

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

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Agenda Item No

meeting date: THURSDAY, 13 JUNE 2013  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2012/0870/P (GRID REF: SD 373163 445294)  
 CHANGE OF USE OF AN AGRICULTURAL BUILDING WITH OFFICE AND STAFF FACILITIES TO MIXED USE FOR AGRICULTURAL, OFFICE, STAFF FACILITIES, CIDER MAKING AND HOLIDAY COTTAGE USE (PART RETROSPECTIVE) AT DOVE SYKE NURSERY, EAVES HALL LANE, WEST BRADFORD BB7 3JG

PARISH COUNCIL: Has no objections to the change of use for staff facilities and a cider making plant.

The Parish Council, however, objects to the conversion of part of the building into a holiday cottage. Councillors feel that this may set a precedent for other agricultural buildings of this type of construction to be converted into holiday and permanent homes within the Parish and feel the application should be refused as the building is not suitable as a residential property.

ENVIRONMENT  
 DIRECTORATE  
 (COUNTY SURVEYOR):

No objections to the application on highway safety grounds although the combination of commercial unit and holiday accommodation is unusual, the two bedroom holiday unit would have no discernable impact on the safe operation of the adjacent highway and as such no objection is raised to its provision. However, it will be necessary to provide a clear route to and from the holiday accommodation distinct from and not impeded in any way by the operation of the commercial unit. This will include the introduction of designated and permanently marked parking spaces for two vehicles. A plan should therefore be submitted that shows a designated route to the holiday accommodation and the associated parking spaces.

ADDITIONAL  
 REPRESENTATIONS:

Three letters of objection have been received. Two of these are identical letters from the owners/occupiers of two nearby dwellings. The third is from a planning consultant acting on behalf of those local residents. The observations and objections contained in the letters are summarised as follows:

1. The proposal relates to an unsightly and inappropriate building in the AONB and to uses which give rise to significant noise nuisance, cause physical damage to the local access lane and result in traffic danger.

2. Permission 3/2007/0603 for the erection of an agricultural building with office and staff facilities was subject to 9 conditions, numbers 3 and 6 of which require the submission and approval, prior to the commencement of development, of important details relating to site levels, site plans and elevations and a scheme for the disposal of foul and surface water. Condition number 5 required the submission and approval of details of walls, roofing and window surrounds prior to their use in the proposed works. No details have ever been submitted to discharge these conditions. As these prior submission details go for heart of the planning permission, the whole of the building as it stands and the uses approved are unauthorised and do not benefit from any planning permission. The reference in the application to 'part retrospective' is therefore inaccurate and the whole of the proposal falls to be considered anew.
3. This building was to be used for agricultural purposes with office and staff facilities, the last two uses clearly intended to be ancillary to the principal agricultural use. That agricultural use, which mainly involved the growing and sale of Christmas trees is now a minor part of the use of this site. Other uses appear to include cider making, mainly from imported juice, the importation for sale of Christmas trees not grown at the site (this is a retail use) the retail and wholesale selling of cider on site and the holding of festivals. Some of these activities take place outside the hours of operation restrictions imposed by condition 9 of permission 3/2007/0603.
4. Not only is the building unauthorised but it has also been substantially altered from the scheme previously approved by the addition of windows, doors and first floor accommodation. The proposal therefore falls to be considered against relevant policies of the Local Plan. In terms of building design, the proposal which involves a utilitarian building of no design merit is clearly contrary to Policies G1 and ENV1 both of which require a high standard of building design particularly in an AONB location.
5. With regards to the use of the site, the trees which are sold are largely imported on to the site. This is therefore a change of use from a growing nursery to a retail use which requires planning permission.
6. The use of the site for cider production and sale is similarly not an agricultural use in that it relies very substantially on imported juice. Of great concern to neighbours is that this could give rise to 45,000 litres

using existing equipment. The additional juice is brought into the site on heavy commercial vehicles which are clearly unsuitable for the access track and cause significant damage to the neighbouring residents' access. What has now been created on site is an industrial use for which planning permission is required.

7. The use of the site for cider and beer festivals that take place four or five times a year result in a high level of noise and disturbance late into the night. Whilst these festivals are licensed under other legislation they are however required to operate under planning controls. Uses of this site by customers are restricted by condition 9 to daytime hours and must cease by 6pm (4pm Sundays). The festival use outside of these hours therefore requires planning permission.
8. The proposed use of the building as a 'holiday let' as described in paragraph 5.3 of the Planning Statement is clearly an on-site residence for use by the applicants and not a holiday let. From the layout of the building it is also clear that it could not be let independently. As such the application description of the holiday let is clearly misleading and inaccurate and the proposal should be evaluated as an on-site dwelling.
9. The proposal is contrary to Policies G1 and ENV1 by virtue of its design and fails to meet the requirements of Policy G1 as it is not sympathetic in terms of size, intensity and nature; the access arrangements are clearly inadequate for the proposed uses; the materials are not sympathetic to the character of the area; and, above all, it will adversely affect the amenities of neighbour and therefore fails the principal test of Policy G1.
10. It is really a dwelling in the open countryside contrary to Policy H2 of the Local Plan. Even if it is assessed as a holiday let, it fails the requirements of Policies RT1 and RT3 as it is not well related to a settlement or group of buildings; the materials and design are inadequate; access is very poor and the site is not well related to the public transport network; also under the AONB consideration, the building does not display a high standard of design appropriate to the area. In relation to Policy RT3 the proposal will cause unacceptable disturbance to neighbours and access to the site is not of a safe standard.
11. Due to the significant element of retail sales, the application should be evaluated against the shopping policies of the Plan. The relevant policies here are S7

(farm shops) and S8 (garden centres) and the proposal fails to meet the criteria of these policies and any significant retailing activity is contrary to planning policy.

12. Reference is made in the planning statement to Policies EMP9 and EMP12. EMP9 relates to the conversion of barns and other rural buildings. As pointed out, this is a new building and should be evaluated as such. However, even if treated as a conversion, the proposal fails to meet all the detailed criteria of the policy. The proposal also fails to meet the requirements of Policy EMP12 in that the proposed building is not appropriate in terms of scale and character.
13. NPPF features prominently in the planning statement. Fundamentally, this is not a sustainable development in that it seeks to create industrial, retail, entertainment and residential development in a remote area and unrelated to any settlement or group of buildings. It also has serious detrimental impacts on residential amenity and the character of an area of special protection. As such it is not supported by the NPPF.
14. The development as it stands is clearly unauthorised and urgent enforcement action should be taken to rectify the numerous breaches of planning control. This application should be refused and any alternative proposal should be carefully controlled to ensure that it is appropriate to the location.

## **Proposal**

The application relates to a building that was granted permission (3/2007/0603/P) as an agricultural building including office and staff facilities.

The permission was subject to two conditions (No's 3 and 6) that require the submission of details prior to commencement of development. Those conditions were not satisfied, but the building was constructed. Condition No 8 of the permission contains a restriction on the use of the building stating that 'the building hereby permitted shall be used to house an office, workers' amenities and planting/loading facilities in connection with the existing nursery business on site at present and for no other purpose' and there is also an hours of operation condition, No 9, which states that 'the use of the premises for customers in accordance with this permission shall be restricted to hours between 8am and 6pm Monday to Saturday and 9am to 4pm on Sundays.

The building is divided into two distinct areas. Over one half, the ground floor is open to the underside of the roof and relatively open and is used for the nursery business and cider making. The ground floor of the second area is sub divided into a series of rooms and there is a first floor above this part of the building which has also been divided into a series of rooms.

The building is presently put to various uses with the large open area used in connection with a nursery/landscaping business and also for cider production. There is a room primarily

dedicated to wreath production; a ground floor office and associated store and a living/dining kitchen area and toilet and shower facilities which are used on a daily basis by the applicants and their staff in connection with the operation of the business. The first floor rooms provide additional storage space and office, occasionally being used as a bedroom by the applicants.

The development proposed in this application (which is partly retrospective) involves the change of use of the building approved for agricultural and incorporating office and staff facilities, to a mixed use for agriculture, office, staff facilities, cider making and holiday cottage accommodation. The development also involves the regularisation of the creation of several new window openings and the creation of first floor accommodation within part of the building.

It is stated in the application documents that the cider making operation is semi commercial and fairly small-scale currently producing 18,000 litres of cider per annum with a maximum capacity of the equipment currently sited within the building of approximately 45,000 litres. It is stated that the cider is predominately sold on a wholesale basis although there are some direct sales generally from the nursery and during cider festivals which are held intermittently at the property. It is stated that the change of use to cider production relates to only part of the building with approximately 33m<sup>2</sup> being set aside solely to this activity and the balance of that part of the building within which the equipment is located being used for mixed use associated with nursery landscaping activity and cider production.

It is also stated in the submitted application documents that the proposed creation of a self-contained holiday cottage within part of the building would enable the applicants to lawfully reside on site from time to time when they need to whilst retaining their property in West Bradford which will continue to be their main residence. The holiday let would also be available for use by friends and family.

### **Site Location**

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

### **Relevant History**

3/2004/0997/P – Two proposed polytunnels. Approved with conditions.

3/2004/1015/P – Proposed lean-to extension to provide seed planting facilities. Approved with conditions.

3/2005/0650/P – Proposed extension to existing storage shed to provide a covered loading area. Approved with conditions.

3/2005/1055/P – Proposed agricultural building to house office, workers amenities and planting and loading facilities. Approved with conditions.

3/2007/0603/P – Proposed agricultural building to house office and staff facilities including the retention of another existing building. Approved with conditions.

## **Relevant Policies**

### *Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy RT1 - General Recreation and Tourism Policy.

Policy RT3 - Conversion of Buildings to Tourism Related Uses.

Policy EMP9 - Conversions for Employment Uses.

Policy EMP12 - Agricultural Diversification.

### *Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft*

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DMB1 – Supporting Business Growth and the Local Economy.

Policy DMB2 – The Conversion of Barns and Other Rural Buildings for Employment Uses.

Policy DMB3 – Recreation and Tourism Development.

National Planning Policy Framework (NPPF).

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

In this particular case, and in response to a representation received from a planning consultant acting on behalf of nearby residents, it is necessary to first consider the legitimacy of determining this application on the basis of the stated description of development.

It is not disputed by the applicant's agent that the building was constructed without two conditions precedent having been satisfied. The agent was advised that, in these circumstances, and following careful consideration of the matter within the context of some case law examples, it appeared that a decision could not be made on the basis of the "part retrospective" element of the description of development given in the application. This is because the relevant conditions (no's 3 and 6 of 3/2007/0603/P) both clearly state that "development" (as opposed to any less specific/precise words such as "works") shall not be commenced until certain details/plans have been submitted to and approved by the Local Planning Authority. The required details related to site levels, site plans, elevational drawings and details of a scheme for the disposal of foul and surface water. Due to their precise wording, these are considered to be true "conditions precedent" and the details that they required are considered to go to the heart of the planning permission. In such circumstances, case law seems to indicate that non-compliance with these conditions means that the development is unauthorised and unlawful for planning purposes.

In response to this, the agents submitted invoices for building work which are dated Autumn 2007 and it is stated that the works were completed and the building was in use by Christmas 2007. These invoices appear to provide clear evidence that the building to which this application relates has been completed for more than 4 years (it is actually more than 5 years) and has therefore become lawful through the expiration of time and is immune from enforcement action. It is therefore considered that the application can be legitimately considered on the basis of the submitted description of development. Even if the building had been built more than 4 years ago without any planning permission at all, an application for

alterations or changes of use of the building could still be considered without the necessity to also seek permission retrospectively for the building itself.

Whilst, therefore, not seeking retrospective permission for the building itself, the drawings submitted with the application show the unauthorised first floor rooms over approximately half of the footprint of the building and a number of door and window openings that were not shown on the original application drawings. Any permission in respect of this application would therefore authorise these aspects of the existing building.

