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## Appeal Decision

Site visit made on 26 January 2016

**by Siân Worden BA DipLH MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 April 2016**

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**Appeal Ref: APP/T2350/W/15/3138169**

**Rattenclough Farm, Wesley Street, Sabden, Clitheroe BB7 9EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Laurence Gill against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2014/1025, dated 12 November 2014, was refused by notice dated 22 July 2015.
  - The development proposed is the erection of 1 no. 20kW wind turbine with a 15.43m hub height and a maximum 21.97m blade tip height.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. I consider that the main issues in this case are the effect of the proposed development on the:
  - character and appearance of the surrounding landscape including the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and adjoining public rights of way (PROWs); and on
  - the living conditions of nearby occupiers in respect of noise.

### Reasons

#### *Character and appearance*

3. Rattenclough Farm is outside the village of Sabden in an attractive, rural area within the Forest of Bowland AONB. The appeal site is in a sloping field currently used as pasture which is close to but at a slightly lower level than the main farm buildings. A patch of woodland which traces the course of a small brook lies between the farmstead and the appeal site. Most of the fields are enclosed by stone walls and there are hedgerows and mature trees, both solitary and in groups, but otherwise the landscape is fairly open. The surrounding area is mainly in agricultural use, the higher, barer slopes supporting moorland vegetation; generally it is a medium scale landscape. The farm sits on the northern side of the Sabden Brook valley. Views out, except from the higher ground, tend to be limited by the confining ridges and so are concentrated within the valley. There is a more distant vista as the valley opens out towards the east.

4. The area is within the Moorland Fringe character type<sup>1</sup> identified as transitional, rolling, enclosed landscape skirting the edges of moorland hills and linking the upland to the lowland landscape. Farmsteads are described as isolated, often strung along a track following a contour of the hill; the drystone walls forming the majority of field boundaries are a distinctive feature. Rattenclough Farm and the surrounding area thus typify this character. The Moorland Fringe type is assessed<sup>2</sup> as having high landscape character sensitivity with a limited to moderate capacity to accommodate change without compromising key characteristics.
5. The proposed development is a three-bladed wind turbine with a height to its hub of about 15.4m and to the blade tip of almost 22m; it is classed as of micro scale<sup>3</sup>. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA) in support of the application which includes zones of theoretical visibility (ZTV) to both hub and full height, information on landscape character areas and receptors, and wireframes and photomontages from seven viewpoints (VP). The photomontages were prepared using photos taken during the summer with the trees in full leaf. My visit, which included several of the VPs, took place during late January when the landscape was looking a lot more bare.
6. VP1 and VP2 are on part of the extensive PROW network which criss-crosses the area, a bridleway which runs immediately to the north of the appeal field. Seen at close quarters the proposed turbine would be a large and dominant feature. The photomontages show it partially hidden by some tall deciduous trees but it would be unscreened from several points nearby. The photos do not show the several large turbines to the south beyond the valley rim which are also visible from these VPs. They reveal the different landscape character outside the Sabden valley and AONB, namely one which includes wind turbines. These turbines are some distance away, however, such that they do not appear as large or obtrusive features. In contrast the proposed turbine, although a much smaller model, would be unavoidably eye-catching and intrusive for users of the bridleway.
7. Close to the crossroads at Padiham Heights<sup>4</sup> is a small car park looking out to the north. The outlook is similar to that from VP6 but the area seems to be provided for those who want to stop for a while and enjoy the view. Through the trees fringing the car park much of the northern side of the valley can be seen including the lower slopes of Pendle Hill; Clitheroe Road climbing up to the moor; and the flatter land to the east. The proposed turbine would be a solitary and intrusive element in the landscape and harmful to it.
8. It appeared to me that the same is true at VP7, from which one looks back up the valley, and at points along Back Lane. Parts of the latter are bordered by a stone wall which restricts views for drivers but maps indicate that there are many public footpaths running between it, the village and the northern side of the valley. It is likely that the proposed turbine would be obtrusive in the view for users of some of these routes.

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<sup>1</sup> *Forest of Bowland AONB Landscape Character Assessment 2009*

<sup>2</sup> *Ibid* paragraph 4.5.14

<sup>3</sup> *Forest of Bowland ANOB Renewable Energy Position Statement*, Forest of Bowland AONB Unit, April 2011

<sup>4</sup> As named on OS maps.

9. From the car park I spotted a small turbine at buildings lower in the valley but there are none of the scale or type proposed visible in the immediate area. The proposed turbine would thus encroach into this currently unaffected, unspoilt part of the valley and change the character of its landscape. The change would be apparent from several of the VPs.
10. In its fairly isolated and exposed position above the village, Rattenclough Farm can be easily picked out from a number of locations in the surrounding area including VP3, VP6, VP7. Albeit that some of the structures there are modern and functional, the cluster of buildings nestling on the hillside and sheltered by trees is a pleasing sight which contributes to the character and appearance of the area. I am aware that guidance suggests proximity to buildings can mitigate some of the impact of a turbine. In this case my view is that the introduction of a prominent, engineered structure would disrupt the scene, diminish its timeless character and not lessen the effect of the proposed turbine to any significant degree.
11. Overall the proposed turbine would not protect, conserve or enhance the landscape of the Forest of Bowland AONB contrary to Key Statement EN2 of the Ribble Valley Core Strategy 2008-2028 (CS), adopted 2014. Consequently it would not comply with CS Policy DME5 which does not allow renewable energy schemes within the AONB unless they would not compromise the objectives of the designation with adverse environmental impacts being mitigated as far as practicable.
12. In respect of its immediate and wider impact on the landscape including its visual effect, the proposed development would cause unacceptable harm to the local environment and thus would not comply with CS Policy DME5. The public rights of way in proximity to the proposed turbine would not be protected or enhanced contrary to CS Policy DMG1.
13. The Renewable Energy Position Statement<sup>5</sup> notes that micro and small scale energy development may be appropriate within the AONB. It adds that schemes should be viewed on their own merits; being sited in the AONB should not be the sole reason for refusing such proposals unless significant environmental impacts are envisaged. As explained, it is my judgement that the proposed turbine would be harmful to the character and appearance of the AONB.

### *Noise*

14. The measurement of background noise at neighbouring properties is not always necessary. The good practice guidance on noise<sup>6</sup> defines the study area for background noise surveys (and noise assessment) as, at a minimum, the area within which noise levels from the proposed wind turbine may exceed 35 dB LA90 at up to 10 m/s wind speed. The nearest dwelling to the proposed turbine which would not have any financial attachment to the scheme is 265m distant. The appellant's assessment projects that the threshold noise level at which site-specific background noise data should be collected would not be reached at that property. I am therefore satisfied that sufficient information

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<sup>5</sup> *Forest of Bowland ANOB Renewable Energy Position Statement*, paragraph 3.4

<sup>6</sup> *A Good Practice Guide to the Application of the ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise*, Institute of Acoustics, paragraph 2.2.1.

has been provided to conclude that noise from the proposed turbine would not compromise the living conditions of neighbouring occupiers.

*Other matters*

15. I am aware of the benefits of the scheme for the appellant. The proposed turbine would enable him to generate sufficient electricity, cleanly, to power the farmstead. The reduced costs would allow further investment in the farm buildings and new machinery. There is also some encouragement in the National Planning Policy Framework (the Framework) for renewable energy schemes with local planning authorities asked to recognise that even small-scale projects can make a valuable contribution to cutting greenhouse gas emissions<sup>7</sup>. I have also noted the letters submitted in support of the proposal.
16. The appellant has drawn my attention to other appeal decisions where the character of the landscape was a main issue. At Carr Hall Garden Centre<sup>8</sup> three turbines each measuring 46m in overall height were permitted. The inspector's conclusion was that the landscape there was already influenced by man-made features and would accommodate the turbines without unacceptable harm to its character and appearance. Furthermore the Council had acknowledged that there would not be a significant impact on the Forest of Bowland AONB.
17. The appeal at Laneside Farm, Pendleton<sup>9</sup> concerned a turbine of similar dimensions to that proposed here which was also sited within the AONB. That inspector considered that the turbine would be dwarfed by the large scale and expansive landscape and that there would be no unacceptable harm to its key characteristics.
18. At Readwood Stables, Read<sup>10</sup> the proposed turbine, a two-bladed model again similar in size to that proposed in this case and in the AONB, was found by the inspector to be in view from vantage points for a limited time. It would also be seen in conjunction with another turbine, which was under construction at the time, and with a tall, telecommunications mast.
19. Finally, three turbines were allowed at Church Farm, Southoe<sup>11</sup> where they were not located in a formally designated landscape. Whilst the inspector noted that there would be substantial change to the landscape at close quarters that effect would quickly diminish with distance. In the wider context of that landscape character area and its surroundings the overall impact would be much less and no greater than moderate to minor.
20. The case before me here thus differs in salient features from the quoted cases. The landscape is not considerably influenced by man-made features, is not large scale and expansive, views of the proposed turbine would be extensive and the area is designated for its landscape value. I cannot, therefore, draw any helpful comparisons with these other appeal decisions.
21. A Written Ministerial Statement (WMS) made on 18 June 2015 instructs that, in respect of proposals for wind energy, permission should only be granted if:

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<sup>7</sup> The Framework paragraph 98.

