*

- (i) The condition of the building, the cost of repairing and maintaining it in relation to its importance and the value derived from its continued use. Any assessment will be based on consistent and long term assumptions;*
- (ii) The adequacy of efforts made to retain the building in use;*
- (iii) The merits of alternative proposals for the site.*

Proposals for the alteration or repair of listed buildings should be sympathetic to their character and appearance. The most important features of any listed building will be preserved”.

Policy ENV19 of the Local Plan states that *“development proposals on sites within the setting of buildings listed as being of special architectural or historic interest, which cause visual harm to the setting of the building, will be resisted. In assessing harm caused by any proposal the following factors will be taken into account:*

- (i) the desirability of preserving the setting of the building;*
- (ii) the effect of the proposed development on the character of the listed building;*
- (iii) any effect on the economic viability of the listed building;*
- (iv) the contribution which the listed building makes to the townscape or countryside;*
- (v) the extent to which the proposed works would bring substantial benefits to the community including economic benefits and enhancement of the environment”.*

Policy ENV16 of the Local Plan states:

*“Within conservation areas development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials. Trees, important open spaces and natural features will also be protected as appropriate. The desirability of preserving or enhancing the character or appearance of a conservation area will also be a material consideration in deciding development proposals outside the designated area which would affect its setting or views into or out of the area”.*

Policy G1 of the Local Plan states *“In determining planning applications the following criteria will be applied:*

- (a) Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature ...*

Policy H17 of the Local Plan states that” *Planning permission for the conversion of buildings will be granted providing:*

- (a) the design of the conversion is of a high standard and is in keeping with local tradition, particularly in terms of materials, geometric form and window and door openings..”.*

This is expanded upon in subtext 5.13.17 – 5.13.19. Paragraph 5.13.19 states ‘the single most important element of a traditional farm building is the roof, seen at a distance, they tend to

dominate elevations. Large unbroken roof slopes are a characteristic within the Borough which should be respected...even small roof lights catch the eye by reflecting open sky or sunlight' and "traditional farm buildings will most effectively retain their character if the interior is left open, at least in part, to give an impression of the pre-converted space. Open layouts help natural light penetrate from a limited number of openings to illuminate a relatively large area of floorspace. Internal divisions should be kept to a minimum in sympathy with the structural main divisions of the building". Paragraph 5.13.18 states 'it should be remembered that these are not new buildings, they are conversions of special buildings. This should be reflected in the final scheme. Too many doors and windows, the insertion of dormers, roof lights and chimneys and the alteration of roof trusses will devalue the character of traditional farm buildings and that of the surrounding environment'.

Policy ENV1 of the Local Plan states '*The landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. In addition development will also need to contribute to the conservation of the natural beauty of the area. The environmental effects of proposals will be a major consideration and the design, materials, scale, massing and landscaping of development will be important factors in deciding planning applications. The protection, conservation and enhancement of the natural environment will be the most important considerations in the assessment of any development proposal. Regard will also be had to the economic and social well-being of the area*'.

Policy RT1 of the Local Plan states '*The Borough Council will approve development proposals which extend the range of tourism and visitor facilities in the borough.*

*This is subject to the following criteria being met:*

- i) The proposal must not conflict with other policies of this plan.*
- iii) The development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design.*

Ribble Valley Local Plan Employment policies emphasize the need for compliance with all policies of the Plan.

Policy EMP7 of the Local Plan states:

*"The expansion of existing firms within the main settlement will be allowed on land within or adjacent to their existing sites, provided no significant environmental problems are caused and the extension conforms to the other policies of this plan."*

Policy EMP8 of the Local Plan states:

*"The expansion of established firms on land outside main settlements will be allowed provided it is essential to maintain the existing source of employment and is not contrary to the other policies of this plan."*

Policy EMP9 of the Local Plan states '*Planning permission will be granted for employment-generating uses in barns and other rural buildings, provided all of the following criteria are met:*

- (i) The proposal will not cause unacceptable disturbance to neighbours in any way;*

- (iv) *The impact of the proposal or additional elements likely to be required for the proper operation of the building will not harm the appearance or function of the area in which it is situated;*
- (vi) *The design of the conversion should be of a high standard and be in keeping with local tradition, particularly in terms of materials, geometric form and window and door openings.*

Policy ENV13 of the Local Plan states *'The Borough Council will refuse development proposals which harm important landscape features including traditional stone walls, ponds, characteristic herb rich meadows and pastures, woodlands, copses, hedgerows and individual trees other than in exceptional circumstances where satisfactory works of mitigation or enhancement would be achieved, including rebuilding, replanting and landscape management'*.

Planning Policy Statement 5: Planning for the Historic Environment Policy HE9.1 states *"there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building ... should be exceptional.."*

PPS5, Policy HE9.2 states: *"Where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:*

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

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

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

PPS5 Policy HE10.1 states *"when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The*

*greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval”.*

PPS5 Policy HE7.6 states *‘Where there is evidence of deliberate neglect of or damage to a heritage asset in the hope of obtaining consent, the resultant deteriorated state of the heritage asset should not be a factor taken into account in any decision’.*

The Historic Environment Planning Practice Guide accompanying PPS5 is most pertinent at:

- 179 *The fabric will always be an important part of the asset’s significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new.*
- 182 *The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (where decorated or plain, principle or secondary) and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations.*
- 183 *the sub-division of buildings, such as threshing barns and churches, that are significant for their open interiors, impressive proportions and long sight lines, may have a considerable impact on significance. In these circumstances the use of pods or other design devices that allow the entirety of the space to be read may be appropriate.*
- 185 *the insertion of new elements such as doors and windows, (including dormers and roof lights to bring roof spaces into more intensive use) is quite likely to adversely affect the building’s significance ...new elements may be more acceptable if account is taken of the character of the building, the roofline and significant fabric.*
- 152 *Doors and windows are frequently key to the significance of a building*
- 189 *new services, both internal and external can have a considerable, and often cumulative, effect on the appearance of a building and can affect significance*
- 178 *it would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting.*
- 64 *understanding the significance of affected heritage assets is vital to a successful scheme – one that proposes the optimum viable use to a design that takes advantage of the asset’s significance while also conserving it. Early engagement can lead to an agreed understanding of the nature, extent and the importance of the significance of the asset or assets affected by a proposal, and identify the likely impacts before the details of the scheme are firmed up.*
- 78 *local authorities are advised to take into account the likely longevity of any public benefits claimed for a proposed scheme. Speculative, ill-conceived or short-term projects will not compare so favourably when considering an irreversible harm to the significance of a heritage asset.*



94 *Given the irreversibility of any such decision, the demolition or destruction of a designated heritage asset on these grounds is very much a last resort after every option to secure a viable future for the asset has been exhausted. The fact that particular applicants or their advisors cannot conceive of a viable use for the asset does not mean that there is no such use.*

44 *it is important to recognise that new development that relates well to its surroundings is likely to last longer before its replacement is considered and therefore make a greater contribution to sustainability. Local planning authorities are encouraged to seek well-conceived and inspirational design that is founded on a full understanding of local context.*

117 *the contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting..*

Paragraph 177 of the Draft National Planning Policy Framework (July 2011) states *‘the Government’s objectives for planning for the historic environment are to: conserve heritage assets in a manner appropriate to their significance..’.*

Paragraph 183 states *‘..as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification..’.*

English Heritage’s ‘Listing Selection Guide: Agricultural Buildings’ suggests that:

*“Very few cow house interiors of the C19 or earlier have survived unaltered because hygiene regulations for the production of milk have resulted in internal arrangements being altered” and “fittings ... it is these which most lend stables their special interest” (pg 10);*

*English Heritage’s ‘Conversion of Traditional Farm buildings: A Guide to Good Practice’ (October 2006) suggests ‘The roofs of farm buildings are often highly visible in the landscape and represent a very significant aspect of their character. Farm buildings are often characterised by long unbroken roof profiles with undulating ridges across the various bays of the building. It is vital to be sensitive to this historical and dominant characteristic’ (page 21) and ‘The need for a large number of roof lights suggests the use has over-pressurised the space available or light levels are unnecessarily high’ (page 22).*

Planning Policy Statement 5 ‘Planning for Sustainable Economic Growth’ (December 2009) states *‘To help achieve sustainable economic growth, the Government’s objectives for planning are:*

- *the historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity’. (Paragraph 10.)*

It would appear, evidenced by the contents of the submitted Business Plan and the submission of pre-application advice following the commencement of works (interior of Stables and barn and Hotel attic), that the site has been purchased and the scheme progressed without early or due consideration to the character and significance of the site’s designated heritage assets. In this respect, I note English Heritage, the Parish Council and local resident’s concerns and questioning of the scheme’s magnitude of impact on the historic environment. I would suggest, for example, that an earlier incite into Hotel character may not have led to the proposed and concurrent removal of the historic staircase (NB English Heritage would appear to have

misinterpreted the proposals in this respect) and insertion of damaging new staircases through and on the face of the building. Furthermore, consideration could have been made to the reinstatement of the main historic staircase removed in the 1990s; this would have contributed to meeting the objectives of PPS5 in respect to the enhancement of significance.

In respect to the state of repair of the historic buildings, I note that the submitted Structural Inspection concludes that *'the Hotel is in reasonable structural condition'* and *'the barn is in reasonable condition considering its age'*. The repair of render/wall surfaces and forecourt cobbles (particularly if these are to be overrun by coaches and service vehicles) would not appear to be substantial or significant public benefits. A public walkway along the Chipping Brook would be welcomed but, as noted by local residents and commented upon by the Borough Council's Countryside Officer, details have not been submitted and the feasibility of such a proposal is questionable.

In my opinion, the anticipated employment resulting from the scheme is potentially a very important public benefit. I recognise the view of the Council's Regeneration Officer who considers from an economic development perspective, the redevelopment proposals for the Talbot Hotel in Chipping should be welcomed. The regeneration of the site, closed for around 2 years, represents a significant investment that will support and strengthen the choice and offer for the tourism economy in the area and that it would provide much needed employment opportunities. However, I consider that this does not outweigh the substantial and irreversible harm to the historic environment. In general, the application does not provide sufficient or robust justification for the harmful works as required by Policies HE9.2 and HE9.4 of PPS5. Furthermore, Policy HE9.2(i) of PPS5 requires the applicant to demonstrate why the substantial harm is *necessary* i.e. can similar public benefits be achieved with less harm (see English Heritage's advice in respect to providing similar levels of accommodation on the site without further destroying the character of the Stables and barn).

In considering the anticipated employment resulting from development I am mindful of one local resident's use of the term 'value' in describing the existing unique historic environment and of the importance of heritage and tourism to the economy. English Heritage's 'Briefing Note on Heritage and Growth' (November 2011) states

*Heritage is a key driver of domestic tourism - there is a high correlation between places' popularity as a domestic tourist destination and the number of listed buildings they have (Locum Consulting (2009), 'Research for the North West Visitor Research Programme').*

I would concur with The Conservation Studio consultants, local residents and the Parish Plan that the open spaces, views, trees and watercourse to the rear of the Talbot Hotel and adjacent to St Bartholomew's Church and churchyard, are important to the character and appearance of the conservation area. In my opinion, this area provides a fitting and respectful setting to the listed buildings and Buildings of Townscape Merit. Therefore, I do not consider that the scheme in general, nor the proposed siting of the function room and extension of the car park outside of the village boundary in particular, would protect these elements or the countryside and landscape features within the Forest of Bowland Area of Outstanding Natural Beauty.

I note that the Borough Council's Countryside Officer has obtained a copy of the Arboricultural Impact Assessment and has concerns as to the long-term survivability and creation of resentment issues pertaining to the site and neighbouring land's trees of 'moderate or high quality and value'. In my opinion these trees are an important contributor to the character and appearance of this part of the conservation area and the amenities of local residents.

I am mindful of the concerns of the vicar of St Bartholomew's Church in respect to possible undermining of the graveyard and its listed wall and have asked the agent to comment in this regard (any response will be reported to Committee). I would concur that the tranquility of the graveyard is an important element of conservation area character but would be concerned at the disruption to listed building setting and the historic relationship between buildings which would result from screen planting.

I am mindful of the representations made in respect to the impact of development upon residential amenities. I am assured and satisfied by the comments of the Borough Council's Environmental Health section that noise, odours and lighting could be controlled to an acceptable degree by the imposition of planning conditions. In my opinion, the proposed new window to the en suite of bedroom 11 (in gable wall of stables and barn) would result in unacceptable overlooking of the neighbouring property.

I have considered the objections to the scheme concerning parking, highway safety and the sustainability of development in respect of transport. However, noting the comments of the County Highways Engineer I am satisfied that the proposal is acceptable in this regard.

I am mindful of the comments of the Borough Council's Countryside Officer and the Environment Agency in respect to protected species and flood risk respectively and I am satisfied that such concerns could be dealt with by planning condition.

I note objections relating to noise and odour but I am satisfied that having regard to the Council's Environmental Health Officer's observations, that these could be adequately controlled in one of the planning conditions and the need for further details.

I would confirm that the competition of the proposal with existing businesses is not a matter which can be considered in the determination of the planning application.

Whilst I note local resident concerns as to sewer capacity I am also mindful that United Utilities has no objection to the proposals at this stage.

I have given consideration to the decisions on applications 3/1997/0279 and 0280 but note that they predate the adoption of the Local Plan and the issue of Planning Policy Statement 5.

**RECOMMENDATION 1:** That listed building consent be REFUSED for the following reasons:

- (i) The proposal has an unduly harmful impact upon the character (including setting) and significance of the Grade II listed Stables and barn south west of the Talbot Hotel because of the loss of important historic fabric (including cow and horse stalls, troughs and hay loft), the insertion of overtly domestic style window openings, the insertion of conspicuous and visually intrusive roof lights into otherwise large and unbroken roof slopes, the loss of the open interior with impressive proportions and long sight lines and the detriment to its rural, informal and open setting and historic relationship to the Talbot Hotel.
- (ii) The proposal has an unduly harmful impact upon the character (including setting) and significance of the Grade II listed Talbot Hotel because of the loss of important historic fabric (including an early C19 staircase, an early C19 multi-paned sash window and C18 doors, cupboards and walling), and the dominant, conspicuous and incongruous size, extent and plan form of new build and the detriment to its rural, informal and open setting and historic relationship to the Stable and barn.

