

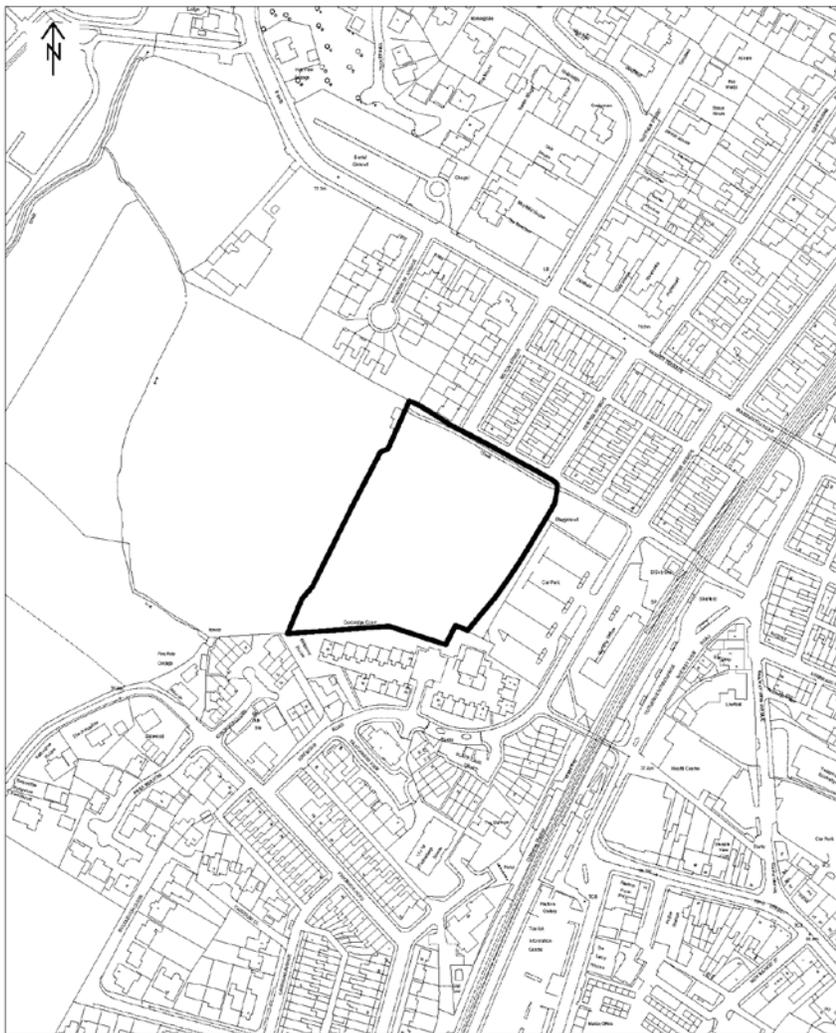
# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 14 APRIL 2016  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2015/0903/P (GRID REF: SD) 374095 442174)  
APPLICATION FOR APPROVAL OF RESERVED MATTERS (APPEARANCE,  
LANDSCAPING, LAYOUT AND SCALE) FOLLOWING PLANNING PERMISSION 3/2011/0892  
APPROVED ON APPEAL AT LAND OFF MILTON AVENUE, CLITHEROE



3/2015/0903 Land off Milton Avenue Clitheroe BB7 2HX

Scale 1:2500

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TOWN COUNCIL:	No objection but the Parish Council do raise a concern with regard to both foul and surface water drainage on the site, particularly given the recent flooding on Waddington Road.
ENVIRONMENT DIRECTORATE (COUNTY HIGHWAY SURVEYOR):	<p>The site access and impact on surrounding highway infrastructure was approved under the outline and consequently the current proposal is only concerned with the internal layout of the site.</p> <p>LCC Highways have not objected to the application and have provided detailed observations in relation to the layout. A number of conditions have been recommended by Highways and these have been attached to the recommendation.</p>
UNITED UTILITIES:	No response received in respect of the reserved matters application, however the drainage conditions imposed at outline stage must be discharged prior to commencement of development on site.
ADDITIONAL REPRESENTATIONS:	<p>31 letters of representation have been received objecting on the following grounds:</p> <ul style="list-style-type: none"> <li>• Traffic congestion</li> <li>• Emergency vehicles will be unable to access the site</li> <li>• Additional houses will put extra strain on schools and health services</li> <li>• Overbearing impact of Plot 1 on the existing dwelling at 12 Milton Avenue.</li> </ul>

1. **Proposal**

- 1.1 The application seeks reserved matters consent (appearance, landscaping, layout and scale) for the erection of 40 residential dwellings including associated infrastructure and landscaping pursuant to outline consent 3/2011/0892. The outline permission granted for up to 50 dwellings and was allowed at appeal dated 4<sup>th</sup> February 2013.
- 1.2 The reserved matters application proposes the erection of 40 dwellings as follows:
- 25 x 4 Bedroom dwellings (Open market dwellings)
  - 3 x 3 Bedroom dwellings (Open market dwellings)
  - 4 x 2 Bedroom bungalows (Affordable & Over 55's accommodation)
  - 2 x 1 Bedroom ground floor maisonettes (Affordable & Over 55's accommodation)
  - 6 x 1 Bedroom maisonettes (Affordable)

2. **Site Location**

- 2.1 The site comprises of a broadly rectangular parcel of land currently used for the purposes of agriculture, located just outside of Clitheroe Town Centre. The site is within the settlement boundary of Clitheroe and can currently be accessed via a gateway adjacent to Cowper Avenue.

2.2 To the north of the site are the residential dwellings on Milton Avenue and Cowper Avenue, and to the south the front elevations of the flats at Corbridge Court face out onto the application site. To the east is a Council owned car park and children's play area, and beyond these, on the opposite side of Chester Avenue is the Royal Mail Sorting Office. To the west the site is bound by open fields, although consent has been granted for residential development (up to 275 houses) on these fields.

### 3. **Relevant History**

3.1 3/2011/0892/P – Proposed Residential Development (Outline Consent) – refused and allowed at appeal

### 4. **Relevant Policies**

Ribble Valley Core Strategy (Adopted Version)

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement H1 – Housing Provision

Key Statement H2 – Housing Balance

Key Statement H3 – Affordable Housing

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME5 – Renewable Energy

Policy DME6 – Water Management

Policy DMH1 – Affordable Housing Criteria

Policy DMB4 – Open Space Provision

Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Technical Guidance to National Planning Policy Framework

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

#### 5.1 **Principle of Development**

5.1.1 Members will note that the principle of the development on this site for residential purposes has been established as per the Planning Inspectorate's decision to allow an appeal for outline consent for up to 50 houses on this site (3/2011/0892). It has therefore been established, in principle, that the proposal is considered to be in accordance with the Development Strategy for the Borough.

5.1.2 The proposal has been subject to extensive and detailed negotiation at both pre-application stage and during the course of this reserved matters application.

5.1.3 Given the current application seeks reserved matters consent pursuant to outline consent, the matters of assessment relate largely to technical and detailed matters, specifically the external appearance of the dwelling/streetscape, the proposed landscaping scheme, the layout of the proposed development, the scale of the dwellings and any impact upon the amenities of existing/future residents and the amenities of the area in general which are all addressed below.

## 5.2 Layout

5.2.1 The development will be served by a single vehicular access point which will extend off Milton Avenue and this access point has been fixed via the existing outline consent. The proposal does include an additional pedestrian access/footpath to the west of the site which would in the short term connect to the adjacent fields, however as mentioned earlier in this report the fields to the west have consent for residential development and subsequently this footpath will provide the opportunity to link the current proposal to any future development on this neighbouring land.

5.2.2 The development will primarily be served by a singular spine road in a “b” shape that loops round to provide ingress and egress to the site via one access point, as well as creating a central island in the middle. At the northern end of the site a short access would lead off the main road to four dwellings that would be orientated so as they face towards Milton Avenue and Cowper Avenue. Similarly a short access would branch off at the southern end of the site to provide access to four of the proposed maisonettes.

5.2.3 The Local Planning Authority has engaged in positive, extensive and detailed negotiation during both pre-application and application stage which has resulted in a number of significant improvements in terms of the overall layout and spatial relationships within the development as follows:

- The relocation of the proposed dwelling at Plot 1 so that the gable elevation of this dwelling would be sited 13m from the gable elevation of the existing property at 12 Milton Avenue. The existing dwelling at 12 Milton Avenue has a first floor bedroom window in the gable elevation and subsequently increasing the separation distance from 3m (as originally proposed by this submission) to 13m has overcome any issue of overbearing impact, loss of outlook and daylight.
- The inclusion of four bungalows at the southern end of the site.
- The inclusion of a landscape buffer between the properties at the southern end of the site and the flats on Corbridge Court.
- The inclusion of a 3m wide shared pedestrian/cycle footway.
- Accessible parking bays for the over-55's accommodation
- Additional landscape planting.
- Various minor alterations to the internal layout to achieve satisfactory separation distances between dwellings within the development site itself.

5.2.4 The above mentioned improvements/alterations/negotiations have resulted in the proposal now providing 40 dwellings on this site, as opposed to the 42 dwellings applied for originally within this reserved matters application, and 50 dwellings approved under the outline consent.

### 5.3 Scale

- 5.3.1 The scale of the development proposed is largely two storey, with the exception of four bungalows at the southern end of the site. The surrounding area is characterised by two storey housing and the scale and size of the dwellings proposed would reflect the existing characteristics of the vicinity.
- 5.3.2 In terms of separation distances and impact upon both existing and future residents, as mentioned in the above "Layout" section of this report, the LPA has worked with the applicant to secure a revised and more spacious layout to ensure that positioning and scale of the proposed development will be of no significant detriment to existing occupiers of nearby properties and the future occupiers of the proposed development.

### 5.4 Landscaping

- 5.4.1 The submitted application proposes significant streetscape landscaping and tree planting within both private and communal landscaped areas within the site, as well as the retention of the existing trees along the eastern boundary shared with the neighbouring car park. The submitted landscaping plan also shows the retention of the existing boundary hedging along all four sides, with the exception of the removal of part of the existing hedgerow at the north to allow for the vehicular access off Milton Avenue.
- 5.4.2 The extent of the proposed landscaping, particularly within the streetscape and on the boundaries, will aid in the proposal responding to the site context, provide significant mitigation in respect of visual impact of the development and aid in contributing to overall biodiversity enhancement.

### 5.5 Appearance

- 5.5.1 The design of the proposed dwellings is subject to on-going positive negotiations and design dialogue. It is hoped that these matters will be satisfactorily resolved prior to the Planning and Development Committee Meeting, allowing the outcome of these discussions to be reported verbally.
- 5.5.2 Alternatively, should negotiations still be ongoing with regard to the design at the time of the Committee Meeting, it is requested that if Members are minded to approve this application, the issuing of the decision notice be deferred back to the Head of Planning upon an agreement being reached between the applicant and Officers with regard appearance of the dwellings.

## 6. Other issues and Conclusion

- 6.1 A condition of the outline consent requires 30% of the housing units to be affordable, and a further condition requires 15% of the housing units to be properties that will only be occupied by a person(s) over the age of 55, along with any dependants.
- 6.2 The application proposes 40 units on this site of which 12 will be affordable, and therefore the development will meet the 30% as required by the condition of the outline approval. These 12 units will consist of the four bungalows and the eight maisonettes.
- 6.3 In respect of over-55's accommodation, the four bungalows and two ground floor maisonettes would provide the six units to achieve the 15% over-55's accommodation provision required by condition.

- 6.4 Members will be aware that the original approved scheme the Inspector considered that on-site provision would be more compliant to national guidance than an off-site contribution. However, as part of this proposal it has been agreed by both parties that the applicant will make a contribution of £22,340.70 in respect of an off-site provision of recreational open space.
- 6.5 This contribution will be secured by way of a “deed of variation” of the original Unilateral Undertaking, and legal work in this respect is taking place. It is unlikely that this deed of variation will be in place before the date of the Planning and Development Committee Meeting and consequently it is requested that if Members are minded to approve this application, the issuing of the decision notice be deferred back to the Director of Community Services upon completion of the legalities of the legal agreement.
- 6.6 I note the comments of the Parish Council and some of the objectors in relation to drainage and flooding. However, matters relating to foul and surface water drainage have been conditioned as part of the outline consent and the statutory bodies will be consulted upon in respect of the technical specification and acceptability of the overall drainage strategies proposed via a discharge of condition application.
- 6.7 The objectors have raised concerns over the additional traffic congestion the proposal will bring to the area and questioned how emergency vehicles will access the site, along with commenting that the additional houses will increase demand on school and health services in the area. The principle of residential development on this site (for up to 50 dwellings) has been established via the outline consent, and these issues raised were considered in full by the Inspector and are not to be considered again as part of this reserved matters application.
- 6.8 Having regard to the relationship between the proposed development and the immediate context, the proposed scheme is considered to be acceptable and would not be detrimental to the amenities of existing or future occupiers or the visual amenities of the area.
- 6.9 Subject to appropriate conditions, the proposed development is therefore considered to be in accordance with the aims, objectives and requirements of the NPPF and the Council’s adopted Core Strategy.
- 6.10 It is for the above reasons and having regard to all matters raised that the application is recommended for approval.

**RECOMMENDATION:** That Members be minded to GRANT planning permission subject to the conditions below, defer and delegate the issuing of the decision to the Director of Community services upon receipt of acceptable house designs and completion of the deed of variation in respect of the legal agreement (Unilateral Undertaking):

*Drawings and details*

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

N.B: Drawing Numbers TBC following receipt of revised plans

REASON: For the avoidance of doubt since the proposal was the subject of agreed design improvements/amendments and to clarify which plans are relevant to the consent.

### *Materials and Landscaping*

2. Notwithstanding the submitted details, precise specifications or samples of all external surfaces including, door/window surrounds and framing materials, fascia/barge boards and roofing/ridge materials including their colour and texture shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development.

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 DMG1 of the Ribble Valley Core Strategy.

3. Prior to the commencement of the development section details at a scale of not less than 1:20 of each elevation of the dwellings hereby approved shall have been submitted to and approved by the Local Planning Authority.

For the avoidance of doubt the sections shall clearly detail all eaves, guttering/rain water goods, soffit/overhangs, window/door reveals and the proposed window/door framing profiles and materials. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

4. Notwithstanding the submitted details, prior to the commencement of the development, details at a scale of not less than 1:20 of the proposed boundary treatments/fencing and walling shall have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

5. Prior to the commencement of the development details of the design and position of the external meter boxes shall be submitted to and agreed in writing by the Local planning Authority, for the avoidance of doubt the details shall indicate that no meter boxes will be located on the primary elevations of the proposed dwellings or on locations that that are afforded a high level of visibility upon the streetscene. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and results in acceptable standard of appearance in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

6. Prior to the commencement of the development, precise details of the dedicated refuse collection points shall have been submitted to and approved by the Local Planning

Authority. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the development allows for the adequate provision for the storage and collection of domestic waste in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

7. Prior to the commencement of the development details of refuse/enclosed cycle storage provision for plots 10–13 and 16-19 Planning Layout (PL16) shall have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented as part of the development and be made available for use prior to the aforementioned plots being first occupied.

REASON: In order that the Local Planning Authority may ensure that the development provides adequate provision for the storage of domestic waste and encourages the use of sustainable means of transport in accordance with Key Statement DMI1 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy (Adopted Version).

### *Trees and Ecology*

8. No development shall take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites for that phase have been submitted to, and approved in writing by the Local Planning Authority. The details shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into those individual dwellings/buildings during the actual construction of those individual dwellings/buildings identified on the submitted plan before each such dwelling/building is first brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development in accordance with Policies DMG1 and EN4 of the Ribble Valley Core Strategy (Adopted Version).

9. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services, all the existing trees and hedging shown on drawing Planning Layout (PL16) (except those shown to be removed on the approved plan), shall have been enclosed with temporary protective fencing in accordance with BS5837:2012 [Trees in Relation to Demolition, Design & Construction]. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

REASON: To ensure that existing trees are adequately protected during construction in the interests of the visual amenity of the area in accordance with Policy DME1 of the Ribble Valley Core Strategy.

## Highways

10. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety in accordance with Policy DMG3 of the Ribble Valley Core Strategy.

11. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy DMG3 of the Ribble Valley Core Strategy.

12. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 25 metres in both directions to be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Milton Avenue, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

REASON: To ensure adequate visibility at the street junction or site access is provided in the interest of highway safety for both construction vehicles and future occupiers in accordance with Policy DMG3 of the Ribble Valley Core Strategy.

13. The car parking and manoeuvring scheme to be marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter and for communal use only no spaces reserved for individual dwellings.

REASON: To allow for the effective use of the parking areas in accordance with Policy DMG3 of the Ribble Valley Core Strategy.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, amending or re-enacting that Order), all garages hereby permitted shall be maintained as such and shall not be converted to or used as additional living accommodation that would preclude its ability to accommodate parked motor vehicles unless a further planning permission has first been granted in respect thereof.

REASON: To allow for the effective use of the parking areas in accordance with Policy DMG3 of the Ribble Valley Core Strategy.

15. Prior to the start of the development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of Milton Avenue. A similar survey shall be carried out every six months and the final inspection within one months of the completion of the last house, and the developer shall make good any damage to Milton Avenue to return it to the pre-construction situation as required.

REASON: To maintain the construction of Milton Avenue in the interest of highway safety in accordance with Policy DMG3 of the Ribble Valley Core Strategy.

16. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

REASON: To ensure the highway is retained to an acceptable standard in the interest of highway safety in accordance with Policy DMG3 of the Ribble Valley Core Strategy.

