

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

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Agenda Item No

meeting date: THURSDAY, 15 JULY 2010  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF DEVELOPMENT SERVICES

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

APPLICATION NO: 3/2010/0249/P (GRID REF: SD 367544 433876)  
PROPOSED CONSTRUCTION OF A DETACHED BUNGALOW IN GARDEN AREA OF HILL  
TOP BUNGALOW AT HILL TOP BUNGALOW, COPSTER GREEN

PARISH COUNCIL: The Parish Council objects to this application for the following reasons:

1. Over shadowing of several residential properties and inadequate separation distances between the proposed bungalow and other adjoining properties.
2. If permission is granted there will be too great a concentration of hard standing.
3. There is a distinct lack of discernable plot boundaries.
4. Overlooking and loss of privacy to a number of adjoining properties.
5. Significant additional traffic generation resulting in noise nuisance, damage to the 'dirt tracks' that serve the properties, and detriment to the safety of children and pedestrians on what is an unadopted road/bridleway.
6. Copster Green is a beautiful and scenic place and over development will be detrimental to this and lead to loss of character.
7. The proposal is contrary to Policies G1 and G4 of the Local Plan and the Interim SPG Housing by virtue of its scale and location resulting in an incongruous additional building to the detriment of both residential and visual amenity.
8. It was stated that the dwelling, the subject of application 3/2008/1004/P would be 'low cost' housing, but there has been no sign of this as yet.
9. The existing double garage is likely to be changed to another house.

10. The property would be seen from public highways and bridleways contrary to what is stated in the application details.
11. Traffic noise disturbing neighbours especially Oaksmead as the driveway serving the proposed and existing property passes close to that property.
12. Loss of light and privacy to Oaksmead. The new bungalow will 'loom over' their garden and block out light to their living areas.
13. Change in the character of Copster Green by creating properties with no gardens, just concrete areas.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

No objections in principle to the application on highway safety grounds on the basis of the layout described in the application to include an access of 4.5m suitable for two way movements and the provision of two car parking spaces within the frontage of the proposed dwelling. The parking area for two cars should have dimensions of 4.8m x 5m.

ENVIRONMENT AGENCY:

No objections subject to an informative concerning surface water drainage (that the Environment Agency has already brought to the attention of the applicant's agent).

ADDITIONAL  
REPRESENTATIONS:

Seven letters have been received from nearby residents who express objections to the application on the following grounds:

1. Highway/pedestrian safety and the adequacy of parking and turning areas.
2. Loss of light to adjoining properties with Oaksmead being the property most affected.
3. Loss of privacy to adjoining properties with Oaksmead being the property most affected.
4. Disturbance by traffic noise, with Oaksmead being the property most affected.
5. Over development of the site to the detriment of the character of the area.
6. Development not in accordance with Policy G4 of the Local Plan as the description of the site as infill is inaccurate, and the development would, by increasing density, adversely affect the character of the locality.

## **Proposal**

Permission is sought for the erection of a detached bungalow which will have a footprint with maximum dimensions of approximately 10.8m x 8m. Due to the slope of the land, the eaves height ranges from 2.3m at the front (south east) to 3.3m at the rear (north west) whilst the respective figures for the ridge height are 3.9m and 4.9m.

Internally, the bungalow would comprise a lounge, kitchen, bathroom and two bedrooms.

The proposed external materials are painted rendered walls with stone quoins and concrete roof tiles.

Access would be provided from Copster Green using the existing driveway into the site, and two parking spaces would be provided to serve the proposed dwelling.

## **Site Location**

Hill Top Bungalow comprises a semi detached property within a large curtilage. The dwelling faces Copster Green and gains vehicular access from the bridle path. The original curtilage of the dwelling extends through to Longsight Road (A59) although there is no vehicular access on to that major road. To the south, the site is adjoined by some properties facing and gaining access from The Green and others facing and gaining access from Longsight Road. To the north, the neighbouring dwellings all face The Green and obtain access from the bridle path.

Within the original curtilage of Hill Top Bungalow, there is now a second dwelling, known as Blue Trees, that was formed following planning permission (3/2008/1004/P) for the conversion of a detached annex building into a self contained dwelling.

The bungalow now proposed would be sited to the west of Hill Top Bungalow and to the south east of Blue Trees.

The site is within the settlement boundary of Copster Green.

## **Relevant History**

3/1991/0670/P – Outline application for detached bungalow in the rear garden of Hill Top Bungalow. Refused and appeal dismissed.

3/2001/0507/P – Erection of detached garage. Approved.

3/2001/0647/P – Building containing swimming pool, gym, sun lounge and shower room. Approved with conditions.

3/2004/0742/P – Building containing swimming pool, gym, sun lounge and shower room. Approved with conditions.

3/2008/1004/P – Change of use from annex accommodation to dwelling. Approved subject to conditions.

3/2009/0334/P – Proposed detached garage. Approved.

3/2009/1070/P – Application for a non-material amendment to planning permission 3/2009/0334/P. Approved.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G4 - Settlement Strategy.

Policy L4 – Regional Spatial Strategy (RSS).

Planning Policy Statement 3: Housing.

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

In 1991, outline permission was refused for the erection of a bungalow in a similar position to the annex building that was the subject of previous application 3/2008/1004/P, and the subsequent appeal was dismissed. The reason for refusal of that application (3/1991/0670/P) related to harm to the appearance of the locality; inappropriate development within the open countryside as defined in the approved Lancashire Structure Plan; detriment to highway safety in view of the poor access from the bridle path onto the A59; and harm to the privacy and amenities of neighbouring residents.

The policies in the Structure Plan at the time and of the Council's Southern Fringe Local Plan upon which the refusal of 3/1991/0670/P was based have, of course, long been superseded. This current application now falls to be considered in relation to the policies of the adopted Ribble Valley Districtwide Local Plan. In the Local Plan the site is not within the open countryside but is within the Settlement Boundary of Copster Green, a settlement covered by Policy G4. In such settlements, the Policy states that planning permission will be granted for proposals falling within the following categories:

- (a) the development of sites allocated in the Plan;
- (b) the use of infill sites not identified as essential open spaces;
- (c) the rehabilitation and reuse of rural buildings (subject to Policies H15, H16, H17, EMP9 and RT3);
- (d) proposals which contribute to the solution of a particular local housing, social, community or employment problems. In the case of housing development proposals will be expected to conform to Policy H20.

The application (3/2008/1004/P) to convert an annex into a dwelling was approved on the basis that it complied with criterion "C" of Policy G4.

With regard to this current application, criteria "A" and "C" of the Policy are not relevant. As the site of the proposed bungalow is entirely surrounded by the curtilages of other dwellings, I consider that it conforms to the definition of infill development. The development is therefore acceptable in principle.

Criterion "D" of Policy G4 is no longer relevant as the Affordable Housing Memorandum of Understanding does not require developments of single dwellings to be "affordable".

The detailed considerations to be made in respect to the proposal relate to the effects of the proposed bungalow on visual amenities, the amenities of nearby residents and highway safety, and upon the general character of Copster Green.

### Visual Amenity

The bungalow is relatively low in height, and the site is well screened by existing trees and hedges. The bungalow would not be readily visible from the A59, but it would be visible from The Green. Its visibility from The Green would be increased when the access is widened, but I do not consider that it would represent any undue harm to the visual amenities of the locality.

### The Amenities of Nearby Residents

The principal windows of the bungalow face the applicant's own property Hill Top Bungalow at a distance of approximately 20m and face (at a narrow angle) the rear of Oaksmead (a property in separate ownership) at a distance of approximately 18m to the ground floor and slightly more to the first floor as Oaksmead is a dormer bungalow. Principal windows also face across the front of Blue Trees (the former annex also in the applicant's ownership) but do not directly face into that property. The northwest elevation faces towards Westholme (a property in separate ownership with access onto the A59). There is a high and dense hedge on the boundary between the two properties, and the dwelling, Westholme, itself is a considerable distance away from the proposed bungalow and not directly behind it.

With regards to the issues of privacy, any overbearing effects and any possible loss of light, I consider the proposal to be acceptable in relation to Hill Top Bungalow, Blue Trees and Westholme.

The property most affected by the proposal is Oaksmead. The bungalow, however, has been purposely designed so that there are no windows in the side elevation facing the rear garden of that property. There is also a screen fence and hedge on the boundary between the two properties. Given the existing screening ( which I appreciate is more dense in the summer than in the winter) and the fact that the proposal is for a bungalow that is low in height and has no dormer windows, I consider the proposal to be acceptable with regards to its effects on the privacy of Oaksmead. I do not consider that it would be in any way overbearing on that property and it would not cause any loss of light to principal room windows. Given the screening, and as the bungalow does not "directly face" the rear of Oaksmead, I consider the separation distance of 18m to be acceptable. This would not be the case if a two storey house or dormer bungalow was proposed.

Concern has been expressed by neighbours about increased traffic noise resulting from the development. Again, the property that would be mostly affected would be Oaksmead. I do not consider, however, that the vehicle movements resulting from one small bungalow would cause sufficient noise nuisance to represent a sustainable reason for refusal of the application. Overall, I consider the proposal to be acceptable in relation to its effect on the amenities of neighbours.

### Highway Safety

Subject to the widening of the drive to 4.5m and the provision of two parking spaces (as shown on an amended plan received on 1 July 2010) the County Surveyor has no objections to the application. These requirements could be covered by appropriate conditions.

## Effects Upon the General Character of Copster Green

Copster Green comprises a variety of dwelling types and curtilage sizes. Hill Top bungalow originally had one of the largest curtilages in the settlement and, as such, it is capable of accommodating the proposed relatively modest bungalow without undue harm to the character of the locality. It would undoubtedly change the character of this property itself, but it would not, in my opinion, be creating anything that would be so out of keeping with the character of the general locality as to represent a reason for refusal of the application.

## Additional Matter

The Parish Council and a number of nearby residents have expressed concern about the possibility of the large detached garage (that was approved under reference 3/2009/0334/P) being converted into a dwelling. Such a conversion would require the submission of a planning application that would fall to be considered on its own merits. As such a conversion is not presently proposed, that matter is of no particular relevance to the consideration of this current application.

## SUMMARY OF REASONS FOR APPROVAL

The proposed dwelling would have no significant detrimental effects upon visual amenity, the character of the locality, the amenities of nearby residents or highway safety.

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

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

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

2. This permission shall relate to the proposal as shown on drawing numbers 2010/01 REVA and 2010/02.

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

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

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

4. Prior to the first occupation of the bungalow hereby permitted, the driveway shall be widened to 4.5m and a 4.8m x 5m parking area for two cars shall be provided, all as shown on drawing number 2010/01 REVA. Thereafter, these facilities shall be retained permanently clear of any obstruction to their designated use.

REASON: To comply with the submitted plans and in the interests of highway safety, and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (or any Order revoking or re-enacting that Order) any future extensions and/or alterations to the dwelling including any development within the curtilage as defined in the Schedule to Part 1 Classes A to E shall not be carried out unless a further planning permission has first been granted in respect thereof.

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

NOTE(S):

1. The applicant is advised of the need to comply with the requirements that were detailed in the letter dated 21 April 2010 sent by the Environment Agency to the applicant's agents, Janet Dixon Town Planners Ltd.

APPLICATION NO: 3/2010/0277/P (GRID REF: SD 382288 449266)  
PROPOSED ONE AND TWO STOREY EXTENSIONS FOR CAFÉ AND OFFICE BUILDING  
AND CREATION OF A BIN STORE AT RIBBLESDALE PARK, MILL LANE, GISBURN

PARISH COUNCIL: Do not object to the application but commented that the site appears to be developing in an incremental fashion rather than through the submission of major applications.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): Has no objections to the application on highway safety grounds and comments that the proposed extension of the existing café and office accommodation will meet the needs of guests and will have minimal impact on vehicular activity in the immediate area.

ADDITIONAL  
REPRESENTATIONS: A letter has been received from the private owner of one of the lodges on the park who objects to the application on the following grounds:

1. He did not object to application 3/2009/0483/P as he understood that the café was for holiday makers staying on the park only, and was to utilize only 72m<sup>2</sup> of the floor space within the existing building. However, the planning permission granted by Committee was for a café for use by the general public and the floor area seems to have been increased to approximately 121m<sup>2</sup> by the use of more of the office space.
2. The café has resulted in more cars and commercial vehicles on the site causing pollution, noise nuisance and a hazard to pedestrians. The extension is not modest and will exacerbate these problems. Some deliveries are made to the building during the night.