The first floor accommodation in itself does not have any detrimental effects upon any recognised planning interests. The actual use of this accommodation will be discussed later in this report. The unauthorised door and window openings are similar in size and have similar frames to the authorised openings. I do not consider that these doors and windows have any seriously detrimental effects upon visual amenity; and the nearest residential properties to the site are not close enough for the privacy of their occupiers to be in anyway affected by these additional openings. There is therefore, in my opinion, no expediency for enforcement action in relation to either the formation of the first floor accommodation or the additional openings. I can therefore see no objections to these matters being authorised as part of any permission that might be granted in respect of this application.

The next aspect of the application relates to the use of part of the building (ie the part of the building with only ground floor accommodation) for cider making. This is a relatively small-scale use. It is acknowledged that, at the present time, the majority of the apple juice used in the cider making process is purchased from elsewhere; but it is stated in the application documents that it is the applicant's intention to plant more apple and pear trees at the site in the future and to rent orchards in order to become self-sufficient in the cider making process.

The cider making represents an agricultural diversification. Saved Policy EMP12 of the Local Plan states that: "proposals for agricultural diversifications will be approved, subject to other policies within the Local Plan and provided they are appropriate in both scale and character to the rural areas of Ribble Valley and do not compromise its natural beauty".

Saved Policy EMP9 is also relevant and states that planning permission will be granted for employment generating uses in barns and other rural buildings provided all of the following criteria are met:

1. The proposed use will not cause unacceptable disturbance to neighbours in any way.
2. The building has a genuine history of use for agriculture or other rural enterprise.
3. The building is structurally sound and capable of conversion for the proposed use without the need for major alterations which would adversely affect the character of the building.
4. 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.
5. The access to the site is of a safety standard or is capable of being improved to a safe standard without harming the appearance of the area.

6. The design of the conversions 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.

I consider that this small-scale use within an existing building does not have any detrimental effects upon the appearance and character of the locality. No external alterations to the building are required and the County Surveyor has no objections to the application with regards to the means of access to the site. The proposal does involve deliveries of juice and dispatch of cider but the vehicles involved do not have to pass the two nearby dwellings that are further down the lane beyond the application site. I do not therefore consider that this element of the application has any seriously detrimental effects upon the amenities of nearby residents.

The cider is sold wholesale with a small amount of retail sales during cider festivals that are held at the site intermittently under temporary use permitted development rights and with the appropriate events licence having been first obtained. The establishment of an A1 retail use at this location would not be appropriate. A condition would therefore be required on any permission to restrict retail sales to an ancillary part of the other uses legitimately operating from the site.

The final element of the application concerns the use of the part of the building with two floors of accommodation as a holiday let. Concern has been expressed by nearby residents that this part of the building has been used by the applicants as living accommodation. It is not denied by the applicants or their agent that they have on occasions, for security reasons, stayed overnight at the site; they do, however, have a main residence in West Bradford. It is also not denied that they would continue to use the building for their own intermittent occupation if they were to obtain permission for the use of this part of the building as a holiday let.

As part of the Council's investigation of the alleged residential use of the building, the site has been visited on 20 January 2012 and 7 August 2012 by two Council Officers on each occasion. On each occasion the applicants denied that they were using the site as a permanent accommodation and an inspection by the Officers of the rooms concerned supported this claim. It was therefore stated in writing to the applicants and their agent that, at the time of those visits, the building was not in use as a permanent dwelling. It cannot therefore be claimed in the future that the premises has been used as a permanent accommodation from any time before 20 January 2012. The Council will continue to monitor this matter (irrespective of the decision reached in relation to this application) in order to ensure that the use of the site as a permanent residence does not become lawful through the passage of time (ie by such use having been carried out unlawfully for 4 years).

Given the ability of the Council to monitor the use and to take enforcement action if necessary, this application for the holiday let use must be considered on its own merits. As with any application, the decision must be made on the basis of what is applied for, and should not be influenced by any concerns about any other use or development that may or may not occur in the future.

Saved Policy RT3 deals with the conversion of buildings for tourism related uses and states that: "planning permission will be granted for tourism related uses in rural buildings provided that all of the following criteria are met:

1. The proposed use will not cause unacceptable disturbance to neighbours in any way.



2. 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.
3. The access to the site is of a safe standard or is capable of being improved to a safe standard without harming the appearance of the area.
4. 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.
5. If the building is isolated from others then it should have a genuine history of use for agriculture or other rural enterprise and be structurally sound and capable of conversion for the proposed use without the need for major alterations which would adversely affect the character of the building.

I do not consider that this particular use of this part of the building would cause any unacceptable disturbance to the neighbours in any way. Additionally, the new openings which have already been created and would be regularised as part of any permission in respect of this application, as previously stated, do not have any detrimental effects upon the appearance of the locality. Again, as previously stated there is a safe access to the site and vehicle movements would not be excessive and would not pass close to the nearby residential properties. The building is part of a group and not in a totally isolated location and the approval of this element of the application would not require any buildings works to be undertaken.

Whilst the conversion of part of a modern farm building into a holiday cottage is not typical of this type of use, it would provide a standard of accommodation at least equivalent to a static caravan that is widely accepted as a form of holiday accommodation. The agent considers that the unit would appeal to persons such as cyclists or persons attending any of the temporary events at the site who might not been seeking accommodation of a higher (and more extensive) standard.

Overall, when judged on its own merits and in accordance with the saved policies of the Local Plan, I can see no sustainable objections to the application. Indeed, when judged in this way, I can see no objections to any of the elements of the application.

Whilst the Local Plan provides some context for the consideration of this application, it is perhaps more important to consider the application in relation to the more up to date guidance of NPPF.

Section 3 of NPPF relates to “supporting a prosperous rural economy” and states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new developments. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas both through conversion of existing buildings and well-designed new buildings;
- promote the development and diversification of agricultural and other land based rural businesses;

- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

I consider that the proposed uses of the building would satisfy the above stated intentions of NPPF and would contribute towards the local rural economy. For reasons already given in the report, I do not consider that these uses of an existing building would have any detrimental effects upon visual amenity, the character of the locality, the amenities of nearby residents or highway safety. I can therefore see no objections to the application subject to appropriate conditions.

Before making my recommendation, however, there is a further matter that requires consideration and explanation. Nearby residents have expressed concerns about the harm to their amenities resulting from events/festivals held at these premises. Although not specifically mentioned in this application, these events are an ancillary element of the uses of the building (particularly the cider making) for which this application is seeking planning permission. Whilst they are also covered by licensing legislation, it is accepted that a proliferation of such events at this location could become harmful to the character of the locality and to the amenities of nearby residents. It is therefore considered to be legitimate and appropriate to address this issue through this planning application.

The applicant's agent has commented that he has discussed this issue with his clients and they have confirmed that they have only ever held two cider festivals in a year but have also had an apple day event that is aimed more at children and families. He says that his clients only intend to hold three events at most each year in future and that they would be happy to have a condition to that effect imposed on any planning permission. The agent also says that, in relation to the events/festivals, it would be his client's intention to finish the event at 11.30pm with everybody being off site by midnight.

I therefore consider it appropriate to impose a condition restricting the number of festivals/events to a maximum of 3 in any one calendar year and that the opening times of such events shall be restricted to the hours between 9am and 11.30pm with all persons attending the events to be off site by midnight.

The original permission for this building was subject to a condition restricting the use of the premises for customers to between the hours of 9am and 6pm Monday to Saturday, and 10am to 4pm on Sundays. I consider it appropriate to re-impose that condition in relation to all days except for the maximum of three days in any calendar year when an event/festival is being held at the site.

#### SUMMARY OF REASONS FOR APPROVAL

The proposed uses of the building would support the local rural economy and would not have any seriously detrimental effects upon visual amenity, the character of the locality, 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 external appearance of the building (ie window and door numbers, sizes and positions) and to the uses of the different parts of the building as shown on submitted drawing number Cre/5731/1508/01.

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

3. The unit 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 and RT1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMB3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft; and because the building is located in an area where the Local Planning Authority would not normally be minded to grant permission for the use of the building for a permanent residential accommodation.

4. The cider produced at the site shall be for wholesale only with no retail sales from the site other than incidental sales during any authorised temporary events held at the site.

REASON: As the establishment of an A1 retail use would be inappropriate in this rural location to the detriment of the character of the area contrary to Policies G1 and ENV1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME2 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. With regards to the cider making business, any deliveries of raw materials to the site or despatch of the finished product from the site shall only take place between the hours of 9am and 6pm Monday to Saturday with no deliveries or despatch on Sundays or Bank Holidays.

REASON: In the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. Prior to the first occupation of the unit of holiday accommodation hereby permitted, a plan showing the location of designated parking spaces for the unit and indicating a pedestrian route between those spaces and the unit (that is distinct from and not in any way impeded by the operation of the other commercial uses of the building) shall be submitted to and approved in writing by the Local Planning Authority. The approved parking spaces and pedestrian access route shall be available for use at all times when the unit of holiday accommodation is in use.

REASON: In the interests of highway/pedestrian safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

7. The number of festivals/events held at the site shall be restricted to a maximum of 3 in any one calendar year. Each event shall be restricted to a maximum of days and the opening times of those days shall be restricted to 9am to 11.30pm with all persons attending the events to be off the site by midnight.

REASON: In the interests of the amenities and character of the locality and the amenities of nearby residents in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – a Local Plan for Ribble Valley Regulation 22 Submission Draft.

8. Except for days upon which a festival/event is being held (see condition 7 above) the use of the premises by customers (excluding persons occupying the unit of holiday accommodation) shall be restricted to hours between 9am and 6pm Monday to Saturday and 10am to 4pm on Sundays.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – a Local Plan for Ribble Valley Regulation 22 Submission Draft; as the use of the premises outside these hours could prove injurious to the character of the area and to the amenities of nearby residents.

APPLICATION NO: 3/2012/0954/P (GRID REF: SD 382266 446480)  
ERECTION OF 1 NO. 20KW WIND TURBINE WITH A TIP HEIGHT OF 27.1M AND ALL ASSOCIATED WORKS AT LOWER GAZEGILL, CROSS HILL LANE, RIMINGTON, BB7 4EE.

RIMINGTON AND MIDDOP PARISH COUNCIL: Comments it was divided on the issues of this wind turbine and the Chairman was unwilling to cast a deciding vote believing that the issues involved were controversial and he thought best left to RVBC officers to determine.

LCC ENVIRONMENT DIRECTORATE (HIGHWAYS): No objection in principal to this application on highway safety grounds.

LCC PLANNING OFFICER (ARCHAEOLOGY): No known archaeological implications.

LCC ECOLOGIST: It seems reasonably unlikely that the proposed development would have any significant ecological impacts provided that suitable planning conditions are imposed on any subsequent approval.