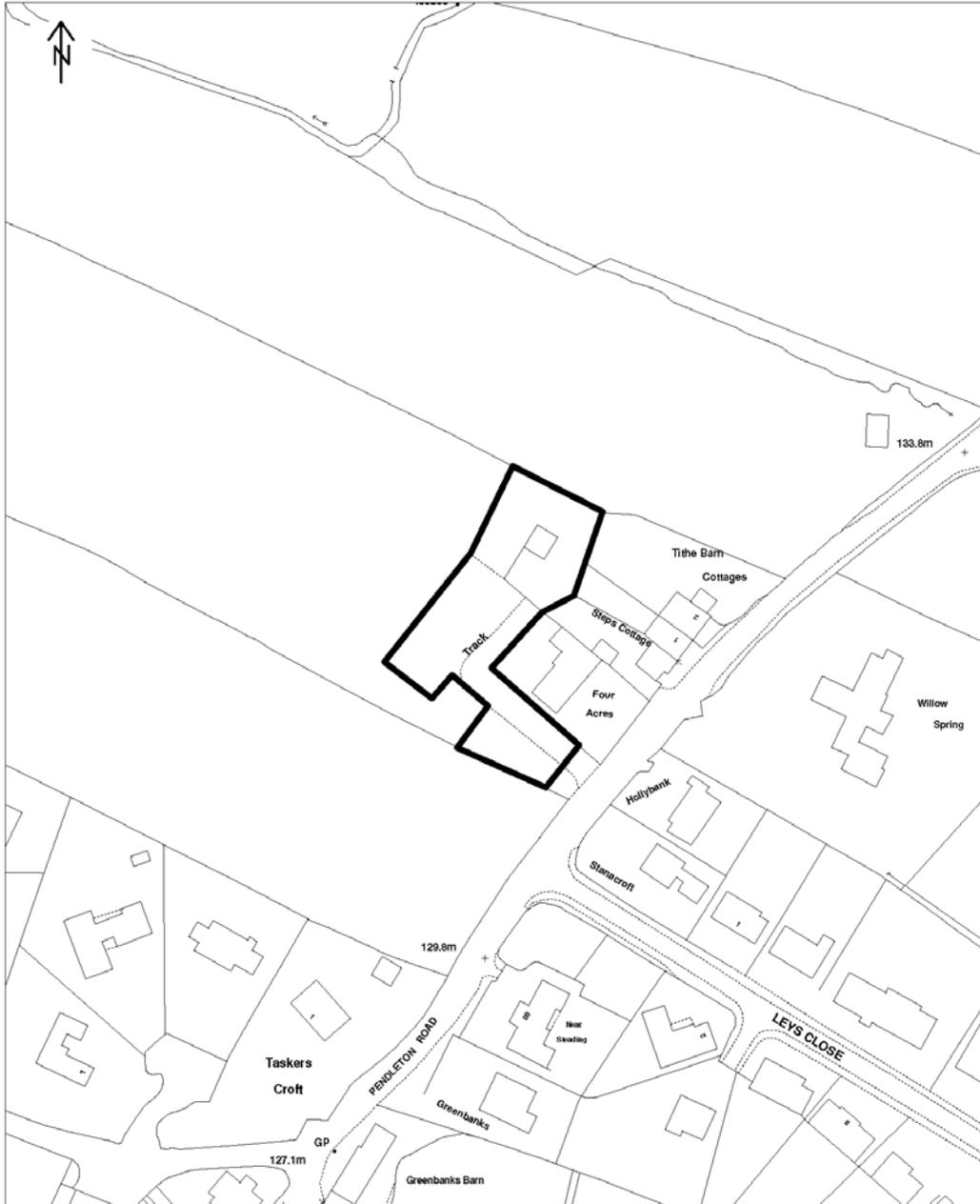
#### INFORMATIVES

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
- 2.
3. The highway is not to an adoptable layout and will remain private. It is advised the carriageway construction is based on the Lancashire County Council Specification for estate roads 2011edition. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "construction of estate roads".

#### BACKGROUND PAPERS

[https://www.ribbonvalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2015%2F0903](https://www.ribbonvalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2015%2F0903)

APPLICATION NO: 3/2016/0079/P (GRID REF: SD374791 437678)  
EXTENSION TO EXISTING BUILDING TO CREATE A CATTERY AND STABLES,  
CONSTRUCTION OF MANEGE, MIDDEN AND ACCESS ARRANGEMENTS.  
RESUBMISSION OF PLANNING APPLICATION 3/2015/0571 AT FOUR ACRES, PENDLETON  
ROAD, WISWELL



3/2016/0079 Four Acres Pendleton Road Wiswell BB7 9BZ

Scale 1:1250

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TOWN COUNCIL:

Object to the application and have made the following comments:

- Proposal will generate an increase in traffic.
- The development is not suitable for a residential area such as this.
- The plans for the animal waste (midden) will be unacceptable for nearby residents.
- Lighting from the exercise area and building will illuminate the surrounding area.
- The noise levels created by the cattery will have an unacceptable impact on residential amenity.
- Concerned over future use of building for dog kennelling and impacts this would have.

ENVIRONMENT  
DIRECTORATE  
(COUNTY HIGHWAY  
SURVEYOR):

The proposed development would have a negligible impact upon highway safety and highway capacity in the immediate vicinity of the site. The applicant has provided sufficient off road parking provision for this development and there is no objection subject to the attachment of conditions regarding the provision of visibility splays at the entrance and the laying out of car park prior to the use being implemented.

ENVIRONMENTAL HEALTH:

No objection provided that development is carried out in accordance with the details submitted, and full details of the mitigation measures to be carried out within the building (such as cavity wall and noise insulation details) are submitted for the written approval of the LPA prior to the use being implemented.

Additionally, the manege shall only be used by horses associated with the stables hereby approved by this development.

ADDITIONAL  
REPRESENTATIONS:

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

- Noise, smells/odours and potential rodent infestation.
- Visual impact on the area and landscape.
- The proposed facility will drain into an existing septic tank that serves the four existing domestic properties. The applicant does not have an individual right over the tank and needs consent from other properties.
- Insufficient parking and existing roads not suitable to serve proposal.
- Flooding and drainage.

In addition 13 letters of support have been received which raise the following points:

- The proposed cattery would be of benefit to cat owners.
- The revised development will have no adverse impact on the area and the new hedge planting will enhance the visual

amenity of the area.

- Other developments in this area have a greater impact than the proposal.
- Rural businesses such as this should be supported.

## 1. **Proposal**

- 1.1 This application is a revision and resubmission of application 3/2015/0571, which was determined by Urban Vision in December 2015 and refused under delegated powers for the following reason:

*“The proposed building and illuminated ménage, which is elevated above the level of the land which slopes down to the west, would result in a development which is unsympathetic to the character and appearance of the countryside contrary to policies DMG1 and EN2 of the Ribble Valley Core Strategy Adopted Version.”*

- 1.2 The applicant has appealed against the above refusal and this appeal is currently under consideration by the Planning Inspectorate.
- 1.3 The current application seeks consent to extend the existing brick built stable building to provide a dual use building that would function as a cattery and a stables. The existing building would be extended by a further 10.6m, with the existing brick section and 5.3m of the extension forming the cattery, and the remaining 5.3m of the new build being the stables.
- 1.4 The whole of the building, both the extension and original section, would be clad in waney edge larch boarding and would have pitched roof design. As a result of the slope of the land the stables section of the building would be set lower than the cattery, meaning that the ridge height of this section steps down in comparison to the cattery section.
- 1.5 In terms of use, the cattery section would consist of a reception area, a toilet and a kitchen/store, as well as providing 10 cat pens each measuring 4m<sup>2</sup> and consisting of a narrow cat balcony. The stable block would provide stabling for two horses. Attached to the northern elevation of the stables would be a metal isolation unit for the housing of any ill or distressed cats.
- 1.6 The application also includes the provision of a manège with a sand/rubber surface. The manège would measure 35m in length by 20m in width, and be enclosed by a 1m high post and rail fence. Along the western boundary of the manège the application includes a new hedge to screen this part of the development. As a result of the gentle slope of the land, in order to create a flat surface for the manège, a section of the land would need to be cut and a retaining wall provided along on the eastern boundary. The submitted planning statement comments that the manège and stables would be for private use and by livery holders.
- 1.7 The site and existing stable block already has an existing access off Pendleton Road, however the application does seek to increase the amount of hardstanding to the south of the proposed building, in order to provide off street parking for customers and a better access.

1.8 Additionally, the proposal includes the provision of a concrete block muck store (midden) which would be located along the southern boundary of the site, close to the access point off Pendleton Road.

1.9 This application differs from the previous refusal in that the proposed manège would not be illuminated by floodlighting and the size of proposed cattery and stable building has been reduced.

## 2. **Site Location**

2.1 The application relates to an existing brick built outbuilding which is currently used as a stable and situated within a 1.5 hectare field to the rear of the residential dwellings known as Four Acres, Steps Cottage, and both numbers 1 & 2 Tithe Barn Cottages, which all front onto Pendleton Road, Wiswell.

2.2 The existing stable building and field are accessed via an existing access point off Pendleton Road, adjacent to Four Acres, and it appears that this existing access currently serves the rears of these residential dwellings. The applicant currently owns the properties at Four Acres and 1 Tithe Barn Cottages.

2.3 The field within which the development will take place is some 200m in length and slopes from Pendleton Road in the east down to footpath 3-47 FP- 2 which runs to the west of the field. The western, northern and southern boundaries of this field are defined by mature hedgerows and trees.

## 3. **Relevant History**

3.1 3/2015/0571/P – Extension to existing building to create a cattery and stables, construction of manege, midden and access arrangements – refused and under consideration at appeal

## 4. **Relevant Policies**

### *Ribble Valley Core Strategy*

EN2 – Landscape

EC1 – Business and Employment Development

DMB3 – Recreation and Tourism Development

DMG1 – General Considerations

DMG3 – Transport and Mobility

DME1 – Protecting Trees and Woodlands

DME2 – Landscape and Townscape Protection

DME3 – Site and Species Protection and Conservation

DME6 – Water Management

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

### 5.1 **Principle of Development**

5.1.1 Key statement EC1 states that employment development will be directed towards the main settlements of Clitheroe, Whalley and Longridge, however it also states that developments that contribute to farm diversification, strengthening of the wider rural and village economies or that promote town centre vitality and viability will be supported in principle.

5.1.2 Policy DMB3 is also broadly supportive of recreation and tourist development subject to a number of detailed criteria regarding location, design and access.

5.1.3 In principle there is thus no objection to the proposed cattery, stables or manege in this location, subject to the consideration of the following main issues;

- The impact of the proposed development upon the character and appearance of the area and its setting within the landscape
- The impact upon the local highway network
- The impact of the proposals upon the residential amenity of the area
- The flood risk implications of the proposed development.
- The effect of the proposals on trees, hedgerows and wildlife

## 5.2 Character and appearance/landscape

5.2.1 The previous application was refused on the grounds that the illuminated manege and the proposed building would be unsympathetic to the character and appearance of the open countryside. The revised application has reduced the footprint of the building, so as to reduce its impact upon the landscape and removed the floodlights from the manège. Consequently the impact of the proposal on the landscape has been significantly reduced in respect of the previous refusal.

5.2.2 Furthermore, the introduction of tree/hedge planting to the west of the proposed building, and along the western boundary of manege would ensure that the development is well screened from the public footpath some 200m to the west. In addition, the sections of this single storey building which could be seen through this vegetation, would have the backdrop of the two storey houses fronting onto Pendleton Road beyond which further reduces any visual impact. These existing dwellings would also almost completely screen the development when viewed from Pendleton Road itself. The existing trees/hedges along the northern and southern boundaries of the field would be retained so as to screen the development site from longer views/vantage points.

5.2.3 It is common to see a timber stable style building and a manège within a rural setting such as this, and whilst the previous application was refused solely on the grounds of visual amenity, it is the Officer's opinion that the revised proposal, which has reduced the size of the building and removed the floodlighting from the manege, has overcome the previous concerns of the LPA.

5.2.4 With regard to the additional areas of hardsurfacing, these would be screened from views outside the development site by the proposed building and a mixture of both the existing and proposed hedge/tree planting.

5.2.5 In view of the above, it is the Officer's opinion that the revised scheme has overcome the previous reason for refusal, and the proposed development shares an acceptable visual relationship with the surrounding area and rural landscape in accordance with Key Statement EN2 and Policy DMG1 of the Ribble Valley Core Strategy.

### 5.3 Highways

- 5.3.1 A number of objectors have raised a concern regarding the impact of the proposals on highways safety and that the proposal could result in increased levels of traffic that would present a hazard to pedestrians and other road users. This is, however, not a view borne out by LCC Highways who have commented that the proposed development would have a negligible impact upon highway safety and the capacity of the highway network in this area. The Highway Officer has therefore raised no objection to the proposals subject to adequate visibility splays being achieved. The Highway Officer has stated that adequate visibility splays can be achieved over the applicant's own land and therefore recommends a condition requiring these splays to be provided and retained thereafter.
- 5.3.2 Adequate parking would be available within the four designated spaces shown on the submitted drawing, but also along the private access track which will service the site.
- 5.3.3 In view of the above, whilst concerns are raised by the objectors regarding highway safety, there is not considered to be sufficient evidence to uphold this as a reason to refuse the current proposals which are considered acceptable under Policy DMG3.

### 5.4 Residential Amenity

- 5.4.1 Policy DMG1 requires development to not adversely affect the amenities of the surrounding area and consider air quality and mitigate adverse impacts where possible.
- 5.4.2 As mentioned earlier in this report the original application (3/2015/0571/P) was considered by Urban Vision, and in assessing this proposal the Case Officer was satisfied that the proposed development shared an acceptable relationship with surrounding residential amenity in terms of both noise and visual amenity, hence the application was refused on its visual impact on the open countryside only.
- 5.4.3 In terms of the current proposal, the proposed extension to the existing stable building has been made smaller than the previous submission, and whilst the previous extension/building was considered to share an acceptable relationship with nearby residential properties, its reduction in size has only lessened the impact. The proposed extension to the existing building would be on the eastern side, away from the residential properties fronting onto Pendleton Road, and would be barely noticeable from a visual point of view. In addition the removal of the floodlights has also lessened the impact upon neighbouring properties in comparison to the previous application which was in any case considered to share an acceptable relationship with the nearby properties.
- 5.4.4 In respect of noise disturbance, again the previous application was considered to be acceptable in this respect, however this submission is accompanied by a description as to how the proposed cattery use would operate. This includes a noise management plan which explains that the cat pens will be constructed with cavity walls and include noise insulation, with all windows double glazed, in order to limit any noise disturbance. The Environmental Health Officer is satisfied that these measures will ensure that there is no noise nuisance arising from the cattery business, however a condition has been attached requiring full details of

the noise mitigation measures (details of the noise insulation, windows etc..) to be submitted for the written approval of the LPA prior to the cattery being brought into use.

- 5.4.5 Each cat pen will have an external balcony and these will be open during the daytime only and close at 18:00 (a condition has been attached restricted the use of the cat balconies to between the hours of 09:00 and 18:00 on any day).
- 5.4.6 Additionally, the application states that the cattery will operate strict opening hours, and customers can only visit the site between 08:00 – 10:00 and 16:00 – 18:00 hours Monday to Friday, between 08:00 – 10:30 on Saturday and by appointment only on Sunday. A condition has been attached to restrict the hours of visitation to those stipulated by the applicant, and with regard to Sunday all appointments will have to take place between 09:00 – 17:00.
- 5.4.7 In respect of the stables and manège, the stables can only accommodate two horses and will be for both personal use and as a part-time livery, with visitations limited to once per day. The manege will be limited to daytime use only, as per the removal of the floodlights, and a condition has been attached restricting the hours of use of the manège to between 08:00 – 19:00 on any day. Additionally, a condition has been attached restricting use of the manège for personal use and for horses associated with the adjacent stables, meaning that no commercial use would be permitted on the manege.
- 5.4.8 In respect of odours, the cattery will use sealed waste bins which will be emptied as necessary and removed from the site on a regular basis. These containers/bins will be stored in a freezer until removal by a waste management company.
- 5.4.9 With regard to the horses and the midden, the land currently has a stable building which can hold two horses and the proposed stable would only provide stabling for two horses, consequently the proposal would not result in any addition horses occupying the site. Notwithstanding this, the application site is currently an agricultural field which could accommodate a significant amount of livestock without the need for planning permission. Such a use is likely to cause more animal waste than use of the land for the stabling of two horses as proposed by this application. In any case, the applicant will provide a midden (muck store) which would be located at the southern end of the site and this would be sited more than 25m from the nearest residential dwelling not owned by the applicant.
- 5.4.10 The midden would be constructed in sealed blockwork and include a bund to ensure that no effluent can escape form the structure. The midden will have a removable roof to contain odour emissions and will be emptied when necessary. The Environmental Health Officer is satisfied with the siting and operations of the proposed midden, and a condition has been attached to the recommendation requiring a detailed waste management plan to be submitted to the LPA prior to the new stables being first brought into use.
- 5.4.11 In view of all of the above, and provided that the recommend conditions are adhered to, the Environmental Health Officer is satisfied that the proposed development would share an acceptable relationship with neighbouring land uses including nearby residents.

## 5.5 Flood Risk and Drainage

- 5.5.1 The Local Lead Flood Authority was consulted on the previous application and did not wish to comment due to the low risk of the proposals.
- 5.5.2 Comments have been received regarding discharge from the cattery into a collectively owned septic tank, however, the capacity of the tank would be a building regulations matter and any issues arising in terms of maintenance which is currently understood to be a shared responsibility would be a private matter between the parties concerned.
- 5.5.3 A condition has been attached requiring details of the drainage from the proposed manege to be submitted to the LPA.

## 5.6 Trees, Hedgerows and wildlife

- 5.7.1 An Arboricultural Impact Assessment has been submitted as part of the proposal which identifies that one low value tree and two low value hedges would be lost as part of the development, but the loss of these would have a negligible impact on the local landscape. The application includes the planting of numerous additional trees within the site and new hedging would be planted to the east of the development to screen the proposal from longer views. There are two Sycamore trees to the south of the site, outside of the applicant's ownership, which are covered by "TPO 2 1971 Wiswell", and the proposed manege would not encroach into the root protection area of either of these protected trees, or any other trees for that fact. The submitted Tree Constraints Map has indicated the root protection areas for all trees on and adjacent to the site and a condition has been attached requiring protective fencing to be erected along these zones prior to any development commencing on site.
- 5.7.2 An Ecological Impact Assessment has also been submitted which concludes that only species poor semi improved grassland would be affected by the development which is of limited ecological value. No protected species were identified to be present but the ecological impact assessment advocates a precautionary approach and the installation of mitigation measures such as bird boxes which has been attached by condition.
- 5.7.3 There appears to be no reason to disagree with the findings of the tree and ecological reports and as such the proposal would accord with Policy DME1 and DME3.

## 6. Conclusion

- 6.1 The resubmission has overcome the previous reason for refusal and provided that the attached conditions are adhered to the proposal would share an acceptable relationship with surrounding land uses and would not have a negative impact upon the surrounding area. The proposal is therefore recommended for approval.

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

### *Time Limits*

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.

### *Drawings and Details*

2. The development hereby permitted shall be carried out in accordance with the following approved plans, drawing references:

Location Plan (1:1250)

AVS – 02 – 01 Rev B

AVS – 02 – 02 Rev B (amended plan received 02/03/16)

AVS – 02 – 03 (amended plan received 24/03/16)

BTC840-TCP

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

### *Drainage*

3. No development shall take place until detail of the drainage system for the proposed manège have been submitted to and approved in writing by the Local Planning Authority. The manège shall be constructed in accordance with the approved details before being first brought into use.

REASON: To secure a satisfactory system of drainage and to prevent pollution of the water environment in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

### *Materials and landscaping*

4. Notwithstanding any description of materials in the application no above ground works shall be commenced until samples or full details of the materials to be used on the cattery/stable building and the surface of the manège have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and only the materials so approved shall be used, in accordance with any terms of such approval.

REASON: In order to secure a satisfactory appearance in the interests of maintaining the openness and visual amenity of the open countryside in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

5. Notwithstanding the details submitted on Drawing Number AVS – 02 -02 REV B, within 3 months of development first taking place details of the position, height, design, materials and finish to be used in the construction of all boundary treatments around and within the site shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before the any part of the development hereby approved is first brought into use and shall be retained thereafter.

REASON: In order to secure a satisfactory appearance in the interests of maintaining the openness and visual amenity of the open countryside in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

6. Notwithstanding the landscaping details submitted on Drawing Number AVS – 02 -02 REV B, within three months of development first taking place, details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees and shrubs. The scheme of planting, as approved, shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

REASON: In order to preserve the openness and visual amenity of the open countryside and to ensure a sympathetic relationship with the surrounding landscape in accordance with the requirements of Ribble Valley core Strategy Policies DME1 and DME2 and the NPPF.

#### *Lighting*

7. No external lighting shall be installed on the building, within the manege or elsewhere on the site unless details of any such lighting have first been submitted to and approved in writing by the Local Planning Authority prior to its installation. The approved details shall thereafter be fully implemented.

REASON: In order to ensure a satisfactory appearance in the interests of visual amenity and to prevent nuisance arising in accordance with the Ribble Valley Core Strategy Policy DMG1.