RECOMMENDATION 2: That planning permission be REFUSED for the following reason(s):

- (i) The proposal has an unduly harmful impact upon the character (including setting) and significance of the Grade II listed Stables and barn south west of the Talbot Hotel because of the loss of important historic fabric (including cow and horse stalls and hay loft), the insertion of overtly domestic style window openings, the insertion of conspicuous and visually intrusive roof lights into otherwise large and unbroken roof slopes, the loss of the open interior with impressive proportions and long sight lines and detriment to its rural, informal and open setting and historic relationship to the Talbot Hotel. This would be contrary to Policies ENV20, ENV19, EMP9 (iii & vi) and RT1 (iii) of the Ribble Valley Districtwide Local Plan.
- (ii) The proposal has an unduly harmful impact upon the character (including setting) and significance of the Grade II listed Talbot Hotel because of the loss of important historic fabric (including an early C19 staircase, an early C19 multi-paned sash window and C18 doors, cupboards and walling), the dominant, conspicuous and incongruous size, extent and plan form of new build and the detriment to its rural, informal and open setting and historic relationship to the Stable and barn. This would be contrary to Policies ENV20, ENV19, G1 (a & e) and RT1 (iii) of the Ribble Valley Districtwide Local Plan.
- (iii) The proposal has an unduly harmful impact upon the character, appearance and significance of Chipping Conservation Area and the setting and significance of adjacent listed buildings and important heritage assets because of the insertion of overtly domestic style window openings and conspicuous and visually intrusive roof lights into the Stables and barn, the dominance of the site and the historic relationship between buildings by the new build, the incongruous design and layout of new build (including car park extension), harm to important trees and tree groups and loss of the rural, informal, open and relatively tranquil nature of the site. This would be contrary to Policies ENV19, ENV16, G1 (a & e) and RT1 (iii) of the Ribble Valley Districtwide Local Plan.
- (iv) The proposal has an unduly harmful impact upon landscape features (including trees) within the site and the countryside outside of the Chipping settlement boundary which is within the Forest of Bowland Area of Outstanding Natural Beauty contrary to Policies G1(a), G5(v), ENV1 and ENV13 of the Ribble Valley Districtwide Local Plan.
- (v) The proposed new window to the en-suite of bedroom 11 (Stables and barn) would result in unacceptable overlooking of the neighbouring property contrary to Policies G1 and EMP9 (i) of the Ribble Valley Districtwide Local Plan.

**D. APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED OR ONE PREVIOUSLY DEFERRED**

APPLICATION NO: 3/2011/0247/P

(GRID REF: SD 373073 441975)

PROPOSED OUTLINE APPLICATION PROPOSING THE ERECTION OF 38 MARKET DWELLINGS AND 16 AFFORDABLE DWELLINGS AT LAND OFF CHAPEL CLOSE, LOW MOOR, CLITHEROE

TOWN COUNCIL:

Object for the following reasons:

1. Over-intensity of development.
2. The narrow entrance into Chapel Close for a potential further 100 vehicles.
3. The pressure of the further 100 plus vehicles on an existing difficult road structure.
4. Pressure on Edisford School for the extra potential pupils.
5. Availability of the existing sewage system to cope with additional dwellings. There would appear to be some difficulties at the moment on occasions.
6. A ransom strip of land between the properties on Meadowland and the potential development site. Has the ownership of this been considered by the developer?

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

I have no objections in principle to this proposal on highway grounds. However, there are a number of highway matters regarding aspects of the proposed development that could prove detrimental to residents and the operation of the local highway network. These matters should be resolved and formal agreements reached prior to permission being granted.

Parking Provisions

From the available site plans, the most recent of which dates from 8 June 2011, I have identified a total of 127 car parking spaces for the 54 properties, 39 of which are garages, either integral or detached. This level of provision would be appropriate for the various house types and layout shown on plan.

However, the supporting information for the application identifies 105 spaces, including 3 mobility spaces. It would be very beneficial to have any potential anomalies between the figures I have extrapolated and those identified on the application, made explicit.

Garaging

In relation to the garage provisions, details of their dimensions and layout are essential in order to ascertain if they can be used, in perpetuity, for the safe garaging of private vehicles. While the LCC standard dimension for a single garage is 3m by 6m, there is a degree of flexibility where the storage of materials, etc is not required.

Therefore, I would request that the following Condition should be attached to any future consent your Committee may provide in respect of this application;

- In order to retain the use of this space for the garaging of a private vehicle, the future development of this amenity for residential space or for exclusively storage purposes is to be prohibited.

Highway Safety

I have attached a plan of the Low Moor area indicating the location of Reported collisions involving personal injury during the last five years, 30 June 2006 to 1 July 2011 in the Low Moor area indicate that there have been three incidents and I have summarised them below:

<b>Location</b>	<b>Date</b>	<b>Severity</b>	<b>Description</b>
Union Street at Ribble Way	31.07.08	Slight	Pedal cyclist emerged into oncoming traffic
Queens Street & Union Street	20.12.09	Slight	Emerging from Queen Street vehicles collide on Union Street
St Pauls Street & Edisford Road	07.10.07	Slight	Emerging vehicle collides with PC on Edisford Road

Access

The access road to the site extends from Chapel Close and will provide a consistent carriageway width and footways of minimum width 1.8m to either side. As part of the Reserved Matters, the construction and design of the access road and other links will be conditioned to be consistent with the Lancashire County Council Specification for Construction of Estate Roads and the parameters set out in Manual for Streets 2.

There has historically been a lack of clarity concerning the continuity of land ownership on the route of the access road to the north of No. 3 Chapel Close. However, this will not in itself restrict the potential development of the site as there are existing rights of easement to the area of land being considered here.

The local highway infrastructure allows for a choice of routes from Chapel Close to St Paul's Street and thence to Edisford Road. The anticipated peak hour traffic generated by a 54 property development is likely to be less than 20 two way vehicle movements. At this level, the impact on vehicle flows and the experience of residents and other road users will not be significant.

### Speed Limits

The introduction of a 20mph Speed Limit across Low Moor and a wider area identified as "Clitheroe North" has recently been advertised and will be implemented in the coming months. Accordingly, the design of the site layout will be consistent with the aims of Manual for Streets 2.

### Planning Obligations

Should the Local Planning Authority be minded to approve this development, the County Council would seek planning obligation contributions from this development to fund measures that support sustainable transport. It is acknowledged that a number of measures provided under proposed s278 highway works support sustainable development. However, it is considered that further sustainable measures will be necessary to promote and support sustainable development, particularly in respect of public transport. Until agreement has been reached on all highway matters the Highways Authority is unable to provide full details on the request for planning obligations relating to highways and transport. The planning obligations are expected to cover:

- contribution for sustainable transport, walking, cycling and public transport; and
- request for contribution for advice and assistance with the Travel Plan.

A Highways contribution of £96,490 will be sought. This is based on 54 dwellings of varied room size, 38 for open sale and 16 affordable, with an approximated Accessibility score of 24, as follows:- 7 x £1,600 and 31 x £2,130 = £77,230 and 16 x £1,070 = £19,260.

### Committed Development

There are no committed developments in the immediate vicinity of this site.

### PROW

There is an existing Public Rights of Way, Footpath 21, running along the length of the existing access from Chapel Close. There is no proposed revision of the footway as a result of this development.

### Public Transport

The C1 service presently operates within Low Moor, but is now being run directly by Lancashire County Council. This reinforces the view that plans need to be agreed to secure a long term, viable Public Transport service to ensure that this development is sustainable.

The issue of accessibility by sustainable public transport must be addressed. I refer to IHT "Guidelines for Public Transport in Developments" – with particular reference to pp 149/150 Annex B: "Public & Sustainable Transport Assessment".

This development features a single access point for highway traffic, removing the possibility of operating a through bus service that would provide the conditions required for its long term sustainability.

However, the proposal satisfies the key requirement that all proposed housing should be within 400m walking distance of a regular and frequent bus service.

The nearest formal stop is at St Ann's Court and the level of service is limited to daytime only, with no evening services and only 4 buses on a Sunday.

Furthermore, as the layout of the site does not encourage use of public transport, it will be increasingly reliant on the use of private transport, increasing traffic levels on local network as indicated elsewhere in this response. The existing arrangements would make it difficult for residents to access employment or other facilities outside of the immediate locality at anything other than peak travel times.

In order to address these deficiencies, I would recommend the development funds the upgrading of the existing stop and the provision of a new bus stop on Union Street. Subject to a suitable design being agreed, the intention would be to pursue stops to LCC Quality Bus Standards, including illuminated shelters to LCC specification, raised footway (160mm kerb



height) and Bus Clearway Markings.

I would initially estimate that the costs of this provision would be £20k plus a £2k commuted sum for future maintenance. I would require that acceptance to future maintenance of the shelters by Borough Council is obtained as part of this process.

#### Cycling

I have no request for specific cycle provisions from this development.

#### Traffic Regulation Orders

There are no TRO's being proposed as a part of this application.

#### Standard Conditions

There are a number of Standard Conditions that will apply to this application.

#### Update Response 1 March 2012

Correspondence has been received from LCC since the date of the initial consultation response in respect of the financial contributions being sought from this development in respect of sustainable transport measures – the sum identified above being £96,490. For reasons explained later within this report that money is no longer requested but the requirement for £20,000 towards the cost of upgrading the existing bus stop at St Ann's Court and the provision of a new bus stop at Union Street, plus a £2,000 commuted sum for future maintenance remains.

LANCASHIRE COUNTY  
COUNCIL PLANNING  
CONTRIBUTIONS OFFICER:

Have considered the application as originally submitted and comment as follows:

#### Transport

There is likely to be a contribution request for sustainable transport measures in relation to this development. (See comments from County Surveyor)

#### Education

The response dated 3 May 2011 detailed a need for a contribution from the developer for the full primary pupil yield for this development ie 20 places.

Using the DCSF cost multiplier (12,257 x 0.9) x 1.1072 per place = £244,277.

In terms of secondary school places a contribution from the developer for the full pupil yield of this development ie 14 places was sought.

Using the DCSF cost multiplier (18,469 x 0.9) x 1.1072 per place = £257,656.

The total education contribution sought on the basis of these figures was £501,933.

However the most recent response from the education team at Lancashire County Council dated 22 September 2011 outlines the following:

Requirement based purely on forecasts:

Primary

There were 185 places in the local primary schools at January 2011 pupil census.

*Latest forecasts*<sup>1</sup> for the local primary schools show there to be just 1 place in 5 years' time. These forecasts take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

Therefore, we would be seeking a contribution from the developer for a contribution in respect of 19 -1 =18 places.

Secondary

There were no surplus places in the local secondary schools at January 2011 pupil census. Therefore, early delivery of this development would impact upon school places.

However, *Latest forecasts*<sup>1</sup> for the local secondary schools show there to be approximately 47 places available in 5 years' time.

In addition, a planning application has already been approved for the former Cobden Mill, which has the potential to yield 11 additional pupils which are expected to attend one of these secondary schools.

Therefore, the number of remaining places would be 47 less 11 = 36 places. Therefore, there is sufficient capacity to accommodate the potential yield of 14 pupils from this development in the longer term.

Other developments impacting upon these schools pending a decision (including appeals):

When considering this reassessment, LCC would ask that Planners be aware of the significant number of developments which are either pending a decision or have appealed and a decision has not yet been made.

These developments are as follows:

Henthorn Road - appeal pending?  
Barkers Garden Centre  
Barrow Brook Business Village  
Chatburn Old Road  
Victoria Mill

These developments have the potential to generate an additional 95 primary and 96 secondary school pupils for this group of schools. Therefore, if any decisions were to be made on those developments (including by the Planning Inspector) before the decision on this development, the number of available places would be reduced and the impact may be significant enough to impact upon the ability to provide local children with a local school place.

Summary of response:

There are sufficient secondary school places to accommodate this development.

However, LCC would be seeking a contribution from the developer in respect of 18 primary school places.

18 places @ (£12,257x0.9) x1.1072 per place = **£219,849**

In the event that the decision on this development is taken after that on other developments affecting these schools, the maximum contribution which could be sought would be for the full pupil yield of this development is as follows:

Primary places 19 places @ £12,257x (0.9) x 1.1072= £232,063

Secondary places 14places@ £18,469 x (0.9) x 1.1072= £257,656

<sup>1</sup> Latest forecasts produced at spring 2011, based upon Annual Pupil Census January 2011.

A further response dated 5 October 2011 that was reported verbally to Members when this scheme was first presented for consideration revised the primary contribution to 10 places at (£12,257 x 0.9) x 1.1072 per place = £232,063.

### Waste Management

The County Council makes vital major investments in waste management infrastructure for reasons of environmental protection and sustainability. Every district in the County is being provided with advanced treatment facilities to treat waste prior to landfilling, either directly or via purpose designed transfer stations. Since each and every new house, wherever it is in the County, has to be provided with this basic service and the Council has to comply with significant new requirements relating to the management of waste, it is considered that the Council is justified in requesting a contribution towards waste management. Based upon the Policy Paper methodology for Waste Management, the request is £26,880.

By way of summary, the likely planning contribution request for Lancashire County Council services is as follows:

Transport	To be finalised as part of S106 negotiations
Education	£219,849
Waste Management	£ 26,880
<u>Grand Total</u>	<u>£246,729</u>

LANCASHIRE COUNTY COUNCIL (ARCHAEOLOGY): On the basis of the RSK's Archaeological Desk Based Assessment, impact assessment and proposal for mitigation report it would be a reasonable assumption that the former site of the St Nicholas Leper Hospital does not lie within the current application site. Consequently LCAS does not consider that any further archaeological investigation of the site is necessary.

ENVIRONMENT AGENCY: Further to discussions with RSK regarding the Food Risk Assessment submitted with this application, the Environment Agency are now satisfied that the return period flows are appropriate and thus raise no objections to the proposed development subject to the imposition of conditions regarding flood risk.

The boundary of the proposed development is shared with the boundary of a former landfill site known as Ashworth's Farm. The site was filled before the controls imposed under the Control of Pollution Act 1974. A former munitions storage facility was present on the site during World War II and anecdotal evidence implies that mustard gas may have been deposited in the landfill. As such it is recommended that conditions be imposed regarding site investigation.

In respect of biodiversity, any vegetation clearance should be conducted outside of the bird breeding season. The site contains existing structures which may support bats. All British species of bats are protected by Section 9 (1 and 4) of the Wildlife and Countryside Act (1981) Bern Convention, and the Bonn Convention.

Under the Wildlife and Countryside Act (1981) it is an offence to intentionally kill, injure or take from the wild; damage or destroy or obstruct access to places of shelter or protection; disturb these species while they are in a place of shelter or protection. A Natural England Licence is required to undertake survey work and a DEFRA licence is required to undertake mitigation work that will affect any bat species or its roost.

