

<u>INDEX OF APPLICATIONS BEING CONSIDERED</u>						
<u>MEETING DATE: 2 AUGUST 2018</u>						
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A	APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:					
					NONE	
B	APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR APPROVAL:					
	<u>3/2018/0274/P</u>	1		RM	AC	Land at Barrow Brook Enterprise Park, Barrow
	<u>3/2018/0348/P</u>	22		UV	AC	Thurstons Farm Myerscough Road, Balderstone
	<u>3/2018/0372/P</u>	29		JM	AC	Land off Edisford Road Clitheroe
	<u>3/2018/0394/P</u>	40		JM	AC	Unit 9 Barrow Brook Trade Park, Barrow
	<u>3/2018/0396/P</u>	46		RM	AC	Holden Clough Nursery Bolton by Bowland
	<u>3/2018/0435/P</u>	61		AB	AC	32 Hall Street Clitheroe
	<u>3/2018/0441/P</u>	73		TB	AC	57 Ribchester Road Wilpshire
	<u>3/2018/0487/P</u>	77		RM	AC	Land rear of De Tabley Mews Ribchester
C	APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL:					
	<u>3/2018/0530/P</u>	85		AD	R	Stables rear of King Street Whalley
	<u>3/2018/0537/P</u>	98		SK	R	Wiswell Brook Farm Moorside Lane, Wiswell
D	APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED					
	<u>3/2018/0008/P</u>	107		JM	DEFER	30 Peel Park Avenue Clitheroe
E	APPLICATIONS IN 'OTHER' CATEGORIES:					
					NONE	

LEGEND

AC Approved Conditionally
R Refused
M/A Minded to Approve

AB Adam Birkett
AD Adrian Dowd
HM Harriet McCartney
JM John Macholc

RB Rebecca Bowers
RM Robert Major
SK Stephen Kilmartin
UV Urban Vision

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 5 AUGUST 2018
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF COMMUNITY SERVICES

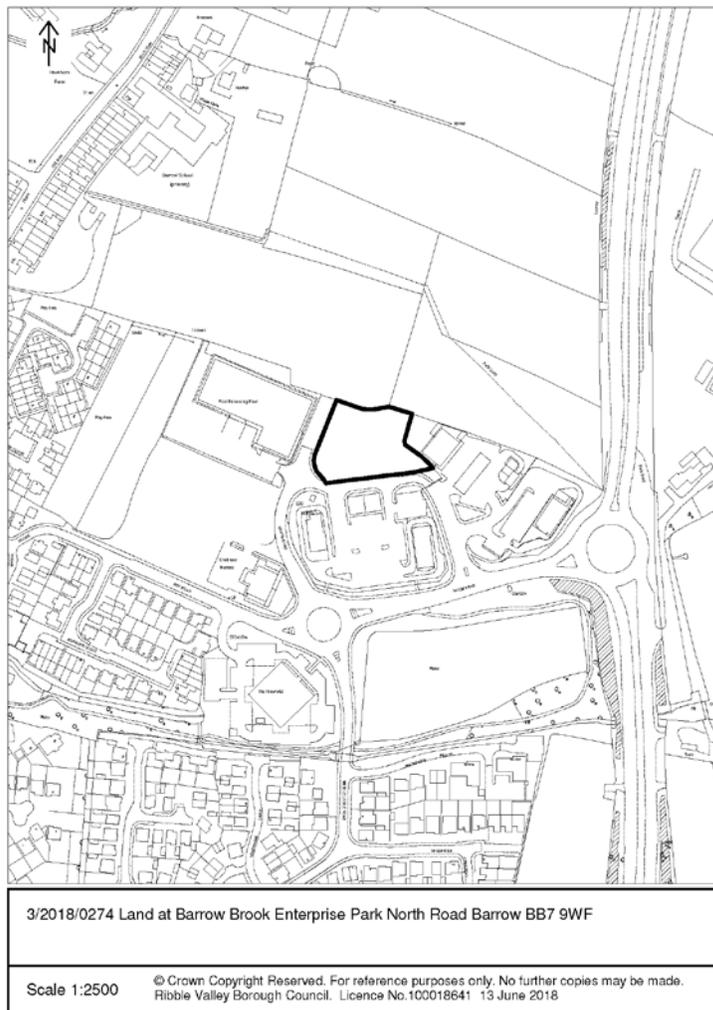
PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION REF: 3/2018/0274

GRID REF: SD 374016 438307

DEVELOPMENT DESCRIPTION:

ERECTION OF 1380 SQ M, TWO-STOREY RETAIL UNIT FOR THE SALE OF LARGE FURNITURE ITEMS, ASSOCIATED INTERIOR FIXTURES AND FITTINGS AND ANCILLARY TEA ROOM ON LAND AT BARROW BROOK ENTERPRISE PARK, BARROW



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Barrow Parish Council recognises that the site is located within an area designated for commercial or light industrial use and there is an extant consent for a children's nursery. The Parish Council welcomes the employment opportunities that the new development will bring to the village and does not object to the principle of the development. However the following concerns are raised:

- Highway safety issues in relation to access, movement around the car park and additional traffic;
- The one way system at the adjacent Euro-Garages development has never been implemented and this needs addressing;
- Poor access for public transport and increase in demand for parking in and around the site;
- HGVs using the adjacent sites park at the proposed access to the site;
- Delivery times should be detailed;
- Parking restrictions are not enforced;
- Opening hours and disruption;
- The drainage report is out of date and has not taken account of recent neighbouring developments;
- Surface water should not discharge to the main surface water system or the beck at the rear of the site;
- Ecology report is out of date;
- Impact of lighting;
- Impact of signage;
- Dimensions of building are unclear – the building should be no higher than Total Foods;
- Litter;
- Details of CCTV should be provided in accordance with new GDPR regulations;
- The conclusions of the Retail Assessment in relation to the impacts of the proposal on the town centre are subjective;

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

Initially objected to the application on the grounds that the proposal would not provide sufficient levels of parking provision for the proposed use as an A1 retail unit.

The applicant provided a Technical Note in response to the Highway Officer's objection and discussions have taken place between the applicant's Highway Consultant and LCC Highways. As a result of these discussions the Highway Officer has raised no objection subject to the use class being restricted for the sale of furniture and home accessories, as well as various other highway related conditions detailed later in this report.

LEAD LOCAL FLOOD AUTHORITY:

No objection subject to conditions

UNITED UTILITIES:

No objection subject to conditions

ADDITIONAL REPRESENTATIONS:

In addition to the comments made by the Parish Council, a further 52 objections have been received and the points raised in these objections are summarised below:

- Impact on vitality and viability of the town centre, including taking away trade and footfall, impacting on the potential market development, loss of jobs and result in out of town retail park;
- The site is identified as an “important employment land resource” in the Core Strategy and retail use of the land is not referred to;
- Approval would set a dangerous precedent for future retail development on land to north;
- The Retail Assessment works off estimates – the impact of the proposal on the town centre could be much greater;
- The unit should be located within the proposed market scheme or YMCA Store on Station Road;
- The site has consent for a nursery;
- The Retail Assessment shows the town centre is healthy and this proposal would compromise that;
- The application seeks an “unrestricted Class A1” use;
- The proposal will not attract visitors to Clitheroe;
- This is not a “modest” sized unit as described within the application;
- There is a covenant on the land preventing retail use;
- RVBC restricted the use of the adjacent food units to prevent retail on this site;
- The unit will not be limited to bulky-goods;
- The Retail Assessment comments that turnover for the store will be £4.1m from the study area and this would result in significantly greater impact on Clitheroe Town Centre than the £1.4m cited in the assessment;
- Impact from lighting;
- Anti-social behaviour from youths;
- Too many food outlets whilst there is an obesity crisis - the borough needs more office space and high tech industries;
- Highway concerns including noise from HGV and delivery vehicles, additional traffic, lack of parking and increase in pollution from vehicles;
- Newspapers report that Council Officers have been working with the developer for over a year;
- Out of keeping with residential character the area;

In addition to the above, a letter of concern has been received from the neighbouring land owner (Maple Grove Developments Ltd) on the grounds that the proposal has the potential to prevent access to the land to the north of the development site, thus prevented the Council from delivering its remaining employment land resource. The neighbouring land owner has commented that the sole means of vehicular access to the future employment land to the north is via the extension of the adopted highway of North Road to the west of the application site, between Total Foodservice Solutions Ltd and the application site. LCC Highways require that a 7.5m carriageway with 2m footways either side (11.5m total) be provided for access to this land to the north.

This neighbouring land owner is therefore requesting that independent confirmation is provided to demonstrate that a future highway designed to necessary LCC adoption specification to serve the land to the north can be provided, and that any planning approval include a condition which requires the applicant to enter into a Section 278 agreement to provide a 2m wide footpath

along the western boundary of the site. Alternatively the neighbouring land owner has suggested that the Council and the applicant enter into a planning obligation to safeguard the access to this adjacent site.

1. Site Description and Surrounding Area

- 1.1 The application relates to a vacant rectangular shaped plot of land measuring 0.25 hectares within the Barrow Brook Business Village, located on the north eastern periphery of Barrow and to the west of the A59. The application site is within both the existing and Draft Settlement Boundary of Barrow and is designated as an employment area within the Ribble Valley Core Strategy Map.
- 1.2 The site is currently undeveloped and is situated to the north of the four existing food units and to the west of the existing McDonalds Restaurant and Petrol Filling Station, all of which are accessed off the A59. To the west of the site is the industrial unit occupied by Total Food Service Solutions Ltd and to the south west of the application site is a plot of land which is currently being development for mixed use. To the north are open fields with both the application site, and these fields to the north, identified as future employment land within the Core Strategy evidence base document (Employment Land Study – May 2013) – hence the site and land to the north being designated as employment land in the Core Strategy Map.
- 1.3 To the south, beyond the food units, runs the highway of Holm Road and on the opposite side of this is Barrow Lodge and the Printworks Office. Further beyond the Lodge and Printworks are residential dwellings, with the nearest being 1 Hey Road, some 115m to the south west of the application site.
- 1.4 Vehicular access to the site can currently be obtained either side of the plot, via the access road that serves the adjacent food units and Petrol Station, or via North Road which serves the industrial unit of Total Food Service Solutions Ltd.
- 1.5 In 2014 planning permission was granted to erect a self-storage warehouse (measuring approx. 5,400sqm), with office space (3/2014/0179), on this site and adjacent land, however this permission was never implemented. More recently an application to erect a children's nursery on the application site was granted in 2017 (3/2016/1206) and this permission remains extant.

2. Proposed Development for which consent is sought

- 2.1 The application seeks full planning permission for the erection of a retail unit (A1) for the sale of large furniture items, associated interior fixtures and fittings, along with an ancillary tea room (A3 use class).
- 2.2 The proposed unit would be sited close to the northern boundary of the site with its main front elevation facing south towards the adjacent food unit. Vehicular access to the site would be obtained via the un-adopted road to the south which serves the adjacent food units with car parking provided to the south and west of the proposed unit. In total 46 car parking spaces are shown on the proposed plan, of which four would be accessible spaces. To the east of the car park the application proposes a 5no. cycle stand.
- 2.3 The proposed unit would be two storey in height with flat roof design, although when viewed from the front (south) would have a gentle sloping roof above the entrance

section. The building would measure 42.6m wide at its longest point and 15.45m deep, however at the rear the building includes a further two storey section measuring 24m in length and projecting 5.8m out beyond the main rear elevation of the building. The proposed unit would have a modern design, consisting of a large glass frontage with metal clad walls and roof.

- 2.4 With regard to use, as mentioned above the proposed unit would be two storey in height and have a gross internal area of 1,380 sqm. The proposed retail store will be occupied by Oswaldtwistle Mills under the trading name 'Love Furniture Stores' and a café would also be provided within. A total of 1,006 sqm be retail space dedicated to the sale of large furniture, associated interior fixture and fittings across the ground and first floor, with the first floor café occupying between 120 – 140 sqm. The café will be accessed through the retail unit and will not have an independent access. At the request of the environmental Health Officer the applicant has provided detailed plans of the first floor café showing 54 covers. At ground floor level the application includes an area (approx. 140sqm) for deliveries/warehouse use, along with toilets and a staff area. The unit would have both stair and lift access between floors. Externally the submitted application includes a detailed landscaping scheme.

3. **Relevant Planning History**

3/2014/0179 - Construction of B8 self storage unit with B1 office accommodation, associated car parking and landscaping – approved subject to conditions

3/2016/1206 - Proposed children's nursery with associated car parking and landscaping – approved with conditions

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement EC1 – Business and Employment Development

Key Statement EC2 – Development of Retail, Shops and Community Facilities and Services

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME1 – Protecting Trees and Woodlands

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME6 – Water Management

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMR3 – Retail Outside the Main Settlements

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

- 5.1.1 The application site lies within both the existing and proposed settlement boundary of Barrow, as well as being physically linked to the existing built up area comprising both residential and commercial uses on the Barrow Business Village. The site is also located directly adjacent to the recently built retail/food units of KFC, Subway, Greggs and Starbucks, as well as the more established McDonalds and a Petrol Filling Station/Retail Shop (Co-op) and these uses respond principally to the passing A59 traffic and the immediate locality. In 2016 planning permission was granted for the erection of a children's nursery on this site, and whilst this consent is remains extant, it has never been implemented.
- 5.1.2 The site itself was allocated as an employment site in the adopted Local Plan and is regarded as a key part of the future employment land resource of the Borough. The site is identified as "*land off Hey Road, Barrow Brook Business Village, and Barrow*" in the Core Strategy evidence base document (Employment Land Study - May 2013). Within this document (para 6.27) the site is described as a "*flagship*" employment site with regional/sub-regional significance in relation to B1 – B8 uses. Further within the document it is referred to as a site "*...of scale, location and setting capable of being broad business park developments competing for investment in the region/sub-regional marketplace. These are prime sites for marketing to a cross section of users – including new inward investments into the Borough. They can also meet the needs of image conscious, aspirational companies already in the area. They may be B1, B2 or B8 in nature.*"
- 5.1.3 Core Strategy Key Statement EC1 (Business and Employment Development) is relevant in the consideration of this application and takes into account the above mentioned evidence base. It stresses that in strategic terms the Barrow Enterprise Site, of which this site forms part of, is a preferred location towards which future employment development in the Borough will be directed. Additionally, Policy DMB1 (Supporting Business Growth and the Local Economy) states that "*Proposals that are intended to support business growth and the local economy will be supported in principle.*" The local policies are consistent with national policy contained within the National Planning Policy Framework (NPPF). In summary, this site is considered to be of strategic importance as a potential employment site and whilst the evidence base points towards B1, B2 and B8 being the preferred uses, this does not prevent the exploration of other/ancillary uses on the site.
- 5.1.4 As detailed above, whilst the evidence base highlights B1 – B8 uses on the Barrow Brook Business Village as a whole, this application specifically relates to a smaller section of the Business Village (approx. 0.25 hectares) and the adjacent land is used for roadside services. It is considered that the land take from the potential B1 – B8 uses is not significant, with the development proposed having a relationship and attraction to the wider commercial development of the Business Village. Additionally, it is considered that the proposed use will generate similar (if not greater) employment levels than would be expected of B1 – B8 uses on a site this size. The applicant has stated that the proposed use would employ 10 full-time staff and 12 part-time staff (equating to a total of 16 full

time workers), and in comparison the previously approved application for B1 – B8 use (3/2104/0179), which covered a significantly larger site area and proposed a significant larger footprint of development, would have created 30 jobs. As such, in pro-rata/floorspace terms the potential employment levels for the proposed development are considered to be substantially greater than would be expected from a B1 - B8 use.

- 5.1.5 In respect of retail policies, Key Statement DS1 of the Ribble Valley Core Strategy sets out that new retail and leisure development will be directed towards the centres of Clitheroe, Longridge and Whalley. Key Statement EC2 takes a similar approach by promoting the national policy principle of town centre first for retail.
- 5.1.6 Policy DMR1 of the Ribble Valley Core Strategy identifies that Clitheroe is the only part of the borough considered to be suitable and capable of accommodating major retail development, before stating that retail development outside the main shopping centre of Clitheroe will be considered on a sequential basis, with proposals for more than 1,000sqm requiring a retail impact assessment.
- 5.1.7 In respect of national policy, national guidance within the NPPF is relevant. Annex 2 of the NPPF confirms that retail development is a main town centre uses and Paragraph 24 of the NPPF states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”

Sequential Test

- 5.1.8 In view of the above, as the proposal seeks 1,380sqm of floorspace, the application is accompanied a sequential test analysis and a Retail Impact Assessment. The general aim of a sequential test is to establish whether there are any available and suitable units or sites within the principal settlement of Clitheroe, which could viably be utilised for the proposed development.
- 5.1.9 The submitted sequential test therefore identifies a catchment area which broadly encompasses the area of Ribble Valley within a 10-minute drive of the application site, and thus includes the service centres of Clitheroe and Whalley. The sequential test details how in order to meet the requirements of the applicant any potential/alternative sites must be able to accommodate a 2-storey retail unit with a Gross Internal Area (GIA) of 1,322 sq.m, alongside dedicated car parking spaces, access, servicing areas and associated hard and soft landscaping.

5.1.10 In view of the above, the submitted sequential test identified and considered five potential alternative sites for the proposed development:

- Standen Strategic Location;
- The Clitheroe Market Site;
- Vacant units within Clitheroe Town Centre;
- The unit adjacent to Booths – currently occupied by YMCA;
- Pendle Mill Showrooms, Pendle Road

5.1.11 With regard to the Standen Site, at the present stage there are no detailed plans of the proposed retail element and thus it is unclear whether there would be any suitable premises to accommodate the proposal. Furthermore, the retail section of the Standen Site will be fundamentally used to provide local retail services and thus a unit as large as the one proposed by this application for the sale of furniture would not meet this local need and would “take-up” a significant portion of the retail element for the Standen Site. As such this site is not considered to be suitable nor available.

5.1.12 Within the town centre there are no units of a size that would be able to accommodate the proposal (excluding the YMCA building discussed in more detail below). As such whilst there are some available units within the town centre, none of them are suitable to accommodate the proposal.

5.1.13 In respect of the two larger available buildings within the settlement boundary of Clitheroe, the YMCA building next to Booths is being marketed for 600sqm of retail space and is therefore not of sufficient size (less than half the required floorspace for the applicant). Furthermore, this unit does not provide parking or acceptable servicing arrangements. Whilst the Pendle Mill Showrooms on Pendle Road is considered to be large enough for the proposal, it does not have the required car parking spaces and there is no marketing evidence which suggests that the site is currently available.

5.1.14 A number of objectors have referred to the Clitheroe Market Scheme, commenting that this would be a more suitable location for the proposed unit. The Clitheroe Market Site has been included within the sequential test, however this scheme is at a relatively early stage in the process with no finalised plans or planning application submitted. The public consultation boards show a range of small to medium sized units (up to 400sqm) and it is considered that the scheme is not intended to accommodate one large retail unit such as the proposed. In view of this the sequential test concludes that the Clitheroe Market Site cannot be considered to be sequentially preferable as the final design/scheme has not been decided it is therefore currently unclear as to whether this would provide a retail unit suitable to accommodate the proposal.

5.1.15 The submitted sequential test therefore concludes that there are no sequentially preferable development sites for this proposed development within or on the edge of Clitheroe Town Centre, or within the settlement boundary of Clitheroe. The submitted sequential test has been independently reviewed by “Litchfields Planning and Development Consultancy” on the request of the LPA, who have confirmed that there are no sequentially preferable sites which are suitable and available. Litchfields therefore conclude that the sequential approach test is in

their opinion satisfied. Additionally, the Council's Head of Regeneration and Housing raises no objection or issue with the submitted sequential test.

Retail Impact Assessment

- 5.1.16 In addition to the sequential test the application is accompanied by a "Health check" of Clitheroe Town Centre and a retail impact assessment, as required by local planning polices in respect of retail development of more than 1,000sqm. The Health check considers a number of issues, including vacancy rates, pedestrian footfall and accessibility, diversity of uses and environmental quality & crime rates. The Health check concludes that vacancy rates in Clitheroe Town Centre are considerably lower than national averages, environmental quality to be high and the diversity of uses provides good choice for customers.
- 5.1.17 With regard to comparison goods, the submission states that whilst there is a lack of national multiple retailers, there is a strong local market for independent businesses which provides a unique element to Clitheroe's attraction as a retail destination. In view of the above the report states that the town centre is currently performing well before concluding that the proposal will have a limited impact on the above issues considered as part of the Health check.. In reviewing the submission Litchfields have commented that there is no reason to believe that Clitheroe Town Centre is performing contrary to the applicant's assessment/conclusion.
- 5.1.18 The submitted retail impact assessment is a lengthy document which assessed the impact the proposed development would have upon existing, committed and planned public and private investment in nearby centres within the catchment area of the proposal, as well as the impact on the town centre itself.
- 5.1.19 In respect of existing, committed and planned investment, the submission considers that the proposal will have no material adverse impact on the Clitheroe Market Redevelopment in the Town Centre as the proposal seeks for a modest furniture store approximately 4km away, and therefore it will not affect operator demand or investor confidence in the market scheme. Furthermore, it is considered that units selling bulky goods, such as those proposed by this development, are not typically located in prime town centre locations such as the market site.
- 5.1.20 In respect of Whalley, there are not considered to be any existing, committed or planned investments in Whalley Town Centre that could be threatened by the proposal. As such it is considered that the proposal would not undermine existing or future investment in either Clitheroe or Whalley Town Centre and this is a view concurred by Litchfields during their review of the submission.
- 5.1.21 The assessment also sets out the range of goods expected to be sold from the proposed retail unit and the majority fall under the "bulky goods" category, however other items that would be for sale such as art and pictures, home accessories and lighting are considered to be ancillary to the sale of furniture goods and thus are typically sold from furniture stores such as this. The issue of goods for sale is considered later in this report.

- 5.1.22 When considering retail assessments the NPPF sets out that assessments should be on “a like-for-like basis in respect of that particular sector”. For example it is not appropriate to compare the impact of an out of centre DIY store with small scale town centre stores as they would normally not compete directly. With this in mind it is considered that the proposed retail unit will primarily divert trade away from other existing furniture retailers. When evaluating the submitted retail assessment Litchfields did accept that the proposal will likely divert some trade away from nearby furniture retailers within Clitheroe, and also some outside of the borough, as well as some national suppliers in Blackburn.
- 5.1.23 In order to assess the impact of the proposed development, the submitted Retail Assessment has adopted a sales density of £3,700 / sq. m which results in an estimated comparison goods turnover of £3.7 million in 2018 and £4.1 million in 2023 – this figure of £3,700 / sq. m is taken from the average sales densities for furniture retailers and Litchfields have confirmed that this figure and calculation is reasonable.
- 5.1.24 As detailed above, when calculating the impact the assessment forecasts that in 2023 turnover for the proposed unit will be £4.1m with 90% (£3.7m) of this drawn from residents within the study area and 10% (£0.4m) to be drawn from residents outside of the study area. The calculation and estimated projections show that without the proposed development comparison retail trade in Clitheroe Town Centre would be £83m in 2023, and £81.6m with the proposed development. As such the figures provided within the retail assessment estimate that in 2023 the proposed unit (if approved) would take £1.4m (or 1.7%) trade from comparison retailers in the town centre.
- 5.1.25 The applicant states that the figures that they have provided are a “worst-case” scenario and in carrying out a review of the assessment Litchfields agree that the actual impact of the proposal on the town centre will likely be lower than estimated by the applicant because they consider that more trade will be taken from furniture retailers out of town centres than predicted by the applicant’s own assessment.
- 5.1.26 Nevertheless, the estimated impact level of 1.7% is considered to be very low and this coupled with the good health of the town centre and projected future expenditure growth (as a result of the increase in population in Clitheroe) it is considered that the proposal will not have a significantly adverse impact upon existing centres both within and outside the borough. Planning case law demonstrates that in order to refuse an application a scheme must have a “significant adverse impact” and neither the applicant’s retail assessment or the independent review undertaken on behalf of the Council consider this to be the case. In summary of the above, it is considered that the submitted retail impact assessment has demonstrated that the proposal would not have an adverse impact on Clitheroe or Whalley Town Centre and this is a view supported by the Council’s independent reviewer of the submission (Litchfields) and the Head of Regeneration and Housing. As such it is considered that there is no sustainable reason to refuse the application on these grounds.

Proposed use and restrictive condition

- 5.1.27 As detailed above the application seeks consent for a 1380 sqm A1 retail store, with an ancillary café/tea room (A3 use class). The submission details how the unit will be occupied by a company selling furniture/bulky goods and ancillary home accessories, and as a result the submission states that the application seeks an unrestricted Class A1 unit.
- 5.1.28 The LPA raised serious concerns in respect of an unrestricted A1 retail use, as this would allow any retailer to trade from the proposed store and the submitted Retail Impact Assessment has assessed the proposal as a bulky goods/furniture store with ancillary home accessories being sold, and therefore not considered the potential trade impact/effects of other types of retailers (eg. selling food or clothes) with a higher sales density. It is the LPA's opinion that an unrestricted A1 retail unit would have a much greater impact on defined centres than that detailed within the submitted retail assessment.
- 5.1.29 In view of the above the LPA informed the applicant that if they were minded to support the application a condition restricting the use of the unit to a furniture/bulky goods store, with the sale of ancillary home accessories such as art, picture frames lights etc... would be attached.
- 5.1.30 The applicant's retail advisors (WYG) have been in discussion with the LPA and proposed a condition which allowed 100% of the unit to be used for the sale of furniture, home furnishings and home accessories, and up to 15% for the sale of any other retail goods. The LPA remain concerned with this approach as it would allow up to 200sqm of the proposed unit to be used for the sale of any retail goods (clothes, food etc...) and any such companies that want to operate a 200sqm retail/clothes shop should be locating this in the town centre where there are available units, not in an out of town location such as this. Furthermore, the Highway Officer has commented that in order to overcome their initial concerns the use of the proposed unit should be restricted to furniture and home accessories only as required by the LPA.
- 5.1.31 In view of the above the LPA have attached a condition which restricts the use of the unit for the sale of the following broad categories of goods: "carpets, floor coverings, furniture, home furnishings and household and homeware items including art and pictures, home accessories, pictures and picture frames and lighting."
- 5.1.32 In respect of the café/tea room, this would be ancillary to the main retail use of the building and thus a condition has been attached which allows up to 15% of the proposed unit to be used a café/tea room (A3 use).
Summary
- 5.1.33 In view of all of the above, it is considered that the principle of a restricted A1 retail unit is acceptable in this location, and this is a view supported by the Council's Planning Policy and Regeneration Department.