#### *Highways*

8. Prior to commencement of any development, visibility splays measuring 2.4 metres by 33 metres in both directions shall to be provided, measured along the centre line of the access road from the continuation of the nearer edge of the existing carriageway of Pendleton Road, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

REASON: To ensure adequate visibility at the site access/entrance in the interest of highway safety in accordance with Ribble Valley Core Strategy Policy DMG3.

9. Notwithstanding the details submitted on Drawing Number AVS – 02 -02 REV B, the cattery, stables and manège hereby approved shall not be brought into use until all car parking areas, vehicle manoeuvring areas and hardstanding areas within the site have been constructed in accordance with a specification which has first been submitted to and approved in writing by the Local Planning Authority, the duly approved parking, manoeuvring and hardsurfacing areas shall be retained as such thereafter.

REASON: In order to ensure an appropriate treatment to the external surfaces of hardstanding areas within the site in the interests of road safety and to preserve the openness and visual amenity of the open countryside in accordance with the requirements of Ribble Valley Core Strategy Policies DMG1, DMG3 and DME2, and the NPPF.

*Amenity*

10. The manège hereby approved shall only be used by horses housed within the stable building hereby approved by this permission, and shall not be used as a separate commercial business.

REASON: In order to safeguard the amenity of nearby residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy, and the NPPF.

11. The manège hereby approved shall only be used between the hours of 08:00 – 19:00 on any day.

REASON: In order to safeguard the amenity of nearby residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy, and the NPPF.

12. The cattery hereby approved shall not be open to the public/customers, except between the hours of 08:00 – 10:00 and 16:00 – 18:00 Monday to Friday, between 08:00 – 10:30 on Saturday and by appointment only on Sunday between the hours of 09:00 – 17:00.

REASON: In order to safeguard the amenity of nearby residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy, and the NPPF.

13. The cat balconies shall only be operation between the hours of 09:00 – 18:00 on any day, and no access to these balconies will be allowed outside of these hours.

REASON: In order to safeguard the amenity of nearby residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy, and the NPPF.

14. Within three months of the commencement of development on site, a detailed noise mitigation scheme, including specifications of the noise insulation measures, window details and cavity walls, shall be submitted for the written approval of the Local Planning Authority. The duly approved noise mitigation scheme shall be implemented in full prior to the cattery use hereby approved commencing, and retained as such thereafter.

REASON: In order to safeguard the amenity of nearby residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy, and the NPPF.

15. Prior to the building hereby approved being first brought into use, a detailed management plan for the storage and disposal of manure/waste shall be submitted to and approved in writing by the LPA. The use of the building shall thereafter be carried out in strict accordance with the details contained within the duly approved management plan.

REASON: In order to safeguard the amenity of nearby residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy, and the NPPF.

### *Trees and ecology*

16. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services, all the existing trees shown on drawing BTC840-TCP (except those shown to be removed on the approved plan), shall have been enclosed with temporary protective fencing in accordance with BS5837:2012 [Trees in Relation to Demolition, Design & Construction]. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

REASON: To ensure that existing trees are adequately protected during construction in the interests of the visual amenity of the area in accordance with Policy DME1 of the Ribble Valley Core Strategy.

17. No development shall take place until details of the provision of five artificial swallow bird nesting boxes have been submitted to, and approved in writing by the Local Planning Authority. The details of the exact siting of the bird boxes shall be submitted on a site plan and the boxes shall be installed in accordance with the agreed details within two months of the building being first brought into use, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and protected species in accordance with Section 9 of the NPPF, and Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

### BACKGROUND PAPERS

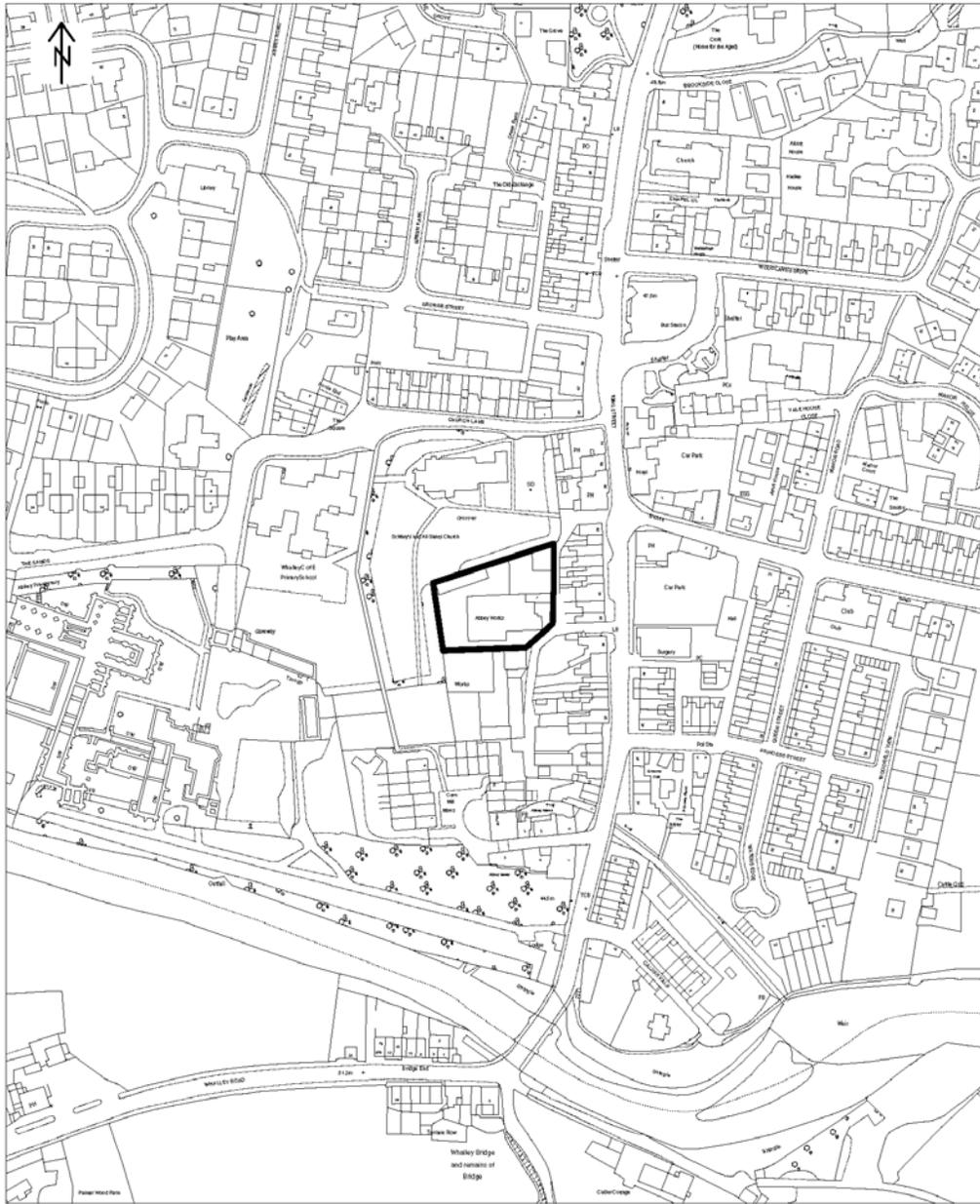
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2016%2F0079](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0079)

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

APPLICATION NO: 3/2015/0794/P

(GRID REF: SD373296 436010)

DEMOLITION OF EXISTING INDUSTRIAL UNITS AND CONSTRUCTION OF A PAY AND DISPLAY CAR PARK AT ABBEY WORKS, KING STREET, WHALLEY



3/2015/0794 Abbey Works, King Street, Whalley, BB7 9SP

Scale 1:2500

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PARISH COUNCIL:

- a)
  1. Back King Street is a narrow constricted side road, always full of parked cars. A car park with resultant extra traffic will only result in gridlock unless car parking is both prohibited and consequently enforced by traffic officers.
  2. To gain entrance to the car park motorists will have to leave King Street at the roundabout adjacent to the Dog Inn. This is a very busy junction whereby motorists will enter a very narrow side cobbled area, usually full of parked cars but also deliveries to the Dog Inn. When these deliveries take place entrance to the car park is blocked. This will result in tailbacks of traffic on King Street and Accrington Road.
  3. The cobbled area (see 2 above) is also a major pedestrian thoroughfare to the Parish Church, library and shops from King Street. The separation of vehicles from pedestrians needs to be addressed as a matter of safety.
- b) There is no clear indication as to how this car park is to be managed with respect to CCTV and lighting; this may be intrusive to neighbours.
- c) The car park will need road signs in the vicinity of King Street indicating the location of the car park; care in design and siting needs to be considered otherwise they may be detrimental to a conservation area.
- d) Due to the present congestion on King Street the Parish Council is minded that space is provided for adjacent business employees on a contractual basis.
- e) Reference is made to repairing the church yard wall. This is a heritage wall in a conservation area in which specific building material and construction practices are mandatory.

LANCASHIRE COUNTY  
COUNCIL (HIGHWAYS):

The proposal is to create a surface level pay and display car park on a site off King Street. There are potentially two vehicular access points. The developer is promoting the access between numbers 35 and 37 King Street which would be the point of access preferred by the Highway Authority. A second access is technically available via the mini roundabout at the side of the Dog Inn. This route would not be preferred as it is both narrow and has a poor access onto King Street.

The preferred access is subject to parking adjacent to number 35 King Street which reduces the access to single lane working along its full length. Due to the traffic generated from both the car park and the existing premises served by this route, this would not be acceptable, if however the parking was removed by means of a Traffic Regulation Order (TRO) then opposing

vehicles would be able to pass at the junction with King Street. It would therefore be considered necessary for the introduction of an appropriate TRO prior to any development commencing (including demolition and construction) to ensure that an acceptable access can be provided.

Access to the car park via the Dog Inn route should be discouraged and I would suggest that in order to do this the introduction of a prohibition of driving order at a suitable location, having regard to suitable turning facilities, should be actively considered.

In terms of the layout of the car park as proposed, LCC Highways would make the following comments:

1. The submitted plan indicates that the section of "Back King Street" running between numbers 35 and 37 King Street is adopted. This is not the case.
2. A pedestrian access is shown as being available through an arch in number 10 Back King Street. The ownership of this building and therefore access rights over this land is unclear. The developer should provide appropriate evidence to show that this is a viable pedestrian route.
3. The car park and the pedestrian routes between it and King Street should be appropriately illuminated.
4. There is no defined pedestrian route between the north-easterly corner of the car park and the car park access/pay and display machine. The logical route is obstructed by parking space number 35.
5. "No through road" signs should be provided to the rear of 35 King Street.

For the proposal to be acceptable, there are a number of issues to be addressed not least of which is the removal of parking along the access off King Street. Subject to this and the matters raised above being resolved satisfactorily, no objection to the proposal on highway grounds but would request that conditions (7 suggested) be attached to any permission that may be granted.

**HISTORIC ENGLAND:**

Do not support the principle of a surface car park at this sensitive location and strongly recommend that its concerns be considered.

Whalley is a small Mediaeval town on the River Calder containing a number of highly graded heritage assets within its conservation area. The town initially developed around the Grade I listed 13<sup>th</sup> century Parish Church to the north of the Abbey site. The scheduled and Grade I listed Cistercian Abbey was founded on

the banks of the River Calder in the early 14<sup>th</sup> century. The conservation area therefore contains 800 years of evidence of the development of the town and is characterised by organic growth, change and periodic renewal. Most of the surviving buildings are built from traditional local materials although there are elements behind the main street, such as the light industrial site at Abbey Works, which are of a different character and tell us about the needs of the town moving into the 20<sup>th</sup> century. The Grade I status of the Church and Abbey place them in the top 2.5% of listed buildings nationally.

Concerned about the principle of this development. This is a sensitive site in terms of the surviving surrounding built form and the high potential for below ground archaeology within the direct setting of the Grade I parish church and the scheduled and Grade I listed Abbey. This is not an appropriate location for a surface car park as it would cause harm to the character and appearance of the conservation area and the setting of two Grade I listed buildings by creating a large area of hardstanding with lighting and other paraphernalia such as signage and parking metres. Recommend that if a need for car parking is identified by the Local Authority that an Options Appraisal is commissioned to identify a location which minimises the impact on this nationally important group of heritage assets.

Furthermore, the application is lacking in the appraisal of the significance of the existing buildings on the site as well as the contribution the site makes to the setting of designated heritage assets and the archaeological potential below the site. The information provided is not proportionate to the high significance of the heritage assets affected and therefore does not meet the requirements of paragraph 128 of the National Planning Policy Framework (NPPF).

In determining applications, Local Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area as well as the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness [Planning (Listed Buildings and Conservation Areas) Act 1990 Section 72; NPPF Paragraph 131]. NPPF Paragraph 137 requires Local Planning Authorities to look for opportunities for new development within conservation areas and the settings of listed buildings to enhance or better reveal their significance. It is for the local authority to weigh up if the level of harm caused by the development is outweighed by the public benefits derived from the scheme (NPPF Paragraph 134).

The proposed development does not preserve and enhance the character and appearance of Whalley Conservation Area and furthermore a surface car park in this location would harm the significance of the Grade I Parish Church of St Mary's and All

Saints and the scheduled and Grade I listed Whalley Abbey. Historic England therefore cannot support the application from a heritage perspective.

From a historic environment point of view, Historic England do not support the principle of a surface car park at this location; however, if the significance of the site is understood and the impact of the scheme on heritage assets is minimised there could be a sensitive development on this site. Historic England strongly recommends that its concerns are reflected in the balancing exercise in the determination of the application.

LANCASHIRE COUNTY  
COUNCIL  
(ARCHAEOLOGY):

As well as lying within the Whalley Conservation Area, the proposed development is bounded on its north and west side by the churchyard to the listed Grade I Parish Church of St Mary (13<sup>th</sup> century on an 8<sup>th</sup> century site?) It is circa 60m east of the scheduled monument of Whalley Abbey (13<sup>th</sup> century) and 160m north of the scheduled Whalley Bridge (14<sup>th</sup> century site but present structure 17<sup>th</sup> century and later), as well as less than 30m from three scheduled pre-conquest cross shafts within the Churchyard. All of these sites are of the highest national importance.

The site is presently occupied by a series of industrial buildings and garages, the main building appearing as a “Garage” on the OS1:2500 mapping of 1912 but which was not present on the 1893 edition of that map. The importance of this site has not been formally assessed, but it seems unlikely to be of more than limited local significance.

Other nearby heritage assets noted on the historic environment record include a mid-18<sup>th</sup> century sundial and the find spot of a Roman coin hoard within the churchyard, as well as a series of Mediaeval and later property boundaries running back from King Street and the former Abbey Corn Mill site (Mediaeval and later). These features and sites are likely to be of at least local significance.

Nothing of the above is included in the Heritage Statement which accompanies the application, nor is the impact of the proposals assessed with respect to any of these features. As such it is considered entirely inadequate and does not fulfil the requirements of the NPPF. No informed judgement can be made without this information so it is strongly recommended that the applicants are asked to withdraw the application and to provide a more appropriate level of assessment of the development site on its potential impact on built and buried heritage assets and their settings. If they are unwilling or unable to do so, then it is recommended that the application is refused on the grounds of insufficient information.

ENVIRONMENT AGENCY: No comment as local guidance should have been applied. Valid consultation as FRSA does not apply but development is minor/not high risk.

UNITED UTILITIES: Draw attention to a number of drainage and water matters to facilitate a sustainable development.

The NPPG outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy.

A public sewer crosses the site and United Utilities may not permit building over it. It will require an access strip the width of 6m. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

No objection subject to drainage conditions (suggested).

LANCASHIRE  
CONSTABULARY: Within the last 12 months period, there have been reported auto-crimes, damage to vehicles and burglary offences in the area surrounding this site.

In order to reduce the risk of crime affecting the uses of the car park, the design should incorporate the following recommendations:

1. There would be very little and natural surveillance of the site and it is hidden from the view of the main thoroughfare and businesses. Consideration should be given to installing CCTV coverage to deter crime and antisocial behaviour (ASB). The system should be fit for purpose to provide clear, quality images in all lighting conditions.
2. The car park should be lit to enhance natural surveillance and safe use by staff/customers in winter months. The lighting should be vandal resistant and not easily reachable.
3. The recessed area between Units 3 and 10 may attract anti-social behaviour and provide a concealed area to hide. Restricting access to this area would help to alleviate these risks and make Units 3, 4 and 10 less vulnerable to crime, ASB and problems like graffiti.

The lighting scheme and CCTV system should be compatible in order to catch clear, useable images in all lighting conditions.

Any landscaping should be designed and maintained to be low level so that it does not obstruct site into and around the car park, providing places to hide and break into parked vehicles.

The above recommendations should be incorporated into the design, in order to reduce the risk of crime affecting the future

visitors, businesses and local area, thereby promoting safer communities and reducing avoidable demand on policing resources. Consideration should be given to the reduction of crime and disorder utilising the below policy and legislation.

Ribble Valley Borough Council adopted Core Strategy Policy DMG1, 10.4 – in determining planning applications, all development must: amenity 3 have regard to public safety and secured by design principles.

National Planning Policy Framework paragraph 58 “Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Section 17 Crime and Disorder Act 1998:

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

ADDITIONAL  
REPRESENTATIONS:

One letter of support has been received which in summary makes the following points:

1. Whalley has a desperate shortage of parking spaces which has a negative effect on retail sales.

Six letters of objection (one of which is supportive in principle of a professionally constructed well-lit secure maintained and managed car park; another of which is not opposed to a car park if vehicles and pedestrians could enter and exit safely without causing more problems for the village) have been received which in summary make the following points:

1. Lack of/incorrect information – traffic survey (flow and parking need) is required. Back King Street is not an adopted road. Misrepresentation of freehold owners (not “tenants”) of number 41 King Street and Unit 1 Abbot Works (reference number 4 on the drawing). Premises referred to as number 3 on the drawing also not within the applicant’s ownership (the occupier of number 3 owns his parking space and this is shown on the deeds). Abbot Works not Abbey Works (which area of industrial building south of central road). Owner of business at Unit 6a Back King Street states that the layout: is contrary to deeds at his property (Unit 6a) in that access denied to Unit 6a on the north side; use of parking facilities adjacent to property (deeds) is denied; includes one plot of land (for parking) in his ownership (purchased 1987). This land is not in the applicant’s control. The author’s solicitor states that the proposals impede on their clients rights of parking and the planning application is clearly flawed.

2. Access – narrow, limited visibility and near zebra crossing (safety), taxis waiting, surface (including rear King Street) is poor, pedestrian safety. Back King Street serves shops and businesses on the whole of King Street to the junction with Accrington Road and used by large goods delivery vehicles with difficulty. Post box adjoining number 35 King Street results in parking here. Need double yellow lines to Back King Street, rear of King Street and all access areas. Cobbles unsuitable for heavier traffic.

King Street is very busy and already has a problem with through traffic and unloading delivery lorries; vehicles having to wait to gain access to the car park a problem if standing traffic.