UNITED UTILITIES: Have no objections to the proposal.

ADDITIONAL REPRESENTATIONS: A total of 62 letters of objection have been received to the development. Members are referred to the file for full details of these which can be summarised as follows:

1. Low Moor has a serious problem with traffic flow and access which is already at a dangerous level and will be further exacerbated by an additional 100 plus cars.
2. An access to Edisford Road should be provided before any building works commence.
3. The only exit from the village onto Edisford Road is already hazardous and if the proposed change of

- premises by Spar becomes a reality, the junction will be even more dangerous.
4. A one-way system along St Paul's Street, High Street along the west end of Nelson Street onto Union Street, Queen's Street and back onto St Paul's Street may alleviate some of the problems.
  5. There are three residential homes for the elderly who frequently require the need of emergency vehicles and there are already instances of access problems by emergency vehicles as well as buses.
  6. Concerns over the impact of heavy construction traffic on an already vulnerable local road system.
  7. The levels of additional traffic would cause a danger to the elderly and children.
  8. The number of parking spaces within the development is insufficient.
  9. Reference to previous discussions with a Highway Officer of Lancashire County Council regarding traffic and an understanding that the village could not take further development that would result in more traffic.
  10. Reference to areas where the road network is reduced to single width due to parked vehicles and concerns over the capacity of the existing network to accommodate the additional vehicles – two public access roads to the site both of which are narrow, residential and at present quite enough for children to play in. This development will reduce in a considerable increase in traffic with all the dangers involved and considerable inconvenience. Already it is necessary for road users to frequently pull over to allow the passage of oncoming vehicles down St Paul's Street.
  11. Opposition to building on green field sites.
  12. There is an abundance of suitable brown field sites and if there is such a shortage of housing as claimed, why is a construction of a fourth supermarket going ahead in Clitheroe.
  13. The building of multi-storey accommodation would be a solution to a housing shortage – the construction of the three-storey Ribble Valley Homes Office demonstrates the Planning Department is quite amenable to multi-storey-ism.
  14. The development falls outside the settlement boundary.
  15. The land is designated open countryside. ENV3 should be read and followed carefully.
  16. The development is contrary to Policies G2 and G7.
  17. The site is green belt.
  18. The SHLAA 2008 identified only part of the site for development.
  19. The Housing Needs Survey 2008 identified a need for one and two bedroom accommodation, particularly for the elderly and young people. This application provides mainly for the profit of the private developer.

20. The type of housing proposed does not appear to be appropriate for the area.
21. The dwellings would not form part of the existing village but be an almost self contained area.
22. The number of houses proposed is out of proportion to the existing size of Low Moor village, representing a 15-20% increase in the size of the village.
23. Question the density of development – it is contended that this development represents considerable over-development of the available land.
24. With the proposed development of 250 houses at Henthorn and other sites under consideration why does Low Moor need any more houses?
25. If, when balancing all the factors, some development on the site is allowed, the Council need to be mindful of creeping development. If we are not careful the whole banks of the Ribble will be built upon and the character of Clitheroe permanently harmed.
26. The public open space provision seems without imagination.
27. The development would have a detrimental impact on the landscape/flora and fauna due to the loss of trees, hedgerows and natural habitats.
28. An environmental survey has been submitted but this appears to be misinformed. There are small brown amphibians living on the site near the cuts/dykes, although the recent removal of topsoil etc must have had a drastic impact on this habitat.
29. There are Great Crested Newts in the area which appear to have been totally ignored or glossed over.
30. Loss of agricultural land with its food production capacity.
31. There are deer, bats, badgers, owls and Peregrine Falcons.
32. There is no provision to retain the existing field pond in the development.
33. The application mentions contamination but makes no mention of the significant quantity of asbestos waste that has been stored on the land for at least the last 12 years.
34. Where are all the children going to attend school? The local primary schools are all full as are the secondary schools.
35. Do medical facilities have such spare capacity that they can accommodate this large increase in the local population?
36. Concerns about sewage capacity – during heavy rainfall the foul sewers cannot cope with the existing flows and have overflowed on several occasions.
37. Has the effect of several years of ongoing construction been considered?

38. Adverse impacts on surrounding properties in terms of loss of sunlight to the gardens, light pollution in the evenings, noise pollution, air pollution, loss of privacy and overlooking and the proposed houses creating a dominating and oppressive effect.
39. The dwellings are of excessive height in comparison with other buildings on Riverside.
40. Query the relationship of the development with the allotments which may mean future residents make representations to the Council regarding environmental health issues associated with noise and disturbance from animals kept on the allotments.
41. Better layout should be considered that provide buffers to existing housing and minimise if not eliminate the difficulties of houses overlooking one another.
42. Decisions concerning the proposed application should not be made within the walls of a Council building and recommend that an organised visit to the site thus effecting practical and proper decision-making takes place.
43. Should RVBC allow this development to take place, then it is a clear signal that our Council places the needs of big business (who obviously prefer green field to brown field sites) before those of the people they are supposed to represent, and makes a mockery of the democratic process.
44. The current condition of the site (which Mr Ashworth has turned into an industrial land stripping operation) is so dire that some small development might be an improvement.
45. What is the status of the caravan that has been occupied for at least the last 12 months?
46. The area by the allotments on the way to the river is part of the Ribble Way and used by a lot of walkers and more dwellings would spoil this beautiful unspoilt countryside.
47. Why did the developers move in with their machinery and start developing the site by stripping the surface before the application had even been filed?
48. The planning history of the site shows previous applications have been refused.
49. It would create an undesirable precedent.
50. The idea of building a speculative housing estate across and around the Ribble Valley is obscene.
51. Devaluation of property prices.
52. Question whether there is a Ransom strip on a thin strip of land to the rear of Meadowlands.
53. Question the provision of a new bus stop.



## **Proposal**

This is an outline application which in its revised form seeks consent for the erection of a total of 54 dwellings which includes 16 affordable dwellings with the remaining 38 dwellings being market properties. Approval is sought for the means of access into the site together with the siting of the dwellings and provision is made on site for public open space which will be privately managed. The site is approximately 1.88 hectare with this scheme giving a gross total density of 33 units per hectare.

Access to the site is proposed from Chapel Close and a new road will be constructed within the site ownership to enable a direct connection to Chapel Close. The access road will then sweep into the larger portion of the site to the east of public footpath number 21 to service most of the new dwellings (43 units). A number of properties will be served from a driveway at the northern end of this access (5 dwellings) which will also safeguard the existing public right of way which follows the same route. There are 6 properties to the west of the road leading from Chapel Close 4 of which will have individual driveways onto that road with Plots 5 and 6 accessed of a hammer/turning head.

It is proposed that most of the dwellings will be detached, although the scheme does provide for a small number of terraces, semi-detached, bungalows and apartments. Dwellings in the main will be 2 storeys in height with one property being 2 ½ storeys interspersed with bungalows. The submitted Design and Access Statement provides a table of approximate overall dimensions of house types shown on the submitted master plan and indicates heights ranging from 5.7m (bungalow) to 7.9m for the dwellings and approximately 8.1m for the apartment block which is situated in the northeast corner of the site. Plots 24 to 39 will be affordable housing provided in partnership with an approved registered provider with several specifically earmarked for affordable sheltered or elderly care.

An area of public open space is set to the east of the access road leading from Chapel Close with dwellings surrounding it on all sides providing natural surveillance.

## **Site Location**

The site lies to the north of Chapel Close outside but immediately adjacent to the settlement boundary of Clitheroe, lying within land designated open countryside. The site is green field in nature with existing hedgerows along its eastern, northern and southern boundaries. The scheme submitted has its main area for development to the immediate east of an existing track leading from Chapel Close that heads in a northerly direction and has public footpath number 21 along its route. This larger section of land is fairly level and has the dwellings fronting Meadowlands running along its southern boundary. There are open fields beyond to the east and north with a number of allotments set to the northwest of the site. The smaller section of development to the west of the track is on land which does fall away in a westerly direction towards properties on Riverside. At present there is an unauthorised caravan in situ on the site.

## **Relevant History**

3/2003/0924/P – Use of land for horse breeding and erection of stables, office and staff room, siting of caravan until office/staff room completed. Refused. Appeal allowed.

3/2001/0690/P – Change of use of land for stabling and horse breeding and erection of stables. Refused 19 December 2002.

3/85/0362/P – Erection of two houses. Refused.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy H20 - Affordable Housing - Villages and Countryside.

Policy H21 - Affordable Housing - Information Needed.

Policy RT8 - Open Space Provision.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Affordable Housing Memorandum of Understanding.

Policy DP1 – Spatial Principles, North West of England Regional Spatial Strategy to 2021.

Policy DP2 – Promote Sustainable Communities, North West of England Regional Spatial Strategy to 2021.

Policy DP7 – Promote Environmental Quality, North West of England Regional Spatial Strategy to 2021.

Policy L1 – Health, Sport, Recreation, Cultural and Educational Services Provision, North West of England Regional Spatial Strategy to 2021.

Policy L4 – Regional Housing Provision, North West of England Regional Spatial Strategy to 2021.

Policy L5 – Affordable Housing, North West of England Regional Spatial Strategy to 2021.

PPS1 – Delivering Sustainable Development.

PPS3 – Housing.

PPS7 – Sustainable Development in Rural Areas.

PPG13 – Transport.

PPG17 – Planning for Open Space, Sport and Recreation.

PPS22 – Renewable Energy.

PPS25 – Development and Flood Risk.

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

The matters for consideration in the determination of this application are the principle of development, whether the affordable housing offer meets identified needs, highway safety, infrastructure provision, nature conservation, visual and residential amenity. For ease of reference these are broken down into the following sub-headings for discussion:

#### **Principle of Development**

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local plan development policies. The site falls within land designated as Open Countryside (policy ENV3 and policy G5).

The proposals are for the development of 54 residential units, 16 of which are for affordable housing. Policy G5 of the DWLP recognises the need to protect the countryside from inappropriate development, and therefore planning permission for local needs housing would only be considered if an affordable local housing need could be identified in this location.

This approach of meeting an identified, affordable housing need is consistent with Policy ENV3 of the Districtwide Local Plan which, as well as requiring that any development must be in keeping with the character of the landscape area and reflect local vernacular, scale, style,

features and building material, also stipulates that only development that has benefits to the area will be allowed. Although small-scale affordable housing that meets an identified need would comply with this requirement, wider issues of site suitability and housing supply must also be considered.

In looking at this issue it is apparent that Ribble Valley Borough Council is currently unable to identify a 5-year supply of deliverable housing land, with this figure standing at 2.9 years as at 31/03/11 (most up to date monitoring information). Paragraph 71 of PPS3: Housing, states that where LPAs cannot demonstrate an up to date five year supply of deliverable sites they should consider favourably planning applications for housing having regard to the policies in PPS3 including the considerations in paragraph 69.

Paragraph 69 states that in deciding planning applications, Local Planning Authorities should have regard to:

- achieving high quality design,
- ensuring developments achieve a good mix of housing ,
- the suitability of a site for housing, including its environmental sustainability,
- using land effectively and efficiently; and
- ensuring the proposed development is in line with planning for housing objectives.

An important consideration in assessing these proposals is bullet point 3 of para 69 (as above), which relates to the need for Local Planning Authorities to have regard to the suitability of a site for housing, including its environmental sustainability, as well as bullet point 5, which requires that development consider planning for housing objectives. Paragraph 10 and 36 of PPS3 discuss this further and state that housing developments should be in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

In assessing the sustainability of the site regard should also be had to national planning guidance offered in PPS1 'Delivering Sustainable Development' and PPS7 'Sustainable Development in Rural Areas'. The latter document comments in paragraph 3 that 'away from larger urban areas, planning authorities should focus most new development in or near to local service centres where employment, housing (including affordable housing), services and other facilities can be provided close together'. PPS1 comments in paragraph 8 that 'the plan led system, and the certainty and predictability it aims to provide is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan unless material considerations indicate otherwise (in this instance the requirements of PPS3). Reference is also made in paragraph 33 to the fact that 'good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development'.

It is considered that although the site would be located on land designated as open countryside, it is adjacent to the settlement boundary of Clitheroe and therefore closely related to a service centre which can offer these facilities and access, which is in line with planning for housing objectives and considered a suitable site for housing. Therefore it is considered that the proposals satisfy the criteria set out in paragraph 69 of PPS3 and the requirements of PPS1 and PPS7 in terms of sustainable development.

In relation to ensuring the proposed development is in line with planning for housing objectives the level of affordable housing provision on the site needs to be considered and is considered in detail below.

In relation to the issue of a 5-year supply of deliverable housing sites, it is important to note that the situation is subject to rapid change. At the present time, the overall housing requirement for Ribble Valley is determined by the Regional Spatial Strategy (RSS) however Government advice has highlighted that the RSS is soon to be abolished and as a result it will fall upon LPAs to determine what the housing requirement should be for their own borough, albeit determined upon strong and robust evidence. As a result, in preparation for this abolition and having regard to the time frames involved in consulting upon and adopting new housing numbers for use in determining planning applications and working on the Strategic Development Plan, Ribble Valley Borough Council recently instructed Nathaniel, Litchfield and Partners (NLP) consultants to undertake some work on assessing what the overall requirement for housing land should be in the borough. This work is now complete, and Members have resolved to publish this information for public consultation. Therefore as a result it must be considered that dependent upon the outcome of this consultation, the five-year supply position is subject to change.

The potential for change in policy is also relevant in relation to the emerging Local Development Framework. Between June and August 2011, consultation took place on further development strategy options work, forming part of the Regulation 25 stage Core Strategy. A high level of response was received and analysis work is currently being undertaken to work towards identifying a preferred development strategy option. Consultation work was also undertaken on developing the LDF Development Management policies and Key Statements document, as well on a revised Memorandum of Understanding on Affordable Housing, now titled 'Addressing housing need in Ribble Valley'. Once adopted, as is anticipated in the coming months, there will be a requirement to provide sheltered provision as part of the scheme, and the thresholds for affordable housing provision currently set out in the AMHU are subject to change.

### Affordable Housing

In considering the affordable housing element of the proposal, it is important to have regard to Policies H20 and H21 of the Ribble Valley Districtwide Local Plan and the Council's Affordable Housing Memorandum of Understanding (AHMU). Policy H20 of the Plan identifies that on sites outside defined settlement limits, schemes should provide for 100% affordable needs. However, having regard to material considerations, namely PPS3 as outlined above, I am of the opinion that as the scheme immediately abuts the saved settlement limit of Clitheroe a more relaxed approach is in order and that it is the requirements of the AHMU and Policy H21 that the affordable elements of the scheme should be assessed against.