<sup>8</sup> APP/T2350/A/13/2193882

<sup>9</sup> APP/T2350/A/13/2190784

<sup>10</sup> APP/T2350/A/10/2125708

<sup>11</sup> APP/H0520/A/12/2188648

- the development site is in an area identified in a Local or Neighbourhood Plan as suitable for wind energy development; and
- following consultation it can be demonstrated that any planning effects identified by affected local communities have been fully addressed and that, therefore, the proposal has their backing.

Since the appeal is not allowed the WMS does not apply in this case.

### **Conclusion**

22. I have found that the proposed turbine would change the character of the surrounding landscape, which is within the AONB, and also harm its appearance. I have taken all the matters raised into consideration, particularly the benefits to the appellant and to the environment, but they are not sufficient to outweigh the harm caused.
23. For the reasons given above I conclude that the appeal should be dismissed.

*Siân Worden*

Inspector



## Appeal Decisions

Hearing held on 15 and 16 March 2016

Site visit made on 16 March 2016

**by Tim Wood BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 April 2016**

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### **Appeal A: APP/T2350/W/15/3119224**

#### **Land at Malt Kiln Brow, Chipping, Lancashire PR3 2GP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by SCPI Bowland Ltd against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2014/0183, dated 23 December 2013, was refused by notice dated 23 December 2014.
  - The development proposed is for full planning permission for works and change of use to the Grade II listed Kirk Mill to create a hotel (18 bed, use class C1) and a bar restaurant (use class A3), works to the barn building to create seven holiday cottages (use class C1), construction of a hotel and spa (20 bed use class C1), wedding venue (use class D1), kids club (use class D1) and trailhead centre (use class D1 and A3), change of use of Malt Kiln House from residential to use class C1, construction of a new cricket pavilion (Sui Generis), demolition of the group of derelict factory buildings. Outline planning permission for 60 residential dwellings split over 2 sites with a maximum of 56 and 4 units each, with all matters reserved except for access.
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### **Appeal B: APP/T2350/Y/15/3119225**

#### **Land at Malt Kiln Brow, Chipping, Lancashire PR3 2GP**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by SCPI Bowland Ltd against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2014/0226, dated 23 December 2013, was refused by notice dated 4 March 2015.
  - The works proposed are a change of use of the Grade II listed Kirk Mill to create a hotel (18 bed) and bar/restaurant. Works comprising partial demolition and extension of Kirk Mill including demolition of the later addition to the east of the Mill and erection of the new extension built on the same footprint in traditional stone to match the existing Mill; removal of further alterations to the façade to restore the historic character of the building.
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## **Decisions**

### *Appeal A*

1. The appeal is allowed and planning permission is granted for full planning permission for works and change of use to the Grade II listed Kirk Mill to create a hotel (18 bed, use class C1) and a bar restaurant (use class A3), works to the barn building to create seven holiday cottages (use class C1), construction of a hotel and spa (20 bed use class C1), wedding venue (use class D1), kids
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club (use class D1) and trailhead centre (use class D1 and A3), change of use of Malt Kiln House from residential to use class C1, construction of a new cricket pavilion (Sui Generis), demolition of the group of derelict factory buildings; outline planning permission for 60 residential dwellings split over 2 sites with a maximum of 56 and 4 units each, with all matters reserved except for access at Land at Malt Kiln Brow, Chipping, Lancashire PR3 2GP in accordance with the terms of the application, Ref 3/2014/0183, dated 23 December 2013, subject to the conditions set out in Schedule 1 of this Decision.

### *Appeal B*

2. The appeal is allowed and listed building consent is granted for a change of use of the Grade II listed Kirk Mill to create a hotel (18 bed) and bar/restaurant; works comprising partial demolition and extension of Kirk Mill including demolition of the later addition to the east of the Mill and erection of the new extension built on the same footprint in traditional stone to match the existing Mill; removal of further alterations to the façade to restore the historic character of the building at Land at Malt Kiln Brow, Chipping, Lancashire PR3 2GP in accordance with the terms of the application Ref 3/2014/0226 dated 23 December 2013 and the plans submitted with it subject to the conditions set out in Schedule 2 of this Decision.

### **Main Issues**

3. The main issues in these appeals are;
  - The effects of the proposal on the significance of the listed building
  - The effects of the proposal on the setting of the listed buildings and the character and appearance of the conservation areas
  - The effects of the proposal on the AONB and landscape
  - Whether any aspects of the proposal should be considered as enabling development, and if so, whether it would be satisfactory in this respect
  - The balance of any harm against the benefits of the proposal.

### **Reasons**

4. The appeal relates to 5 sites, 4 of which are closely related; the fifth is the proposed cricket ground which sits separately and to the south-east of the rest of the sites at the far end of Chipping. The 4 closely related sites are: Kirk Mill; the main mills complex; the Hive; Malt Kiln House and surrounding land. Kirk Mill would be converted to a hotel. The main mills complex would be largely demolished, apart from a barn (to be extended and converted to holiday cottages) and would accommodate the hotel/spa, wedding venue, kids club and trailhead centre. The hive is the existing cricket ground and would accommodate 56 houses. Part of the land at Malt Kiln House would accommodate 4 houses.

### ***The effects of the proposal on the significance of the listed building***

5. Kirk Mill is a former cotton spinning mill dating from 1785 and is grade II listed, with its mill-pond retaining wall, outflow and stone-built leat. It is a rare surviving Arkwright-type mill and it exhibits 2 phases of 18<sup>th</sup> Century

- development. Its significance derives from its rarity as a surviving example of its type; the retention of its water management system; surviving original features including windows, doors the wheel pit, the water wheel and its driving gears; one of the earliest examples of its type; the layout and its development over time which remains clearly legible.
6. The building has been vacant for some years and is in a state of considerable disrepair and it is suffering from some fundamental structural issues including the movement of the building which is giving rise to worsening structural integrity. Some issues such as water ingress and weather tightness are being addressed.
  7. The proposal would include the alteration of the Mill to accommodate a hotel use with a restaurant/bar at the ground floor. Externally, the 20<sup>th</sup> Century dust extraction tower would be removed from the southern elevation and the rebuilding of the projecting south wing at the eastern end of the south elevation. The southern elevation would then accommodate a proposed orangery in the form of a single storey extension providing space for the restaurant/bar. A glazed circulation tower would be constructed adjacent to the south elevation, abutting the south wing; this would provide access by stairs and lift to all floors. It is readily acknowledged that the removal of the 20<sup>th</sup> Century dust extraction tower would be a positive element to the scheme; I agree that its unfortunate appearance means that its removal would be a significant benefit. The rebuilding of most of the southern wing is necessitated by the poor quality and condition of this part of the structure. It is suggested by the Council that the circulation elements could more acceptably be located within the re-built southern wing, rather than the proposed glazed tower. However, the appellants point out that the internal differences in the floor levels would mean that this would render the proposed hotel far less accessible and practical for visitors than the proposed scheme.
  8. The proposed glazed tower would allow some visibility of the original south elevation of the mill, although this would depend on internal lighting and the precise nature of the glazing. It would make use of the striking 32-light window for access into the main part of the building. In relation to its height, the submitted drawings show that it would be marginally higher than the eaves of the existing building. I accept that there would be some negative effects arising from the glazed tower; it would be placed on the significant southern elevation in a prominent position. However, in my view the scheme needs to be seen as a whole and any negative aspects should be balanced against positive features of the proposal. In addition, I am satisfied that the proposed service lift within the rear projection would neither result in the undue loss of fabric nor the plan form of this part of the building.
  9. The proposed orangery extension would arise from the important south elevation at ground floor level. There appears to be some history of extension at this part of the site, although most appear to have been removed. The ground floor of the south elevation appears to have undergone much alteration, setting aside the extraction tower, openings have been formed and a roller-shutter door has been installed. Whilst the orangery would impose on the southern elevation, it would obscure part of its much altered section and would otherwise be a well-mannered form which would match the depth of the southern wing. The proposal would also involve the removal of various



unsympathetic buildings/extensions at the western end of the southern part, which would be an obvious and clear benefit to the Mill.

10. Internally, the ground floor would be kept substantially open in its use as a restaurant/bar; the existing openings would be used between the orangery and the existing area. The upper floors would be divided to form the hotel rooms although efforts have been made to retain some sense of openness in the form of the long corridors. The water wheel and associated gears would be retained as a feature of significant interest within the building.
11. In my judgement there is a significant benefit in the prospect of bringing this important listed building back into a beneficial use which could ensure its renovation and long-term survival. The Council are critical of the proposed use as a hotel which gives rise to extensions and the sub-division of the upper floors. There will inevitably be some alterations when entertaining the re-use of such a building. The appellants stated that they had initially considered a residential scheme, which is now suggested by the Council, but that when they put this to the Council it was strongly discouraged. Whilst I have no details of any such scheme or negotiations between the appellants and the Council, I can envisage that a conversion to a number of residential units could involve a greater degree of 'cellularisation' of the building, particularly at the ground floor which has been kept largely open in the appeal scheme. In this context I see that much of the open plan-form that would have existed in its industrial use and still exists now, would be altered by the proposal. However, some degree of openness would still be evident on the upper floors and the ground floor would remain significantly open.
12. I judge that there would be some negative effects from the proposed glazed tower and a marginally negative effect from the proposed orangery. The division of the upper floors would also result in some negative effects in relation to the plan-form. However, I see these as being far outweighed by the positive aspects of the scheme which involve the removal of some unfortunate elements, the ensured structural soundness, retention of the water-wheel, the overall renovation and re-use of the building which could include its longer term use, including the use by the public who would be able to experience much of this important building.