3. Whalley drainage/flooding problem – no sustainable drainage scheme shown (ie simple tarmac surface with surface water drainage taken to main sewer).
4. Private company proposal – managed to be economically viable (charging/clamping etc). How will serve village needs (no convincing research in the Design and Access Statement). Who will the car park be used by/costs – consider relieving the pressure for local residents by allowing only short stay along the main road and residents permits – new houses add to agony of traffic through the village.
5. Lack of speed control of through traffic – crucial to allowing 50+ vehicles to enter and exit through the narrow access point.
6. Security – no official lighting to rear access lane. Will alert people to the existence of rear access to properties. Tempt those that cannot get into the car park or don't wish to pay to attempt parking across private land. No indication of car park management (lighting and CCTV). Concealed area behind numbers 3, 4 and 10. Need a scheme which discourages and makes the area less vulnerable to crime. Safety and security of the proposed building to house main electrical incoming supply to the site. Exposed to vandalism and vehicle damage. Offer from number 4 to move inside their secure premises.
7. RVBC should produce a long overdue study of how the weight of traffic through Whalley has changed the basic characteristic of the village.
8. Unworkable parking spaces – parking spaces in front of number 3 and adjacent to number 4 unworkable because of right of way to business access doors and outside space. Current business relies upon.

9. Detail required of plans/finishes for the party walls for number 4 or number 3 post demolition. Ongoing legal case between number 4 and applicants in respect to the party wall at number 10.

## 1. **Proposal**

- 1.1 It is proposed to demolish the existing modern garages, storage units and ancillary accommodation on the site (the 'Old Stables complex' is to remain) and create a pay and display managed car park of 2,336 square metres area with 60 car parking spaces (including 3 disabled spaces).
- 1.2 The submitted Design and Access Statement identifies the following. The site will retain the current access from King Street. This access will service the car park and continue to service Back King Street and the retained sections of Abbey Works. The walkway and pedestrian entrances through the Old Stables complex leading to Back King Street are to be retained, will be gated and managed by the occupiers of the properties. It is proposed to retain all boundary features and walls which are to be repaired. A structure will be retained between spaces 9 and 10 to house the electrics to retained properties and power for the site.
- 1.3 No information on the design of the car park has been submitted other than "the car park will be finished in Tarmacadam complete with drainage and delineation to parking areas".
- 1.4 The application form identifies that there are no employees at the site.
- 1.5 The application form identifies that the site is in an area at risk of flooding but does not provide the necessary Flood Risk Assessment for consideration.
- 1.6 The application form identifies that there are no trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character.
- 1.7 The application form identifies that there is not a reasonable likelihood of protected and priority species or designated sites, important habitats or other biodiversity features being affected adversely or conserved and enhanced.
- 1.8 The application Heritage Statement provides very limited information on the significance of the designated heritage assets as required by NPPF paragraph 128.

## 2. **Site Location**

- 2.1 Abbey Works is a C20 industrial complex in multiple occupancy immediately to the west of commercial and residential properties fronting King Street (No. 35-53) and adjoining the churchyard of St Mary's and All Saints Church to the north and west and another modern industrial complex to the south.
- 2.2 The site is within Whalley Conservation Area and is in the immediate setting of a number of listed buildings [Church of St Mary and All Saints (Grade I), Sundial East of Church of St Mary and All Saints (Grade II), Whalley Abbey (Grade I) and 33 and 35 King Street (Grade II), Whalley Arms (Grade II)] and scheduled monuments (Whalley Abbey, Three high crosses in St Mary's churchyard).

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

*“The small town is notable for the ruins of a late 13<sup>th</sup> century Cistercian abbey ... and for St Mary’s and All Saints’ Church, with its attractive churchyard in which are three Saxon crosses. King Street, the principal commercial street, contains four 18<sup>th</sup> century (or earlier) inns and a variety of small, mostly locally owned shops”* (Summary of special interest and General character and plan form);

*“Industrial area between the churchyard and rear boundaries of the buildings facing King Street, with large modern sheds and poor quality roads”; “Loss of sense of enclosure due to public car park next to the Whalley Arms”* (Weaknesses and Townscape Appraisal Map);

*“three sites for enhancement ... The commercial sheds/workshops to the west of nos. 25- 53 King Street ... The public car park next to the Whalley Arms”* (Opportunities);

The Stable (within the site), Nos. 37- 53, The Dog Inn and Whalley C of E Primary School to be Buildings of Townscape Merit making a positive contribution to the character and appearance of the Conservation Area (Townscape Appraisal Map);

*“A number of the larger, more prestigious buildings in Whalley act as focal points in views: St Mary and All Saints Church is the most important one, set in its attractive churchyard; the ruins and standing remains of Whalley Abbey ... significant in views along King Street; as are the three former coaching inns – the Whalley Arms, the Swan Hotel, and the Dog Inn ... stunning views into and out of the town ... Of special note is the significance of ... St Mary and All Saints Church”* (Spaces and views; Focal Buildings on Townscape Appraisal Map);

*“There are few local industries although a small commercial estate, located uncomfortably between King Street and the churchyard, is a source of local employment”* (Activities/uses);

*“Most of the historic buildings in the conservation area were built as houses, often in a terrace form. The majority of these buildings date to the 19<sup>th</sup> century and good groups of both listed and unlisted buildings can be seen along Church Lane and facing King Street”* (Architectural qualities);

*“listed sundial and the pre-Conquest stone crosses are all features of the churchyard, which is also notable for its fine monuments and tombstones”* (Listed buildings);

*“traditional paving materials in the conservation area, the most notable examples of the latter being marked on the Townscape Appraisal map ... These include the large sandstone slabs ... and similar slabs in the churchyard and in King Street, outside nos. 25-35. Much smaller setts can also be found ... in the entrance to the industrial area to the west of King Street. It is possible that these examples are all relatively modern although they do utilise the traditional, local materials”* (Public realm audit);

Important Tree Groups adjacent to the site and within St Mary’s and All Saints churchyard (Townscape Appraisal Map);

*“There are two public open spaces within Whalley itself. The first is the churchyard to St Mary and All Saint’s Church, an attractive graveyard which includes a listed sundial and three Saxon crosses as well as a wide variety of gravestones and monuments. Yew trees and other species line the pathways and boundaries  
... Trees make a very important contribution to the character of the conservation area in several places ... in the churchyard” (Green spaces, trees, hedges);*

### 3. **Relevant History**

- 3.1 No pre-application advice has been sought by the applicant in respect of the proposed development.

3/2014/1122 & 3/2015/0108 - Formation of car park at the rear of 35 King Street to include new opening onto Back Street. PP and LBC refused and appeal dismissed (24 September 2015).

### 4. **Relevant Policies**

*Ribble Valley Core Strategy (Adopted Version)*

Key Statement EC1 – Business and Employment Development

Key Statement EC2 - Development of retail, shops and community facilities and services

Key Statement EC3 – Visitor Economy

Key Statement DS1 – Development Strategy

Key Statement EN5 – Heritage Assets

Key Statement DM12 – Transport Considerations

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DMG1 – General Considerations

Policy DME4 – Protecting Heritage Assets

Policy DMB3 – Recreation and Tourism Development

Policy DMRT – Shopping in Longridge and Whalley

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

Whalley Conservation Area Appraisal

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

- 5.1 The main considerations in the determination of the planning application relate to the impact of the proposed development upon the character and appearance of Whalley Conservation Area, the setting of listed buildings and scheduled monuments, highway safety, business growth and economy and residential amenity. The duties at section 72 and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that ‘special attention’ and ‘special regard’ be given to the desirability of preserving (‘doing no harm’) or enhancing the character or appearance of a conservation area and the preserving of the setting of a listed building.

- 5.2 The proposals are schematic and in my opinion do not provide sufficient information to understand the impact on the significance of the designated heritage assets (NPPF paragraph 128), impact on trees, impact on protected species, impact upon

employment/employment land, residential amenity and flood impact. I am also mindful of the extensive information requests of Lancashire County Council (Highways).

### 5.3 Designated Heritage Assets

5.3.1 I concur with the concerns in principle of Historic England and Lancashire County Council (Archaeology) regarding harm to the character and appearance of Whalley Conservation Area and the setting of scheduled monuments and listed buildings (including two at Grade I) by the creation of a large area of hard-standing with lighting and other paraphernalia such as signage and parking meters (see requirements of LCC (Highways) and Lancashire Constabulary Designing Out Crime Officer). I am also mindful of concerns regarding the archaeological potential of this site.

5.3.2 The Whalley Conservation Area Appraisal identifies the visual amenity value of trees within the graveyard and at the site boundary (overhang many proposed spaces with potential tree resentment issues), the important contribution of traditional surfacing adjacent nos. 35 and 53 King Street (no details of implications of a TRO and prohibition of driving order submitted) and the harm to Whalley Conservation Area's character and appearance from the existing car park adjacent the Whalley Arms.

5.3.3 The removal of some of the modern structures on the industrial estate (the most prominent structures are to remain) is welcomed but this benefit of the scheme is limited in extent and provides limited mitigation for the harm to heritage assets of national importance.

5.3.4 In my opinion, the schematic proposal submitted does not address the Government's expectations for new design and conservation within the NPPF and NPPG:

"establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; respond to local character and history, and reflect the identity of local surroundings and materials and are visually attractive as a result of good architecture and appropriate landscaping" (NPPF paragraph 58).

"high quality and inclusive design should also address the connections between people and places and the integration of new development into the natural, built and historic environment" (NPPF paragraph 61).

"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions" (NPPF paragraph 64).

"Distinctiveness is what often makes a place special and valued. It relies on physical aspects such as: building forms.

... A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

... buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each

... planning can help achieve good design and connected objectives. Where appropriate the following should be considered: layout – the way in which buildings and spaces relate to each other; detailing – the important smaller elements of building and spaces; materials. Materials should be practical, durable, affordable and attractive. Choosing the right materials can greatly help new development to fit harmoniously with its surroundings. They may not have to match, but colour, texture, grain and reflectivity can all support harmony” (NPPG).

#### 5.4 Employment/Employment Land

5.4.1 No information has been submitted in respect to the future of current employment on the site. Furthermore, the site is part of the employment land resource of the Borough and therefore Core Strategy Key Statement EC1 – Business and Employment Development is relevant. In strategic terms Whalley is regarded as an important location for employment development. Also, “Proposals that result in the loss of existing employment sites to other forms of development will need to demonstrate that there will be no adverse impact on the local economy”.

5.4.2 Development Management Policy DMB1- Supporting Business Growth and the Local Economy gives more detail on the important considerations relating to the conversion of potentially employment generating sites to other uses. These include the environmental benefits to be gained by the community; the economic and social impact caused by the loss of employment opportunities to the Borough and evidence of efforts made to secure alternative employment- generating uses. No information has been submitted by the applicant in respect to these issues.

#### 5.5 Highways

5.5.1 I am mindful of the comments of local business owners and residents, the Parish Council and also of LCC (Highways) that “clearly for the proposal to be acceptable there are a number of issues to be addressed”. One of these issues is the removal of existing parking at the access from King Street. In my opinion, insufficient information has been submitted to enable a full and proper consideration to highway safety issues.

5.5.2 I am also mindful of the concerns of local business owners and residents and Historic England that a full and considered examination of Whalley’s parking needs has not been undertaken. This is relevant to the consideration of harm to the designated heritage assets as the NPPF requires a robust justification of harm to their setting “significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification” (paragraph 132). The Historic England publication ‘Streets for All: North-West’ (2005) emphasises a strategic approach to such matters:

*“Car parking is a dominant feature that detracts from the visual coherence of the public realm. Authorities are encouraged to adopt comprehensive initiatives, such as the Historic Core Zones project and integrated transport strategies.*

*“These strategies encourage alternative modes of transport by reducing through traffic, and restricting cars from central areas, implementing pedestrian-oriented schemes, and providing more comprehensive networks” (page 60).*

*“Paving and surface materials define the platform of the built environment. They form the plinth on which buildings are set” (page 16-17).*

*“Wall to wall surfaces should be avoided in historic areas” (page 63).*

## 5.6 Residential Amenity

5.6.1 I concur with the Parish Council that insufficient information on lighting has been submitted to properly consider the impact on the amenity of local residents.

## 5.7 Other Matters

5.7.1 I concur with the Parish Council that appropriate consideration (which may include listed building consent) is required to works to historic boundary walling.

5.7.2 The concerns of the owner of Unit 6 Back King Street in respect to rights of parking and access have been brought to the attention of the applicant. The agent has repeatedly confirmed that the information in the application ownership certificates and in relation to the revised (4 November 2015) site plan is correct.

5.7.3 Further information is required to assess any potential flooding concerns.

## 5.8 Conclusions

5.8.1 NPPF paragraph 134 requires that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset this should be weighed against any ‘public benefits’ of the proposal. In my opinion, the possible benefits (not demonstrated) of the scheme do not provide significant mitigation for the actual harm to Whalley Conservation Area and the setting of listed buildings.

5.8.2 Therefore, in giving considerable importance and weight to the duties at section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in giving ‘great weight’ to the conservation of the designated heritage assets (NPPF paragraph 132) and in consideration to Key statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy I would recommend that planning permission be refused.

**RECOMMENDATION:** That planning permission be REFUSED for the following reason:

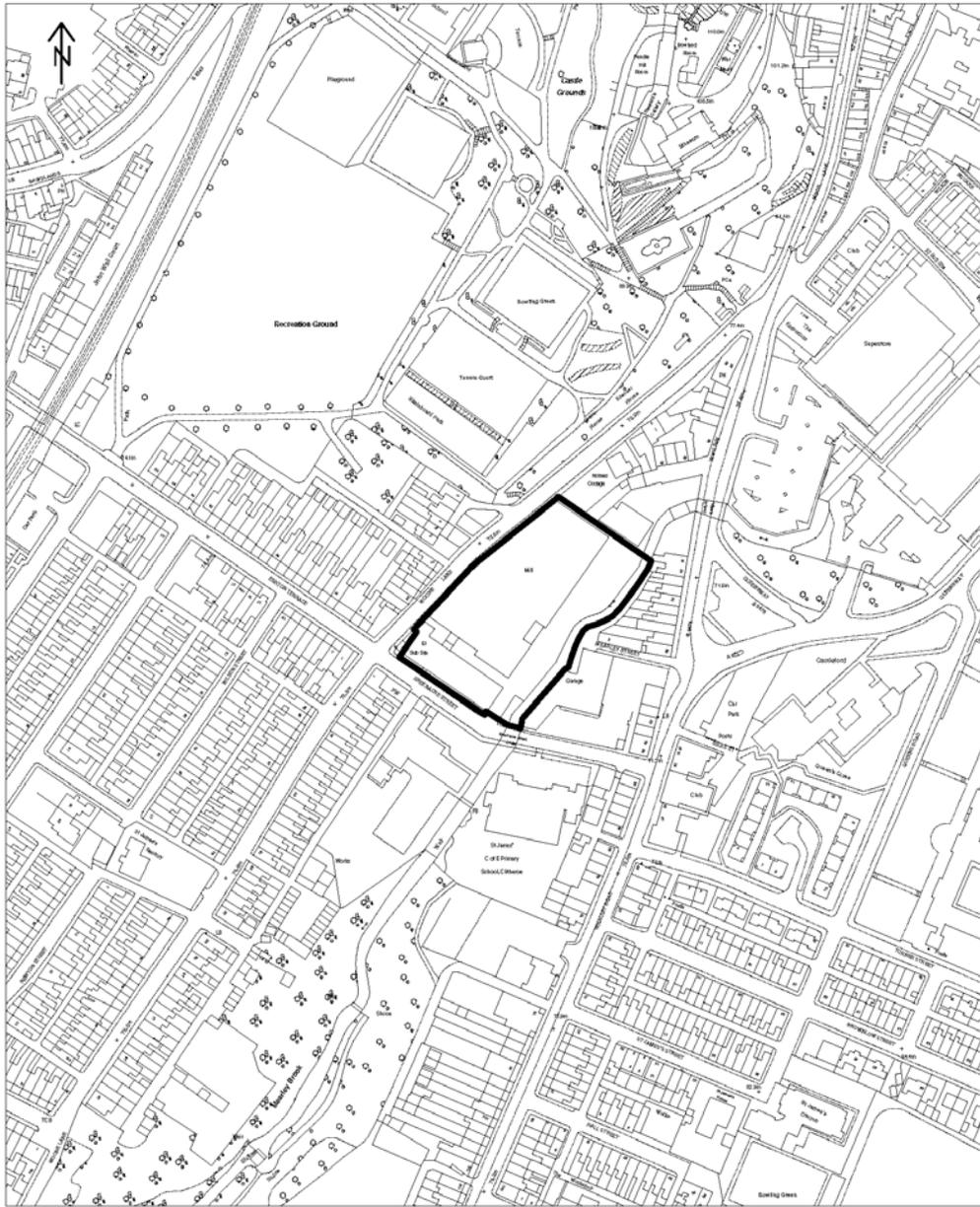
1. The proposed creation of a car park would be harmful to the setting and significance of listed buildings (including the Church of St Mary and All Saints and Whalley Abbey) and the character, appearance and significance of Whalley Conservation Area because of its prominence, incongruity and visual intrusion in materials, layout and (vehicular) use.

This is contrary to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy and the National Planning Policy Framework Paragraph 17 (conserve heritage assets in a manner appropriate to their significance), Paragraph 60 (reinforce local distinctiveness), Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) and Paragraph 132 (great weight to conservation).

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2015%2F0794](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2015%2F0794)

APPLICATION NO: 3/2015/0943/P & 3/2015/0944/P (GRID REF: SD 374128 441359)  
PLANNING PERMISSION AND LISTED BUILDING CONSENT FOR THE RENOVATION AND  
CONVERSION OF GRADE II LISTED BUILDING PROPERTY TO CREATE KITCHENS,  
RESTAURANT, BAR, 31 ROOM APARTMENT HOTEL ACCOMMODATION, BREWERY WITH  
RETAIL OUTLET, BAKERY, FUNCTION ROOM, OFFICES, RETAIL UNITS AND GYM AND  
SPA LEISURE COMPLEX AT HOLMES MILL, GREENACRE STREET, CLITHEROE



3/2015 0943 and 382015/0944 Holmes Mill, Greenacre Street, Clitheroe BB7 1EB

Scale 1:2500

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TOWN COUNCIL:

No objections. However expresses concern about the lack of a wall between the car park and the brook and the possibility of smells emanating from the brewery which could affect local residents and the need for adequate proximity to the car parking to be made for this development via Whalley Road car park.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

A detailed analysis of the parking arrangements and the delivery and servicing as well as the traffic impact analysis has been provided by Lancashire County Council. They conclude that the number of spaces provided should equate to 331 spaces and accept there may be some reduction on numbers caused by linked events. However, it is concluded that there is a serious shortfall in the number of parking spaces and this alone would warrant a recommendation of refusal. In relation to deliveries and servicing, more information is needed to enable a full assessment and this would need to include swept path analysis, catering for all vehicle types to ensure that access and egress is not affected.

In relation to traffic impact analysis, they remain of the opinion that the impact of a traffic generated by the site has been under estimated and that the junction capacity analysis needs to be re-calculated. To conclude the County Surveyor recommends refusal on highway grounds and also that the traffic generation of figures submitted are on the low side and depending on whether or not the applicant chooses to re-do the junction analysis based on revised figures, there may also be justification for a refusal due to junction capacity issues.

Following reconsultation the County Surveyor whilst acknowledging that road capacity issues may not be an issue still consider that the shortfall of parking spaces of approximately 200 spaces and the implications this would have on highway safety and amenity is sufficient to warrant a refusal.

The proposal is for a multi-use development utilising existing mill buildings on a compact site. Vehicle access is restricted to the existing site access off Greenacre Street and limited frontage access can be gained from Woone Lane which is currently subject to 2-way working but will be restricted to one way working ( south to north) in the near future. As part of the proposal a pedestrian / cycle footbridge will be constructed off Mearley Street over Mearley Brook and a service access (accommodating a single vehicle) off Woone Lane.