3. Insufficient parking spaces, not in compliance with adopted parking standards. When the car park is full it is an eyesore due to lack of screening.
4. The application states the opening hours of 8am to 11pm. The original permission was restricted to 8am to 8pm for the reason that “the use of the premises outside these hours could prove injurious to the character of the area and in order to safeguard residential amenities”. There is no need to change the existing hours.
5. Harm to the business of other public houses, cafés and restaurants in the locality.
6. The need for more office space claimed by the applicant is only because the original office space has been converted into a café.
7. Members are asked to refuse the application but, if they are minded to approve, conditions are requested to cover:
  - Opening hours of 8am to 8pm only.
  - No deliveries between 10pm and 8am.
  - Further screening of the car park.

## **Proposal**

As construction works were underway at the time of report preparation, this application is part retrospective.

The application relates to a stone built two storey building in a central location within this holiday park that was originally used as the reception/marketing suite for the business. Planning permission was granted under reference 3/2009/0483/P for the change of use of the ground floor of the building into a café/shop. With regards to that application, the applicant clarified that the facility would act as a shop window for a number of local suppliers and that, in their opinion, the facilities such as this would benefit the residents of Gisburn who would be able to walk to the site through the estate. It was also confirmed that the change of use related to the ground floor of the building only and that the first floor would remain as office accommodation.

Given the proximity to Gisburn and the fact that the site is open all year round, it was not considered appropriate in this instance to limit the use of the facilities. Permission was therefore granted for the café, with no conditions restricting its use to holiday makers on the park only. The proposed hours of use of the café stated in that application were 8am to 8pm, and a condition was imposed specifying those requested hours.

In the Design and Access Statement submitted with this current application, it is stated that the creation of a small café in the centre of the park has proved to be immensely popular with visitors and the volume of trade has demonstrated that there is a demand for increased capacity. Furthermore, the agent states that, commensurate with the available office space being reduced in order to accommodate the café, the amount of administrative work increased



as a result of more lodges coming on stream and the tie up with Hoseasons which, in part of the park, has shifted the emphasis towards short term breaks. Accordingly it is now claimed that the available office space is under strain to the detriment of the smooth running of the business.

This application seeks to address the problem by proposing an extension to the building that will eventually allow the separation of the two uses with the café on the ground floor and the office accommodation above.

The existing building has a footprint of 15m x 8.1m and it has a hipped roof with an eaves height of 5.1m and a ridge height of 8.4m. The application seeks planning permission for a two storey extension onto the north eastern side of the building, and a single storey extension along most of the rear (north west) elevation. The side extension will increase the width of the building by 6.5m to 21.5m maintaining the ridge and eaves height. The proposed rear extension projects 3m from the rear wall and it would be set in 4.1m from the south eastern end elevation but would be flush with the north western end elevation of the proposed two storey extension.

With the exception of the main north western elevation of the single storey extension, which is to comprise a series of glazed panels and doors, the walls will be stone to match the existing. Similarly, the main roof will be slate in order to match the existing but the lean-to roof over part of the café will be glazed.

The proposal also involves a bin store to be attached to the north east elevation of the building comprising a 4m x 2m compound enclosed by a 1.8m high closed board fence with an opening in its south eastern side.

### **Site Location**

Ribblesdale Park is located on the north eastern side of Mill Lane just to the west of Gisburn Village. The park is designated as Open Countryside whilst the land on the opposite side of Mill Lane is within the Forest of Bowland Area of Outstanding Natural Beauty.

The application relates to an existing two storey building in a central location within the park.

### **Relevant History**

3/2002/0104/P – Change of use of land from agricultural to site for 62 holiday homes and associated engineering operations. Refused but allowed on appeal subject to conditions.

3/2003/0968/P – Demolition of existing building and replacement with stone built building for office accommodation. Approved.

3/2006/1044/P – Permission for the siting of 15 lodges on land to the north of the originally approved site. Approved subject to conditions.

3/2009/0483/P – Change of use of reception/marketing suite to café/shop. Approved subject to conditions.

3/2009/0976/P – Proposed siting of 35 lodges (on the area previously approved for 15 lodges by 3/2006/1044/P). Approved subject to conditions.

3/2010/0358/P – Application to vary condition number 2 of planning permission 3/2009/0483/P to allow the opening hours to be changed from 8am – 8pm, to 8am – 11pm every day. Report also on this agenda.

### **Relevant Policies**

Policy G1 - Development Control.

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

Policy ENV3 - Development in Open Countryside.

Policy RT1 - General Recreation and Tourism Policy.

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

Ribblesdale Park is situated within the open countryside outside the settlement boundary of Gisburn and just outside the Forest of Bowland Area of Outstanding Natural Beauty. It is therefore subject to the provisions of saved Local Plan Policies ENV2, ENV3 and G5. Policies ENV2 and ENV3 require development to be in keeping with the character of the landscape and to protect and conserve the adjoining Area of Outstanding Natural Beauty. Policy G5 details the nature of development that will be approved outside settlement boundaries, which includes small-scale tourism and recreational developments subject to the provisions of Policy RT1. Policy RT1 is in principle supportive of development proposals which extend the range of tourism and visitor facilities in the Borough. Additionally, Policy G1 details a number of development control criteria that may be applicable to all proposals.

With regards to these Policies, the scheme is a relatively small-scale improvement to existing facilities at an established tourist facility and is therefore, in my opinion, acceptable in principle.

In terms of appearance, the two storey extension will essentially maintain the existing profile of the building and uses matching materials and appropriate fenestration details. The single storey extension is predominantly glazed but I consider that this is appropriate to its use as a café, and allows good levels of natural light into the building. I do not consider that the single storey extension detracts from the appearance of the building. Furthermore, the building is, in any event, located in the middle of the park where it is well screened from view. As such, there would be no detrimental effects on the appearance of the wider locality.

The other relevant consideration relates to the effect of the proposal on the amenities of the occupiers of the lodges on the park. In this regard, I consider it important to remember that this is a holiday park, and the lodges are not permanent residences. On that basis, I consider the proposed extension of the existing facility to be acceptable. The Environmental Health Officer also has no objections to the application with regards to this particular consideration.

The County Surveyor has expressed no objections to the application with regards to either the level of parking provision or the affects of any potential increased traffic on the local highway network.

Overall, I therefore consider this proposal to be acceptable and in accordance with the relevant policies of the Local Plan.

In the single letter of objection that has been received, three conditions are suggested in the event that Members are minded to approve the application. The matter of opening hours is considered in detail in the report for application 3/2010/0358/P that is also on this agenda. I

consider a condition restricting the hours for deliveries to be reasonable and appropriate and I also consider that there would be benefits in providing some additional screen planting around the edges of the car park. I therefore recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposed extension to this existing tourist/visitor facility would have no seriously detrimental effects upon visual amenity, highway safety or the amenities of any nearby residents.

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

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

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

2. This permission shall relate to the proposal as shown on drawing No HIN/12/02B.

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

3. No deliveries to the café/office building shall take place between the hours of 10pm and 8am.

REASON: In the interests of the amenities of the occupiers of the holiday lodges and the general amenities of the locality, and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

4. Within two months of the date of this planning permission, details of a scheme of landscaping/screen planting in the vicinity of the existing car park, including wherever possible the retention of existing trees, shall be submitted for the written approval of the Local Planning Authority.

The approved landscaping/screen planting scheme shall be implemented in the first planting season following the first use of the extended café and office accommodation hereby permitted and shall be maintained thereafter for a period of not less than five years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

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

APPLICATION NO: 3/2010/0293/P (GRID REF: SD 368055 432877).  
APPLICATION TO VARY CONDITION NO. 2 OF PLANNING CONSENT 3/2004/0251P, TO  
ALLOW THE SALON TO OPEN ON TUESDAYS FROM 8.30AM TO 7PM AND ON  
WEDNESDAYS FROM 8.30AM TO 8PM AT 1 CHURCH VIEW, LOVELY HALL LANE,  
SALESBURY

PARISH COUNCIL:

Objects to the application on the grounds of road safety and nuisance to local residents for the following reasons:

- At present there are considerable parking difficulties relating to the parking of vehicles along Lovely Hall Lane from the junction with Ribchester Road right down to just past the car park situated at St. Peter's School.
- To grant an extension to the trading hours will only serve to extend the hours upon which the parking situation becomes a real issue to the local residents who reside along Lovely Hall Lane and those who need to use Lovely Hall Lane for access.
- At present Lovely Hall Lane provides parking for the St. Peter's School, Salesbury Cricket Club, St. Peter's Church and Reds Hairdressers.
- The road infrastructure simply cannot cope with an extension in business hours, which in turn represents an extension to the time for which parking becomes a nuisance and hazard to all road users. Cars currently park either side of what is already a very narrow road, this effectively means that there is only just enough room for one car to pass. There is a 'hill brow' which makes it difficult for vehicles to see oncoming traffic from both directions. It is often seen that car users have to reverse back down Lovely Hall Lane to allow cars to pass – especially at current peak times. Lovely Hall Lane is served by Ribchester Road which is a very busy road itself, at the junction with Lovely Hall Lane there is a Speed Camera sited indicating that the road is a dangerous road, traffic often backs up along Ribchester Road as vehicles attempt to turn right onto Lovely Hall Lane.

COUNTY SURVEYOR:

Initially raised an objection to the application on highway safety grounds. However further to comments received by the applicant he states that 'the applicant has confirmed that the operation of the proposed services would be reduced in the evenings, with two stylists being employed from 5pm compared to four during the rest of the working day. I am now satisfied that this reduction in the level of service being provided addresses my concerns regarding the impact of the development on possible residential amenity and the resulting increased demand for on street parking.

**ADDITIONAL REPRESENTATIONS:**

Seven letters of objection have been received from neighbouring residents summarised as follows:

- The impact increased traffic from the salon coupled with traffic from the use of the adjacent school, church and cricket field would have upon highway safety, adequate parking provision and congestion.
- Noise disturbance.
- Loss of light and loss of view caused by large parked vehicles in front of properties.
- Devaluation of property.

**Proposal**

Consent is sought to vary the opening hours of the retail and beauty salon from that which was previously approved in 2004. Condition no. 2 of planning consent 3/2004/025 states: *“The use of the premises in accordance with this permission shall be restricted to the hours between 8.30am to 5.30pm Tuesday, Wednesday and Friday, 8.30am to 8.00pm on Monday and Thursday, 8.30am to 5.30pm on Saturdays and there shall be no operation on Sundays or bank holidays”.*

This application requests that the hours of opening are extended to 7.00pm on a Tuesday and 8.00pm on a Wednesday in order for the applicant to cater for customer/client demand.

**Site Location**

The application relates to a former residential end terraced property on Church View, Lovely Hall Lane within the residential settlement of Salesbury.

**Relevant History**

3/2004/0251 – Proposed change of use from retail and residential use to retail and beauty salon. Approved with Conditions.

**Relevant Policies**

Policy G1 – Development Control.

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

As the application relates to the variation of opening hours only, I consider that matters for consideration in the determination of this application are the potential impact on neighbouring residential amenity and highway safety.

I note the concerns from the Parish Council and neighbouring residents with regards to the potential impact an increase in evening opening hours of the business will have upon highway safety. In particular increased congestion, lack of parking, reduced visibility and its effect upon the safety of road users and pedestrians.

I consider that the large majority of traffic being generated in the area from the use of the school, church and cricket field will be during the day and at a weekend. From the dropping off

and picking up of children at the school to residents driving to and from work and the additional traffic on Saturdays and Sundays generated by the use of the church and cricket field. The business already operates in the evening till 8.00pm on a Monday and Thursday, and is requesting an increase in opening hours in the evening for a further two days only during the week and not at a weekend. Therefore, I consider that any addition to traffic during these hours will be minimal and not significantly detrimental to highway safety or upon the amenity of neighbouring residents, which warrants refusal of the application, a view that is supported by the County Surveyor.

The County Surveyor initially raised an objection to the application due to the resultant impact the increased opening hours would have upon additional on street parking demand to the detriment of residential amenity.

In response to these comments the applicant's agent confirmed the following via e-mail:

*'during the current day time opening hours there are four full time stylists employed in the salon and one part-time stylist. From 5pm onwards there are two stylists only employed and significantly the majority of post 5pm appointments have been made by prior arrangement, i.e there are virtually no clients calling on speck without an appointment after 5pm. The proposed evening opening is only likely to generate a requirement for a maximum of two customers cars to be parked within the general vicinity'*

The County Surveyor in response to these comments has subsequently confirmed that he is satisfied with this arrangement in addressing his previous concerns and is happy to withdraw his initial objection.

In response to concerns regarding noise disturbance from the business I consider that this would not be significant enough to have a serious detrimental impact upon neighbouring residential amenity, which has been supported by the Councils Senior Environmental Health Officer who has no objections to the application. In addition, objections regarding loss of view and devaluation of property are not classed as material considerations in the determination of this application.