5.2 Visual Impact:

- 5.2.1 The application site lies on the western side of the A59 within the setting of Pendle Hill, which forms part of the Forest of Bowland Area of Outstanding Natural Beauty (AONB), to the east of the A59. The AONB is nationally

designated protected landscape and is also a designated heritage asset and therefore whilst the principle of the development is considered to be acceptable, the visual impact of the development must also be fully considered.

- 5.2.2 Key Statement EN2 of the Core Strategy states “As a principle the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, features and building materials” and Policy DMG1 requires development to be of a high standard of design and be sympathetic to existing and proposed land uses in terms of size, intensity and nature.
- 5.2.3 The proposed development seeks to provide a relatively large retail unit (1380sqm in floorspace), measuring 8.4m to the highest point which is similar in height to a two storey dwelling. The proposed unit would be larger than adjacent single storey fast food units and petrol station to the south and west, but would be smaller/lower than Total Food Service Solutions to the west which measures 11.9m to the ridge. Furthermore, consent was granted for an industrial building measuring 11.5m high to the ridge on this site in 2014 and land beyond this site is earmarked for commercial/industrial use and therefore it is expected that larger buildings than proposed by this application will be erected in this locality.
- 5.2.4 With regard to design the unit would have a modern and contemporary appearance, with a predominantly flat roof design and glazed frontage. The sides and rear of the unit, along with the roof, would be finished in metal cladding with concealed internal downpipes. The proposed unit would be in keeping with the modern design of the adjacent food units and thus is considered to be acceptable in terms of design and appearance.
- 5.2.5 Externally the application includes a landscape plan showing the existing trees to be retained, new tree planting, areas of grass and new wildflower mix to be installed to the side and rear of the unit. Predominantly the area to the front of the unit would be hardsurfaced for used for the parking of vehicles.
- 5.2.6 It is considered that the design of the proposed unit, and the layout of the site, including the associated landscaping works, are in keeping with the commercial character of this section of the Barrow Brook Business Park and thus the design/appearance is considered to be acceptable.

5.3 Impact upon Residential Amenity:

Visual Amenity

- 5.3.1 As mentioned above, the proposed unit would measure 8.4m in height which is similar to a standard two storey dwelling. The nearest residential dwelling to the edge of the application site would be the property at 1 Hey Road, located approximately 115m to the south west, and this property does not directly face the application site. The nearest dwellings that directly face the application site are the houses on Waterside Reach, some 195m to the south on the opposite side of Barrow Lodge. At such distances it is not considered that the proposed unit would have any negative impact by way of overshadowing, loss of outlook or daylight, and in addition to there are intervening buildings between the application site and these dwellings.

5.3.2 The application is accompanied by an Outdoor Lighting Report which shows the positioning of external lighting columns within the car parking area and details levels of light spillage. This report shows that lighting spillage will be limited to car parking area and immediate surroundings and therefore with the above mentioned separation distances to the nearest residential dwellings it is not considered that the car park lights would have any undue impact upon residential amenity. Additionally there is the existing car park serving the adjacent food units directly to the south between the proposed development site and the nearest dwellings. The submitted light report does not appear to include details of any external lighting on the building and hence a condition has been attached requiring details of the external lighting that is to be installed on the building must first be submitted for the written approval of the LPA prior to installation (if there are going to be any lights on the building).

Noise and Disturbance.

5.3.3 The application seeks consent for the unit to open 09:30 – 20:00 Monday to Friday, 09:30 – 18:00 on Saturday and 10:00 – 16:00 on Sunday. There are no restrictive conditions that prevent the adjacent food units, the Petrol Station or the Total Food Services Solutions from operating 24 hours a day, and thus the proposed hours are considered to be acceptable.

5.3.4 With regard to deliveries, some of the adjacent units have delivery times restricted whereas others have no restriction. The adjacent fast food units approved in 2016 have a condition which restricts deliveries to the following hours: 06:00 – 20:00 Monday to Friday, 07:30 – 18:00 Saturday and 09:30 – 17:00 Sunday and Bank Holidays, and as these are the closest units to the proposed development the same condition has been added to this application.

5.3.5 In respect of noise nuisance from the proposed development, it is not considered that a retail unit would create significant noise levels, particular given the proposed hours of opening and the distance from neighbouring residential properties. The application does allow for the provision of an A3 café/tea room within the unit, however the application includes no details of an extraction equipment (siting, design and specification details). As such a condition has been attached which requires details of any extraction system or external plant machinery to be installed on the building must first be submitted for the written approval of the LPA.

5.3.6 In view of the above, it is considered that the proposed development would share an acceptable relationship with surrounding land uses and residents, subject to compliance with the recommended conditions.

5.4 Highway Safety and Accessibility

5.4.1 The application site would be accessed via a single access point which can be accessed via either Holm Road or North Road, with a one way system only on Holm Road. Within the site itself a total of 46 car parking spaces would be provided for staff and customers. The application has also been accompanied by a Transport Assessment.

5.4.2 The County Highway Officer initially raised concerns in respect of the proposed parking provision for an unrestricted A1 retail unit, however as detailed earlier in this report the applicant seeks consent for a A1 unit selling furniture (bulky goods) and associated ancillary goods, and the Highway Officer is satisfied with the parking provision provided that the aforementioned condition restricting the use of the unit is attached to the recommendation.

5.4.3 Other conditions recommended by the Highway Officer include the provision of cycle and motorcycle facilities, the laying out of the car park before the unit is brought into use, wheel washing facilities, construction management plan and the provision of four electrical charging points.

5.5 Landscape/Ecology:

5.5.1 The application is accompanied by a detailed Ecological Survey which has been reviewed by the Council's Countryside Officer and no objection to the application is raised. The Countryside Officer has however requested that a condition be added requiring the development to be carried out in accordance with the "Mitigation Measures and Ecological Enhancements" outlined with Section 6 of the submitted Ecological Report.

5.5.2 Other conditions attached to the recommendation include the implementation of all landscaped areas within 12 months of the unit being brought into use, the provision of bat/bird boxes (likely to be positioned in trees) and all retained trees to be protected with fencing during the construction phase.

5.6 Other issues:

5.6.1 In respect of drainage, the application is accompanied by a Flood risk Assessment and both United Utilities and Local Lead Flood Agency (LLFA) have raised no objection this application subject to conditions.

5.6.2 With regard to the concerns raised by the neighbouring land owner and the future access to the designated employment site to the north, this issue has been discussed with the LCC Highway Officer. The Highway Officer has verbally confirmed that for any future access road to be adopted, LCC require a 7.5m wide road with 2m wide footways either side. As such an 11.5m section of land is required for an adoptable highway to be created to the north west of the development site.

5.6.3 From the information provided it would appear that this neighbouring land owner does not own the required 11.5m and thus in order to provide the future access to the width stipulated by LCC Highways a section of applicant's land will likely be required. Members should however be aware that the Council does not have records of land ownership/boundary details and thus the exact location of the boundary line is a private matter between the applicant and the neighbouring land owner.

5.6.4 Whilst the above issue is a private matter between the applicant and the neighbouring land owner, the Council do have an interest in that the land to the north is designated as a future employment site and thus the Council are keen to ensure that a suitable solution is found. The LPA have therefore engaged in

discussions with the applicant who has amended the plans to set the boundary of the proposed development in from their submitted ownership boundary in order to retain an 11.5m wide strip of land to the north west.

5.6.5 The neighbouring land owner has requested that the LPA go further than this and add a condition which requires the applicant to provide a 2m wide footway along the north western boundary. The LPA do not consider this to be a reasonable request as such a footway is not required for this development as proposed. The neighbouring land owner has also requested the Council enter into a legal agreement with the applicant to ensure that the proposal would not prejudice the development of the adjacent site, and which requires the applicant to make this land available at market value. This has been discussed with the Council's Legal Officer and Head of Regeneration and Housing, and it is the Council's collective view that a legal agreement is not required and this could be secured by a suitably worded condition.

5.6.6 As such a condition has been added to the recommendation which requires the north western boundary of the proposed development to be marked/pegged out prior to the commencement of any development so that the LPA can measure the distances to ensure that an 11.5m wide gap is provided for any future access to the potential employment site to the north. This however does not alter the fact that an arrangement/agreement will still need to be reached between the applicant and the adjoining land owner, but it will ensure that a sufficiently wide section of land is retained should such any such agreement be reached.

6. **Conclusion**

6.1 For the reasons outlined above the principle of the proposed development is considered to be acceptable in this location and the proposal would share an acceptable relationship with surrounding land uses. The design of the building is considered to be appropriate in this area and the application is recommended for approval accordingly.

RECOMMENDATION: That the application be APPROVED subject to the following conditions:

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

REASON: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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:

Location Plan (scale 1:1250)
17.65 PL01 Rev D (amended plan received 31/05/18)
17.65 PL02 Rev A
17.65 PL03 Rev A
17.65 PL04 Rev A
17.65 PL05 Rev A
17.65 PL10 Rev C (amended plan received 13/07/18)

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

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking or re-enacting that Order, subject to the exceptions below, the Class A1 (retail) floorspace hereby approved shall only be used for the sale of the following broad categories of goods: carpets, floor coverings, furniture, home furnishings and household and homeware items including art and pictures, home accessories, pictures and picture frames and lighting; and up to 15% of the net sales area floorspace of the retail unit hereby approved is permitted to be used as a café/restaurant (Class A3).

REASON: To ensure that the unit is used in accordance with the use specified within the submitted Retail Impact Assessment as other retail uses may not be considered acceptable in accordance with Policies DS2, DMG1 and DMR3 of the Ribble Valley Core Strategy.

4. Prior to the commencement of development on site, the north west boundary of the proposed development site shall be clearly pegged/marked out for the inspection of the Local Planning Authority in order to ensure that a 11.5m wide access strip is provided to the north west of the development site, as shown on the approved plans.

REASON: For the avoidance of doubt, to ensure that the development is carried out in accordance with the submitted plans and to ensure that future access to the neighbouring site is protected.

Materials and details

5. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, samples or full details of all materials to be used on the external surfaces of the building hereby approved shall have been submitted to and approved in writing by the Local Planning Authority prior to their use on site. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Key Statement EN2, and Policies DMG1 and DMH3 of the Ribble Valley Core Strategy.

6. Prior to the first use or occupation of the unit hereby permitted, full details/specifications of any plant machinery, including the extraction system, refrigeration units, air conditioning units (including details of their position, appearance, noise levels and model numbers used) shall have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in complete accordance with the approved details prior to the unit being brought into use and used whenever odours are being produced, and all filters/equipment should be retained as agreed thereafter and maintained to ensure optimum operation.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

7. Within three months of the commencement of development, details of the construction and design of any external refuse recycling/bin stores shall be submitted to and

approved in writing by the Local Planning Authority. The duly approved facilities shall be made available for use before the unit hereby approved is first brought into use and retained thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interest of visual amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

8. Notwithstanding the requirements of condition 2 of this approval, within three months of development first taking place, full details of the siting, height, design, materials and finish to be used in the construction of all boundary treatments to the site shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before the unit hereby approved is first brought into use and shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of visual amenity in accordance with the requirements of Core Strategy Key Statement EN/2 and Policy DMG1, and the National Planning Policy Framework.

Amenity

9. The unit hereby approved shall only be open for trade or business between the following hours:

09:30 - 20:00 Monday to Friday inclusive,
09:30 – 18:00 on Saturday; and
10:00 – 16:00 on Sunday and Bank Holidays.

REASON: In order to prevent nuisance arising in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

10. There shall be no deliveries or collections to/from the unit hereby approved except between the following hours:

06:00 – 20:00 Monday to Friday inclusive;
07:30 – 18:00 Saturday; and
09:30 – 17:00 Sunday and Bank Holidays.

REASON: In order to protect the residential amenities of the occupiers of the nearby properties and to comply with Policy DMG1 of the Ribble Valley Core Strategy.

11. Notwithstanding the requirements of condition 2 of this approval, no external lighting shall be installed on the building without the prior written approval of the Local Planning Authority. Details of any such lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Only the duly approved lighting shall be installed on the building hereby approved.

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

Highways

12. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan (17.65 PL10 Rev B - amended plan received 05/07/18) before the use of the premises hereby permitted becomes operative.

REASON: To allow for the effective use of the parking areas in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

13. Within three months of commencement of development a scheme for the provision of both cycling and motorcycling facilities on site shall have been submitted for the written approval of the Local Planning Authority and the duly approved cycling and motorcycling facilities shall be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

REASON: To allow for the effective use of the parking areas in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

14. Unless otherwise agreed in writing by the Local Planning Authority, for the duration of the construction works, no building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and between 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.

REASON: In order to protect the amenities of existing residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

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

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

16. Prior to work commencing on site a Construction Management Plan (CMP) shall be submitted for the written approval of the Local planning Authority. The CMP should detail how deliveries during construction will be managed and where workers on the site will park during construction.

REASON: To minimise the impact of construction on existing residents in the vicinity of the site in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

17. A minimum of 4 car parking spaces shall have the facility of an electrical supply suitable for charging an electric motor vehicle.

REASON: In order to promote sustainable transport as a travel option and reduce thereby carbon emissions in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

Ecology/trees

18. The development hereby approved shall be carried out in complete accordance with the “Mitigation Measures and Ecological Enhancements” as detailed/recommended within Section 6 of the submitted Ecological Appraisal titled “*Barrow Brook Business Village, Clitheroe – March 2018*”.

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

19. Unless otherwise agreed in writing with the Local Planning Authority, no development shall take place until all existing trees and hedges shown to be retained on approved drawing 17.65 PL10 Rev B (amended plan received 05/07/18), have been enclosed with temporary protective fencing in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

REASON: To protect trees of landscape and visual amenity value on or adjacent to the site or those likely to be affected by the proposed development in accordance with Key Statement DME2 and Policies DMG1 and DME1 of the Ribble Valley Core Strategy.

20. No works above ground level on the construction of the unit hereby approved shall take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes / artificial bat roosting sites have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall identify the nature and type of the nesting boxes/artificial roosting sites and the locations(s) on either the building or nearby trees into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into the building or placed within nearby trees during the construction stage of the development and made available for use before the unit hereby approved is first brought into use and thereafter retained. The development shall be carried out in strict accordance with the approved details.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development in accordance with Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

21. The proposed landscaping scheme as shown on approved drawing 17.65 PL10 Rev B (amended plan received 05/07/18) shall be planted within 12 months of the unit hereby approved being first brought into use or such other period as shall be agreed in writing by the Local Planning Authority. Any parts of this vegetation removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by vegetation of similar size and species to those originally required to be planted.

REASON: In order to achieve a satisfactory level of landscaping in the interests of visual amenity in accordance with the requirements of Key Statement EN2 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

Drainage

22. The site shall be drained via separate systems for the disposal of foul and surface water.

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

23. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local planning Authority, no surface water shall discharge into the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy DME6 of the Ribble Valley Core Strategy, and national guidance contained within the NPPF and NPPG.

24. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + an appropriate allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
- b) The drainage scheme should demonstrate that the surface water run-off rate must not exceed 5l/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation, including phasing where applicable;
- e) Site investigation and test results to confirm infiltrations rates. If infiltration is shown to be a viable option for the disposal of surface water, then this should then be used as the primary method for disposing of surface water from the site. Disposal via a surface water body will only be considered where infiltration is proved to be unsuitable;
- f) Details of water quality controls, where applicable.

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

REASON: To ensure that the proposed development can be adequately drained and to ensure there is no flood risk on or off the site resulting from the proposed development, and to ensure water quality is not detrimentally impacted in accordance with Policy DME6 of the Ribble Valley Core Strategy.

25. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies in accordance with Policy DME6 of the Ribble Valley Core Strategy.

26. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

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

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system in accordance with Policy DME6 of the Ribble Valley Core Strategy.

Informatives:

1. This consent does not give approval to a connection being made to the County Council's highway drainage system.

BACKGROUND PAPERS

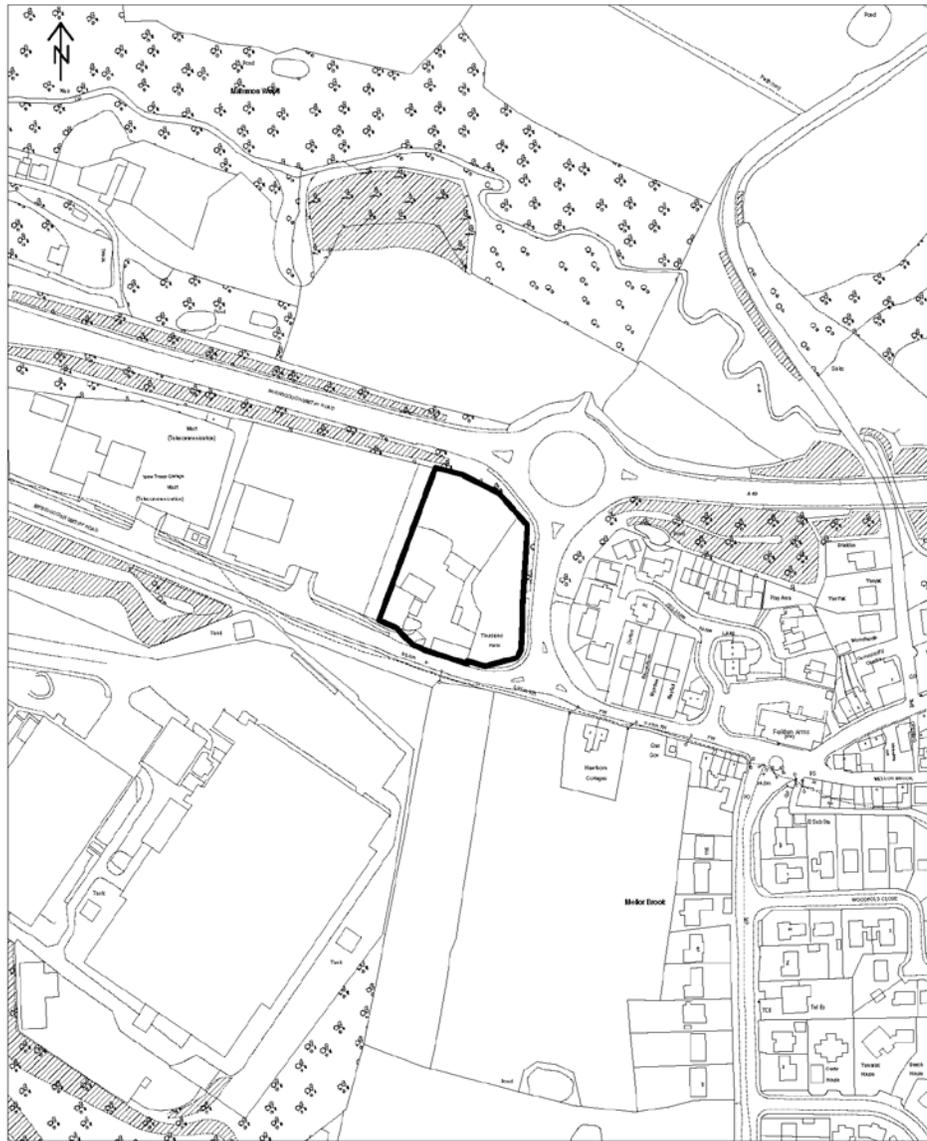
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0274

APPLICATION REF: 3/2018/0348

GRID REF: 363854 431292

DEVELOPMENT DESCRIPTION:

THE PROPOSED VARIATION OF CONDITION 2 FROM PLANNING PERMISSION 3/2008/0603 TO ALLOW PLANT MAINTENANCE AND STORAGE (MACHINERY AND PARTS) BY A THIRD PARTY AT THURSTONS FARM, MYERSCOUGH ROAD



3/2018/0348 Thurston's Farm Myerscough Road Balderstone BB2 7LB

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

LCC HIGHWAYS:

The application is for the variation of condition 2 of a previous permission (2008/0603) which granted planning permission to a named person. On the understanding that the nature of the business will remain the same, I would raise no objection to the proposal on highway grounds.

ADDITIONAL REPRESENTATIONS:

Three additional representations have been received from members of the public and the grounds for objection are included below:

- The applicant originally planned to store and maintain his own 2 tractors, 2 trailers, 1 mower and 1 forklift on the site. This is significantly different from what is now requested which is the storage and maintenance of the plant, HGVs and other equipment belonging to third parties.
- This will detrimentally affect the local residents at Feildens Farm Lane who will be expected to tolerate more noise, pollution and vehicular traffic.
- We were under the impression that all the plant equipment in that area belonged to Monks Contractors Limited (next door) However we are now fully aware that there are three separate Plant Hire/HGV businesses operating from the Thurston Farm site which is totally unacceptable. Those businesses being:
 - Mellor Plant Limited;
 - Stuart Taylor; and
 - Thurston Forge and Plant Limited.
- If that application now presented (3/2018/0362) is supposed to cover the three HGV operators licences working from the site it is totally misleading and it certainly does not provide a true reflection of the presently un-authorized/ proposed workings from the site.
- The application does not state that it is retrospective.
- The Third Party restriction was placed on the Thurston Farm site for the very important reasons as specified on the 3/2008/0603 application agreement.
- The content of the application (now to open up the building for third party use) is not in line with neighbouring industrial premises.
- In recent months Monks Contractors Limited (next door to the Thurston site) with both sites situate on Myerscough(Smithy) Road made Planning Applications 3/2017/1004 and 3/2017/1216 both subsequently agreed before the Planning Committee at RVBC But with a condition to RESTRICT USE of that site by THIRD PARTIES(indeed a continuation of previous planning agreement restrictions).
- Any change in the Thurston Farm third party agreement would set a precedent in the immediate locality a restriction imposed for the amenity of local residents in Mellor Brook
- Why should the Thurston Farm site which is in fact closer to local residents be looked at in any different manner.
- If those three businesses are to be allowed to carry on business in future from the Thurston Farm/Frank Jackson site then they need to be asked by RVBC to present a full and covering application.
- This will enable local residents in Mellor Brook to have some input into how the workings of the site should be regulated.

1. **Site Description and Surrounding Area**

1.1 The application relates to Thurstons Farm and the site is accessed off Myerscough Smithy Road which is itself a “dead-end” accessed via a roundabout from the A59. The site lies to the west of the village of Mellor Brook. Directly to the west of the application site is an industrial unit known as occupied by Monks Contractors Ltd and further beyond are further industrial sites. To the east is a vacant plot of land fronting onto the roundabout and on the other side of the roundabout are the residential dwellings on Feildens Farm Lane. At the nearest point the eastern boundary of the application site is located approximately 40-45 metres (across the public highway) from the residential dwellings on Feildens Farm Lane. To the north of the site runs the A59. The boundaries of the application site are currently defined by stone walling, hedges and trees.

1.2 In 2008 planning permission was granted (3/2008/0603) for the proposed replacement of an agricultural building for storage and repair of vehicles and farming machinery (2 tractors, forklift, mower and 2 trailers). The consent was conditioned to only allow the replacement building to be used for the storage and routine repair/maintenance of vehicles and farm machinery owned by the applicant and used in association with his agricultural contractors business.

2. **Proposed Development for which permission is sought**

2.1 The application seeks to a vary condition 2 from planning permission 3/2008/0603 to allow plant maintenance and storage (machinery and parts) by a third party.

2.2 There is no proposed construction of additional buildings/development in relation to the application.

3. **Relevant Planning History**

3/2008/0603 - Proposed replacement of agricultural building for storage and repair of vehicles and farming machinery (2 tractors, forklift, mower and 2 trailers). Re-submission. Approved with conditions, dated 18.10.08.

3/2008/0312 - Proposed replacement of agricultural building for storage and repair of vehicles and farming machinery (2 tractors, forklift, mower and 2 trailers). Retrospective application. Refused, dated 03.06.08.

3/2003/0061 – Workshop for the repairs and servicing motor vehicles. Approved with conditions, dated 20.03.03.

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement DMI2 – Transport Considerations

Key Statement EC1 – Business and Employment Development

Policy DMB1 – Supporting Business Growth and Local Economy

Policy DME2 – Landscape and Townscape Protection

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility

National Planning Policy Framework (NPPF)
Draft revised National Planning Policy Framework (March 2018)
National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 Whilst Core Strategy Key Statement EC1 seeks to direct employment development towards the main settlements of Clitheroe, Whalley and Longridge, it does also state that *“priority will be given to the use of appropriate Brownfield sites to deliver employment-generating uses including a preference for the re-use of existing employment sites before alternatives are considered.”* Policy DMB1 of the Core Strategy specifically states *“Proposals that are intended to support business growth and the local economy will be supported in principle”* and allows for the expansion of established firms on land outside settlements provided that the development is essential to maintain the existing source of employment and can be assimilated within the local landscape.

5.1.2 The application relates to an existing industrial site which has a long established industrial use. With specific regard to Policy DMB1, the proposal would not extend an industrial use into surrounding land, but seeks to vary planning permission 3/2008/0603 to allow plant maintenance and storage (machinery and parts) by a third party.

5.1.3 In addition to local policies, the proposed development would continue the industrial/commercial use of the site and is therefore supported by paragraph 21 of the NPPF which states that Local Planning Authorities should:
“support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.”

5.1.4 Members must determine whether the proposal is acceptable in terms of the use of the land and further occupation of the site by a third party. Officer advice is that it is acceptable, subject to compliance with other policies of the Core Strategy.

5.2 **Impact upon Residential Amenity:**

5.2.1 It is acknowledged that the representations received raise objections to the proposal in relation to additional noise impacts and that the Environmental Health Officer’s response requested further information in relation to a Noise Impact Assessment.

5.2.2 Notwithstanding the above, the application is in relation to a variation of condition 2 from planning permission 3/2008/0603 to allow plant maintenance and storage (machinery and parts) by a third party. The eastern boundary of the application

site is located approximately 40-45 metres, across the public highway from the residential dwellings on Feildens Farm Lane and that any potential additional noise impacts can be controlled through the use of an appropriate condition relating to a Noise Scheme. Therefore, as the noise impacts of the proposal could be controlled through condition and it is considered this would not warrant refusal of the application.