***The effects of the proposal on the setting of the listed buildings and the character and appearance of the conservation areas***

13. Kirk Mill adjoins Kirk House, which is the former mill owner's house and is also listed Grade II. They site within the wider Kirk Mill Conservation Area (KMCA). Part of the adjacent main mills complex also sits within the KMCA, although its larger southern part does not. The KMCA includes the building of Malt Kiln House, and the site for the 4 houses sits partly within and partly outside it. Further to the south sits the main core of the village of Chipping and the Chipping Conservation Area (CCA).
14. For the reasons set out above, I consider that the works to Kirk Mill would have an overall positive effect on its own setting and the setting of Kirk Mill House; similarly a positive effect would result on the character and appearance of the KMCA, for the same reasons.
15. Within the KMCA, the industrial building which sits directly opposite Kirk Mill which is sometimes referred to as the Williams building, would be demolished.

The older Barn building would be retained and its rather unsympathetic extensions would be replaced by one of a similar character to the Barn. This would then form holiday properties. The removal of the Williams building would be beneficial to the KMCA and also to the setting of the listed buildings as its distinctly unsympathetic industrial appearance detracts from both. The openness then created would enhance the setting of the Mill and relieve the sense of visual congestion at this point in the KMCA where the road crosses the stream. The replacement of the existing extensions to the Barn with one of a more sympathetic design and materials would be a benefit to the setting of the listed buildings and the KMCA.

16. Beyond the boundary of the KMCA but still on the main mills site, the large industrial building would be replaced by the spa/hotel and to its rear would be the wedding venue building and a small 'kids club'. The hotel/spa would be on a similar siting to the existing building and, although its steep roof would appear tall on plan, it would be similar to the existing building. Its design would be more consistent with the area than the existing building and the use of appropriate materials would enhance this. The more modest wedding venue and kids club would be of similar materials and their scale and siting to the rear of the site would ensure no unacceptable effects on the area.
17. The lowest section of the main mills site currently contains a very large open-sided storage structure and some warehousing. These would be replaced by the very modest form of the trailhead centre and the plant building. The remainder of this part of the site would accommodate the car park and significant areas of landscaping. As far as these areas are capable of affecting the adjacent conservation areas, I can see that only beneficial results would arise from the proposed changes.
18. The existing cricket ground at the Hive, sits to the north-west of the village boundary and beyond the boundaries of both conservation areas. The Hive is separated from the CCA by a significant area of 20<sup>th</sup> Century housing. The adjacent road separates the Hive from the land next to Malt Kiln house and proposed for 4 houses; beyond that is the boundary of the KMCA. The proposed development of the Hive would bring about an obvious alteration to its character. In relation to this effect on the CCA, there is no direct visual connection between the CCA and the site and I do not consider that there would be any effects on its character or appearance. In relation to the KMCA, its boundary is located across the road and is represented by the top of the ridge in the topography set back from the road by some distance; the land within the KMCA then fall away to the lower land containing Kirk Mill. Whilst it may be possible that views from within sections of the KMCA, particularly from the higher parts to the north, may take in part of the proposed houses here, I consider that they would be at such a distance and sufficiently fleeting so that the KMCA would not be affected.
19. The area of land behind Malt Kiln House is proposed for 4 houses and Malt Kiln House would be converted to hotel accommodation. Although all matters apart from access are reserved for future consideration for the 4 dwellings, the appellant indicates that the houses would be sited outside the KMCA which would mean that their curtilages would probably include land within it. The suggestion at this stage is that the houses would sit on the southern side of the land, to the south of the ridge which form the KMCA boundary. From my visit to the area, it seems clear that it would then be possible for the new houses to

be seen from areas within the KMCA on lower ground to the north. Whilst I accept that their appearance, design, precise siting could be such that their effects could be minimised, it seems to me that there would be some degree of imposition of these buildings on the undeveloped higher land at the margin of the KMCA. In relation to this individual aspect of the proposal, I consider that the impression of the KMCA wherein the close-knit cluster of buildings within the narrow valley bottom would be disrupted. I envisage no unacceptable effects from the conversion of Malt Kiln House.

20. With regard to the proposed new cricket ground and its proposed building, this is sufficiently low-key and distant from the CCA boundary that it would have no unacceptable effects.
21. In relation to the overall effects of the proposal as a whole on the setting of the listed buildings and on the conservation areas, I have concluded that there are numerous individual positive effects arising from the proposal. Whilst I have judges that there would be some negative effect from the proposed 4 houses, when balanced against the other factors, I consider that the scheme would have a beneficial effect and thereby it would satisfy the statutory duties in preserving the setting of the listed building and preserve and in some instances enhance the character and appearance of the conservation area; therefore, the significance of the historic assets would be conserved. Where I have identified negative effects, these are outweighed by the positive effects which include the public benefits.

***The effects of the proposal on the AONB and landscape***

22. The Framework states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in, amongst other things, AONBs, which have the highest status of protection in relation to landscape and scenic beauty. It adds at paragraph 116 that planning permission for major development in such an area should be refused except in exceptional circumstances and where it can be demonstrated that they are in the public interest. The whole area is within the Forest of Bowland AONB.
23. All aspects of the proposal and the effects that they will have on the area including its AONB designation need to be taken into account. I have already commented on the effects of the works to Kirk Mill, the main mills site and others in previous sections of this decision. For the reasons given in those sections above, I consider that the works to Kirk Mill would, on balance, represent an improvement to its character and appearance which would have a beneficial effect on the AONB and the general area. The removal of the industrial buildings on the main mills site and replacement with ones of a better design and materials, along with a greater sense of openness would again represent a considerable improvement in my judgement; this would have a positive effect on the AONB. In relation to the area of car parking and the trailhead centre, these would replace a very large and unattractive open-sided storage and warehousing building with modest buildings and landscaped car parking. I have judged these to be a considerable improvement which would also benefit the AONB.
24. The housing sites are located at the edge of the village of Chipping beyond its boundary. The cricket ground would accommodate up to 56 dwellings and the land on the opposite side of the road behind Malt Kiln House would contain up to 4 houses. The cricket ground sits adjacent to a large area of 20<sup>th</sup> Century

- housing which is outside the CCA. The development of the cricket ground would involve an obvious alteration to its character and appearance which would be seen from various points within the surrounding area; from the housing nearby as well as from the open countryside to the north and west. I have taken account of the evidence submitted by the appellant and the Council and noted the differences therein. From consideration of this and from my own observations, I agree that this would represent a negative change to the area and the AONB, which however, would reduce to a degree over time as landscaping within the site matures and softens the effects of the built form.
25. As the proposal would sit next to existing housing at the edge of the village, it would not appear in isolation and divorced from the settlement. The Council and others fear that it would lead to the coalescence of the village of Chipping with the cluster of buildings around Kirk Mill. The houses to the rear of Malt Kiln House would be sited outside the KMCA but close to the boundary. I have already concluded that, taken in isolation, this would have some negative effect on the KMCA. Whilst the proposal would not lead to an actual coalescence of the village with the Kirk Mill buildings, I accept that the degree of separation would as a matter of fact be reduced. The Council mention the alteration to the historic form of Chipping arising from this aspect of the proposal. However, in my view the historic areas, represented by the CCA would not be affected and the adjacent 20<sup>th</sup> Century housing would not be unacceptably affected in townscape/landscape terms. In the limited sense that the gap between the village and Kirk Mill would be reduced, I accept the point.
26. In relation to this issue, as with others, a balance needs to be made between the beneficial effects and the negative aspects of the scheme. It is set out in the evidence that the whole array of effects on the AONB and landscape need to be taken into account. I have assessed much of the proposal as having a positive effect in this respect and I judge these to be significantly so. The negative aspects relate to the minor effect of the 4 houses and the loss of the cricket pitch to housing. Taking account of the evidence and my own views, I judge these to be moderately adverse but would be outweighed by the significantly positive aspects of the proposal.
27. Policy DMB3 relates to recreation and tourism development and states that development will be approved which extends the range of tourism and visitor facilities, subject to: not conflicting with other policies; being well related to an existing main settlement or village or group of buildings; character, quality and visual amenity should not be undermined; traffic and transport effects should be acceptable; parking and landscaping should be satisfactorily provided; wildlife effects should be acceptable. In the AONB the policy adds that the following criteria will also apply: it should be of a high standard of design; it should not introduce built development in an area devoid of them. It adds that in the AONB, it is important that the development is not of a large scale and should contribute to the protection, conservation and enhancement of the natural beauty of the landscape. In relation to the recreation and tourism element of the proposal, I judge that the replacement and conversion of the existing buildings would represent an overall improvement in form and scale, which would be of benefit to the AONB.