Therefore, having regard to all of the above I am of the opinion that the increase in evening opening hours would not prove significantly detrimental to either visual or residential amenity or be to the detriment of highway safety and recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

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

1. The use of the premises in accordance with this permission shall be restricted to the hours between 8.30am to 8.00pm on Monday, Wednesday and Thursday, 8.30am to 7.00pm on Tuesday, 8.30am to 5.30pm on Friday and Saturday and there shall be no operation on Sundays or bank holidays.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan. The use of the premises outside these hours could prove injurious to the character of the area and in order to safeguard residential amenities.

APPLICATION NO: 3/2010/0337/P (GRID REF: 370642, 433593SD)  
PROPOSED SINGLE STOREY EXTENSIONS AND ROOF LIFT AT CLOUDS HILL,  
SNODWORTH ROAD, LANGHO, BLACKBURN, BB6 8DR.

PARISH COUNCIL: No objections  
ADDITIONAL Four letters have been received from nearby properties. The  
REPRESENTATIONS: objections comprised in these letters relate to the proposed  
raising of the ridge and the alterations proposed to the flat roofs  
on the existing single storey extensions. These objections are  
summarised as follows:

Proposed roof lift

1. By raising the roof the house would not fall in line with the surrounding roof lines and the overall aesthetics of the road ruined.
2. By raising the roof the light to properties opposite will be reduced.
3. The bedrooms at first floor level would invade privacy to the properties opposite.
4. It would set a precedent.
5. A similar proposal on one of the other bungalows was refused several years ago due to pressure from neighbours.

Alterations from flat to pitched roofs of the single storey projections.

1. Changing the flat roof on the garage to a pitched roof will cause loss of light to a neighbours lounge.
2. Making the extensions and existing flat roofs in the form of pitched roof will obscure the views from neighbours properties dramatically.

As a result of the objections, the plans have been amended. The amendments included, altering the design of the first floor window on the front elevation, removing the finials from the roof pitches, and changing the position of the doors on the proposed rear conservatory. Neighbours have been re-consulted and three letters were received which reiterates the previous objections relating to the proposed roof lift. Since this time another amended plan has been received which addresses the adjacent neighbours concerns regarding loss of light to their lounge area by removing the rear part of the proposed pitched roof on the existing garage and replacing it with a glazed roof lantern.

### **Proposal**

Permission is sought to make a number of alterations to the existing bungalow. These include raising the ridge of the roof by 900mm and inserting a round window measuring 1 metre in diameter at first floor level on the front elevation, extending the existing flat roof garage located on the side of the property forwards by approximately 3.3 metres and widening the existing sun room located on the back of the bungalow by 900mm. Raising the height of the main roof would provide two first floor bedrooms.

The conservatory/ sun room would have a hipped roof and would be approximately 3 metres high to the ridge. It is proposed to put a pitched roof with three roof lights inserted on the southern elevation, on the existing flat roof garage for a distance of 6.9 metres (level with the main house roof) before changing to a flat roof with a glazed lantern light measuring approximately 2m x 2m x 0.4m. Finally, decking measuring approximately 600mm high is proposed on part of the rear elevation to enable double doors to be inserted opening from the lounge.

### **Site Location**

The bungalow in question is one of four similar bungalows situated at the higher end of Snodworth Road on the western side. The property is located outside of the main settlement boundary of Langho within open countryside which is also designated as Greenbelt.

### **Relevant History**

None for the property in question, however, the adjacent property 'Fell Croft' applied for a roof lift of 1.7 metres (Planning Application 3/2003//0568/P) which was refused by the Council and subsequently upheld on appeal. The application was refused on grounds of residential amenity and the visual amenities of the area.

### **Relevant Policies**

Policy G1 – Development Control  
Policy H10 – Residential Extension  
Policy ENV3 – Development within Open Countryside  
Policy ENV4 – Green Belts  
SPG – “Extensions and Alterations to Dwellings”



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

Matters for consideration in the determination of this application are compliance with Greenbelt policy and the effects on visual and residential amenity.

In terms of relevant planning policies, the property is located outside of the main settlement boundary of Langho within open countryside (Policy ENV3 of the Districtwide Local Plan). This area is also designated as Greenbelt. National greenbelt policy (PPG2) states development should not be harmful to the Greenbelt. Policy ENV4 of the Districtwide Local Plan reiterates national policy and expands on this as it states that the openness of the Greenbelt should not be compromised. It is considered that the proposed extensions would not conflict with the aims of this policy as the increase in ground floor area is minimal. Furthermore, the planning inspector, which dealt with the adjacent property, did not consider this to be an issue. As with other residential extensions Local Plan policy H10 and the SPG "Extensions and Alterations are also relevant and these will be considered when assessing the impact of the proposals on the street scene and surrounding neighbours.

In assessing the impact of the proposals on the street scene it is important to consider the setting of the group of four dwellings. As the road climbs away from York Lane, this group of dwellings are set significantly higher than those properties near the junction with York Lane, their roofs increase steadily in height with the end properties roof ridge, no.21, being seen above the others. Taking this into account, the increase in roof height of 900mm is considered acceptable bearing in mind that the roof lift is approximately 800mm lower than the adjacent property's refused application, referred to in the 'relevant planning history' section, and the roof will remain lower than the dwelling higher up, no.21 Snodworth Road. Members will note the objectors concerns regarding a precedent being set, however, each application must be considered on its individual merits, moreover, the agent considered the relevant appeal decision when designing the proposal.

Although the acceptability of a roof lift has been established, the design of the window proposed at first floor level on the front elevation was originally diamond shaped and had a stone surround which did not sit comfortably within that elevation due to the size of the window and its orientation. This design conflicted with the windows at ground floor and accentuated the increase in roof height. After negotiations with the applicants/ agent the window has been amended to a smaller round window with no surround that reflects the simplicity of this group of bungalows. Furthermore, finials were also proposed at the pitch of all roofs, these were considered to be over fussy for what are relatively unadorned properties and as such they have also been removed from the scheme.

In terms of design and impact on the street scene, the proposed pitch roof on the garage is also considered acceptable. This is due to the garage being set back from the front of the dwelling by approximately 6.3 metres which will result in the works not be seen within the street scene when climbing up the hill from York Lane. The three roof lights proposed in the roof slop facing no. 21 Snodworth Road are considered appropriate as they have been carefully positioned to minimise their impact when travelling either way on Snodworth Road.

In relation to whether the proposed roof lift and the insertion of a first floor window would harm the residential amenity of the occupiers of nearby properties, I have assessed the proposal and considering that there are no properties directly opposite, and the property located on the opposite side of the road but positioned to the right of the property is approximately 40 metres away, and the property located on the opposite side of the road adjacent to the Public Footpath

is approximately 30 metres away, the insertion of a first floor window thus complies with the 21 metre rule set out in the Extensions and Alterations to Dwellings SPG. The pitched roof proposed on the garage, would have had an adverse impact on the amenity enjoyed by the residents of no. 21 due to the loss of light, to a secondary lounge window, and the loss of long range views. Although, both of these points would not have resulted in the application being refused, the applicants have taken on board the objectors comments and have addressed the issue by removing the pitched roof on the rear part of the garage. A glazed lantern style roof light is now proposed which projects from the flat roof by approximately 0.4 metres that is considered to be an improvement to the light received by the neighbours.

Therefore, having carefully considered all the above factors I have thus recommended the application accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

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

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

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

2. This permission shall be implemented in accordance with the proposal as amended by the plans received on the 1 July 2010, Drawing No: 6007 Rev. B and 6008 Rev. B.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) the building shall not be altered by the insertion of any window or doorway without the formal written permission of the Local Planning Authority.

**REASON:** In order to safeguard nearby residential amenity in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance – “Extensions and Alterations to Dwellings”.

4. Unless otherwise agreed in writing with the Local Planning Authority the development shall be carried out in strict accordance with the recommendations of the bat survey and report submitted with the application dated 22<sup>nd</sup> April 2010.

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

5. The permission shall relate to the development as shown on Plan Reference: 6007 Rev. B and 6008 Rev. B.

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

APPLICATION NO: 3/2010/0358/P (GRID REF: SD 382288 449266)  
PROPOSED VARIATION OF CONDITION NO 2 OF PLANNING PERMISSION 3/2009/0483/P  
TO ALLOW THE OPENING HOURS TO BE CHANGED FROM 8AM – 8PM, TO 8AM – 11PM  
EVERY DAY AT HINDELINIS CAFÉ, RIBBLESDALE PARK, MILL LANE, GISBURN

PARISH COUNCIL: The Parish Council has no objections to the application but commented that two Parish Councillors expressed concerns. The first concern relates to the effect on other businesses in the village, and the second relates to possible noise disturbance to residents of Ribblesdale Park and Mill Lane.

ADDITIONAL REPRESENTATIONS: No representations have been received in respect of this application but, in relation to application 3/2010/0277/P, the owner of one of the lodges on the park requested that, if planning permission was to be granted for the proposed extension to the café/office building, it should be subject to a condition restricting the hours of use to the existing hours of 0800 to 2000 on any day. (See report also on this agenda.)

### **Proposal**

The planning permission 3/2009/0483/P for the change of use of the reception/marketing suite into a café/shop was subject to the following condition:

- The use of the premises in accordance with this permission shall be restricted to the hours between 0800 and 2000.

This application seeks the variation of that condition to allow the café/shop to open until 2300 hours on all days.

### **Site Location**

Ribblesdale Park is located on the north eastern side of Mill Lane just to the west of Gisburn Village. The park is designated as Open Countryside whilst the land on the opposite side of Mill Lane is within the Forest of Bowland Area of Outstanding Natural Beauty.

The existing café/shop is within a two storey building in a central location within the park.

### **Relevant History**

3/2002/0104/P – Change of use of land from agricultural to site for 62 holiday homes and associated engineering operations. Refused but allowed on appeal subject to conditions.

3/2003/0968/P – Demolition of existing building and replacement with stone built building for office accommodation. Approved.

3/2006/1044/P – Permission for the siting of 15 lodges on land to the north of the originally approved site. Approved subject to conditions.

3/2009/0483/P – Change of use of reception/marketing suite to café/shop. Approved subject to conditions.

3/2009/0976/P – Proposed siting of 35 lodges (on the area previously approved for 15 lodges by 3/2006/1044/P). Approved subject to conditions.

3/2010/0277/P – One and two storey extensions to the café and office building. Report also on this agenda.

### **Relevant Policies**

Policy G1 - Development Control.

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

The premises licence for this café, known as Hindelinis, allows opening until 2300 hours every day.

This application therefore seeks to amend the existing hours of use planning condition to make it consistent with the premises licence.

In my opinion, the only consideration relates to the effects of the later closing time on the amenities of the occupiers of the lodges on the holiday park and also residents on Mill Lane.

A closing time of 2300 hours for public houses, restaurants cafés etc, in town/village locations where there are nearby residential properties, would not be considered unreasonable. This café is surrounded by holiday lodges, not by permanent dwellings. I therefore consider the requested opening times to be acceptable with regards to effects upon the amenities of holiday makers occupying the lodges. In my opinion, there are no permanent residences close enough to suffer any detrimental effects from the proposed later closing time for the café.

I can therefore see no objections to the variation of the condition as requested.

### **SUMMARY OF REASONS FOR APPROVAL**

The proposed variation of the condition would have no detrimental effects upon the amenities of any nearby residents.

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

1. The use of the premises as a café/shop shall be restricted to the hours between 0800 and 2300 on any day.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan as the use of the premises outside these hours could prove harmful to the character of the area, and in order to protect the amenities of nearby residential property.

APPLICATION NO: 3/2010/0366/P (GRID REF: SD 374120 440902)  
PROPOSED ADDITIONAL JET WASH BAY AT PRIMROSE GARAGE, WHALLEY ROAD,  
CLITHEROE

TOWN COUNCIL: Have concerns that this additional jet wash bay will be visually intrusive to residents across the road as the original application included shrub planting.

ENVIRONMENT AGENCY: No comments received at time of report preparation.

ADDITIONAL REPRESENTATIONS: Two letters of objection have been received which raise the following concerns:

1. The fence height increase would impair views of property opposite.
2. A request for details of the recycling/water drainage plans of the business and their energy carbon footprint regarding these issues.
3. A wish for some attractive landscaping.
4. Concern regarding excessive noise associated with the jet wash facilities.

### **Proposal**

This application details the proposed provision of a fifth jet wash bay to Primrose Garage. The bay would be set against the rear boundary to the site and be set in approximately 5.2m from the rear garden to number 151 Whalley Road. This area of the corner of the site would be landscaped to continue the planting buffer that aligns the site's northern boundary.