LCC LANDSCAPE UNIT  
(AONB OFFICER):

Following the receipt of additional information, the LCC Officer was able to provide a full assessment of the likely impacts of the proposed wind turbine at Lower Gazegill Farm on the setting of the AONB. The following is a brief summary of this:

a) the application site is situated within a sensitive rural landscape which although not in the Forest of Bowland AONB nevertheless forms part of the setting. This non-designated area is deemed by the *Landscape Sensitivity to Wind Energy Development in Lancashire* study to have a **moderate/high** sensitivity to this type of development.

b) according to para. 3.2 of the *Forest of Bowland AONB Renewable Energy Position Statement*, the proposed wind turbine is deemed to be of a 'small scale' due to its 27.2m blade tip height. This is considered to be an appropriate scale for the landscape within which the application site lies.

c) the wind turbine would, at its closest, be 1.8km from the AONB boundary. This separation distance would significantly mitigate the wind turbine's effects on views from the AONB. In views from Pendle Hill where the separation distance is much greater, e.g. 4.9km from the summit, the wind turbine would appear as a **very** minor feature of broad views that included the built development of Rimington and caravan parks near the application site.

d) According to the *Forest of Bowland Area of Outstanding Natural Beauty Landscape Character Assessment*, the site is situated within an **Undulating Lowland Farmland** Landscape Character Type. This characteristic in combination with the small turbine scale and the undulating topography would likely in most cases significantly mitigate impacts of the proposed turbine on views looking towards the AONB. Whilst the turbine would be a significant feature in some nearby views, the effects would be temporary, as whilst moving through the landscape, views of the turbine would often be filtered by vegetation and topography.

e) regarding cumulative impacts with other wind energy development it should be noted that there is a considerable separation distance – 5.5km – between the proposed wind turbine and the nearest one. In views looking towards the AONB from the Newsholme – West Marton Area where there is other wind energy development, the proposed Lower Gazegill wind turbine would not be visible at all due to the view filtering effects of topography. In views looking out from the AONB the proposed and existing wind turbines could be seen simultaneously from few areas, however the substantial separation distances between the wind turbines and the view filtering effects of vegetation and the undulating topography

would significantly mitigate impacts on views from these areas. The existing and proposed wind turbines *could* be seen in combination from Pendle Hill due to the big difference in elevation but, the separation distances are even greater so there would be almost negligible cumulative impacts.

f) due to the small scale of the proposed wind turbine there would likely be no significant landscape fabric losses.

g) due to significant separation distances, the proposed wind turbine would likely not have any significant effects on the setting of the registered historic designed landscape at Gisburn Park and the Conservation Areas close to or within the AONB.

### **Conclusion**

For the reasons very briefly outlined above, I conclude that overall, the proposed wind turbine at Lower Gazegill would not have significant impacts on the setting of the Forest of Bowland AONB as, in my opinion, the objectives of designation of the area will not be compromised by the development.

DEFENCE  
INFRASTRUCTURE  
ORGANISATION (MOD):

The MOD has no objection to the proposal.

NATS (National Air Traffic  
Safeguarding):

No safeguarding objection to this development.

ADDITIONAL  
REPRESENTATIONS:

Eight letters have been received from nearby residents who wish to raise the following points of objection:

1. Visual impact upon the locality and beyond.
2. Structures should be in isolated locations away from communities where the quality of life remains unaffected.
3. Can our generation not act responsibly and preserve our beautiful landscape and afford others the same privilege?
4. Impact upon the amenity of the users of Rimington Caravan Site by virtue of loss of views from their caravans.
5. Impact on Caravan Park business due to owners considering selling their caravans if this is approved.
6. Noise from the turbine is a significant concerns.
7. Flicker effect concerns.
8. Impact on the ramblers and walkers that use the footpath routes that run through the site.
9. The Bounty offered by Govt Policy regarding such energy is "Feed In" tariffs and other incentives, therefore the only beneficiaries are manufacturers & developers/land owners.

10. Electricity produced from onshore turbines is unreliable (intermittent and unpredictable) and cannot be stored.
11. Energy Minister recently lobbied parliamentary support quoting “Wind Turbines have been peppered around the country with little or no regard for local opinion. Enough is enough.”
12. Highways safety concerns during construction phase.
13. Insufficient ecological survey data has been provided.
14. Impact on bats and birds.
15. Cumulative effect.
16. The presence of a man made structure so out of scale and unsympathetic with the surroundings can only have a negative impact on the local community.
17. Craven DC have recently refused a similar turbine so we should follow suit.
18. Impact on the tourism appeal of the area.

### **Proposal**

The proposed development consists of the installation of 1 no. 20kW wind turbine (CF20) with a hub height of 20.58m (27.1m to the tip – maximum height), which will provide power supply to the Applicant’s farm buildings and property at Lower Gazegill Farm. The turbine manufacturers (C&F Green-Energy) hold a Microgeneration Certificate under the MCS Scheme. MCS is an internationally recognised quality assurance scheme, supported by the Department of Energy and Climate Change. MCS certifies microgeneration technologies used to produce electricity and heat from renewable sources.

### **Site Location**

The site for which the turbine is proposed is in a rural location used mainly by local residents, however there are a number of public rights of way that cross close to the site. The turbine is located approximately 185m from the nearest public road (Dancer Lane), and the nearest residential dwellings (that aren’t the Applicants) lie approximately 220m to the southeast and 245m to the south west of the site. Rimington Caravan Site lies approximately 370m to the north east of the site. The Ribble Valley Districtwide Local Plan designates the land as open countryside, and the site lies approximately 1.75km north east of the boundary of the Forest of Bowland Area of Outstanding Natural Beauty.

### **Relevant History**

3/2012/0926/P – Request for a Screening Opinion for an Environmental Impact Assessment (EIA) under the Town and Country Planning (Environmental Impact Assessment) Regulations 20111, Schedule 2, part 3 in relation to the erection of 1no. 20kw Wind Turbine with a tip height of 27.1m and all associated works. – Not EIA Development.

### **Relevant Policies**

National Planning Policy Framework (NPPF).  
Policy G1 - Development Control.  
Policy G5 – Settlement Strategy.  
Policy ENV3 – Open Countryside.

Policy ENV7 – Species Protection.  
Policy ENV13 – Landscape Protection.  
Policy ENV24 – Renewable Energy  
Policy ENV25 – Renewable Energy  
Policy ENV26 – Wind Energy.  
*Core Strategy 2008/2028 - A Local Plan for Ribble Valley Regulation 22 Submission Draft*  
Policy DMG1 – General Considerations.  
Policy DME2 – Landscape and Townscape Protection.  
Policy DME3 – Site and Species Protection and Conservation.  
Policy DME5 – Renewable Energy.  
Key Statement EN2 – Landscape  
Key Statement EN3 – Sustainable Development and Climate Change.  
Planning for Renewable Energy: A Companion Guide to PPS22.  
Forest of Bowland AONB Renewable Energy Position Statement.  
The Conservation of Habitats and Species Regulations 2010 (as amended)  
The Wildlife and Countryside Act 1981 (as amended)  
The National Environment and Rural Communities Act 2006.  
Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System (DEFRA 01/2005, ODPM 06/2005).

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

The site lies within open countryside approximately 2km south of Gisburn. Public Right of Way no. 1 and 4 within the Parish of Rimmington and Middop run close to the proposed site at just over 60m away to the north west of the turbine site. The surface finish colour for the turbine head and blades is indicated as white on the details submitted, with the mast being galvanised steel, however a RAL 7045 Grey colour would be more appropriate. The turbine has three blades, all of which are approximately 5.9m long. The turbine will be sited on land that rises away from Lower Gazegill Farm itself however this site is not the highest point of this particular area of land, this lies to the east beyond cross Hill Lane. The turbine will be sited on land effectively 10-15m higher than the nearest other dwelling not within the ownership of the applicant and will be positioned more than 50m from any hedgerows or tress that bound any of the nearby fields.

Therefore, the main issues to look at with this application are:

- the visual impact the erection of a mast will have on this particular location;
- the impact upon the amenity of the occupiers of adjacent dwellings; and
- the impact upon the amenity of the users of the adjacent public rights of way.

Due to significant separation distances, the proposed wind turbine is not considered to have any significant effects on the setting of the registered historic designed landscape at Gisburn Park, on other Listed Buildings or nearby Conservation Areas.

Paragraph 14 of the NPPF states ‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.’ It advises with regards to decision taking that this means:



- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

Paragraphs 95 to 98 of the National Planning Policy Framework consider proposals that seek to meet the challenge for climate change (renewable energy generation). Paragraph 96 notes that 'In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

Paragraph 98 then considers determining planning applications noting that 'Local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable.

With regards to the Local Plan Policies, Policies ENV3, ENV24, ENV25 and ENV26 of the Districtwide Local Plan are all considered important considerations. Policy ENV24 notes that 'the Borough Council will support the development of renewable energy schemes provided it can be shown that such developments would not cause unacceptable harm to interests of acknowledged importance in the local environment.' Policy ENV25 notes that in assessing proposals for renewable energy schemes, the Borough Council will have particular regard to the following issues:

- The immediate and wider impact of the proposed development on the landscape.
- The measures that would be taken, during and after construction to minimize the impact of the development on local land use and residential amenity.
- The local and wider benefits the proposal may bring.
- The fact that certain renewable energy sources can only be harnessed where the resource occurs.

Finally, Policy ENV26 advises that the Borough Council will approve proposals for wind turbine generators providing, amongst other things:

- the visual impact is justifiable;
- the proposal does not harm any wildlife habitat or area of historical or architectural importance;
- the degree of nuisance caused by noise and shadow flicker to nearby residential amenities, agricultural operations or the function of the countryside is minimal;
- the design, colour and scale of turbines and ancillary structures including access roads must be appropriate to the character of the area;
- connections to electrical grids and substations must be acceptable in the landscape setting; and
- adequate restoration and after use must be provided.

To assess the impacts upon the location of the turbine, Policy ENV3 of the Local Plan must be considered. This Policy recognises that the open countryside is all worthy of conservation and enhancement, and highlights that the detailed landscape assessment within Appendix 2 of the Local Plan will be used in the determination of any planning application. In addition, another key consideration in the assessment process is the quality of the information provided by the applicant in support of his application, particularly the photomontages submitted and that in the landscape and visual impact assessment (LVIA). These documents help to demonstrate that likely impacts have been addressed and, crucially, provide local planning authorities with the information they need to make informed judgements on the acceptability of impacts. As advised by Lancashire County Council's Senior Landscape Architect (AONB Officer), the details submitted in support of the application for a wind turbine are considered entirely suitable and provided him with sufficient information to enable him to make his full assessment of likely landscape and visual impacts. With regards to a Landscape Character Assessment of the area, according to the *Ribble Valley Landscape Character Assessment* (contained at the back of the Local Plan), the application site is situated on land considered to be *Lowland Fringe Farmland* landscape character type. This document notes that the Lowland Fringe Farmland landscapes are generally lower elevation land below 150m, and that although there are views of the fells, these are more distant and it is possible to be out of sight of them more easily. It also notes that the most significant difference between this type and upland fringe farmland is the influence of human inhabitation, a gentler landform and large farms. There is also some industrial development, generally operated on a scale that does not create major visual problems, as well as poles and overhead wires being noticeable at farms. The document highlights that in these areas some of the positive landscape elements include an absence of urbanisation, with potential landscape detractors including the intrusive, inappropriate and insensitive siting of new development, and large scale farm structures or buildings. This is where the planning balance must be taken.

### VISUAL IMPACT

Having visited the site a number of times, and with colleagues, to assess the likely visual impact of the proposed turbine, the scheme is considered to comply with the relevant National and

Local Planning Policies for the following reasons. As noted earlier in this report, the main concern with this scheme, in fact with most schemes of this nature, is the visual impact the erection of such structures will have on the surrounding landscape of an area. The relevant Local and National Policies all note that proposal of this nature should only be approved where it can be demonstrated that development would not cause unacceptable harm to interests of acknowledged importance in the local environment.

The application site is situated within a sensitive rural landscape that although not in the Forest of Bowland AONB nevertheless forms part of the setting to some areas of the AONB, e.g. the edge of Gisburn, Sawley, Downham and Pendle Hill. The wind turbine would, at its closest, be approximately 1.8km from the AONB boundary, and it is considered that this separation distance would significantly mitigate the wind turbine's effects on views from the AONB as where visible the turbine would likely appear as a minor feature in a broad view. In views from Pendle Hill where the separation distance is much greater, e.g. 4.9km from the summit, the wind turbine would appear as a very minor feature of broad views that included the built development of Rimington and the caravan parks near the application site. At a local level, this landscape has numerous mixed farm woodlands, copses and hedgerows with mature field trees which gives the area a well wooded appearance, and it is considered that this characteristic in combination with the undulating topography would likely in most cases significantly mitigate impacts of the proposed small scale turbine on most local views as well as those looking towards the AONB. The exception to this would of course be in areas where there were gaps in the vegetation and the landscape opened out to reveal the proposed wind turbine in the foreground of views of the AONB from nearby public rights of way. In these views, the wind turbine would most likely be seen as a prominent feature in the rural landscape (inevitable where a wind turbine even of the small scale proposed is situated in a rural landscape), however the effects would be temporary as whilst moving through the landscape, views of the turbine would often be filtered by vegetation and topography (a fact highlighted by views of the site from the adjacent highways). On this basis, due to the small scale of the proposed wind turbine I do not consider there would be significant landscape fabric losses.