A primary school (281 pupils) is located opposite the site access on Greenacre Street.

#### **Vehicular Access**

The initial proposal was to utilise the existing access off Greenacre Street and provide 2 additional points of access, a single vehicle delivery access of Woone Lane and a vehicular access off Mearley Street via a new bridge over Mearley Brook.

The amended proposal retains these 3 access points but the bridge link will only be for pedestrians and cycles.

In respect of the existing Greenacre Street access, there are no significant concerns regarding its continued use although the proximity of the school will require special considerations. I understand that in dialogue between the developer and the school it has been agreed that the site deliveries will be managed to avoid the start and finish of the school day. A suitably worded condition would be requested to ensure that any such arrangement is adhered to. Some minor footway works will also be required to the east of the entrance to maintain the integrity of the highway.

The proposed service access off Woone Lane will require to reverse to or from Woone Lane and there will inevitably be delays to through traffic whilst this manoeuvre is performed. A necessary condition of any planning permission that may be granted would require all reversing manoeuvres are supervised by a suitably qualified banksman.

As mentioned above, the proposal for a vehicle link off Mearley Brook will not be proceeded with.

### **Pedestrian Access**

Following discussions with the applicant regarding pedestrian access to the site it has been agreed that the developer will provide an additional pedestrian refuge on Whalley Road south of the Sainsbury's entrance which will enhance pedestrian accessibility. The ideal location for the refuge would be closer to the mini roundabout at Queensway but this would require the removal of some on street parking which would not be supported by the adjacent businesses.

Footway widening will be required along the north side of Greenacre Street between Whalley Road and the site entrance as the current width (ranging from 830mm at the site entrance to 1350 mm outside the Honda garage) is below the recommended minimum of 1.8 m. Additional widening would also be necessary in the vicinity of the site entrance to bring the give way line forward and assist with the visibility splay for vehicles exiting the site.

### **Parking Provision.**

In my initial appraisal of the development and car parking provision taking into account the various uses proposed for the site a very rough and preliminary evaluation of the maximum parking levels for the various uses was produced (see below).

410msq	A3	Bar and Restaurant @ 1:8 = 51 spaces
505msq	B1c	Brewery and Barrel Store @ 1:30 = 17 spaces
305msq	A3	Brewery Tap @ 1:8 = 38 spaces
161msq	D1	Engine House ( museum) @1:30 = 5 spaces

65msq	A1	Coffee, beer, wine shop food retail @ 1:14 = 5 spaces
177msq	B1c	Bakery @1:30 = 6 spaces
305msq	D1	Public Hall @1:12 = 25 spaces
720msq	B1b	Office @ 1:33 = 21 spaces
2310msq	D2	Leisure @1:24 = 96 spaces
784msq	A1	Non-food retail @1:22 = 36 spaces
Hotel	C1	@ 1 per Bedroom = 31 spaces

Total Spaces = 331

These preliminary figures did not take into account the location of the site and its proximity to the town centre and the opportunities that this presents to reduce the need for travel. Taking into account the accessibility of the site the applicant has calculated a maximum parking provision of 236 spaces. The most recent site plan indicates a parking provision of 40 spaces.

Given that the varied nature of the services operating on site it will result in a varied parking demand profile throughout the day. In an exercise to predict the demand profile during the day by taking into account the vehicle trip rates for each individual element of the proposal a maximum car park occupancy of 104 vehicles is predicted (18.00 – 19.00) with the afternoon period exceeding the onsite parking provision between the hours of 16.00 and 21.00. With a development of this nature it is an acceptable practice to manipulate the vehicle trip rates to simulate the likelihood of 1 trip to visit different elements of the development. E.g. a visit to the gym followed by a drink in the .café /pub. For this development the applicant has arrived at a figure of 25% of the traffic generated are shared trips and it follows that the peak car park occupancy would reduce to 78 vehicles. The LCC view is that this discounting percentage is too high and the appropriate figure would be 15% not 25% which would give a maximum car park occupancy of 88 vehicles. Whichever figure is used be it 78 or 88, it is clear that the proposed onsite parking level is inadequate and the consequence of this development would be to increase the demand for parking in a predominantly residential area to the detriment of road safety and residential amenity.

In arriving at these parking accumulation figures the applicant has made various assumptions which the highway authority are not necessarily comfortable with;

1. Since the peak parking demand is late afternoon then the local council car parks (Mitchell Street and Whalley Road) will be emptying providing additional capacity. The concern is that these car parks are pay and display and are not secure. They are also some distance from the site and human nature is such that there would be a reluctance to walk and / or pay , the preference will be to park in the first available on street parking space.

2. The hotel and office uses (with a predicted parking requirement of 20 and 15 spaces respectively) will be marketed with no onsite parking provision. This is a naïve assumption as neither of the occupiers would be in a position to dictate the parking habits of their staff or guests. The fall-back position would be that parking would take place on street both during the day (office) and also evenings (hotel).
3. The applicants car park accumulation for the public hall suggests a requirement of 2 parking spaces. The capacity of the hall would be 120 people. The argument put forward is that visitors would arrive by coach and any functions would be infrequent. The concern would be that the functions would be a time specific event leading to a peak in parking demand (parking requirement is calculated as 20 vehicle spaces).and additional on street parking. There are no coach parking facilities shown within the development curtilage.

### **Highway Capacity.**

Although the early indications are that the development will not result in any highway capacity issues I am not able to provide a definitive response in this respect at the present time as the evaluation work is on-going, I will be in touch in due course.

Based on the above and in particular the level of parking provision being provided I would have to recommend that the application be refused on the grounds that the development will lead to an unacceptable and unsustainable demand on the existing on-street parking provision to the detriment of highway safety and residential amenity.

If your Council is minded to approve this application then I would request that the following planning conditions and notes be attached to any permission that may be granted

### **Conditions**

1. No development shall take place, including any works of demolition, until a 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 construction period. It shall provide for:
  - The parking of vehicles of site operatives and visitors
  - The loading and unloading of plant and materials
  - The storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding
  - Wheel washing facilities
  - Details of working hours
  - Scheduling of materials delivery
  - Contact details for the site manager

2. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site
3. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 2 has been constructed and completed in accordance with the scheme details. Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
4. All deliveries to the service access on Woone Lane shall be undertaken under the supervision of a suitably qualified Banksman. Reason to maintain proper traffic control and the safe operation of the highway
5. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter. Reason: Vehicles reversing to and from the highway are a hazard to other road users.
6. 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 permitted becomes operative. Reason: To allow for the effective use of the parking areas.

#### **Notes**

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. For the avoidance of doubt the works required will include the footway widening works on Greenacre Street and the provision of a pedestrian refuge on Whalley Road.
2. Before proceeding with the scheme preparation the Developer should consult with the Environment Director for detailed requirements relating to land arrangements, design,

assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include: -

- any bridge or culvert having a span of 1.5 metres or greater, or having a waterway opening cross sectional area exceeding 2.2 square metres {Note: span refers to the distance between centre of supports and not the clear distance between supports},
- any retaining wall supporting the highway (including and supporting land which provides support to the highway),
- any retaining wall supporting land or property alongside the highway. The retaining wall between Mearley Brook and Back Mearley Street is owned and maintained by Lancashire County Council ( Structure Ref 306668R1

ENVIRONMENT  
DIRECTORATE (LEAD  
LOCAL FLOOD  
AUTHORITY):

Following re-consultation retain their objection. Object to the proposal on the grounds of inadequate flood risk assessment and that the submitted flood risk assessment does not provide a suitable basis for assessment to have been made of the flood risks for the proposed development. Following further re-consultation they now **withdraw** their objection subject to the imposition of appropriate conditions.

ENVIRONMENT  
DIRECTORATE  
(ARCHAEOLOGY):

The building complex has been subject to the previous recording by Oxford Archaeology North. An overall assessment of the relative significance has been made and is included within the four conservation statements. This assessment is subjective to some degree and it would be possible to make a case for increase in the state of levels of significance of some elements. The proposed uses and level of proposed uses interventions seems to relate well to this assessment of significance and notes within the report and drawings show that efforts have been made to retain the most significant elements. Some intervention is still required however, but it is concluded that what is proposed is reasonable and acceptable given the need to make the complex viable in the long term.

It is noted that specialist removal works will be required in and around the mill engine and it is suggested that the possibility of using compressed air as a driving medium is looked at rather than powering the engine with a hidden electric motor, as this would be more authentic.

The only other item of concern is the proposed works to the former hoist, tower of the 1823 block. The Oxford Archaeology North notes the existence of the hoist mechanism here along with the original door opening mechanism but these do not seem to be noted within the conservation statement or plans. Whilst these were properly altered in the 20<sup>th</sup> century, they are unusual survival and may be worth considering retaining if at all possible.

ENVIRONMENT AGENCY: Recommend refusal on the basis of the absence of an acceptable flood risk assessment. Following re-consultation maintain their objection and consider the proposed bridge soffit level will impede flood flows and increase flood risk. Following further re-consultation they now **withdraw** their objection subject to the imposition of appropriate conditions.

### **Flood Risk**

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment 2015-028-REV C submitted with this application are implemented and secured by way of a planning condition on any planning permission.

### **Condition**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 2015-028-REV C and the following mitigation measures detailed within the FRA:

- The gap in the wall adjacent to Mearley Brook shall be left as existing and not blocked up. A gate such as the example submitted with the FRA can be used.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

### **Reason**

To prevent flooding elsewhere.

### **Informative**

Mearley Brook adjoining the site is designated a "Main River" and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without the prior written Consent of the Environment Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to James Jackson for consideration.

The Environment Agency has a right of entry to Mearley Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact James Jackson on 02030251306 to discuss our access requirements.

### **Land Quality**

We have reviewed the report 'Phase I Geo-Environmental Site

Assessment – Holmes Mill, Clitheroe (Ref:10-566) e3p, June 2015' that was submitted with this application. Based on the information provided, we recommend the following conditions:

**Condition**

Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
  
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

**Condition**

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as

identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

### **Condition**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

### **Reasons**

To prevent the pollution of controlled waters from potential contamination on site. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF paragraph 121).

### **Advice to applicant**

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
- treated materials can be transferred between sites as part of a hub and cluster project; and
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for further guidance.

UNITED UTILITIES: No objections subject to appropriate conditions regarding foul water and surface water.

HISTORIC ENGLAND: Recommend that the application be determined in accordance with national and local policy guidance on the basis of your expert conservation advice.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS: The mill section support the proposals to find a sustainable future use of this historically significant complex textile mill building. Do not wish to comment on the details of the application but appears generally sympathetic to the current repair needs of the building.

Although buildings have been largely stripped of their working parts, significant elements of the mills original industrial purpose survive and are of particular interest. These include the engine houses, a truncated chimney and intact horizontal engine with large fly wheel dated from the 1910/1911. The Mill Section is keen that surviving mechanical elements are retained and incorporated into plans for conversion of the buildings. The Structural Inspection and Appraisal by Reid Jones Partnership concludes that all of the key buildings are in reasonable or good condition and as such would respond to targeted repair. This report supports the improvement and retention of the historic architectural elements of the complex.

LCC CRIME IMPACT STATEMENT: Make the following recommendations

- In relation to a need for CCTV, glazed panels should be laminated to reduce the risk of damage or forced entry.
- The premises should have a comprehensive intruder alarm as well as internal security measures.

ADDITIONAL REPRESENTATIONS: Five letters of representation have been received which make the following comments:

There is general support for the principle and the retention of a derelict building to employment purposes, but concerns over parking and highway issues and possible water run-off as a result from the development.

One letter fully supports the scheme and cannot agree with the recommendation of refusal.

## 1. **Proposal**

1.1 This application seeks detailed consent for the conversion of a grade ii listed building property to create kitchens, restaurant, bar, 31 room apartment hotel accommodation, brewery with retail outlet, bakery, function room, offices, retail units and gym and spa leisure complex.

## 2. **Site Location**

- 2.1 The building is located on the outskirts of the Town centre and comprises a mixed use area with retail and other employment uses including offices and residential properties in the vicinity. It has a road frontage on to both Woone Lane and Greenacre Street and is adjacent to the Clitheroe Conservation Area. The main site entrance is from Greenacre Street and there is also a proposed new vehicular access from Mearley Street and restricted vehicular and pedestrian access from Woone Lane.

## 3. **Relevant History**

3/2001/0564 Demolition and extension to create offices and manufacturing building  
Approved

## 4. **Relevant Policies**

*Ribble Valley Core Strategy (Adopted Version)*

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN5 – Heritage Assets

Key Statement EC1 – Business and Employment Development

Key Statement EC3 – Visitor Economy

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME4 – Protecting Heritage Assets

Policy DME5 – Renewable Energy

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3 – Recreation and Tourism

Historic Environment Planning Practice Guidance (HEPPG)

National Planning Policy Framework

Technical Guidance to National Planning Policy Framework

National Planning Practice Guide

Clitheroe Conservation Area Appraisal and Management Guidance

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

- 5.1 Members will be aware that the application was deferred by Planning and Development Committee on 11 February 2016 in order to allow further consultation regarding the amendments and additional details submitted by the applicant. The additional information related to minor layout changes to include additional parking and revised transport assessment. Additional information was also submitted in relation to the flood risk assessment.

## 5.2 Principle

5.2.1 The principle of this development is acceptable given its location within the key settlement of Clitheroe which is regarded as a sustainable location. However, consideration needs to be given to all other Development issues which would include heritage impact, highway safety, economic regeneration and residential amenity which are all key issues. These are addressed elsewhere in the report but are fundamental in the decision making process

## 5.3 Highway Safety and Accessibility

5.3.1 The site is located within a central position of Clitheroe and whereas there is access to public car parks it is evident that there is a significant lack of parking spaces being provided by the scheme. The County Surveyor considers that this shortfall cannot be justified and would recommend refusal on grounds of highway safety.

5.3.2 LCC Highways initially concluded that the number of spaces provided should equate to 331 spaces and following additional information they recognise accept there may be some reduction on numbers caused by linked events and willing to reduce the requirement. He remains of the opinion that the shortfall of around 200 spaces is harmful and would result in conditions to the detriment of highway safety. The revised scheme only provides for 40 car parking spaces and 4 accessible space. I am still of the opinion that given the resultant need for spaces by this mixed use development this shortfall, irrespective of its location within the settlement boundary and close to the town centre, would be likely to result to conditions detrimental to highway safety.

## 5.4 Flood Risk and Drainage

5.4.1 In relation to Flood Risk both the Environment Agency and the LCC LLFA consider that as submitted there is an absence of an acceptable Flood Risk Assessment and as such should be refused. I accept that the applicant may be able to overcome this issue in due course and so this may be unlikely to remain as issue but at this point of time I consider it would be wrong to either impose a condition or negotiate on this matter. Following further plans and reconsultation they now withdraw their objection and suggest various conditions to safeguard flooding issues.

## 5.5 Design

5.5.1 The elements regarding the design are included within the Heritage section and I do have concerns regarding certain elements of the demolition as well as the introduction of a new wavy roof on part of the New Mill.

## 5.6 Heritage/Cultural

5.6.1 This proposal involves various alterations to Historic Mill to accommodate the mixed use development. The scheme includes elements of demolition both external and internal, window replacement and the creation of internal walls and the introduction of double glazing. Although I recognise the need to have regard to appropriate change it is clear from the advice of the Councils Principal

Planning Officer in relation to heritage issues that he considers the changes to be excessive and damaging to the historic fabric.

- 5.6.2 The environmental role of the NPPF includes the need to protecting and enhancing the built and historic environment. Indeed conserving heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations are a core planning principle. Significance derives not only from a heritage asset's physical presence, but also from its setting.
- 5.6.3 Holmes Mill is a Grade II Listed Building The building is also adjacent to the Clitheroe conservation and the Historic Park and Garden of Clitheroe Castle.
- 5.6.4 In considering the heritage impacts of the proposal Members are reminded of the need to have regard to the statutory tests outlined earlier within this report.
- 5.6.5 Regard should also be had to paragraph 141 of the NPPF which advises LPA's should require developers to record in advance understanding of the significance of any heritage asset to be lost in a manner proportionate to their importance. The application has been submitted with an Archaeological Building Investigation and Heritage Assessment and the archaeological unit at LCC have been consulted on this application. They have not raised an objection to the development.
- 5.6.7 In respect of the proposed physical alterations to the buildings and the impact of such works are examined in this report.
- 5.6.8 Chapter 12 of the NPPF is specific to conserving and enhancing the historic environment with the following paragraphs key to the determination of this application:
- 5.6.9 *In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance... (para 128)*
- 5.6.10 *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. (para 129)*
- 5.6.11 In determining planning applications, local planning authorities should take account of:
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

- *the desirability of new development making a positive contribution to local character and distinctiveness. (para 131)*
- 5.6.12 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional... (para 132)
- 5.6.13 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- *the nature of the heritage asset prevents all reasonable uses of the site; and*
  - *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
  - *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
  - *the harm or loss is outweighed by the benefit of bringing the site back into use. (para 133)*
- 5.6.14 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (para 134)
- 5.6.15 Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution or to better reveal the significance of the asset should be treated favourably. (para 137)
- 5.6.16 Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. (para 141)
- 5.6.17 The Council's Design and Conservation Officer has been consulted on these proposals and has the following concerns and comments.

5.6.18 It is difficult to undertake the Borough Council's statutory duties at s16, 66 and 72 of the Act and consider whether the proposals represent the optimum viable use (NPPG) as no pre application advice was sought to allow assessment of alternative schemes or detailed justification for the proposal. Whilst some loss of significance is inevitable and to be expected I am particularly concerned in respect to the following:

#### 5.7 Weaving shed and warehouse

5.7.1 The loss of the north-light roof has reduced the significance of the weaving shed (and therefore the significance of the integrated site as a whole). However, this is an opportunity for enhancement [NPPF 131; s72 P(LBs&CAs) Act 1990]. The extant structure "still provide(s) physical evidence of an important development within the textile industry ... integration of spinning and weaving within the same complex ... Few weaving sheds of this date survive within the county, and that at Holmes Mill has unique ventilation grills unseen elsewhere" (OAN) and "retains its historic scale" (List Description).

5.7.2 The list description Reasons for Designation identifies the building complex's Intactness (the reference to the weaving shed relates only to its roof) and Integrated nature to be intrinsic to special architectural and historic interest. HE 'Industrial Buildings' also identifies that "an exceptionally complete site ... may provide such an exceptional context that it raises the importance of buildings that might otherwise not be listable"; "In integrated mills these sheds surround the multi-storeyed mills sharing the same prime movers and are an integral part of the design"; "Warehouses were often important elements on integrated sites" and in respect to enhancement opportunities/redevelopment "an industrial building should normally reflect in its design (plan form and appearance) the specific function it was intended to fulfil".

5.7.3 The Clitheroe Conservation Area Appraisal identifies the prevalent use of local building stone (and very limited use of other materials), including use in traditional boundary and retaining walls, to be intrinsic to character and appearance and to give the area its distinct identity.

5.7.4 In my opinion, demolition of the important weaving shed and warehouse east elevation and substantial alteration/loss of integrity and scale (including the awkward break to the distinct trefoil detailing) to the west elevation is harmful. Furthermore, replacement with a largely glazed wavy roof building is intrusive, dominating, incongruous and lacks consideration to historic context (north-light weaving shed in integrated and otherwise intact mill complex; stone built and proportioned Georgian architecture; historic public park and grounds of former prestigious residence).