**Whether the proposal conflicts with the development plan and so should any aspects of the proposal be considered as enabling development, and if so, whether it would be satisfactory in this respect**

28. Policy DS1 of the Core Strategy (CS) sets a development strategy for the Borough and states that the majority of new housing development will be concentrated in a strategic site and the main 3 settlements. It adds that in the Tier 2 Village settlements (which includes Chipping) development will need to meet proven local needs or deliver regeneration benefits. Taking account of the scale of the proposed development in relation to housing it seems to me that if the whole of the 'other settlements' are planned to provide 145 dwellings, then the provision of 60 in this one settlement can not realistically be seen as only meeting local needs. However, I do consider that it would deliver a regeneration benefit.
29. Policy DMG2 states that within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following: 1) should be essential to the local economy or social well-being of the area; 2) for forestry or agriculture; 3) is for local needs housing which meets an identified need; 4) is for small scale tourism or recreational development appropriate to a rural area; 5) is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated. Whilst there is some debate about criterion 1), my view is that the re-use of the existing buildings and those areas of the site that would be redeveloped and are also currently vacant can be considered to be essential for the local economy as their continued vacancy represents a wasted resource. I acknowledge that the scheme cannot be considered as small-scale; additionally, the housing proposed is not solely for local needs housing, although it should be accepted that some of it would be. Nevertheless, I consider that it satisfies criterion 1) and so meets the requirement of the policy.
30. Policy DMH3 relates to dwellings in the open countryside and AONB and limits residential development in those areas to: 1) essential agricultural dwellings or those which meet an identified local need; 2) conversions, subject to criteria; 3) rebuilding or replacing existing dwellings, subject to criteria. From the evidence available to me, the proposed provision of 60 dwellings would not cater for a specific local need and only a proportion of them could be said to do so in the form of affordable homes. Therefore, I judge that the proposal would conflict with Policy DMH3.
31. Paragraph 140 of the Framework states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. The Historic England (HE) publication '*Enabling development and the Conservation of Significant Places*' sets out their Policy and approach to this matter. The HE Policy states that enabling development that would secure the future of a significant place, but contravene other planning policy objectives should be unacceptable unless: a) it will not materially harm the heritage values of the place or its setting, b) it avoids detrimental fragmentation of management of the place, c) it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose, d) it is

necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid, e) sufficient subsidy is not available from any other source, f) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests, g) the public benefits of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies. The supporting text then adds that if these criteria are met, HE believes that planning permission should only be granted if (i) the impact of the development is precisely defined, normally through granting full rather than outline permission, (b) the heritage objective is secured, (c) the place is repaired to an agreed standard or funds to do so are made available as early as possible, (d) implementation is closely monitored by the local planning authority.

32. In relation to the Policy, for the reasons set out above I find that criterion a) is satisfied; criterion b) none would occur; criterion c) I have judged this to be the case; criterion d) undisputed evidence confirms this to be the case; criterion e) undisputed evidence confirms this; criterion f) the agreed viability evidence confirms this. In relation to criterion g) I have identified some conflict with policies relating to the housing sites in particular; other negative effects from individual aspects of the proposal have been weighed in balance with the positive aspects and I have concluded that acceptable and beneficial effects would arise. With particular regard to the provision of housing outside the settlement boundaries I have acknowledged conflict with the Council's policy. However, I have identified significant public benefits arising from the re-use and works to the listed building, within and around the conservation areas which would as a whole decisively outweigh the conflict arising from the proposed housing. As a consequence I consider that HE's Policy is satisfied.
33. In relation to the supporting text of the Policy, the application is a full proposal in relation to all of the items relating to the listed building and within the KMCA. The residential elements are in outline form but submissions have been included with the proposal which indicates to me that their form would be likely to be such that its effects are limited. Whilst the maximum number of dwellings is defined, the Council would have control at the reserved matters stage to ensure an acceptable appearance and form. This would also relate to the exact siting and form/design of the site for the 4 houses, including the presence of any means of enclosure. In relation to the other matters set out by HE, these are catered for. Therefore, in relation to this main issue, I conclude that the proposal includes enabling development which is justified in the circumstances of this case and which achieves the objectives set out in HE's Policy.

### **Planning Obligations**

34. A completed Undertaking has been submitted, the contents of which the Council is generally satisfied with. The obligation relating to affordable housing would ensure the provision of 20% affordable homes, which is a slightly reduced figure due to the agreed viability of the scheme. The Council have concerns that a requirement for a number of bungalows is not contained within the obligation but I consider that this could be dealt with at the reserved matters stage, if necessary. The replacement cricket facility would be ensured and available for use. The developer would be obliged to undertake an agreed

schedule of works to Kirk Mill before any dwelling could be occupied. Demolition of the buildings on the main mills complex would also be required, apart from the retained Barn. I am satisfied that these obligations are necessary and reasonable and relate in scale and nature to the proposed development. As a result, they comply with the requirements of the Framework and Regulation 122 of the CIL Regulations.

### **Planning Balance**

35. The scheme when taken as a whole has many component parts, the effects of which need to be taken into account in a balanced judgement. I have identified negative aspects of parts of the scheme, as set out in my reasoning. In general, I have found that these have been significantly outweighed by the positive aspects of the proposal, which would result in the repair, refurbishment and longer-term re-use of the listed building. The proposal would also result in the removal of buildings which I judge to have a negative effect on the surrounding area and their replacement with buildings and a form of development that is more sympathetic to its context. Where I have identified further conflict, in relation to the housing development, I have determined that this can appropriately be judged as acceptable enabling development, required to undertake other aspects of the scheme.
36. Taken as a whole, I consider that the proposal represents sustainable development and satisfies the 3 main dimensions as defined in the Framework, when taken as a whole.

### **Conditions**

#### *Sites 3 and 4 - Housing*

37. The 'hybrid' application seeks outline planning permission for the housing elements and full permission for the other matters. Therefore, in relation to land parcels 3 and 4 as notated on the submitted plans, relating to the housing sites it is necessary to include standard conditions relating to the submission of reserved matters and the commencement of development; I shall also include a condition relating to the levels of the proposed buildings. In order for certainty and I shall impose a condition limiting the maximum number of dwellings on each site. In the interests of highway safety it is necessary to ensure that the new roads are built to an agreed specification.
38. In order to comply with Policies DMG1 and DMB4 and to ensure a satisfactory residential environment a Play-space Management Plan shall be submitted to and approved by the Council. A condition requiring renewable energy sources is necessary so that the requirements of Policies EN3 and DME5 are satisfied. Due to the proximity of the land parcel 4 to the KMCA, I agree that it is necessary and reasonable to control alterations, out-buildings and the installation/construction of renewable/micro-generation, solar photo-voltaics or solar thermal equipment by the removal of permitted development rights. Due to the outline nature of the proposal, in order to ensure that the proposed houses have an acceptable appearance and effect on the surroundings a condition relating to levels is necessary.

#### *Sites 1, 2 and 5 - Full permission and All Sites*

39. In order to ensure a satisfactory appearance samples, details and specifications are required, at an appropriate scale, in relation to external surfaces, eaves,

- guttering, rain-water goods, windows/doors reveals, mortar for Kirk Mill prior to the commencement of the scheme. In the interests of the amenity of residents conditions relating to noise generation and control are necessary, as are conditions controlling the hours for deliveries and the hours of use of the various facilities. So that parking does not affect the adjacent highways and so that adequate provision is made for alternative means of transport, cycle and motorcycle parking should be provided in accordance with an agreed scheme. So that the proposed internal road is of an acceptable nature, it should be constructed to at least base course prior to any site works.
40. In order that the proposed glazed tower to Kirk Mill does not have an undue effect in the hours of darkness, a lighting specification is necessary. So that adequate protection for bats is undertaken, an updated survey in relation to the bridge access to the proposed cricket pitch is necessary. I shall include a condition which requires that the development shall be undertaken in accordance with the approved drawings so that there is certainty. Further detailed drawings are required in relation to the glazed extensions to Kirk Mill as there is some detail lacking. There is a likelihood that the sites contain archaeological remains and it is justified to include a condition that requires an agreed scheme of works. So that the sites are suitably landscaped, an agreed scheme shall be implemented in a timely fashion for each parcel of land. There are no details of facilities for the storage of recycling and refuse and these should be the subject of an agreed scheme, secured by a condition.
41. So that the development does not have an unacceptable effect in relation to highways and vehicle movements conditions are necessary in order to secure vehicle turning at an appropriate stage, surfacing and marking out of car parking areas, site access points and off-site works, provision for extension to the speed limit and a Travel Plan. An agreed Construction Management Plan is also necessary so that the construction process does not give rise to undue effects in the locality.
42. In order to comply with Key Statement EN3 and Policy DME5 of the Core Strategy a scheme to secure renewable/low carbon energy or suitable alternatives shall be agreed and implemented. So that the sites are adequately drained, schemes for foul and surface water should be approved prior to commencement. For the same reason, the development shall also be undertaken in accordance with the Flood Risk Assessment. Surface water drainage shall be based on sustainable drainage principles in order to comply with Policies DMG1 and DME6 of the Core Strategy.
43. There is a likelihood that the sites may contain contamination therefore it is necessary that this is investigated and dealt with where necessary; I have included appropriate conditions in this respect.
44. So that wildlife is adequately protected conditions relating to bird nesting opportunities, the timing of certain works outside bird nesting times, inspection for possible bat roosts, a further otter survey, a great crested newt survey, a badger survey, the removal of non-native plant species, water vole habitat survey, new habitat creation and a long term landscape and ecology management plan. A number of these relate to surveys already undertaken but due to the time since they were undertaken, new repeat surveys are justified. All retained trees, hedgerows and the brook corridor should be adequately protected during construction with an agreed scheme.