Regarding cumulative impacts with other wind energy development it should be noted that there is a considerable separation distance (5.5km) between the proposed wind turbine and the nearest others. Indeed in views looking towards the AONB from the Newsholme – West Marton Area where there is other wind energy development (ref. applicant's Cumulative ZTV map), the proposed Lower Gazegill wind turbine would not be visible at all due to the view filtering effects of topography. In views looking out from the AONB, the proposed and existing wind turbines could be seen simultaneously from few areas, principally land between Brownthwaites and Huggan Ing and of course, Pendle Hill, however the substantial separation distances between the wind turbines and the view filtering effects of vegetation and the undulating topography (ref, applicant's photomontage for viewpoint 9) would significantly mitigate impacts on views from these areas. The existing and proposed wind turbines *could* be seen in combination from Pendle Hill due to the big difference in elevation but, the separation distances are even greater so there would be almost negligible cumulative impacts.

### IMPACT ON AMENITY

In respect to the impact upon the amenity of the occupiers of nearby dwellings, the matter of shadow flicker is not something that should occur with this turbine given the distance between the site and the nearest dwellings to the northeast and northwest (over 200m away). This is due to the fact that at distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low, and that only properties within 130 degrees either side of north,

relative to the turbines can be affected at these latitudes in the UK (turbines do not cast long shadows on their southern side). The rotor diameter in this case is 13.1m.

Another concern raised has been the potential noise impact the turbine may have on the occupiers of the adjacent dwellings. Wind turbines should be located so that increases in ambient noise levels around noise-sensitive developments are kept to acceptable levels with relation to existing background noise. This will normally be achieved through good design of the turbines and through allowing sufficient distance between the turbines and any existing noise-sensitive development so that noise from the turbines will not normally be significant. Noise levels from turbines are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise. Wind-generated background noise increases with wind speed, and at a faster rate than the wind turbine noise increases with wind speed. The difference between the noise of the wind farm and the background noise is therefore liable to be greatest at low wind speeds.

A site visit was conducted with the Council's Head of Environmental Health Services and the following is a summary of his assessment. The reports submitted conclude that the turbine meets relevant national wind turbine noise standards guidelines. The noise produced by the turbine (sound power level) ranges from 87.5 at wind speed of 8 ms to potentially 97dB at 10 ms, and this represents a level of potentially 35 to 45dB at the nearest residential property not owned by the applicant. Noise level readings were taken during the site visit to gauge a typical noise level during a working day, on the spot of the turbine, and these ranged from 34 to 40dB. It is therefore likely that this is the typical background noise of the area. The view of the Council's Head of Environmental Health therefore is that based on the details submitted, nearby residential properties may hear and may be adversely affected by the wind turbine, however this is wholly dependant on the background noise levels in the area. As highlighted above, noise levels from turbines are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise. On this basis, given recent planning inspectorate decisions, and in order to safeguard the amenity of the occupiers of the nearby dwellings, a number of conditions have been suggested that will mitigate the potential impacts.

In respect to the potential impact upon the enjoyment of users of the adjacent public right of way (PROW), it is important to note that there is no statutory separation between a wind turbine and a PROW. Often, the fall over distance is considered an acceptable separation, and the minimum distance is often taken to be that the turbine blades should not be permitted to over sail a PROW. In this instance there is a distance of approximately 70m between the turbine and PROW. The visual impact upon users of the PROW will be noticeable as the field is currently open and used for grazing, however given the short distance of the PROW that this will affect (the turbine will be visible along approximately a 150m stretch between Lower Gazegill and the stile to the northeast of the site), and that the principal views towards Pendle Hill and the AONB will not be significantly compromised, the Council do not consider that the impact will be so significant as to warrant the refusal of this scheme.

### IMPACT ON ECOLOGY

With regards to the schemes impact upon the local ecology, as the site is improved grassland/agricultural land, it is unlikely that the erection of the turbine will have an impact on any species on or within close proximity to the site. The turbine has been positioned to provide a buffer (+50m) between likely food sources for bats and birds, and as such the scheme is considered to be in compliance with the guidance within paragraphs 115 and 118 of the NPPF,

as well as guidance provided within The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), The National Environment and Rural Communities Act 2006 and the Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System (DEFRA 01/2005, ODPM 06/2005).

In conclusion having assessed the scheme, given the location, siting and scale of the proposed wind turbine, it is considered that it will have an acceptable impact upon not only the local character of this location but also on the wider landscape, that includes Listed Buildings and the adjacent AONB, as the turbine would not result in adverse landscape and visual impacts that would be unacceptable for this area. As such, bearing in mind the above information and facts, the proposed development is considered to be in accordance with the relevant policies, and it is therefore recommended accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

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

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

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

2. The permission shall relate to the development as shown on Plan Drawing No's 001 – Scale 1:500, 001 – Scale 1:2500 and the plan entitles Overalls/Planning CF20.

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

3. This permission shall be implemented in accordance with the proposal as amended by letter and plan received on the 25<sup>th</sup> of February 2013.

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

4. This permission shall expire after 25 years following the date that electricity generated from the turbine is first connected to the grid. The Local Planning Authority shall be notified of such date in writing not later than one month from the making of such connection. After this 25-year period, the structure hereby authorised shall be removed from the site and the land reinstated to its former condition to the satisfaction of the Local Planning Authority unless the Local Planning Authority has granted a further permission for this development.

REASON: In order to prevent the structure remaining on site after its use has terminated, in the interests of the visual amenity of the area and in order to avoid conflict with the Local Planning Authority's control of development within the open countryside. In accordance with

the guidance contained within the NPPF, Policies G1, ENV3, ENV25 and ENV26 of the Districtwide Local Plan, Policies DMG1, DME2 and DME5 and Key Statements EN2 and EN3 of the Regulation 22 Submission Draft Ribble Valley Core Strategy.

5. Within 12 months of the cessation of electricity generation, or if the turbine ceases to be operational for a continuous period of 6 months, the turbine and mast shall be removed and the land restored to its former condition, to the satisfaction of the Local Planning Authority.

REASON: In order to prevent the structure remaining on site after its use has terminated, in the interests of the visual amenity of the area and in order to avoid conflict with the Local Planning Authority's control of development within the open countryside. In accordance with the guidance contained within the NPPF, Policies G1, ENV3, ENV25 and ENV26 of the Districtwide Local Plan, Policies DMG1, DME2 and DME5 and Key Statements EN2 and EN3 of the Regulation 22 Submission Draft Ribble Valley Core Strategy.

6. The colour of the blades and turbine head shall be Matt Grey (RAL 7045) in colour unless otherwise agreed in writing with the local planning authority.

REASON: For the avoidance of doubt and in the interests of the visual amenity of the area. In accordance with the guidance contained within the NPPF, Policies G1 and ENV3 of the Districtwide Local Plan, Policies DMG1 and DME2 and Key Statement EN2 of the Regulation 22 Submission Draft Ribble Valley Core Strategy.

7. Vegetation clearance works, site preparation, vehicle movements associated with the development, development work or other works that may affect nesting birds (including ground nesting birds) will not be carried out between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.

REASON: In the interests of the protecting nesting birds from the adverse impacts of development, in accordance with Policy ENV7 of the Districtwide Local Plan, Policy DME3 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance contained within The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), The National Environment and Rural Communities Act 2006 and the Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System (DEFRA 01/2005, ODPM 06/2005).

8. The turbine unit and blades shall be maintained and serviced in accordance with manufacturer's instructions and recommendations.

REASON: In the interests of the safety of users of the adjacent Public Right of Way, and in accordance with Policy G1 of the Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy.

9. The noise emissions from the wind turbines shall not exceed a sound pressure level LAeq, T of 35dB at the curtilage of any dwelling lawfully existing at the time of this consent at wind speeds up to and including 8 ms-1 at rotor centre height. Any measurement shall be made at a height of 1.2m and at a minimum distance of 3.5m from any façade or acoustically reflective surface. A report shall be submitted every three years to the LPA for approval confirming that this has been complied with.

REASON: In the interests of the protecting the amenity of the occupiers of the adjacent residential properties, in accordance with Policy G1 of the Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy.

10. Following notification from the Local Planning Authority (LPA) that a justified complaint has been received, the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, by a method to be approved in writing by the LPA, whether noise from the turbine meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA.

A copy of the assessment report, together with all recorded data and audio files obtained as part of the assessment, shall be provided to the LPA (in electronic form) within 60 days of the notification. The operation of the turbine shall cease if the specified level is confirmed as being exceeded.

The measurement time period shall be based on BWEA blade length calculation (para 3.4(1)  $t=4*D$  seconds). Where  $t$  = measurement time period in seconds (subject to a minimum period of 10 seconds)  $D$  = rotor diameter in metres.

REASON: In the interests of the protecting the amenity of the occupiers of the adjacent residential properties, in accordance with Policy G1 of the Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy.

#### INFORMATIVES

The grant 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. Footpaths 1 and 4 in the Parish of Rimington and Middop about this site.

APPLICATION NO: 3/2013/0145/P (GRID REF: SD 360232 437463)  
DEMOLISH EXISTING AUCTION ROOM AND BUILDERS YARD BUILDINGS ON THE SITE.  
REPLACE WITH 9 NO. LIGHT INDUSTRIAL/STARTER BUSINESS UNITS WITH PARKING.  
TOWNELEY ROAD AUCTION ROOMS, TOWNELEY ROAD, LONGRIDGE, LANCASHIRE,  
PR3 3EB

LONGRIDGE TOWN  
COUNCIL:

On the basis of the amended details, the Council, whilst still welcoming the potential for job creation, maintain their original object to this application on the following grounds:

1. There is concern regarding aspects of access and egress from the site for vehicles, particularly larger commercial vehicles. It is anticipated that there could be significant difficulties for larger vehicles turning in and out of the site.

2. Access by emergency vehicles may be restricted and interrupted as vehicles manoeuvre on and off the site.
3. Towneley Road is a relatively busy road serving a large residential area/sheltered housing accommodation, and parking is a premium during the day. There is insufficient parking proposed on the site.
4. It is considered to be a fundamental design flaw, giving the sloping nature of the site, that there is no clearly stepped ridgeline on the building accommodating the industrial units.

LCC ENVIRONMENT  
DIRECTORATE  
(HIGHWAYS):

The application is the redevelopment of an existing commercial site in the centre of Longridge. Access into the site is via a main shopping street in Longridge and a predominantly residential street. Whilst this may cause some concern, the size of the units will preclude access requirements by larger vehicles. Access to and egress from the site would be improved by the addition of waiting restrictions along the site frontage onto Towneley Road and also the creation of an improved pedestrian link south of the access gate by the formation of a widened footway over the landscaped area. If gates are to be erected at the entrance to the site these will need to be set back into the site by approximately 6 metres measured from the back of the footway to allow vehicles to draw clear of the highway whilst the gates are opened/unlocked.

Subject to the satisfactory resolution of the above considerations and specific conditions being attached to any permission that may be granted there is no objection raised on highway safety grounds.

ADDITIONAL  
REPRESENTATIONS:

A total of thirty three (33) letters of objection have been received in response to both the original scheme and the revised scheme. The following points of objection being raised:

1. Overdevelopment of the site.
2. Height of the buildings will be overpowering.
3. Proposed façade serves no purpose other than increasing the height.
4. Is there a hidden agenda to then increase the buildings to two storey units?
5. Loss of light.
6. Approval of scheme would be to the detriment of highway and pedestrian safety.



