

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

Agenda Item No

meeting date: THURSDAY, 16 AUGUST 2012  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2011/0535 (GRID REF: SD 377702, 433377)  
 PROPOSED CHANGE OF USE FROM OFFICES (CLASS A2) TO A TAXI OFFICE (SUI-GENERIS) AT UNIT 23 TIME TECHNOLOGY PARK, BLACKBURN ROAD, SIMONSTONE, BB12 2TY

PARISH COUNCIL: No objections to the usage of the unit for taxi operations, however, they have objections to the location of the original parking area behind Railway Terrace due to potential adverse impact on residential amenity.

The Parish Council proposed that the taxis be parked in either 'Fenced Car Park (Z)' or 'Yard (AA)' as illustrated in the Time Technology Park Site Plan, both of which are remote from residential properties, and underused.

ENVIRONMENT  
 DIRECTORATE  
 (COUNTY SURVEYOR):  
 ADDITIONAL  
 REPRESENTATIONS:

No objections to the proposal.

Two letters and a petition with 27 addresses (39 names) have been received objecting to the proposal for the following reasons;

- The residents of Railway Terrace, Bank Terrace and Tunstead Avenue will be affected by increased traffic movements, noise from car engines, voices, car doors slamming, vehicle fumes, and light pollution from headlights at unsociable hours and which would occur 24 hours a day, 7 days a week, 365 days a year;
- Increase in the volume of traffic on an already over used country lane, a busy main road and the entry/ exit is close to a major road junction;
- A taxi company of the proposed size would be better located close to a town centre rather than what is supposed to be a rural village;
- There are already two taxi companies operating in Simonstone and Padiham who employ local people. Allowing this company to operate could have a detrimental effect on these businesses;
- Devaluation of nearby properties; and,
- The nature of the business could attract persons to loiter within the neighbouring area which could lead to vandalism/ theft.

Due to the proximity of the car park, as initially submitted, to the rear of Railway Terrace, the applicant has proposed to use a different car park within the Time Technology Park. An amended site plan dated the 18 June 2012 has been received which proposes to use Car Park Z which is located at the opposite end of the site from Railway Terrace, at the eastern end of Time Technology Park. All surrounding businesses of the new car park as well as all the residents and businesses originally consulted have been re-consulted in June 2012 and no objections to the amended car park location have been received.

### **Proposal**

The application seeks permission to use an existing unit within the Time Technology Park complex as a taxi office. Twenty parking spaces would be provided on an existing car park. The location of the car park has been moved from the north-west corner of Time Technology Park, located at the rear of Railway Terrace, to the eastern edge of the site, adjacent to the building on Time Technology Park known as Indigo House.

The taxi office would run on a twenty four hour basis, seven days a week, and would employ ten full-time members of staff and ten part time members of staff. The business would be run on a shift basis starting at 7am and 7pm.

### **Site Location**

The taxi office would be located in unit 23 within one of the main blocks that make up Time Technology Park. The location of the car park would be adjacent to a building on Time Technology Park known as Indigo House positioned at the eastern end of the site.

### **Relevant History**

Various applications on the site but nothing directly relates to the running of a taxi office.

### **Relevant Policies**

Policy G1 – Development Control

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

The main matters for consideration in the determination of this application include highway safety and residential amenity.

Access to the car park and unit will be through the main access gates to Time Technology Park and twenty parking spaces would be available for use by the taxi premises. It is thus considered that the proposal is acceptable with regard to highway considerations and consequently the Highway Authority has raised no objections to the proposal.

In relation to residential amenity, at the time of the submission of the application, residents in the area raised concerns that the proposed use of the car park situated at the rear of Railway Terrace would cause noise and disturbance. Colleagues in the Environmental Health section,

agreed that the level of noise and disturbance would have had an unacceptable impact on the amenity of those residents. As a result of the number of objections, the applicant has liaised with the owners of Time Technology Park and has provided a plan illustrating twenty parking spaces on an alternative car park, which is located at the opposite end of the Industrial/Business Park adjacent to a building known as Indigo House known as Car Park 'Z'.