In terms of assessing the development under the requirements of the AHMU a scheme outside defined settlement limits for three or more dwellings (or sites of 0.1 hectare or more) should provide 30% of the site for affordable provision. Policy H21 sets out the information to be submitted in support of affordable schemes in terms of who the accommodation is intended to be provided for and details of the methods by which the accommodation will be sold, let, managed and retained a suitable for its original purpose.

The scheme is made in outline for the erection of 54 dwellings. A draft Legal Agreement was submitted with the application and has been the subject of negotiations with the Council's Housing Strategy Officer in order to ensure that the scheme matches identified needs. Given the scheme is within the Clitheroe area, the approach taken is that development in this key service centre should meet housing needs expressed throughout the borough and not just those specific to the parish as is the case in the villages. The negotiations have secured revisions to the originally submitted agreement with the Legal Agreement content sub-heading later within this report providing specific details for the clauses covering the affordable elements.

## Highway Safety

Members will note that many of the objections received to this development relate to matters of highway safety. The response of the County Surveyor has been given in full earlier in this report in order that Members can see the range of issues that have been examined in forming the conclusion that there are no objections in principle. The Officer at Lancashire County Council question the number of parking spaces in his response and the applicants have confirmed that the scheme would allow for a maximum of 120 spaces (the form does however stated 105) and this is considered acceptable.

The response from Lancashire County Council comments that matters that could prove detrimental to residents and the operation of the local highway network should be resolved and prior agreement reached prior to permission being granted. This has been queried as to whether the applicant discussing the contribution for sustainable transport, walking, cycling, public transport and advice/assistance with the travel plan in order to sign up to the Section 106 Agreement would be sufficient or if further measures are necessary prior to Committee even considering this scheme. It is the opinion of the Highways Officer at Lancashire County Council that the matters identified can adequately be addressed as part of the negotiations to finalise a Section 106 Agreement and thus it would be appropriate for Members to establish whether they are satisfied with the principle of development on this site prior to those detailed negotiations.

As Members will see the potential contribution sought towards highway measures when the scheme was initially presented to Committee on 13 October 2011 was a substantial sum of money which the applicants stated they had no objection in principle with making subject to achieving a negotiated agreement on the level and phasing of the contributions. However as stated earlier in this revised report, when detailing the consultation response of the County Surveyor, there has been a revision to the sum of money being requested as part of this scheme. I have been advised by one of the Solicitors at LCC that the contribution towards sustainable transport measures ie £96,490 will no longer be sought from the developer. The reason given by LCC is that in determining the final contribution to be paid they have been conscious of the need to satisfy the standard CIL tests. On this basis, the initial £96,490 is not necessary to make the development acceptable in planning terms or directly related to the development. It is for that reason that the request for sustainable transport contributions is not to be taken forward.

I am also mindful that public footpath number 21 dissects the site. The Public Rights of Way Officer at Lancashire County Council has commented on the application and stated that the public right of way must not be obstructed during the proposed development. It is the responsibility of the land owner to ensure that the necessary procedures are followed and if it is necessary for the public right of way to be temporarily diverted or temporarily closed this is the responsibility of the land owner to ensure it is done following the appropriate legal proceedings.

## Education

Members will note from the response of LCC that the position and subsequent contribution request for an education has changed since the initial response received in May 2011. In light of discussions that took place regarding the recent planning appeal and public inquiry for the development at land off Riddings Lane, Whalley, and bearing in mind comments made by the Inspector about the CIL test, a reassessment has been made taking into account just the approvals from other developments. The result of this is a reduced contribution for primary provision and no contribution sought towards the provision of secondary places. However, the point is made in the LCC response that if any of the other developments impacting upon the

same schools as this site pending a decision, are granted approval before this scheme, then there needs to be a way of factoring that into any potential contributions sought. For this reason the reason the response from LCC dated 5 October 2011 states a contribution of £232,063 towards primary places and a potential £257,656 towards secondary places. It is the intention that at the time of finalising the Section 106 Agreement, an up-to-date reassessment of those pending decisions will be made to finalise the contributions sought up to the maximum level as outlined in the consultation response.

It is acknowledged that this is a different way of presenting this evidence to Members and indeed calculating the requisite sums of money. There has been much debate about what is reasonable to incorporate into any calculations of contributions given the amount of time it takes for these larger schemes to progress through the planning system. Hopefully this gives a fairer model that can adapt to changes in circumstance but it is recognised that it takes away the certainty for Members of a fixed sum of money being expressed when they reach their decision. However, based on the latest methodology being adopted by LCC at the time this report was drafted, the only contribution sought is towards primary provision with the sum of money being £219,849.

### Public Open Space

Policy RT8 of the Districtwide Local Plan requires that residential sites over 1 hectare provide adequate and usable public open space. The supporting text notes that community open space within new residential areas provides a useful informal recreational facility for residents of the neighbourhood and a particular requirement will be for the provision of children's play areas.

The indicative site layout provides for an area of public open space measuring approximately 50m x 14m at a location immediately adjoining the access route from Chapel Close along which public footpath number 21 runs. The planning statement submitted in support of the application outlines that this area will be privately managed and should Committee be minded to approve the application, a suitably worded condition will need to be imposed to ensure that the site is appropriately laid out and managed/maintained. It is considered that the size of the site provided is adequate and in terms of its positioning within the overall site I consider that in this location there would be natural surveillance of it by surrounding houses and indeed those using the public footpath. It could also be argued that it would also draw children from the surrounding area to make use of its facilities, whereas if it were in a more secluded spot within the core of the site it would not appear as accessible to those from outside the development site itself.

### Nature Conservation – Protected Species/Landscape/Trees

This is a green field site and there are trees and hedgerows that align the site to establish field boundaries. As part of the application an Arboricultural Impact Assessment was submitted which provides a preliminary analysis of the impacts that the proposed development would potentially have on trees. It also offers guidance on suitable tree management and mitigation and appropriate tree protection measures in the context of the proposed development. The assessment identifies that the proposed development can be achieved with the removal of seven individual trees, one group and part of a hedgerow to facilitate the access all of which are considered of low value. It is considered that the loss of these trees would have a negligible impact upon the visual amenity value of the area and the loss can be more than adequately mitigated for through tree planting as part of the landscaping scheme submitted at reserved matters stage.

The application is also submitted with a Phase 1 survey report to present the results of ecological surveys undertaken, namely a Phase 1 habitat survey and an assessment of the habitat of all protected vertebrates. Most of the survey area is improved grassland with a smaller proportion of marshy grassland scrub. Hedges, ponds and ditches are also present but in a smaller proportion. The hedges are the most ecologically valuable feature on site and they are important in the landscape for maintaining habitat connectivity. Trees also have intrinsic value. However none of the habitats have more than low conservation value. In respect of protected vertebrates, badgers, bats, great crested newts, reptiles, nesting birds and water voles have been considered in the submitted survey information. In respect of these the only mitigation measures identified are that vegetation should be cleared outside the bird nesting season, if works are to proceed in the marshy grassland/scrub area then there should be a watching brief by an ecologist to ensure that no reptiles are injured whilst vegetation is removed and that whilst no bat roosts were identified, there is a good quality foraging habitat that includes trees, scrub, hedgerow, marshy grass land and ponds. Thus because bats often fly along linear features such as hedgerows, these should be retained where possible and trees should be retained where possible.

Therefore notwithstanding comments received about the nature conservation value of the site, it is considered that subject to the aforementioned safeguards there is no justifiable reason to withhold consent on ecological grounds.

#### Layout/Scale/Visual Amenity

As stated previously this is an outline application with the two detailed matters being applied for at this stage being means of access and layout. To assist the Local Planning Authority in making a decision on these matters, there is a requirement for applicants to provide a basic level of information on other matters including parameters of scale.

An indicative site layout has been submitted to show how the scheme would fit into the immediate surroundings with existing residential development to its southern boundary and set low to the far western boundary with open fields to the remainder. I am of the opinion that notwithstanding concerns expressed about loss of green field land, no significant detriment would be caused were the development to be approved. Reference has also been made by objectors to the number of houses proposed being out of proportion to the existing size of the village representing a 15-20% increase. This development would extend the built edge of Low Moor in a northern direction but the dwellings on Riverside already extend beyond the building line that runs along the back of the estate known as Meadowlands. Low Moor has grown piecemeal over the years and the density shown of this development at approximately 33 dwellings per hectare would I consider be in keeping with the area which, as Members are no doubt aware, contains a mix of predominantly terraces and semi-detached properties with detached and sheltered accommodation also evident. This scheme provides for a mix of house types and tenures and thus in terms of layout and visual amenity, I consider the scheme acceptable.

Turning to the scale of development the submission outlines upper limits for development of between 5.7m (bungalows) and 7.9m for the dwellings with approximately 8.1m for the apartment block. Having regard to the dwellings on Chapel Close and Meadowlands it is apparent that they are built to heights ranging between approximately 7.5m to 7.8m. Committee should remember that as scale is not a detailed matter being applied for at this stage, the heights are indicative with further information being submitted at reserved matters stage to provide precise details of each unit in terms of scale and appearance. On the basis of the information provided and having regard to the scale of surrounding developments, I do not

consider that the parameters of scale shown would prove significantly detrimental to the visual amenities of the area.

### Residential Amenity

In considering residential amenity, it is important to assess the relationship with properties outside of the site as well as that between the units proposed as part of this scheme. To the south are properties set on Meadowlands with properties at a lower level on Riverside to the west.

The properties on Meadowlands will back onto the development with the indicative site layout denoting the rear elevation of proposed properties facing onto these units at a distance of approximately 11m from the site boundary. I am aware that some of the existing dwellings have rear single storey extensions in the form of conservatories but it is the distance between facing habitable rooms at first floor that is an important consideration when assessing privacy. Members will be aware that the Council's SPG on extensions and alterations to dwellings advocates 21m as an indicative threshold and I am of the opinion that such a distance would be respected here. I am mindful that objectors have commented about overlooking but do not consider the impact on residents of Meadowlands would provide significantly detrimental to their existing amenities.

To the west of the site are properties situated on Riverside and the 6 dwellings to the west of the access road leading from Chapel Close would back onto those dwellings. The Design and Access Statement submitted with the application provides a site section running east/west to illustrate the gradients of land where these dwellings would be constructed. The dwellings would be built off existing ground levels adjacent to the track with there being a need to have a retaining structure part way up/down the banking to the rear to form a paved sitting area, with a lower garden area to the rear of the site. This is a similar situation to existing properties on Chapel Close. As this is an outline application, these details are illustrative but provide sufficient information to make an assessment at this time. The development on Riverside that is to the west of the development site comprises 3 blocks – 2 terraces that back onto the site in the centre of these a terrace that is set at 90° ie its gable faces towards the rear of Plot 3. The distance between these blocks of development is approximately 38m from the rear of Plots 5 and 6 to the elevations of numbers 76-77 Riverside; 38m from the rear of Plot 3 to the gable of 78 Riverside and approximately 49m from the rear of Plot 1 and 45m from the rear of Plot 2 to numbers 82 and 83 Riverside.

The land to the east of these properties rises steeply towards the application site with the site section showing that levels within the application site rise by approximately 6m. The distance as proposed between properties would be greater than those between the dwellings on Chapel Close and properties on Riverside which is approximately 30m. After giving careful consideration to the scheme as outlined on submitted drawings, I do not consider that any detriment caused to existing residents would be so significant as to substantiate a reason for refusal on those grounds.

In respect of the internal relationship of the development site, the indicative site layout shows properties facing onto internal access roads/shared accesses. From the submitted plan it would appear that the separation distances between facing blocks are approximately 21m and thus I conclude the relationships to be satisfactory.



## Miscellaneous

There are a number of points raised by objectors that do not sit easily within the headings given to consider the main issues associated with this scheme. Some of the points raised are matters of opinion that are not for the Local Planning Authority to pass comment on. However others can be addressed as follows.

Reference is made to previous applications which are mentioned under the relevant section of this report. As Members will be aware, each application should be determined on its own merits, having regard to the Policies (local, regional and national) that apply to that particular form of development. The most up to date guidance has been applied to this scheme and discussed elsewhere within this report. Mention is made of the caravan on site and its status is questioned. I can confirm that this is an unauthorised caravan and the Council's Enforcement Officer is aware of its presence. However, it was not felt expedient to pursue that matter whilst the outcome of this decision was awaited. As stated previously the site lies in land designated open countryside in the Districtwide Local Plan, it is not green belt. In terms of inclusion in the SHLAA, part of the site was included within that study but again as Members are aware that document does not mean that any site mentioned within it will receive planning consent or conversely if it is not included, is therefore unsuitable for development. An objector makes reference to contamination and it is evidenced from the observations of the Environment Agency that they consider an appropriately worded condition necessary to ensure that a study is undertaken to identify potential contaminants. In respect of drainage, again the comments of the Environment Agency and United Utilities are such that no objections are raised on this ground and as for the site's relationship with the allotments this is a use commonplace in residential areas.

## Section 106 Content

The application has been submitted with a draft Legal Agreement which covers matters of affordable housing provision. This report has outlined this aspect and also identified matters raised by consultees in respect of various other contributions sought towards education and highways. To clarify for Members the Section 106 Agreement would stipulate the follows:

### *1. Affordable Housing*

- The total number of affordable units shall consist of 16 new build dwellings.
- 6 of the units shall be affordable rental units (these shall be 2-bed apartments).
- 10 of the units shall be shared ownership (which shall be made up of 3x2-bed bungalows 3x2-bed houses; 3x3-bed houses and 1x4-bed house).
- Delivery of the affordable units be phased with the provision of market units to ensure that no more than 50% of the private housing is occupied until the affordable dwellings are developed.
- In terms of eligibility for the properties this shall relate to a borough wide connection.
- That the bungalows be available for the over 55 years.

### *2. Education*

- This is defined in the first instance as being a minimum of £232,063 towards primary provision. However at the time the Section 106 is finalised a reassessment of pending decisions as outlined in the education response will take place in order to establish

whether the additional contributions would be sought to the maximum level as outlined in their consultation response dated 5 October 2011.

### 3. *Wheeled Bin Provision*

- The developer to fund the administration and delivery costs of up to £90 per unit providing the appropriate wheeled bins.