5.2.3 It is also noted that the Environmental Health Officer's response requested further information in relation to suggested hours of use by the 3rd party and details of any potential lighting scheme. It is considered that there are no conditions restricting the current hours of use in relation to planning permission 3/2008/0603, therefore as this application is to vary the above permission it is not considered appropriate or reasonable to impose conditions relating to a restriction of hours of use on site. It is however, considered that the application makes no reference to any potential additional lighting scheme and therefore it is appropriate to condition details of any potential lighting scheme prior to installation to protect residential amenity.

5.2.4 Members must determine whether the proposal is acceptable in terms of the impacts of the proposal upon the nearby residential amenity with specific reference to the occupiers of properties on Feildens Farm Lane. I consider that subject to conditions relating to an appropriate noise scheme and details of any potential additional lighting scheme, the proposal is considered to be acceptable and that the proposal complies with Policy DMG1 of the Ribble Valley Core Strategy in relation impact upon residential amenity of neighbouring properties.

5.3 Visual Amenity/External Appearance:

5.3.1 The proposal is in relation to a variation of condition 2 from planning permission 3/2008/0603 to allow plant maintenance and storage (machinery and parts) by a third party. There is no additional built development proposed and there are no proposed changes to the existing boundary treatments to the application site. It is therefore considered that the proposed would have no harmful impact upon the visual amenity or the character of the area.

5.4 Highway Safety and Accessibility:

5.4.1 Paragraph 32 of the NPPF states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

5.4.2 The application does not provide any information in relation to the hours of use by the 3rd party or the number of vehicle movements associated with the use however, the LCC Highways department have been consulted upon the application and their response raises no objections to the application.

5.4.3 on the basis of no objection from a highway perspective, it is considered to be in accordance with Policy DMG3 of the Ribble Valley Core Strategy.

5.5 Infrastructure, Services and Developer Contributions:

5.5.1 The submitted application has not specifically detailed any economic benefits that the proposal would bring, however it is considered that the applicant currently employs a number of staff and therefore the proposal would offer some benefits to the safeguarding of employment of existing business and staff.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 The application site has an established industrial use. As such it is within an established industrial locations The proposal would not have any visual impact upon the surrounding area and it is considered that any potential impacts upon residential amenity can be appropriately controlled through the use of conditions. Furthermore, LCC Highways have raised no objection to the application as submitted. It is considered the development would accord with and Key Statements and Policies of the Ribble Valley Core Strategy and the national guidance contained within the NPPF and NPPG. Accordingly, it is recommended that the application be approved subject to conditions.

RECOMMENDATION: That the application be APPROVED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Noise Scheme

2. Prior to the commencement of any of third party plant maintenance or storage (machinery and parts) an acoustic scheme must first be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with BS4142 and must determine the current background noise levels for daytime, evening and night at the boundary of the nearest residential property and identify appropriate mitigation measures, where necessary, to ensure background noise is not exceed. Thereafter any mitigation measures must be installed and maintained in accordance with the approved details.

REASON: This needs to be prior to commencement to safeguard the amenity of nearby residents having regard to Policy DMG1 of the Ribble Valley Core Strategy and National Planning Policy Framework.

External Lighting

3. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.

This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;

- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

REASON: In the interest of visual amenity and/or highway safety having regard to Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

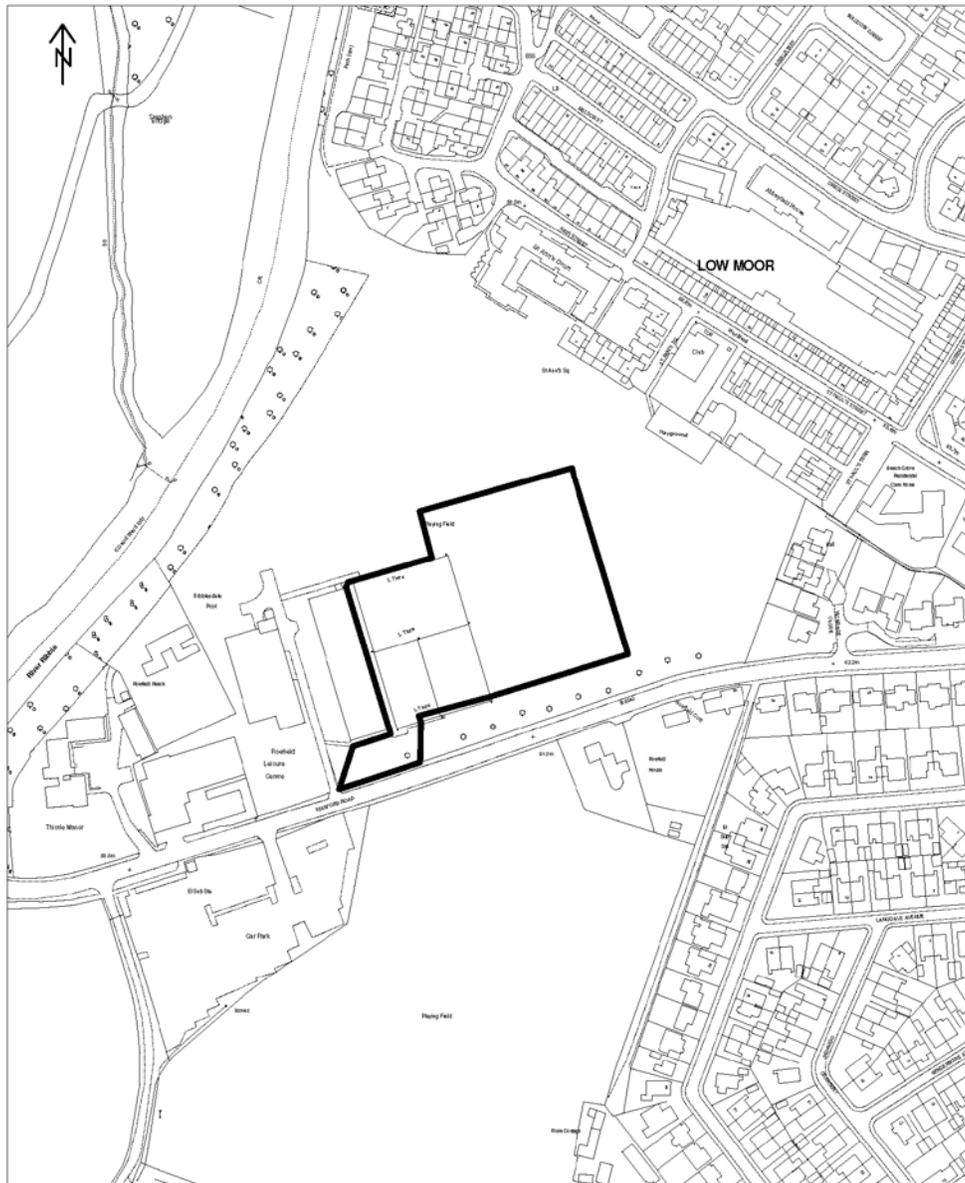
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0348

APPLICATION REF: 3/2018/0372

GRID REF: SD 372904 441529

DEVELOPMENT DESCRIPTION:

CREATION OF NEW ARTIFICIAL GRASS PITCH (AGP) AND REFURBISHMENT OF EXISTING MULTI USE SPORTS AREA WITH ASSOCIATED FENCING, FLOODLIGHTING, ACCESS PATHWAYS AND STORAGE UNITS AT **PLAYING FIELD, EDISFORD ROAD, CLITHEROE, BB7 3LA.**



3/2018/0372 Playing Field Edisford Road Clitheroe BB7 3LA

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No objection.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

With respect to this application there are a number of areas of concern which would require addressing or conditioning prior to the application being supported by Lancashire County Council Highways.

There are concerns over the access to the car park, as following a site visit this was noted to be a tight radius causing some delays to traffic entering the car park. It was felt that at busy periods this may cause a queue to form across the controlled crossing point. Other areas of concern include the two pedestrian routes back towards the car park; if both are to be installed there would be a need to install some suitable Pedestrian Guard Rail to stop pedestrians spilling out on to the carriageway. Whilst it is noted that one of these new footways is the shortest route back to the pedestrian entrance at the corner of the car park, it does not make use of the controlled crossing point. It is expected that if these are both to be provided then a number of sections of guard rail would be provided. Alternatively the gate in the wall could be removed and the wall re-built in the gap with only one wider pedestrian access being provided, closer to the pedestrian crossing point. It was also noted that a number of vehicles parked on the footway adjacent to the bus stop showing little regard for the Zig-Zag markings for the Controlled Crossing or the existing double yellow lines. It is expected that a Legal agreement would be entered into so these this can be addressed.

There are a number of anomalies within the Transport Statement and the Design and Access Statement section 3.10 of the later states: 2

"that there will be 120 vehicle movements per hour which equates to 1 every 30 second."

This is a slightly flawed assumption as it is assuming that some people will arrive or leave some 30 minutes before or after the change over time. It would be a fairer assumption that this time period would be compressed into a 15 minute before or after the change over time. Which would be a closer match to 120 vehicle movements per half hour or 2 every 30 seconds.

It is known that a number of the football teams train in the evenings, similarly the local swimming club also trains in Ribblesdale Pool and there a number of other activities and fitness classes taking place in Roefield Leisure Centre. There are concerns over the effect on this usage on the car park occupancy, the usage survey should be repeated and the time span expanded to cover from 08:00hrs to 21:30hrs Monday to Sunday. It is also know that the carpark is not fully lit, it is felt that the car park should be fully lit for a period of time beyond the operational hours of the facilities to be provided.

The only buses using the stops mentioned in the report are school buses so this cannot be used as a supporting statement regarding the accessibility of the sport facilities, the conclusion that the site is accessible by bus is flawed.

It was noted by a street lighting engineer that the Floodlighting scheme is to use Metal Halide Discharge Lamps. The Street Lighting section of Lancashire County Council are no longer fitting new lanterns using Discharge lamps and are currently changing out the existing lighting stock

for LED Lanterns. Consideration should be given to LED's as a light source for the flood lighting scheme, cost savings are available due to the reduced energy use and increased lamp life. It is generally accepted tighter light cutoff of an LED sourced would also be likely to reduce the light spill to surrounding properties. Guidance from the Football Association indicates that whilst competitive games at Conference level should be played at an average of 250 Lux, lower level competitive games may be played at a lower lighting level. A lighting scheme to achieve multiply lighting levels should be encouraged, it may be possible to simply switch off some lanterns to achieve these lower lighting levels.

In order to pursue the application we would wish further submissions regarding the pedestrian routing to the proposed pitches and the car park usage based on the narrower arrival departure window over the extended time period. A further submission regarding the floodlighting scheme including a lower lighting level with a maintained average lighting level of 120 lux for training as detailed in a number of Football Association documents. Following the further submissions regarding the car park it may become apparent that the car park requires lighting over a longer period over the total area, this will need to be discussed with Roefield Leisure Centre.

Should you wish to support this application we would wish for the following condition to be added to the approval.

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.
2. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) the loading and unloading of plant and materials;
 - iii) the storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) details of working hours;
 - ix) routing of delivery vehicles to/from site.

Following reconsultation confirm that they have no objection but request consideration be given to a gaggle gate or zig zag gate be installed or the existing wall blocked and alternative path widened.

UNITED UTILITIES:

With regard to the above development proposal, United Utilities Water Limited ('United Utilities') wishes to provide the following comments.

Drainage Conditions

Following our review of Flood Risk Assessment, we can confirm the proposals are acceptable in principle to United Utilities.

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment Dated 04/04/18 which was prepared by Surfacing Standards Limited. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Cadent

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity.)

Requirements

BEFORE carrying out any work you must:

Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.

Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.

Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 'Avoiding Danger from Underground Services' and GS6

'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>

In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

ADDITIONAL REPRESENTATIONS:

Six letters of objection have been received. Whereas some are sympathetic to the desire to improve the sport usage, concerns have been raised on the following issues:

- The highway issues and the increasing activities which generate more traffic and congestion as well as amenity issues regarding parking on the adjacent highway.

- The traffic and car park survey is inadequate and has been carried out at an inappropriate time, ie winter. They dispute the capacity of the Roefield car park and would argue there is a need to control parking on the adjacent carriageway.
- Concern over light pollution from the floodlights.
- Issues in relation to noise and the amenity impact it would have on adjacent properties, in particular in relation to the glare of the spectators as well as the kicking of balls on fences.
- The loss of an outdoor tennis court would have an impact on the adjacent tennis dome and the overall tennis facilities for the borough.
- Concern over drainage issues and possible flooding.
- The visual impact in particular caused by the floodlights and the acoustic fence.
- Issue regarding the removal of trees prior to this application being submitted.
- Consider that the noise modelling is inaccurate.

Following the receipt of the revised report the objectors have been reconsulted. No new issues have been raised other than a view that the revised report does still not adequately consider noise related issues with one example that more noise would be generated if 2 games are played at the same time and also querying whether the consultant has visited the site.

1. **Site Description and Surrounding Area**

- 1.1 The land in question is currently used as either grass football pitches or an existing multi-purpose area and used for recreational purposes. The site itself is situated between the existing tennis dome, Edisford road and would adjoin the new residential development of Vicarage Close and Low Moor. It is on the outskirts of Clitheroe and land identified as Open space in the Housing and Economic Development DPD.

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

- 2.1 The application seeks to develop a new artificial grass pitch (AGP) and refurbishment of existing multi use sports area with associated fencing, floodlighting, access pathways and storage units. The main pitch would measure 106m x 70m and the refurbished tennis court would create a pitch of 61m by 43m.
- 2.2 The proposal includes various structures such as perimeter fencing, acoustic barriers, floodlighting, roofed shelters for spectators, sports equipment store and a site office. The perimeter fencing around the new pitch has a variable height of 1.2m and 2m and a 4.5m high ball stop fencing to the perimeter. The acoustic fence which is located to the south of the new pitch is 3.5m. The proposed floodlighting columns for the main pitch includes 8 floodlighting columns of 15 m in height with the smaller pitch having 4 columns of similar height.
- 2.3 The scheme also includes various ancillary structures located around the pitches. These include a storage container unit measuring 2.4m by 6m and a height of 2.5m, a clad storage shed of 6.5m by 3.8m and a height of 3m as well as a wooden cabin for a site office 6m by 6m by 3.5 m high which is located near the site entrance and adjacent to the tennis dome. Minor structures such as dug out or team shelters are also part of the scheme.
- 2.4 The submission shows that all existing trees would be retained.

2.5 In terms of operation, the applicant has confirmed that the intention is to seek hours of use similar to the existing facility so would be 0800-2200 Monday to Friday and 0830 to 2200 hours Saturday and Sunday.

2.6 Since the initial submission of the application the applicant has submitted a revised acoustic report on the 14 June 2018 with the consequence of deleting the acoustic fence from the scheme.

3. **Relevant Planning History**

None.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement EC1 – Business and Employment Development

Key Statement EC3 – Visitor Economy

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport & Mobility

Policy DMB4- Open Space Provision

Policy DME2 – Landscape & Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3 – Recreation and Tourism Development

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The application seeks consent to create a new artificial grass pitch (AGP) and refurbishment of existing multi use sports area with associated fencing, floodlighting, access pathways and storage units.

5.1.2 Core Strategy Policy DMB3 relates specifically to the recreation and tourism. The application site is located on the edge of a principal settlement. I am satisfied the proposal is in accordance with the fundamental requirements of the Policy. Other aspects such as highway, residential amenity and visual elements of this Policy are dealt with in subsequent sections.

5.1.3 In view of the above, the principle of the development is considered to be acceptable, subject to compliance with other relevant policies within the Core Strategy.

5.2 Impact upon Residential Amenity:

5.2.1 The nearest residential properties to the development include the new dwellings at Vicarage Close, the terrace block at St Anne's Square Low Moor and detached dwellings on Edisford Road. The latter being the nearest are separated from the site by Edisford Road and is approximately 35m from its front garden. The nearest part of the pitch from the development of Vicarage Close is approximately 75m and 43m from St Anne's Square.

Noise

5.2.2 It is clear that the creation of an all-weather pitch with floodlighting would be likely to generate more use and with that the associated noise from the development. A noise assessment was initially submitted with the proposal which included an acoustic fence of 3.5m on the Edisford Road boundary. However, the applicant has now submitted a revised report on the 14 June which indicates that the acoustic fence is superfluous to the development.

5.2.3 To justify the changes the applicant considers that the original report did not take into account the existing noise levels that houses on Edisford Road are subject to from cars/lorries/tractors. With Edisford Road, the main thoroughfare to the west of Clitheroe, being only a few feet away, it is anticipated that such noise levels comfortably exceed 50dB(A) during the same timings of the day the new 3G facilities are proposed to be in use. Sport England guidelines state "*where there are existing noise levels higher than 50dB(A) then a higher noise level could be permissible*". The report concludes that the noise levels generated by the new development will not exceed the existing noise levels the adjacent properties are subject to.

5.2.4 The revised report pays particular attention to any projected noise impact to individual properties to which the following comments have been noted in the revised report;

- a. As shown on page 26 of the report, the highest predicted noise impact is of 52 dB(A) to the nearest building, part of Nr 52 Edisford Road. Whilst this is marginally above the 50 dB(A) guidance provided by the World Health Organisation, the revised report makes note that the aspect of this property in question is actually a sloped garage roof without any outward facing windows/doors.
- b. The only other property which is predicted to experience noise impact of just over 50 dB(A) is not a residential property but is the side of a garage without any windows, as located between Nr 50 and Nr 52 Edisford Road
- c. The above two points relate to the impact of the actual buildings, but it's also important to note that the predicted noise levels in all garden areas fall below the World Health Organisation guideline value at which moderate community annoyance can occur.

5.2.5 It is disappointing that a revised report has been submitted to account for inaccuracies and the revised comments of the EHO has been requested. A further assessment of the report has also been commissioned and funded by the developer which concludes that the acoustic fence is not required. Irrespective of the outcome I consider that there may be some benefits in securing additional landscaping to reduce the visual impact which may also assist in noise reduction. I am mindful of the representation from local residents and the Councils EHO but I consider given the existing use of the land and subject to the imposition of appropriate conditions, sufficient mitigation measures could be incorporated to make the scheme acceptable. It is recognised that the development would be noticeable but I consider it would not have a significantly adverse impact on residential amenity.

5.2.56 The applicant has submitted an hours of use that would involve an increase in the hours from the current all-weather facility. I accept the benefits of extending the range of hours but I am of the opinion the intended hours are excessive and suggest a compromise in relation to weekend use. They have specified 0800-2200 Monday to Friday and 0830 to 2200 hours Saturday and Sunday and I am recommending Saturday and Sunday to be 0830 to 1900.

Lighting

5.2.7 The introduction of additional and taller floodlighting would not only increase the usage but also have a visual impact and has some impact on the surrounding environment. The proposal incorporates a flat glass technology specifically designed for sporting facilities and designed to reduce impact on surrounding environment.

5.2.7 The supporting document indicates that the proposed lighting is designed to light the sport surface and minimise any light pollution and that the area illuminated will relate directly to the pitches and any light intrusion to the closest residential property is compliant with the threshold for an E2 Environmental Zone. In view of the above it is considered that the relationship the proposed development would share with neighbouring properties is acceptable

5.3 Visual Amenity/External Appearance:

5.3.1 The application site is located on the outside of the settlement boundary of Clitheroe but within a built up residential area. The main visual impact would be from the floodlighting and the fencing. The acoustic fence has been deleted and I consider the perimeter fencing associated with the pitches do not significantly impact on the visual amenity. In relation to the columns, although they will not always be seen against the backdrop of existing buildings I consider the visual impact to be limited.

5.3.2 In view of the above, it is considered that the proposed developments, would be sympathetic and in keeping with the surrounding landscape and buildings in accordance with Key Statement EN2 and Policy DMG1 of the Core Strategy.

5.4 Highway Safety and Accessibility:

5.4.1 I note the concerns expressed by the highway authority but I am of the opinion that although this may result in an increase of usage and equivalent impact on car borne visitors and highway safety issues I consider that having regard to the existing use it would not be detrimental to highway safety or warrant the need for a further transport assessment. However I do consider that further consideration should be given to pedestrian entrance to the site from Edisford road and that additional safeguards should be included which may require additional guardrails outside the applicants ownership or other measures to ensure pedestrian safety.

5.5 Landscape/Ecology:

5.5.1 The proposal does not involve the removal of any trees and subject to ensuring adequate protection during construction work I am satisfied that there is no impact. Reference by an objector has implied that trees may have been previously felled to facilitate the development and I am disappointed with that inference. However, approval to remove any trees within the vicinity was based on health and safety issues and an inspection of the condition of the trees.

5.5.2 In respect of trees, there are a number of mature trees situated along the boundary of the application field and the submitted plans show these are to be retained.

5.5.3 In view of the above, the proposal would have no significantly impact upon the landscaping qualities of the site/area in accordance with Key Statement EN2, and the attached conditions seek to ensure that the proposal results in a net improvement in biodiversity in accordance with Policy DME2 of the Ribble Valley Core Strategy.

5.6 Flood Risk and Drainage:

5.6.1 No objection has been received in relation to this issue and an appropriate condition will be imposed.

6 Observations/Consideration of Matters Raised/Conclusion

6.1 Considering all of the above and having regard to all material considerations and matters raised, the proposed pitches and associated works would have an acceptable relationship with the surrounding area in terms of both residential and visual amenity, and subsequently the application is recommended for approval, subject to conditions.

RECOMMENDATION: That the application be APPROVED subject to the imposition of the following condition(s):

Time

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

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

Plan related

2. 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:

Storage elevation	SSL2464 00
Floodlighting scheme	SSL2464 07
Artificial pitch details (details received 14/6/18)	SSL2464 04Rev01
Elevation details	SSL2464 05
Site plan	SSL2464 00
Site Location plan	SSL2464 00

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

Materials

3. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, samples or full details of all materials to be used on the external surfaces hereby approved shall have been submitted to and approved in writing by the Local Planning Authority prior to their use on site. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Key Statement EN2, and Policies DMG1 and DMH3 of the Ribble Valley Core Strategy.

Drainage

4. The drainage for the development shall be carried out in accordance with FRA dated 4 april2018. No surface water shall drain directly or indirectly into the public sewer.

REASON: To ensure satisfactory means of foul and surface water drainage in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

Amenity

5. Within 6 months of development first being operational, a further luminance and acoustic report based on the sites operation shall have been submitted to, and approved in writing by the Local Planning Authority.

REASON: In the interests of safeguarding residential amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

6. The development approved shall only be used between the hours of 0800-2200 Monday to Friday and 0830 to 1900 hours Saturday and Sunday with the floodlights switched off no later 15 minutes after the permitted hours.

REASON: In order to protect the amenities of existing residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Lighting

7. The external lighting shall be in full accordance with the lighting report appendix A and plans submitted with the application. Only the duly approved lighting shall be installed on the buildings hereby approved.

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

Highways

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

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

9. No development shall take place, until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - the loading and unloading of plant and material;
 - the storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding;
 - details of working hours;
 - routes to be used by vehicles carrying all plant and materials to and from the site;
 - contact details for the site manager.

REASON: To protect existing road users in the interest of highway safety in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

10. Notwithstanding the proposed pedestrian accesses to the site and within 3 months of the date of this permission a scheme showing details of the pedestrian entrances including gateways and guardrails if appropriate shall be submitted to and approved in writing by the LPA and fully implemented before the site is operational.

REASON: To protect existing road users in the interest of highway safety in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0372

APPLICATION REF: 3/2018/0394/P

GRID REF: SD 373947 438343

DEVELOPMENT DESCRIPTION:

CHANGE OF USE FROM CLASS B1 TO CLASS B8 (STORAGE OR DISTRIBUTION) TOGETHER WITH MINOR EXTERNAL ALTERATIONS AND A CHANGE IN THE HOURS OF OPENING AT LAND AT LONG CLOSE, BARROW BROOK ENTERPRISE PARK, BARROW BB7 9BQ



3/2018/0394 Unit 9 Barrow Brook Trade Park Lodge Close Barrow BB7 9BQ

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH/TOWN COUNCIL:

No objection in principle and hope it will bring employment to local people. Some concerns about:

1. No information regarding waste and storage collection.
2. No information regarding signage.
3. Seriously concerns about the revisions to the proposed hours of opening and that this should revert to the existing consented hours of opening.

HIGHWAYS (LCC):

Requested more information but based on the original documents concerned that the nature of the business, associated servicing and customer visits would result in access and highway safety issues to the detriment of existing and potential users of the developing business estate. No further comments as a result of additional information.

ADDITIONAL REPRESENTATIONS:

14 letters of objection have been received from residents of sixteen properties. Whereas no one objections to the external changes concerns have been expressed relating to the following:

- The increase in the hours of opening to extend the daily hours and weekend and Bank Holiday would create noise nuisance and general amenity issues.
- Proposal is contrary to Policy DMG1 of the Core Strategy.
- Traffic issues and highway safety resulting from the traffic generated by the proposal.
- Precedent.

1. Site Description and Surrounding Area

- 1.1 The application site is within the Barrow settlement boundary and forms part of Barrow Brook Enterprise Park which lies to the west of the A59 dual carriageway on the eastern side of the village of Barrow. The Core Strategy identifies Barrow Enterprise Site as a main strategic location for future employment and the development site is identified as a Committed Employment Site on the Regulation 18 (draft) Proposals Map for Barrow.
- 1.2 Access to Barrow Brook Enterprise Park is provided from the A59 via Holm Road which serves existing residential and commercial uses. The site has the benefit of a detailed consent for light industrial units and is currently under construction. To the north of the site is a two to two and a half storey warehouse building occupied by Total Foods which is accessed from North Road which skirts the eastern boundary of the application site. A commercial area including petrol station and food store lie approximately 120m to the east of the site and beyond this immediately adjacent to the A59 is a selection of hot food enterprises. The residential area is to the south of this proposal and partly separated by the recently constructed nursery. The trees along the southern boundary of the site are protected by TPO no.7/19/3/199.

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

- 2.1 Permission is sought for the Change of use from Class B1 to Class B8 (Storage or Distribution) together with minor external alterations and a change in the hours of opening. The changes to the building relate to the erection of one fixed bollard and removable bollard on the front elevation and a new opening and fire escape door on the side elevation. The proposal also seek to alter the existing opening hours from 07:00-19:00 Monday to Friday, between 08:00-13:00 Saturday to 0700-2000 Monday to Friday and 0700 to 1800 Saturdays and 0900 to 1600 on Sundays.