45. In the interests of wildlife, highway safety and the living conditions of neighbours, any external lighting shall be the subject of the prior agreement of the local planning authority. Details are required in relation to the repair, long-term management and maintenance of the mill pond so that this can be adequately controlled. The scheme includes a 'hydro-scheme' within the Mill and details are required so that its appearance and effects can be controlled.

*Listed Building Consent*

46. So that the approved works have an acceptable effect on the listed building conditions relating to the approval of details of walls, roofs, window and door surrounds including dressing, coursing/laying, mortar mix, pointing type, rain-water goods, eaves details and materials, opening mechanisms for doors and windows are necessary. For the same reason a condition relating to further details of the glazed extensions to Kirk Mill is required. I shall also include a condition relating to archaeology, for the same reason as set out above.
47. Conditions relating to the works to the mill pond and the 'hydro scheme' are also necessary for the reasons given previously. Full details of the works for an provision of the lift in the 19<sup>th</sup> Century stair tower are necessary in order ensure that the structure and fabric of the building is not unduly affected.
48. It is intended that the water wheel shall be made a feature within the Mill and details of the precise nature of associated works should be agreed by a condition. The precise nature and extent of the demolition of the east wing should be controlled by a condition, along with the timely re-building of the approved part of it. There are numerous items of repair included within the proposal and a condition requiring approval of full and precise details is necessary in order to suitably preserve the listed building. For the same reason full details of new wall, ceilings, dry-lining, insulation, routing of services and structural works should also be the subject of approval by a condition.
49. Although the appellant indicated at the Hearing that they were generally content with the wording of the conditions and their necessity, following the Hearing they sent comments which suggested alterations to the wording of a number of conditions in order to accommodate a phased submission/discharging of the conditions, and, as previously drafted, would have required submission for all 5 sites prior to commencement of any part of the development. I consider that, in this case, they are comments which I ought to have regard to as they could affect the logical sequence of submissions.

**Conclusion**

50. For the reasons set out above, the appeals are allowed and planning permission and listed building consent are granted.

*S T Wood*

INSPECTOR

**APPEARANCES**

FOR THE APPELLANT:

G Cannock  
R Barton  
A Thornton  
X Quayle  
I Miller  
L Lang

FOR THE LOCAL PLANNING AUTHORITY:

C Ormondroyd  
S Jones  
A Dowd  
C Taylor

INTERESTED PERSONS:

S Hore  
H McCabe

### **Schedule 1; Conditions for Planning Permission**

#### **Conditions solely relating to the Outline aspects of the permission for land parcels 3 and 4 on Dwg No 05024\_MP\_00\_105 Site Wide Planning Guide.**

- 1) No part of the development hereby permitted shall be commenced until full details of the layout, scale and appearance of the buildings and landscaping (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include plans identifying the layout, design and external appearance of the buildings; surface material finishes for the highway, footpaths, cycleways, private drives and all other hard surfaces; landscape and boundary treatments; recreation and public open space provision; existing and proposed ground levels, proposed finished floor levels and building heights. The submitted reserved matters shall accord with the Illustrative Masterplan 05024-MP-00-103 REVB with the details in relation to land parcel 3 in substantial accordance with the parameters and objectives laid out in the Design and Access Statement 03.2014 and in relation to land parcel 4 the details shall accord with the submitted Design Code dated received on 10 October 2014. The development shall be carried out in accordance with the approved details.
- 2) Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No more than 56 dwellings shall be developed on parcel 3 and 4 dwellings on parcel 4 of the application site edged red on the submitted Dwg No. 05024\_MP\_00\_105 Site Wide Planning Guide and the vehicular and pedestrian accesses to the sites shall be constructed in accordance with the details shown on the following submitted plans:
  - i) Proposed Residential Access Plot A TPMA1001 – 107.
  - ii) Proposed Residential Access Plot B TPMA1001 – 108.
- 5) The new estate roads/accesses between land parcels 3 & 4 and Fish House Lane / Church Raike shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level prior to the commencement of any development including site clearance/preparation and/or any demolition work takes place within the sites.
- 6) Prior to commencement of development a Play Space Management Plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for the play area(s) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the Play Space Management Plan shall also provide precise details of all play equipment and its maintenance and indicate a timescale when the play spaces shall be provided and made available for use. The development shall be carried out in strict accordance with the approved details and the Play Space managed in accordance with the timings and

methodology contained within the approved Management Plan.

- 7) Prior to the commencement of development a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development hereby permitted within that phase from renewable or low carbon energy sources or a scheme that demonstrates that alternative measures will achieve at least 10% less energy consumption than similar development constructed in accordance with the current Building Regulations Standards shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme/details shall be implemented as part of the development as approved and retained as operational thereafter.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, the dwellings hereby permitted shall not be altered or extended, no new windows shall be inserted, no alterations to the roof(s) shall be undertaken and no buildings or structures shall be constructed or erected on land parcel 4 as defined on Dwg No. 05024\_MP\_00\_105 Site Wide Planning Guide unless planning permission has first been granted by the Local Planning Authority.
- 9) Notwithstanding the provisions of Schedule 2 Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no renewable/micro-generation, solar photovoltaics or solar thermal equipment shall be attached to the dwellings hereby approved or erected within their curtilage or on land parcel 4 as defined on Dwg No. 05024\_MP\_00\_105 Site Wide Planning Guide unless planning permission has first been granted by the Local Planning Authority.
- 10) Prior to the commencement of the development details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby approved shall have been submitted to and approved in writing by the local planning authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

**Conditions in relation to the Full aspects of the proposal for land parcels 1, 2 and 5 on Dwg No 05024\_MP\_00\_105 Site Wide Planning Guide**

- 11) The development must be begun no later than the expiration of three years beginning with the date of this permission.
- 12) Precise specifications and samples of walling, roofing and window and door surrounds including materials and their dressing and coursing/laying shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. The development shall be undertaken in accordance with the approved details.
- 13) Prior to the commencement of the development section details at a scale of not less than 1:20 of each elevation of the buildings/alterations 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.

- 14) Precise specifications and samples of proposed mortar to be used in works to the 'Kirk Mill and its associated mill ponds, retaining walls, outflow and stone-built leat' listed building including mortar mix and pointing type (the latter to be submitted in the form of a sample panel) shall have been submitted to and approved in writing by the Local Planning Authority before its use in the proposed works. The development shall be carried out in accordance with the approved details.
- 15) Precise specifications of proposed windows and doors including cross – section drawings, glazing type, opening mechanism and surface finish shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works. Windows and doors to the Kirk Mill listed building shall be painted to a colour agreed in writing by the local planning authority within one month of their installation and retained as such in perpetuity.

- 16) No sound amplifying equipment, which would produce audible noise outside the premises, shall be installed internally or externally without details having been submitted to and agreed in writing by the Local Planning Authority.
- 17) No part or phase of the development hereby permitted shall begin until details of any fixed noise sources (including noise rating levels) have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the details so approved and thereafter retained.
- 18) Prior to commencement of development a scheme of noise control measures shall be submitted to and approved in writing by the Local Planning Authority that details how the impact of noise from the restaurant, bar and wedding venue shall be suitably controlled. The scheme of measures shall thereafter be implemented in accordance with the details so approved and retained thereafter.
- 19) No deliveries to the buildings on site shall take place outside the hours 0700 – 2300hrs.
- 20) The use of the wedding venue in accordance with this permission shall be restricted to the hours between 0800 and 0100 hours.
- 21) The use of the restaurant/bar area in accordance with this permission shall be restricted to the hours between 0630 and 2400 hours.

22) Cycle storage/parking provision/facilities shall be provided to the hotel and leisure facilities in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The provision/facilities shall thereafter be provided in accordance with the approved details and be made available for use prior to the premises hereby permitted becoming operative and retained thereafter.

23) Motorcycle parking provision shall be provided to the hotel and leisure

facilities in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The provision shall thereafter be provided in accordance with the approved details and be made available for use prior to the premises hereby permitted becoming operative and retained thereafter.

- 24) The new estate road/access between the main car park and Fish House Lane / Church Raike shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level prior to any site clearance, demolition, preparation or development takes place within the site.

- 25) Prior to commencement of development a detailed lighting specification, including luminance levels, for the glazed circulation core on the front elevation of the mill building to demonstrate how the illuminance of the glazed area will be minimised during nocturnal hours shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submitted details 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.

- 26) No works associated with the bridge to access the relocated cricket pitch shall commence until an updated protected species survey of the bridge has been carried out during the optimum period, the results of which shall inform any Natural England European Protected Species licence application required. The findings and details of the updated survey and any licence application shall be submitted to the Local Planning Authority.