7. Inadequate parking proposed for the site.
8. Development is unsecure.
9. Proposal will lead to further congestion on Towneley Road and the surrounding area due to additional on street parking.
10. Insufficient space for large vehicles to manoeuvre onto the site.
11. Layout proposed would work better if re-orientated so that the parking was facing onto the bungalows.
12. Is there a need for more industrial units within Longridge as there are a number empty?
13. The site levels slope from Towneley Road to Derby Road so the plans are incorrect.
14. The roof levels of the proposed development requiring stepping to cope with the change in land levels.
15. No details relating to waste disposal.
16. No service gap to the rear of units 8 and 9.
17. Need for sight lines will reduce on-street parking.
18. The site is not vacant, it is home to Longridge Auction Market that employs two people.
19. Perimeter walls need to be reduced in height.
20. A more sensible development would be one that retains the Auction Market and redevelops the rest of the site.
21. No guide as to who would be using the units, hours of use, lighting etc.
22. Site is unsuitable for such development.
23. Proposal will cause the loss of a business from the site.
24. Increased risk of flooding to my property.
25. Inadequate notification of neighbours.
26. Objections made by the Town Council and residents have been ignored.
27. Devaluation of properties.

## **Proposal**

The application seeks permission for the demolition of an existing auction room building and builders yard buildings in order to erect nine B1 Use light industrial/starter business units with associated parking on site. Five of the units will have a floor area of 80sq.m. and four will have a floor area of 70 sq.m. The proposal has been the subject of pre-application and post-application submission discussions, and subsequently the design of the proposed units has been altered to create a more sympathetic development in relation to the existing buildings/dwellings in the nearby vicinity. The buildings will not have a traditional pitched roof measuring 4m to the ridge, and 2.5m to the eaves, and they will be constructed in block work and clad in natural stone and vertical timber boarding, and the roof will be made from grey corrugated metal cladding. The roller shutter doors will be grey. Specific details of the materials will be dealt with appropriately by Condition.

The scale, massing and design of the buildings have been altered to reduce the impact upon the occupiers of the adjacent dwellings, to reduce the visual impact upon the street scene and to minimise the impact on views into and out of the adjacent Conservation Area.

The units are accessed from an improved, existing access point from Towneley Road that will be widened from its junction with Inglewhite Road to 6m, which then reduces down to 5.5m further within the site. The Agent notes that the units will be let out to local businesses, with interest already shown in the larger unit as proposed.

### **Site Location**

The site in question is located on the edge of Longridge town centre, to the rear of Berry Lane. The site also lies on the edge of the new Conservation Area as defined by the Local Plan. The site currently comprises of a number of close-knit units of various sizes and designs, and the site is historically an industrial/commercial site. There are neighbouring dwellings surrounding the site, with the nearest properties being within 6m of the location of the proposed building.

### **Relevant History**

None relevant.

### **Relevant Policies**

NPPF

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy EMP7 - Extensions/Expansions of Existing Firms.

Policy ENV16 - Development Within Conservation Areas.

*Core Strategy 2008/2028 - A Local Plan for Ribble Valley Regulation 22 Submission Draft*

Policy DMG1 – General Considerations.

Policy DME4 – Protecting Heritage Assets.

Longridge Conservation Area Appraisal (adopted April 2007).

Planning (Listed Buildings and Conservation Areas) Act 1990.

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

The main issues to consider with regards to this proposed development are the principle of the development, the potential visual impact upon the locality and the setting and character of the adjacent Conservation Area, the potential impact on residential and visual amenity and the impact of the scheme on highway safety.

#### **PRINCIPLE OF DEVELOPMENT**

The site lies in the town centre of Longridge, and in land use terms it has an existing industrial/commercial land use. As such, it is considered that the principle of developing the site for further industrial/commercial uses is considered acceptable subject to compliance with other Policies within the Local Plan. Policy EMP7 states that “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”. Whilst the proposed development is not strictly an expansion of an existing firm, it is considered that the same principles must apply for development on this site. With this in mind, as the proposal does not appear to result in the loss of employment land, which EMP11 would discourage, the principle of the proposed development is considered acceptable.

## VISUAL IMPACT UPON THE LOCALITY AND ON THE SETTING AND CHARACTER OF THE ADJACENT CONSERVATION AREA

One of the key considerations in the determination of this application is with respect to the general duty of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the special attention that shall be paid to the desirability of preserving or enhancing the character or appearance of that area. As the site lies adjacent to the Conservation Area, I have discussed the proposal with the Council's Conservation Officer, Adrian Dowd. It was requested that the applicant highlight the significance of the site and its buildings and provided a view as to whether their loss will be detrimental to the setting of the Conservation Area. In addition, the applicant was also advised that they should explain in more detail the design rationale behind the materials proposed. He had no objection in principle to the redevelopment of this site.

In reply to this request, the applicant notes that the site is partially visible from within the Conservation Area however that the views consist mainly of partial elevations of the current Auction Room frontage, and views of the boundary wall on the western end of the site. They also highlight that the Auction Room building itself is clad vertically in corrugated black painted steel and the roof covered in green coated corrugated steel, and not only are there no slate roofs on the application site, but very few on Warwick Street on the opposite side of the road. The buildings on site are highlighted as being in a generally poor condition, and are relatively modern in construction, and as Photograph 4 (submitted with the e-mail dated the 24<sup>th</sup> of May) notes (it looks down Towneley Road with the application site on the left), the suggested grey standing seam corrugated roof over all the buildings will tie in with many of the industrial buildings on Warwick Street.

Local Plan Policy ENV16 advises that 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. In this instance, the Council see no desire in preserving the site as it currently sits due to the run down and untidy nature of the buildings, and it is considered that they are of no benefit to the setting of the Conservation Area. Having considered the revised scheme now proposed, the scheme is considered to be a well-designed and detailed small commercial development that is sympathetic to the existing and surrounding built form, and the proposed materials of random stone, timber doors, grey painted frames and black rainwater goods as shown will upgrade this important employment site in Longridge, and subsequently enhance this particular location adjacent to the Conservation Area.

## IMPACT ON RESIDENTIAL AMENITY

Following adverse comments from nearby neighbours and concern raised by the department, discussions were held with the Agent in order to create a more acceptable solution for the proposed development. Amended plans have been submitted indicating the design of the proposed buildings being significantly changed to reflect existing adjacent buildings, and significantly reduced in scale due to the changes in the roof design and pitch. These changes now reduce the massing of the building in relation to the nearest adjacent dwellings, and due to the change in roof slope will appear less intrusive on site in relation to the other nearby units and in respect of the street scene frontages. There are no issues with regards to overlooking/loss of privacy as the units are all single storey only and have no windows facing rear garden areas. In respect of noise concerns, the Council's Environmental Health Department have verbally raised no objections to the proposed use, given the site is surrounded

by other industrial uses, however they recommend a suitable noise attenuation Condition for any machinery and plant within buildings, and a restriction on hours of operation. Therefore, in considering the above, the nearby residential properties would not, in my view, be adversely affected and the buildings will have no adverse visual impact on the occupants of the adjacent residential properties.

## IMPACT ON HIGHWAY SAFETY

Despite a large number of objections being raised in respect of the potential impact upon highway safety from this proposed scheme, the LCC Traffic and Development Engineer raises no objections in principle to this application on highway safety grounds. He notes that the application is the redevelopment of an existing commercial site in the centre of Longridge, and that access into the site is via a main shopping street in Longridge and a predominantly residential street. Whilst this may cause some concern, he considers that the size of the units will generally preclude access requirements by larger vehicles. In addition, he considers that the proposed parking provisions, both on site and on surrounding streets (including the public car parks nearby) provide an acceptable level of parking, especially in view of the site's town centre location. He has highlighted that access to and egress from the site would be improved by the addition of waiting restrictions along the site frontage onto Towneley Road and also the creation of an improved pedestrian link south of the access gate by the formation of a widened footway over the landscaped area. These changes will be secured via a suitable planning condition.

## OTHER ISSUES

A number of other issues have been raised within the numerous letters of objection, with one in particular requiring a response from the Applicant. Both the Town Council and neighbouring objectors consider there to be a fundamental design flaw with the proposal giving the sloping nature of the site. Due to perceived changes in land levels, they consider the scheme should have a stepped roof ridge line. Having raised this point with the Agent, they note that they have been unable to gain access to the site to carry out a land survey due to the state of relations between the site owner and tenant. They have assessed the site externally and consider that there will not be a significant drop in land levels, however if any of the elevations will be affected by a slight fall, then it will be A and B on their drawing 4097-1-1A. He notes that small breaks could be made of say 200mm on the unit divisions which would accommodate 800mm on a site where it would appear there is little or no fall. He highlights that his investigation of the site and its relationship to the adjacent buildings guided their thoughts on the style (low pitched buildings in separate blocks) of the proposed development. Whilst the Council consider that sufficient information has been submitted to appropriately assess the likely impacts of the development, in order to satisfy the concerns of the objectors it is suggested that details of the finished slab levels be submitted prior to the commencement of development on the site. This way, the Council can be satisfied in respect of the finished floor and ridge heights levels of the proposed units in relation to the adjacent properties. It should be noted that the ridge height of all of the units should be no higher than 4m anywhere on site.

A number of letters also make reference to the loss of the existing Auction Room from the site, however as the current proprietor of this business currently lets these particular buildings, the final decision whether or not to continue their lease rests with the owner of the site. Indeed regardless of the outcome of this proposal, the owner could choose to not renew the lease whenever the current one comes to an end, and as such is not something the Council could control. The key consideration for the Council is that this scheme proposes the regeneration of

an established employment site in order to provide 9 additional starter units of high quality design and layout, and whether or not this complies with the current relevant planning policies.

In conclusion, whilst I am mindful of the comments from the Town Council and the occupiers of various adjacent properties, given the existing use of the site and that the proposal will provide new business units suitable for businesses starting up in the area, the amended scheme submitted is not considered to cause a significant detrimental impact on the amenity of the area or on the amenity of the occupiers of nearby dwellings, nor will it have a significant detrimental impact on the setting or character of the adjacent Conservation Area or on highway safety at this location. On this basis, having considered all elements referred to within this report, I consider that any adverse impacts of approving this scheme would not significantly or demonstrably outweigh the benefits of the proposal; therefore as a wholly sustainable development, it 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 or be to the detriment of highway safety and that the proposal has no significant visual impact on the building or adversely affect upon the setting of the Conservation Area.

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

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

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

2. The permission shall relate to the development as shown on Plan Drawing No's 4097-01, 4097-1-1A and 4097-03A.

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

3. This permission shall be implemented in accordance with the proposal as amended by letter and plan received on the 25 April 2013.

**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 and ENV16 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DME4 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

5. 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, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF. In the interests of the Local Planning Authority being satisfied as to the details of the proposal.

6. The internal source of illumination shall be reduced in intensity if necessary and be maintained at an approved level.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to avoid glare, dazzle or distraction to passing motorists In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF. In the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

7. No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan in the interests of the visual amenity of the area and to safeguard, where appropriate, neighbouring residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF. In the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

8. No work, display or storage activities shall take place outside the buildings on the site.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan in the interests of the visual amenity of the area and to safeguard, where appropriate, neighbouring residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF. In the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

9. Before the use commences or the premises are occupied, the building(s) shall be insulated in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and in the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF. In the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

10. Any fixed plant and/or machinery installed and used in connection with the proposed units shall be installed and acoustically insulated so as to comply with BS4142.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF. In the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

11. The use of the proposed units in accordance with this permission shall be restricted to the hours between 0830 to 1800 Monday to Friday and 0830 to 1230 on Saturdays, and there shall be no operation on Sundays or bank holidays.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF. The use of the proposed units outside these hours could prove injurious to the character of the area and in order to safeguard residential amenities.