3. **Relevant Planning History**

3/2016/1033 - Construction of 9 light industrial units with associated parking and landscaping improvements. – Approved with conditions

4. **Relevant Policies**

Ribble Valley Core Strategy
Key Statement DS1 - Development Strategy
Key Statement EC1 - Business and Employment Development
Key Statement DMI2 - Transport Considerations
Policy DMG1 - General Considerations
Policy DMG2 - Strategic Considerations
Policy DMG3 - Transport and Mobility
Policy DMB1 – Supporting Business Growth and the Local Economy

National Planning Policy Framework (NPPF)
Technical Guidance to the National Planning Policy Framework
Planning Practice Guidance (PPG)

5. **Assessment of Proposed Development**

- 5.1 The main considerations in determining this application are the principle of the development, the design and visual appearance of the proposals, the impact of the development on the residential amenities of neighbouring occupiers and its effect on highway safety. Each of these considerations are discussed below.

5.2 **Principle**

5.2.1 The principal planning policy considerations in this case are based around the Ribble Valley Core Strategy adopted December 2014. It is relevant to have regard to the existing consent and also that once operational it is possible to change from a B1 Light industrial use to a B8 storage and distribution unit subject to a limitation on floorspace. Key Statement EC1 'Business and Employment Development' directs employment development towards the main settlements of Clitheroe, Whalley and Longridge as preferred locations to accommodate growth together with, amongst others, land at Barrow Enterprise Site. The proposal would continue to make an important contribution to the provision of local employment opportunities for the area, and further support the economic aims of the Council towards promoting local employment opportunities The proposal would generate employment for 4 Full time and 8 Part Time staff.

5.2.2 Key Statement DS1 of the Adopted Core Strategy for Ribble Valley establishes the Barrow Enterprise Site as a main strategic location for future employment development. Development Management Policy DMB1 'Supporting Business Growth and the Local Economy' supports the principle of economic development here. I am of the opinion that the site for storage and distribution is considered acceptable in principle in this location subject to other material considerations and would accord with Policies EC1 and DMB1 of the Core Strategy.

5.3 Design and Visual Appearance

5.3.1 The design changes are minor and I consider appropriate in relation to the immediate built environment and sympathetic to the existing building..

5.4 Effects upon Residential Amenity

5.4.1 Policy DMG1 of the Core Strategy states that development must not adversely affect the amenities of the surrounding area. The nearest residential properties are located on the south side of Hey Road and face the application site. These properties are separated by the Nursery building and an area which has consent for further light industrial buildings. The building itself is approximately 70 m from the nearest residential property. Access to the unit is from an internal estate road that also serves the Nursery.

5.4.2 Many of the concerns from local residents relate to noise issues emanating from the use and in particular due to the extended hours of opening. The issues of whether the proposed development due to the noise and disturbance that would arise from operations within the buildings and deliveries to and from the site in relation to the adjacent residential development need to be considered against the context of the proposal and the adjoining uses. It should be noted the Nursery at the front of the site has hours that commence at 0630 to 1830 Monday to Friday with a reduced hours on Saturday. There is also no limitation on opening hours on the Food Court or Petrol station. It is accepted that these are located further away from the residential properties but it is evident that noise would be generated by the associated activities. In relation to comments from the EHO of the Council they raise no concerns. A noise survey has been commissioned by the applicant which concludes that there is a low level of impact.

5.4.3 It is evident that concern has been raised in relation to excessive traffic movements and the impact on the amenity of the residents caused by the existing traffic and future traffic. Highway safety issues are dealt with in the next section but in relation to amenity issues associated with parking the site has adequate parking facilities within the site.

5.5 Highway Safety

5.5.1 The County Highways Surveyor has initially expressed concerns regarding a lack of information and asked for further details in relation to the car park provision and manoeuvring space. Further comments are anticipated prior to the meeting but they have expressed concerns regarding highway and safety issues in the vicinity. However it should be noted that once the building becomes operational it would be permitted development to change from its existing use to the proposed

use so on that basis and whilst acknowledging there may be some additional impact due to the change in hours I do not consider it would be reasonable to resist on highway safety grounds.

5.5.2 The National Planning Policy Framework places a duty on local planning authorities to look for solutions rather than problems, and advises that decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 In conclusion, the proposed development would result in the creation of employment opportunities and would support the strategic objectives of the Adopted Core Strategy. The development site is identified as a key site for employment use by Key Statement EC1 and is allocated for employment use on the draft Proposals Map that accompanies the Regulation 18 (draft) Housing and Economic Development Plan Document (HED DPD).

6.2 The application site bounds existing employment and commercial uses as well as residential properties. Whilst it is located in close proximity to recent residential development, the proposals would not result in any unacceptable harm to the residential amenities of the occupants of nearby dwellings.

6.3 Section 155 of the Housing and Planning Act 2016 places a duty on local authorities to consider the potential financial benefits of development proposals when considering whether to grant planning permission. The proposal would make an contribution to the provision of local employment opportunities for the area, and would support the economic aims of the Council towards promoting local employment opportunities.

RECOMMENDATION: That the application be Approved subject to the following:

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

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

2 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:

Location Plan

- Proposed Floor Plan – Dwg No 8372-103-03
- Proposed Site Plan – Dwg No 8372-103-05
- Proposed Elevations – Dwg No 8372-103-04A

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

Amenity

- 3 The premises shall not be open for customers after the following hours: 2000 and 0700 Monday to Friday; 1800 to 0900 Saturdays and 1600 to 0900 on Sundays and not at all on Bank Holidays.

REASON: In order to protect the residential amenities of the occupiers of the adjacent properties and to comply with Policy DMG1 of the Ribble Valley Core Strategy.

4. There shall be no deliveries or collections in connection with the operation of the business to/from the new units hereby approved between the hours of 2000 and 0700 hours, and none at all on Saturdays, Sundays and Bank Holidays.

REASON: In order to protect the residential amenities of the occupiers of the adjacent properties and to comply with Policy DMG1 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0394

APPLICATION REF: 3/2018/0396

GRID REF: SD 377329 449543

DEVELOPMENT DESCRIPTION:

DEMOLITION OF AN EXISTING POTTING SHED AND COVERED SALES AREA, TO BE REPLACED WITH A GLASSHOUSE AND LINKING ACCESS TO THE EXISTING GARDEN KITCHEN. CONSTRUCTION OF A TWO STOREY DEMONSTRATION UNIT WITH OFFICES AND TOILETS. THE CONSTRUCTION OF A COVERED TERRACE AREA ADJACENT TO THE KITCHEN GARDEN. CONSTRUCTION OF A TRAINING/CLASSROOM. COVERED WALKWAYS AT HOLDEN CLOUGH NURSERY, BOLTON BY BOWLAND



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Object to the application on the following grounds:

- Scale of the development, significant increase in floorspace;
- Additional traffic, car parking and road safety;
- No additional parking is provided for customers or staff;
- Lack of public transport;
- Impact on residents through noise, lack of privacy and light;
- Extensions will be visually obtrusive;
- The limit in number of covers requested by LCC Highways cannot be assured;
- Lack of clarity in respect of proposed and future uses;
- Hours of operation not specified;

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The car parking provision at the site is within the Council's guidelines and should be adequate for the business. The application states that the number of covers for the restaurant would not be increased and in order to ensure this is the case an appropriate condition should be attached.

In summary LCC Highways raised no objection to the application, subject to conditions.

LLFA:

No comments to make

AONB OFFICER:

No objection or concern in relation to this application.

ADDITIONAL REPRESENTATIONS:

In addition to the comments made by the Parish Council, 15 letters of objection have been received with the following comments raised:

- The applicant has been misleading with some of the statements in the submission, particularly in relation to comments attributed to residents;
- Massive scale of development – increasing built area by almost 500%;
- Out of proportion with the size of the Hamlet of Holden;
- The infrastructure of Holden struggles to accommodate the existing business without these extensions;
- Increase in number of visitors/customers;
- Application seeks more space than what is required raising questions over future use (ie. potential for functions and weddings);
- Hours of use should be restricted;
- Existing parking is inadequate and proposal will only worsen the situation;
- Vagueness in respect of the training room;
- Visual impact;

- Loss of views;
- No reference to external lighting;
- No information in respect of external plant equipment;
- Noise disturbance from site and traffic;
- Unproven need for the development;
- No business plan has been provided;
- No benefit to the community;
- Not compliant with Council Policies;
- Damaging impact on AONB;
- Unsustainable location;
- Applicant did not consult fully with residents;
- Lack of time for residents to comment on this application;
- Lack of passing points along highway;
- Vehicles damage drystone walls and verges;
- More people/residents will be negatively affected by the proposal than those who will benefit (staff);
- Planning permission should be granted on a phased basis so the LPA can witness the issues arising from the extensions;
- The applicant has not listened to concerns of residents;
- No timetable for when these buildings would be erected;
- The applicant is not telling the truth with regard to their intentions for the use of the extensions;
- The ecology report requires further survey work to be undertaken;

Three letters of support have been received in relation to his proposal, the points raised in these letters are summarised below:

- This site has become a centre of excellence for the horticultural industry;
- The Council should recognise and support a thriving rural business;
- Holden was a traditional farming village consisting of two farms and a plant nursery, with noise and smells part of everyday life;
- This area has changed to residential because of former agricultural buildings being converted to dwellings;
- Employment benefits;
- Attracts visitors;
- Valuable asset to the village;
- The applicant often gives vouchers for local events/fundraisers;
- Use of living roofs and other sustainable materials will look attractive;
- The business currently operates with minimal interference to residents;
- Traffic on the road seems to be dominated by mountain bikers visiting Gisburn forest as much as Holden Clough Nursery;

1. **Site Description and Surrounding Area**

- 1.1 The application relates to Holden Clough Nursery in Holden (Bolton-by-Bowland). The nursery consists of a restaurant/café known as The Kitchen Garden, as well as the more traditional use selling plants and flowers. Within the curtilage of Holden Clough Nursery is the main café/restaurant building, a number of nursery buildings and poly tunnels used in conjunction with the plant sales, and a residential bungalow, known as the Croft, which is within the ownership of the applicant. The premise also has a relatively large

car parking area to the front and side of the buildings, meaning that the buildings are all set back significantly from the highway.

- 1.2 To the east is Holden Beck and the neighbouring residential dwelling at Mear Croft. To the west is the dwelling known as Springfield and to the rear (north) are open fields. To the south is the highway of Barret Hill Brow and on the opposite side of this are the dwellings at Broxup House, Broxup Cottage and Broxup Barn. Broxup House and Cottage are Grade II Listed Buildings. The application site is also located within the AONB.
- 1.3 Holden Clough Nursery attracts many visitors from the Ribble Valley and beyond, with the majority of plants grown at the nursery. The Garden Kitchen is a popular restaurant offering a range of local produce prepared on site. The applicant states that business currently employs 12 full and part time workers.

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

- 2.1 The application seeks consent for various extensions to the existing building, as well as the erection of new buildings on site, involving the demolition of the existing plotting shed.
- 2.2 In respect of the extensions to the existing building these include the following works:
 - Single storey front and side (east) wrap around extension to be used as the kitchen and for storage;
 - Decking area to side (east) and rear with conservatory style building above to be used as dining area;
 - Single storey side (west) extension to be used as a seed shop with covered area attached to rear;
 - Large greenhouse extension attached to side of proposed seed shop to the west of the main building. The greenhouse would have a solid front wall elevation facing south with an oak framed canopy over the main entrance;
- 2.3 The application includes the erection of a detached two storey building to be sited to the east of the proposed new greenhouse. The ground floor of this building would be used as a demonstration area, potting shed and store room, with toilet facilities. The first floor would be used as a general office and manager's office. Whilst detached from the main building and greenhouse, a covered area would link this new two storey building to the main building/greenhouse.
- 2.4 To the north of the main building the proposal includes the erection of a single storey detached training room building.
- 2.5 With regard to hours of operation the applicant has stated that the café and shop will continue to operate 09:00 – 18:30 seven days a week and that the proposed training centre building will operate from 09:00 – 21:30 on a pre-booked basis only.
- 2.6 The application does not propose any alterations to the existing access or external car parking areas at the site.

3. **Relevant Planning History**

3/2017/0517 - Proposed two storey extension to existing cafe kitchen – approved

3/2016/0078 - Application to vary condition (s) 3 (cafe opening hours) and 4 (lecture room opening hours) of planning permission 3/2011/0838 to allow the business to operate until 23:00 hours on one occasion per week – withdrawn

3/2014/0257 – Proposed single storey extension to the kitchen with additional ancillary accommodation in the roof space, and relocation of "means of escape" steps – approved

3/2013/0733 - Proposed single storey extension to the kitchen with additional accommodation in the roof space and relocation of 'means of escape' step – withdrawn

3/2013/0091 – Proposed extended car park area – approved

3/2011/0838 - Proposed creation of a new cafe, training room and nursery shop at the existing Holden Clough Nursery. The building will be constructed of traditional materials including stone walls and slate roof. The South facing roof will incorporate six solar panels. The aim is to produce a sustainable building with minimal visual impact - approved

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement EC1 – Business and Employment Development

Key Statement EC3 – Visitor Economy

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport & Mobility

Policy DME2 – Landscape & Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME5 – Renewable Energy

Policy DME6 – Water Management

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3 – Recreation and Tourism Development

Policy DMR3 – Retail Outside the Main Settlements

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

- 5.1.1 The application seeks consent to carry out various extensions and alterations to an existing business at Holden Clough Nursery. The site is considered to be a visitor/tourist attraction for people both within and outside of the borough and thus Core Strategy Key Statement EC3 is relevant.
- 5.1.2 Key Statement EC3 relates specifically to the visitor economy stating that proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged and that new attractions will be supported in circumstances where they will deliver overall improvements to the environment and benefits to local communities and employment opportunities. The proposed development would expand the facilities on offer at this site by providing more retail space and a demonstration area, which would contribute to the tourism economy in accordance with Key Statement EC3.
- 5.1.3 The application site is located in the open countryside and also within the Forest of Bowland AONB. Core Strategy Policy DMG2 requires development outside of defined settlement areas to meet at least one of six considerations, one of which is the following:
- 4. The development is for small scale tourism or recreational developments appropriate to a rural area.*
- 5.1.4 The proposed development would represent a significant increase in the built development on site, but would not result in the boundaries of the site being expanded into the open countryside. As such it is considered that an intensification of use on an established commercial site is small scale and of a type that is appropriate to this rural area and consequently complies with the above criterion contained with DMG2.
- 5.1.5 Policy DMB3 relates specifically to recreation and tourism development in the Borough. Tourism and visitor attractions are generally supported subject to the following criteria being met:
- i. The proposal must not conflict with other policies of this plan;*
 - ii. The proposal must be physically well related to an existing main settlement or village or to an existing group of buildings, except where the proposed facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available;*
 - iii. The development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design;*
 - iv. The proposals should be well related to the existing highway network. It should not generate additional traffic movements of a scale and type likely to cause undue problems or disturbance. Where possible the proposals should be well related to the public transport network;*
 - v. The site should be large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas; and*

vi. *The proposal must take into account any nature conservation impacts using suitable survey information and where possible seek to incorporate any important existing associations within the development. Failing this then adequate mitigation will be sought.*

- 5.1.6 With regard to the above, the application site is within the settlement of Holden and thus is physically well related to an existing group of buildings. The visual impacts of the proposed development, are considered in the “*visual amenity/external appearance*” section of this report. Similarly, the highway implications and the nature conservation issues are also discussed in more detail later within this report. The principle of expanding an existing tourism/visitor attraction is therefore considered to be acceptable in this location.
- 5.1.7 Additionally, Policy DMB1 (Supporting Business Growth and the Local Economy) states that “*Proposals that are intended to support business growth and the local economy will be supported in principle.*” The application is not accompanied by a financial justification or specific business case, however the Design and Assessment Statement does detail how the existing business/trade is seasonal and the proposed re-development of the site would provide the opportunity to create a business that will maintain income across the year. The applicant aims to achieve this by making use of their horticultural expertise and creating an attractive centre for plant sales with classroom and demonstration areas to provide specialist lectures. The applicant states that the aim is to attract more visitors to the site which in turn has a positive impact on the wider economy (pubs, shops, accommodation providers, food suppliers etc...)
- 5.1.8 In view of the above, as a broad principle the Council seeks to encourage the expansion of existing businesses and the local economy and thus the principle of the development is considered to be acceptable, subject to compliance with other relevant policies within the Core Strategy.

5.2 Impact upon Residential Amenity:

- 5.2.1 The application proposes various extensions to the front, sides and rear of the existing building, as well as new detached buildings within the existing site. At present the nearest residential dwelling to the existing building is the property at The Croft, however this is owned by the applicant and forms part of the application site. Outside of the ownership of Holden Clough Nursery, the nearest dwellings are the properties at Mear Croft (to the east), Broxup Barn and Broxup House (to the south) and Springfield (to the west).
- 5.2.2 With regard to overlooking, loss of privacy and daylight, at the nearest point the extended building, or new detached buildings to be erected, would be sited more than 30m from the nearest neighbouring dwelling and at such distances it is considered that the proposed extensions, or new detached buildings, would not have any undue visual impact upon neighbouring amenity. To put this in perspective the LPA expect a separation distance of 13m to be between principal and secondary elevations, and 21m between principal elevations when assessing the relationship between residential properties. The proposed development being more than 30m from the nearest neighbouring property would significantly exceed this guidance and measuring 8.7m at the highest point the

proposed extensions/detached building would be equivalent in height to a two storey dwelling.

- 5.2.3 In respect of noise and disturbance, the proposed development would continue the existing use of the site as a garden centre selling plants and garden equipment, with a café/restaurant. The proposal also includes the erection of a detached building to be used as a demonstration area at ground floor, with an office above, and this use is not considered to be different to the existing/established use of the site.
- 5.2.4 The application also includes the erection of a separate detached single storey outbuilding to be used as a training room. The existing business currently has a training/lecture room within the existing building however, this area will now be used as additional floor space for the sale of garden related items.
- 5.2.5 Objectors have raised concerns in respect of the hours of operation and potential alternative uses of the site/buildings. The applicant has clarified the use of the buildings, stating that the proposal would result in an increase in area to be used for the sale of plants/garden equipment, with the addition of a demonstration area and new office. The applicant has confirmed that the proposal would not result in an increase in the number of covers within the restaurant and café. At present there are 100 covers within the restaurant and a condition has been attached to ensure that this number is not exceeded. The applicant has also confirmed that the site will not be used for weddings and functions, other than training lectures and demonstrations within the areas detailed on the submitted plans.
- 5.2.6 In respect of opening hours, the applicant has confirmed that the business will operate as it currently does with the shop/restaurant opening 09:00 – 18:30 seven days a week and the detached training building used between 09:00 – 21:30 on pre-booked occasions. Conditions have been attached to ensure the hours of operation. The Council's Environmental Health Officer has considered that application and visited the site and raised no objection to the proposal.
- 5.2.7 The objectors have raised concerns in respect of noise from any extraction or plant machinery, and external lighting. The application as submitted does not include details of any new extraction equipment or external lighting and therefore conditions have been attached to ensure that details of any such apparatus is submitted for the written approval of the LPA prior to installation on site.
- 5.2.8 In view of the above it is considered that the relationship the proposed development would share with neighbouring properties is acceptable in accordance with paragraph 17 of the NPPF which seeks to ensure that all new development provides "*a good standard of amenity for all existing and future occupants of land and buildings*" and Core Strategy Policy DMG1 which states that new development must:
- *not adversely affect the amenities of the surrounding area;*
 - *provide adequate day lighting and privacy distances.*

5.3 Visual Amenity/External Appearance:

- 5.3.1 The application site is located within the Forest of Bowland Area of Outstanding Natural Beauty (AONB), and therefore the impact of the proposal on the visual quality of the AONB must be considered. Paragraph 115 of the NPPF considers the potential impact of development within an AONB and notes that '*Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.*'
- 5.3.2 Paragraph 58 of the NPPF encourages good design by stipulating that planning policies and decisions should aim to ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
 - *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- 5.3.3 Key Statement EN2 (Landscape) states "*The landscape and character of the Forrest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. Any development will need to contribute to the conservation of the natural beauty of the area...As a principle the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials*" and Policy DMG1 requires development to be of a high standard of design and be sympathetic to existing and proposed land uses in terms of size, intensity and nature.
- 5.3.4 The Forest of Bowland AONB Landscape Character Area Appraisal categorises this specific area as an Undulating Lowland Farmland with Wooded Brooks, which are generally characterised by scatter cottages and clustered villages, with pasture fields which are deeply incised by wooded troughs and gorges. The application site is located the village of Holden, adjacent to a wooded brook of Holden Beck, and the Landscape Character Appraisal states that the access road and village of Holden is a recognisable landscape feature which contributes to sense of place and orientation.
- 5.3.5 The application seeks to significantly expand the built development/floorspace (by almost 500%) however this is not in its own a justifiable reason to refuse a planning application on visual grounds, as there must also be clear harm to the landscape character of the area.
- 5.3.6 The proposed single storey wraparound extension at the front and side (east) of the existing building would bring the built development closer to the existing highway at the front by approximately 3m. The existing building is currently set back approximately 27m from the highway and thus after this wraparound extension has been constructed the building would still be situated more than

23m from the highway, with the car parking area and vegetation in between. In addition, permission was recently granted for an extension projecting some 7m out from the front elevation of the building and thus the principle of extending forward has been established. In respect of design the proposed front extension would have a simple lean to roof and be finished in render and the wraparound conservatory to the side and rear would be well screened from public view. As would the detached training room at the rear of the site.

- 5.3.7 The application proposes a single storey side extension (seed shop) to the west of the existing building and this would simply continue the pitched roof design of the existing building. Adjoining this would be the large greenhouse used for the growing and storage of plants and in order to reduce the visual impact of the greenhouse the front elevation would be constructed in stone with a oak framed portico to give the appearance of the building. The side and rear elevations of the greenhouse would be glazed, however when approaching from the east (as most visitors would) these elevations would not be visible. It is only when approaching or viewed from the west that the western side elevation of the greenhouse would be visible. Notwithstanding this, the application site has a long established use as a garden centre within a rural setting and thus the erection of a greenhouse style building is not considered to be uncharacteristic.
- 5.3.8 To the west of proposed greenhouse the application proposes a detached two storey building to be used as a demonstration area and potting shed at ground floor (with toilet facilities) and an office at first floor. This building would be 8.7 high to the ridge (similar height to a traditional two-storey dwelling), making it the tallest building on this site. The detached building would be constructed in timber cladding with a sedum/turfed roof, and would be set at the rear of the site, some 35m back from the highway at the front and thus its visual impact and prominence is considered to be limited. A canopy area, with a sedum roof, would connect this building to the proposed greenhouse.
- 5.3.9 In summary, the application would result in a significant increase in the built development on this site, which in turn would alter the visual appearance of existing nursery. However, as detailed above this in itself is not a justifiable reason to refuse the application and some form of visual harm must be identified. In this respect all the extensions are of a design expected at a garden nursery such as this and are set back significantly from the highway, thus meaning there visual impact is not overtly harmful. Furthermore, the majority of properties on Barret Hill Brow are sited forward of the application building and therefore closer to the highway than the proposed extension. As such the prominence and impact of the proposal on the street scene, character of the area, and the AONB is minimal. The AONB Officer has been consulted on the application and commented that they have no concern in respect of this proposal.
- 5.3.10 In view of the above, it is considered that the proposed developments, would be sympathetic and in keeping with the surrounding landscape and buildings in accordance with Key Statement EN/2 and Policy DMG1 of the Core Strategy.
- 5.3.11 On the opposite side of Barret Hill Brow are the listed buildings at Broxup House and Broxup Cottage, however with a separation distance (approx. 38m at nearest point) and the significant setback within the application site, it is not considered

that the proposed developments would have any negative impact upon their setting in accordance with Policy DME4.

5.3.12 In view of the above, it is considered that the proposed developments, would be sympathetic and in keeping with the surrounding landscape and buildings in accordance with Key Statement EN/2 and Policy DMG1 of the Core Strategy.

5.4 Highway Safety and Accessibility:

5.4.1 Despite the comments received from the Parish Council and a number of objectors, the LCC Highway Officer has raised no objection to this application or concerns in relation to the levels of car parking provision at the site. However in order to ensure that level of car parking provided meets required levels the Highway Officer has requested a condition be attached to any approval to ensure that the number of covers for the restaurant would not be increased from 100.

5.4.2 Other conditions recommended by the Highway Officer include wheel washing facilities on site and the submission of a Construction Management Plan.

5.5 Landscape/Ecology:

5.5.1 As the proposal involves the demolition of a number of outbuildings, and alterations to the existing main building, the application was accompanied by a bat survey. This survey did not find any bats on site, but did find evidence of bats on the exterior of the buildings and beneath features with potential for roosting bats. The report therefore recommended that further survey works be undertaken during the active bat season.

5.5.2 The applicant has commissioned these further surveys and the results of the additional surveys have been provided. The updated surveys found two bat roosts within the Tearoom, one on the north facing elevation and one on the west facing elevation. These elevations would not be impacted by the proposal and thus the survey concludes that a Natural England License is not required. The Council's Countryside Officer has reviewed this updated survey and raises no objection, subject to conditions which require the development to be carried out in accordance with the mitigation measures detailed within the updated report and that the proposed development includes the provision of new bat/bird boxes within to improve/enhance biodiversity.

5.5.3 The original ecology survey also found a blue tit nest on the Tearoom building and evidence of a nest on the potting shed. It is therefore recommended that works do not take place within nesting season (February to August). The report found no evidence of any other protected species on site.

5.6 Flood Risk and Drainage:

5.6.1 Given its location adjacent to Holden Beck, a section of the site is located within Floodzone 2 & 3, however no extensions or new detached buildings would be sited within the Floodzone.

5.7 Other issues:

5.7.1 Objectors have commented that the extensions should be considered on a phased basis so the impact can be gradually assessed and that no timetable for works has been provided. In respect of the phasing of the development, the application has to be determined as submitted and in any case it is not considered that the level of works are so significant as to require a phased development. In terms time table for works, if approved, the applicant would have the standard three years to commence development.