#### 5.8 1823 Spinning mill

5.8.1 Consideration to the OAN report and conservation area appraisal suggests the following proposals are particularly harmful and require 'clear and convincing justification' (NPPF paragraph 132):

- (i) Adverts and building naming– prominent (high level), over intensive and intrusive (Georgian details and proportions); unnecessary if character of the site is retained;

- (ii) Privy Tower – loss of character and fabric in proposed use for kitchen flue (OAN page 25 and 96 refer to ‘rare survival’; ‘late nineteenth century ... technical school ... sealed the privy tower, preserving the extant fittings’ (OAN 4.5.1);
- (iii) Hoist Tower – loss of character and fabric. Drawings show doors and hoist beam to be removed (OAN Plate 36 identifies ‘double-door in hoist tower, with original mechanism intact’; discussed at 3.2.20);
- (iv) Hoist Tower – loss of character and fabric. Loss of stair and new fire stair introduced to this early addition to the mill. (Structural report suggests in poor state of repair; discussed at OAN 3.2.19);
- (v) Ground floor walling adjoining former engine house - loss of character and fabric i.e. concentration of ‘good evidence for the power transmission system’ (OAN 3.2.23; 4.2.6). Proposed new opening in this location – details/impact? ;
- (vi) Columns - loss of character and fabric i.e. ‘very unusual’ and ‘possibly unique’ fluted original columns doubled at ground floor and central rows of columns at first (oldest on floor) and second floors (OAN Summary; 4.2.2; 3.2.11; 3.2.12) to be lost to provide, respectively, attic accommodation and hotel use at upper floors. Compounds harm from loss of characteristic open planform at first, second and attic floors and loss of ceilings/dry-lining of all walls /attic insulation and introduction of prominent roof lights from proposed use;
- (vii) New lift and stairs. Impact of lift lessened by location in former engine house – however, existing lift and a number of stairs and opening in floor for conveyor not to be re-used. Former office and technical school planform and fittings to be removed – OAN suggests significance.

## 5.9 1830 Spinning Mill ‘New Mill’, Engine House, Boiler House

- 5.9.1 Consideration to the OAN report and conservation area appraisal suggests the following proposals are particularly harmful and require ‘clear and convincing justification’ (NPPF paragraph 132):
- 5.9.2 Columns and flooring- loss of character and fabric (including some examples of fluted columns; OAN 3.3.6). Compounds harm from substantial loss of characteristic open planform at ground and first floors (loss of historic flooring and double-height space) and second floor (small room divisions) and loss to evidence for power transmission system (bolt holes and scars on timber beams denoting position of line shaft). ‘8” wide planked boards on the floors above possibly also original, given their substantial width, which is typical of the Georgian period’ OAN 3.3.7;
- 5.9.3 Power transmission system - substantial loss to important elements e.g. to accommodate double-height space (OAN Plate 59 and 60) e.g. at second floor to accommodate a corridor (OAN Plate 69-71). See OAN Fig 4-6 ‘power feature’ and 3.3.10 to 3.3.16.

## 5.10 Site wide issues

- (i) Adverts and building naming– prominent (high level), over intensive and intrusive (Georgian details and proportions). However, alterations to mill gates follow character. The list description suggests building naming/dating to be

- unnecessary “Date threshold: much of the Holmes Mill complex is largely unaltered and is recognisably of pre-1840 date”;
- (ii) Fenestration – unauthorised insertion of double glazed windows of relatively recent and unsympathetic style – enhancement opportunity from reinstallation of Georgian small-paned windows (double-glazed versions available). Surviving fenestration (or non-fenestration) is characteristic/indicative of former use e.g. former beam engine house and boiler house at east elevation – scheme as a whole and weaving shed in particular has an uncharacteristic degree of glazing;
  - (iii) Unauthorised works – full and very detailed information needs to be submitted before RVBC can consider the duties at s16, 66 and 72 – principal concern is the early C20 engine house and engine where asbestos removal works are understood to have been undertaken late 2015 . OAN states:

It is inevitable that some loss of fabric and compromise to historic and architectural special interest will result from the re-use of this site. However, legislation, policy and guidance requires this harm to be minimised and clearly and convincingly justified. NPPF (paragraph 134) and NPPG refer to the Optimum Viable Use (if there are a range of alternative ways in which an asset could viably be used, the optimum use is the one that causes the least harm to the significance of the asset) being of public benefit.

In my opinion, the proposals result in harm to key elements of listed building significance identified in the Holmes Mill list description and the designation listing selection guide ‘Industrial Structures’:

In my opinion, the proposals result in harm to key elements of listed building significance identified in the Holmes Mill list description and the designation listing selection guide ‘Industrial Structures’:

Architectural interest: “significant contribution to the local townscape” harmed by loss of weaving shed and warehouse walling, the prominence and incongruity of the glazed, wavy roof replacement building and site signage;

Intactness: “despite the loss of the weaving shed roof Holmes Mill remains a relatively intact textile mill complex” and Integrated site: “the mill complex comprises a range of buildings relating to the textile manufacturing process” identifies further loss to the significance of the weaving shed to be harmful;

Architecture and process: “An industrial building should normally reflect in its design (plan form and appearance) the specific function it was intended to fulfil” and Machinery – “The special interest of some sites lies in the machinery” identifies weaving shed replacement, loss of open and single storey planform, alteration and loss to surviving elements of the power transmission system, wholesale reconfiguration of the roof support systems (columns – some of which also integrate power transmission system evidence) and loss of original hoist doorways with beam and historic privies to be harmful. Furthermore, there is a need for close scrutiny of the works undertaken to the engine house and the engine.

A response has not been received in respect to the following initial questions (25 November 2015):

How necessary is the loss of flooring in the ‘New Mill’ to accommodate new taller brewery equipment – could the existing brewery equipment (c. 2m high) in the weaving shed be re-located to ‘New Mill’ and any necessary increase in brewery capacity be

accommodated in the weaving shed? Is the steam engine and engine house the centrepiece of this element of the development?

Mindful of historic character and context, what is the justification for the design of the weaving shed roof?

The NPPG states “In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest”. In my opinion and based upon available information, the proposals are of ‘less than substantial harm’ in respect to Clitheroe Conservation Area, the setting of 56-60 Moor Lane, the setting of Clitheroe Castle listed buildings, the setting of Clitheroe Castle Historic Park and Garden and the special architectural and historic interest of Holmes Mill. However, in respect to the latter consideration, harm is approaching ‘substantial’.

The proposal has a harmful impact upon the special architectural and historic interest of Holmes Mill, the character and appearance of Clitheroe Conservation Area and the setting of 56-60 Moor lane (listed Grade II) and Clitheroe Castle Historic Park and Garden (listed Grade II). This is because of: the loss or alteration of important historic fabric and planform intrinsic to the significance and understanding of the integrated mill complex, its functioning and evolution; the prominent and incongruent design of the new ‘weaving sheds’ building and the prominence and intrusion of advertisements.

The applicant has submitted additional comments in relation to heritage issues but the Councils Principal Planning Officer in relation to heritage issues retains his objection and does not consider the additional information to address his concerns.

#### 5.11 Residential Amenity/ Noise

5.11.1 The issues in relation to residential amenity are predominantly noise related and traffic issues. Following receipt of additional information, the Councils EHO is now satisfied that subject to the imposition of an appropriate condition that the scheme would not result in significant harm to residential amenity by virtue of the proposed activities.

#### 5.12 Benefits

5.12.1 It is clear that as result of the development there would be significant regeneration benefits that would include employment opportunities as well expenditure to the borough with visitors to the area. It is also the case that the scheme would help retain the Mill which is a Listed Building and a prominent structure situated in close proximity to the Conservation Area. The applicant has indicated that would expect to create at least 140 jobs resulting from the development and this does not take account of any employment resulting from the construction works. It is often the case that there is likely to be significant add on economic benefits resulting from the development but no figures have been included in any economic assessment submitted by the applicant.

### 6. Conclusion

6.1 I recognise the potential regeneration benefits that would accrue from this proposal as well as the benefit in safeguarding a Historic building but based on the submitted plans

consider that the changes to the historic fabric are excessive and inappropriate and the lack of adequate parking and vehicular activities emanating from the proposal make it unacceptable and as such recommend that the application be refused. I anticipate that the flooding issues may be negated but at this point of time these issues are not resolved

**RECOMMENDATION 1:** That planning permission submitted under 3/2015/0943 be REFUSED for the following reasons:

1. The proposal due to the lack of off street parking and likely traffic movements generated by the development would lead to conditions detrimental to Highway safety and as such be contrary to Policy DMG1 of the Core Strategy Adopted Version.
2. The proposal has a harmful impact upon the special architectural and historic interest of Holmes Mill, the character and appearance of Clitheroe Conservation Area and the setting of 56-60 Moor lane (listed Grade II) and Clitheroe Castle Historic Park and Garden (listed Grade II). This is because of: the loss or alteration of important historic fabric and planform intrinsic to the significance and understanding of the integrated mill complex, its functioning and evolution; the prominent and incongruent design of the new 'weaving sheds' building and the prominence and intrusion of advertisements. The proposal is therefore contrary to Key Statement EN5, Policies DME4 and DNG1 of the Core Strategy Adopted Version and NPPF paragraph 17 (conserve heritage assets in a manner appropriate to their significance), Paragraph 60 (reinforce local distinctiveness), Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness), Paragraph 132 (great weight to conservation) and Paragraph 137 (new development should enhance or better reveal significance).

**RECOMMENDATION 2:** That Listed Building Consent submitted under reference 3/2015/0944 be REFUSED for the following reason:

1. The proposal has a harmful impact upon the special architectural and historic interest of Holmes Mill, the character and appearance of Clitheroe Conservation Area and the setting of 56-60 Moor lane (listed Grade II) and Clitheroe Castle Historic Park and Garden (listed Grade II). This is because of: the loss or alteration of important historic fabric and planform intrinsic to the significance and understanding of the integrated mill complex, its functioning and evolution; the prominent and incongruent design of the new 'weaving sheds' building and the prominence and intrusion of advertisements. The proposal is therefore contrary to Key Statement EN5, Policies DME4 and DNG1 of the Core Strategy Adopted Version and NPPF paragraph 17 (conserve heritage assets in a manner appropriate to their significance), Paragraph 60 (reinforce local distinctiveness), Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness), Paragraph 132 (great weight to conservation) and Paragraph 137 (new development should enhance or better reveal significance).

### **Update following 17 March Planning and Development Meeting**

Committee resolved on the 17 March 2016 to be minded to approve the applications and required the applications to go back to a future Committee with a list of appropriate conditions. The conditions for the Listed Building application and the Planning application are different and Members are reminded that as some work has already been carried out without consent, it may

be difficult if not legally possible to formally discharge some of the conditions. At the time of preparing this report I am seeking legal clarification on this matter.

At the time of preparing this report the Head of Planning has been working with the applicants recently appointed planning consultant and various statutory consultees in relation to the imposition of suitable conditions. Due to the timescale and the commitment to take these applications to the earliest possible Committee it has not been possible to obtain all comments so an option for Committee is to defer and delegate to Director of Community Services to continue to work on conditions. However, the following is a list of suitable conditions based on information received at the time of preparing this report which I am of the opinion offer reasonable control should Committee wish to determine the application tonight.

**3/2015/0943 planning permission should be GRANTED subject to the following conditions:**

*Time Limit*

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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

*Plans and Further Details*

2. The approval relates to drawing numbers:-

<b>Dwg No</b>	<b>Drawing Title</b>	<b>Rev</b>
14/59 00	Location Plan	A
14/59 Ex 0	Existing Site Plan	A
14/59 Ex 1	1823 Spinning Mill - Existing Ground Floor Plan	B
14/59 Ex 2	1823 Spinning Mill - Existing First Floor Plan	B
14/59 Ex 3	1823 Spinning Mill - Existing Second Floor Plan	B
14/59 Ex 4	1823 Spinning Mill - Existing Third Floor Plan	B
14/59 Ex 5	New Mill - Existing Ground Floor Plan	B
14/59 Ex 6	New Mill - Existing First Floor Plan	B
14/59 Ex 7	New Mill - Existing Second Floor Plan	B
14/59 Ex 8	New Mill - Existing Third Floor Plan	B
14/59 Ex 9	Weaving Shed - Existing Ground Floor Plan	B
14/59 Ex 10	Weaving Shed - Existing Roof Plan	B
14/59 Ex 20	1823 Spinning Mill - Existing Elevations 1/2	B
14/59 Ex 21	1823 Spinning Mill - Existing Elevations 1/2	B
14/59 Ex 22	New Mill - Existing Elevations 1/2	B
14/59 Ex 23	New Mill - Existing Elevations 2/2	B
14/59 Ex 24	Weaving Shed - Existing Elevations 1/1	B
14/59 PH01	Phasing Plan	A
14/59 PL 1	Overall Site Plan	E
14/59 PL 2	Gate House	B
14/59 PL 3	Boundaries	C
14/59 PL 10	1823 Spinning Mill - Proposed Ground Floor Plan	B
14/59 PL 11	1823 Spinning Mill - Proposed First Floor Plan	B
14/59 PL 12	1823 Spinning Mill - Proposed Second Floor Plan	B

14/59 PL 13	1823 Spinning Mill - Proposed Third Floor Plan	B
14/59 PL 14	1823 Spinning Mill - Proposed Roof Plan	B
14/59 PL 15	1823 Spinning Mill - Ground Floor Demolition Alteration and Drainage Plan	B
14/59 PL 16	1823 Spinning Mill - First Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 17	1823 Spinning Mill - Second Demolition, Alteration and Drainage Plan	B
14/59 PL 18	1823 Spinning Mill - Partition / Lining Details	B
14/59 PL 20	New Mill - Proposed Ground Floor Plan	D
14/59 PL 21	New Mill - Proposed First Floor Plan	
14/59 PL 22	New Mill - Proposed Second Floor Plan	B
14/59 PL 23	New Mill - Proposed Third Floor Plan	B
14/59 PL 24	New Mill – Proposed Roof Plan	B
14/59 PL 25	New Mill - Ground Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 26	New Mill - First Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 27	New Mill - Second Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 28	New Mill – Third Floor Demolition Alteration and Drainage Plan	B
14/59 PL 30	Weaving Shed - Proposed Ground Floor Plan	C
14/59 PL 31	Weaving Shed - Proposed First Floor Plan	C
14/59 PL 32	Weaving Shed - Proposed Second Floor Plan	B
14/59 PL 33	Weaving Sheds - Ground Floor Demolition and Alterations Plan	B
14/59 PL 34	Weaving Sheds - First Floor Demolition and Alterations Plan	B
14/59 PL 100	1823 Spinning Mill - Proposed Elevations 1/2	C
14/59 PL 101	1823 Spinning Mill - Proposed Elevations 2/2	C
14/59 PL 200	New Mill - Proposed Elevations 1/3	B
14/59 PL 201	New Mill - Proposed Elevations 2/3	B
14/59 PL 202	New Mill - Proposed Elevations 3/3	D
14/59 PL 300	Weaving Shed - Proposed Elevations 1 of 2	

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

3. The development hereby permitted shall not be commenced unless and until details of the design, specification, fixing and finish, including sections at a scale of not less than 1:20, of extract vents, means of extract, air conditioning, ventilation or any other associated externally mounted/located plant have been submitted to and approved in writing by the local planning authority.

The development shall be carried out in strict accordance with the approved details prior to the use hereby approved becoming operative unless otherwise agreed in writing by the local planning authority.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Policies DMG1 and DME3 of the Core Strategy Adopted Version.

4. Notwithstanding the submitted details, prior to the commencement of the development section details at a scale of not less than 1:20 of each elevation shall have been submitted to and approved by the Local Planning Authority.

For the avoidance of doubt the section details shall clearly detail all eaves, guttering/rain water goods, soffit/overhangs, window/door reveals and the proposed window/door framing profiles/systems and materials. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Policies DMG1 and DME3 of the Core Strategy Adopted Version.

#### *Detailed Design*

5. Precise specifications or samples of all external surfaces including any replacement materials and surfacing materials of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development. The approved details shall be implemented as part of the development.

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 DMG1 and DME4 of the Core Strategy Adopted Version.

#### *Refuse & Waste*

6. Prior to the commencement of development plans and particulars showing the provision to be made for the storage and disposal of refuse and recycling receptacles, shall be submitted to and approved in writing by the Local Planning Authority. Such provision as is agreed shall be implemented concurrently with the development and thereafter retained. No part of the development shall be occupied until the agreed provision is completed and made available for use.

REASON: In order that the Council may be satisfied that adequate provision for the storage and collection of waste will be provided on site in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

#### *Deliveries*

7. No deliveries shall take place unless and until a service yard and deliveries management plan for the site has been submitted to and approved in writing by the local planning authority. Servicing and deliveries shall thereafter take place in accordance with the approved management plan at all times unless otherwise agreed in writing by the local planning authority.

REASON: To manage conflicts between customers and deliveries/servicing of the units and to safeguard the living conditions of occupiers of nearby dwellings and in order to protect the amenities of the occupiers of nearby properties and in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

### *Phasing*

8. The development hereby permitted shall be carried out in accordance with the approved Phasing Programme (shown on drawing no. 14/59/PH01 Revision A). Development shall occur in a sequential manner as proposed in the Phasing Programme, unless otherwise agreed in writing by the local planning authority.

REASON: In order to secure the programming and phasing of, and an orderly pattern to, the development.

9. Development of Phase 1 of the development shall be undertaken in accordance with the approved 'Phase 1 Construction Method Statement'. Each subsequent phase of the development shall be undertaken in accordance with a construction method statement, which shall have first been submitted to, and approved in writing by, the local planning authority.

REASON: In order to satisfy the Local Planning Authority that construction works can be adequately controlled and the effects mitigated.

### *Highways*

10. No part of the new development hereby approved shall be occupied or opened for trading until a scheme for the construction of the site access and the off-site works of highway improvement has been approved in writing by the Local Planning Authority and such approved works have been implemented in full, or in accordance with a timetable agreed in writing by the local planning authority.

REASON: In order that the any necessary highway improvement works have been implemented prior to the development being brought into use, so as to avoid adverse effects on highway safety.

11. Prior to the use of the service access on Woone Lane, a scheme for ensuring safe access and egress to the public highway shall be submitted to and agreed in writing by the local planning authority. No deliveries in relation to the approved development shall take place unless and until a service yard and deliveries management plan for the site has been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented and maintained whilst the use remains in operation. Other than in the case of an emergency, the service access on Woone Lane shall not be used between the hours of 0830 - 0900 and between 1500 and 1545 on weekdays. The Greenacre access shall also not be used for servicing during the hours of 0830 - 0900 and 1500 - 1545 on weekdays.

REASON: In order to ensure safe operation of the service access to the site, and to avoid adverse effects on highway safety, in particular potential conflict between users of the service access and other road users and comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy adopted version.

12. The car parking identified on the approved plans shall be appropriately surfaced or paved in accordance with a scheme which shall first have been submitted to, and approved by, the local planning authority. The approved scheme which shall include details of manoeuvring area shall be implemented and the spaces available for use before the development hereby approved is first brought into use.

REASON: To ensure adequate car parking is available prior to the development coming into use and comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy adopted version.

13. A Framework Travel Plan including a strategy and timetable for implementation of the requirements of the approved 'Framework Travel Plan' shall be submitted to and approved in writing by, the Local Planning Authority within 6 months of this consent with each individual element of the scheme brought on line and operating within 3 months of the operator opening for business. The strategy shall include details of the provision of staff car parking, as well as the method of implementation and monitoring including a timetable. The agreed strategy shall be implemented in accordance with these agreed details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of road safety and reducing vehicular traffic to the development and comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy adopted version.