The parking spaces will thus be located away from residential properties on Railway Terrace. The nearest dwellings are The Knotts and Norwood View positioned on Blackburn Road adjacent to Seaways Services UK Ltd, a haulage and dairy printing business, which are located approximately 80 metres away from the proposed car parking area. It is considered that the taxi business operating will not cause any noise and disturbance to neighbouring residents, however, as it is proposed to run the taxi business 24 hours a day, 7 days a week, it would be reasonable to allow a temporary planning permission for two years to enable the Council to assess exactly what impact the business has on the amenities of the surrounding area.

It is considered that the proposed taxi office and parking area for up to twenty cars is acceptable in this location, the proposal would have little if any affect on residential amenity, therefore, the proposal is considered to be acceptable providing suitable conditions are attached.

#### 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 conditions:

1. The use hereby permitted shall cease and any associated plants, materials, and equipment shall be removed on or before 16 August 2014 and the site restored to its former condition to the full satisfaction of the Local Planning Authority unless a renewal of this planning permission has been granted by the Authority.

REASON: This temporary consent has been granted to enable the Local Planning Authority to assess and review the impact of the development against the requirements of Policy G1 of the Ribble Valley Districtwide Local Plan.

2. The licensed private hire vehicles associated with the proposal shall be parked on the designated parking area as shown on the amended location plan dated 18 June 2012 and this area shall be kept available for that purpose at all times.

REASON: In order to prevent the private hire vehicles being parked on the road, and in the interests of residential amenity, in accordance with policy G1 of the Ribble Valley Districtwide Local Plan.

3. In the event that the parking area is no longer available for use, the permission for the private hire office shall cease.

REASON: In order to prevent the private hire vehicles from parking elsewhere within Time Technology Park in the interests of residential amenity and in accordance with policy G1 of the Ribble Valley Districtwide Local Plan.

4. No more than twenty private hire vehicles shall operate from the premises hereby approved.

REASON: To ensure there is sufficient appropriate parking for private hire vehicles operating from the premises which would not adversely affect nearby residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

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

APPLICATION NO: 3/2012/0053/P (GRID REF: SD 361239 437244)  
PROPOSED CONSTRUCTION OF THREE NEW TWO-STOREY TERRACE DWELLINGS.  
GARDEN SPACE ALLOCATED TO EACH PROPERTY. SEVEN SURFACE PARKING BAYS.  
RE-SUBMISSION OF APPLICATION 3/2011/0655/P. 41 DILWORTH LANE, LONGRIDGE,  
LANCASHIRE, PR3 3ST.

LONGRIDGE TOWN COUNCIL: The Town Council objects to the proposal, and notes the following:

- The minor amendments to the proposal as submitted previously are acknowledged, however these do not affect the Town Council's opinion on the application that remains as it was when first considered in September 2011.
- The Council is concerned about the scale of the proposed development of the site particularly when considered with the other proposals on the site.
- The development will increase traffic on an already busy road.
- There will be a loss of amenity to the local area if trees are felled to allow vehicular access to the site. Councillors stress the importance of consultation with David Hewitt, Countryside Officer, who was involved with securing preservation orders on the trees to be lost.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections to the proposal from a highway safety point of view.

UNITED UTILITIES: No objection to the proposed development.

ADDITIONAL REPRESENTATIONS: Nine letters/e-mails have been received from nearby neighbours, and their points of objection have been summarised as follows:

1. Proposed three-dwelling terrace is both in nature and design out of keeping with the surrounding area,
2. Incongruous development,
3. Concern regarding road safety due to a new entrance onto Dilworth Lane,
4. Insufficient parking and it will lead to people parking on Dilworth Lane blocking the road and impairing sightlines,
5. Insufficient turning area within parking area,

6. No pavement to front of houses meaning pedestrians will have to cross over a busy and dangerous road,
7. Size, scale and massing of scheme is inappropriate,
8. Lack of landscaping proposed,
9. Impact on highway safety on a very busy/dangerous road,
10. Impact on residential amenity through overlooking,
11. Impact on residential amenity through the loss of the boundary trees,
12. Visual impact on character and appearance of the streetscene due to the loss of the trees from the site,
13. Impact on the setting and views of the 'Historic building' no. 41 Dilworth Lane (Old Coach House),
14. Inappropriate use of render, and
15. Loss of light.