### 4. *Highways*

- £20,000 towards the cost of upgrading the existing bus stop at St Ann's Court and the provision of a new bus stop at Union Street, plus a £2,000 commuted sum for future maintenance.

Members will note that it is not proposed to request the sum LCC have asked for in terms of waste management ie £26,880. The contribution sought by LCC is in accordance with their policy paper on planning obligations in Lancashire which has not formally been adopted by the Council. A report presented to Planning and Development Committee on 16 December 2008 identified priorities for this Council when seeking contributions namely affordable housing transport safety, open space and education.

Therefore having carefully assessed all the above, I am of the opinion that the scheme accords with plan policy and recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

**RECOMMENDATION:** That the application be deferred and delegated to the Director of Community Services for approval following the satisfactory completion of a Legal Agreement as outlined in paragraphs numbered 1-4 under the Section 106 Agreement sub heading within this report and subject to the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
  - (a) the expiration of 3 years from the date of this permission; or
  - (b) the expiration of 2 years from final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.

**REASON:** In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

2. Detailed plans indicating the design and external appearance of the buildings, landscape and boundary treatment, parking and manoeuvring arrangements of vehicles, including a contoured site plan showing existing features, the proposed slab floor level and road level (called the reserved matters) shall be submitted to and approved by the Local Planning Authority before development commences.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and in order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.

3. This outline planning permission shall be read in conjunction with the Legal Agreement dated ...

REASON: For the avoidance of doubt as the application is subject of an agreement.

4. Prior to commencement of development a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of the development and thereafter retained.

REASON: In order to encourage renewable energy and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan in order to reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

6. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to reduce the increased risk of flooding.

7. No development approved by this planning permission shall be commenced until:
  - a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information and diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
  - b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing, by the Local Planning Authority prior to that investigation being carried out on the site.
  - c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.

- d) A Method Statement and Remediation Strategy, based on the information obtained from (c) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved Method Statement and Remediation Strategy referred to in (d) above, and to a timescale agreed in writing by the Local Planning Authority: unless otherwise agreed in writing by the Local Planning Authority.

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to:

- a) Identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors.
- b) Enable:
- A risk assessment to be undertaken;
  - Refinement of the conceptual model; and
  - The development of a Method Statement and Remediation Strategy.
- c) & d) Ensure that the proposed sit investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site
8. This permission shall relate to the Phase 1 survey report dated March 2011 submitted with the application. All details shall comply fully with that report.

REASON: To protect and conserve the habitats identified on site in accordance with Policy ENV7 of the Ribble Valley Districtwide Local Plan.

9. The submission of reserved matters in respect of scale, appearance and landscaping and implementation of development shall be carried out in substantial accordance with the Design and Access Statement and the Indicative Site Layout drawing no. AL001 Rev A as amended dated 8 June 2011.

REASON: For the avoidance of doubt to define the scope of this permission.

10. The new estate road/access shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

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

11. Prior to commencement of construction works, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site, the wheel cleaning facilities shall be retained throughout the life of the development.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

12. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall be avoided between March to August. In the event that works are carried out during the nesting period a comprehensive risk assessment in order to establish the absence/presence of nesting birds shall be submitted to the Local Planning Authority prior to any works taking place for approval in writing and any mitigation measures outlined therein shall be carried out to the satisfaction of the Local Planning Authority.

REASON: In the interests of protecting nature and conservation issues in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

13. Prior to commencement of development a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings) including the public open space area shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall also provide precise details of any play equipment and its maintenance and indicate a timescale when the open space shall be provided and made available for use. The landscape management plan shall be carried out in accordance with the details so approved.

REASON: In the interests of residential and visual amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

14. The plans and particulars submitted in accordance with condition 2 above shall include an Arboricultural Method Statement and Tree Protection Plan (including a tree protection monitoring schedule) detailing special mitigation construction issues in accordance with BS5837 as outlined in the Arboricultural Impact Assessment submitted in support of this application. The development shall thereafter be carried out in strict accordance with the procedures, working methods and protection measures so identified and approved unless agreed otherwise in writing by the Local Planning Authority.

REASON: In order to ensure that any trees affected by development considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse effects of development in accordance with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan.

15. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan in order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/work are acceptable before work commences on site.

16. The proposed garages shall not be used for any purpose (including any purpose incidental to the enjoyment of the dwellinghouse) which would preclude their use of the parking of a private motor vehicle.

REASON: To facilitate adequate vehicle parking facilities to serve the dwelling in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

NOTE(S):

1. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act.
2. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/SUDS as stated on the application form and may require the consent of the Environment Agency.
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: 3/2011/0649/P (GRID REF: SD 377352 433552)  
PROPOSED HYBRID APPLICATION INCORPORATING OUTLINE APPLICATION  
TOTALLING 14,849M<sup>2</sup> OF B1, B2 AND B8 FLOORSPACE AND DETAILED CONSENT FOR  
FOUR UNITS AND ONE SPECIAL PROJECT BUILDING TOTALLING 4,401M<sup>2</sup> WITH  
ASSOCIATED ACCESS AND HIGHWAY WORKS AT CALDER VALE PARK, SIMONSTONE  
LANE, SIMONSTONE

PARISH COUNCIL: The Parish Council is in overall favour of the proposals that have been highly researched by the applicant provided that further attention is made to the following:

1. Adequacy of parking – the proposal removes extensive parking from the front of the development but no alternative has been provided which is a concern as both sides of the roadway are in constant use during the day for parking of vehicles.

2. Highway safety – there is no mention of preventing parking either side of the new entrance for visibility and ease of egress of vehicles.
3. Noise and disturbance – has been addressed for Phase 2 but the type of units for Phase 3 needs to be considered due to proximity of dwellings on Railway Terrace.
4. Overlooking and loss of privacy – has been addressed for Phase 2 but again this will be a potential issue with the Phase 3 building directly opposite number 1 and 2 Railway Terrace.
5. Would the applicant be able to consider the tree screening on the roadside adjacent to Railway Terrace as part of Phase 2 to allow it to mature before Phase 3 is commenced and so improve visual outlook.
6. Has consideration been given to potential storage of hazardous materials within the proposals?

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Has no objection to the application in principle on highway safety grounds.

This development provides additional industrial capacity on an existing and well-established site. The means of access to the site has been designed to comply with the appropriate specifications and secures a satisfactory access to all three Phases of the development.

There will be an additional demand placed on the local highway infrastructure as a result of the development. However, the Transport Assessment provides a comprehensive range of data to show that the traffic generation and trip distribution from the site will not place a significant additional burden on the immediate highway network. The details provided, and summarised in Table 5.5, indicate that the capacity of the main junctions serving the site at this junction remain well within acceptable boundaries and there are no other significant queues identified.

On the basis of the data provided in the Transport Assessment, there is no reason to anticipate that the proposed development, in all of its Phases, will have a detrimental impact on highway safety.

There are existing restrictions on the use of Simonstone Lane to the north of the site by vehicles in excess of 7.5T and this will continue to receive Police enforcement on occasion.

The loss of parking in the immediate vicinity of the vehicular access is addressed within the development, where sufficient additional parking for the employment and servicing requirements of the development are identified against specific Units.

In view of the parking provisions provided on site, there is no reason to anticipate that there will be any demand for on street parking in the vicinity of the new access.

#### Request for Highways Contribution.

Should the LPA be minded to approve this development, the County Council would seek planning obligation contributions from this development to fund measures that support sustainable transport. It is acknowledged that a number of measures provided under proposed s278 highway works support sustainable development. However, it is considered that further sustainable measures may be necessary to promote and support sustainable development, particularly in respect of public transport. Until agreement has been reached on the Transport Assessment the LHA is unable to provide full details on the request for planning obligations relating to highways and transport.

The planning obligations are expected to cover:

- contribution for sustainable transport, walking, cycling and public transport, and
- request for contribution for advice and assistance with the Travel Plan.

A revised contribution sought will be £444,675. This is based on a development of 19,250sq.m on a site with an Accessibility score of 17, as follows:-  $19.25 \times \pounds 23,100 = \pounds 444,675$

#### Public Transport

The provision of suitable bus stop locations would be required as the available stops fall outside a 400m radius from the centre of the site.

The stops on Blackburn Road fall into this category, but those on Whalley Road are some distance further. As the Whalley Road services, 26 and 27, provide a viable link to Whalley and Clitheroe consideration should be given to re-routing these services past the site on a selective basis or to provide additional services for a five year period, to provide an opportunity for employees to utilise these facilities.



### Cycle and Pedestrian measures.

A number of options have been prepared to secure improved pedestrian/cycle facilities to the development within a £60,000 budget contribution. The options are in order of priority. If LCC have managed to build Option 1 before the development funding came through they would go for Option 2 and so on.

Option 1: Build cycle path along Blackburn Road to Simonstone Lane Cost £60,000

Option 2: Toucan crossing of Padiham Bypass Cost £60,000

Option 3: Tarmac stone section of cycle path from Padiham Memorial Park to Padiham Bypass Cost £60,000

Option 4: Cycle path along old railway from Padiham Bypass to Simonstone Lane, Contribution to £330,000 cost

Option 5: Cycle path from Simonstone Lane to Great Harwood, Contribution to £1.5 million cost

### Travel Plan

LCC would request that individual Travel Plans should be developed and approved by LCC Travel Plan team, timescales for which would be agreed as a condition of planning approval.

Each Full Travel Plan needs to include the following as a minimum:

- Appointment of a named Travel Plan Co-ordinator
- Travel survey
- Details of cycling, pedestrian and public transport links to the site
- Details of secure, covered cycle parking
- SMART Targets for non-car modes of travel
- Action plan of measures to be introduced
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years.

For a development of this size, a contribution of £24,000 is required to enable Lancashire County Council Travel Planning team to provide a range of services as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008.

HYNDBURN BOROUGH  
COUNCIL:

No comments received at time of report preparation.

BURNLEY BOROUGH  
COUNCIL:

No comments received at time of report preparation.

HEALTH & SAFETY  
EXECUTIVE:

Does not advise on safety grounds against the granting of planning permission in this case.

THE COAL AUTHORITY:	Have reviewed the proposals and confirm that the site does not fall within the defined coal mining development referral area. If this proposal is granted planning permission it will be necessary to include the Coal Authority's standing advice within the decision notice.
ENVIRONMENT AGENCY:	Have no objection in principle but recommend any subsequent planning approval is appropriately conditioned.
ADDITIONAL REPRESENTATIONS:	<p>One letter of objection has been received. Members are referred to the file for full details of this which raise the following objections:</p> <ol style="list-style-type: none"> <li>1. The Planning Support Statement seems to suggest the applicant considers the proposal to be somewhat of a fait accompli following discussions with the Local Planning Authority.</li> <li>2. Question the consultation process undertaken by the Local Planning Authority.</li> <li>3. Consider there are significant omissions as to what precisely is going to happen at the site.</li> <li>4. Concerns regarding the Transport Assessment submitted in particular reference to junctions, Simonstone Lane being used as a cut through for traffic coming from the M65 and being subject to constant speeding, pedestrian access and bus stops.</li> <li>5. A full noise assessment has not been conducted due to the vagueness of the application rendering complete analysis impossible. To grant consent when the actual operations are yet to be established seems perverse.</li> <li>6. The attempt to demonstrate very special circumstances in relation to the infringement of green belt suffers from a lack of clarity.</li> <li>7. Concerns regarding pollution.</li> </ol>

### **Proposal**

This is a hybrid application for the proposed redevelopment of the former Mullards/LG Phillips site. Fort Vale Engineering have recently secured planning permission for a number of developments, including an extension to their main factory (building S), an ancillary facilities building and a new foundry and these represent Phase 1 of the development. The remainder of the former glassworks site will be developed out in two further phases. Phase 2 seeks to secure full planning permission for the development of Fort Vale Special Projects Factory Building and units 1-4 of the Calder Vale Business Park. Phase 3 would see units 5-13 of the Calder Vale Business Park built out on a bespoke basis as tenants are secured. This hybrid application therefore seeks to secure the overall principle of development capping the total floor

area of development across Phases 2 and 3 at 19,250m<sup>2</sup> with outline consent sought for Phase 3 (the only detailed matter applied for at this stage being access) and full details provided for Phase 2 as follows:

## Phase 2

### *Fort Vale Special Projects*

This building is set to the western edge of the site and would be approximately 20m away from Simonstone Brook. It would have overall approximate dimensions of 40.2m x 50.7m x 9.3m in height. Construction materials are detailed as smooth facing red brick to walls with Kingspan composite wall panels above and to the roof coloured spectrum metallic silver. There would be service yard areas to its north and west with a parking area to its east.

The supporting information to the application states that this building would provide an additional manufacturing facility to Fort Vale Engineering establishing a new production facility as they seek to diversify from their core business into other sectors. It will have a gross internal area of 2,073m<sup>2</sup>.

### *Units 1-4*

These would occupy an area immediately to the north of the existing Fort Vale buildings and the 4 units would be set around a central courtyard/shared service yard (2 to each side) with parking to the rear of each. The overall approximate dimensions of each of the two blocks would be 28.4m x 41m x 9.3m in height with construction materials the same as for the Special Projects Building. These buildings will accommodate Class B2 uses with ancillary B1 and B8 elements and together provide a total gross external floor area of 2,328m<sup>2</sup>.

## Phase 3

### *Units 5-13*

The remainder of the Calder Vale Business Park will be developed out as a final phase following completion of the Special Projects Building and Units 1-4. This outline part of the hybrid planning application will secure consent for the quantum of development proposed (subject to a maximum floor area of 19,250m<sup>2</sup> across phases 2 and 3) and the matter of access is subject to determination at this stage. This will allow for the loose layout of the master plan to be agreed – through the approval on the access point into the site and internal circulation roads. However, the matter of layout is not submitted for consideration and the applicants wish to retain a degree of flexibility in term of the final positions and sizes of the proposed buildings. Nonetheless, in accordance with Regulations, an indicative layout has been provided which will act as a guide for future development. Further details of the parameters within which the buildings will be constructed are provided in the Design and Access Statement (masterplan) which accompanies this application and details buildings with maximum heights ranging from 9.3m to 12m. The masterplan shows the units divided up across five separate structures – two of which would run parallel to Simonstone Lane.