The works involve the erection of a 3m high section of stained timber fencing to the eastern side boundary to the rear of the jet wash bay with a classic metal cladding to the inside of the car wash screen. The actual jet wash bay would measure approximately 5m x 5m.

### **Site Location**

The site is set to the east of Whalley Road within the settlement of Clitheroe. There are residential properties to its north, south, west and open fields to the east.

## **Relevant History**

3/2008/0549/P - Demolish existing buildings and erect new canopy, pumps, convenience shop and car washes. Approved with conditions 8 October 2008.

3/2010/0030/P - Application for discharge of condition 3 (materials), condition 5 (drainage), condition 6 (drainage), condition 7 (contaminated land), condition 8 (landscaping) and condition 9 (tank installation details) of planning consent 3/2008/0549/P. Approval of all details except those in relation to condition 7, 12 March 2010.

3/2010/0048/P - Application for non-material amendment to 3/2008/0549/P - position of canopy and pump islands, position of car wash plant room, timber screen fencing to rear and side boundary, underground petrol tanks, position and second shop entrance door and office window and one ATM machine. No objection raised, 19 February 2010.

3/2010/0211/P - Application for non-material amendment to 3/2008/0549/P. Removal of rollover car wash and move four jet wash bays to rear boundary in order to provide appropriate washing facility. Approved 12 April 2010.

3/2010/0370/P - Four canopy signs, three shop fascia signs, four pump light boxes, one totem sign and three poster box signs - split decision 1 July 2010.

## **Relevant Policies**

Policy G1 - Development Control.

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

The matters for consideration in the determination of this application are visual and residential amenity.

As Members will see from the planning history section the scheme has two applications for non-material amendments since it was originally approved under 3/2008/0549/P that have (amongst other things) detailed removal of the drive through car wash at the rear of the site and repositioning of the approved three jet wash bays on the rear boundary with additional bay. Thus as approved under 3/2010/0211/P the jet wash facilities are the same distance from the northern boundary with number 151 Whalley Road but are positioned further back into the site than originally considered under 3/2008/0549/P. The wash bays are subject to an hours operation restriction imposed on the 2008 consent namely they can only operate between 0800 and 2100 hours Monday to Saturday and 0800 to 1700 on Sundays.

In respect of visual amenity it is the impact of an additional 1m in height over and above the previously approved 2m fence to the rear boundary and plastic metal cladding that will be visible from Whalley Road that Committee should consider. Comments have been received from a property facing the site regarding a view being dramatically impaired but I cannot see that a 1m increase in height would so significantly alter the previously approved scheme as to warrant an unfavourable recommendation on visual grounds. I am also mindful that historically, there was a building approximately 7.5m in height across this section of the site and thus if comparing that with the proposal for an additional wash bay, I consider the overall visual impact to provide a more open view across and beyond the site. There would be a landscaped area in the corner of the site adjacent to the neighbouring dwelling and I consider that this set to the side of the

additional wash bay and in front of a 2m fence panel would provide an appropriate boundary treatment.

In terms of residential amenity, it is the dwelling to the immediate north (151 Whalley Road) that would be directly affected by this revision by taking the washing facility closer to their domestic curtilage. As stated above, the wash bays are subject to an hours restriction on their use and I have discussed the potential impact of an additional bay with one of the Council's Senior Environmental Health Officers. He is of the opinion that given the limits in place in terms of hours of use and distance from the neighbouring properties, the impact of an additional bay should not be so significantly detrimental over and above the impact from the approved scheme as to justify an unfavourable recommendation on noise disturbance grounds.

Comments have also been received regarding drainage and water recycling. The specifics of the drainage scheme have previously been submitted and approved under application 3/2010/0030/P with the applicants now providing an updated plan to detail the additional wash facilities. These details have been forwarded to the Environment Agency for consideration. With regard to water recycling, the applicants have outlined that they use a rainwater harvesting scheme with that harvested from the canopy and sales building roof being used to feed the jet wash installation.

Therefore, having carefully considered all the above I am of the opinion that the provision of a fifth jet wash bay would not prove significantly detrimental to either visual or residential amenity and thus recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

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

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

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

2. This permission shall be implemented in accordance with the proposal as detailed on drawings M09-39-09, site layout scheme C; M09-39-12 elevations; D1c drainage arrangement and LEW/57/02b landscape scheme 2 amended.

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

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

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

4. The use of the jet wash bays shall be restricted to the hours between 0800 and 2100 hours Monday to Saturday and 0800 and 1700 hours on Sundays.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan. The use of these facilities outside these hours could prove injurious to the amenities of environmental residential properties.

APPLICATION NO: 3/ 2010/0382/P (GRID REF: SD 373794 438190)  
PROPOSED REMOVAL OF CONDITION 13 WHICH STATES "UNLESS OTHERWISE AGREED IN WRITING BY THE LOCAL PLANNING AUTHORITY NO MORE THAN 25 OF THE MARKET DWELLINGS HEREBY PERMITTED SHALL BE COMPLETED UNTIL THE CONSTRUCTION OF THE ASPIRE CENTRE HAS COMMENCED OR UNTIL ONE OF THE PROPOSED PLOTS OF COMMERCIAL UNITS SHOWN AS 'C' ON SITE PLAN DRAWING 10506-300C HAS BEEN COMPLETED" AT BARROW BROOK, BARROW

PARISH COUNCIL: No objections provided that your assessment of the submitted planning statement is correct.

ADDITIONAL REPRESENTATIONS: No representations have been received.

### **Proposal**

This proposal seeks to remove condition 13 which restricted the amount of housing being built to 25 units without the completion one of the office blocks or the Aspire Centre at Barrow Brook, Barrow.

This would permit all of the residential elements to be completed without any completion of works appertaining to the commercial elements of the scheme at Barrow Brook.

### **Site Location**

The site is the former Barrow Print Works site which is marketed as Barrow Brook. The land in question is to the south of the existing office building.

### **Relevant History**

3/2009/0791/P – Mixed Use Development comprising location vocational learning centre, children's nursery, commercial elements, ten live/work units and 70 residential units. Approved with conditions and a Section 106 Agreement.

### **Relevant Policies**

Policy G1 - Development Control.



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

The main issues to consider relate to the affect of allowing the housing element of the scheme to be completed without any commercial element being completed. In assessing the impact it is right to have regard to the possibility of failure to secure employment use on the site and also whether or not the additional housing element coming forward before the employment activities would impact on the objectives of the Council to secure a balanced employment activity on the site.

When the application was determined and approved by the Planning and Development Committee the condition was agreed by the developer and it was also hoped that the Aspire Centre would be completed before the appropriate timescale relating to the housing element of the site. In deliberation of the previous scheme it was accepted that it was necessary to restrict the number of housing to a certain level to enable the commercial part of the site to be completed or commenced so as to gain the possibility of employment use within the site. The condition served to ensure the interest of the local economy by promoting efforts to bring forward employment provision on the site as part of the comprehensive approach to the development. The site forms part of the assessment in formulating the Boroughwide Plan and is also clearly identified in the BE Group study and recognised the site as of strategic significance to Ribble Valley. There was also reference to the Pennine Lancashire Sub Regional Strategy Work being taken forward in the joint investment planning process for the North West Development Agency.

If the application was approved it would allow the site to be partly completed with no limit on the number of houses being built with any employment use being created. The applicant has not given any evidence regarding the efforts to deliver the commercial statement but in their supporting document simply consider that housing is now deemed appropriate throughout the site based on PPS 3 and also that the condition is deemed as unreasonable given the requirements of Circular 1195 - The Use of Conditions in Planning Permission. The applicant considers that the condition runs contrary to National Policy which, in their opinion, demands that favourable condition be given to proposals which secure new housing, particularly in centre where the local planning authority is unable to demonstrate a five year supply of housing.

The applicant, in his statement, refers to the Strategic Housing Land Availability Assessment and to the Council's Employment Land Study and is of the opinion that these assessments indicate that the site itself is likely to be developed for housing rather than for economic development. As such, this implies that the whole of the site may be suitable for housing and, given that this proposal is only to allow housing to take place on a site that has been approved for housing, it would be wrong and unsustainable to insist that the condition remains.

I am fully aware that the intentions behind the requirement and at the time of negotiations the applicant was willing to accept the condition and it is disappointing that they are no longer willing to undertake that commitment. However, the practical effect of removing this condition is that it would no longer hamper the housing element of the mixed use scheme and given the advice set out in Circular 1195 there would appear to be a justification or reasoned argument to remove the condition. The condition Circular in part refers to whether or not the condition is necessary and reasonable. In assessing whether it is necessary it is important to establish whether or not the scheme would be refused if the condition were not to be imposed. In this instance and having sought the advice of the Forward Planning Section I would conclude that it would be difficult to fully sustain an argument that it is necessary condition as the construction of the housing element without other elements of the mixed use scheme would not render the scheme

unacceptable but it would just not give a guarantee that the employment use would commence within a reasonable time frame. There is also a case that the numbers in housing terms is not unduly significant where one would expect a phased development to be necessary for the benefit of overall economic regeneration.

In terms of reasonableness paragraph 36 of the condition deals with owners requirements and states “any condition which puts severe limitation on the freedom of owners to dispose of their property or would obviously make it more difficult to finance the scheme. There is no doubt that it can be argued that the condition does impose limitations on the owner’s ability to develop the site and would affect the completion of the housing element. It is regrettable that the employment element cannot be secured prior to a completion of the housing and, as such, however, I am of the opinion that it is reasonable to accept the removal of the condition.

#### SUMMARY OF REASONS FOR APPROVAL

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

RECOMMENDATION: That planning permission is GRANTED and condition 13 be removed.

APPLICATION NO: 3/2010/0416/P (GRID REF: SD 364841 4311016)  
PROPOSED TWO STOREY REAR EXTENSION AND SECOND FLOOR ACCOMMODATION  
IN ROOF SPACE TOGETHER WITH FRONT PORCH EXTENSION FOR BENEFIT OF  
DISABLED PERSON AT HEY MOO, ELSWICK FARM, MELLOR BROW

PARISH COUNCIL: Object to the development on the grounds of:

1. Over development.
2. Not in accord with the Districtwide Local Plan.

ADDITIONAL REPRESENTATIONS: No representations have been received.

#### **Proposal**

This scheme seeks significant works to extend an existing residential dwelling that was a barn conversion, by increasing the roof height of the building and extending at the rear for approximately 6.3m x 15m with a maximum height of 8.8m. The internal arrangements would include accommodation for linked facilities to enable reasonable independence for a disabled person. There is to be an internal lift to enable access for the first floor. The building seeks to utilise the front elevation of the existing dwelling but it would also be altered with the creation of an entrance porch and an integral garage as well as a roof lift. The rear part of the original cottage would be retained as an internal wall although there would be new openings to allow access to the extended dwelling. The rear dwelling would have a significant amount of glazed element on ground floor and incorporate glass panels on the first floor as well as roof lights on the main roof. The materials shown to be used are random stone and artificial slate.

In terms of increase in size, due to the increase in height and the significant extension, the proposal would represent approximately 150% increase of the volume of the original dwelling.

### **Site Location**

The dwelling lies outside the main settlement boundary of Mellor and, as such, is situated in the open countryside. However, it is in close proximity of the settlement boundary and, in fact, bordered onto the settlement boundary of Mellor and so to the side of the dwelling it is adjacent to residential properties as well as at the front with vehicular access via Mellor Brow.

### **Relevant History**

3/2001/0127 – Change of use from barn to dwelling. Approved.

3/2009/0703 – Single storey side extension, two storey rear extension with single storey conservatory and study area and porch extension. Refused.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H17 - Building Conversions - Design Matters.

Policy ENV3 - Development in Open Countryside.

Policy SPG – “Extensions and Alterations to Dwellings”.

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

Matters for consideration on this application relate to the visual impact of the proposal and the impact on neighbouring residential amenity.

I am satisfied that given the location of this property there is little, if any, impact on adjacent residential amenity. The main consideration then relates to the appropriateness of the size of the extension and also whether or not the proposal would lead to visual harm to the character of the building. In assessing the character of the building it is important to have regard to the fact that this was a former barn which was converted in 2001. The original scheme was for a modest conversion and utilises existing openings where possible. However, I do not consider the building to be of high residential quality and, in particular, it is more akin to a farmhouse than a former agricultural building. In some respects, given the extent of works I consider that this is more appropriate to be regarded as a replacement dwelling rather than an extension. I am fully aware of the Parish Council objection and note their comments regarding the possible over development of the site and that it is contrary to policies contained in the Districtwide Local Plan. In relation to over development I am of the opinion that the dwelling, given the land it is situated in, would not represent a cramped appearance. In relation to visual amenity there are limited public views of the building but it can be seen on the skyline from the A59. I am satisfied that the visual impact is contained within the site and that it would be seen against existing buildings.