12. 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.

12. No part of the development hereby approved shall commence until a scheme for the construction of the site access and highway improvement has been submitted to and approved by the Planning Authority in consultation with the Highway Authority. For the avoidance of doubt the details shall include the formation of the site access, positioning of any gates if required and the creation of the widened footway to the south of the proposed entrance.

REASON: In order to satisfy the Planning and Highway authorities that the final details of the scheme are acceptable before work commences on site. In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

13. No part of the development shall be commenced until all the highway works referred to in Condition 13 above have been constructed in accordance with the approved scheme

REASON: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users. In accordance with Policy G1 of the

Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

14. The car park shall be surfaced or paved in accordance with a scheme to be approved by the local planning authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby approved become operative.

REASON: To ensure the effective use of the parking areas. In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

15. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

16. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved 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 in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

17. No development shall take place until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
  - a. Specific details relating to the demolition and removal of the existing building and materials from the site;
  - b. the parking of vehicles of site operatives and visitors;
  - c. loading and unloading of plant and materials;
  - d. storage of plant and materials used in constructing the development;
  - e. wheel washing facilities (if required);
  - f. measures to control the emission of dust and dirt during construction;
  - g. a scheme for recycling/disposing of waste resulting from construction works; and
  - h. commencement and finishing hours of the construction activity.

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.



## INFORMATIVES

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 Highways Authority can carry out these works, therefore before any access works can start you must contact Lancashire County Council for further information (customerserviceeast@lancashire.gov.uk ) or LHS Customer Service, Riddings Lane Whalley BB7 9RW.

The footway works referred to in Condition 13 above shall be the subject of a dedication agreement with the Local Highway Authority under the provision of a Section 38 of the Highways Act or other appropriate agreement.

APPLICATION NO: 3/2013/0315/P (GRID REF: SD 361654 439153)  
PROPOSED GROUND FLOOR EXTENSION AND ALTERATIONS AT ANAM CARA, BIRKS BROW, THORNLEY, PR3 2TX

PARISH COUNCIL: No representations received.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): No representations received.

ADDITIONAL REPRESENTATIONS: RVBC Engineer's Department have recommended the use of a condition in relation to contaminated land.

### **Proposal**

Planning permission is sought for the erection of a single storey extension and associated alterations.

The proposed extension would be sited to the south elevation of the dwelling and measure 3.4m x 5.2m. The extension is to be constructed from stone under a natural blue slate mono pitched roof. The structure would have an eaves height of 2.2m and an overall height of 3.5m.

The other proposed alterations include the insertion of an individual roof light to the existing south elevation roof slope. The alteration of two existing window openings, two sliding door openings on the west elevation and finally the insertion of a stove pipe to the north elevation roof slope.

### **Site Location**

The development site is one of a pair of dwellings which have been converted from agricultural use to residential dwellings. Anam Cara is sited to the north of Birks Brow perpendicular to the highway. In the immediate vicinity there are a cluster of other properties. Chipping View is the adjoining property, in addition to which Birks Farm is to the south east whilst Higher Birks is to the south west at the opposite side of the road.

The development site is located outside of a recognised settlement as defined within the Ribble Valley Districtwide Local Plan. The site therefore is on land designated as open countryside. In addition to this, the site is located within the Forest of Bowland AONB.

### **Relevant History**

3/1999/0407/P – Change of use of barn to form two dwellings. Approved.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy H10 - Residential Extensions.

Policy H15 - Building Conversions - Location.

Policy H16 - Building Conversions - Building to be Converted.

Policy H17 - Building Conversions - Design Matters.

Policy SPG – “Extensions and Alterations to Dwellings”

*Ribble Valley Core Strategy 2008 to 2028 (Regulation 22 Submission Draft)*

Policy DMG1 – General Considerations.

Policy DME2 - Landscape and Townscape Protection.

Policy DMH5 – Residential and Curtilage Extensions.

Policy DMH4 – Conversion of Barns and other Buildings to Dwellings.

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

The key considerations in the determination of this application are the impact of development upon the character and setting of the existing dwelling. The impact of development upon the character, setting and visual amenities of the AONB, and the impact, if any, upon the residential amenity of the area.

Prior to this application being submitted, the applicants had requested pre-application planning advice. The proposal submitted for the pre-application consisted of a single storey, timber clad, link extension between the dwelling and the detached garage. Concerns were raised with this proposal in terms of its impact upon the character and setting of the dwelling. It was felt that such concerns may outweigh the personal circumstances of the applicant. However, the scheme under consideration in this application has been drastically altered, suitably addressing these concerns.

As discussed above, the development site is a previously converted barn. Whilst this does not preclude all development, it does introduce a material consideration. Typically, at the time of conversion, the Local Planning Authority would seek to ensure that whilst the converted building provides suitable living accommodation, that a balance is struck between this and ensuring that the agricultural heritage of the building is preserved. Large scale alterations and additions can result in the building appearing overtly domesticated and its significance as a non-designated heritage asset being diluted. Following conversion, as is the case in this instance, the same principles are used in order to safeguard the character and setting of the building.

The development proposed within this application consists of a subservient addition to the dwelling. The design and form of the proposal is relatively simple and the proposed materials

are in-keeping with those used in the existing dwelling. Having considered the submitted details, I am satisfied that the proposed development would be a subservient addition to the existing dwelling in-keeping with the character of the existing building. A structure of this scale and nature would not appear alien within this setting, and could have conceivably been an original feature. I am also therefore satisfied that the proposed development would not be detrimental to the character, setting and visual amenities of the AONB.

With regard to the residential amenity of the area, I do not believe the proposed development would have a detrimental impact upon the residential amenity of the area. This is by virtue of the location, scale and design of the development.

Having regard to the other minor works proposed, such as the installation of a roof light, the alterations to the two existing windows in the west elevation and the installation of a stove pipe, my comments are as follows.

The installation of a roof light would not drastically alter the character and setting of the existing roof slope. There are already roof lights in the same roof slope, however the provision of another roof light would not lead to a significant loss of character or significant harm to the character and appearance of the roofscape being created.

The proposed alterations to the window openings on the west elevation present no objections. The historic plans submitted at the time of conversion indicate that these openings may have been door openings historically. These works would not lead to new additional openings being formed, they would only result in an alteration.

The final alteration consists of the installation of a stove pipe to the north elevation roof slope. Such a feature is a relatively common addition to the roof slope of a barn conversion. It would therefore not appear incongruous subject to any exterior finish being satisfactory and not resulting in the stove pipe becoming an overly prominent feature within the landscape.

Within the submitted details, part of the justification provided for the proposed development is the desire of the applicant to be able to provide ground floor accommodation for their disabled child. The proposed extension would provide bedroom and wet room facilities. Clearly such justification does form to a material consideration in determining this application. However, there are also other significant considerations such as impact upon the character and setting of the dwelling and the AONB which have to be put into the balance, as was the case when pre-application advice was offered. However having considered the submitted details, I am satisfied that the planning merits of the proposed development are sound. I therefore see no material objections to the granting of this permission and recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

RECOMMENDATION: That planning permission 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 numbers AC01 and AC03.

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

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, Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft and the adopted Supplementary Planning Guidance – “Extensions and Alterations to Dwellings”.

4. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
  - a) A desk study which assesses the risk of the potential for on-site contamination and ground gasses and migration of both on and off-site contamination and ground gases.
  - b) If the Desk Study identifies potential contamination and ground gases, a detailed Site Investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on the risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the start of the site investigation survey.
  - c) A Remediation Statement, detailing the recommendations and remedial measures to be implemented within the site.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the development. On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a Verification Report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

REASON: To ensure that the development does not give rise to ground conditions that would be prejudicial to the environment in accordance with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and EN2 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) the

building(s) shall not be altered by the insertion of any window or doorway without the formal written permission of the Local Planning Authority.

REASON: In order to safeguard nearby residential amenity in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and Policy DMH5 of the Ribble Valley Core Strategy Regulation 22 submission Draft the adopted Supplementary Planning Guidance – “Extensions and Alterations to Dwellings”.

APPLICATION NO: 3/2013/0411/P (GRID REF: SD 376551 434450)  
PROPOSED SHOWROOM SIGNAGE ABOVE WINDOWS ON THE FRONT ELEVATION  
(RE-SUBMISSION OF 3/2013/0075/P) AT THE TILE CO, FRIENDSHIP MILL, WHALLEY  
ROAD, READ, BB12 7PN

PARISH COUNCIL: Has no objections in principle but would ask that permission is conditioned upon advertising lights being switched off between 8pm and 7am.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No representations received at the time of writing.

ADDITIONAL REPRESENTATIONS: Two letters of objection have been received with a total of 10 signatories. Their objections can be summarised as follows:

- 10pm is too late, 8pm would be more suitable.
- Illuminated signage would be an added distraction to drivers at this particularly dangerous part of the A671.
- It would be out of keeping with our village and an ugly nuisance.
- An illuminated sign immediately draws somebody's attention.
- If I wished to live in the middle of Blackpool illuminations I'd move to Blackpool.

### **Proposal**

The proposed signage consists of 6 individual illuminated signs. All are to be sited on the front (north) elevation of the building. Four are to be located above the four existing window openings. These are to sit flush with the façade of the building. Two other signs are to be sited at either end of the building projecting 600mm from the building.

The 4 signs over each window are to measure 3,750mm by 800mm sited at 2.5m above the ground. The two projecting signs are to measure 600mm x 800mm, with all signs being illuminated to  $325^{cd}/m$ .

The content of the proposed signage is to include the name of the business operating from the building “Stuart Frazer”, contact details and the brand name of the kitchens they supply.

## **Site Location**

The application site forms part of the Friendship Mill complex located to the southern side of Whalley Road (A671). The unit which forms the subject of this application is sited directly adjacent to Whalley Road, with its principal elevation running parallel to the road. The building is currently undergoing alterations prior to being occupied as a kitchen showroom by the applicant. The remainder of Friendship Mill is occupied as commercial premises by a range of businesses including vehicle repair and a ceramic tile supplier. The buildings sited opposite the development site to the north of Whalley Road are residential terraced properties. Due to the topography of the area the terraced properties stand on slightly higher land than the buildings of Friendship Mill.

## **Relevant History**

3/2013/0075/P – Four illuminated hanging signs above windows on front elevation - Refused.

3/2012/0647/P – Change of use from warehouse to mix of kitchen showroom, offices and warehouse, extension to mezzanine floor and external alterations including installation of windows along the road frontage and relocation of customer access with new ramp - Approved.

## **Relevant Policies**

*Ribble Valley Districtwide Local Plan*  
Policy G1 - Development Control.

*Ribble Valley Core Strategy 2008 – 2028 (Regulation 22 Submission Draft)*  
Policy DMG1 – General Considerations.

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

The key considerations in the determination of this application are, the impact of the proposed signage upon the character and setting of the area. In addition to which it is important to consider what harm, if any, the proposals will have upon the residential amenity of the area.

The details under consideration in this application have been altered following the previous refusal of advertisement consent refused under reference 3/2013/0075/P. This previous scheme was refused as it was considered that the design, scale, massing and level of illumination would be unsympathetic and incongruous. It was considered that this would detract from the character and setting of the street scene and also be detrimental to the residential amenity of the area.

The details submitted for the previous refused scheme indicated that the proposed signage would overhang each of the windows by approximately 800mm and be illuminated to a far higher level of luminance ( $800^{cd}/m$ ). Following post-decision discussions with the applicant it became apparent that this was not intended to be the case and that the original information submitted was erroneous.

Having regard to the impact the proposed signage would have upon the character and setting of the street scene, Whalley Road at present consists of a mix of residential and commercial properties. Whalley Road itself forms a key highway link between Clitheroe and Burnley, hence

its classification as an A road. Therefore this varied mix of land uses could be expected in such a location.