5.7.2 The objectors have also commented that the applicant has not positively engaged with the local community and residents prior to submission of this application. In response to this, whilst the Council would always recommend community engagement prior to submission, there is no requirement for the applicant to do so. Nevertheless, it is the LPA's understanding that the applicant held a meeting and invited interested parties to view the proposed plans prior to the submission of this application. As the LPA did not attend this meeting it cannot comment on its content or the outcome.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 Considering all of the above and having regard to all material considerations and matters raised, the proposed extensions and alterations to an established business would share an acceptable relationship with the surrounding area in terms of both residential and visual amenity, and subsequently the application is recommended for approval, subject to conditions.

RECOMMENDATION: That the application be APPROVED subject to the imposition of the following condition(s):

Time limit

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

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

Details

2. 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:

Site Location Plan
001 Rev B (amended plan received 06/07/18)
002 Rev C (amended plan received 06/07/18)
003 Rev B (amended plan received 29/05/18)

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

3. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, samples or full details of all materials to be used on the external surfaces of the extensions and buildings hereby approved shall have been submitted to and approved in writing by the Local Planning Authority prior to their use on site. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Key Statement EN2, and Policies DMG1 and DMH3 of the Ribble Valley Core Strategy.

Amenity

4. The use of the cafe and shop in accordance with this permission shall be restricted to the hours between 09:00 and 18:30 on any day.

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

5. The approved training room building (as identified as such on approved drawing 003 Rev B – amended plan received 29/05/18) in accordance with this permission shall be used on a pre-booked basis only and shall be restricted to the hours between 09:00 and 21:30 on any day.

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

6. No external lighting shall be installed on any building or extension hereby approved, or elsewhere within the site, without the prior written approval of the Local Planning Authority. Details of any such lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Only the duly approved lighting shall be installed on the buildings hereby approved.

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

7. No external plant machinery/equipment, including any extraction system, refrigeration units, air conditioning units, shall be installed on the building hereby approved until full details/specifications (including details of their position, appearance, noise levels and model numbers used) have first been submitted to and approved in writing by the Local Planning Authority. Any external equipment shall be installed in complete accordance with the approved details and maintained to ensure optimum operation.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

8. Unless otherwise agreed in writing by the Local Planning Authority, no building or engineering operations within the site or deliveries to and from the site shall take place

other than between 08:00 hours and 18:00 hours Monday to Friday and between 09:00 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.

REASON: In order to protect the amenities of existing residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Highways

9. Unless otherwise agreed in writing with the Local Planning Authority, the C3 use (café/restaurant) of the site, including both internal and external facilities, shall be restricted to a total of 100 covers.

REASON: To ensure a balance is maintained between floor space and car parking provision in accordance with Policies DMG1 and DMG3 of the Core Strategy.

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

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

11. Prior to work commencing on site a Construction Management Plan (CMP) shall be submitted for the written approval of the Local Planning Authority. The CMP should highlight how delivery and construction vehicles will access the site, how construction vehicles will be managed and where workers on the site will park during construction.

REASON: To protect existing road users in the interest of highway safety in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

Ecology

12. The development hereby approved shall not commence during the bird breeding season (February - August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the site is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the bird breeding season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

REASON: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Ribble Valley Core Strategy Policy DME3 and the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

13. Within three months of development first taking place on site, details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes / artificial bat roosting sites have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall identify the nature and type of the nesting boxes/artificial roosting sites and the locations(s) or wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be installed and made available for use before the extensions/buildings hereby approved are first brought into use and thereafter retained. The development shall be carried out in strict accordance with the approved details.

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

14. The development hereby approved shall be carried out in complete accordance with the "Recommendations and Mitigation" measures as detailed recommended within Section 9 of the submitted Bat Survey undertaken by envirotech ref: 4669 received 13/07/18.

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

Drainage

15. The site shall be drained via separate systems for the disposal of foul and surface water.

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

BACKGROUND PAPERS

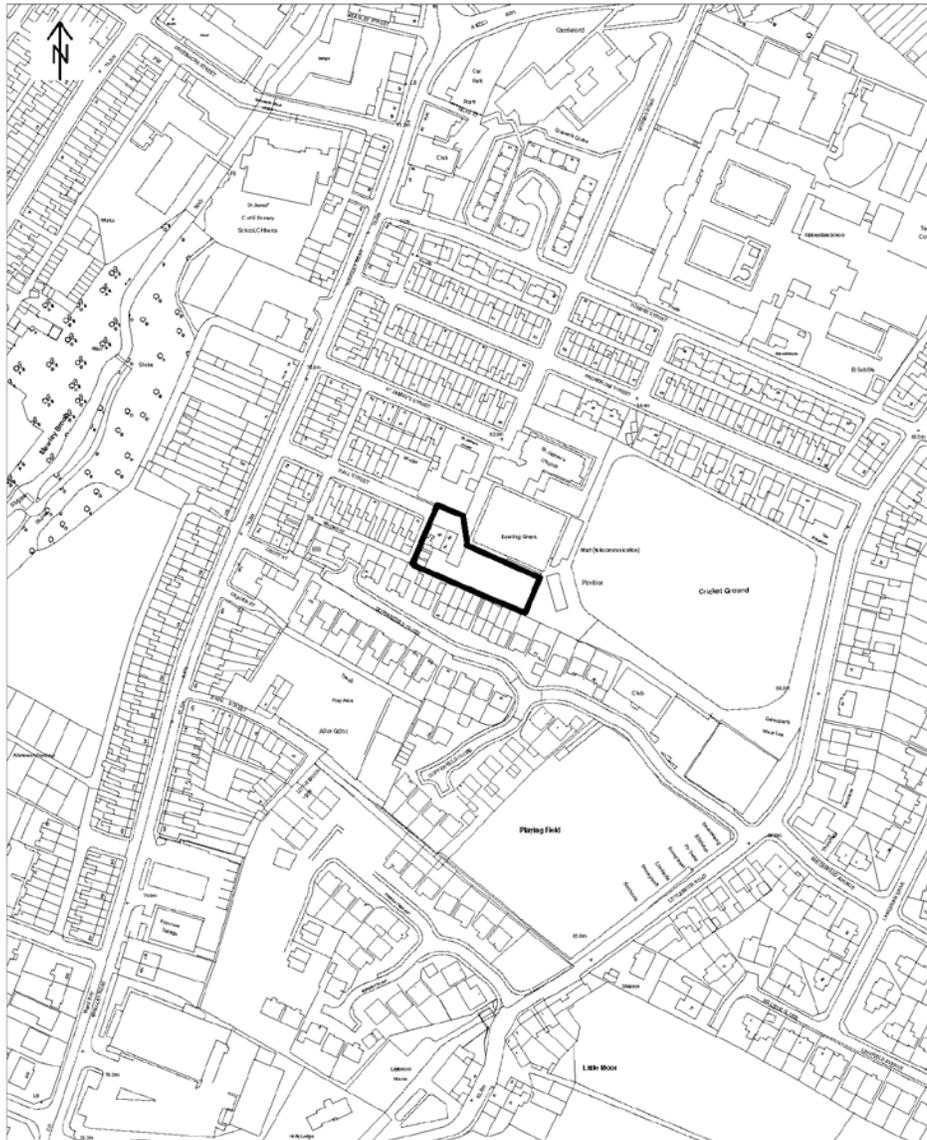
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0396

APPLICATION REF: 3/2018/0435

GRID REF: SD 374247 441101

DEVELOPMENT DESCRIPTION:

DEMOLITION OF EXISTING PROPERTY AND ASSOCIATED OUTBUILDINGS AND
ERECTION OF SIX DWELLINGS AT 32 HALL STREET, CLITHEROE, BB7 1HJ



18 0435 32 Hall Street Clitheroe BB7 1HJ

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Clitheroe Town Council objects on the grounds of over-intensive development of the location. Access along Hall Street is already considered difficult. The proposed layout would result in new properties up against the gardens of Copperfield Close and 30 Hall Street could lose access to the garage at the rear of the property.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

With respect to this application the County Surveyor does not wish to raise any objections. There are however a number of concerns regarding the development. These can be allayed by way of further submissions prior to planning permission being granted or the can be suitably conditioned. There are concerns regarding:-

- The access from Hall Street, this should be widened to allow 2 cars to pass through the opened gate and beyond for a distance of at least two car park space lengths (9.6m).
- There appears to have been no provision made for pedestrians or cyclists to access the development without opening the main gate across the carriageway
- Nor does there appear to be any provision for pedestrians within the development.
- There is no provision for access to the rear of the plot at the gable of 30 Hall Street without passing through the dwelling.
- Nor has there been any indication regarding the provision of any street lighting or surface water drainage.
- A swept path analysis should be undertaken to ensure that a refuse collection vehicle can enter and exit the development in a forward gear.
- With the exception of the plot with the garage, suitable covered and secure storage should be provided for at least 2 cycles per dwelling.

LEAD LOCAL FLOOD AUTHORITY:

No comments.

CLITHEROE CIVIC SOCIETY:

Though somewhat outside the general remit of our Society, we do have concerns about the implications of further residential development within the Civil Parish of Clitheroe. The proposed redevelopment of 32 Hall Street, with six new dwellings, is above and beyond the most recent approved targets for residential development in accordance with the conditions of the Adopted Core Strategy.

Further residential development approval beyond that approved in the adopted Core Strategy and its revised targets, and the potential for 12 additional vehicles which could be associated with the development, will inevitably have further adverse effects on the historic town centre and the conservation areas which it contains. For this reason this application should be refused in our opinion.

ADDITIONAL REPRESENTATIONS:

Letters of objection have been received from 18 separate addresses and raise the following concerns:

- Over-development of the site with high density housing contrary to NPPF and DMG1.
- Scale, mass and proximity to the boundary with neighbouring properties would have an adverse impact on residential amenity of neighbours; loss of light, loss of privacy, noise and disturbance.
- Overbearing impact and sense of enclosure within rear gardens of properties on Copperfield Close.
- Gardens on Copperfield Close are north-facing but all benefit from a good deal of morning sunlight. This would be lost and the gardens overshadowed.
- The proposals would not provide sufficient parking – there is no visitor parking which would make parking on Hall Street or Whalley Road worse.
- As existing, already unacceptable parking of vehicles on public footway.
- Additional traffic would increase congestion.
- Adverse impact on natural local environment – bat foraging in the area is high.
- A number of trees have been felled prior to the tree survey.
- Only the fronts of the proposed buildings are of stone/stone brick with the gable ends and rears being of render.
- No mention of drainage is mentioned in the application.
- The proposals would restrict access to the rear garage of 30 Hall Street.
- No pedestrian or cycle access is provided.
- Disruption to residents during building phase.
- Drains from the bowling green must not be compromised.
- Leyland Cypress tree is causing damage to the bowling shelter and needs to be removed.
- Height of the development would cast shadows on the bowling green.
- Previous applications have been refused on Hall Street due to highways concerns.
- Emergency services struggle to gain access.
- Refuse wagons only come a short distance into Hall Street and bins have to be wheeled down to them by residents.

Following the receipt of amended plans neighbouring properties have been re-consulted for a period of 7 days and any additional objections received will be reported verbally at the Council Meeting.

1. **Site Description and Surrounding Area**

- 1.1 The development site is located within the settlement of Clitheroe in an established residential area. The site is accessed via Hall Street which adjoins the east side of Whalley Road, Clitheroe. As existing, the application site comprises a single detached residential property and its associated gardens and outbuildings. It is noted that the building functioned previously as three separate dwellings (no.32 to 36 Hall Street).
- 1.2 The site adjoins Ribblesdale Wanderers Cricket and Bowling Club to the north. To the south are residential properties along Copperfield Close which have their rear elevations and gardens facing the application site.

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

- 2.1 The application proposes the demolition of the existing buildings and the erection of 6.no three-bedroomed houses. The proposed dwellings would be arranged in two blocks of three each comprising a detached and two semi-detached dwellings each. The properties would have an eaves height of 4.8m and a ridge height of 7.9m. The front

façade of the buildings would be constructed using random natural stone with stone detailing. The side and rear elevations would have a render finish. The dwellings would provide a kitchen and lounge at ground floor, two bedrooms and family bathroom at first floor and a master bedroom with en-suite would be provided in the roof space. In order to accommodate a master bedroom there is a requirement rear pitched-roof dormers on each property which would be faced in materials to match the walls of the main buildings.

- 2.2 The site would be accessed from the eastern end of Hall Street. Parking space would be provided within the site to accommodate 2no. vehicles per dwelling. Each property would benefit from rear gardens which would be bounded by 1.8m high close boarded timber fencing. There are a number of low quality trees on site some of which would require removal should the site be developed as proposed.

3. **Relevant Planning History**

3/2013/0913 - Outline application for nine dwellings including three affordable units following demolition of existing dwelling. Withdrawn.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement H1 – Housing Provision

Key Statement H2 – Housing Balance

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME1 – Protecting Trees and Woodland

Policy DME2 – Landscape and Townscape Protection

Policy DME3 - Site and Species Protection and Conservation

Other Material Considerations:

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Practice Guidance (PPG)

5. **Assessment of Proposed Development**

- 5.1 In determining this application the main considerations are the principle of development, its visual appearance, its effect on the residential amenities of neighbouring occupiers and its impact on highway safety, trees and ecology.

5.2 **Principle of Development**

5.2.1 The Development Strategy put forward in Key Statement DS1 of the Core Strategy seeks to direct the main focus of new house building to the Strategic Site, the Principal Settlements of Clitheroe, Longridge and Whalley. The application site is located in the settlement of Clitheroe where residential development is acceptable in principle.

5.2.2 It is considered that the provision of six dwellings within the settlement of Clitheroe would not result in any harm to the development strategy nor would it result in any undue pressure on the services, facilities and infrastructure of the settlement itself to warrant refusal of the application. It is considered therefore that the proposal would contribute to the Council's supply of housing land and would be acceptable in principle subject to other development management considerations.

5.3 Design and appearance

5.3.1 The area is characterised by a mix of house types and a palette of materials including stone and render. The terraced housing on Hall Street is faced predominantly with stone, as are the dwellings on Copperfield Close. There have been some objections raised in relation to the proposed use of render on the side and rear elevations of the dwellings. However, it must be noted that the existing building at the site is finished with render as are other properties in the local area including buildings on Hall Street, St James' Street and Brownlow Street. As such, the use of render on the side and rear of the dwellings does not raise any concern.

5.3.2 In terms of the size and scale of the proposed dwellings, they would reflect the surrounding buildings. The three dwellings closest to the east of the gable elevation of no.30 Hall Street would be set back from the established building line of the existing terraced row. Boundary treatments to the site as existing comprise evergreen hedgerows, close boarded fencing and a high stone wall along the sites boundary with St James's House. The stone wall is considered to be a traditional feature that is worthy of retention in accordance with Core Strategy Policy DME2. It is recommended that the existing boundary hedges are retained and maintained and would be preferable to the close boarded fencing proposed by the applicant.

5.3.3 Whilst objections have been raised regarding the density of the site, it is considered to be in keeping with the urban grain of the area which is characterised by high density terraced and semi-detached housing. Taking account of all of the above, the proposals would not result in any adverse harm to the visual appearance of the area and would comply with Key Statement H2 and policies DMG1, DME2.

5.4 Impact on neighbouring residents

5.4.1 The application site is surrounded by existing development and would be in close proximity to houses along its southern and western boundaries. The rear elevations of 25-35 Copperfield Close face the application site with rear gardens of these properties ranging in length from 8.5m to 11.5m. It is important to ensure that the privacy, outlook and light enjoyed by the occupants of these dwellings is not unduly affected by the proposed development. The development would maintain a 21m gap between facing windows at first and second floor of the rear elevations of 25-27 Copperfield Close and the proposed dwellings and this is the generally accepted interface distance at which point there is no significant adverse impact on privacy. It is noted that there would be some overlooking of the rear gardens of the proposed dwellings from first and second floor windows

of 25-27 Copperfield Close due to the short rear gardens of these existing properties but this would not in my opinion justify refusal of the application given it would be no different to the current arrangement insofar that the rear windows of Copperfield Close already facilitate some overlooking of the private garden of 32 Hall Street.

5.4.2 The proposed development would result in a blank two-storey gable elevation facing the rear elevations of 32-33 Copperfield Close. There would be a separation distance of 13m which is accepted as the minimum distance from a blank two storey gable elevation to avoid any undue loss of light and outlook from ground floor habitable room windows and a space of around 3.5m would be retained between the gable wall of the proposed dwelling and the rear garden boundary of 32-33 Copperfield Close. It is noted that there is a single storey conservatory to the rear of 32 Copperfield Close which projects closer to the boundary with the development site however conservatories are not classed as habitable rooms. In terms of any overshadowing of private gardens, applications will only be refused where a development would seriously overshadow private amenity space. Objections have been raised in relation to overshadowing of the private rear gardens of dwellings along Copperfield Close. However, these gardens are north-facing and whilst they may benefit from some limited morning sunlight the proposals would not result in overshadowing of large areas of garden for prolonged periods of the day to warrant refusal.

5.4.3 Objections have been received which raise issues including noise disturbance from future occupants and increased traffic. Yet, the site is located in an established residential area and the proposals would not result in any additional disturbance than already experienced. Should consent be granted there would be a requirement for the developer to provide a construction management plan to ensure that the impact on the amenity of the area is limited during the construction phase.

5.5 Effects on Wildlife/Ecology/Trees

5.5.1 The application is supported by a Bat Scoping Survey Report. No evidence was recorded to suggest bats were roosting within the existing buildings and no bats were observed using the buildings for roosting. As such, there would be no direct impact on bats arising from the proposed development.

5.5.2 Neighbours have commented that bats have been seen foraging in the area and the survey acknowledges that the foraging potential for bats can be considered moderate to low. Should consent be granted, a landscaping and lighting scheme would be required to be submitted to the Council which must take into account any key flight lines identified. Taking into account the requirements of the NPPF and Policy DME3 of the Core Strategy, in order to conserve and enhance biodiversity it is recommended that bat roosting features be incorporated into the dwellings and maintained thereafter.

5.5.3 In relation to trees, those existing on site are low quality with limited amenity value. Objections indicate that tree felling has taken place prior to the submission of this planning application. None of the trees that are alleged to have been removed were protected by tree preservation orders nor are they located within a Conservation Area and, as such, the LPA cannot prevent their removal. The

Bowling Club have asked that T1 (Leyland Cypress) be removed as it is causing damage to the bowling shelter. The removal of T1 is not relevant to the development, however; the applicant has agreed to its removal. Should consent be granted, a scheme of hard and soft landscaping would be required to ensure the provision of a satisfactory visual appearance. This would include the planting of replacement trees and shrubs.

5.6 Highways Safety

5.6.1 In relation to highway safety, the County Highways Surveyor does not raise any objection but did note a number of concerns with the proposed layout as submitted. The proposed site plan indicates the provision of two parking spaces for each dwelling as required by Lancashire County Council parking standards. Residents have raised concerns in relation to the restricted amount of on-street parking available on Hall Street and at the junction with Whalley Road including cars parked illegally. The Highway Authority can impose parking restrictions to improve the safety of road users using a Traffic Regulations Order if considered necessary. The development will provide sufficient vehicular parking to serve the proposed dwellings and the County Surveyor has raised no concerns in relation to its impact on parking availability along Hall Street and Whalley Road.

5.6.2 The applicant has amended the site layout so that the parking requirements can be accommodated within the site to the satisfaction of the County Surveyor. This includes the provision a turning head within the development site which could accommodate the turning of a refuse wagon; there is no turning area available at the end of Hall Street at present and so this is a particular benefit of the scheme. The amended layout includes the provision of a pedestrian footway into the development. The applicant would be required to enter into an appropriate legal agreement to provide off-site highway works including a new pedestrian dropped kerb at the gable of no.30 Hall Street to allow prams etc. to cross to the new dwellings. The County Surveyor has stated that the layout of the development would not be to an adoptable standard and there would a conditional requirement for the submission of details confirming funding, management and maintenance regimes to ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential and highway safety. Nonetheless, in my opinion the development complies with the transport related policies of the Core Strategy, Key Statement DMI2 and Policy DMG3, insofar that is it in a highly sustainable location close to Clitheroe town centre and provision has been made for access to the development by pedestrians.

6. Conclusion

6.1 Taking into account the above, the proposed development is in a highly sustainable location and would contribute to housing land supply in the Borough. No objections have been received from the Highways Authority in relation to highway safety and it is considered that the proposals would not have an undue adverse impact on the appearance of the area or the residential amenity of neighbouring occupants. As such it is recommended that the application is approved subject to conditions.

RECOMMENDATION: That the application be APPROVED subject to the following conditions:

Timings and Commencement

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

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

2. 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:

PROPOSED PLANS AND ELEVATIONS GRAHA/01 Dwg 02A received 26.06.2018
PROPOSED PLANS AND ELEVATIONS (Site Plan) GRAHA/01 Dwg 02B received 18.07.2018
PROPOSED PLANS AND ELEVATIONS GRAHA/01 Dwg 03
LOCATION PLAN GRAHA/01 Dwg 04
PROPOSED PLANS AND ELEVATIONS GRAHA/01 Dwg 07A received 26.06.2018

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

Matters of Design

3. Notwithstanding the submitted details, precise specifications or samples of all external surfaces, including surfacing materials and their extents, of the development hereby permitted shall have been approved before their use in the proposed development. The materials shall be implemented within the development in strict accordance with the approved details submitted to and approved by the Local Planning Authority

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

4. Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

REASON: In the interests of the amenity of the area and to comply with Policy DMG1 of the Ribble Valley Core Strategy.

5. The existing stone wall on the northern boundary of the site to St James House shall not at any time be demolished in whole or in part, nor shall it be altered in any way, without the prior written permission of the Local Planning Authority.

REASON: In order to ensure the protection of this historic feature of the locality, in the interests of visual amenity and the amenities of existing nearby residents and in order to comply with Policies DMG1 and DME2 of the Ribble Valley Core Strategy (Adopted Version).

6. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that Order, the dwellings hereby permitted shall not be altered or extended and no buildings or structures shall be erected within the curtilage of the new dwellings unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and residential amenity in accordance with Policies DMG1 and DME2 of the Ribble Valley Core Strategy.

Landscape and Ecology

7. Notwithstanding the submitted details, prior to the commencement of the development, full details of the proposed landscaping shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the landscaping details shall indicate all trees and hedgerows identified to be retained or how those adjacent to the proposed development and/or application area/boundary will be adequately protected during construction, in accordance with BS5837; 2012 'Trees in relation to design, demolition and construction' equivalent unless otherwise agreed. The agreed protection measures shall be put in place and maintained during the construction period of the development.

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

REASON: To protect trees and hedges on and adjacent to the site and to ensure the proposal is satisfactorily landscaped and appropriate to the locality in accordance with Policies DME1 and DME3 of the Ribble Valley Core Strategy.

8. No development shall take place until details of the provisions to be made for artificial bat roosting (in the form of bricks/tiles/boxes) have been submitted, and approved by the local planning authority. The details shall identify the actual wall and roof elevations into which the above provisions shall be incorporated. These shall be incorporated into the building during the actual construction and before the development is first brought into use, unless otherwise agreed in writing by the local planning authority and shall be permanently maintained and retained at all times thereafter.

REASON: To safeguard the favourable conservation status of the bat population in accordance with Policy DME3 of the Ribble Valley Core Strategy

Drainage and Flooding

9. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

10. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Highways

11. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for have been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

REASON: In the interest of highway safety and to ensure a satisfactory appearance to the highways infrastructure serving the approved development in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

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

REASON: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/ highway safety and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

13. No part of the development hereby approved shall commence until a scheme for the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

14. The parking and garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the site in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

15. The garages hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the households and shall not be used for any use that would preclude the ability for their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

REASON: To ensure that adequate parking provision is retained on site in accordance with the Core Strategy Policy DMG3.

Further Control over Development

16. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Details of working hours
 - ix) Routing of delivery vehicles to/from site

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway during the construction phase of the development in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

17. Unless otherwise agreed in writing by the Local Planning Authority, no building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and between 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.

REASON: In order to protect the amenities of existing residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Informatives

1. This consent requires the construction, improvement or alteration of an access to the public highway and other of site works such as street lighting improvements. Under the Highways Act 1980 Section 278, the County Council as Highway Authority must specify the works to be carried out, Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any works can start you must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings. For multiple vehicular crossings please ring 0300 123 6780 and ask for a bespoke quotation.
2. The developer should be aware that the any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433
3. The applicant is advised that to discharge condition 12 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

BACKGROUND PAPERS

https://www.ribbonvalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0435

APPLICATION REF: 3/2018/0441

GRID REF: 368254, 432744

DEVELOPMENT DESCRIPTION:

RETENTION OF UNAUTHORISED EXTENSION OF DOMESTIC CURTILAGE AND 0.6 METRE BOUNDARY FENCE AT 57 RIBCHESTER ROAD, CLAYTON LE DALE BB1 9HT



3/2018/0441 57 Ribchester Road Clayton le Dale BB1 9HT

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No comments received within Consultation Period

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

Raised no objection.

CADENT GAS:

Submitted comments that identified operational gas apparatus within the site boundary. The application must ensure that proposed works do not infringe on Cadent's legal rights.

ADDITIONAL REPRESENTATIONS:

Letters of representation have been received from 12 individual households/addresses objecting to the application on the following grounds:

- The land is designated as public open space on the deeds of home owners of Yew Tree Close.
- The owners of properties on Yew Tree Close have access rights over this area of land.
- The fence is poor quality and is not in keeping with the area.
- Sets a precedent to use the other area of common land as residential curtilage.
- Reduces visibility onto Ribchester Road.

1 letter of representation has been received that supports the application and has the following comments.

- The area of land is an eyesore and is left overgrown and the area of land looks better than before now that the applicant has cleaned it.
- Applications are dealt with on a case by case basis and therefore will not set a precedent within the site.

Since receiving an amended plan a second letter of objection has been received raising a new issue that refers to Article 1 of the Protocol 1 – Protection of Property – European Convention of Human Rights and the home owners legal rights to access this land.

1. Site Description and Surrounding Area

- 1.1 The application site relates to an area of land that falls adjacent to a semi-detached property no 57 Ribchester Road that falls within Clayton le Dale. The area of land is at the entrance to the Housing development known as Yew Tree Close.

2. Proposed Development for which consent is sought

- 2.1 The application seeks full planning consent to change the use of the land adjacent to 57 Ribchester road into residential curtilage. It is proposed to fence off the additional curtilage with a 0.6 metre high fence painted Forrest Green and to allow the Laurel bushes already planted to grow over this fence to a maximum height of 2 metres.