### **Conditions in relation to the whole of the proposal**

- 27) 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:

(MP) Site Plans

Site Edged Red, Location Plan 05024\_MP\_00\_000

Existing Survey of Site 05024\_MP\_00\_101

Parameters Plan 05024\_MP\_00\_102 REVA

Indicative Masterplan 05024\_MP\_00\_103 REVB

Block Plan and Proposed Landscaping 05024\_MP\_00\_104REVB

Site Wide Planning Guide 05024\_MP\_00\_105

Demolition of Buildings 05024\_MP\_01\_000

(B1) The Mill Plans

Location Plan 05024\_B1\_00\_100

Demolition Plan – Ground Floor 05024\_B1\_01\_000  
Demolition Plan – First Floor 05024\_B1\_01\_001  
Demolition Plan – Second Floor 05024\_B1\_01\_002  
Demolition Plan – Third Floor 05024\_B1\_01\_003  
Demolition – Existing Elevations 1, 2 & 3 05024\_B1\_01\_100  
Demolition – Existing Elevations 4, 5 & 6 05024\_B1\_01\_101  
Existing Ground Floor Plan 05024\_B1\_02\_000 REVA  
Existing First Floor Plan 05024\_B1\_02\_001  
Existing Second Floor Plan 05024\_B1\_02\_002  
Existing Third Floor Plan 05024\_B1\_02\_003  
Proposed Ground Floor Plan 05024\_B1\_02\_004 REVB  
Proposed First Floor Plan 05024\_B1\_02\_005 REVB  
Proposed Second Floor Plan 05024\_B1\_02\_006 REVB  
Proposed Roof Plan 05024\_B1\_02\_008 REVB  
Existing Elevations 1, 2 & 3 05024\_B1\_04\_000  
Existing Elevations 4, 5 & 6 05024\_B1\_04\_001  
Proposed Elevations 1, 2 & 3 05024\_B1\_04\_002 REVB  
Proposed Elevations 4 – 7 05024\_B1\_04\_003 REVB  
Proposed Elevations 8 - 10 05024\_B1\_04\_004 REVB  
Existing Sections AA & BB 05024\_B1\_05\_000  
Proposed Sections AA & BB 05024\_B1\_05\_001 REVB  
Section BB 05024\_B1\_05\_002

(B2) The Barn

Location Plan 05024\_B2\_00\_100  
Ground Floor Demolition Plan 05024\_B2\_01\_000  
First Floor Demolition Plan 05024\_B2\_01\_001  
Barn Cottages Demolition Elevations 1-4 05024\_B2\_01\_010  
Barn Demolition Elevations 5-7 05024\_B2\_01\_011  
Existing Ground Floor Plan 05024\_B2\_02\_000  
Existing First Floor Plan 05024\_B2\_02\_001  
Proposed Barn Conversion Ground Floor Plan 05024\_B2\_02\_002 REVA  
Proposed Barn Conversion First Floor 05024\_B2\_02\_003 REVA  
Proposed Barn Conversion Roof Plan 05024\_B2\_02\_004  
Barn Cottages Existing Elevations 1-4 05024\_B2\_04\_000  
Barn Existing Elevations 5-7 05024\_B2\_04\_001

Barn Proposed Elevations 1-4 05024\_B2\_04\_002 REVB  
Barn Proposed Elevations 5-9 05024\_B2\_04\_003 REVC  
Existing Sections AA, BB & CC 05024\_B2\_05\_000  
Proposed Sections AA, BB & CC 05024\_B2\_05\_001 REVA

(B3) Hotel/Spa Plans

Location Plan 05024\_B3\_00\_100  
Proposed Ground Floor Plan 05024\_B3\_02\_000 REVA  
Proposed First Floor Plan 05024\_B3\_02\_001 REVA  
Proposed Second Floor Plan 05024\_B3\_02\_002 REVA  
Proposed Roof Plan 05024\_B3\_02\_003 REVA  
Proposed Elevations 1, 2 & 3 05024\_B3\_04\_000 REVB  
Proposed Elevations 4 & 5 05024\_B3\_04\_001 REVC  
Proposed Sections AA & BB 05024\_B3\_05\_001 REVA

(B4) Trailhead Plans

Location Plan 05024\_B4\_00\_100  
Proposed Ground Floor Plan 05024\_B4\_02\_000 REVA  
Proposed Roof Plan 05024\_B4\_02\_001 REVA  
Proposed Elevations 1-7 05024\_B4\_04\_000 REVB  
Proposed Sections AA 05024\_B4\_05\_001 REVA

(B5) Wedding Venue Plans

Location Plan 05024\_B5\_00\_100  
Proposed Ground Floor Plan 05024\_B5\_02\_000 REVA  
Proposed First Floor Plan 05024\_B5\_02\_001 REVA  
Proposed Roof Floor Plan 05024\_B5\_02\_002 REVA  
Proposed Elevations 1 & 2 05024\_B5\_04\_000 REVB  
Proposed Elevations 3 & 4 05024\_B5\_04\_001 REVB  
Proposed Sections AA & BB 05024\_B5\_05\_000 REVA

(B6) Cricket Pavilion

Location Plan 05024\_B6\_00\_100 REVA  
Proposed Ground Floor Plan 05024\_B6\_02\_000  
Proposed Roof Floor Plan 05024\_B6\_02\_001  
Proposed Elevations 1 – 4 05024\_B6\_04\_000 REVA



(B7) Kids' Club

Location Plan 05024\_B7\_00\_100

Proposed Ground Floor Plan 05024\_B7\_02\_000 REVA

Proposed Roof Plan 05024\_B7\_02\_001

Proposed Elevations 1 - 2 05024\_B7\_04\_000 REVA

Proposed Elevations 3 - 4 05024\_B7\_04\_001 REVA

Proposed Sections AA & BB 05024\_B7\_05\_000

(B8) Mechanical Plant Building

Location Plan 05024 B8\_00\_100

Ground Floor and Roof Plans 05024 B8\_02\_000

Elevations 1-4 5 05024 B8\_04\_000 REVA

Highways/Access Plans

Proposed Kirk Mill Access TPMA1001 - 201

Proposed Residential Access Plot A TPMA1001 - 107

Proposed Residential Access Plot B TPMA1001 - 108

Proposed Hotel/Trail Head Access Road TPMA1001 - 106 REVB

Cricket Pitch Existing Access Bridge 12-155 - B1 REVB

Proposed Cricket Club Access TPMA1001 - 109 REVB

- 28) Notwithstanding the submitted details, prior to the commencement of development of land parcel 1 (as defined on Dwg No 05024\_MP\_00\_105), details of the west and north facing elevations of the glazed lean-to located on the west elevation of the existing Mill building and an east facing elevation of the Mill building showing the 'glazed bay' and its projection above the Mill buildings roof/eaves level shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

- 29) No development shall take place on a land parcel (as defined on Dwg No 05024\_MP\_00\_105) until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work for that parcel in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

- 30) No development shall take place on a land parcel as defined on Dwg No. 05024\_MP\_00\_105 Site Wide Planning Guide until full details of both hard and soft landscaping works relating to such part or phase have been submitted to and approved by the LPA in writing. For the avoidance of doubt the submitted details shall include:

- i) planting details (including species, numbers, planting distances/densities and plant sizes);
- ii) within the planting details - express identification of all supplementary and compensatory planting of native trees and hedgerows which shall be over a greater area than any trees or hedges to be lost (as a minimum of ratio of 3:1);
- iii) surfacing including full details of the colour, form and texture of all hard landscaping (ground surfacing materials);
- iv) street furniture;
- v) signage;
- vi) boundary treatments;
- vii) a programme for the implementation of the landscaping works including all boundary treatments.

The development shall be implemented in accordance with the approved details.

- 31) All landscaping schemes approved for each phase of development shall be fully implemented in the first complete planting and seeding season following the occupation of the dwellings, or non-residential uses within that phase or the completion of the phase to which they relate, whichever is the sooner. Any grassed areas, trees or plants (for the avoidance of doubt, this includes retained trees and grassed areas) which, within a period of five years from completion of the relevant development phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season. Replacement trees and plants shall be of a similar size and species to those lost, unless otherwise agreed in writing by the Local Planning Authority.

- 32) Prior to the commencement of development of a land parcel (as defined on Dwg No 05024\_MP\_00\_105) plans and particulars showing the provision to be made for the storage and disposal of refuse and recycling receptacles for that land parcel, 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.

- 33) 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 plans and the vehicular turning spaces shall be laid out and be available for use before the development is brought into use and retained thereafter.

- 34) The car parks shall be surfaced or paved in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plans, before the use of the premises hereby permitted becomes operative. These features shall thereafter be retained in the approved form.