## Access and Parking

A separate gated access to the new business park is proposed off Simonstone Lane located approximately 90m to the north of the existing Fort Vale access. The existing Fort Vale staff car park located to the north of the existing access is to be reduced from approximately 78 spaces

to provide 34 spaces with the residual parking spaces to be provided within the business park. The master plan currently shows 269 car park spaces, the majority of which would be subject of the reserved matters application for Phase 3 where further consideration will be given to disabled, motorcycle and cycle parking provisions. Phase 2 does provide parking and servicing facilities for the Special Projects Building and Units 1-4.

### **Site Location**

The application site forms part of a much wider area in the control of Fort Wilson Properties of which Fort Vale Engineering Ltd are the principal tenants. The majority of the site occupies land that is excluded from the green belt in the Districtwide local Plan. However a section of the site that would accommodate the Special Projects Building does fall within land subject of both green belt and open countryside designations.

To the north the boundary is demarcated by the embankment of the former railway. Beyond that lies the village of Simonstone. Open countryside lies to the south along with the Altham pumping station and the River Calder. Altham Industrial Estate lies beyond this. The land to the west of the application site is agricultural. The eastern boundary is demarcated by Simonstone Lane and beyond this is a collection of industrial buildings formerly Time Technology Park of varying quality and scale, many having been sub-divided from ageing factory buildings.

On the opposite side of Simonstone Lane to the site lies a short terrace of two-storey stone cottages – Railway Terrace. The western gable of the terrace accommodates two houses (numbers 1 and 3) which face onto Simonstone Lane. These houses are served by a back lane and front footpath which accesses front gardens (south facing). Habitable room windows to no's 1 and 3 face the application site with Simonstone Lane in between.

### **Relevant History**

3/2012/0007/P – Proposal to create 5 mounds on land in agricultural use to a maximum height of 4m using 26,000m<sup>3</sup> of inert construction waste generated from the development at Calder Park – Observations to another authority (LCC). Yet to be determined.

3/2011/0662/P – Erection of research and development building. Approved with conditions 13 January 2011.

3/2011/0537/P – Erection of new investment casting foundry at rear of operational site including parking and servicing areas (re-submission). Approved with conditions 11 August 2011.

3/2011/0222/P – Proposed extension of building S. Erection of stand alone ancillary facilities building. Approved with conditions 27 May 2011.

3/2010/0564/P – Erection of new investment casing foundry at rear of operational site, including parking and servicing areas. Approved with conditions 11 April 2011.

3/2007/0983/P – New warehouse units. Approved with conditions.

3/2006/0924/P – External refurbishment of the first bay of buildings S and the erection of an extension together with creation of a new car park and works of landscaping. Approved with conditions 22 December 2006.

3/2006/0340/P – Manufacturing and development with ancillary storage Use Class B2 (Town and Country Planning Uses Classes Order 1987) in accordance with outline planning permission 7/7/1528 dated 5 February 1958. Decision not yet issued.

### **Relevant Policies**

Policy G1 - Development Control.  
Policy G3 - Settlement Strategy.  
Policy G5 - Settlement Strategy.  
Policy ENV3 - Development in Open Countryside.  
Policy ENV4 - Green Belt.  
Policy EMP7 - Extensions/Expansions of Existing Firms.  
Policy EMP8 - Extensions/Expansions of Existing Firms.  
PPS1 - Delivering Sustainable Planning.  
PPG2 - Green Belt.  
PPS4 - Planning for Sustainable Economic Growth.

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

Matters for consideration in relation to this application are the principle of development, in particular the impact of the development on the green belt, matters of highway safety, visual and residential amenity and also issues associated with regeneration/impact on the local economy. For ease of reference, these are discussed under the following headings.

#### **Principle of Development/Green Belt/Local Economy Issues**

The site is on land which can be considered brownfield, the majority of which is outside of the designated green belt and which can also be regarded as a former developed area. In considering the principle of this scheme, it is important to have regard to both national planning policies, in the form of PPSs and PPGs and the saved policies of the Ribble Valley Districtwide Local Plan. It is also important to give due regard to the part of the site that lies within green belt and I shall return to this specific matter after giving consideration to the wider economic aspects of the scheme.

PPS4 planning for sustainable economic growth is relevant to these proposals and in general emphasises that planning authorities should adopt a positive and constructive approach to planning applications for economic development. In particular, it states that planning authorities should, in considering applications which are not in accordance with an up to date development plan;

- Weigh market and other economic information alongside environmental and social information;
- Take full account of any longer term benefits, as well as the costs of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies, and
- Consider whether those proposals help to meet the wider objectives of the development plan.

Whilst PPS4 does encourage local planning authorities to look favourably on development which encourages economic growth, it also considers that this should not be to the detriment of the open countryside – matters of visual amenity are explored under a separate heading within this report.

In terms of saved local plan policies, G1, EMP7 and EMP8 are of relevance. The latter supports the expansion of established firms outside the main settlements provided that it is essential to maintain the existing source of employment and is not contrary to other policies, and EMP7 concerns itself with expansion of firms within main settlements stating expansion will be allowed on land within or adjacent to their existing sites, provided no significant environmental problems are caused and the extension conforms to the other policies of the plan.

As stated previously, the majority of the site that would accommodate units 1 to 13 and their respective service yards and parking areas occupies land that is excluded from the green belt in the Districtwide Local Plan. Having regard to the policy guidance, I am satisfied that in principle there can be no question that this part of the scheme accords with plan policy.

However, part of the site falls within land designated green belt and thus consideration of that part also needs to have regard to PPG2 green belts, and saved policies ENV3 (open countryside) and ENV4 (green belt) of the Ribble Valley Districtwide Local Plan. In relation to the green belt policy, ENV4 states that permission will not normally be granted except in special circumstances for the erection of new buildings other than for the purpose of agriculture, forestry, outdoor sport and recreation and for other land uses which preserve the openness of the green belt but which do not conflict with the purpose of the designation. In relation to national guidance, it confirms that the only exceptions to the policy are developments which show overwhelming reasons of local need. Such reasons will include development essential to provide or improve essential local services where these cannot be met elsewhere in a more suitable location.

The site extends to a total of 4.8 hectares of which 0.55 hectares falls within the green belt. Of the application site area within the green belt, some 0.11 hectares can be described as a proposed landscaped area or open land that would not, it is considered, constitute inappropriate development in the green belt in terms of guidance within PPG2. The remaining 0.44 hectares would accommodate the Fort Vale Special Projects Building and its two service yards – parking for that building would fall outside the green belt within the area previously described above as being on land that accords with Local Plan policy. It is evident that the building and service yards do represent a moderate incursion into the green belt and as such regard must be given to their impact and whether or not there are exceptional circumstances to justify this part of the overall scheme. In assessing whether or not the building would impinge on the openness of the green belt, it is important to have regard to the visual impact and assess not only the immediate built up area but the buildings in the local vicinity. Members may recall that consent has been granted recently for a Foundry Building to the south of the proposed Special Projects Building and that itself was proposed within the green belt and subject to departure procedures. The building proposed here would not extend as far into the green belt as that structure but one of the service yard area would.

The applicant has sought to demonstrate that very special circumstances exist which together outweigh any harm to the green belt and any other perceived harm to the visual amenities of the green belt. They consider harm to the green belt by way of loss of openness and visual amenity will be limited as the proposed building will be seen in the context of a long established industrial site which has (in the context of the Simonstone Lane area) only been cleared for a short period of time. When viewed from the west (ie green belt) the Special Projects Building would be seen against the backdrop of commercial buildings. Reference is made to proposed landscaping along the Simonstone Brook corridor and that taking all these factors into account, harm to the green belt, other than by virtue of inappropriateness is limited. In terms of very special circumstances, reference is made by the applicant's need for the current successful occupier of the Calder Vale Park site to diversify its product offer into different commercial

sectors. Whilst they acknowledge that such a building could in theory be erected within the main site, ie outside of green belt, they offer a number of crucial operational reasons why this would not be feasible. The development of such a building, the applicant states, would result in the creation of skilled jobs and underpin an existing Ribble Valley business which employs over 270 people. Fort Wilson Properties as land owners have committed a further £6m in the forthcoming development of the Investment Casting Foundry and the recently approved R and D Building as well as the extension to Building S. This proposal would bring about further remediation and redevelopment of vacant urban land with the subsequent employment of around 200 additional staff. Initial figures would suggest this development would require an investment of at least £16m.

I accept that the scheme would have a greater impact on the openness of the green belt but having regard to all other material considerations, namely that the visual impact will be limited given the extent of existing buildings and the backdrop of the proposed business park as outlined within this submission, and that the land formed part of the previously developed and operational site, I consider that this scheme would be acceptable in relation to green belt issues.

### Highway Matters

It is clear from the comments of the County Surveyor that he has no objection in principle to this development on highway safety grounds. He notes that the development provides additional industrial capacity on an existing and well-established site and that the works proposed would secure a satisfactory access to all three phases of development (phase 1 already having been approved). The Parish Council have made reference to parking and the County Surveyor considers that the parking arrangements shown for employment and servicing requirements are appropriate and that in view of the provisions made on site, there is no reason to anticipate that there will be any demand for on-street parking in the vicinity of the new access.

Members will note that financial contributions are being sought and the applicant is opposing the level of contributions requested. They have made reference to the fact that the contributions are sought on the basis of Lancashire County Council's Planning Obligations in Lancashire Policy adopted 2006 and that paper does not take into account the existing lawful use of the site, transport need, site location, travel plan initiatives and economic downturn. As such they do not believe it is appropriate for the proposed development particularly given the significant investment required to further this development as already outlined. At the time of report preparation they were still in discussion with LCC as to the level of contribution which they considered to be acceptable and it is hoped that this will be resolved in the coming weeks and a verbal update be given to Members at the Committee meeting at which this application is to be heard. The latest correspondence from the agent to LCC dated 20 February details that as part of the proposals a travel plan and its associated initiatives are provided to enhance sustainable travel to the site. To further demonstrate their clients commitment to sustainable transport, even though they consider they have demonstrated that transport contributions are unnecessary, a contribution of £20,000 is proposed for any future improvements to Simonstone Lane which directly benefits the site. They would also look towards providing a further £10,000 towards improving existing bus stops on Blackburn Road which is within walking distance of the site. Should it be resolved that contributions are necessary, these will need to be secured via a Legal Agreement.

### Residential Amenity

In assessing potential impacts on residential amenity, I am mindful of the properties to the east of Simonstone Lane that form Railway Terrace and also the dwellings to the north of the site to

the north of the former railway. In respect of the latter, these are set approximately 27m away from the proposed service yard area in the north eastern corner of the proposed business park and approximately 52m from units 13 and 40m from unit 12 which is set to the south west of the rear elevation of the end terraced unit. The application site is set lower than those properties and thus in terms of the impact of the physical built form, I do not consider that any significant detriment would be caused. In terms of potential noise implications, I shall return to this. Having regard to Railway Terrace, this is set to the east of Simonstone Lane and runs at a right angle to the road. The end of the terrace in this instance provides the front elevation to two properties that face on to the road with both doors and windows in that gable elevation. The building line of the terrace is set back approximately 2m from the carriageway edge and approximately 20m from the eastern elevation of the proposed unit 5 on the business park. This is one of the units that forms part of the outline submission with the submitted Design and Access Statement indicating as part of the required parameters of scale details that it would be a height ranging somewhere between 7m (minimum) to 9.3m (maximum). The landscape masterplan shows woodland belt planting along the Simonstone Lane site boundary to assist in filtering views of the business units from the residential properties on Railway Terrace. Whilst mindful of the fact that the outlook for Nos 1 and 3 Railway Terrace is at the moment across an open part of the site, and that historically the built form that did occupy the upper part of the overall site was offset from the gable of the terrace and set further back into the site, I am of the opinion that at the distance away and height stated within this submission, the impact of unit 5 would not be so significantly detrimental to the amenities of those residents as to warrant an unfavourable recommendation in terms of proximity of built form and overbearing/oppressive nature of development.

The remaining consideration in respect of residential amenity is therefore the potential noise implications of the development being put forward under this submission.

The proposed landscaping to Simonstone Lane frontage will have an acoustic screen within it in order to help mitigate the impacts of this development for residents of Railway Terrace. The proposal has been discussed with the Council's Head of Environmental Health Services in order to establish conditions necessary to limit the noise implications of the development. The applicants have suggested potential noise limits for the site and it is considered that this combined with limits on the hours for deliveries and external working to the two service yard areas adjacent to Simonstone Lane and the need for submission of details of any external plant machinery attached to the building for prior approval will provide appropriate safeguards for existing residential properties in respect of noise.

### Visual Amenity

The proposed business park will, for the most part, fall within the existing hard standing area of the former Mullards/LG Philips works site with buildings ranging in maximum height from approximately 9.3m to 12m – the 12m building being in the centre of the site. In terms of materials, only those parts of the submission made in full provide details ie the Special Projects Building and units 1 to 4 which are shown to have a modern appearance to match the recently approved Foundry Building – a suitably worded condition could be imposed to ensure that appropriate materials are used. Whilst the scheme would change the nature of the area as it is seen at present, having regard to the historic development on this site, I am of the opinion that the overall impact of the built form would not be so significant as to warrant an unfavourable recommendation on visual amenity grounds.

A landscape strategy/framework has been devised for the site to provide a high quality setting and help integrate it into the mature landscape setting of the Calder Valley. A number of mature



trees on the periphery of the site will be retained and this will be combined with new structure planting consisting of semi natural tree and shrub species around the perimeter of the site to help screen the views of the business park and protect the site from south westerly prevailing winds. The documentation submitted in support of the application outlines the linear woodland belt will be planted in advance of building construction to maximise opportunities for establishment before the building works commence. The applicants have also outlined that a ten year landscape management and maintenance plan will be prepared for the business park and suitably worded conditions can be imposed on any consent granted to secure this.

It is also of note to bring to Committee's attention an application made to Lancashire County Council as Waste Authority for the deposition of arisings from construction of the development hereby outlined on an area of land to the west of Simonstone Brook, which is outside of our district (application reference 3/2012/0007/P) – it is proposed to relocate approximately 26,000m<sup>3</sup> of excavated waste materials. The inert materials will be used to create a new landform to the west of Simonstone Brook and be deposited to an average depth of 2m rising to a maximum of 4m in places. They will be spread across 4.4 hectare of land immediately to the west and south of the Brook and be used to create 5 mounds which will be designed to reflect the local topography of the area. New woodland would be planted and new hedgerows. RVBC have been consulted on that application for our views and at the time this report was drafted, it was still being considered by officers to finalise comments to be forwarded on to LCC.