3. **Relevant Planning History**

3/2000/0374-Change of house type. 19 no houses to include conservatories - Approved with Conditions

3/1999/0350- Re plan of plot 8-11 including increased site curtilage - Approved with Conditions

4. **Relevant Policies**

Policy DMG1 – General Considerations

Policy DMH5 – Residential and Curtilage Extensions

Policy DMB4 – Open Space Provision.

National Planning Policy Framework (NPPF)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 Ribble Valley Core Strategy Policy DMG1 states that ‘development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature’. Furthermore, emphasis is placed on visual appearance and the relationship to surroundings. Boundary treatments contribute a great deal to the streetscape and character of an area. Following negotiation an amended plan has been submitted which has reduced the height of the fence from 1.4 metres to 0.6 metres.

5.1.2 Policy DMH5 states that proposals for the extension of curtilage will be approved if the site is within a settlement. As the site falls within the Settlement of Wilpshire it is considered that the application is in accordance with this policy.

5.1.3 In relation to public open space, Policy DMB4 states that the council will refuse development proposals which involve the loss of existing public space. It is important to protect existing recreational areas from development, within defined settlements.

Paragraph 74 of the NPPF indicates that existing open space, sports and Recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;

I am mindful of the importance of public space but in this instance the land in question is not designated as public open space but was shown on the original layout of the housing development. Regard must be given to its significance and I am of the opinion that this area was not an extensive area of useable public open space and as there are two other areas of useable space within the site that the loss of this land will not lead to an inadequate provision of useable public open space within the site and therefore is in accordance with Policy DMB4 and the NPPF.

5.2 Visual Amenity/External Appearance:

5.2.1 The applicant applied retrospectively for a 1.4 metre high wooden panel fence that incorporated the additional strip of land into their residential curtilage. Although the original scheme was visually inappropriate the revised plan is now acceptable having reduced the visual impact and the area will maintain its openness.

5.3 Highway Safety and Accessibility:

5.3.1 The sight lines for traffic emerging from Yew Tree Close onto Ribchester Road are not affected and on this basis the highways authority raised no objection to the retention of the enclosure of the grass verge on highway grounds, with respect to the concerns of a precedent being set, it should be noted that each application is based on its own merits.

5.4 Other Matters:

5.4.1 Within the letters of objection that have been received the home owners have rights of access over this area of land. These concerns are a private matter and are not to be considered under this application.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 I note the concerns expressed but given the reduced height of the fence and the fence panels to be painted Forrest green to blend with the existing Laurel bushes planted within the application curtilage it is considered that the fence and the extension of the residential curtilage will not detract from the visual amenity of the area and in conclusion it is considered that the requirements of the NPPF and Core Strategy policies are met and there are no reasonable ground to withhold planning permission.

RECOMMENDATION: That the application be APPROVED subject to the imposition of the following condition(s):

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

Site Location Plan Drawing no1
Amended Plan received 02.07.2018- Plan View Drawing no2.

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

2 The development hereby approved shall be implemented as detailed on Amended Plan View drawing no 2 received 02.07.2018 within 14 days from the date of this permission.

REASON: To safeguard the amenity of the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

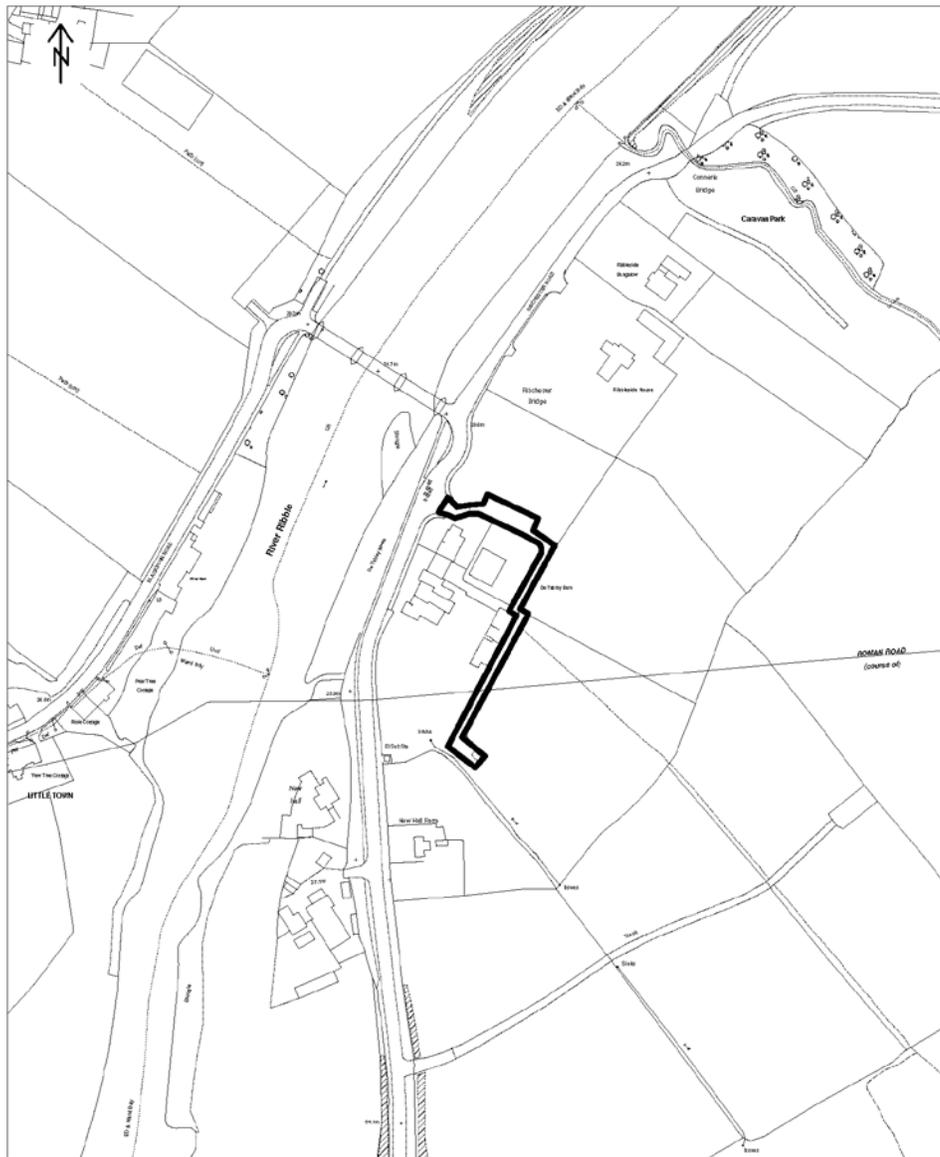
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0441

APPLICATION REF: 3/2018/0487

GRID REF: SD 366281 435438

DEVELOPMENT DESCRIPTION:

ERECTION OF NEW BARN STABLE AT LAND TO REAR OF DE TABLEY MEWS,
BLACKBURN ROAD, RIBCHESTER



3/2018/0487 Land to the rear of DeTabley Mews Blackburn Road Ribchester PR3 3ZQ

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No comments received

ADDITIONAL REPRESENTATIONS:

Three letters of representation have been received with the following comments/concerns raised:

- Noise from the proposed generator;
- Lighting from the proposed security lights;
- The proposed stables should be for personal/family use only;
- Restrictions should be imposed to prevent future change of use;
- Concern over future expansion of stables;
- Change of use is required to use the adjacent field for the riding of horses;
- The building is large for the stabling of two horses;
- The plans show a slurry store but horses do not produce slurry;
- The proposed materials are not in keeping with the area – the stables should be constructed in stone;
- Smells and odour from manure, and potential contamination of water course;
- A visual buffer should be provided;
- Solar panels should be used instead of the generator;
- Greater use of public right of way.

1. Site Description and Surrounding Area

- 1.1 The application relates to a plot of land located in the corner of an agricultural field to the rear of the converted dwellings at De Tabley Mews on Blackburn Road in Ribchester. The land is currently hardsurfaced and houses a steel storage container. Access to the plot is via an existing track which runs to the rear of the dwellings at De Tabley Mews, off Blackburn Road.
- 1.2 The application site is located within the open countryside with open fields to the north, south and east. The nearest residential properties are the aforementioned properties at De Tabley Mews (to the north) and New Hall Farm to south west. On the opposite side of Blackburn Road, some 70m to the west of the application site, is the Grade II* Listed New Hall, however due to existing trees and vegetation this listed building is not visible from the application site. Directly to the south of the site is an unnamed watercourse (ditch) which is a tributary to the nearby River Ribble.
- 1.3 The application site is located within Floodzone 2 and the access track is within Floodzone 3.

2. Proposed Development for which consent is sought

- 2.1 The application seeks consent to erect a timber stable building for the stabling of two horses in place of an existing storage container. The applicant resides at one of the properties at De Tabley Mews and owns the land to the rear to which this application relates.

- 2.2 The proposed stable building would measure 18m in length x 5.5m wide with a pitched roof design measuring 3m high to the eaves and 4m to the ridge. The existing hardsurfaced area would also be extended to surround the proposed new stable building.
- 2.3 Internally the building would provide two stables, a feed room, a tack room, a manure store and a place for storing a trailer. An assisted mounting area would be provided in the proposed building. The submitted application details how that the applicant's grandchild is disabled and currently has to travel to Haslingden every week to participate in classes run by the Riding for the Disable Association. The submission states that horse riding helps the applicant's grandchild with their core strength, balance and helps to relieve stress. The stables will therefore be used solely by the applicant and their family.
- 2.4 Access to the stables would be via the existing track from Blackburn Road.

3. **Relevant Planning History**

None Relevant

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DME2 – Landscape & Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME4 – Protecting Heritage Assets

Policy DME6 – Water Management

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The application seeks consent to erect a stable building within the open countryside and therefore Core Strategy Policy DMG2 is relevant in the consideration of this application. This policy requires development outside of the defined settlement areas to meet at least one of six considerations one of which is the following:

5. The development is for small scale tourism or recreational developments appropriate to a rural area.

- 5.1.2 It is considered that the erection of a stable building for personal/family use represents a small scale recreational development of a type that is appropriate to this rural area and consequently complies with the above criterion contained with DMG2.
- 5.1.3 It is accepted that the building is larger than the average stable for two horses, however the application explains that the applicant's grandchild is disabled and thus a proportion of this extra space is required to provide the assisted mount to enable them to mount the horse inside the building. Additionally, the proposed building will include an attached manure store, whereas many stable buildings have a separate midden for manure.
- 5.1.4 In view of the above, the broad principle of erecting this stable building for personal/family use within the open countryside is considered to be acceptable, subject to compliance with other relevant policies within the Core Strategy.

5.2 Impact upon Residential Amenity:

- 5.2.1 The nearest residential properties to the proposed stable building are New Hall Farm, some 40m to the south west, and the dwellings at De Tabley Mews approximately 50m to the north. At such distances it is not considered that the proposed single storey stable building, measuring 4m high to the ridge, would have any undue impact in terms of overshadowing, loss of daylight or outlook.
- 5.2.2 With regard to noise and disturbance, concerns have been raised that the proposed generator would create noise that would disturb residential amenity. Given the above mentioned separation distances it is considered that noise from the generator would not be audible from these residential properties, particular given the background noise from Blackburn Road, and to a lesser extent from the nearby River Ribble. Furthermore the Council's Environmental Health Officer has been consulted on the application and raised no objection. Nevertheless, the applicant is aware of the concerns raised by the nearby residents and has commented that the generator would be installed within a room/enclosure with sound insulation to ensure that noise levels are kept to a minimum. A condition requiring details/specification of the proposed generator and the noise insulation to be submitted for the written approval of the LPA has been attached to the recommendation. In respect of a comment from a neighbouring that solar panels should be used, the applicant has commented that these would be screened by the large tree to the south and thus would not provide sufficient energy. Furthermore, the LPA would have concerns over the use of solar panels on a single storey building as a result of the visual impact in the open countryside and potential glare.
- 5.2.3 Concerns have also been raised in respect of the installation of two PIR security lights on the north east facing (front) elevation of the stable building, and the potential impact these will have upon residential amenity. As detailed above the proposed building would be situated a significant distance from the nearest residential dwellings and at such distances it is not considered that the proposed security lights would have a detrimental impact. Furthermore, these types of

security lights are common features on residential properties and in the majority of cases do not require consent. It is therefore considered reasonable for such security lights to be installed on a building sited more than 40m from the nearest residential properties.

5.2.4 A further concern has been raised in respect of the proposed “slurry store” however this is an error on the submitted drawing and this should in fact be a manure store. The applicant has confirmed that manure would be removed as/when required and given the application site’s rural location in the open countryside it is not considered that odours from a manure store for two horses would be particularly prominent, especially given the adjacent field could be used to house a significantly greater number of agricultural animals without the need for planning permission. Furthermore the proposed manure store would be located at the opposite end of the building to the dwellings at De Tabley Mews.

5.2.5 In view of the above it is considered that the relationship the proposed development would share with neighbouring properties is acceptable in accordance with paragraph 17 of the NPPF which seeks to ensure that all new development provides “a good standard of amenity for all existing and future occupants of land and buildings” and Core Strategy Policy DMG1 which states that new development must:

- *not adversely affect the amenities of the surrounding area;*
- *provide adequate day lighting and privacy distances.*

5.3 Visual Amenity/External Appearance:

5.3.1 Paragraph 58 of the NPPF encourages good design by stipulating that planning policies and decisions should aim to ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*

5.3.2 Key Statement EN2 (Landscape) states “As a principle the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials” and Policy DMG1 requires development to be of a high standard of design and be sympathetic to existing and proposed land uses in terms of size, intensity and nature.

5.3.3 The application site is located within the open countryside and thus the erection of single storey timber structure for the stabling of horses is considered to be a relatively common feature in a rural location such as this. An objector has commented that the building should be constructed with an element of stone to be in keeping with the surrounding properties. In response to this, whilst the LPA would not be adverse to the use of some stone at the base of the building, at the

same time there is no sustainable objection to the use of timber and thus this is not considered to be a valid reason to refuse the application.

- 5.3.4 With regard to size, as detailed above the footprint of the building is reasonably large in size measuring 5.5m x 18m, however there are justifiable reasons for this size of building and in any case it is not considered that the footprint is in any way excessive. With regard to height, measuring 3m to the eave and 4m to the highest point the building is considered to be modest.
- 5.3.5 In terms of the visual impact of the building, it would be visible from sections of the highway of Blackburn Road, however there are a number of large residential properties in this vicinity which are far more prominent than the proposed single storey timber building. Additionally, the stable building would replace an existing metal storage container and thus what is proposed is considered to be a visual improvement on the landscape character of the area. The application does also include the laying of an area of additional hardstanding, however this would be well screened by the proposed building and surrounding vegetation from longer distances.
- 5.3.6 On the opposite side of the highway is the Grade II* Listed New Hall, approximately 50m from the application site, and the proposed stables would not be viewed in conjunction with this listed building because of intervening mature vegetation. As such it is considered that the proposal would not have any impact upon the setting of this listed building (New Hall).
- 5.3.7 In view of the above, it is considered that the proposed development, would be sympathetic and in keeping with the surrounding landscape and buildings in accordance with Key Statement EN/2 and Policy DMG1 of the Core Strategy.

5.4 Highway Safety and Accessibility:

- 5.4.1 The stables would be accessed via an existing track which serves the properties at De Tabley Mews and this access is considered to be sufficient to serve the proposed stables which will be used for personal/family use.

5.5 Landscape/Ecology:

- 5.5.1 The container to be removed from the site has no ecological value and the additional area of hard surfacing to be created is not considered to have any significant impact on the ecological value of the adjacent field. There is a mature tree situated on the opposite side of the adjacent brook/drain, however the Council's Countryside Officer has commented that the roots from this tree will generally spread in the opposite direction, away from the drain, and any roots that do encroach onto the application site's side of this ditch would be well below ground level and thus not impacted by the proposal.

5.6 Flood Risk and Drainage:

- 5.6.1 The application site is located within Floodzone 2 and the access track within Floodzone 3, as such a Flood Risk Assessment has been provided with this application. The proposed use of the building as a stables is not considered to be

a vulnerable use, the building itself is considered to be at low risk from flooding and the proposal would not increase the chances of flooding elsewhere.

5.7 Other issues:

5.7.1 Concerns have been raised in respect of the future expansion of the building, or it being converted into an alternative use. As detailed earlier in this report the application seeks consent for a personal stables and any future applications to either extend the building, or change its use, would be considered at any such time at which they are submitted and this is therefore not a valid reason to refuse this application.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 Considering all of the above and having regard to all material considerations and matters raised, the proposed stable building would share an acceptable relationship with the surrounding area in terms of both residential and visual amenity, and subsequently the application is recommended for approval, subject to conditions.

RECOMMENDATION: That the application be APPROVED subject to the imposition of the following condition(s):

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

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

2. 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:

Location Plan – David/01

Elevations – David/02

Site Plan – David/03

Location of PIR lights – David/04 (received 26/06/18)

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

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be carried out in accordance with the materials detailed within Section 9 of the submitted application forms and the submitted Design and Access Statement.

REASON: In order to ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

4. The stables hereby approved shall be for private use by the applicant (Mr David McCartney of Three Arches Cottage, De Tabley Mews, Blackburn Road - PR3 3ZQ) and the applicant's family members. The stables shall not be used as a separate commercial business.

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

5. Prior to its installation, full details and specification of the proposed generator and proposed sound proofing insulation within the room that this generator will be installed shall have been submitted for the written approval of the LPA. The generator shall be installed in accordance with the approved details and shall not be used until the room within which it is installed is fully sound proofed in accordance with the duly approved details, and maintained as such thereafter.

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

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0487

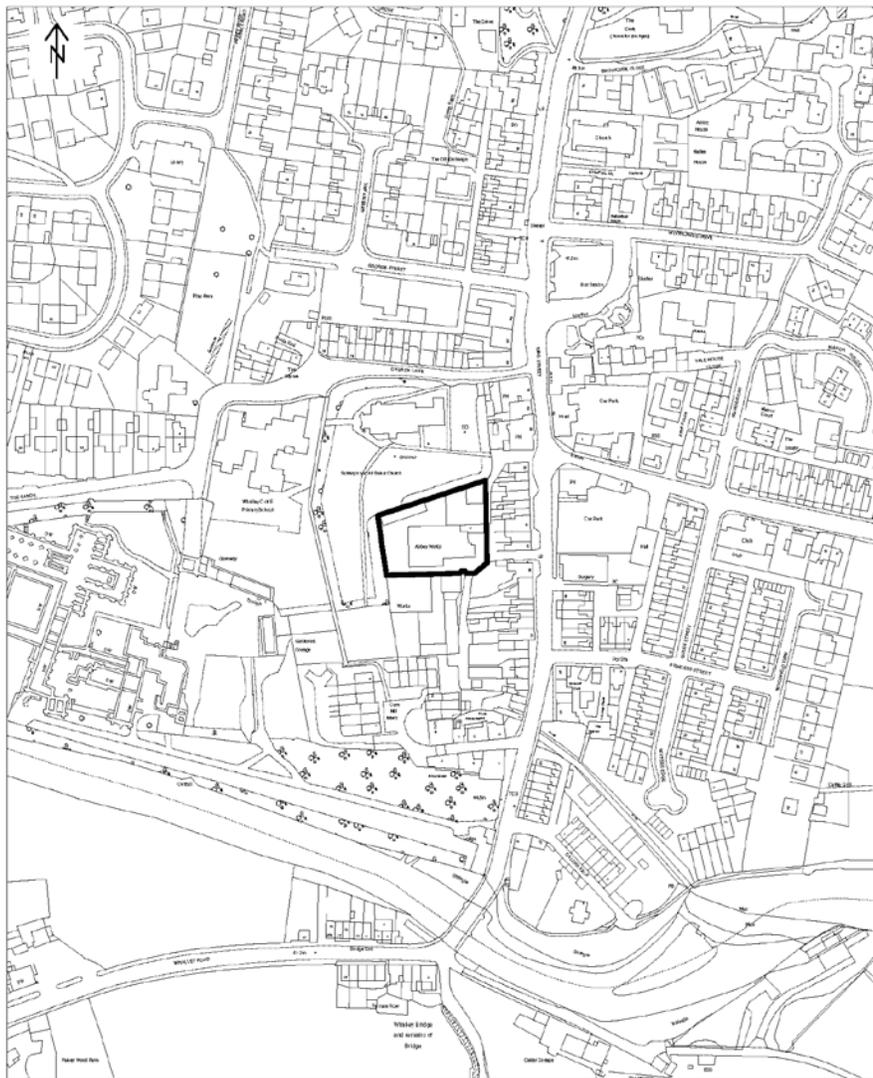
C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL

APPLICATION REF: 3/2018/0530

GRID REF: SD 373261 436108

DEVELOPMENT DESCRIPTION:

CHANGE OF USE TO NEW RESTAURANT AND RETAIL SPACE WITH INTERNAL ALTERATIONS AT THE STABLES REAR OF KING STREET, WHALLEY.



3/2018/0530 The Stables rear of King Street Whalley BB7 9SP

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Strongly object.

Whalley experiences excessive levels of noise and disturbance at night time and early hours, particularly at weekends. The proposal will extend this to Back King Street which is residential.

To detriment of existing food and drink establishments.

More taxis - already blighted with noise and pollution.

RVBC undertaking a Cumulative Impact Survey on whether to review the Licensing Policy Criteria for Whalley - concerns from residents, Parish Council and local voluntary groups that too many drinking establishments resulting in anti-social/nuisance problems. Not appropriate to grant planning application with review ongoing.

LCC Highways:

Clarification of parking provision required. The application form suggests that there are 10 parking spaces available and these are shown on the location plan in the area to the rear of the site. However, it is not clear whether these spaces are for the exclusive use of the proposed development or are to be shared with the other units within the red edged area on the plan.

Concern that the lighting levels present may not be sufficient for safe pedestrian access (site's location down a back street). This will need to be reviewed and amended accordingly.

Historic England:

No comments received at the time of report writing.

LAAS:

No comments received at the time of report writing.

Historic amenity societies (non-statutory consultation):

No comments received at the time of report writing.

LLFA:

No comment because LLFA Flood Risk Standing Advice should have been applied and the development is not listed in the "When to Consult the LLFA" document or in the Development Management Procedure Order 2010.

CADENT GAS:

No objections but advise that the site is within the boundary and advised the applicant of their responsibilities.

ADDITIONAL REPRESENTATIONS:

At the time of report writing, twelve letters (including two letters from one address) of objection Had been received in respect to the following matters:

- Outdoor dining and drinking area in courtyard – noise and privacy implications to residents (summer months, weekends, late night opening – 07.00hrs through to 01.00hrs). Noise cannot be contained within the courtyard. Becoming untenable to live in centre of village.
- Too many licensed premises in Whalley that leads to anti-social behaviour including noise, litter and general disturbance issues,
- Lack of parking for existing business and proposed business would lead to highway safety and pedestrian safety issues.
- Problems associated with deliveries to existing businesses causing gridlock on King Street and Back Ling Street.
- Contrary to the original benefits associated with the previous planning permission which meant building used for good (Community Hub) – no license to sell alcohol.
- The reason that visitors come to Whalley is gradually being eroded. Recognise the need to balance economic growth in the area but believe at detriment of residents, particularly in the centre of Whalley.
- No proposals for surface water drainage (flood of December 2015).
- Report lacks adequate details in relation to surface water drainage, noise and odour assessments.
- Inadequate lighting for safe pedestrian access.
- Party wall legal dispute with The Stables (Horizon Imports Ltd).
- Planning permission refused on same site for poor access/highways.
- No point in commenting as it will probably be granted anyway.

1. Site Description and Surrounding Area

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

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

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

“Industrial area between the churchyard and rear boundaries of the buildings facing King Street, with large modern sheds and poor quality roads” (Weaknesses and Townscape Appraisal Map);

“three sites for enhancement ... The commercial sheds/workshops to the west of nos. 25- 53 King Street” (Opportunities);

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

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

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

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

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

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

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

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

“Rural, open character with trees and open green spaces”; “Little traffic and peaceful character”; “Scheduled Ancient Monument - ruins of Whalley Abbey”; “Grade I listed buildings – Whalley Abbey Conference centre, the Abbey gateway, the Western Cloister, and St Mary’s and All Saints’ Church”; “ Three Saxon crosses in the churchyard”; “Grade II listed 17th and late 18th century houses and cottages facing Church Lane “ and “19th century primary school next to the church” (The Sands, Whalley Abbey and Church Lane character area: principal positive features; paragraph 2.1 of the submitted Heritage Statement confirms that the site is within this character area).

“Industrial area between the churchyard and rear boundaries of the buildings facing King Street” and “Plastic windows and doors” (The Sands, Whalley Abbey and Church Lane character area: principal negative features).

“Busy traffic and few established pedestrian crossings” (King Street character area principal negative features).

- 1.4 The file report for application 3/2007/0762 identifies that “the L-shaped building ... has been used in recent years for the stabling of horses and the storage of materials ... dates back to the early 19th century ... the roof was recently fire damaged ... the proposal involves ... creation of a first floor within the building. This involves raising the current height of the walls and reconfiguration of the roof”.

2. Proposed Development for which consent is sought

- 2.1 The submitted plans show that planning permission is sought for use of the former stable yard and buildings as restaurant and retail space (Ground Floor and Courtyard) and offices (First Floor). The submitted information identifies that following the grant of planning permission in 2007 (3/2007/0762), the site was “sold on as an unfinished construction project with only the external envelope nearly complete”. Paragraph 2.3 of the Heritage Statement confirms that a “change of use” is proposed. A flat-roof timber-clad ‘Dry Store’ extension is shown to the proposed kitchen (not clear how door access will be maintained to adjoining building). The courtyard ‘Covered Exterior Dining/Drinking Area’ and ‘Covered Exterior Bar Drinking/Dining Area’ has seating for almost 80 people.
- 2.2 The location plan shows the site to encompass the area to the south and east of St Mary and All Saints churchyard and to include the existing Abbey Works and a Garage range as well as the “Existing Main Building”.
- 2.3 The application form (Q.10) identifies 10 ‘Existing’ and ‘Proposed’ on-site parking spaces. The submitted location plan shows the position of 7 parking spaces (including one Disabled Parking space). In response to a Lancashire County Council Highways enquiry, the agent has confirmed that “the parking will be shared with the other buildings within the red edged boundary of the site” (12 July 2018).