In relation to the increase in size, it is clearly evident that this would represent a significant increase in size from the original dwelling as it would involve doubling the width of the dwelling. The extension would be the full length of the building, as well as increase the height from 6m to 8.8m. The original form of the building would be lost and, as such, I would regard this as tantamount to a new dwelling in appearance. Having said all this, in determining the application

it is important to assess whether this increase represents a harm to interests of acknowledged importance such as the effect on the character of the building and the visual impact on the street scene. I do not consider that the existing building has significant character and, should an application have been submitted for a replacement dwelling, I believe this may have been acceptable. Irrespective of the size increase, in terms of the street scene I recognise that this proposal would lead to a change in the visual appearance and am satisfied that given the existing buildings in the locality and the fact that this building would only be visible from long distance views and it would be difficult to resist the extension. However, it is important to ensure that the materials are sympathetic and I do not consider that artificial slate should be used and that it should be natural slate as a roofing material and natural stone as a walling material.

#### SUMMARY OF REASONS FOR APPROVAL

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

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

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

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

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

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) any future extensions and/or alterations to the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to H shall not be carried out without the formal written consent of the Local Planning Authority.

**REASON:** In the interests of the amenity of the area in accordance with Policies G1, H2, H16, H17 and H18 (delete where appropriate) of the Ribble Valley Districtwide Local Plan.

4. This permission shall be implemented in accordance with the proposal as detailed on drawing 20:09:888:69.

**REASON:** For the avoidance of doubt.

NOTE:

1. The applicant is advised that natural blue slate is regarded as an appropriate roofing material.

APPLICATION NO: 3/2010/0430/P (GRID REF: SD 360189 437618)  
PROPOSED CHANGE OF USE FROM TRAVEL AGENT TO CLASS A2 FINANCIAL AND PROFESSIONAL SERVICES AT 90 BERRY LANE, LONGRIDGE, LANCASHIRE, PR3 3WH

TOWN COUNCIL: The Town Council raise no objections.

COUNTY SURVEYOR (LCC): No objections in principle to this application on highway safety grounds.

ADDITIONAL REPRESENTATIONS: Two letters of objection has been received from nearby neighbours objecting to the application on the following grounds:

1. Where will customers and staff (5 full-time and 1 part-time) park when visiting the office? There is a proposed prohibition of waiting outside these offices.
2. The land outside is owned by THG Motors and I am allowed to park outside my flat in-between the existing bollards. This must not be compromised by the proposed development.

**Proposal**

The application seeks permission for the change in use of no. 90 Berry Lane, Longridge from its existing use as a Travel Agent (A1) to an A2 use (Financial and Professional Services). The Agent has sent a support letter outlining how the proposed use will comply with the current relevant Policies.

**Site Location**

The site is located within the town centre of Longridge, within the recently extended Longridge Conservation Area.

**Relevant History**

3/1994/0421/P – New shop front and re-site W.C. and kitchen – Granted Conditionally.

3/1991/0125/P – Change of Use from Travel Agents to Travel Agents and Café – Granted Conditionally.

**Relevant Policies**

Policy G1 - Development Control.  
Policy ENV16 - Development Within Conservation Areas.  
Longridge Conservation Area Appraisal 2007.

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

Given the sites location and that there is a residential flat at first floor above the office, the main concerns with regards to this proposal are the potential impact on highway safety, parking and any potential impact on the amenity of nearby neighbours. As there are no alterations planned for the property itself, the proposal is considered to have no impact on the setting of the adjacent Conservation Area.

### **HIGHWAY SAFETY AND PARKING**

The development proposed provides the creation of an A2 Use office unit working under similar conditions to that already approved at the site (Travel Agents). In addition, given the sites location within the town centre of Longridge, within walking distance of both on street and off street car parking spaces and its close proximity to public transport readily available within walking distance, it is considered that the proposed use in this location is entirely acceptable and complies with the relevant Policies. The LCC Traffic and Development Engineer agrees with this view and raises no objections to the proposed change of use.

### **IMPACT ON AMENITY**

The development proposed provides the creation of an A2 Use office unit working under similar conditions to that already approved at the site (Travel Agents), and as such the impact of the proposed change of use is considered to have little if no potential impact on the amenity of the occupiers of the first floor residential flat. On this basis, providing the hours of use are restricted using an appropriate planning condition on the approval notice, there are no objections raised.

In relation to the parking issues raised by objectors, one is a civil matter and it is evident that the County Surveyor makes no objection to the lack of off street parking.

I consider that the proposal is acceptable and in accordance with the relevant Planning Policies, and as such the application is recommended accordingly.

### **SUMMARY OF REASONS FOR APPROVAL**

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

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

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

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

2. The use of the premises in accordance with this permission shall be restricted to the hours between 0800 and 1800 Monday to Saturday only, and there shall be no operation on Sundays or Bank Holidays.

**REASON:** In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan, and in order to safeguard residential amenities.

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

APPLICATION NO: 3/2010/0113/P (GRID REF: SD 377471 437245)  
CONSTRUCTION OF 8 NO. AFFORDABLE, TWO-STORY TERRACED DWELLINGS IN TWO BLOCKS, EACH OF 4 NO. UNITS, INCLUDING EXTERNAL AND DRAINAGE WORKS (AMENDED RE-SUBMISSION) ON LAND ADJACENT TO WHALLEY ROAD, SABDEN

PARISH COUNCIL: Sabden Parish Council (P.C.) object to this application and strongly urge the Planning Committee to consider the following points:

1. The site was not considered to be suitable in the recent Strategic Housing Land Availability Assessment (SHLAA) and is listed as 'excluded'. The P.C. question the benefit of the SHLAA if the proposed site is considered appropriate.
2. The site is a stand-alone development and surely contrary to the 'Affordable Housing' Policy.
3. The site is outside the settlement boundary and does not lend itself for the inclusion of families within a village community.
4. Could be considered 'Ribbon Development'.
5. Three similar applications for housing on this site that have been refused on it, all for reasons that are still valid in relation to this proposal'.
6. Detrimental to the character and setting of the rural settlement and the landscape quality of the area, within the A.O.N.B. and contrary to Policy.
7. The site lies outside the boundaries of the village and represents sporadic and isolated development, and would be visually intrusive and detrimental to the character and amenities of the locality.
8. The P.C. believe that whilst 'Affordable Housing' rules are more flexible, the visual impact and detriment to the locality in an A.O.N.B. are NOT flexible.
9. The proposals refer to the site being 'Brownfield' when the SHLAA refers to it as 'Greenfield'.

10. Contrary to Policy ENV9 of the Local Plan as the proposal would harm the conservation value of the site, and will result in a loss of habitats on site.
11. Light pollution.
12. Access and sightlines are misleading and restricted, and unsuitable for the development proposed.
13. The proposal for family homes where they have to cross a busy road in order to catch public transport is detrimental to pedestrian and vehicular safety.
14. The proposed development will generate more traffic and increase volumes on this length of road.
15. The P.C. draw the Committees attention to the fact that there are 49 dwellings at Cobden Mill awaiting a decision, as well as 49 dwellings approved at Victoria Mill and the development of 6 flats completed on Clitheroe Road. The P.C. is concerned that the cumulative effect of all these dwellings will have a big impact on the infrastructure and highway safety of Sabden, and urge this consideration.

COUNTY SURVEYOR (LCC): No objections to the application in principle on highway safety grounds.

ENVIRONMENT AGENCY: Following the submission of revised/amended plans, the Environment Agency (E.A.) have now withdrawn their initial objection to the scheme, and now raise no objection in principle to the proposed development subject to the inclusion of the relevant planning conditions and informative on any subsequent approval.

LCC PLANNING OFFICER (ARCHAEOLOGY): No objections in principle, however given the historic significance of the site it is recommended that an archaeological record be made of the site prior to any work commencing, and this shall be subject to an appropriate planning condition.



ADDITIONAL  
REPRESENTATIONS:

28 letters have been received from nearby neighbours in Sabden, and the points of objection have been summarised as follows:

1. Detrimental impact on highway safety by the increase in the volume of traffic into/out of Sabden,
2. Concerns regarding the ecological impact the proposal will have by virtue of the loss of trees, flora, wildlife and habitats that exist on the site,
3. Proposed site entrance will introduce another access point where there are already other entrances nearby.
4. Sightlines and visibility for the proposed new entrance to the site are poor at this location,
5. Four previous applications for housing on this site have been refused, nothing has changed since then,
6. The development will destroy the character of the village, and is unacceptable 'Ribbon' Development,
7. The site lies outside the Sabden settlement boundary,
8. Risk of flooding and drainage issues,
9. Increase in parking issues in the village,
10. The site was not considered to be suitable in the recent SHLAA so why is it now considered appropriate?
11. Any further housing developments in the village would have a detrimental effect on the local services in the village,
12. Cumulative impact of other developments in the village,
13. Visually intrusive and detrimental to the landscape quality of the area and the A.O.N.B.
14. If approved, the Council will be setting a precedent for similar applications within the A.O.N.B.
15. There cannot be proven need for 'Affordable Housing' in Sabden, otherwise the LPA ought not to have recommended approval for the development of only 6 units on the Victoria Mill site,
16. How is the need for extra housing calculated and surely this allocation is inappropriate for Sabden? The last survey was conducted in 2006, is this up-to-date?
17. Loss of light,
18. The Ecological Survey does not appear to be up-to-date, and with an ever changing wildlife population this should be considered,
19. The Planning Committee do not seem to have any communication with the residents of Sabden regarding any objections to the plans, and
20. Height and massing of buildings.

**Proposal**

This application seeks permission for the construction of 8 no. affordable, two-storey terraced dwellings in two blocks, each of 4 no. units, and associated highways, landscaping and

drainage works. The scheme also includes the retention of a portion of the sites wetland and ecological eco-system that exists adjacent to the eastern boundary of the site, from the ditch watercourse to the Victoria Mill boundary, which will remain a corridor/buffer of ecological value. The 8 no. units will be rental units, and subject to a Section 106 Agreement.

### **Site Location**

The site is located outside the Sabden village settlement boundary, as designated by the Ribble Valley Districtwide Local Plan (DLP), adjacent to the Victoria Mill site currently occupied by Marbill Ltd. The site also lies adjacent to the recently adopted Conservation Area within Sabden, and within the Forest of Bowland Area of Outstanding Natural Beauty.

### **Relevant History**

3/2009/0489/P Construction of 12no. 'Affordable' two-storey terraced dwellings in two blocks of 6no. units, including external and drainage works – Withdrawn.

3/1995/0343/P – Outline Application for Residential Development – Refused.

3/1989/0561/P – Outline Application for Residential Development – Refused.

3/1987/0773/P – Outline Application for three detached dwellings – Refused.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 – Settlement Strategy.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy ENV7 – Species Protection.

Policy H2 – Dwellings in the Open Countryside.

Policy H20 – Affordable Housing – Villages and Countryside.

Policy H21 – Affordable Housing – Information Needed.

Policy T7 – Parking Provision.

Policy L5 Affordable Housing – RSS.

Policy EM18 Renewable Energy – RSS.

PPS1 - Delivering Sustainable Development.

PPS3 - Housing (June 2010).

PPS7 - Sustainable Development in Rural Areas.

PPS9 – Biodiversity and Geological Conservation.

PPS25 - Development and Flood Risk.

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

The keys issues with regards to this proposal are the principle of the development (including both the use of the land for housing and the housing type proposed), the visual impact of the development (on both the streetscene and on the character of the surrounding area and A.O.N.B.), the impact on highway safety, renewable energy provision and the potential ecological impacts through developing this particular site. As well as the positive consultee responses, a large number of objection letters have been received in respect of the proposed development. In assessing this scheme, these objections/issues will be answered/outlined throughout this report. Given the distance between the proposed dwellings and any adjacent

residential properties, there is not considered to be an impact on the residential amenity of nearby neighbours. The Applicant has submitted a Flood Risk Assessment in line with the requirements of PPS25, and the E.A. have raised no objections.

## PRINCIPLE OF THE DEVELOPMENT

With regards to the principle of the proposed development, we must assess the scheme against the following relevant Planning DLP Policies G1, G5, H2, H20 and H21, and given that we do not have a 5-year land supply, this scheme should also be assessed against the criteria of Para 69 of PPS3 - Housing. Policy L5 of the RSS is also still a material planning consideration.