14. Full details of the Woone Lane personnel doors and service yard gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented.

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety and comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy adopted version.

#### *Drainage*

15. The development hereby permitted shall only be carried out in accordance with the recommendations within Flood Risk Assessment (FRA) 2015-028-REV C. The mitigation measures shall be fully implemented prior to the development being first brought into use.

REASON: To prevent flooding elsewhere and comply with Policy DMG1 of the Ribble Valley Core Strategy adopted version.

16. The scheme for dealing with foul and surface water drainage identified in Flood Risk Assessment (FRA) 2015-028-REV C shall be completed prior to the new development being first brought into use.

REASON: To ensure a satisfactory method of dealing with drainage from the development site and comply with Policy DMG1 of the Ribble Valley Core Strategy adopted version.

17. Prior to each phase of development approved by this planning permission, a scheme for dealing with the risks associated with contamination of the site shall be submitted to, and approved in writing by, the local planning authority. Such schemes shall include:

1. A preliminary risk assessment which has identified
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

A completed validation report, detailing all remediation works carried out for each phase of development, shall be submitted and approved by the Local Planning Authority prior to the particular phase of development being brought into use.

REASON: In order to protect the health of the occupants of the new development and in order to prevent contamination of the controlled waters and comply with Policy DMG1 of the Ribble Valley Core Strategy adopted version.

18. No development shall commence until details of the design, implementation, maintenance and management of a formal surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
  - a) Demonstration that surface water run-off will not exceed pre-development run-off rates and volumes. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
  - b) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;
  - c) Details of any mitigation measures to manage surface water
  - d) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - e) Overland flow routes and flood water exceedance routes, both on and off site. For the avoidance of doubt, overland flow routes and flood water exceedance routes must be directed away from properties and critical infrastructure, and surface water from the development site must be contained within the red line boundary.
  - f) A timetable for implementation;
  - g) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

REASON: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible body/bodies for the sustainable drainage system.

19. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
  - b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
    - i. on-going inspections relating to performance and asset condition assessments.
    - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
  - c) means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

#### *Amenity*

20. Prior to the proposed development being brought into use, all remedial works to limit noise from the site shall be carried out, in accordance with the Noise Assessment by Miller Goodall dated January 2015.

REASON: To safeguard the amenity of neighbouring properties from noise and comply with Policy DMG1 of the Ribble Valley Core Strategy adopted version.

21. All fixed plant and equipment used within the development should be designed to give a rating level (as defined in BS4142:2014) no greater than 5dB above the night time  $L_{AF90(5min)}$  or the daytime  $L_{AF90(1\ hour)}$  whichever is the most appropriate, when measured 4 metres from the nearest residential properties. The plant noise emission limits shall not exceed:-

- Day: 48 dB LAeq

- Night: 33 dB LAeq

Within one month of the use hereby approved being operational an assessment (including tonal assessment) of the operational noise levels shall be submitted to the Local Planning Authority with recommendations and a program of works and timings to comply with the above limits and attenuate any specific tones as identified. The approved recommendations shall be carried out within the approved timescale.

REASON: To protect the amenities of occupiers of nearby properties from noise and comply with Policy DMG1 of the Ribble Valley Core Strategy adopted version.

### *External Lighting*

22. Notwithstanding the submitted plans no building shall be occupied until details of all artificial lighting (including building mounted external lighting) has been submitted, the details of which shall include the location of application type, location of lighting, the light direction and intensity.

REASON: In the interests of the amenities of the area, to minimise light pollution and to safeguard adjacent residential amenity and to comply with Policies DMG1 and DME4 of the core strategy adopted version.

23. Prior to commencement of development a detailed lighting specification, including luminance levels, for the glazing to the weaving shed shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submitted details shall demonstrate how the illuminance of the glazed area will be minimised during nocturnal hours and shall include the accurate modelling of potential light spill. The scheme shall be implemented in accordance with the details so approved and retained thereafter unless agreed otherwise in writing with the Local Planning Authority.

REASON: In the interests of the amenities of the area, to minimise light pollution and to safeguard adjacent residential amenity and to comply with Policies DMG1 and DME4 of the Ribble Valley Core Strategy Adopted Version.

### *Materials*

24. Full details of the floor surfaces, street furniture which shall include details of cycle rails and lighting columns to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority prior to use in the development. Development shall only proceed in accordance with the approved details.

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 DMG1 and DME4 of the Ribble Valley Core Strategy Adopted Version.

25. Notwithstanding any details provided with the application, details of the glazing system and roof construction to the weaving shed shall be submitted to and approved in writing by the Local Planning Authority prior to construction. Only those approved details shall form part of the proposed development.

REASON: To ensure that the appearance of the development is appropriate to the character of the building and setting of the area and comply with Policies DMG1 and DME4 of the Ribble Valley Core Strategy adopted version.

26. Full details of the positioning and appearance of plant, ventilation grilles, ducts and pipework, rainwater goods on the building shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Only those approved details shall form part of the proposed development.

REASON: To ensure that the appearance of the development is appropriate to the character of the building and the setting of the area and comply with Policies DMG1 and DME4 of the Ribble Valley Core Strategy adopted version.

27. Precise specifications or samples of all external surfaces including any replacement materials and surfacing materials of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development. The approved details shall be implemented as part of the development.

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 DMG1 and DME4 of the Core Strategy Adopted Version.

**Note:** Comprehensive definitions of Framework Travel Plan, Full Travel Plan and required components of a Travel Plan are available from Lancashire County Council's Business Travel Plan web pages. Practical support and assistance with Travel Planning can also be accessed via these pages.

<http://www.lancashire.gov.uk/corporate/web/?siteid=6698&pageid=42669&e=e>

**3/2015/0944 Listed Building Consent should be granted subject to the following conditions:**

1. The works hereby permitted must be begun not later than the expiration of 3 years beginning with the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works hereby permitted shall be carried out in accordance with the following approved plans:-

Dwg No	Drawing Title	Rev
14/59 00	Location Plan	A
14/59 Ex 0	Existing Site Plan	A
14/59 Ex 1	1823 Spinning Mill - Existing Ground Floor Plan	B
14/59 Ex 2	1823 Spinning Mill - Existing First Floor Plan	B
14/59 Ex 3	1823 Spinning Mill - Existing Second Floor Plan	B
14/59 Ex 4	1823 Spinning Mill - Existing Third Floor Plan	B
14/59 Ex 5	New Mill - Existing Ground Floor Plan	B
14/59 Ex 6	New Mill - Existing First Floor Plan	B
14/59 Ex 7	New Mill - Existing Second Floor Plan	B
14/59 Ex 8	New Mill - Existing Third Floor Plan	B
14/59 Ex 9	Weaving Shed - Existing Ground Floor Plan	B
14/59 Ex 10	Weaving Shed - Existing Roof Plan	B
14/59 Ex 20	1823 Spinning Mill - Existing Elevations 1/2	B
14/59 Ex 21	1823 Spinning Mill - Existing Elevations 1/2	B

14/59 Ex 22	New Mill - Existing Elevations 1/2	B
14/59 Ex 23	New Mill - Existing Elevations 2/2	B
14/59 Ex 24	Weaving Shed - Existing Elevations 1/1	B
14/59 PL 1	Overall Site Plan	F
14/59 PL 2	Gate House	B
14/59 PL 3	Boundaries	C
14/59 PL 10	1823 Spinning Mill - Proposed Ground Floor Plan	B
14/59 PL 11	1823 Spinning Mill - Proposed First Floor Plan	B
14/59 PL 12	1823 Spinning Mill - Proposed Second Floor Plan	B
14/59 PL 13	1823 Spinning Mill - Proposed Third Floor Plan	B
14/59 PL 14	1823 Spinning Mill - Proposed Roof Plan	B
14/59 PL 15	1823 Spinning Mill - Ground Floor Demolition Alteration and Drainage Plan	B
14/59 PL 16	1823 Spinning Mill - First Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 17	1823 Spinning Mill - Second Demolition, Alteration and Drainage Plan	B
14/59 PL 18	1823 Spinning Mill - Partition / Lining Details	B
14/59 PL 20	New Mill - Proposed Ground Floor Plan	D
14/59 PL 21	New Mill - Proposed First Floor Plan	C
14/59 PL 22	New Mill - Proposed Second Floor Plan	B
14/59 PL 23	New Mill - Proposed Third Floor Plan	B
14/59 PL 24	New Mill – Proposed Roof Plan	B
14/59 PL 25	New Mill - Ground Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 26	New Mill - First Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 27	New Mill - Second Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 28	New Mill – Third Floor Demolition Alteration and Drainage Plan	B
14/59 PL 30	Weaving Shed - Proposed Ground Floor Plan	C
14/59 PL 31	Weaving Shed - Proposed First Floor Plan	C
14/59 PL 32	Weaving Shed - Proposed Second Floor Plan	B
14/59 PL 33	Weaving Sheds - Ground Floor Demolition and Alterations Plan	B
14/59 PL 34	Weaving Sheds - First Floor Demolition and Alterations Plan	B
14/59 PL 100	1823 Spinning Mill - Proposed Elevations 1/2	C
14/59 PL 101	1823 Spinning Mill - Proposed Elevations 2/2	C
14/59 PL 200	New Mill - Proposed Elevations 1/3	B
14/59 PL 201	New Mill - Proposed Elevations 2/3	B
14/59 PL 202	New Mill - Proposed Elevations 3/3	D
14/59 PL 300	Weaving Shed - Proposed Elevations 1 of 2	

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

3. Notwithstanding any details provided with the application, details of the glazing system and roof construction to the weaving shed shall be submitted to and approved in writing by the Local Planning Authority prior to construction. Only those approved details shall form part of the proposed development.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Policies DMG1 and DME3 of the Core Strategy Adopted Version.

4. Notwithstanding the submitted details, prior to the commencement of the development section details at a scale of not less than 1:20 of each elevation shall have been submitted to and approved by the Local Planning Authority.

For the avoidance of doubt the section details shall clearly detail all eaves, guttering/rain water goods, soffit/overhangs, window/door reveals and the proposed window/door framing profiles/systems and materials. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Policies DMG1 and DME3 of the Core Strategy Adopted Version.

5. The development hereby permitted shall not be commenced unless and until details of the design, specification, fixing and finish, including sections at a scale of not less than 1:20, of extract vents, means of extract, air conditioning, ventilation or any other associated externally mounted/located plant have been submitted to and approved in writing by the local planning authority.

The development shall be carried out in strict accordance with the approved details prior to the use hereby approved becoming operative unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the appearance of the development is appropriate to the character of the listed building and comply with Policies DMG1 and DME4 of the Ribble Valley Core Strategy adopted version.

6. Precise specifications or samples of all external surfaces including any replacement materials and surfacing materials of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development. The approved details shall be implemented as part of the development.

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 DMG1 and DME4 of the Core Strategy Adopted Version.

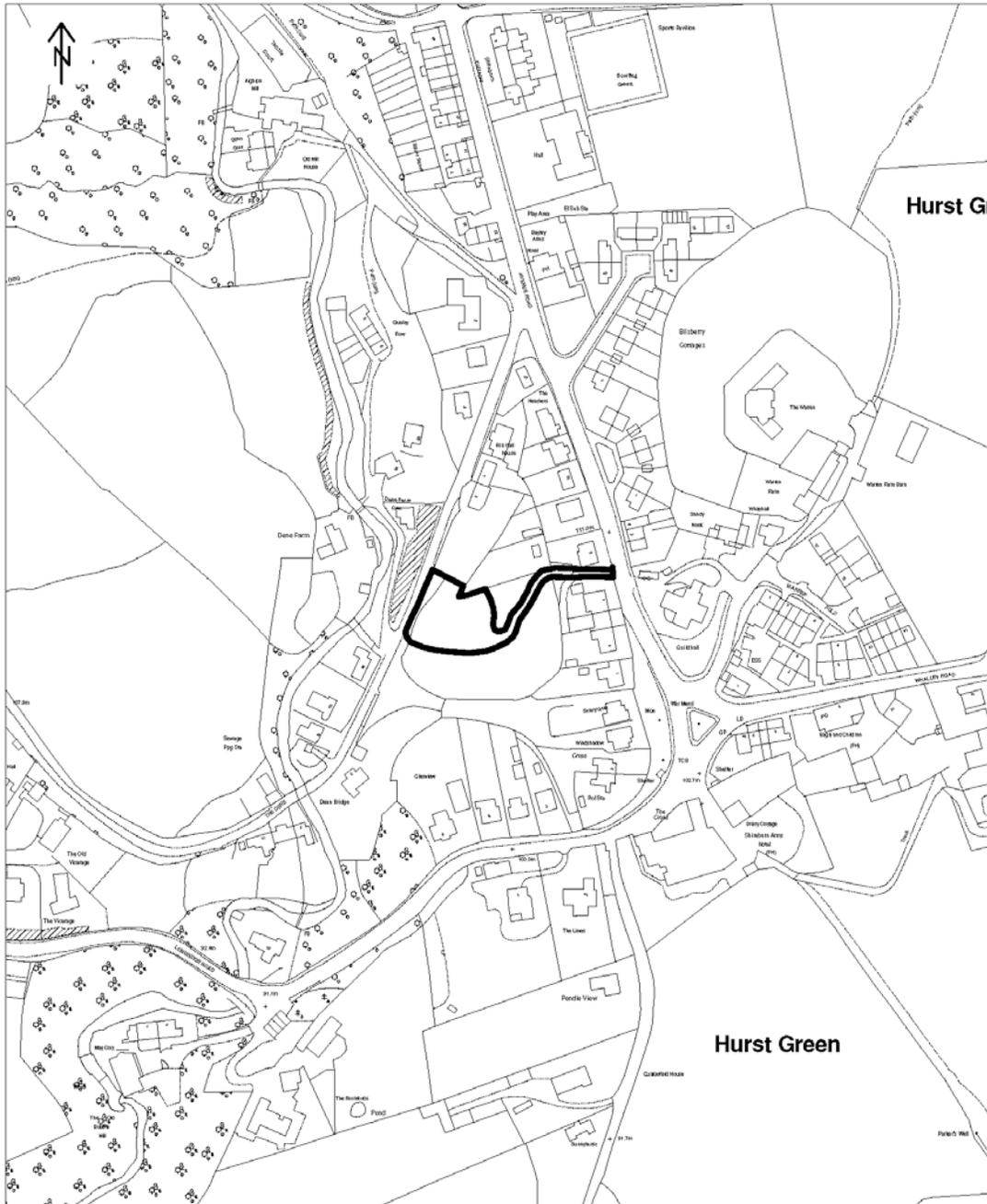
7. Within 12 months of the proposed development first being brought into use, a programme and method statement for the restoration of the redundant 'cross-compound horizontal engine' shall be submitted to the local planning authority for approval. Such works shall be implemented in accordance with the approved programme.

REASON: To help to secure the appropriate conservation of the redundant engine within the development site and to ensure the satisfactory conservation of this part of the heritage asset within the context of the wider redevelopment and comply with Policies DMG1 and DME4 of the Ribble Valley Core Strategy adopted version.

## BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2015%2F0943](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2015%2F0943)  
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2015%2F0944](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2015%2F0944)

APPLICATION NO: 3/2016/0149 (GRID REF: SD 368419 437964)  
PROPOSED NEW DWELLING WITH VEHICULAR ACCESS FROM AVENUE ROAD AND  
PDESTRIAN ACCESS FROM THE DENE, HURST GREEN



3/2016/0149 land adj The Dene, Hurst Green

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PARISH/TOWN COUNCIL: No objections providing neighbours have been consulted and no objections are raised.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway grounds, however due to the constraints of the site and the likelihood that substantial earthworks may be required I would suggest that the conditions be attached to any permission that may be granted to safeguard the safety and amenity of local residents and highway users.

ENVIRONMENT AGENCY: Flood Risk Standing Advice should be applied.

UNITED UTILITIES No objection subject to the imposition of conditions relating to foul and surface water drainage.

WILDLIFE TRUST FOR  
LANCASHIRE The following observations have been received from the Senior Conservation Officer for the Wildlife Trust Lancashire:

I am writing on behalf of the Lancashire Wildlife Trust in response to the application above having been brought to my attention. I appreciate that the deadline for representations may have passed and that it may be scheduled for consideration by the planning committee on the 14th April 2016. However, I understand that submissions received after the deadline will also be taken into account. Hence I request that the following comments are brought to the attention of the committee.

1. There does not appear to have been surveys of the habitat types and species of fauna, flora and fungi in order to determine whether or not there would be any adverse impact on any Habitats or Species of Principal Importance in England, as listed in Section 41 of the Natural Environment and Rural Communities Act (NERC) 2006, which are material planning considerations under the "Biodiversity Duty" that applies to Ribble Valley Borough Council under the provisions of the legislation, hence the presence and status of habitats and species on site is not known. Surveys of the development site and adjacent areas are required and should be carried out at appropriate times of the year in accordance with the CIRIA calendar.
2. There does not appear to have been surveys for the presence of, and/or potential for, statutorily protected species including amphibians, badgers, bats, birds, mammals and reptiles, hence their presence and status on site is not known. Surveys of the development site and adjacent areas are required and should be carried out at appropriate times of the year in accordance with the CIRIA calendar.

3. The development does not take account of the ecological networks that were commissioned by the Lancashire Local Nature Partnership and have been mapped by Lancashire environment Record Network (LeRN), hence is contrary to Paragraphs 109, 113 and 165 of the National Planning Policy Framework (NPPF) 2012.
4. Google earth appears to show the site of the application as supporting grassland, broadleaved trees/woodland and possibly a hedgerow. Section 41 of the NERC Act 2006 lists the Habitats and Species of Principal Importance in England, which includes broadleaved woodland, lowland meadows and hedgerows. If the application will affect a hedgerow then an assessment of whether or not the Hedgerow Regulations 1997 apply must be carried out. If the application will affect any trees, then an arboricultural survey should also be carried out.
5. It would appear that the development may result in a net loss of grassland, broadleaved trees/woodland and/or a hedgerow, which the application does not compensate for, hence is contrary to Paragraph 118 of the NPPF. Compensatory planting is required for the losses of these habitats. Compensation should be in accordance with the Biodiversity Offsetting calculations.
6. Paragraph 9 of the National Planning Policy Framework 2012, requires there to be “net gains for nature”. It is difficult to demonstrate net gains in nature or ‘biodiversity’ when we don’t know what the baseline/starting point is, hence a decision for application no. 3/2016/0149 should be deferred until after the appropriate site assessments have been carried out to the satisfactorily then the committee can make an informed decision in line with the requirements of the NPPF.

The application as it stands does not meet the definition of sustainable development as defined in the National Planning Policy Framework 2012.

ADDITIONAL  
REPRESENTATIONS:

12 letters of representation have been received objecting on the following grounds:

- The submitted plans are not accurate.
- Unsustainable location.
- The section drawings do not correspond with the topographical survey.

- The building is incongruous.
- The application content is inconsistent and claims no hedgerow will be removed despite it being shown as being removed on the proposed plans.
- The access is inadequate.
- The location of the refuse collection area is wholly impractical and would result in refuse wagons having to stop on The Dene.
- Visual impact to the detriment of the character of the area.