- 2.4 The application form (Q.20) identifies hours of opening for the A3 use to be 07:00 to 01:00 Monday to Friday and 08:00 to 01:00 Saturday, Sunday and Bank Holidays.
- 2.5 The application form (Q.19) identifies 10 Full-time and 20 Part-time proposed employees.
- 2.6 The application form (Q.15) incorrectly states that there are no trees on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character.
- 2.7 The application form (Q.9) identifies proposed windows to be “Double glazed brown UPVC type ... to match existing”. However, the provenance of this inappropriate fenestration is unclear – it is not shown within application 3/2007/0762 (which includes a materials condition for the submission of walling, roofing and surface specifications/samples).
- 2.8 The application form (Q.12) identifies that the site is not within an area at risk of flooding.
- 2.9 Concern is expressed regarding lack of information to assess the application.

3. **Relevant Planning History**

No pre-application advice has been sought by the applicant.

3/2015/0794 - Demolition of existing industrial units and construction of a pay and display car park at Abbey Works, King Street. Planning application withdrawn 8 April 2016.

3/2007/0762 - Redevelopment of former stable yard to form retail/cafe area, plus community facilities for use by youth organisations and community groups including meeting rooms, offices and accommodation for use by key worker. Planning permission granted 21 December 2007. *'As existing' plans missing from file.*

3/2014/0477 - Certificate of Lawfulness for an existing use of motorcycle repair, servicing and preparation work. Issued 22 July 2014.

3/2012/0824 - Proposed change of use from booking office to walk in booking office. Change of parking to add more additional parking spaces. Ground Floor Office 6 Abbey Works. Planning permission refused 12 November 2012.

3/2009/0127 - Change of use of ground floor office (previously used by Building Contractor's secretary) to use as taxi booking office. Unit 6A Abbey Works. Planning permission granted 3 April 2009.

3/2006/0705 - Renovation of existing building including increase in ridge height to provide storage/office space for retail unit adjacent. Warehouse to rear of 41 King Street. Planning permission refused 22 September 2006.

3/2006/0983 - Improvements and alterations to existing workshop/store to provide storage facilities for adjacent shop. Warehouse/workshop to rear of 41 King Street. Planning permission granted 16 January 2007.

3/1997/0348 – Private garage. Abbott Works, Back King Street. Planning permission granted 11 September 1997.

3/1997/0020 - Change of use to fast food delivery outlet involving home delivery service from telephone orders only. Holt Engineering, Unit 1, Abbey Works, Back King Street. Planning permission refused 1 April 1997.

3/1990/0847 - Continuation of use of garage for private hire business (one car). Back King Street. Planning permission granted 13 December 1990.

3/1989/0616 - Private hire (one car). Garage on land, Back King Street. Planning permission granted 24 October 1989.

3/1989/0287 - Proposed 5 garages on existing parking area. Abbott Works, (Back), King Street. Planning permission granted 24 August 1989.

3/1986/0111 – Erection of private garage, Plot 2, Abbot Works, Back King Street. Planning permission refused 6 May 1986.

3/1986/0110 – Erection of garage, Plot 3, Abbot Works, Back King Street. Planning permission granted on appeal 19 February 1987.

6/10/88 – Property alterations and additions to form moulding shop, store, heating chamber and erection of ‘Acme’ store. Abbey Foundary. Planning permission granted 17 November 1949.

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement EC1 – Business and Employment Development

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

Key Statement EC3 – Visitor Economy

Key Statement DS1 – Development Strategy

Key Statement EN5 – Heritage Assets

Key Statement DM12 – Transport Considerations

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB4 – Open Space Provision

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DMG1 – General Considerations

Policy DME4 – Protecting Heritage Assets

Policy DMB3 – Recreation and Tourism Development

Policy DMR2 – Shopping in Longridge and Whalley

Planning (Listed Buildings and Conservation Areas) Act 1990. ‘Preservation’ in the duties at sections 16, 66 and 72 of the Act means “doing no harm to” (*South Lakeland DC v. Secretary of State for the Environment* [1992]).

Whalley Conservation Area Appraisal

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 Impact upon the character and appearance of Whalley Conservation Area, the setting of listed buildings and the setting of Whalley Abbey scheduled monument:

5.1.1 The Borough Council has requested the essential information to assess the impact of proposed development upon the designated heritage assets and to undertake its duties at section 72 and 66 of the Act. However, this had not been received at the time of report writing.

The duty at Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

“In the exercise, with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

The duty at Section 66 (1) states:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

5.1.2 It is evident that the proposal will result in some loss and harm to the fabric of boundary walling (section 1(5) of the Act may suggest that the graveyard retaining wall section is a curtilage listed structure) and conservation area character and appearance will be harmed by the installation of brown UPVC windows and doors to the Building of Townscape Merit. It is also difficult to envisage a development which will not harm the ‘peaceful character’ (and add to the existing negative impact of the industrial area) which is intrinsic to the Sands, Whalley Abbey and Church Lane character area of Whalley Conservation Area and the settings of the medieval church and Cistercian abbey.

Intangible character is discussed in ‘Listed Buildings, Conservation Areas and Monuments’ (Mynors C., 2006, page 501-504):

“Thus Roy Vandermeer Q.C. sitting as deputy judge in *Archer and Thompson v Secretary of State*, held that it seemed quite plain that matters such as the nature of a use and its effect could be of consequence. A change of use might, for example, affect the historic interest of an area; or its character might be affected by noise. He wholly rejected the proposition that the test was limited so that the only considerations that could be brought within the compass of section 72 were matters affecting physical structures”.

Historic England’s ‘Conservation Area Designation, Appraisal and Management’ (February 2016) identifies:

“Key elements in defining the special interest are likely to be ... how the places within it are experienced by the people who live and work there and visitors to the area (including both daily and seasonal variations if possible)” (paragraph 45).

NPPG 'Conserving and Enhancing the Historic Environment' paragraph 13 identifies:

"Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each".

'Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets' (Historic England, December 2017) identifies:

"Setting ... Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.

... significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting

... assessment should first address the key attributes of the heritage asset itself and then consider: the physical surroundings of the asset, including its relationship with other heritage assets; the asset's intangible associations with its surroundings, and patterns of use; the contribution made by noises, smells, etc to significance, and the way views allow the significance of the asset to be appreciated

... potential attributes of a setting that it may be appropriate to consider in order to define its contribution to the asset's heritage values and significance: Experience of the asset: Surrounding landscape or townscape character; Views from, towards, through, across and including the asset; Intentional intervisibility with other historic and natural features; Visual dominance, prominence or role as focal point; Noise, vibration and other nuisances; Tranquillity, remoteness, 'wildness'; Busyness, bustle, movement and activity; Scents and smells; Diurnal changes; Sense of enclosure, seclusion, intimacy or privacy; Land use; Accessibility, permeability and patterns of movement; Degree of interpretation or promotion to the public; Rarity of comparable survivals of setting; Cultural associations; Celebrated artistic representations and Traditions".

5.1.3 The Whalley Conservation Area Management Guidance (The Conservation Studio consultants; subject to public consultation) identifies concerns in respect to UPVC windows:

"Replacement windows: The insertion of factory made standard windows of all kinds, whether in timber, aluminium, galvanised steel or plastic is almost always damaging to the character and appearance of historic buildings. In particular, for reasons of strength the thickness of frame members tends to be greater in plastic or aluminium windows than in traditional timber ones. Modern casements with top-opening or louvred lights or asymmetrically spaced lights are generally unsuitable as replacements for windows in historic buildings".

'Energy Efficiency and Historic Buildings: Application of Part L of the Building Regulations to Historic and Traditionally Constructed Buildings' (English Heritage, 2011) states:

"The Importance of Windows in Older Buildings: Window openings and frames give a building's elevation its character. They should not be altered in their proportions or details, as they are conspicuous elements of the design ... Replacing traditional single-glazed sash windows with double-glazed PVCu windows can be very damaging to the special character and appearance of the building. The fundamental objections, amongst many, are that double-glazed sealed units thicken the dimensions of glazing bars inappropriately, or result in extremely poor facsimiles stuck to the face of the glass. The frames and glazing of many historic windows have fallen victim to inappropriate replacements, but over the past decade greater appreciation of their value has begun to develop".

- 5.1.4 The trees at the church boundary of the site are important to visual amenity and the character and appearance of Whalley Conservation Area (see Appraisal). I therefore concur with the Borough Council Countryside Officer that reassurance is necessary in respect to tree stability and longevity.
- 5.1.5 NPPG states that "*substantial harm is a high test, so it may not arise in many cases*". The full impact on the character and appearance of Whalley Conservation Area, the setting of listed buildings and the setting of the scheduled monument cannot be ascertained from the submitted information. At this stage, I consider the harm to the designated heritage assets to be 'less than substantial'.

The Historic England Governance and Legal Director identifies in 'The Big Issue of Little Harm' (see below) that:

"If we are to look after what matters about our historic buildings and sites – their heritage significance – then we need to not just worry about the major proposals for change, but also about the cumulative effect of the small things.

Fortunately, heritage planning law and policy is as concerned with the small changes as it is with the big

... Any harm is to be given 'great weight' whether it is serious, substantial, moderate, minor or less than substantial. Whatever adjective you choose to describe it and however the harm is caused – directly or through an impact on the setting – every decision should acknowledge the general priority afforded to heritage conservation in comparison to other planning objectives or public benefits".

- 5.1.6 Therefore in my opinion, the loss of boundary walling fabric and historic detail, installation of brown UPVC windows and doors to the Building of Townscape Merit and further challenge to the 'peaceful character' of the environs of the medieval church and Cistercian abbey will be harmful to conservation area character and appearance (section 72 of the Act) and the setting of Grade I listed buildings (section 66 of the Act). The paucity of information submitted by the applicant is noted in respect to the NPPF paragraph 132 requirement that any harm to designated heritage assets be clear and convincingly justified.

5.2 Land use issues:

- 5.2.1 The Stables building and courtyard is outside of Whalley's Main Centre Boundary (Core Strategy Policy DMR2) and Existing Employment Area (Core Strategy Policy DMB1). The churchyard and school field immediately to the north of the Whalley Abbey North Range forms an Existing Open Space (Core Strategy Policy DMB4).

The DMR2 proposals map boundary may suggest that the site is not "physically closely related to existing shopping facilities". Furthermore, this policy requires "particular regard to the effect of the proposals on the character and amenities of the centre and the consequences in respect of vehicular movement and parking".

The Borough Council Head of Regeneration and Housing supports the principle of the proposal (consistent with Policy DS1 and supported by EC1, EC2 and EC3) and the development is located so as to minimise the need to travel and has access to convenient public transport links. Bringing the building back into use and supporting local economic growth are important.

However, he is concerned that restaurant, retail and offices could generate an intensive use (clarification needed) and proposed parking spaces are limited in a location which is tight for parking space. The scheme needs to be sympathetic to its heritage setting.

In respect to the latter, I note the Local Government Association's 'Revitalising Town Centres' (May 2018):

"Following Town Centre Trends: Embracing Heritage: Instead of the historic environment being a constraint, there is an authoritative case that it creates a desirable town centre experience.

According to Historic England in its report on the changing face of the High Street, creating a greater sense of 'destination' gives town centres a competitive edge".

In my opinion, insufficient information has been submitted to properly consider the potential benefits of the scheme (NPPF paragraph 134).

5.3 Residential Amenity:

- 5.3.1 I concur with the concerns of local residents (and business owners) in respect to potential noise and odours. Unfortunately, the paucity of information submitted prevents consideration to mitigation and compromise in respect to these issues. The Environmental Health Officer has also advised of the need for further information.

- 5.3.2 In respect to the number and cumulative impact of existing licensed premises in Whalley, I am mindful that NPPF paragraph 23 'Ensuring the vitality of town centres' states that local planning authorities should "promote competitive town centres that provide customer choice and a diverse retail offer".

5.4 Highway Safety and Accessibility:

5.4.1 At the time of report writing, I am mindful of the initial concerns of Lancashire County Council Highways in respect to parking provision and lighting.

5.5 Other Matters:

5.5.1 At the time of report writing, no comments had been received from the Environment Agency (flooding). Concern has been expressed by the ?Countryside Officer that the development may lead to tree resentment issues and further details should be submitted.

Party wall legal disputes are not matters for consideration in the determination of the planning application.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 The response of the applicant to requests for further information is disappointing. An email from the agent in respect to Environmental Health requirements states "*at this stage we feel it's unfair to ask the client to have to pay the significant costs to ascertain the information before any formal decision from the local planning authority has been made*" (10 July 2018).

6.2 Therefore, in giving considerable importance and weight to the duties at section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in giving 'great weight' to the conservation of the designated heritage assets (NPPF paragraph 132), in consideration to NPPF paragraph 17 (conserve heritage assets in a manner appropriate to their significance), paragraph 60 (reinforce local distinctiveness) and paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) and in consideration to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy I would recommend that planning permission be refused for harm to the character and appearance of Whalley Conservation Area, the setting of listed buildings and the setting of Whalley Abbey scheduled monument because of the physical impacts to The Stables of loss of fabric and introduction of UPVC windows and the impact of noise to the intrinsic peaceful character of this conservation area character area (which includes the immediate settings of a medieval church and abbey).

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

1. The proposal is harmful to the character and appearance of Whalley Conservation Area and the setting of the Church of St Mary and All Saints and Whalley Abbey listed buildings because of the loss of important historic fabric, loss of design interest resulting from the installation of UPVC windows and doors and disruption to the peaceful character of the area. This is contrary to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy.
2. The application contains inadequate detail to ascertain the impact of development on highway safety and residential amenity. In the absence of this information the Council is unable to establish whether the proposed development would comply with Policies DMG1 and DMG3 of the Core Strategy.

BACKGROUND PAPERS

<http://www.legislation.gov.uk/ukpga/1990/9/contents>

[Planning (Listed Buildings and Conservation Areas) Act 1990]

<https://www.historicengland.org.uk/images-books/publications/conservation-bulletin-73/>

(page 46 'The Big Issue of Little Harm', Conservation Bulletin: Issue 73 Winter 2014)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

(National Planning Policy Framework)

<https://www.gov.uk/guidance/national-planning-policy-framework/12-conserving-and-enhancing-the-historic-environment>

(National Planning Policy Guidance: Conserving and Enhancing the Historic Environment)

<https://www.historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

('Making Changes to Heritage Assets', Historic England, 2016)

<https://content.historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesguidanceapr08web.pdf/>

('Conservation Principles, Policies and Guidance', Historic England, 2008)

<https://content.historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2.pdf/>

('Managing Significance in Decision-Taking in the Historic Environment', 2015)

https://www.ribblevalley.gov.uk/download/downloads/id/10010/adopted_core_strategy.pdf

(Adopted Core Strategy)

https://www.ribblevalley.gov.uk/downloads/file/3709/whalley_conservation_area_appraisal

https://www.ribblevalley.gov.uk/downloads/file/3708/whalley_conservation_area_management_guidance

(Whalley Conservation Area Appraisal and Management Guidance)

<https://www.historicengland.org.uk/images-books/publications/conservation-area-designation-appraisal-management-advice-note-1/>

('Conservation Area Designation, Appraisal and Management', Historic England, 2016)

<https://www.historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

('The Setting of Heritage Assets', Historic England, 2017)

APPLICATION REF: 3/2018/0537

GRID REF: SD 374972 437491

DEVELOPMENT DESCRIPTION:

ERECTION OF ONE SELF-BUILD DWELLING AND ASSOCIATED WORKS (RESUBMISSION OF APPLICATION 3/2017/1188). WISWELL BROOK FARM MOORSIDE LANE WISWELL BB7 9DB



3/2018/0537 Wiswell Brook Farm Moorside Lane Wiswell BB7 9DB

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Wiswell Parish Council objects to the application on the following grounds:

- The application does not meet the need within the village.
- The site is unsustainable – poor travel to educational facilities and shops.
- Located within a tier two village – low sustainability factor.
- The site, which is sloped, will require indicative building to require a substantial amount of spoil removed off site which will cause disruption to neighbours and village.
- Self-build is not defined as was intended under NPFF and subsequent amendments.

The Parish Council also comment further as follows:

This application, in the Parish Council's opinion, is not a self-build application but self-managed. It does not meet a required need for agriculture or forestry, low cost home or regeneration requirements for the village.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The Highways Development Control Section have raised no objection to the proposal subject to the imposition of condition(s).

UNITED UTILITIES:

No objection to the proposed development subject to the imposition of conditions.

ADDITIONAL REPRESENTATIONS:

Seven letters of representation have been received objecting to the application on the following grounds:

- Proposal is contrary to the aims and objectives of the Core Strategy
- Unsustainable location
- Adverse impact upon natural landscape
- Inadequate access
- Loss of habitat/biodiversity
- Approval would lead to further applications for self-build housing in the area
- Increase in traffic
- Highway Safety
- Loss of view from public footpath

1. Site Description and Surrounding Area

- 1.1 The application site is a 0.2 Hectare plot of greenfield land located towards the eastern extents of Moorside Lane. A portion of the southern extents of the site is located within the defined settlement boundary of Wiswell with the remainder of the site falling outside of the aforementioned allocation, being located within defined open countryside.

1.2 The submitted indicative layout proposes that approximately a third of the ground floor footprint will be located within the settlement boundary with the remaining two thirds representing and encroachment into the open countryside. This will result in the majority of the residential curtilage associated with the dwelling also being within defined open countryside, albeit with the access point off of Moorside Lane remaining within the settlement boundary.

1.3 The site previously occupied a large number of trees which at the time of visiting the site appear to have been felled, elements of hedgerow have also been removed. Public Right of Way Footpath no.15 abuts the eastern extents of the site. The site is bounded to the west by the residential curtilage associated with 'Moorside' and to the north by numbers 14 and 16 Leys Close.

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

2.1 Outline consent (matters of access only) is sought for the erection of a single self-build dwelling off Moorside lane Wiswell. It is proposed that vehicular and pedestrian access will be provided at the southern extents of the site off Moorside Lane. Due to the differences in levels between the lane and the main body of the site it is likely that this will be in the form of a ramped access with some grading of the land being required.

2.2 Members will note that the current application is a resubmission of 3/2017/1188 which was taken before Planning and Development Committee on the 24 May 2018 with a recommendation that the application be refused. Committee agreed the officer recommendation, the application was subsequently refused on the 25 May 2018.

2.3 The application seeks consent for a self-build unit under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Act requires relevant authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in an authority's area. The Act places two main duties upon relevant authorities which are primarily concerned with increasing the availability of land for self-build and custom housebuilding. These duties are the 'duty to grant planning permission etc' and the 'duty as regards registers'. Matters relating to the obligations the act places on the authority are discussed in detail within the 'principle' section of this report.

2.4 The application has been made on behalf of an individual who resides within Wiswell, directly adjacent the application site. The individual is also on the Local Authority's Self-Build register, having first been entered on to the register on the 10 November 2017.

2.5 Members will note that the applicant has resubmitted the application following the receipt of an appeal decision (APP/T2350/W/17/31869) in which the inspector determined that the authority cannot currently demonstrate a 5-year supply of housing.

3. **Relevant Planning History**

3/2017/1188:

Erection of one self-build dwelling and associated work. (Refused)

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME5 – Renewable Energy

Policy DME6 – Water Management

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 An element of the application site is located within the Defined Settlement Boundary for Wiswell with the remainder being located within the Defined Open Countryside. Wiswell is categorised as a Tier 2 settlement, Key Statement DS1 states that development within Tier 2 Villages will need to meet proven local needs or deliver regeneration benefits. Policy DMG2 provides further guidance stating that:

Within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:

1. The development should be essential to the local economy or social wellbeing of the area.
2. The development is needed for the purposes of forestry or agriculture.
3. The development is for local needs housing which meets an identified need and is secured as such.
4. The development is for small scale tourism or recreational developments appropriate to a rural area.
5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.

5.1.2 The applicant considers that given the self-build nature of the application, that the application has been made by a resident of Wiswell who lives adjacent the site and who is also registered on the Local Authority's Self-Build register, that the application meets the third criterion of DMG2 insofar it has been demonstrated that the dwelling will be for local needs housing which meets an identified need.

5.1.3 In respect of the portion of the site that falls within the Defined Open Countryside, the applicant also considers that the application would also therefore be in

accordance with Policy DMH3 which states that residential development within the open countryside will be acceptable where it meets an *'identified local need'*.

- 5.1.4 Changes in legislation came into effect on 31 October 2016 which amended the Self-build and Custom Housebuilding Act 2015 and implemented Chapter 2 of the Housing and Planning Act 2016 which sets out provisions to support self-build and custom housebuilding. This means that the second and final part of the Right to Build - placing a duty on relevant authorities to make a suitable number of serviced plots available to meet the demand on their self-build and custom housebuilding registers, has now come into force and the Right to Build is now fully implemented.
- 5.1.5 It is clear that the act has implications for the Authority insofar that a duty is placed upon it to grant sufficient consents for serviced plots to meet the demand as reflected within the self-build register. However the act is not explicit in terms of the requirement to meet demand in the areas, settlements or locations whereby demand is registered.
- 5.1.6 The authority considers therefore, in terms of locational matters, that self-build dwellings/plots should not be considered as an 'exception' to the criterion of the Development Strategy for the Borough. Section 38(6) of the Town and Country Planning Act 1990, still requires that applications are "determined in accordance with the Development Plan unless material considerations indicate otherwise". It is therefore important to give due consideration to the interplay between Key Statement DS1, Policy DMG2, DMH3 and the Self-Build Act. The Authority considers that such applications must still be determined in accordance with the adopted Development Plan which seeks to critically establish both the pattern and intended scale of development in order to achieve a sustainable pattern of development across the Borough. To consider otherwise would inevitably result in the undermining of the main aims and effectiveness of the Development Strategy as a whole.
- 5.1.7 It is further considered that a failure to require such applications to be in accordance with the Development Plan would result in the likely perpetuation of unsustainable patterns of development in locations that would normally be deemed unsustainable or unsuitable. The Authority considers that the purpose of the Self-Build Act is not to allow or enable such development to be treated as an exception to the aims or objectives of the Development Plan solely by virtue of the circumstances of the potential self-build applicant or the existence of a registered demand. At the time of the writing of this report the self-build register has 26 entries.
- 5.1.8 In respect of the matter of 'local need' the nature of the application does not currently fit the with definition of 'local needs housing' as defined within the Adopted Core Strategy which states that 'Local needs housing is the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment'. Therefore it cannot be considered that the proposal meets the exception criterion contained within DMH3 nor DMG2.

- 5.1.9 Members will recall that the Local Authority has undertaken a review of not only counsels advice submitted in support of an unrelated self-build application, but also the implications of the act in determining applications.
- 5.1.10 The aforementioned counsels advice submitted to the authority advises that the current Development Plan is silent on matters relating to self-build housing and therefore para.14 of the National Planning Policy Framework (NPPF) is invoked which states that *'where the development plan is absent, silent or relevant policies are out-of-date'* the authority should grant permission unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.
- 5.1.11 The authority considers that the adopted Development Plan is not 'silent' on matters relating to self-build housing. The Development Plan is generally permissive of housing (including self-build among other specialist types and forms of housing) providing these are to be located in an appropriate location. Furthermore the Development Plan is also permissive of housing outside of defined settlements providing such housing is to meet clearly identified 'local need' as defined in 5.1.9 above. The current application does not seek to meet or address such need. Given its location partially outside of a defined settlement it therefore must be considered as in direct conflict with the aims and objectives of the plan, in particular the criterion of DMH3 which relate to housing in the defined open countryside.
- 5.1.12 The advice previously put forward to the authority further points towards the statutory duty placed on the authority to grant sufficient consents to match the demand that is reflected on the self-build register held by the authority. The authority is aware of these statutory duties, but considers these duties must be undertaken under the umbrella of and in accordance with the aims and objectives of the adopted development plan.
- 5.1.13 The statutory duty placed on the authority to grant 'sufficient consents' cannot be considered as a duty that is intended to allow for an unrestricted or 'cart blanche' approach to development in inappropriate locations or locations that do not accord with the spatial vision for the locations of new housing embodied within the adopted development plan.
- 5.1.14 Notwithstanding the above matters, should it be considered that Para.14 of the NPPF is engaged, the authority considers that proposal would perpetuate an unsustainable pattern of development that would result in a level of harm that would significantly outweigh the benefits of granting consent, regardless of the statutory duty to grant sufficient consents to match the demand as reflected in the self-build register, particularly when it is considered that the self-build demand can be met in more sustainable locations.
- 5.1.15 Furthermore, in respect of the above duty, members will note that the Self-Build Act places a duty on authorities to comply with their duty to grant sufficient permissions within a three year period from the end of each base period. The last base period ended on the 30th of October 2016 therefore the time for 'compliance' with the duties imposed under the act has yet to expire. In this respect and in relation to the current application there is therefore no clear

impetus or obligation upon the authority to grant consent in such locations at this time given the period of compliance has 14 months remaining.

- 5.1.16 The applicant has provided a supporting letter which makes reference to the recent appeal decision at Higher Road Longridge whereby the determining inspector concluded the authority could not demonstrate a 5-years supply of housing. In relation to this matter the applicant considers Paragraph 14 of the National Planning Policy Framework (NPPF) is therefore engaged which states that:

Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted

- 5.1.17 In relation to the above, the authority does not consider that the development Plan is 'silent' in relation to the matter of self-build housing nor does it consider that relevant policies (relating to the location and spatial distribution of housing) can be considered as out-of-date.
- 5.1.18 Notwithstanding this matter, should it be considered that such policies are out of date by virtue of a lack of a 5-year supply of housing, the contribution of one dwelling towards any such shortfall in supply is minimal at best. In this respect, the benefits associated with such a minimal contribution towards housing supply would not outweigh the long-term harm resultant from the perpetuation of an unsustainable pattern of development in a location that does not benefit from adequate walkable access to local services or facilities.

5.2 Impact upon Residential Amenity:

- 5.2.1 As the application is made in outline with matters of layout, scale and appearance being reserved for consideration at a later date no definitive assessment can be made in respect of the potential impacts upon residential amenity resultant from the proposal. Notwithstanding this matter the Local Planning Authority consider it is appropriate to give due consideration to potential conflicts or issues that may arise as a result of a detailed proposal coming forward that reflects the indicative layout proposed.
- 5.2.2 The application has been accompanied by an indicative site plan which shows the proposed dwelling occupying a relatively central location within the site. The submitted details indicate that primary living accommodation will be accommodated at ground floor and it is therefore logical to assume that the proposal will be two-storeys to accommodate bedrooms at first floor or that these will be accommodated within the roofspace.
- 5.2.3 The site benefits from an elevated position when taking account of the properties to the north and north west. Taking this into account there may be the potential for detrimental impacts upon residential amenity upon these neighbouring properties by virtue of direct overlooking or a potentially overbearing impact. However members will note at this stage such an impact, if any, cannot be accurately quantified or assessed.