Policy G5 notes that outside settlement boundaries, planning consent will only be granted for small scale developments, such as sites developed for local needs housing (subject to Policy H20 of the DLP). Policy H20 of the DLP notes that planning permission will only be granted for 100% affordable needs housing developments which are intended to meet a proven local need, and within the supporting text it notes that this Policy allows for exceptions to normally restrictive Policies where an identified and proven local need exists, in full conformity to Government guidance on the subject of affordable housing in rural areas set out in PPS 3 Housing. Policy H2 also notes that outside the settlement boundaries, residential development will be limited to development specifically intended to meet a proven local need, however it also notes that the impact of proposals on the countryside will be an important consideration in determining all applications, and that such development should be appropriately sited and landscaped. Finally, Policy H21 discusses what information must accompany applications for local needs housing development, including details of who the accommodation will be expected to accommodate (which shall include a full survey of the extent of need and include persons who have expressed an interest in the property, and how the cost of the accommodation will be matched to the incomes of these target groups) and details of the methods by which the accommodation will be sold/let, managed and retained (S106 Agreement). In line with this Policy, the Applicant's sent additional information to clarify how they considered the scheme would comply with the requirements of H21. The letter and documents received on the 24<sup>th</sup> of May 2010 make reference to the details contained within the submitted S106 in reference to the dwellings remaining as 'Affordable' in perpetuity, and also discusses the following in relation to the 'Affordability' of the units. The Applicant has also supplied worked examples of affordability which indicate how the likely cost of any sale units would be well within 40% of the net average income for Ribble Valley (40% of net income being the usual measure used by local authorities to assess affordability). They also note that in addition to the detailed housing needs information already provided within their Applicant Statement (attached to the DAS), they have undertaken further analysis and of the 123 people referred to, 28 currently reside in Sabden, 11 in the adjoining parishes of Read and Simonstone, and 4 have family connections to the village, thus 43 people meet the local connection criteria and are therefore eligible for affordable housing. Another issue raised was in connection with the possibility of affordable housing being available on two adjacent sites, however the Applicant feels that unlike their own application, the affordable element of those other sites relies on the provision of speculatively built housing, delivery of which, they note, is at best uncertain in the present financial climate. On this basis, given that the proposal is consistent with the exceptions approach set out within Policy H20, and that sufficient information and evidence has been supplied to support the development in line with Policy H21, whilst the scheme raises a situation where we are being asked to determine an exception site against a background of neighbouring brown-field proposals with affordable capacity, the application itself meets the exceptions test.

Therefore, in light of the supporting information, and subject of course to other development control considerations, the proposed scheme is considered to be acceptable in principle in line with Local Plan Policies G5, H2, H20 and H21, and as such, I am satisfied the principle of development is in accordance with Local Plan Policy.

## VISUAL IMPACT OF THE DEVELOPMENT

Given the current nature of the site (overgrown and green), and that it lies both within the Forest of Bowland A.O.N.B. and outside the settlement boundary of Sabden, any development of this site will undoubtedly have some visual impact on the setting and character of this particular location, both in terms of the long distance views of the site and from Whalley Road. The key consideration here is whether or not the impact will be significantly detrimental to the setting and character of this location within the A.O.N.B. and the nearby Conservation Area. Following the withdrawal of the previous application, a number of meetings and discussions were held with the agent/applicant, and the current submission is the final product of these meetings. This time, the Agent has also submitted a full 'Landscape Appraisal' to complement the Design and Access Statement (DAS). The document notes that proposal utilises the difference in the land levels of the site by positioning the low pitched, two storey buildings back from the adjacent highway, on a significantly lower level within the site, with the access road sweeping down and round to the rear to create 12 parking spaces and sufficient turning space for both refuse and emergency service vehicles. The access road also creates a barrier between the residential site and the retained nature area on the east edge of the site boundary. Whilst the scheme will involve the removal of substantial areas of younger vegetation and dense scrub from the site, ultimately opening the site up, the scheme seeks to retain and protect all the mature trees considered to be of amenity value (see the Arboriculturalist report) on site as part of the development, and only a single mature tree will be removed due to its poor health. In addition, due to adverse comments from both the Parish Council and adjacent neighbours, additional tree planting has been added to the proposed landscaping plan between the development site and Whalley Road. The root protection areas (RPA) of the trees have been considered in the proposal, and where the RPA is affected, the buildings will be constructed using no-dig methods/deep pile and beam footings to minimise the root damage. Incidentally, this is only relevant in relation to a large sycamore adjacent to Whalley Road, and the methods proposed have been assessed by a Chartered Arboriculturist, who's report has been supplied. Following discussions with the Council's Countryside Officer, whilst there are concerns that the scheme may impact on the health, vigour and stability of the retained sycamore adjacent to Whalley Road in the long term, it is not considered to be of sufficient amenity value that it is worth placing a T.P.O. on. The existing stone wall which bounds the site on Whalley Road will be retained, with the introduction of occasional gated access to the rear of some properties, and a hedgerow with trees will be planted into the gardens along the Whalley Road frontage.

In relation to visual impact I have the following observations.

- Due to the retention of the mature trees on site, the wooded appearance will remain and the development will subsequently be screened from long distance viewpoints almost throughout the year,
- Whilst the view of the site from Whalley Road will be affected, given the minimal view of the properties (due to the difference in land levels and their design), their complementary design and additional screening proposed (a new hedgerow and trees behind the existing stone wall), I do not consider the character and setting of the location would be adversely affected.

- The valuable features of the site within the A.O.N.B. are the existing mature trees, which form part of a larger area of tree cover to the west of Sabden. Having assessed the site from various viewpoints, in retaining the mature trees on site, the built elements of the scheme are sufficiently screened and the visual character and appearance of this location within the A.O.N.B. is not considered to be detrimental effected.
- Given the retention of the 'wildlife corridor' on the eastern boundary of the site, it is considered that this distinctive boundary between the development and the edge of the Conservation Area effectively prevents a detrimental impact on the setting and character of the Conservation Area, or indeed the landscape of the location, and
- The proposed dwellings fronting Whalley Road have been designed to match the general built form of Sabden (stone and render with a slate roof, terraced, two storey properties), and they will be seen in context with the existing residential buildings located on the north side of the road.

As such, the proposal as a whole is considered to be sympathetic to the character of the village of Sabden, will have a negligible impact on the setting and character of the Conservation Area and will have an acceptable visual impact on the setting and character of this location within the A.O.N.B.

## ECOLOGICAL IMPACTS

In respect of the potential ecological impacts the scheme may have on site, it is relevant to have regard to the Environment Agency comments. The proposed scheme initially submitted was deemed unacceptable due to concerns related to proposed hard engineering works adjacent to Sabden Brook, and the detrimental effect of these works on the ecological value of the river corridor. Consent is required for any works within 8 metres of Sabden Brook, and this consent would not have been forthcoming for the previous scheme.

The amended plan now includes a minimum 4 metre easement between the top of the bank of the watercourse and the proposed access road retaining wall, and by moving the retaining wall further away from the top of the bank of Sabden Brook, the ability of the riparian habitat to act as a wildlife corridor and maintain connectivity with the proposed mitigation area to the east of the site is retained. Consent of the E.A. would still be required for the proposed works, but they are now satisfied that the ecological impacts of the revised scheme would not be unacceptable. Subsequently, they have withdrawn their objection to the proposed development, subject to appropriate conditions, one of which includes a conservation management plan for the retention and protection of the open ditch, swamp and wet woodland to the east of the site for the lifetime of the development (including the construction phase). The plan shall include details of management and maintenance responsibilities and a timetable for implementation of any works and the development shall subsequently proceed in accordance with the approved plan. This condition is necessary to protect the open ditch, swamp and wet woodland habitat within the development site, and without it, avoidable damage could be caused to the nature conservation value of the site, contrary to PPS1 and PPS9. The swamp and wet woodland habitat is identified under The UK Biodiversity Action Plan 1994 (UK BAP) which identifies species and habitats of 'principal' importance for the conservation of biological diversity nationally. These are listed for England under s41 of the Natural Environment and Rural Communities Act 2006. I am aware that the ecological survey by Bowland Ecology submitted with the application was carried out in December 2008, and whilst no legally protected species were found on the site, I would recommend an up-to-date survey be carried out prior to the commencement of development on

site to fully assess the required mitigation measures.

The root protection areas (RPA) of the trees have been considered in the proposal, and where the RPA is affected, the buildings will be constructed using no-dig methods/deep pile and beam footings to minimise the root damage. This is required to the large sycamore adjacent to Whalley Road. The methods proposed have been assessed by a Chartered Arboriculturist, and agreed by the Council's Countryside Officer. The Countryside Officer notes that whilst there are concerns that the scheme may impact on the health, vigour and stability of the retained sycamore adjacent to Whalley Road in the long term, it is not considered to be of sufficient amenity value that it is worth placing a T.P.O. on.

## HIGHWAY SAFETY ISSUES

With regards to the accesses to the site, and concerns on the impact of the scheme on highway safety, the LCC County Surveyor notes the following. The location of the proposed access affords the site satisfactory sightlines of 2.4m by 40m minimum onto Whalley Road, and the level of parking provisions is consistent with the current parking standards for the proposed house type and size detailed in the North West Plan Partial Review of Jul 2009. There are also improved pedestrian provisions to the site, forming a continuous and accessible footway link to the village where regular scheduled public transport facilities are available. With regards to the refuse disposal consideration, he is also satisfied that the highway is compliant. Overall, he has raised no objection to the application in principle on highway safety grounds, subject to the appropriate conditions.

## RENEWABLE ENERGY PROVISION

Policy EM18 of the RSS notes that 'all residential developments comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised or low-carbon sources'. Given that the proposed scheme is for only 8 units, this requirement is not necessary. However, the Agent has noted that the dwellings will meet Code for Sustainable Homes Three Standards and that to attain compliance, a number of eco related features would have to be incorporated.

Bearing this in mind, it is considered that the scheme submitted complies with the relevant Local, Regional and National Policies. Therefore, bearing in mind the above comments and whilst I am mindful of the points of objection from both the Parish Council and nearby neighbours, I recommended the scheme accordingly.

## SUMMARY OF REASONS FOR APPROVAL

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

**RECOMMENDATION:** That Committee be minded to approve the application subject to the following conditions and therefore DEFER AND DELEGATE to the Director of Development Services to negotiate the satisfactory completion of a Section 106 Agreement to deal with how the eight units proposed will be delivered as affordable housing units in the future.

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

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

2. This permission shall be read in accordance with the Section 106 Agreement dated...

REASON: For the avoidance of doubt as the permission is subject to an agreement in relation to the affordable housing approved.

3. The permission shall relate to the development as shown on Plan Drawing No's 8056(0)03 Rev. F, 8056(0)04 Rev. F, 8056(0)06 Rev. B, 8056(0)20 Rev. D, 8056(0)23, 8056(0)24, 8056(0)25 Rev. A and 412A –12A.

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

4. This permission shall be implemented in accordance with the proposal as amended by letter and plan received on the 19 May 2010, 16 June 2010 and 30 June 2010.

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

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

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) any future extensions and/or alterations to the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to E shall not be carried out without the formal written consent of the Local Planning Authority.

REASON: In the interests of the amenity of the area in accordance with Policies G1 and H2 of the Ribble Valley Districtwide Local Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) any future additions, hard standings or fences as defined in Schedule 2 Part I Classes F, G and H and Part II Class A, shall not be carried out without the formal written consent of the Local Planning Authority.

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

8. No works can begin until an up-to-date survey has been conducted, by a person the identity of whom has been previously agreed in writing by the Local Planning Authority Countryside Officer and Natural England, to investigate whether the development site is utilised by birds

or other protected species. The results of the survey shall be submitted to the Local Planning Authority Countryside Officer and Natural England. If such a use is established, a mitigation scheme for the protection of the species/habitat shall be submitted to and agreed in writing by Natural England Local Planning Authority Countryside Officer before any work commences on the approved Development.

REASON: To ensure that no species/habitat protected by the Wildlife and Countryside Act 1981/European Directive for Protected Species are harmed/destroyed/ in accordance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan.

9. Prior to the commencement of any works on site (including the demolition of buildings), details of species/habitat protection and mitigation measures shall have been submitted to and approved in writing by the Local Planning Authority.

The scheme submitted shall indicate the measures taken to safeguard protected species/habitats from soil excavations, gradients/changes in levels, removal of existing vegetation, construction of surfaces and structures, storage of materials/spoil and the insertion of the pile driven foundations.

REASON: In the interests of protecting nature and conservation issues in accordance with Policies G1, ENV1 and ENV7 of the Ribble Valley Districtwide Local Plan.