- 35) No part of the development hereby approved shall commence until a scheme for the construction of the site access points for that land parcel

(as defined on Dwg No 05024\_MP\_00\_105) to all elements of the application and the off-site works, including timings and delivery of highway improvement(s) have been submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 36) No part of the development hereby approved on land parcels 1 and 2 (as defined on Dwg No 05024\_MP\_00\_105) shall be occupied or opened for trading until the approved scheme referred to in Condition 35 has been constructed and completed in accordance with the scheme details unless agreed otherwise in writing by the Local Planning Authority.
- 37) Prior to the commencement of any development an order shall be placed for staff costs, the advertising and implementation of traffic regulation orders for an extension of the speed limit on Fish House Lane and Longridge Road, to the satisfaction of the Local Planning Authority.
- 38) Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Business Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.
- 39) Prior to the commencement of any development on a land parcel (as defined on Dwg No 05024\_MP\_00\_105), including demolition, site clearance or preparation works associated with this permission shall commence on any land parcel as identified on Dwg No. 05024\_MP\_00\_105 Site Wide Planning Guide until a Construction Method Statement/Management Plan for that land parcel has been submitted to and approved in writing by the Local Planning Authority. The approved Statement/Management Plan shall be adhered to throughout the construction period and the submitted details shall indicate details of:
  - i) The location of parking provision for vehicles of site operatives and visitors
  - ii) The location for the loading and unloading of plant and materials
  - iii) The location for the storage of plant and materials used in constructing the development
  - iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) The location of wheel washing facilities
  - vi) Measures to control noise and the emission of dust and dirt during construction identifying suitable mitigation measures including measures to prevent pollution of habitats adjacent to development areas
  - vii) Routes to be used by vehicles carrying plant and materials to and from the site
  - viii) Details of hours of working including delivery times for construction materials;
  - ix) Measures to ensure that construction and delivery vehicles do not impede upon access to existing properties

- x) Programme and timings of the road-sweeping of the adjacent highways network
- xi) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- xii) a scheme for recycling/disposing of waste resulting from construction works (there shall be no burning on site);
- xiii) details of lighting to be used during the construction period which should be directional and screened wherever possible;
- xiv) Pollution prevention measures to be adopted throughout the construction process to ensure watercourse and waterbodies on and adjacent to the works are adequately protected; and
- xv) Contact details of the site manager.

40) Before development of a land parcel (as defined on Dwg No 05024\_MP\_00\_105) begins a scheme (including a timetable for implementation) ) to secure at least 10% of the energy supply of the development hereby permitted within that phase from renewable or low carbon energy sources or a scheme that demonstrates that alternative measures will achieve at least 10% less energy consumption than similar development constructed in accordance with the current Building Regulations Standards shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme/details shall be implemented as part of the development/as approved and retained as operational thereafter.

41) Notwithstanding any indication on the approved plans, no development approved by this permission shall commence on a land parcel (as defined on Dwg No 05024\_MP\_00\_105) until a scheme for the disposal of foul and surface waters for the parcel has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

42) The development permitted by this planning permission shall only be carried out in accordance with the approved FRA (v1.1, dated October 2013) and the following mitigation measures detailed within the FRA:

- i) Limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- ii) Implementation of all mitigation measures set out in Sections 4 and 7 of the FRA (v1.1, dated October 2013).

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.

43) No development shall take place until a surface water drainage scheme for

a land parcel (as defined on Dwg No 05024\_MP\_00\_105), based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy for that land parcel should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme for that land parcel shall subsequently be implemented in accordance with the approved details before the development is completed.

- 44) No parcel of development (as defined on Dwg No 05024\_MP\_00\_105) approved by this planning permission (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:
- i) 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; potentially unacceptable risks arising from contamination at the site.
  - ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - iii) The results of the site investigation and detailed risk assessment referred to in (ii) 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.
  - iv) 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 (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
  - v) Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
- 45) No occupation 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.
- 46) 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.

- 47) No development shall take place on a parcel of land (as defined on Dwg No 05024\_MP\_00\_105) until details of the provisions to be made for bird nesting opportunities to be installed within the re-developed buildings and new buildings on that land parcel have been submitted to and approved in writing by the Local Planning Authority. The details shall include provision of appropriate nesting opportunities for House Sparrow, Song Thrush, Jackdaw and Swift. The development shall be carried out in accordance with the approved details which shall be implemented and be made available prior to the development hereby approved being brought into use.
- 48) No tree felling, vegetation clearance works, demolition work, development works, works affecting stone walls or riverside masonry or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected and these have been submitted to and approved in writing by the Local Planning Authority.
- 49) Prior to commencement of works a further precautionary inspection/assessment of trees to be affected for their suitability to support roosting bats shall be carried out by a suitably qualified person. Should any trees have developed features suitable for roosting bats impacts on these should be avoided where possible. Should impacts be unavoidable then the protocol detailed in table 8.4 (protocol for inspection of trees) of the recognised Bat Conservation Trust guidelines (Bat Surveys: Good Practice Guidelines, 2nd edition, 2012) shall be followed and advice sought from an appropriately qualified ecologist regarding the need for a Natural England licence.
- 50) Immediately prior to commencement of works a further precautionary survey of the site and adjacent suitable habitat for evidence of Otter shall be carried out by an appropriately qualified person. If the survey reveals evidence of Otter then advice should be sought regarding the need for a Natural England licence.
- 51) No land parcel part of the development (as defined on Dwg No 05024\_MP\_00\_105) shall be commenced until a non-native species removal and disposal method statement for that parcel has been submitted and agreed in writing the Local Planning Authority. The details of which shall include a methodology and timings for the eradication and removal from the site of Himalayan Balsam. The development shall be carried out in strict accordance with the approved details.
- 52) No development on a parcel of land (as defined on Dwg No 05024\_MP\_00\_105) shall take place until a great crested newt survey has been carried out during the optimum period March/April/May/June inclusive for pond/terrestrial/egg and larvae - July/August for Habitat and larvae - September for Habitat and November/December - for Hibernating

newts. The findings of the survey should include details of Habitat Suitability Index [HSI] Assessment, Presence/Absence details, population size and mitigation/translocation details.

- 53) Prior to the commencement of works for a parcel of land (as defined on Dwg No 05024\_MP\_00\_105) there shall be a repeat survey for evidence of badgers on the site and extended to include suitable habitat within 30m of the site boundaries. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to Ribble Valley Borough Council for approval. Any necessary and approved measures for the protection of badgers will be implemented in full within an agreed timetable.
- 54) If works are to be carried out within 5m of the bank tops of suitable Water Vole habitat, a further precautionary survey for evidence of water voles shall be carried out immediately prior to commencement of works. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority. Any identified necessary and approved measures for the protection of water voles shall thereafter be implemented in full.
- 55) No site clearance, site preparation or development work shall take place on a land parcel (as defined on Dwg No 05024\_MP\_00\_105) until a fully detailed habitat creation/landscaping plan for that land parcel has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate adequate planting to compensate for losses and will demonstrate maintenance, enhancement, protection and adequate buffering of retained and established habitats. The species mixes for replacement habitat and habitat along site boundaries and the river corridor shall comprise native species/habitats appropriate to the locality only. The approved plan shall be implemented in full.
- 56) No site clearance, site preparation or development work shall take place on a parcel of land (as defined on Dwg No 05024\_MP\_00\_105) until a Long Term Landscape and Ecological Management Plan for that parcel, to include long term design objectives post completion management responsibilities and maintenance schedules for the Mill Pond and all landscaped/habitat areas (other than privately-owned domestic gardens) including any areas of public open space such as grasslands, hedges, trees and any sustainable drainage features has been submitted to and approved in writing by the Local Planning Authority. The Long Term Landscape and Ecological Management Plan shall include (but not be limited to):
  - i) detailed plans outlining the management and maintenance regimes and responsibilities to be adopted for the mill pond;
  - ii) monitoring of the establishment of all landscape planting and habitat planting;
  - iii) aftercare of all landscape planting and habitat enhancement in accordance with conservation and biodiversity objectives;
  - iv) monitoring and treatment of invasive species;
  - v) monitoring of condition of and maintenance of footpaths to encourage use and avoid the creation of informal footpaths that may damage other habitats;

- vi) monitoring and maintenance of bat and bird boxes;
  - vii) maintenance of SUDS (where applicable); and
  - viii) appropriate timings of management works to ensure avoidance of bird nesting seasons etc.
  - ix) management of the woodland area to be used for "informal foraging" (parcel 5) and other areas to be used as for access/public open space (such as area south east of parcel 1)
  - x) details of the level of proposed access/usage, measures to control recreation pressures (such as access points, zoning access/no go areas and monitoring visitor numbers)
  - xi) full assessment of likely impacts, and measures to offset impacts and enhance the areas for biodiversity.
- 57) All trees, hedgerows and the brook corridor being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. BS5837: 2012 Trees in relation to design, demolition and construction- Recommendations) the details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.
- 58) No external lighting associated with the development shall be installed without prior written approval from the Local Planning Authority. Any lighting scheme shall demonstrate that (1) external sources of lighting shall be effectively screened from the view of a driver on the adjoining public highway (2) there would be no lighting of/light spill onto suitable bat roosting features (including trees with bat roost potential) or hedgerows, ponds or chipping brook (3) that dark unlit bat commuting/foraging corridors will be retained through the site and to the wider area including to/from features with bat roost potential and (4) that bird nesting opportunities would not receive excessive light spill. The principles of relevant guidance shall be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009). Lighting shall be installed as approved only.
- 59) No part of the development hereby approved with respect to land parcels 1 and 2 (as defined on Dwg No 05024\_MP\_00\_105) shall commence until a scheme for the repair, long-term management and maintenance of the mill pond, including associated works and timings, has 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 and agreed timings/methodology.
- 60) No part of the development shall commence until details of the 'Hydro Scheme' (as referred to in page 139 of the Design & Access Statement hereby approved) has 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.