## 1. **Site Description and Surrounding Area**

- 1.1 The application site is located within the Hurts Green Conservation Area and is identified as an area of significant open space within the townscape appraisal map.
- 1.2 The site green-field in nature and located outside but adjacent to the settlement boundary for Hurst Green and therefore within the defined open countryside. The site benefits from changes in topography that vary significantly to the western extents of the site fronting The Dene.

## 2. **Proposed Development for which consent is sought**

- 2.1 The application seeks consent for the erection of a part 3 storey, part two storey 4 bedroom dwelling with integral cinema, wine store, 2 kitchens, 2 lounge areas, workshop, double garage and sun-room. It is proposed that the dwelling will be faced in natural stone with oak frame elements and render. The dwelling, at its highest point measures 11m at ridge from the lowest associated ground level point.
- 2.2 Vehicular access is proved to the east off Avenue Road with an additional pedestrian access point being proposed to the west fronting The Dene.

## 3. **Relevant History**

3/2011/0312 - Outline planning application for the erection of 13 dwellings and a village store and tearoom on land at The Dene, Hurst Green. (Withdrawn)

3/2013/0841 - Outline application for four residential dwellings. (Withdrawn)

## 4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement DMI2 – Transport Considerations

Key Statement EN5 – Heritage Assets

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport & Mobility

Policy DMH3 – Dwellings in the Open Countryside

Policy DME1 – Protecting Trees & Woodland

Policy DME2 – Landscape & Townscape Protection

Policy DME4 – Protecting Heritage Assets

5. **Environmental, AONB, Human Rights and Other Issues**

5.1 **Principle of Development**

- 5.1.1 The planning policy context for the application site is set out at a national level by the National Planning Policy Framework (NPPF) and at a local level by the Ribble Valley Core Strategy, the formal adoption of the Core Strategy (including the Inspector's modifications) was considered and adopted at a Meeting of Full Council on Tuesday 16th December 2014.
- 5.1.2 The Core Strategy is therefore the starting point for decision making within the Borough, setting out the spatial vision for the borough and how sustainable development will be delivered. Having been found to be NPPF compliant, it is further considered that what constitutes sustainable development, at a local level, is embodied within and to be determined against the core policies contained within the overall strategy.
- 5.1.3 The overall development strategy for the borough is set out in Key Statement DS1 which aims to promote development in the most suitable locations in the borough, and has been informed by evidence base work which classifies settlements into Principal, Tier 1 and Tier 2 settlements largely based on an evidence based assessment regarding the sustainability of settlements within the Borough. With Key Statement DS2 setting out the presumption in favour of sustainable development within the borough and states that planning applications which accord with the policies contained within the Core Strategy will be approved unless other material considerations indicate otherwise.
- 5.1.4 Policy DMG2 sets out the strategic considerations in relation to housing and states that development should be in accordance with the adopted Development Strategy and should support the overall spatial vision for the Borough; it further states that outside the defined settlement areas development must meet one of the following considerations:
- The development should be essential to the local economy or social well-being of the area.
  - The development is needed for the purposes of forestry or agriculture.
  - The development is for local needs housing which meets an identified need and is secured as such.
  - The development is for small scale tourism or recreational developments appropriate to a rural area.
  - The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.
- 5.1.5 Policy DMG3 states that in assessing proposals the Local Planning Authority will attach considerable weight to the availability and adequacy of public transport and associated infrastructure and consider the provision made for access to the development by pedestrian, cyclists and those with reduced mobility. It recognises that transport considerations are key to the delivery of sustainable development within the borough and seeks to promote development within

existing developed areas or in locations which are considered highly accessible by means other than the private car.

5.1.6 Policy DME4 states that proposals within, or affecting views into and out of, or affecting the setting of a conservation area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance. This should include considerations as to whether it conserves and enhances the special architectural and historic character of the area as set out in the relevant conservation area appraisal. Development which makes a positive contribution and conserves and enhances the character, appearance and significance of the area in terms of its location, scale, size, design and materials and existing buildings, structures, trees and open spaces will be supported.

5.1.7 In the conservation areas there will be a presumption in favour of the conservation and enhancement of elements that make a positive contribution to the character or appearance of the conservation area.

## 5.2 Impact upon Residential Amenity

5.2.1 Given the separation distances between existing dwellings and the proposed, I do not consider that the proposal would be of detriment to residential amenities by virtue of loss of light or overlooking.

## 5.3 Visual Amenity/External Appearance

5.3.1 Notwithstanding the concerns regarding conflicting submission information (as detailed in other matters below), I have a number of fundamental concerns regarding the external appearance, design, siting and scale of the proposed dwelling.

5.3.2 Whilst the eastern extents of the dwelling present themselves as a two storey structure the main body of the proposed dwelling, in particular the west and partially the south and north elevations present themselves as being for the most part 3 storey in nature. The dwelling also benefits from substantial retaining walls to accommodate the lower ground floor accommodation which provides an extensive elevated external terrace above. In this respect it is considered that the overall scale of the dwelling fails to respond positively to the character of the area or landscape context and would appear as a discordant and incongruous addition that would be of detriment to the character and appearance of the area and the character and appearance of the Hurst Green Conservation Area.

5.3.3 The visual impact of the proposal is likely to be exacerbated by the extensive ground works and terracing that will be required to site and accommodate the dwelling, a number of external ramped stairs are proposed adjacent the dwelling to allow access whilst taking account of the existing topography. These external works, read in concert with the proposed retaining walls and the extents and scale of elevational frontage, in particular to the west elevation, will cumulatively result in the introduction of a development of a significant scale that fails to be commensurate with the inherent scale of built form in the area.

5.3.4 Further concerns exist in relation to the practicality and functionality of the external stairs to the eastern extents of the site which appear to serve or run

adjacent to a proposed bin store. The location of the refuse storage and collection point would appear to require occupiers of the dwelling to traverse a garden area, which benefits from significant changes in topography, to reach a bin storage area. Occupiers would then be required to traverse a number of stairs to deposit refuse receptacles on the highway on collection day. Given the convoluted nature of the arrangements it may be correct to assume that as a result occupiers are likely to leave refuse storage receptacles on the highway indefinitely.

- 5.3.5 A portion of the application site fronts The Dene and occupies a location between buildings identified as being of townscape merit within the Hurst Green Conservation Area. Whilst the aforementioned dwellings (located to the north and south) are not directly adjacent to each other it is argued that the area of separation between them contributes to their overall setting and to the character and appearance of this portion of the Conservation Area. The proposed development is likely to result in the introduction of a development which will undermine the inherent character of The Dene and the immediate vicinity as a result.

## 6.1 Landscape/Ecology

- 6.1.1 The proposal is located upon a green-field plot of land to east of The Dene. The application site is bounded to the south and west by significant hedgerow and tree planting.
- 6.1.2 No arboricultural or up-to-date ecological impact assessment has been submitted in support of the application therefore no determination can be made in respect of the potential impact upon protected species or the potential impacts upon existing trees, hedgerow and wildlife. The applicant has not submitted detailed landscaping proposals in support of the application.

## 7.1 Other Matters

- 7.1.1 There are numerous inconsistencies and omissions within the supporting information to the extent that it is considered that if the application were to be approved, the authority could not be assured as to what form of development has been granted consent.
- 7.1.2 Taking into account the extent of the omission/inaccuracies it is not considered that these matters could be resolved via planning condition given a number of the matters to which the issues relate are considered to be material to the determination of the application, a number of the inconsistencies/omissions are summarised as follows:
- The supporting information claims that no trees/hedgerow will be removed as part of the development and further states that there are no trees or hedgerow within the application site. However the proposed site plan shows the creation of an access route and stairs to the western extents of the site fronting The Dene, the plans clearly show the removal of an extensive area of hedging and tree-planting although no arboricultural or ecological impact assessment has been submitted in support of the application. It is also proposed that a refuse storage area will be sited in this location which is likely to result in further impact/removal of existing trees/hedgerow, the impact of

which has not been assessed as part of the supporting submission documentation.

- The location of the private vehicular access road would require elements of the road to be 'dug-in' due to the topography of the site to allow for a vehicle to access the garage area at an equal level to that of the garaging and to allow for a vehicle to manoeuvre within the rear curtilage area. No details of the works proposed/required have been submitted in support of the application and the presence and need for the access road fails to be taken into consideration or reflected accurately on the proposed cross-sections.
- There are a number of discrepancies between the existing topographical survey, the proposed cross-sections and proposed land levels. Additionally the distances of the proposed dwelling from The Dene, as shown on the proposed site plan differ from that which is shown on the proposed cross-sections at a number of points.
- The proposed ground floor site plan fails to take account of or show a lower ground level entry point shown on the proposed floor plans which projects forward of the building by approximately 1.5m. No pedestrian routes to this entry point have been indicated on the site plan and it is assumed that the presence of the entry/exit point will necessitate the need for further hard surfacing than has been indicated on the proposed plans.

## 8.1 Consideration of Matters Raised/Conclusion

- 8.1.1 Policy DMG2 set out the strategic considerations in relation to housing and states that residential dwellings outside the defined Settlement Areas and in areas of open countryside must meet a number of considerations, none of which apply to the current proposal for an open market dwelling outside the dined settlement of Hurst Green.
- 8.1.2 Hurst Green has been identified as A Tier 2 settlement, the application is in close proximity to, but outside the current defined settlement boundary, Key Statement DS1 clearly states that housing development within Tier 2 settlements will only be considered acceptable where it meets proven local needs or delivers regeneration benefits.
- 8.1.3 In respect of new dwellings in the open countryside and those located in the Forest of Bowland AONB these are covered by Policies DMH3 which sets out a number of criteria, none of which apply to the current application.
- 8.1.4 It is recognised that transport considerations are key to the delivery of sustainable development within the borough and Policy DMG3 seeks to promote development within existing developed areas or in locations which are considered highly accessible by means other than the private car. In respect of the current application it is clear that use of the private motor vehicle would predominate due to the lack of adequate access to public transport or services within Hurst Green.
- 8.1.5 Additionally members will note the outcome of a related and dismissed appeal located approximately 180m to the east of the current application site (APP/T2350/A/14/2221778) issued on the 23<sup>rd</sup> of September 2014.

8.1.6 The proposal in question sought outline consent for the erection of one new residential dwelling at The Warren, Warren Fold, Hurst Green which was refused in line with officer recommendation by Planning Committee on the 27<sup>th</sup> of June 2014 which was subsequently appealed.

8.1.7 The Planning Inspector, with reference to the ability for Hurst Green to accommodate further sustainable growth stated the following:

*'However at my visit I saw no shops, post office, or medical facilities. Given the limited range of services and facilities in Hurst Green, in order to meet their daily needs local residents would need to travel. There are bus stops on Whalley Road and I accept that the future occupants of the proposed house would have some opportunities for bus travel. However, it has not been put to me that opportunities for walking or cycling exist and, as I see it, these would be limited. In practical terms, the future occupants of the proposed house would have few alternatives to the use of a private vehicle. Thus, I cannot see that the proposal would minimise the need to travel or reduce reliance on the car.'*

8.1.8 The inspector further noted the relevance of the defined settlement boundaries, the development strategy and their inter-relationship with sustainable patterns of development as follows:

*'By defining development limits, the Council is seeking to focus development into existing settlements, where development would generally make the best use of existing services and infrastructure and minimise the need for travel. This aligns with one of the core planning principles of the Framework to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The development of new houses outside the current adopted development limits set out in the Local Plan, such as the appeal site, would undermine the Council's adopted locational strategy and the overall aim of promoting development within existing settlements. Thus, I cannot find that the proposal would help to achieve sustainable patterns of development.'*

8.1.9 In relation to the setting of precedent and the suitability for the location for housing the Inspector concluded:

*'I have also considered the Council's concern that the proposal would set an undesirable precedent for further development outside settlement boundaries. Whilst each application and appeal must be treated on its individual merits, I can appreciate the Council's concern that approval of this proposal could be used in support of similar schemes. Notwithstanding the approved scheme on the adjacent site, allowing this appeal would make it more difficult to resist further planning applications for similar developments for single houses in the countryside, and I consider that their cumulative effect would exacerbate the harm which I have described above.'*

*I therefore conclude on this issue that the proposal would fail to provide a suitable site for housing, having regard to the principles of sustainable development.'*

8.1.10 Whilst the aforementioned appeal was determined prior to the adoption of the Core Strategy, the application had been assessed against the now revoked DWLP policies along with policies within the Emerging Core Strategy.

8.1.11 The Core Strategy has subsequently been found to satisfy the requirements of Section 20(5) of the 2004 TCP Act and meets the criteria for soundness in the National Planning Policy Framework and is therefore now the starting point for decision making within the Borough.

8.1.12 It is clear that the Inspectorate, in making their decision were mindful of the potential for the application to make it more difficult to resist further planning applications for similar developments (single houses in the countryside) elsewhere within the Borough, a concern which equally applies to the current application.

8.1.13 In addition to the above appeal, a number of recent appeals, proposing new housing in the open countryside have been dismissed by the Inspectorate such as the following:

APP/T2350/W/15/3084331:

Proposed new detached dwelling with detached car port. The Green, Osbaldeston.

(Dismissed 11<sup>th</sup> November 2015)

APP/T2350/W/15/3134524:

Outline application for the demolition of 19 Albany Drive and the erection of up to 9 units with access off Albany Drive and all other matters reserved.

(Dismissed 11<sup>th</sup> February 2016)

APP/T2350/W/15/3138928:

Conversion of Brook Wood Barn into a single residential property.

(Dismissed 11<sup>th</sup> February 2016)

8.1.14 Notwithstanding the concerns in relation to the clear and direct conflicts with adopted policy and the development Strategy for the Borough, it has been assessed that the proposed dwelling and associated works would be of significant detriment to the character and appearance of the area and be of detriment to the character and appearance of the identified Hurst Green Conservation Area.

8.1.15 Therefore, having carefully assessed the proposal and having regard to all material matters and matters raised that I recommend accordingly.

**RECOMMENDATION:** That planning permission be REFUSED for the following reasons:

1. The proposal is considered contrary to Key Statements DS1, DS2 and policies DMG2, DMG3 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of a new dwelling in the defined open countryside without sufficient justification which would cause harm to the development strategy for the borough. It is further considered that the approval of this application would lead to perpetuating an unsustainable pattern of development in a location that does not benefit from adequate walkable access to local services or facilities, placing further reliance on the private motor-vehicle contrary to the presumption in favour of sustainable development.
2. The proposal, by virtue of its scale, external appearance and level and extent of development proposed, would result in an incongruous form of development that fails to

respond positively to or enhance the immediate context, being of detriment to the visual amenity and character of the area and of detriment to the character and appearance of the Hurst Green Conservation Area, contrary to Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy.

3. The proposal is considered contrary to Key Statement EN4 of the Ribble Valley Core Strategy in that applicant has failed to demonstrate that impact of the development would be suitably mitigated and result in a net enhancement of biodiversity. It is further considered that the proposal is contrary to Policies DME2 and DME3 of the Ribble Valley Core Strategy insofar that the submitted supporting information fails to demonstrate, take account of or assess the potential impacts upon trees and hedgerow or the potential for negative impacts upon species of conservation concern.
4. The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals, without sufficient justification, which cumulatively would have an adverse impact on the implementation of the Development Strategy for the Borough leading to unsustainable patterns of development, contrary to the interests of the proper planning of the area in accordance with core principles and policies of the National Planning Policy Framework.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2016%2F0149](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0149)

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:

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2015/0266	Primrose Works Primrose Road Clitheroe	20/8/15	18	With Applicants Solicitor
3/2015/0895	Land at Higher Standen Farm Clitheroe	17/12/15		With Legal & Lancashire County Council
3/2015/0495	Land at Worthalls Farm Westfield Avenue Read	11/2/15	5	With Planning

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2016/0034	Erection of one new dwelling-house	Land adj 2 Harewood Avenue Simonstone
3/2016/0070	Replacement of existing catering unit and replacement of existing toilet	Woody's Café Layby adj Sawley Grange A59, Sawley
3/2016/0102	Application for consent to display an advertisement sign	Woody's Café Layby adj Sawley Grange A59, Sawley
3/2016/0139	Removal of condition 2 (arena use) of planning permission 3/2005/0158	Alston Lane Arena Alston Lane, Longridge

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>
3/2014/0697 R	29/06/15	Land adj Clitheroe Road, West Bradford	WR		Awaiting Decision
3/2014/0846 R	12/08/15	Land at 23-25 Old Row, Barrow	Hearing	18/11/15 20/01/16	Adjourned until 11/05/16
3/2014/0183 R	13/08/15	Land at Malt Kiln Brow, Chipping	Hearing	Provisionally 15/03/16	Awaiting Decision
3/2014/0226 R	13/08/15	Kirk Mill and Kirk House, Chipping	Hearing	Linked with 3/2014/0183	Awaiting Decision

<u>Application No</u>	<u>Date Received</u>	<u>Applicant Proposal/Site</u>	<u>Type of Appeal</u>	<u>Date of Inquiry/Hearing</u>	<u>Progress</u>
3/2014/1025 R	18/11/15	Rattenclough Farm, Wesley Street, Sabden	WR		Awaiting Decision
3/2015/0578 R	24/11/15	Oakfield Longsight Rd Clayton le Dale	WR		Appeal Dismissed 17/03/2016
3/2015/0211 R	30/11/15	Land between 52 and 54 Knowsley Road Wilpshire	WR		Appeal Dismissed 07/03/16
3/2015/0734 U	Awaiting start date from PINS. Agent has deliberately made the appeal invalid to use as a threat (see email from Miss Robinson)	New Hall Barn Blackburn Road Ribchester			
3/2015/0898 R	5/02/2016	Corner Way Church Lane Mellor	HH		Appeal Dismissed 21/03/16
3/2015/0594 R	26/01/16	4 Southport Barn Cottages, Sawley	HH		Part Dismissed Part Allowed 24/03/16
3/2015/0385 R	29/01/16	Land east of Clitheroe Road, Whalley	WR		Awaiting Decision
3/2015/0749 R	03/02/16	Lane Ends Cottage, Huntingdon Hall Lane, Ribchester	HH		Appeal Withdrawn 7/3/2016
3/2015/0886 R	18/03/16	Barraclough Cottage, Whalley Road, Pendleton	WR		Statement due 22/04/16
3/2015/0647 R	16/02/16	Pinfold Farm Barn, Preston Rd, Ribchester	WR		Statement due 22/03/16
3/2015/0910 U	02/03/16	Primrose House, Primrose Rd, Clitheroe	HH		Statement due 06/04/16
3/2016/0050 R	22/02/16	Land adj Newton Village Hall, Main St, Newton	WR		Statement due 28 March 2016
3/2015/0978 R	14/03/16	Hetton House, Eastham Street, Clitheroe	HH		Awaiting Decision

<u>Application No</u>	<u>Date Received</u>	<u>Applicant Proposal/Site</u>	<u>Type of Appeal</u>	<u>Date of Inquiry/Hearing</u>	<u>Progress</u>
3/2015/0492 R	Awaiting start date from PINS	Longridge C of E Primary School, Berry Lane, Longridge			
3/2015/0873 R	Awaiting start date from PINS	The Paddocks Stoneygate Lane Knowle Green			
3/2016/0095 R	Awaiting start date from PINS	Mayfield Ribchester Road Clayton le Dale			
3/2015/0571 R	16/03/16	Four Acres Pendleton Road Wiswell	WR		Statement due 20/04/16
3/2015/0159 C	Awaiting start date from PINS	Former Golf Driving Range Upbrooks Lincoln Way Clitheroe			