10. Prior to the commencement of any site works an Arboricultural Method Statement and Tree Protection Plan and Monitoring Procedure, including a time scale for site visits and remedial tree works, shall be supplied to and agreed in writing with the local planning authority.

Prior to commencement of any site works, including delivery of building materials and excavations for foundations or services all trees identified in the arboricultural/tree survey and the landscape proposals plan 412A-12A shall be protected in accordance with the BS5837 [Trees in Relation to Construction] the details of which shall be agreed in writing and implemented in full, a tree protection monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun.

The root protection zone 12 x the DBH and shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble. During the building works, no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone.

A method statement for piling works within the root protection area of the Sycamore tree identified T21 in the Tree survey for Arboricultural Constraints Plan dated 3 October 2009 shall be submitted and agreed in writing by the planning department.

No tree surgery or pruning shall be implemented with out prior written consent, which will only be granted when the local authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.



REASON: In order to ensure that any trees affected by development and considered to be of visual amenity, historic or botanical value are afforded maximum physical protection from the adverse affects of development. In order to comply with planning policies G1 and ENV7 of the District Wide Local Plan. In order to ensure that trees of visual amenity/botanical/historical value are protected against adverse effects of the development.

11. Prior to the commencement of development, a conservation management plan for the retention and protection of the open ditch, swamp and wet woodland to the east of the site for the lifetime of the development (including the construction phase) shall be submitted to and approved in writing by the local planning authority. The plan shall include details of management and maintenance responsibilities and a timetable for implementation of any works and the development shall subsequently proceed in accordance with the approved plan.

REASON: To protect the open ditch, swamp and wet woodland habitat within the development site.

12. Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of Japanese knotweed (fallopian japonica) on the site shall be submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved method statement.

REASON: To ensure that Japanese knotweed is eradicated from the site and prevent further spread.

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

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

14. No development shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. 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.

REASON: To ensure and safeguard the recording of any archaeological deposits associated with the site.

15. Prior to the commencement of built development, further details of the proposed bin storage areas and the access arrangements for such areas shall be submitted to the Local Planning Authority and approved in writing. The bin storage areas shall be completed before occupation of the dwellings and thereafter maintained in perpetuity.

REASON: To ensure adequate bin storage and to comply with Policy G1 of the Districtwide Local Plan.

16. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2008 there shall not at any time in connection with the development hereby permitted, be erected or planted, or allowed to remain upon the land hereinafter defined, any building, wall, fence, hedge, tree, shrub or other device.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Whalley Road to points measured a minimum of 40m in each direction along the nearer edge of the carriageway of Whalley Road, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to ensure adequate visibility at the street junction or site access.

17. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the example indicated on the plan drawing no. 8056(0)20 Rev. D and the vehicular turning space shall be laid out and be available for use before the dwellings are occupied.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan. Vehicles reversing to and from the highway are a hazard to other road users.

18. 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 drawing no. 8056(0)20 Rev. D, before the use of the premises hereby permitted becomes operative.

REASON: To comply with Policies G1 and T7 of the Ribble Valley Districtwide Local Plan and to allow for the effective use of the parking areas.

19. No part of the development, hereby approved, shall be occupied until the approved scheme referred to in Conditions 15, 17 and 18 have been constructed and completed in accordance with the scheme details.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and in order that the traffic generated by the development does not exacerbate unsatisfactory conditions in advance of the completion of the scheme.

## INFORMATIVES

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

The Environment Agency has a right of entry to Sabden Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by

virtue of Section 165 Of the same Act. The developer must contact Colin Worswick on (01772) 714259 to discuss our access requirements and apply for Consent.

Surface water run-off can be managed through the use of sustainable drainage systems (SUDS), and the Environment Agency advocates their use. SUDS are a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands that attenuate the rate and quantity of surface water run-off from a site, and contribute to a reduced risk of flooding. SUDS offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal, which encourages a SUDS approach. Further information on SUDS can be found in the following documents:

- Planning Policy Statement 25: Development & Flood Risk (DCLG)
- C522: Sustainable Urban Drainage Systems - Design Manual for England and Wales (CIRIA)
- Interim Code of Practice for Sustainable Drainage Systems (SUDS Working Group)

The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS, and is available on both the Environment Agency's website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) and CIRIA's website ([www.ciria.org.uk](http://www.ciria.org.uk)).

The Environment Agency also recommend that the developer considers the following methods:

- Water management in the development, including, dealing with grey waters
- Use of sustainable forms of construction including recycling of materials
- Energy efficient buildings

Removal of trees from the site should be undertaken outside of the breeding bird season (March – August inclusive), unless a breeding bird survey is undertaken immediately prior to removal by a suitably qualified ecologist. All wild birds, their eggs and their nests are protected during the breeding season under the Wildlife & Countryside Act 1981 (as amended).

We support the recommendations of the Ecological Assessment produced by Bowland Ecology, to incorporate bird boxes and bat boxes into the development. There is evidence of a badger presence in the vicinity of the application site. It may be necessary to install badger-proof fencing prior to the development commencing.

APPLICATION NO: 3/2010/0324/P (GRID REF: SD 374513 437388)  
PROPOSED RETROSPECTIVE CHANGE OF USE OF TWO FIRST FLOOR ROOMS FROM RESIDENTIAL ACCOMMODATION TO A LICENSED AREA AT THE FREEMASONS ARMS, 8 VICARAGE FOLD, WISWELL

PARISH COUNCIL: Object to the application and strongly oppose for the following reasons:

1. Would have a detrimental affect on local residential amenity.

2. There is inadequate off street car parking in the vicinity. It should be noted that since the approval in 2008 business has extended considerably and this further extension would be an increase of around 70%. This puts into perspective the increase in trade with its inherent effect on local residents, particularly as regards car parking requirements.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

No objections to the proposal on highway grounds. There is no existing dedicated off road parking and there is none proposed. As a consequence visitors to The Freemasons Arms have a demand for on street parking within Wiswell and this establishment has seen a number of changes in layout, management and operation in recent years. However, the proposed changes indicate a reduction in the number of covers being provided from 102 to 82. Plans provided show this being achieved. I am satisfied that a reduction of this magnitude in the number of covers being provided will have a positive impact on the demand for on street parking within the village. In addition I would also recommend that removal of the two areas of living space within the building represents a maximum floor achievable and that there should be no further expansion of the building footprint. I would welcome a voluntary undertaking from the applicant that there would be no further development at this location.

ADDITIONAL  
REPRESENTATIONS AND  
INFORMAL SITE NOTICE:

Seven letters of objection have been received. The main issues concern the following points:

1. Parking Issues: People park all over the local roads causing inconvenience as well as damage to cobbles and verges. There is inadequate parking for the public house and a further increase in floor space would be likely to generate more need for parking facilities which do not exist. Since reopening there has been a considerable increase in traffic.
2. Noise: The proposal since it has been reopened has led to significant noise disturbance and any increase in floorspace would further exacerbate this issue to the detriment of residential amenity.
3. The proposal is unacceptable as it has been carried out without consent and would have misled Planning Committee and local residents when determining the previous application. It will also send out a bad message that people can do works retrospectively.
4. Concern over the use of adjacent buildings for storage purposes.

5. Possible damage caused by the planting of shrubs to an adjacent property.

### **Proposal**

This application is a retrospective proposal for the change of use of two first floor rooms from residential accommodation to a licensed area in connection with the Freemasons Arms, Wiswell. The internal area of the extension is approximately 40m<sup>2</sup> and would involve the use of two rooms at first floor to provide additional dining room and a coffee lounge. There are no external alterations to the proposal.

### **Site Location**

The property is a public house set within the Conservation Area of Wiswell. It is surrounded by residential development with Vicarage Fold, an unadopted road, running immediately in front of the premises.

### **Relevant History**

3/2008/0140 – New toilet installed and first floor garden room at Freemasons, Wiswell. Approved with conditions.

### **Relevant Policies**

Policy G1 - Development Control.

Policy ENV16 - Development Within Conservation Areas.

Policy ENV17 - Details Required with Proposals in Conservation Areas.

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

Matters for consideration in the determination of this application relate predominantly to residential amenity and highway safety. The scheme is retrospective and this, in itself, should not be seen as a material consideration. The issues that need to be considered relate to whether or not the proposal would result in unacceptable conditions to the detriment of highway safety or impact on residential amenity caused by either noise, smell or general disturbance.

Planning permission has been granted under application 3/2008/0140 for various alterations which would have allowed the buildings to be suitable for use for and licensed for 102 covers. Although part of the first floor was retained for residential accommodation this application seeks to regularise the use for commercial purposes. In its submission the scheme although of a greater floor area than the previous application seeks to utilise the building for 81 covers and the applicant has given an undertaking that he would accept a restriction limited to 81 covers.

It is clear that this restriction would allow more effective control on the building than currently would exist under application 3/2008/0140 and as such, I believe that the County Surveyor is correct in his assessment. I recognise that at times problems are caused regarding lack of off street parking and the reduction in the number of covers would only help to reduce this impact. I also consider this could be a similar argument in relation to general amenity such as noise and odour control.

In relation to other issues such as odour control which is noted as an objection, the Environmental Health Department is satisfied with the existing arrangements. I note the

concern regarding the use of adjacent buildings for storage in connection with this business and this has been examined by the Enforcement Officer and is subject of further investigation.

I am fully aware and conscious of the objections from local residents but having regard to all material considerations I consider this retrospective scheme acceptable and with the additional controls in relation to a voluntary unilateral undertaking restricting the number of covers that this would be more acceptable than the unrestricted consent.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact to nearby residential amenity nor highway safety.

RECOMMENDATION: That the application be DEFERRED AND DELEGATED to the Director of Development Services subject to satisfactory completion of a Unilateral Undertaking and the following conditions.

1. This permission shall relate to the Unilateral Undertaking dated ..... which seeks to restrict the number of covers in the restaurant to 81.

REASON: For the avoidance of doubt and to protect residential amenity.

APPLICATION NO: 3/2010/0378/P (GRID REF: SD 376544 443538)  
PROPOSED AQUATICS BUILDING AT SHACKLETON'S GARDEN AND LIFESTYLE CENTRE, CLITHEROE ROAD, CHATBURN

PARISH COUNCIL: No observations to make.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): Informally confirmed no objections.

ADDITIONAL REPRESENTATIONS: No comments received.

#### **Proposal**

This application details the proposed relocation of a previously approved but not yet constructed aquatics building. Consent has previously been granted for the aquatics building in a position adjacent that now proposed as a freestanding building. Having obtained planning permission for a warehouse building, it is now proposed to position the aquatics building immediately adjacent to the warehouse.

The previously approved building was to have a footprint of 251m<sup>2</sup> with that proposed here being 375m<sup>2</sup>. Approximate dimensions of the aquatics building would be 14.3m x 22.3m x 5.5m to the apex of its pitch. It is shown to have an overhanging canopy to the front of the building similar to the building adjacent to Clitheroe Road (an overhang of approximately 2.5m) with the

structure having facing stone, roof materials and glazing to match those employed on other buildings on site.

### **Site Location**

The garden centre is located outside any defined settlement limit, lying within land designated Open Countryside.

### **Relevant History**

3/2009/0902/P – Proposed erection of warehouse and security fencing. Approved with conditions 15 January 2010.

3/2008/0296/P – Erection of canopy between sales area and café. Approved 28 May 2008.

3/2007/0694/P – Proposed relocation of aquatics building and relocation of security fencing. Approved with conditions 3 September 2009.

3/2007/1070/P – Removal of existing polytunnels and replace with portal frame indoor retail and external covered retail areas. Approved with conditions 3 October 2008.

3/2007/0329/P – Replacement and extension of aquatics building and installation of two fire doors in replacement building. Approved under 3/2005/1034/P. Approved with conditions 20 July 2007.

3/2005/1034/P – Replacement 7 bay polytunnel with larger permanent building and alterations to conservatory. Resubmission. Approved with conditions 1 August 2006.

3/2005/1000/P – Increase range of goods for sale to include home ware, gifts and indoor fish (retrospective). Approved with conditions 3 September 2009 (subject to a Section 106 Agreement).

3/2005/0999/P – Use of café as restaurant (retrospective). Approved with conditions 3 September 2009.

3/2005/0998/P – Modification of condition 4 on planning consent 3/99/0399/P – To allow the opening of the garden centre to 8pm on Thursdays and Fridays. Approved with conditions 7 February 2006 (subject to a Section 106 Agreement).

3/2005/0508/P – Proposed replacement of 7 bay polytunnel with larger permanent building, alterations to conservatory, extension of car park into a growing on area and replacement of the car park with a growing on area. Refused 27 October 2005.