5.3 Highway Safety and Accessibility:

5.3.1 The Highway Development Control Section have raised no objection to the proposal subject to conditions being imposed in relation to parking provision, access arrangements and vehicular charging points.

5.4 Landscape/Ecology:

5.4.1 The application is accompanied by an Extended Phase 1 Habitat Survey. The report concludes that there is no evidence of specifically protected or otherwise important species occurring within the development site. The report does identify that a number of breeding birds occur on the site, one of which being Dunnock, a species of principal importance for conservation. Consequently the report recognises that there will be a minor loss of breeding habitat as a result of the proposal.

5.4.2 The application has been supported by the submission of an Arboricultural Impact Assessment however given consent is not sought for matters of layout no detailed assessment can be made at this stage in respect of the potential for impact upon trees.

5.5 Flood Risk and Drainage:

5.5.1 No issues have been raised by statutory consultees in respect of matters relating to flood risk or drainage.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 Taking account of the above matters and all material considerations it is considered that the proposal would result in the creation of a dwelling partially located within a Tier 2 settlement that fails to meet proven local need or deliver regeneration benefits.

6.2 Furthermore, and for the reasons outlined above, the proposed development is also considered to be in direct conflict with the aims and objectives of the adopted development plan insofar that the granting of planning consent would result in the creation of a residential dwelling, not only partially within the defined open countryside without sufficient justification, but also in an unsustainable location that does not benefit from adequate walkable access to services and facilities.

6.3 It is further considered that the perpetuating of an unsustainable pattern of development in a location that does not benefit from adequate walkable access to services and facilities would be in direct conflict with the presumption in favour of sustainable development. As such the proposal would result in a level of harm that would significantly outweigh the benefits of granting consent, regardless of the statutory duty to grant sufficient self-build consents to match the demand as reflected in the self-build register or the 5-year housing supply position within the borough.

RECOMMENDATION: That the application be REFUSED for the following reasons:

1. The proposal is considered contrary to Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that the granting of approval would lead to the creation of a new residential dwelling and/or associated residential curtilage being

partially located in the defined open countryside, located outside of a defined settlement boundary, without sufficient or adequate justification.

2. The proposal would lead to the perpetuation of an unsustainable pattern of development in a Tier 2 location, without sufficient or adequate justification, that does not benefit from adequate walkable access to local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policies DMG2 and DMG3 of the adopted Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0537

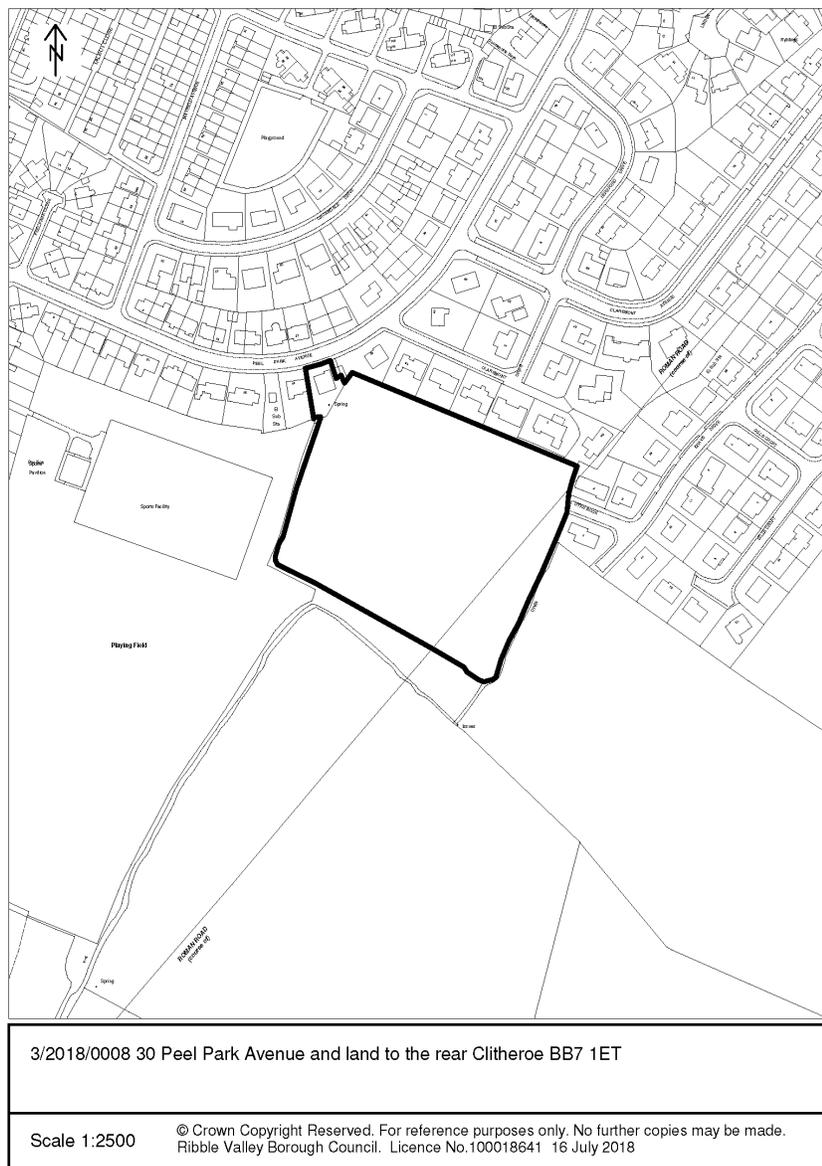
D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED

APPLICATION REF: 3/2018/0008

GRID REF: SD 374748 441061

DEVELOPMENT DESCRIPTION:

DEMOLITION OF EXISTING DWELLING AND ERECTION OF 34 BUNGALOWS FOR THE OVER 55S WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING AND OPEN SPACE AT 30 PEEL PARK AVENUE AND LAND TO THE REAR CLITHEROE BB7 1ET



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

TOWN COUNCIL:

Object on grounds of over intensification of the site and poor site access

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

In principal I would not have objections to the application but I have concerns with regard to the layout of the site I would like some more detail with regard tertiary roads on the site. I would be looking for roads serving three or more houses to be designed and built to adoptable standards. This is a Policy of the county council. I appreciate that the entrance road is indicated a road that will be built to this level but the roads serving the vast majority of the properties would not meet our requirements. I would be looking the adoptable roads to extend to at least between plots 11 & 27 for one length and to between 21 & 30 on the other length. This will allow for a turning head in front of these plots. The Design and Access Statement indicates that the use of the longer lengths of tertiary roads were used to encourage lower speeds and as much as this is appreciated I feel that it is more important to offer an adopted road and to use other measures to keep drivers speeds low such as raised junction tables.

I would be looking for the adoptable roads to have a minimum width of 5.5m and footways at both sides of a minimum width of 2m. Looking at the layout there a situation where there would be no road running between plots 28 and 29. We would ask the designer if they could consider a road on this length as this would reduce the need for turning and reversing manoeuvres within the estate.

Subject to the lay out issues being resolved I would not raise objections to the application subject to the following notes and conditions being added to any permissions that your council is minded to grant.

Conditions

1. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

2. The new estate road/access between the site and Peel Park Avenue shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

3. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter,

be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with of the Development Plan.

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

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

5. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Details of working hours
- HGV delivery times and routeing to / from the site
- Contact details for the site manager

Plans of the layout with regard to parking, loading and storage should be included in this Document

6. Properties shall have facility of an electrical supply suitable for charging an electric motor vehicle.

LEAD LOCAL FLOOD AUTHORITY:

The Lead Local Flood Authority originally objected due to the absence of an acceptable Flood Risk Assessment (FRA) but following receipt no longer raise any objections subject to appropriate conditions. These are incorporated in the report.

UNITED UTILITIES:

Following our review of Flood Risk Assessment, we can confirm the proposals are acceptable in principle to United Utilities. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. B2030 Peel Park Avenue, Dated 07/12/17) which was prepared by Michael Lambert Associates. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding. Also recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

ENVIRONMENT AGENCY:

Not required to be consulted on this application.

LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE:

No objection and recommend imposition of a recording brief condition.

ADDITIONAL REPRESENTATIONS:

15 letters of objection have been received; these include one letter with a petition from 90 signatures many of which have also sent separate objection letters, 13 letters from an individual and 13 letters from individual households which raise the following concerns:

- The impact the development would have on the local habitat and loss of wildlife.
- Concern over drainage and flooding impact.
- If approved there would need to be a mechanism to control development for the bungalows only and restrict any further extensions.
- Concern over traffic implications and in particular the generation of vehicular traffic as a result of the development on the existing highway network as well as the new access point.
- The site is not identified as a development site in the Core Strategy or in the housing and economic document and was rejected as a SHLA site and therefore is inappropriate.
- There are more than enough houses that have already been granted in Clitheroe in excess of the Core Strategy figure and this would result in further loss of greenfield sites.
- The scheme makes no reference on how to address sustainability issues.
- Loss of privacy as a result of development caused by construction traffic, noise and overlooking if the development was to go ahead.
- There is an environmental impact.
- There is a lack of support in infrastructure to facilitate a development and in particular schooling, doctors surgery, shops and access to a reasonable bus service.
- There is concern that this is just a money grabbing exercise by Clitheroe Grammar School.
- The morality of such a decision is questioned.
- There is concern over the red line on the plan that is inaccurate and in particular the maintenance of a local ditch.

1. Site Description and Surrounding Area

- 1.1 The land is agricultural land of 1.97 hectares and situated in the south east part of Clitheroe and within the main settlement boundary of Clitheroe. It is bound by residential development to the north and west and to the south by open fields which forms part of y the Strategic Mixed Use development site Standen. There is also a sports pitch that borders the site.

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

- 2.1 The application seeks full planning consent and is for 34 bungalows that would be specifically for over 55's of which 4 would be Affordable bungalows.
- 2.2 In terms of materials the bungalows would be finished in natural stone and render with the properties beyond being finished in artificial stone and render.
- 2.3 Vehicular access to the residential development would be provided via a new access point to be taken off Peel Park Avenue which is facilitated by the demolition of number 30 Peel Park Avenue.
- 2.4 Each dwelling would be provided with at least two designated car parking spaces with some properties having integral garages and/or cycle sheds in the rear garden.

3. **Relevant Planning History**

None

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement EN2 – Landscape
Key Statement EN3 – Sustainable Development and Climate Change
Key Statement EN4 – Biodiversity and Geodiversity
Key Statement H1 – Housing Provision
Key Statement H2 – Housing Balance
Key Statement H3 – Affordable Housing
Key Statement DMI1 – Planning Obligations
Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMH1 – Affordable Housing Criteria
Policy DMG3 – Transport and Mobility
Policy DMB4 – Open Space Provision
Policy DME3 – Site and Species Protection and Conservation

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

- 5.1.1 The application site is located within the Settlement Boundary of Clitheroe, which is categorised as one of the principal settlements in Key Statement DS1 of the Ribble Valley Core Strategy. Key Statement DS1, along with Policy DMG2, seeks to ensure new housing is located within either the three principal settlements of

Clitheroe, Whalley or Longridge, the strategic site or the nine Tier 1 Villages which are considered to be the more sustainable of the 32 defined settlements.

- 5.1.2 The application site is adjoined by the Strategic Mixed Use development site Standen and existing residential development and sports pitch. As such the site is considered to be located within a sustainable location and the principle of residential development on this site would accord with the fundamental aims of the Development Strategy within the adopted Core Strategy.
- 5.1.3 With regard to housing land supply, at the time of writing this report the latest published figures (October 2017) the Council has a 5.73 year housing land supply and this is the figure that the Council must use when determining planning applications for housing. However, it is relevant to have regard to a recent appeal decision in relation to Higher road Longridge in which the Planning Inspector concluded that the Council only had a supply bewithin a range of 4.5 to 4.7. In respect of residual need, the Core Strategy proportions a total of 1280 houses to be built in Clitheroe during the plan period (2028). Whilst the housing requirement for Clitheroe has already been exceeded by I do not consider such an over provision would not cause harm to the development strategy, particularly given that the application site is located within the settlement boundary of one of the principal (most sustainable) settlements in the borough, and the proposed development would further add to the borough's housing land supply, including the provision of both a housing mix comprising of 1,2,and 3 bedroom bungalows for the over 55's including market and affordable units.. Additionally the residual need figures are expressed as a minimum requirement as opposed to a maximum.
- 5.1.4 In view of the above, it is considered that the broad principle of developing this site for residential use, within the Settlement Boundary of Clitheroe, complies with Key Statements DS1 and DS2, along with Policy DMG2, of the Core Strategy.

5.2 Viability Assessment in respect of affordable housing contribution.

- 5.2.1 In relation to Affordable Housing the proposal does not offer the minimum of 20% Affordable Housing. Viability assessments have been carried out and it has been concluded that given the nature of the development being bungalows it can provide for 4 units which is approximately 10% and therefore sits below the minimum threshold. One option would be to simply refuse the development on that basis and anticipate other sites will come forward to meet the provision or the existing site could be altered in its housing mix to promote a higher density development incorporating 2 storey dwellings which would allow for a different financial return to make the site more viable. A meeting has took place between the applicant, the LPA, and the Independent Surveyor in order to consider a on a scheme that would be viable and seek to obtain the maximum amount of financial contributions and affordable housing, whilst still being acceptable in all other aspects of planning. After these lengthy discussions and negotiations the applicant has agreed to provide the following as part of this application:

- 4 Affordable Bungalows
- Educational contribution of £ 64,269.81
- Public Open Space Contribution of £32,665;

- Ecology Contribution of £5,000;

5.2.2 Discussions and negotiations have taken place throughout the application process and the above offer from the applicant is considered to be the maximum/best that is financially viable having regard to the submitted scheme. In assessing the overall scheme it should be recognised that the scheme is for 34 bungalows and would be only one of a few sites of this size for bungalows only and the applicant has also agreed to allow the marketing scheme to allow for Clitheroe residents to have the first option during an initial marketing of the site. A similar condition worked successfully on a smaller bungalow development at barrow.

5.2.3 It is evident from the response of the Regeneration and Housing section that there is no objection in principle the scheme is not supported by the Housing Strategy Officer as it under delivers in relation to Affordable Housing as it only provides 10 % rather than the minimum 20%.

5.3 Impact upon Residential Amenity:

5.3.1 I note the concerns of the local residents with regards to highway issues and privacy on the basis of the advice from LCC highways do not consider it significant enough to warrant a refusal and in terms of privacy I consider there is adequate distance between the proposed dwelling that face towards the rear gardens of Claremont Drive and fencing or landscaping could further reduce any impact.

5.3.2 With regard to the relationship between the proposed dwellings within the development site, the proposal would accord with the Council's recommended separation distances so as to ensure that acceptable levels of amenity are provided for proposed residents.

5.3.3 In view of the above it is considered that the proposed dwellings would result in an acceptable relationship with existing neighbouring properties/uses, and mitigation measures can be included to ensure the future occupiers of the proposed dwellings are not unduly affected by neighbouring land uses, in accordance with the relevant sections of Core Strategy Policy DMG1.

5.4 Layout/Visual Amenity/External Appearance

5.4.1 In respect of the proposed dwellings there is a mixture of detached, semi detached as well as two blocks of 3 bungalows. The larger 3 bedroom detached bungalows have integral garages and the smaller detached bungalows have individual garages. The semi detached units have individual driveways with the "terraced blocks" having parking at the front. I consider the layout itself to be acceptable as it offers a mixture of design features and given the nature of the proposal does not dominate the surrounding landscape. It does not offer the same amenity space as the immediate dwellings that border the site I am satisfied that the layout itself is visually acceptable.

5.4.2 It is considered that the layout and design/appearance of the proposed development is in keeping with the surrounding area and would provide a range of different bungalows with different design features including small gabled bay

window and brick and timber detailing at the eaves of the units. The proposal therefore complies with Policy DMG1 which requires all proposals to be sympathetic to existing land uses in terms of scale, style, features and materials.

5.5 Highway Safety and Accessibility:

5.5.1 The County Highway Officer has raised no objection to the application including the creation of the new vehicle access point off peel Park Avenue.

5.5.2 As detailed earlier in this report the applicant has agreed to the above works/contributions and thus there is no highway objection to this proposal, subject to the imposition of planning conditions.

5.6 Landscape/Ecology/Trees:

5.6.1 The submitted application includes a detailed arboricultural report and landscape proposals

5.6.2 The proposal includes the retention of the trees and hedgerow on the site boundary. The landscaped areas within the site are private lawned areas. The applicant has agreed to an off site contribution of £5,000 as biodiversity offset which could be used at Primrose or elsewhere such as the Local wildlife reserves.

5.6.3 The submitted application also includes an extended Phase 1 Habitat Survey and a Protected Species Survey. The Countryside Officer has reviewed these documents and raised no objection, subject to the imposition of conditions. A condition has also been included requiring habitat connectivity boundary treatments and details of bat and bird boxes to be installed throughout the site.

5.7 Flood Risk and Drainage:

5.7.1 The application site is not located within Floodzone 2 or 3, however given the scale of development a Flood Risk Assessment and drainage strategy has been submitted with the application. As part of the consultation process the LPA have consulted with United Utilities. Following reconsultation the LLFA have raised no objection, subject to the imposition of recommended conditions to any approval.

5.8 Developer Contributions:

5.8.1 The applicant has agreed make a financial contribution of towards the installation/improvement/maintenance of an area of Public Open Space and sports provision facilities (off-site).

5.8.2 The application site is located within proximity of two Nature Reserves (Salt Hill and Cross Hill) as well as Primrose Lodge and the Council's Countryside Officer has requested that the applicant make a contribution towards biodiversity on these sites, as an off-set to the works taking place on the application site which has some biodiversity value. The applicant has accepted this request and a sum of **£5,000**.

5.9 Other Issues

5.9.1 In terms of heritage issues the location of a roman road within the site has been noted and an appropriate condition has been imposed in accordance with the advice of LAAS.

6. Conclusion

6.1 I recognise the concern expressed by the Strategic Housing Officer but consider the other benefits including the provision of bungalows for over 55's, an element of affordable housing, biodiversity offset contribution and the associated economic benefits from the development and given its suitability in terms of location render the scheme acceptable.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Community Services for approval subject to the satisfactory completion of a Legal Agreement, within 3 months from the date of this Committee meeting or delegated to the Director of Community Services in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 3 months and subject to confirmation of non objection from the LLFA the following conditions and additional conditions if appropriate:

Timings and Commencement

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

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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:

- Location Plan – OS-01
- Site Layout – 17-15-SK01 A
- Street Scenes – 17-15-S01
- Garage Detail – GD-01
- Materials Plan – 17-15-SK02
- Boundary detail – 17-15-SK01
- House Type booklet
- Design and Access Statement

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

Matters of Design

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

REASON: The proposed materials are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

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

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

Landscape

5. The development hereby permitted shall be carried out in accordance with the boundary treatment proposals as detailed on approved drawing no. 17-15-SK01.

REASON: To ensure the proposal is satisfactorily landscaped and appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

6. No development including any site preparation, scrub/hedgerow clearance shall commence until the measures to protect the trees identified in the approved Arboricultural Impact Assessment prepared by Ascerta and shown in Appendix 2, drawing no. P.904.17.02 A have been carried out in accordance with BS5837 (2012): 'Trees in Relation to Construction'. Such fencing shall be erected in its entirety prior to any other operations taking place on the site. This fencing should not be breached or removed during development. Furthermore within the areas so fenced the existing ground level shall be neither raised nor lowered and there shall be no development or development-related activity of any description including the deposit of spoil or the storage of materials unless expressly agreed by the Local Planning Authority.

REASON: To protect trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development in accordance with Policies DMG1 and DME2 of the Ribble Valley Core Strategy.

Drainage and Flooding

7. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy DME6 of the Ribble Valley Core Strategy.

8. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable

drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the post development surface water run-off rate will not exceed the pre-development greenfield run-off rate for the corresponding rainfall event. The maximum surface water run-off rate from the development will be no greater than 10.6l/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing watercourses (open or culverted) and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include a site investigation and test results to confirm infiltrations rates. If infiltration is shown to be a viable option for the disposal of surface water, then this should then be used as the primary method for disposing of surface water from the site. Disposal via an ordinary watercourse will only be considered where infiltration is proved to be unsuitable.
- g) Details of water quality controls, where applicable.

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

REASON: To ensure that the proposed development can be adequately drained and to ensure there is no flood risk on or off the site resulting from the proposed development in accordance with Policy DME6 of the Ribble Valley Core Strategy.

9. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
 - a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
 - b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

- i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

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

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development. To reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system in accordance with Policy DME6 of the Ribble Valley Core Strategy.

- 10 No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: To ensure that the proposed development can be adequately maintained and to ensure there is no flood risk on or off the site resulting from the proposed development in accordance with Policy DME6 of the Ribble Valley Core Strategy.

Highways

11. Prior to any building work commencing on site a scheme for the provision of facilities to charge electric vehicles within at least 30% of the dwellings hereby approved shall have been submitted to the Local Planning Authority for approval. The development shall be carried out in strict accordance with the approved details and the charging facilities shall be made available for use prior to the occupation of each dwellings house within which they will be installed.

REASON: To ensure that provision is made for electric powered cars and to support sustainable methods of travel in accordance with Key Statement DMI2 and Policy DMG3 of the Core Strategy.

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

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

13. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide include:
- The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials used in the construction of the development;
 - Storage of such plant and materials;
 - 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);
 - Routes to be used by vehicles carrying plant and materials to and from the site;
 - Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
 - Details of working hours
 - The method of demolition for the existing property
 - The erection and maintenance of security hoarding
 - Contact details for the site manager

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway during the construction phase of the development in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

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

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

15. The parking, garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved Site Layout Drawing prior to the occupation of any of the dwellings. Such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and turning facilities to serve the site in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

16. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2015, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the dwelling in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Further Control over Development

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

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

Ecology and Trees

18. The development hereby approved shall be carried out in complete accordance with the recommendations and mitigation measures detailed within the submitted Protected Species Survey (Dec 2016) and Phase 1 Habitat Survey (Dec 16).

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

19. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird breeding season (March - August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird breeding season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities and reduce or remove the impact of development in accordance with Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

Residential Amenity

20. Unless otherwise agreed in writing by the Local Planning Authority, no building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and between 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.

REASON: In order to protect the amenities of existing residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Archaeology and Heritage

21. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of recording should comprise a Level 3 record, as set out in '*Understanding Historic Buildings*' (Historic England 2016). It should be undertaken by an appropriately experienced and qualified professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy DME4 of the Ribble Valley Core Strategy.

INFORMATIVES:

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
2. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by telephoning the Developer Support Section on 0300 123 6780, or emailing the Developer Support Section, Lancashire County Council, Environment Directorate, at lhscustomerservice@lancashire.gov.uk.
3. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0008

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2017/0653	Land at Chatburn Road Clitheroe	28/6/18	30	With Legal

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2017/1208	Change of use and conversion of former church to form one new dwelling, demolition of existing rear lean-to extension and reconfiguration of existing roof structure to rear extension	Former Presbyterian Church Blackburn Road Ribchester
3/2018/0330	Erection of one new dwelling with occupier restricted to those associated with Alchemie technology, extension to existing laboratory and office (use class B1a and B1b)	Blue Bell Farm Higher Road Longridge
3/2018/0341	Erection of log cabins and camping pods on agricultural land and formation of new access and track to service them	The Brows Farm Bros Baron Higher Road, Longridge
3/2018/0571	Upgrade of existing nitrogen generation plant to include construction of new acoustically controlled plant room. Construction of new road for access to 2 sheds	BAE Samlesbury Aerodrome Balderstone

APPEALS UPDATE

<u>Application No and reason for appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Date of Inquiry/Hearing if applicable</u>	<u>Progress</u>
3/2016/1192 R	16/11/17	Hammond Ground Whalley Road Read	Inquiry adjourned	09/10/18	Bespoke timetable Updated proofs of inquiry to be submitted by 11/09/2018
3/2017/0675 R	28/02/18	46 Higher Road Longridge	WR		Awaiting Decision
3/2017/0593 R	23/04/18	Ivy Cottage Chapel Lane West Bradford	HH		Appeal Dismissed 21/06/18
3/2017/1139 Conditions disputed	Awaiting start date from PINS	Sands Cottage The Sands Whalley	WR (to be confirmed)		

<u>Application No and reason for appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Date of Inquiry/Hearing if applicable</u>	<u>Progress</u>
3/2018/0009 R	24/04/18	Stables at Stockbridge Knowles Brow Hurst Green	WR		Appeal Dismissed 09/07/18
3/2017/0857 R	Awaiting start date from PINS	Lowood Whins Lane Read	WR (to be confirmed)		
3/2018/0113 Conditions not discharged	Awaiting start date from PINS	102 Lowergate Clitheroe	WR (to be confirmed)		
3/2018/0153 R	11/06/18	1 Highcliffe Greaves Grindleton	HH		Awaiting Decision
3/2018/0217 and 3/2018/0218 R	Linked appeals awaiting start date from PINS	Eastham House Fm Clitheroe Road Mitton	WR (to be confirmed)		
3/2018/0079 R	Awaiting start date from PINS	New Ings Farm Hellifield Road Bolton by Bowland	WR (to be confirmed)		
3/2017/0961 R (Variation of S106 Ag)	Awaiting start date from PINS	Land at Chapel Hill Longridge	Hearing (to be confirmed)		
3/2017/0962 R	Awaiting start date from PINS	Land off Sheepfold Crescent Barrow BB7 9XR	Hearing (to be confirmed)		
3/2018/0159 R	16/07/18	5 Barn Croft Clitheroe	HH		Awaiting Decision
3/2018/0069 R	Awaiting start date from PINS	Land off WhalleyRd Mellor Brook	WR (to be confirmed)		
3/2018/0263 R	Awaiting start date from PINS	10 Knowsley Road Wilpshire	WR (to be confirmed)		