The proposed signage will alter the character of the street scene. However I do not believe it would be as significant a harm as to warrant refusal on such grounds. The design of the proposed signage is of a scale which is appropriate to the host building. I do not believe it would appear as an incongruous addition to the street scene. This is by virtue of the relatively simplistic design and layout of the signage.

Another major consideration in determining this application is the impact the signage will have upon the residential amenity of the area. Given the nature of the proposed signage any harm to residential amenity is likely to be caused by the level and extent of the illumination of the signs.

The intensity of illumination is measured in candela per square metre ( $\text{cd}/\text{m}^2$ ). In the previous refused scheme the proposed signage was to be illuminated to 800 $\text{cd}/\text{m}^2$ . The proposed signage in this scheme is to be illuminated to a level of 325  $\text{cd}/\text{m}^2$ . This is clearly a significant reduction. It is stated within the submitted details that this level of illumination would be less than a street light.

Typically illuminated signage could be illuminated to levels around the 600/800  $\text{cd}/\text{m}^2$  range. However the impact of luminance can be drastically altered depending upon its location. Eg in a major urban area such levels of luminance are unlikely to be harmful as they would be set within an environment that was far brighter to begin with.

Therefore it is important to give due consideration to the area in context in which the signs are to be set. Whilst Whalley Road is an A road the villages of Read and Simonstone could be described as semi-rural locations. Therefore any luminance would have to be significantly reduced to reflect this setting.

It is also important to consider the type and method of lighting. The applicant does not intend the signage to be overtly obvious to draw attention. The intention behind the design is to achieve an appearance which clearly defines the text against the black backdrop. It is not intended that the luminance of the sign should spill beyond the sign or produce a high level of glare.

Notwithstanding this the applicants have offered to have the illuminated signage on a timer switch. It is their intention to have these signs on between 6pm and 10pm in the summer and 7am whilst 9am and 4pm whilst 10pm during the winter. Having considered this I feel an hours of use condition would be appropriate, however a seasonal variance would be unsuitable. This is because the seasonal variance would create ambiguity in the condition.

Instead, a more appropriate solution, would be a single hours of use condition which could be imposed all year round. In considering such a condition due consideration should be given to those occupants of the residential properties to the north of Whalley Road. The timing of illuminated signs has been cited as an area of concern within the consultation responses outlined above.

In considering the potential timeframes in which the signs could be illuminated I am mindful of the hours of use condition attached to application 3/2012/0647/P relating to the change of use of the building. This condition restricted the use of the premises to 0900 to 1730 Monday to Saturday and 1100 to 1700 on Sundays and Bank Holidays.

Imposing the precise same condition could be somewhat onerous in this particular instance relating to the signage. I would therefore recommend that the illumination be restricted to the hours of 0800 to 1900 throughout the year. This will allow the applicants to operate the sign outside the restricted hours of opening. However it will also ensure that the amenity of surrounding properties is safeguarded, ensuring the signage does not present an un-neighbourly development.

Having considered the submitted details and the representations received; whilst there are some concerns that have been raised I am satisfied that these can be suitably mitigated through the use of conditions.

Therefore in view of the above I recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

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

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

**REASON:** In the interests of visual amenity and in accordance with Policies G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

**REASON:** Required by the Town and Country Planning (Control of Advertisements) Regulations 1992.

3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

**REASON:** Required by the Town and Country Planning (Control of Advertisements) Regulations 1992.

4. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aids to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

**REASON:** Required by the Town and Country Planning (Control of Advertisements) Regulations 1992.

5. This permission shall be implemented in accordance with the proposal as amended by letter and plan received on the 16 May 2013 carrying drawing No 4308 – Signs RevA.



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

6. The signage hereby approved shall only be illuminated between the hours of 0800 to 1900 Monday to Sunday.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft). The use of the illuminated signs outside these hours could prove injurious to the residential amenity of the area.

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

APPLICATION NO: 3/2013/0336/P (GRID REF: SD 364693 432849)  
PROPOSED NEW DWELLING ON LAND WITHIN THE CURTILAGE OF 4 THE GREEN,  
OSBALDESTON LANE, OSBALDESTON, LANCASHIRE BB2 7LY (RE-SUBMISSION OF  
3/2012/1087/P).

OSBALDESTON PARISH COUNCIL: The Parish Council wishes to support the original refusal of this proposal.

LCC ENVIRONMENT DIRECTORATE (HIGHWAYS): No formal response has been received in regards to this current application, however there were no objections raised to the previous application. The Officer noted on the previous scheme that the sight lines required for the access to this development (2x40metres) will be achievable with proper management of the boundary hedge and that he would therefore raise no objection to the proposal on highway grounds but would request that specific conditions and notes be attached to any permission that may be granted.

UNITED UTILITIES: No formal response has been received at the time of the reports submission, however there were no objections raised in relation to the previous application.

ADDITIONAL REPRESENTATIONS: Three letters have been received from the occupiers of adjacent properties, and the following points of objection have been raised:

1. The land is agricultural in use,
2. This is a rural and open area of countryside,
3. Site is isolated and unsustainable,
4. Impact of highway safety along the lane due to an increase in traffic,
5. Scheme should not be classed as 'affordable housing' as the family who are renting from the applicant (they are living in no. 3 The Green) are already in a large, four bedroom house,
6. The submitted proposal is not 'Affordable' as there is no S106 agreement proposed that restricts its usage in perpetuity, as is the general requirement typically,
7. Trees will have to be removed to create the access,
8. Sewerage system will not cope with the additional dwelling proposes on this site,
9. Impact on wildlife,
10. Approval of this site undermines the proper future planning in Osbaldeston, and
11. Scheme is entirely contrary to Local and National Planning Policy.

## **Proposal**

This application is an outline planning permission for the erection of a new dwelling on this site with all matters are reserved. The application is a re-submission of a previously refused scheme for a similar proposal, however the previous scheme included an area of 'work space' within the new dwelling. This application relates to a plot of land currently home to a single storey, double garage and is being used to store a variety of domestic materials including a car, caravan and stone/brick/tiles etc. The applicant considers this land to be part of the domestic curtilage to no. 4 The Green, however there are no historical formal applications relating to this and there is little additional evidence provided with the application to prove this.

## **Site Location**

The site is in a relatively isolated, predominantly rural and open location, a mile from the old village settlement boundary of Osbaldeston.

## **Relevant History**

3/2012/1087/P – Proposed new dwelling (with work space) within the existing domestic curtilage of no. 4 The Green – Refused.

## **Relevant Policies**

*National Planning Policy Framework.*

Policy G1 - Development Control.

Policy G5 – Settlement Strategy.

Policy ENV3 – Development in Open Countryside.

Policy ENV13 – Landscape Protection.

Policy H2 – Dwellings in the Open Countryside.

Addressing Housing Need in Ribble Valley.

*Core Strategy 2008/2028 Regulation 22 Submission Draft Policies*

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMH1 – Affordable Housing Criteria.

Policy DMH3 – Dwellings in Open Countryside.

Conservation of Habitats and Species Regulations 2010.

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

The main consideration of this application is whether the principle of the proposal is acceptable.

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local development plan policies. At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that *at the heart of the NPPF is a presumption in favour of sustainable development* which means that for decision making purposes that:

*Where the development plan is absent, silent or relevant policies are out of date, granting permission unless*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
- specific policies in this framework indicate development should be restricted.

The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five-year supply of deliverable sites. As at 31 December 2012, Ribble Valley can demonstrate a 5.92 year supply of housing, including a 10% allowance for slippage and 20% buffer for previous years under delivery but no detailed site adjustments for deliverability of the sites identified when measures against the emerging Core Strategy requirement.

Committee will be aware that the Regional Strategy has been abolished and it was formally agreed on 23 May 2013 at Planning and Development committee to use the figure of 200 dwellings per annum for development management purposes.

Irrespective of the 5 year supply issue, some of the policies of the DWLP are considered out of date and thus the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits is at this time the over riding consideration. There are no provisions within the NPPF to advocate resisting development 'in principle' once a 5 year supply of deliverable sites is achieved. In assessing this application therefore it is important to look at the component parts in turn having regard to the above considerations as follows.

Therefore in establishing whether the development of this parcel of land for residential purposes would in principle be acceptable, it is the requirements of NPPF that take precedence over the dated policies of the DWLP in respect of this site, i.e. a presumption in favour of sustainable development as outlined above and granting planning permission unless any adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits. The NPPF outlines that there are three dimensions to sustainable development – economic, social and environmental and these give rise to the need for the planning system to perform a number of roles. In terms of an economic role NPPF comments that LPA's should ensure that sufficient land of the right type is available in the right places and at the right time and also identify and co-ordinate development requirements including the provision of infrastructure. A social role is ensured by providing the supply of housing required to meet the needs of present and future generations and an environmental role by contributing to protecting and enhancing the natural, built and historic environment. In addition, paragraph 54 of the NPPF provides more specific guidance on housing in rural areas noting that local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

Paragraph 55 of the NPPF states that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.' It is considered that the reference to isolated houses appears to refer to housing outside settlements, as opposed to houses in an isolated context per se. It also advises that 'Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (amongst other things),

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or

- the exceptional quality or innovative nature of the design of the dwelling.

In terms of the saved Local Plan policies, in general terms the proposal site is outside any settlement boundary and is located in open countryside where development would be restricted. Local Plan Policies G5 and H2 are therefore considered the most important policies against which to assess the scheme. Policy G5 notes that,

‘Outside the main settlement boundaries and the village boundaries planning consent will only be granted for small scale developments which are,

- i. Essential to the local economy or social well being of the area,
- ii. Needed for the purposes of agriculture or forestry, or
- iii. Sites developed for local needs housing.’

Policy H2 provides more specific advice for dwellings in the open countryside noting that, ‘Outside the settlement boundaries residential development will be limited to:

1. Development essential for the purposes of agriculture or forestry,
2. The appropriate conversion of buildings to dwellings, or
3. Residential development specifically intended to meet a proven local need.’

Both policies recognise the need to protect the countryside from inappropriate development, and that the protection of attractive open countryside for its own sake is an important element of both the national and county planning policy. There are emerging draft Core Strategy Policies that continue the aims of the existing Local Plan Policies, and these are Policies DMG1, DMG2, DMH1 and DMH3.

Despite the site being reasonably well related to existing dwellings, the site is in a relatively isolated, predominantly rural and open location, a mile from the old village settlement boundary of Osbaldeston (out of date Policy G4), and over two and half miles from Mellor/Mellor Brook. The site has a loose association with nearby dwellings and buildings due it being in-between an industrial building and a residential dwelling, however given its distance from any services, it is not considered that an additional dwelling here would not sustain this rural community since there are limited services in the village to support in any event. The village is also not readily accessible by foot from the site since it is necessary to walk on effectively a single-track road for over a mile in order to walk to a bus stop to catch a bus. The site is therefore considered to be an unsustainable location, and the development of the site in principle would therefore not be in accordance with the NPPF presumption in favour of sustainable development.

The proposal is also not considered to be essential to the local economy or social well being of the area, as it is not essential for agricultural or forestry purposes and there has not been a justified reason put forward to highlight that the development would meet an identified local need. By this I mean that the applicant is proposing the dwelling as an ‘Affordable’ dwelling however there has been no S106 agreement submitted with the application that highlights or justifies how the dwelling would help the local need in this particular location. Therefore by definition the proposal is also considered to be inappropriate development contrary to the relevant and up-to-date Local Planning Policies G5 and H2.

With respect to the visual impact of developing this site, Local Plan Policy G1 states that, *‘Proposals will be expected to provide a high standard of building design and landscape quality, and development which does so will be permitted unless it adversely affect the amenities of the*

*surrounding area’, that ‘Particular emphasis will be placed upon visual appearance and the relationship to surroundings as well as the effects of development on existing amenities.’ and that ‘Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature’.*

Policy ENV3 also provides advice relating to development in open countryside noting that, *‘Development will be required to be in keeping with the character of the landscape area and should reflect local vernacular, scale, style, features and building materials’.*

On the basis of the above Policies and Guidance, when considering an outline application such as this, there is a particular emphasis on proposals,

- being visually acceptable,
- having an acceptable relationship with their surroundings, and
- not adversely affect the amenities of the surrounding area.