3/2004/0059/P – Extension to shop, display area and open sided covered area and extension of existing conservatory (resubmission). Approved with conditions 4 March 2000.

3/2003/0802/P – New shop display area. Open sided covered area and extension to existing conservatory. Approved with conditions 31 October 2003.

3/2003/0098/P – Change of use of agricultural land to provide additional parking, turning circle and growing on area for garden centre, creation of two new accesses, rerouting of footpath. Approved with conditions 10 June 2003.

3/2002/0831/P – Erection of two polytunnels with stone front elevation. Approved with conditions 26 November 2002.

3/2000/0554/P – New polytunnel replacing existing greenhouse (phase 2). Approved with conditions 6 September 2000.

3/2000/0551/P – New polytunnel replacing existing greenhouse (phase 1). Approved with conditions 6 September 2000.

3/1999/0399/P – New garden centre building, change of use of site from nursery to garden centre. Approved with conditions and subject to a Section 106 Agreement 18 September 2000.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy EMP8 - Extensions/Expansions of Existing Firms.

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

The matters for consideration in the determination of this application are the principle of development, its visual impact and potential impact on highway safety.

In terms of principle of development, this is an established business, albeit located outside any defined settlement limit and consent has already been granted under 3/2007/0694/P for an aquatics building in a position adjacent to that now shown. Members may recall that there is a Section 106 Agreement associated with the overall site that ensures that the whole of the garden centre site remains as one planning unit, specifies the ranges of goods that can be sold from different areas of the site and regulates the operation of the restaurant. The Section 106 Agreement contains a plan that identifies ranges of goods to be sold from certain areas of the site and was drawn up having regard to the previous siting of this building. The provision of an aquatics building is considered appropriate but given its relocation, the plan accompanying the Section 106 Agreement will need to be redrafted to reflect the siting now shown. Thus if Committee were minded to approve the application, a Deed of Variation/Supplemental to the existing Agreement will need to be drawn up in order to provide a substitute plan. All other terms of the original Agreement will still have effect.

Having regard to highway safety matters, the County Surveyor has not raised any objections to this development.

In respect of the visual impact of the works, the ridge height of the building is the same as that previously approved for the aquatics building and providing a canopy over the front of the building similar to the building adjacent to Clitheroe Road would bring a degree of uniformity to the site. The building is to be constructed in materials to blend with existing structures and thus I do not consider there would be any significant detriment to the visual amenities of the area, were the aquatics building to be constructed in this revised location.

Therefore having regard to the above, I am of the opinion that the scheme should be given favourable consideration and deferred and delegated to the Director of Development Services to



enable the works necessary to the plan of the Section 106 Agreement to be revised prior to a final decision being issued.

#### SUMMARY OF REASONS FOR APPROVAL

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

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Development Services in order that a Deed of Variation/Supplemental Agreement to the existing Section 106 Agreement can be drafted in order to substitute a plan defining areas for sales and the application thereafter be approved subject to the following conditions:

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

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

2. This permission shall be implemented in accordance with the proposal as detailed on drawings TRI-0559/01 REV0 proposed plans and elevations and TRI-0559/02 REV0 site block plan.

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

3. This permission shall be read in conjunction with the Section 106 Agreement dated 3 August 2009 and Deed of Variation/Supplemental Agreement dated ... which restricts the extent of the retail use on site and ensures this building does not operate independently from the site's primary use as a garden centre.

REASON: For the avoidance of doubt as the site is the subject of a Section 106 Agreement.

ITEMS DELEGATED TO DIRECTOR OF DEVELOPMENT SERVICES UNDER SCHEME OF DELEGATED POWERS AND

The following proposals have been determined by the Director of Development Services under delegated powers:

APPLICATIONS APPROVED

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2009/1012/P	Steel framed building to house machinery, tractors, bailer's etc	Stydd Lodge Farm Stydd Lane, Ribchester
3/2009/1079/P	Retrospective application for the erection of raised decking to the rear of the property	50 Ribchester Road Wilpshire
3/2010/0199/P	Proposed bedroom extension and detached garage	1 Greenacres Read
3/2010/0279/P	Erection of porch and conversion of garage into living accommodation and build over the flat roof of the garage	3 Church Close Waddington
3/2010/0282/P	To create an earthen banked silage clamp. Floor will be concreted and sides of clamp will be clay lined and exterior of banks will be grass seeded	Lower Alston Farm Riverside Ribchester
3/2010/0292/P	Proposed two-storey side extension	12 Kemple View Clitheroe
3/2010/0304/P	Extension to existing service station (Resubmission of planning application 3/2009/1043/P)	Pennine Garage Longsight Road Osbaldeston
3/2010/0311/P	Rear extension	23 Richmond Terrace Clitheroe
3/2010/0315/P	Provide a septic tank (bio disc) at the former	Bobbin Mill, Longridge Road Hurst Green
3/2010/0316/P	Install a drop kerb	3 Edisford Road Clitheroe
3/2010/0319/P	Single storey side extension with basement	Higher Greaves Barn Holden Lane Bolton-by-Bowland
3/2010/0325/P	Renewal of planning permission 3/2005/0155/P for the demolition of the existing dwelling and the erection of a new dwelling and garage	Seven Acre Cottage Forty Acre Lane Longridge
3/2010/0328/P	Erection of canopy to the rear of the property for use by nursery school	St Peter & St Paul's Parish Centre, Stydd Lane Ribchester
3/2010/0329/P (LBC)	Replacement of two first floor windows on the front elevation with new windows of the same style but double-glazed	33 Windy Street Chipping

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2010/0330/P	Renewal of planning permission 3/2007/0248/P for proposed conversion of The Old Coach House into 3No self contained holiday lets, including associated internal and external works and installation of new sewage plant and soakaway to serve the cottage	Worston House and The Old Coach House at The Old Coach House, Worston House, Worston
3/2010/0331/P	Proposed single storey summerhouse in the rear garden	50A Durham Road, Wilpshire
3/2010/0343/P	Proposed turning area and re-surfacing existing access track	Baines Farm Pinfold Lane, Longridge
3/2010/0347/P	Erection of a detached granny annex (resubmission)	Dean Slack Head Smalden Lane, Grindleton
3/2010/0350/P	Proposed extension to the existing garage, new porch and removal of the existing roof and raising the ridge by approx. 1.2m	19 Church Close Waddington
3/2010/0351/P	Demolish part of existing rear extension and extend with creation of pitched roof	101 Taylor Street, Clitheroe
3/2010/0354/P	Timber decking and landscaping at rear of house	1 Durham Road Wilpshire
3/2010/0355/P	Proposed two-storey side extension and single storey rear extension. Resubmission	56 Redwood Drive Longridge
3/2010/0356/P	Installation of new replacement timber external doors and frames to replace existing on the front entrance and kitchen doorways	Ellerbeck Hall Woodhouse Lane Slaidburn
3/2010/0359/P	Proposed utility/shower room extension to the side with a car port combined with a porch to the front elevation	18 The Crescent Clitheroe
3/2010/0360/P	Single storey porch to the front of the property	52A Durham Road, Wilpshire
3/2010/0361/P	Proposed demolition of the exiting lean-to extension and replacement with a new larger lean-to on the same elevation	Dairy Barn Farm Green Lane, Chipping
3/2010/0365/P	Creation of multi-surface children's play area including specialised play equipment, sun canopy and landscaping enclosed within a 1.2m high timber fence	Barrow Primary School Old Row Barrow
3/2010/0370/P	Four canopy fascia signs, three shop fascia signs, four pump light boxes, one totem sign and three poster boxes	Primrose Garage Whalley Road, Clitheroe
3/2010/0391/P	Proposed two-storey side extension including a garage	22 Crow Trees Brow Chatburn
3/2010/0427/P	Ground floor rear extension and first floor extension	14 Windsor Close, Read
3/2010/0438/P	Application for non-material amendment –	Stone House Barn

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
Cont/ Cont...	removal of external timber shutters, replace approved patio door and patio area with two roof lights on side elevation. Change window profile and layout within the approved openings. Revise garage elevation and scale	Blackburn Road Ribchester
3/2010/0448/P	Application for the discharge of condition no. 2 (relating to materials) of planning consent 3/2007/0406/P	15 Kirklands Chipping

#### APPLICATIONS REFUSED

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
3/2010/0266/P	Two storey extension incorporating dormer windows to north and south elevations	15 Hillcrest Road Langho	G1, H10, SPG: Extensions and Alterations to Dwellings – overlarge extensions to the detriment of visual amenity to the street scene and resulting in an overbearing and oppressive nature of development for adjacent residential amenity.
3/2010/0308/P	Two storey side extension involving the demolition of the rear garage	4 Stirling Close Clitheroe	Contrary to G1, H10 and the adopted SPG "Extensions and Alterations to Dwellings", an incongruous addition to the property to the visual detriment of the streetscene.
3/2010/0309/P	Two storey side extension involving the demolition of the rear garage	6 Stirling Close Clitheroe	Contrary to G1, H10 and the adopted SPG "Extensions and Alterations to Dwellings", an incongruous addition to the property to the visual detriment of the streetscene.
3/2010/0312/P	Conversion of existing	22 Moorfield Road	Policies G1, H10 and

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
Cont/ Cont....	bungalow into a two storey dwelling with an extension to the rear over the existing sun room, change the flat roof garage into a pitched roof utility room and study at	Whalley	SPG Extension and Alterations to Dwellings – Detriment to the appearance of the street scene, loss of privacy to a neighbouring property, and overbearing effect on the neighbouring property.
3/2010/0314/P	Conversion of barn to dwelling	Rakefoot Farm Thornley Road Chaigley	G1, ENV1, H12, H16 and H17 – Design unsympathetic to original form and character of the building and creation of extensive curtilage to the detriment of the visual amenities of the AONB.
3/2010/0322/P	Proposed two-storey extension to rear and single storey extension to side	26 Limefield Avenue Whalley	G1, H10, and SPG “Extensions and Alterations to Dwellings” – Loss of light and overbearing impact to the detriment of neighbouring residential amenity.
3/2010/0323/P	Installation of photo voltaic roof panels	The Barn Turner Fold Read	Policies G1 and H17 – Detrimental effects upon the appearance and character of this converted traditional agricultural building.
3/2010/0370/P	Four canopy fascia signs, three shop fascia signs, four pump light boxes, one totem sign and three poster boxes	Primrose Garage Whalley Road Clitheroe	Poster box sign to south of totem sign – detriment to visual amenity, therefore contrary to Policy G1.

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
3/2010/0345/P	One fascia panel and one projecting sign (both externally illuminated) and four non-illuminated pole banner signs	The Eagle at Barrow Clitheroe Road Barrow	G1 – Detrimental to amenity.
3/2010/0404/P	Resubmission of approved scheme ref 3/2009/0753/P for change of use of barn to dwelling and erection of garage	Moor Barn Clitheroe Road Knowle Green	G1, ENV3, H17 – design unsympathetic to original character of building to detriment of visual amenities of area.

#### SECTION 106 APPLICATIONS

<u>Plan No:</u>	<u>Proposal/Location:</u>	<u>Progress:</u>
	None	

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

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2010/0318/P	Application for a Lawful Development Certificate for an existing use in breach of condition, this being that the whole of the property is being used as a private dwelling without complying with the occupancy condition	Orchard Cottage Lower Gill Tosside
3/2010/0332/P	Application for a Lawful Development Certificate for the existing use of adjacent land as a domestic garden	Kemple Barn Whalley Road Clitheroe

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

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2010/0399/P	Application for a Lawful Development Certificate for replacement of the existing timber garage and link porch	4 Chester Brook Ribchester

APPEALS UPDATE

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2009/1017 D	6.4.10	Mr Andrew Atkinson Proposed erection of an 11kw wind turbine on land approx. 440m NE of the farm buildings Readwood Stables Back Lane Read	WR	–	Site visit 1.7.10 AWAITING DECISION
3/2009/0752 D	19.4.10	Mr & Mrs D Bowden Detached two storey house and parking in garden area to the rear of Wellsprings House Woodlands Drive Whalley	WR	–	Site visit 6.7.10 AWAITING DECISION
3/2010/0027 D	28.4.10	Mr & Mrs Baines Proposed two storey rear extension 2 Cowper Place Sawley	Householder appeal	–	APPEAL DISMISSED 23.6.10
3/2009/1019 D	6.5.10	Mr Sam Holden Proposed two-storey extension to dwelling to create additional bedroom, bathroom, dining/kitchen and store, also proposed resurfacing of drive for two car spaces. Materials to match existing 3 Nightingale Close Whalley	Householder appeal	–	APPEAL DISMISSED 23.6.10

LEGEND

- D – Delegated decision
- C – Committee decision
- O – Overturn