Therefore, having carefully considered all the above, I am of the opinion that the scheme would not prove significantly detrimental to visual and residential amenity nor be to the detriment of highway safety. I do not consider the overall openness of the green belt would be significantly harmed by the development of the Special Projects Building and its service yard areas. On this basis I consider the application should be sent to the relevant government office as a departure in order that issues in relation to green belt can be examined by the appropriate body.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant impact on nearby residential amenity, nor would it have an adverse visual impact, nor have a detrimental impact on the green belt designation.

**RECOMMENDATION:** That the Director of Community Services be MINDED TO APPROVE the proposal subject to the satisfactory completion of departure procedures, which involves reference to the relevant Government Office in accordance with the Town and Country Planning (Green Belt) Direction 2005, and subject to the following conditions:

#### Conditions in respect of outline element (phase 3)

1. Application for approval of reserved matters for phase 3 (units 5 to 13) of the development as identified on drawings 40020\_PL100 proposed masterplan and 40020\_PL110 proposed masterplan plot plan must be made not later than the expiration of 7 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates.
  - a) the expiration of 7 years from the date of this permission; or
  - b) the expiration of 2 years from the final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.

REASON: In order that the Local Planning Authority shall be satisfied with the details and because phase 3 of the application was made for outline permission and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

2. Detailed plans indicating the design and external appearance of the building(s), facing materials, landscaping and boundary treatment, parking and manoeuvring arrangements for vehicles and siting and access (called the "reserved matters") comprising units 5 to 13 of phase 3 and use for purposes within Classes B1, B2 and B8 shall be submitted to and approved by the Local Planning Authority before development commences.

REASON: In order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline planning permission and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

3. The submission of reserved matters for phase 3 of the development in respect of layout, scale, appearance, landscaping and implementation of development shall be carried out in substantial accordance with the design and access statement as amended 15 September 2011 and proposed masterplan 40020\_PL100.

REASON: For the avoidance of doubt to define the scope of this part of the hybrid application.

#### Conditions in respect of full element (phase 2)

4. The development of phase 2 in respect of the erection of buildings comprising units 1 to 4 for purposes within Classes B1, B2 and B8 and the Special Projects Building together with access road and associated parking and servicing areas (as identified as plots 1 and 2 on drawing 40020\_PL110 proposed masterplan plot plan) must be begun not later than the expiration of 3 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.

#### Conditions in respect of the whole scheme

5. This permission shall be implemented in accordance with the proposal as detailed on the following drawings:

40190/PL01 units 1 to 4 site plan  
40190/PL02 units 1 to 4 general arrangement plan units 1 and 2  
40190/PL03 units 1 to 4 general arrangement plan units 3 and 4  
40190/PL04 units 1 to 4 roof plans units 1 and 2 – 3 and 4  
40190/PL05 units 1 to 4 general arrangement elevations units 1 and 2  
40190/PL06 units 1 to 4 general arrangement elevations units 3 and 4  
40140/PL01 special projects building site plan  
40140/PL02 special projects building general arrangement plan  
40140/PL03 special projects building roof plan  
40140/PL04 special projects building general arrangement elevations – sheet 1  
40140/PL05 special projects building general arrangement elevations sheet 2  
40020/PL120 site location plan  
40020\_PL100 proposed masterplan  
40020\_PL110 proposed masterplan plot plan

629.200A landscape masterplan

629.300 section AA

629.100A site context

NW/FVL/BURNLEY.1/01 proposed site access

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

6. Prior to commencement of the development of each phase, a scheme identifying how a minimum of 10% of the energy requirements generated by that phase of development will be achieved by renewable energy production methods shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation and shall be provided in accordance with the approved details and thereafter retained.

REASON: In order to encourage renewable energy and comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

REASON: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

REASON: To reduce the increased risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

9. No development approved by this planning permission shall be commenced until:

- a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information and diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing, by the Local Planning Authority prior to that investigation being carried out on the site.
- c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.
- d) A Method Statement and Remediation Strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved Method

Statement and Remediation Strategy referred to in d) above, and to a timescale agreed in writing by the Local Planning Authority: unless otherwise agreed in writing by the Local Planning Authority.

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to ensure that:

- a) To identify all previous site uses, potential contaminants that might reasonably be expected to given those uses and the source of contamination, pathways and receptors.
- b) To enable:
  - a risk assessment to be undertaken;
  - Refinement of the conceptual model; and
  - the development of a Method Statement and Remediation Strategy.
- c) & d) To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

10. Prior to the commencement of development a detailed method statement for the removal or long-term management/eradication of Japanese Knotweed (*Fallopia Japonica*) and Himalayan Balsam (*Impatiens Glandulifera*) on site shall be submitted to and approved in writing by the Local Planning Authority. This shall include a revised survey to include the whole of the development site. The method statement shall include proposed measures to prevent the spread of these species during any operation such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/rot/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

REASON: To prevent the spread of non-native invasive species of Japanese Knotweed and Himalayan Balsam in the interests of protecting nature conservation issues in accordance with Policies G1, ENV7, ENV9, ENV10 and ENV13 of the Ribble Valley Districtwide Local Plan.

11. Prior to commencement of development a scheme for the provision and management of the buffer zone alongside Simonstone Brook shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance

with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall include

- details of the planting scheme (for example native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- details of any footpaths, fencing, lighting etc

REASON: To protect and enhance the aquatic habitat of Simonstone Brook in the interests of protecting nature conservation issues in accordance with Policies G1, ENV7, ENV9, ENV10 and ENV13 of the Ribble Valley Districtwide Local Plan.

12. Notwithstanding any indication given in the application and on the approved drawings, full particulars including details of the colour, finish and texture of materials to be used on all external surfaces of the proposed buildings in each phase of development shall be submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure the materials to be used are appropriate to the locality in accordance with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

13. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever possible the retention of existing trees, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development and shall be in general accordance with the submitted Landscape Framework dated August 2011 and landscape masterplan drawing 629.200A. It 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 any fencing and screening as well as providing a phasing programme for planting and details of management/maintenance of the landscaped areas across the whole of the development site. The scheme shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development.

The approved landscaping scheme in respect of the linear woodland belt to the eastern and northern site boundaries shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed in writing by the Local Planning Authority, whether in whole or in part and shall be maintained thereafter for a period of not less than 10 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. In respect of the maintenance of the remainder of the landscaping scheme, this shall be carried out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority as part of the phasing programme for planting across the whole of the development site.

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

14. Prior to commencement of development precise details of the acoustic screen to be located in the woodland belt on the eastern boundary of the development site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented in accordance with the approved scheme prior to commencement of development and thereafter retained.

REASON: In the interests of residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

15. This permission In so far as it relates to matters of access to the site from Simonstone Lane, shall be implemented in accordance with the proposal as detailed on drawing NW/FVL/BURNLEY.1/01 submitted as part of the Transport Assessment.

REASON: For the avoidance of doubt and to clarify which plans are relevant in the interest of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

16. The new estate road/access between the site and Simonstone Lane shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

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

17. No development shall take place on any phase of development until a construction method statement has been submitted to and approved in writing by the Local Planning Authority for that phase. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- v) wheel washing facilities
- vi) measures to control the emission of dust and dirt during construction
- vii) a scheme for recycling/disposing of waste resulting from construction works

REASON: In the interests of protecting residential amenity from noise and disturbance connected to construction in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

18. The level of noise emitted from the site shall not exceed the following limits at Railway Terrace, bank Terrace and River Bank Terrace:

Day:	45 dB $L_{Aeq, 10hr}$	at Railway Terrace
	42 dB $L_{Aeq, 10hr}$	at the rear of Bank Terrace
	49 dB $L_{Aeq, 10hr}$	at River Bank Terrace
Night:	41 dB $L_{Aeq, 9hr 30mins}$	at Railway Terrace
(2300-0700hrs)	38 dB $L_{Aeq, 9hr 30mins}$	at the rear of Bank Terrace
	40 dB $L_{Aeq, 9hr 30mins}$	at River Bank Terrace

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

19. Roller shutter doors on buildings shall be fitted with automatic closing devices and acoustic curtains and shall not be open between 1930hrs and 0700hrs.

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

20. There shall be no deliveries to or collections from the two service yard areas located to the north of Units 5 and 13 as detailed on the proposed masterplan drawing 40020-PL100 nor any external working within those areas outside the hours of 0700hrs – 1800hrs unless otherwise agreed in writing with the Local Planning Authority.

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

21. Prior to commencement of development of each phase, full details of security lighting or floodlighting to be installed shall be submitted to and approved in writing by the Local Planning Authority. All such installations shall be provided in accordance with the approved scheme and thereafter retained.

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

22. Development shall not begin on any unit, including the Special Projects Building, until details of any externally mounted plant or equipment or any internal equipment which vents externally have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

## NOTES

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.
2. The proposed development lies within a coal mining area, which may contain unrecorded mining related hazards. If any coal-mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities, which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

3. The applicant is advised that in respect of condition 22 the Local Planning Authority would wish to see no external plant on the facades of buildings facing residential properties.



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

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>
3/2011/0302/P	New detached house	Ribble View Farm Alston Lane, Longridge
3/2011/0416/P	Proposed replacement garage with the addition of workshop and replacement access drive	3 Three Lane Ends Garstang Road, Chipping
3/2011/0417/P	Proposed erection of an annex building providing 5 no. Bed and Breakfast rooms with ancillary space	Clerk Laithe Barn Newton-in-Bowland
3/2011/0473/P	4 x non-illuminated timber fascia signs. Resubmission	7 King Street Clitheroe
3/2011/0510/P	Demolition of the existing dwelling and the erection of a replacement dwelling with garage and associated external works (revised submission of planning permission 3/2010/0753	The Farmhouse Cunliffe Moss Farm Mellor
3/2011/0536/P	Application to discharge condition number 4 (landscaping) of planning permission 3/2010/0277/P	Ribblesdale Park Mill Lane Gisburn
3/2011/0565/P	Conversion of shop/warehouse into 1 no. dwelling including removal of flat roof, single storey area to rear. Replacement of existing garage in order to extend habitable area including raising roofline to accommodate master bedroom suite	SOAR Design 1-5 Wesleyan Row Clitheroe
3/2011/0625/P	Proposed residential barn conversion to form a single dwelling including the demolition of a minor outbuilding and a small ruin and the erection of a garage block	Hubbersty Fold Farm Commons Lane Balderstone
3/2011/0686/P (LBC)	Existing ground floor front windows to be removed and replaced with new (two no windows). Existing window bottoms, linings and arcs to stay	Stonehouse Blackburn Road Ribchester
3/2011/0699/P (PA)	Freestanding 8k/whp solar PV installation	Cheetall Farm Clitheroe Road Bashall Eaves
3/2011/0702/P	Conversion of an outbuilding into two dwellings (3 bedroom cottage and 1 bedroom cottage) including demolition of a tin lean-to shed, demolition of a two storey	Fairclough House Loudbridge, Chipping
Cont/		

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
Cont...	garage/bedroom extension to the house (already approved by planning permission 3/2011/0094/P) and for the provision of three parking spaces with turning area	
3/2011/0838/P	Proposed creation of a new café, training room and nursery shop at the existing Holden Clough Nursery; the building will be constructed of traditional materials including stone walls and slate roof; the south facing roof will incorporate 6 solar panels; the aim is to produce a sustainable building with minimal visual impact	Holden Clough Nursery Barret Hill Brow Bolton-by-Bowland
3/2011/0853/P	Application for the discharge of conditions 4, 5, 7, 8, 9, 11, 13, 14, 15, 16 and 17 of planning consent 3/2010/0417P on land	Old Aspinalls Farm Old Langho Road Langho
3/2011/0885/P	Proposed conversion of former milking parlour to 2 no. residential dwellings with associated parking and landscaping at	Watts Close Farm Gisburn
3/2011/0938/P	Application for the discharge of condition no.5 (tree protection) and condition no. 6 (materials) of planning consent 3/2011/0202	1 Alston Court Longridge
3/2011/0946/P	Proposed first floor extension and façade works	Stonebridge Mill Kestor Lane, Longridge
3/2011/0948/P	Proposed extension to form front entrance porch and cloakroom and replacement of existing flat roof over garage	9 Gills Croft Clitheroe
3/2011/0957/P	Change of use to include A5, hot food takeaway	Amy's Delicatessen 29 King Street, Whalley
3/2011/0961/P	Proposed demolition of the existing conservatory and erection of new single storey rear conservatory	29 The Crescent Clitheroe
3/2011/0960/P	Application for the discharge of condition no 3 (materials) of planning permission 3/2011/0163/P	Hey Moo Elswick Farm Mellor Lane, Mellor
3/2011/0974/P	Proposed use of ground floor premises as Florist workshop/part retail (Use Class A1) and insert window to SW elevation	4 Eshton Terrace Clitheroe
3/2011/0975/P	Proposed rear pitched roof kitchen extension and pitched roof attached double garage to side	Westmeath, Jacksons Lane Balderstone
3/2011/0983/P	Proposed two-storey side extension and single storey rear extension	8 Fort Avenue, Ribchester
3/2011/0985/P	Retrospective application for addition of domestic solar PV system (3kw – 12 panel) to southern elevation of garage roof	Withinreap Barn Moss Side Lane Thornley-with-Wheatley
3/2011/0987/P	Demolition of existing single storey lean-to at rear and erection of a new single storey lean-to	117 Henthorn Road Clitheroe

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2011/0993/P	Proposed porch extension with a small ramp access	12 Brookside, Old Langho
3/2011/0997/P	Proposed hipped roof over existing dormer, re-roofing of existing house in welsh blue slate and demolition of chimney including erection of a new flue to the rear	Lavanto Bentlea Road Gisburn
3/2011/1000/P	Proposed single storey rear extension	95 Waddington Road Clitheroe
3/2011/1002/P	Remove existing conservatory walls and roof and build up solid walls with slate roof over to form study. Extend to south of property to provide master bed with ensuite. Extend to north of property to provide dining area, utility and W.C. Relocate water pump. Internal alterations to existing property. Fit new larch cladding to new extension and existing property	Michaelmas Cottage Clitheroe Old Road Dutton
3/2011/1004/P	Retrospective planning permission sought for retention of dwelling and detached garage	Lynwood, Stoneygate Lane Ribchester
3/2011/1005/P	Proposed single storey rear extension	18 Portland Road Langho
3/2011/1013/P	Replace existing stone and wood garage and out-building, with a stone and block garage and out-building and a blue slate pitch roof	Croft Cottage 2 Grindleton Road West Bradford
3/2011/1014/P	Proposed extensions to existing dwelling to form extended entrance porch, snug/dining room and garage. Construction of dormer window and insertion of conservation type rooflights on the east elevation roof slope. Alterations to window and door openings in the lean-to on the east elevation. Construction of chimneystack on the west elevation roof slope and associated external works	Portfield Farm Portfield Lane Whalley
3/2011/1034/P	Proposed bay window to side elevation	Eel Beck Farm Rimington Lane, Rimington
3/2011/1035/P & 3/2011/1036/P	Change of use of part of lower ground floor of existing social club to create 1 No self contained flat including internal alterations involving creating new door opening	St Peter's Catholic Club Avenue Road Hurst Green
3/2011/1041/P	Proposed construction of a canopy above the front entrance. Demolition of existing garage and construction of replacement garage with games room over and bedroom alterations over the utility room. Erection of a single storey side garden room extension. Associated external	Witton Lodge School Lane Simonstone
Cont/		