Therefore, providing the existing hedgerow and trees along the roadside frontage are maintained in situ, it is likely that the development of this site would not necessarily have a significant visual impact upon the locality. However, as this is at outline stage and there have been no additional surveys submitted relating to the boundary hedge and trees, it is difficult to fully assess this at this point.

Aside from this, the proposed development of the site for market housing, as is proposed effectively, is considered unacceptable in principle in principle, as it is contrary to Local and National Plan Policy guidance. The application is therefore recommended accordingly.

**RECOMMENDATION:** That the application be refused for the following reason.

1. The site is in a relatively isolated, predominantly rural and open location, and the development of the site in principle would therefore not be in accordance with the NPPF presumption in favour of sustainable development, and is also considered by definition to be inappropriate development contrary to Local Plan Policies G1, G5 and H2, and Core Strategy 2008/2028 Regulation 22 Submission Draft Policies DMG1, DMG2, DMH1 and DMH3. Approval of this application would lead to the creation of a new dwelling in the open countryside without sufficient justification to the detriment of the visual amenities of the area.

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>
3/2012/0958/P	Approval required under Part 3 Class E of the Planning (General Permitted Development) Order 1995 to use the existing commercial units for a range of units; the units to be used primarily for office use but with the option to change to retail/health studio etc without applying for future approval	1-7 Shawbridge Sawmill off Taylor Street Clitheroe
3/2013/0054/P	For a scheme involving the construction of a new 5 bedroomed detached dwellinghouse over three storeys (bedroom – en suite in the loft area). The house also has an integral double garage. The application seeks retrospective permission as the building is being constructed in a different location within its garden boundaries	Plot 2 Cherry Drive (formerly Weavers Loft) Brockhall Village
3/2013/0096/P	Conversion of barn to be used as open market residential accommodation	Horrocks Barn Horrocks Farm, Stonyhurst
3/2013/0110/P (LBC) & 3/2013/0111/P (PA)	Proposed conversion of outbuildings to provide residential accommodation (stables conversion to 3 units and motor house conversion to 2 units) with associated provision of car parking and hardiness of landscaping to courtyard areas	Eaves Hall Moor Lane West Bradford
3/2013/0154/P (PA) & 3/2013/0155/P (LBC)	Conversion of existing barn and outbuildings into two dwellings incorporating package treatment plant	Bailey Hall Hurst Green
3/2013/0220/P	Proposed erection of new agricultural building, creation of track along boundary of land to building from existing access gate (resubmission of application 3/2012/0716/P)	Land at Trapp Lane Simonstone
3/2013/0239/P	Non-material amendment to planning permission 3/2012/0163/P to reduce window size to suit residential dwellings	84-86 Lowergate Clitheroe
3/2013/0254/P	Proposed chill extension, replacement lorry docking bays and increased yard area to existing meat processing factory	Castill Laithe Abattoir Gisburn Road, Sawley

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2013/0283/P	Conversion of the existing garage to a habitable room and proposal to convert the existing conservatory to a garden room	Glen Wood Cardigan Avenue Clitheroe
3/2013/0284/P	Proposed conservatory to the rear	20 Crow Trees Brow Chatburn
3/2013/0291/P	Fence construction with gate and end wall resubmission of 3/2012/1115/P	2 Hippings Way Clitheroe
3/2013/0293/P	Single storey rear extension	2 Birtwistle Terrace Langho
3/2013/0260/P	Application to discharge condition no. 14 (additional tree planting), condition no. 19 (provision of nesting/roosting boxes) and condition no. 20 (demolition and construction method statement) of planning permission 3/2012/0745/P	Brown Leaves Hotel Longsight Road Copster Green
3/2013/0282/P	Single storey side extension to the side of the property	10 Abbots Croft Whalley
3/2013/0287/P	Proposed change of use from dwelling to office at ground floor with one bedroom flat above and alterations to roof of single storey element	144 Woone Lane Clitheroe
3/2013/0295/P	Proposed two storey side extension	77 Hacking Drive Longridge
3/2013/0305/P	Proposed garden lounge and double garage	New House Farm Osbaldeston Lane Osbaldeston
3/2013/0310/P	Proposed garden room	Cowgill House Gisburn Road, Sawley
3/2013/0311/P	Proposed erection of a single storey extension at rear for use partly as a kitchen extension and partly as acupuncture consultation and treatment room and demolition of existing garage.	5 Stoneygate Lane Ribchester
3/2013/0317/P	Proposed single storey annex ancillary to the main dwelling and improvements to the existing access (Re-submission)	Reed Deep, Whalley Road Hurst Green
3/2013/0328/P	New three pieces of roof mounted plant to replace existing/redundant plant	Tesco Duck Street, Clitheroe
3/2013/0338/P	Application for the discharge of condition no.3 (materials) of planning permission 3/2013/0090P	Maveril Ribchester Road
3/2013/0347P	Proposed Extension to kitchen behind existing garage	26 Willows Park Lane Longridge
3/2013/0350/P	Proposed erection of a temporary builders compound on land to rear of proposed residential development at the Brown Leaves Hotel for a period of twelve months. Land to the rear	Brown leaves Hotel Longsight Road Copster Green



<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0375/P	Proposed extension to the dwelling to allow for a dining room to the dwelling. Amendments to planning permission 3/2012/0667/P	Meadow Bank Sawley Road Grindleton
3/2013/0426/P	Application for a non-material amendment to planning permission 3/2013/0040P, to increase the width of the garage by 300mm, add pedestrian door to the south elevation and velux rooflight to the south roof pitch	1-2 Ladycroft Cottage Holden Bolton by Bowland

#### APPLICATIONS REFUSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2013/0266/P	Application for the removal of condition no. 3 of planning consent 3/2010/0572/P, to allow the property to be used as permanent residential accommodation	Dove Cottage Mill Lane Slaidburn Road Waddington	The site is in a predominantly rural location, and the development of the site in principle would therefore not be in accordance with the NPPF presumption in favour of sustainable development. Contrary to guidance within Local Plan Policies G1, ENV1, H2, H15 and H23, and guidance within the NPPF – unsustainable location for the creation of a new dwelling.
3/2013/0321/P	Proposed construction of single storey side extension to provide improved living and bedroom space. Amended re-submission	Slimrow Slaidburn Road Newton-in-Bowland	Contrary to policies G1, ENV1, H10, DMG1, DME2, DMH5 and the adopted SPG on extensions and alterations to dwellings.

#### CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0301/P	Application for a Lawful Development Certificate for a proposed single storey rear extension	15 Maple Close Wilpshire

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0247/P	Replacement of existing industrial building (old gravel works engineering and generator works) with new business (B1) premises including screened car park and ancillary landscaping.	Salesbury Hall Salesbury Hall Road Ribchester

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0065	Land off Dale View Billington	24/5/12	12	With applicants solicitor
3/2012/0014	Land adj Greenfield Avenue Low Moor, Clitheroe	19/7/12	30	With Agent and Agents solicitor
3/2012/0379	Primrose Mill Woone Lane, Clitheroe	16/8/12	14	Deed of Variation Applicants solicitor
3/2012/0497	Strawberry Fields Main Street, Gisburn	11/10/12	21	With Agent
3/2012/0420	Land North & West of Littlemoor, Clitheroe	8/11/12	49	With Agent & Legal
3/2012/0179	Land at Accrington Road Whalley	6/12/12	77	With Agent, Legal & Planning
3/2012/0738	Dale View Billington	6/12/12	10	With Agent & Legal
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	6/12/12	57	With Agent
3/2012/0964	Land to the north of Whalley Road Hurst Green	14/3/13	30	With Agent
3/2012/1101	The Whins Whins Lane, Read	11/4/13	16	With Planning
3/2013/0113	Petre Wood Crescent Langho	11/4/13	25	Negotiations ongoing with Agent
<b><u>Non Housing</u></b>				
3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures Lancashire County Council to draft Section 106

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Time from First Going to Committee to Decision</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0617	Land off Clitheroe Road, Barrow	8/11/12	27 weeks	7	Decision 13/5/13

APPEALS UPDATE

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2011/0300 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	-	09/04/13	Hearing completed - waiting for decision
3/2012/0637 Undetermined	07/01/13	Mr Andrew Taylor, David Wilson Homes, land to the south of Mitton Road, Whalley	Inquiry	15/05/13 (7 days)	Inquiry complete - waiting for decision
3/2012/0843 D	07/01/13	Paddy Power plc, Whiteside Bakery, 10 Market Place, Clitheroe	WR	-	Appeal dismissed 16/05/13
3/2012/0630 Undetermined	22/01/13	land SW of Barrow and W of Whalley Road, Barrow	Inquiry	4/6/13 (8 days)	Waiting for inquiry to take place
3/2012/0478 and 0479 Undetermined	23/01/13	28 Church Street, Ribchester	WR		Notification letter sent 31/01/13 Questionnaire sent 05/02/13 Statement sent 15/03/13 Waiting for decision
3/2012/0723 R	25/01/13	site of former stable, Trapp Lane, Simonstone	WR		Appeal dismissed
3/2012/0526 R	01/02/13	Laneside Farm, Pendleton	Changed to Hearing, then back to written reps Costs		Notification letter sent 11/02/13 Questionnaire sent 11/02/13 Statement sent
3/2012/0526 R	27/03/2013	Laneside Farm, Pendleton			

<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>
3/2012/0089 R	15/02/13	Lanshaw Barn Woodhouse Lane Slaidburn	WR		Notification letter sent 26/2/13 Questionnaire due 01/03/13 Statement sent 29/03/13 Awaiting site visit
3/2012/0402 R	18//2/13	Mason House Farm Clitheroe Road Bashall Eaves	WR		Notification letter sent 25/02/13 Questionnaire sent 25/02/13 Statement sent 28/03/13 Questionnaire and notification sent 22/2/13 Final comments sent 25/04/13 Site visit completed. Waiting for decision
3/2012/0862 R	13/02/13	Fell View Barnacre Road Longridge	WR		Notification sent 21/03/13 Questionnaire sent 03/04/13 Statement sent 01/05/13
3/2012/0729 R	13/03/13	Dog & Partridge, Tosside	WR		Notification sent 08/04/13 Questionnaire sent 09/04/13 Statement sent 09/05/13
3/2012/1088 R	28/03/13	8 Church Brow, Clitheroe	LB		Notification sent 11/04/13 Questionnaire sent 15/04/13
3/2012/0913 R	28/03/13	land off Waddington Road, Clitheroe	Inquiry		Costs application dismissed
3/2012/0723 Application for award of costs against RVBC	09/04/13	site of former stable, Trapp Lane, Simonstone	Costs		

<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>
3/2012/0792 R	30/04/13	Hodder Bank Stonyhurst	WR		Notification sent 07/05/13 Questionnaire sent 07/05/13
3/2012/1079 R	26/04/13	79 King Street Whalley	WR		Notification sent 07/05/13 Questionnaire sent 17/05/13 Statement sent 17/05/13
3/2012/0972 R	23/04/13	Shays Farm Tosside	WR		Notification sent 24/04/13 Questionnaire sent 24/04/13 Statement due
3/2012/0539 R	25/04/13	Carr Hall Home and Garden Centre, Whalley Road, Wilpshire	Hearing		Notification sent 30/04/13 Questionnaire sent 8/05/13 Statement due
3/2013/0099 Undetermined	20/05/13	land to the west of Whalley Road, Barrow	Inquiry		Notification sent 23/05/13 Questionnaire due 03/06/13

#### LEGEND

D – Delegated decision  
C – Committee decision  
O – Overturn