## **Schedule 2; Conditions for Listed Building Consent**

- 1) The works must begin no later than the expiration of three years beginning with the date of this consent.
- 2) Precise specifications and samples of walling, roofing and window and door surrounds including materials and their dressing and coursing/laying shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.
- 3) Precise specifications and samples of proposed mortar to be used in works to the 'Kirk Mill and its associated mill ponds, retaining walls, outflow and stone-built leat' listed building including mortar mix and pointing type (the latter to be submitted in the form of a sample panel) shall have been submitted to and approved in writing by the Local Planning Authority before its use in the proposed works.
- 4) Precise specifications of proposed windows and doors including cross – section drawings, glazing type, opening mechanism and surface finish shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works. Windows and doors to the 'Kirk Mill and its associated mill ponds, retaining walls, outflow and stone-built leat' listed building shall be painted within one month of their installation and retained as such in perpetuity.
- 5) Notwithstanding the submitted details, prior to the commencement of development, details of the west and north facing elevations of the glazed lean-to located on the west elevation of the existing mill building and an east facing elevation of the Mill Building showing the 'glazed bay' and its projection above the Mill Buildings roof/reaves level shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
- 6) No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
- 7) No part of the development hereby approved shall commence until a scheme for the repair, long-term management and maintenance of the mill pond, including associated works and timings, has 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 and agreed timings/methodology.
- 8) No part of the development shall commence until details of the 'Hydro Scheme' (as referred to in page 139 of the Design & Access Statement hereby approved) has 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.
- 9) Precise specification and samples of the proposed rain-water goods including eaves detail and materials shall have been submitted to and approved in writing by the Local planning Authority before their use in the proposed works

- 10) Precise specifications of the proposed installation of the lift in the listed building's early 19<sup>th</sup> Century stair tower (including impact on historic fabric, below ground excavation, a structural engineer's method statement for installation, design and materials) shall have been submitted to and approved in writing by the Local Planning Authority before its use in the proposed works.
- 11) Precise specifications of any works to the listed building's water wheel and its housing (including the removal of historic fabric to provide views of the water wheel) shall have been submitted to and approved in writing by the Local Planning Authority before implementation of this element of the proposal.
- 12) Precise specifications of the proposed dismantling of the listed building's east extension (including a structural engineer's method statement) shall have been submitted to and approved in writing by the Local planning Authority before the implementation of this element of the proposal. The construction of the proposed new east extension exterior walls and roof shall have been completed within six months of the commencement of the dismantling of the existing extension.
- 13) Precise specifications including drawings, materials, method statements of proposed repair works affecting the character of the listed building shall have been submitted to and approved in writing by the Local planning authority before their implementation and the commencement of any works on the site.
- 14) Precise specifications of the impact on historic fabric of the proposed Kirk Mill interior works including new walls and ceilings, dry-lining, insulation, routing of services and structural works (the latter to be accompanied by a structural engineers method statement and justification) shall have been submitted to and approved in writing by the Local Planning Authority before the implementation of this element of the proposals.

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## Appeal Decision

Site visit made on 7 April 2016

**by Matthew Birkinshaw BA(Hons) Msc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3<sup>rd</sup> May 2016**

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**Appeal Ref: APP/T2350/D/16/3145529**

**Hetton House, Eastham Street, Clitheroe, Lancashire, BB7 2HY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Miller against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2015/0978, dated 25 November 2015, was refused by notice dated 2 February 2016.
  - The development proposed is the demolition of single storey rear wing and garage to create room for a new two storey extension and attached garage with annex above.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of single storey rear wing and garage to create room for a new two storey extension and attached garage with annex above at Hetton House, Eastham Street, Clitheroe, Lancashire, BB7 2HY in accordance with the terms of the application, Ref 3/2015/0978, dated 25 November 2015, subject to the following conditions:
    - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
    - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Red Line Location Plan, drawing no.100 and drawing no. 200.
    - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
    - 4) The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Hetton House.
    - 5) The first floor window in the south-east elevation of the annex hereby permitted shall be fitted with obscure glazing (which shall have an obscurity rating of no less than 4 on the Pilkington glass obscurity rating or equivalent scale) and shall be non-opening, unless those parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.
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## **Procedural Matter**

2. I have referred to the appellant's as they appear on the appeal form, and not 'Mr and Mrs Hetton' which was included on the planning application in error.

## **Main Issue**

3. The main issue is the effect of the proposal on the living conditions of the occupants of Shoon House, having particular regard to outlook, daylight and sunlight.

## **Reasons**

4. The appeal relates to a detached house on Eastham Street. At the rear is a substantial garage measuring roughly 4.9m high which is currently joined to Hetton House by an interconnecting single-storey utility room. As part of the proposal both would be demolished to make way for a 2-storey rear extension and replacement garage with annex above.
5. The first floor extension would project roughly 3.2m beyond the rear elevation of the host property at 2-storey level, with matching eaves and a hipped roof. The new garage would extend almost a further 5.8m and measure nearly 5.3m to its ridge. In total, and accounting for the staircase to the annex, the scheme would project approximately 9.9m from the rear elevation.
6. However, because Hetton House is detached and sits within a reasonably generous plot the 2-storey rear extension would be set-back from the shared boundary by over 2.7m. On the other side Shoon House is also set away from the boundary, leading to a gap of approximately 4m between the properties. Due to this separation, combined with the size of the 2-storey extension, this aspect of the scheme would not give rise to an overbearing or dominating form of development from the adjacent house or garden.
7. Attached to the extension would be the reconstructed garage. This would sit almost immediately up against the boundary and would add to the overall bulk and mass of development. Nevertheless, it would only be approximately 0.4m higher than the existing outbuilding. Unlike at present the ridge of the new garage would also run perpendicular to the rear of the house, rather than having its gable-end adjacent to the neighbouring garden. This would ensure that the main bulk of the roof would be set back from the boundary. For these reasons, and when also taking into account that Shoon House is a detached property within a relatively generous plot, I am not persuaded that the cumulative effect of the additional development would be unduly dominant, or cause a material loss of daylight to the rear elevation.
8. Situated broadly south of Shoon House additional development could have the potential to cause some overshadowing. However, the ridge of the garage would be set away from the shared boundary by some 2.7m. Moreover, the sun would be at its highest point in the sky as it passed above the outbuilding, and considering the size of the neighbouring plot not all of the garden would be affected. The submitted plans also illustrate that the appeal property is already positioned to the south-west. Any overshadowing in the late afternoon/early evening would therefore be primarily attributed to the existing property, and not the rear extensions. As such, I find no convincing evidence or analysis to demonstrate that the proposal would cause a harmful loss of sunlight to the adjacent house or garden.

9. It is also pertinent to consider that a 2-storey rear extension and reconstructed garage were approved in 2006 along with a garden room which has been built (Ref 3/2006/0654). Compared to the appeal scheme the previously approved 2-storey extension would have been larger, with a similarly-sized garage. Despite this, the Council concluded that the first floor extension would cause a minimal loss of light as the neighbouring property is situated over 4m away, and that the garage would have a minimal impact due to the limited height difference. Whilst the scheme was approved almost 10 years ago, there is nothing to indicate that there have been any material changes in the relationship between the two properties.
10. Based on the evidence provided I therefore conclude that the size, scale, and cumulative mass of the additional development proposed would not adversely affect the living conditions of the occupants of Shoon House in terms of their outlook, or available daylight and sunlight. In this regard there is no conflict with Policy DMG1 of the *Ribble Valley Borough Council Core Strategy* which states that development must consider the relationship between buildings and not adversely affect amenity. By meeting the requirements of Policy DMG1 in relation to amenity the proposal also accords with Core Strategy Policy DMH5.

#### *Other Matters*

11. Although not listed as a reason for refusal the Planning Officer's Report states that the bulk, form and scale of the scheme would result in the overdevelopment of the original dwelling to the detriment of its character. However, the Officer's report also confirms that the 2-storey element would be set back from the rear elevation and down from the ridge, with the garage even lower. This leads to a conclusion that the proposal would allow for "*an easy understanding of what is original and what is extension*".
12. In the absence of any further analysis I find no reasons to suggest that the extensions would be out of proportion or overwhelm the host property, which is a large detached house set in a generous plot. The proposal would also be predominantly screened from public views along Eastham Street and replaces an existing large connected garage.

#### **Conclusions and Conditions**

13. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.
14. Aside from the standard time limit condition it is necessary to list the plans to ensure that scheme is carried out as approved. In the interests of the character and appearance of the host property it is also necessary to ensure the use of matching materials.
15. The Highways Authority has proposed two conditions restricting use of the annex on grounds that the creation of a standalone residential property would create sub-standard parking provision and/or outdoor living space. Whilst in agreement with the reasoning, I have reworded the condition to specify that the annex remains ancillary to the use of Hetton House. On this basis there is no need to include separate conditions, or refer to extended family units.
16. Given that the proposed annex would create usable space at first floor level, and due to its relationship with properties to the south-east it is also necessary to ensure that only obscure glazing is used in the gable-end to prevent any

harmful overlooking of neighbouring gardens. In the interests of precision I have adopted the Council's proposed wording, which includes reference to the level of obscurity, and restricts windows opening unless they are over 1.7m above floor level.

17. Finally, whilst a 'standard' condition is proposed for bats, no details have been provided to justify why this is necessary or to suggest what it should entail. In the absence of any further evidence this does meet the relevant tests for conditions set out in the National Planning Policy Framework.

*Matthew Birkinshaw*

INSPECTOR