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
Cont...	works. Re-submission of approved scheme 3/2010/0139/P with design amendments	
3/2011/1046/P	Variation of Condition no. 14 of planning permission 3/2009/0061/P in respect of the conversion of the traditional barn so as to enable this property to be capable of occupation for unrestricted residential use. The two new-build holiday cottages to remain subject to the occupancy restriction.	Higher House Higher Farm Kiln Lane Paythorne
3/2011/1054/P	Proposed extension and alterations to existing bungalow	5 Pinder Close, Waddington
3/2011/1055/P	Application for the removal of condition no. 11 (occupancy period) and condition no. 13 (S.106 agreement), of planning consent 3/2002/0833P	Whitehall Farm Whitehall Lane Grindleton
3/2011/1056/P	Application for the removal of condition no. 11 (occupancy period) of planning consent 3/2007/1109/P	Laneside Farm Grindleton Road West Bradford
3/2011/1057/P	Proposed rear and side extension, dormer extension, alterations to dwelling and provision of additional car parking space	20 The Hazels Salesbury
3/2011/1060/P	Proposed installation of 4no. Velux rooflights to the rear elevation	Westfield Cottage West Bradford
3/2011/1061/P	Raise ridge height by 1 metre and raise rear eaves level by 2.25m	Whinfield, 15 Whinney Lane Langho
3/2011/1072/P	Change of use of land to land for the keeping of horses, including the erection of one detached building (3no. stables and 1no. store room), covered midden, sand paddock, hard-standing and boundary fencing with retention of existing access road	Plots 1 & 2 field no. 6637 Old Clay Lane Longridge
3/2011/1074/P	Change of use of land to land for the keeping of horses, including the erection of one detached building (3no. stables and 1no. store room), covered midden, sand paddock, hard-standing and boundary fencing with retention of existing access road	Plots 4 & 5 field no. 6637 Old Clay Lane Longridge
3/2011/1075/P	Proposed erection of a trade warehouse building	Jacksons Haulage Salthill Industrial Estate Lincoln Way, Clitheroe
3/2012/0015/P	Discharge of conditions relating to materials including coursing and jointing of the stonework, walling, doors and windows, landscaping in relation to application consent 3/2010/0688	Chipping Congregational Church Garstang Road Chipping

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0024/P	Proposed demolition of existing conservatory and erection of a single storey garden room extension, roof alterations over rear kitchen to create an en-suite bathroom and extra bathroom space. Extension of existing detached garage and drive alterations. Amended resubmission of planning application 3/2011/0271P	Sunnymede Ribblesdale Avenue Clitheroe
3/2012/0027/P	Application for discharge of condition 12 (bat report of planning consent 3/2010/0897/P)	Primrose Mill Woone Lane Clitheroe
3/2012/0028/P	Discharge of condition No 3 (materials) for planning consent 3/2011/0844 and 3/2011/0845	Stanley House Preston New Road Mellor
3/2012/0043/P	Application to remove condition no. 3 of planning consent 3/2000/0783P to allow the holiday cottages to be used as permanent residential accommodation	Edisford Bridge Farm Edisford Bridge Clitheroe
3/2012/0044/P	Proposed replacement fascia sign and replacement projecting sign, neither to be illuminated	5 Church Street Clitheroe

#### 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>
3/2011/0473/P	One non-illuminated internally applied window graphic. Resubmission	7 King Street Clitheroe	Policies G1, ENV16 & PPS5 – Visually prominent and incongruous vinyl graphic harming the character, appearance and setting of the building and the visual appearance of Clitheroe Conservation Area
3/2011/0567/P	Proposed erection of a holiday cottage (Resubmission)	Pinfold Cottage Tosside Skipton	Policy G1, ENV1 and RT1 – scale, design and massing would cause visual harm to the street scene and AONB due to cramped appearance.
3/2011/0915/P (LBC) Cont/	Refurbishment and upgrade of the ground floor central corridor and the conversion	St Mary's Hall Stonyhurst	The proposal would be unduly harmful to the character and

Cont...	of existing changing rooms into scientific facilities		significance of the listed building because of the detrimental impact upon the original 1830 planform of lowering the main corridor ceiling and its resulting alteration of space proportions and obscuring of defining design elements.
3/2011/0978/P	Proposal to extend the dwelling at first floor level to the North West elevation	12 Nowell Grove Read	G1, H10, SPG – Overbearing, oppressive and potential overlooking.
3/2011/1025/P	Two storey extension to rear of existing dwelling (including demolition of existing conservatory)	34 Water Street Ribchester	The proposal has an unduly detrimental impact upon the residential amenity of No 35 Water Street because of the two storey extensions overbearing and overshadowing impact. This is contrary to Policy G1 of the Ribble Valley Districtwide Local Plan.
			The 'Juliet' balcony is an incongruous and conspicuous feature which does not preserve the character or appearance of Ribchester Conservation Area. This is contrary to Policy ENV16 of the Ribble Valley Districtwide Local Plan.

## SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2009/1011P	Land adj Petre House Farm Whalley Road Langho	4/2/10	24	Not Signed yet With applicants agent
3/2010/0078P	Old Manchester Offices Whalley New Road Billington	20/5/10	18	Ongoing negotiations in relation to contribution issues
3/2010/0929P	Land between 36 & 38 Henthorn Road Clitheroe	14/7/11	8	Not Signed yet With applicants solicitor
3/2011/0129P	Victoria Mill Watt Street Sabden	14/7/11 8/12/11	70	About to be signed
3/2011/0247P	Land off Chapel Close Low Moor Clitheroe	13/10/11 9/2/12	54	Agreement to be returned to Committee for amended terms 15/3/12
3/2011/0316P	Land off Preston Road Longridge	10/11/11	60	Not Signed yet With applicants solicitor
3/2011/0541P	Dilworth Lane/Lower Lane Longridge	10/11/11	49	Not Signed yet With applicants solicitor
3/2011/0482P	Brown Leaves Hotel Longsight Road Copster Green	8/12/11	18	Not Signed yet With applicants solicitors
3/2011/0837P	Land off Pendle Drive Calderstones Park Whalley	9/2/12	46	With Legal
3/2011/0307P	Barrow Brook Business Village Barrow	13/10/11	37	Decision 20/2/12

There were 4 106 Agreements signed in January 2012 and 1 signed and 1 withdrawn in February 2012.

## CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/0552/P	Application for a Lawful Development Certificate for a proposed detached garage, gym and garden room and a detached stable block and tack room	Pleasant View Farm Saccary Lane Mellor
3/2011/0970/P	Application for a Lawful Development Certificate for the operation of a taxi business from an existing dwelling	12 Carlton Place Clitheroe
3/2011/1043/P	Application for a Lawful Development Certificate for a proposed single storey extension to side of property	5 Highmoor Park Clitheroe

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0042/P	Application for a Lawful Development Certificate for a proposed single storey extension to the rear of the property	29 Southfield Drive West Bradford

REFUSAL OF CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2011/0989/P	Application for a Certificate of Lawful Development for the change of use of the existing garage and stable into annex accommodation including minor external alterations	Paddock Barn Osbaldeston Lane Osbaldeston

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

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2011/1016/P	Replacement of green cabinet shell of steel construction	Well Terrace, Clitheroe

APPEALS UPDATE

<b><u>Application No:</u></b>	<b><u>Date Received:</u></b>	<b><u>Applicant/Proposal/Site:</u></b>	<b><u>Type of Appeal:</u></b>	<b><u>Date of Inquiry/Hearing:</u></b>	<b><u>Progress:</u></b>
3/2010/0719 O	29.9.11	Gladman Developments Ltd Proposed development of up to 270 residential dwellings, doctors surgery, landscape, open space, highways and associated works Land off Henthorn Road Clitheroe	–	INQUIRY – 13 <sup>th</sup> -16 <sup>th</sup> March 2012	
3/2011/0205 & 0206 D	25.10.11	Mr D Outhwaite-Bentley Retrospective application for extensions and alterations at the dwelling and rear patio and decking walkways Mellor Lodge Gatehouse Preston New Road Mellor	WR	–	Awaiting site visit



<b><u>Application No:</u></b>	<b><u>Date Received:</u></b>	<b><u>Applicant/Proposal/Site:</u></b>	<b><u>Type of Appeal:</u></b>	<b><u>Date of Inquiry/Hearing:</u></b>	<b><u>Progress:</u></b>
3/2011/0582 Non-determination	9.11.11	Mr & Mrs A J & J P Miller Outline application for the erection of two detached dwellings with detached garages (Resubmission of 3/2010/1013P) 46 Higher Road Longridge	WR	–	AWAITING DECISION
3/2011/0557 D	17.11.11	Mr & Mrs R Lancaster Application for the removal of condition no.2 (occupancy period) of planning consent 3/2004/0523P, to allow the holiday let to be used as permanent residential accommodation Burons Laithe Horton	WR	–	APPEAL ALLOWED 27.2.12
3/2011/0326 Non-determination	25.11.11	Ms D Barnes Single attached garage extension to Plum Tree Cottage. Single attached garage and ground floor extension together with alterations to retaining wall at Cherry Tree Cottage Plum Tree Cottage & Cherry Tree Cottage Clitheroe Road Waddington	WR	–	APPEAL DISMISSED 24.2.12
3/2011/0641 D	14.12.11	Mr & Mrs Mark & Victoria Haston Carr Meadow Barn Carr Lane Balderstone	WR	–	Awaiting site visit
3/2011/0245 D	14.12.11	Mr & Mrs A O'Neill Proposed conversion of existing offices above a shop into 2no. flats. (Change of use from class A2 to class C3) 18-20 Berry Lane Longridge	WR	–	Awaiting site visit

<b><u>Application No:</u></b>	<b><u>Date Received:</u></b>	<b><u>Applicant/Proposal/Site:</u></b>	<b><u>Type of Appeal:</u></b>	<b><u>Date of Inquiry/Hearing:</u></b>	<b><u>Progress:</u></b>
3/2011/0508 D	14.12.11	Mr & Mrs A O'Neill Proposed change of use of the existing offices above a shop from class A2 to form two flats (class C3). Re-submission of planning application 3/2011/0245P 18-20 Berry Lane Longridge	WR	—	Awaiting site visit
3/2011/0481 D	19.12.11	Huntroyde Estate Demolition of the stone building and piggeries Dean Farm Sabden	WR	—	Site visit 1.3.12 AWAITING DECISION
3/2011/0778 D	9.1.12	Miss A Mallet Retrospective installation of a window in the side elevation Strathaven Whalley Road Billington	Householder appeal	—	APPEAL ALLOWED and APPLICATION FOR COSTS REFUSED
3/2011/0578 D	11.1.12	Mr M Vaughan Proposed erection of a single storey side extension on the existing patio to form a new study Austin House Malt Kiln Lane Chipping	Householder appeal	—	AWAITING DECISION
3/2011/0820 D	12.1.12	Mr S Davenport Application for the removal of condition no.15 (length of occupancy), of planning consent 3/2006/0836P to allow the house to be used as permanent residential accommodation Butchers Laithe Knotts Lane Tosside	WR	—	Awaiting site visit

<b><u>Application No:</u></b>	<b><u>Date Received:</u></b>	<b><u>Applicant/Proposal/Site:</u></b>	<b><u>Type of Appeal:</u></b>	<b><u>Date of Inquiry/Hearing:</u></b>	<b><u>Progress:</u></b>
3/2011/0300 O	17.1.12	Mr & Mrs Myerscough Outline application for the erection of a country house hotel and spa Land adjacent to Dudland Croft Gisburn Road Sawley	WR	—	Awaiting site visit
3/2011/0937 D	1.2.12	Mr R McDonald Proposed installation of a 4Kw black edged solar PV system to the rear-facing South roof slope of the dwelling Kezmin House Hothersall Lane Hothersall	Householder appeal	—	Notification letter sent 7.2.12 Questionnaire sent 8.2.12 AWAITING DECISION
3/2011/0103 D	13.2.12	Mr Robert Townson Proposed erection of a wind turbine on a 43m tower for the farm use and as a farm diversification project. The output is 330Kw Westby Hall Farm Burnley Road Gisburn	WR	—	Notification letter sent 17.2.12 Questionnaire sent 24.2.12 Statement to be sent by 23.3.12
3/2011/0982 D	15.2.12	Mr David Huyton Proposed construction of a two-storey side extension to existing house to provide living room, utility/W.C. to ground floor and master bedroom suite to first floor (Resubmission of 3/2011/0295P) 33 Victoria Court Chatburn	Householder appeal	—	Notification letter sent 16.2.12 Questionnaire sent 20.2.12 AWAITING DECISION
3/2011/0624 D	17.2.12	Mr Ken Dobson Fit secondary glazing (Listed Building Consent) Vicarage House Vicarage Fold Wiswell	WR	—	Notification letter sent 28.2.12 Questionnaire sent 2.3.12 Statement to be sent 30.3.12

<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>
3/2011/0498 O	21.2.12	Mr & Mrs Allison Demolition of all buildings on site (existing house, kennels and various outbuildings) and erection of a new dwelling incorporating a bed and breakfast business The Eaves Pendleton Road Wiswell	WR	–	Notification letter sent 28.2.12 Questionnaire sent 5.3.12 Statement to be sent by 2.4.12
3/2011/0620 D	21.2.12	Mr Simon Waller 18 PV panels on the South facing roof above the existing roof, inverter and wiring on the inside of the building Root Hill Estate Yard Whitewell Road Cow Ark	WR	–	Notification letter sent 1.3.12 Questionnaire sent 5.3.12 Statement to be sent by 2.4.12

LEGEND D – Delegated decision C – Committee decision O – Overturn