### **Proposal**

Planning permission is sought for the proposed construction of three new two-storey terrace dwellings with allocated garden space within the garden curtilage of no. 41 Dilworth Lane. The scheme also includes the creation of a new entrance onto Dilworth Lane and the provision of seven parking bays for the new development. The application is a re-submission of application 3/2011/0655P that was withdrawn by the applicant. 41 Dilworth Lane itself, also known as The Coach House, is predominantly made up of stonework facades, and has a slate roof. The buildings are over 150 years old as they are clearly seen on the 1845 maps supplied within the D&A/Heritage Statement. The building was originally a farmhouse with attached barn, however in the early 80s permission was granted for the conversion of the northern end of the building (originally a coach house/barn) into residential use, hence the appearance of this portion of the property. The buildings have been maintained in a traditional manner, whereas the garden and interior spaces have undergone more contemporary alterations. More recent proposals for other development within the curtilage of the property (including a conservatory and a triple garage) were previously refused for reasons such as their roadside position, visual impact on the converted barn section of the main dwelling and the loss of trees required during their construction, however such issues have now been overcome and these developments have now been approved.

This scheme seeks permission for a development of three properties within the curtilage of the property sited to the far east, north of the recently approved Rowland Homes development. The development will be more than 70m from 41 Dilworth Lane but less than 20m from no. 5 Dilworth Court. The dwellings will measure 5.029m to the eaves and 8.9m to the highest point of the ridge, and will have a combined footprint of approximately 22.965m (w) x 13.697m (d). The properties will have a stone frontage (facing Dilworth Lane) with rendered side and rear elevations, and the roof will be a grey slate to match the roof of no. 41 Dilworth Lane. The scheme requires the removal of all but two of the trees contained within the recently issued TPO including those along the frontage of Dilworth Lane (T1 within the TPO) and the group of trees to the south eastern corner of the site adjacent to no. 5 Dilworth Court. The plans indicate that these trees will be replaced with similar or better species elsewhere on site if approved.

### **Site Location**

The application relates to the garden curtilage of a large semi-detached dwelling approximately 100m to the south east of the settlement boundary of Longridge, within open countryside as

defined by the Ribble Valley Districtwide Local Plan. The site has open fields to the north of the site, a small collection of dwellings to the east, a densely populated area of housing approximately 90 west of the site and construction work has recently commenced on land to the south of the site for a recently approved housing development of 49 units.

### **Relevant History**

3/2012/0052/P - Proposed construction of a new detached triple garage with office space above. Re-submission of application 3/2011/0654P – Granted Conditionally.

3/2012/0051/P - Construction of single storey conservatory to South face of existing two-storey dwelling. Re-submission of application 3/2011/0656P – Granted Conditionally.

3/2011/0656/P - Construction of two-storey conservatory, with mezzanine, to south face of existing two-storey dwelling – Refused.

3/2011/0655/P - Construction of 3no. two-storey terraced dwellings. Garden space allocated to each property and 6no. surface parking bays – Withdrawn.

3/2011/0654/P - Construction of new, detached, triple garage with office space above – Refused.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 – Settlement Strategy.

Policy ENV3 – Open Countryside.

Policy ENV13 – Landscape

Policy H10 – Residential Extensions.

Policy H2 - Dwellings in the Open Countryside.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Addressing Housing Needs.

Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 19 Consultation Draft.

DP1 – Spatial Principles North West of England Regional Spatial Strategy (RSS) to 2021.

DP2 – Promote Sustainable Development - North West of England RSS to 2021.

DP7 – Promote Environmental Quality - North West of England RSS to 2021.

L4 – Regional Housing Provision - North West of England RSS to 2021.

L5 – Affordable Housing - North West of England RSS to 2021.

National Planning Policy Framework.

Technical Guidance to National Planning Policy Framework.

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

The main issues to consider with this scheme are the principle of the development, the visual impact on the streetscene, the visual impact of the scheme on the character and setting of the adjacent dwellings, whether there is an impact on the residential amenity of the occupiers of the adjacent dwellings and whether there are any highway safety concerns.

## PRINCIPLE OF THE DEVELOPMENT

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

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

The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five-year supply of deliverable sites. As at 1 July 2012, Ribble Valley can demonstrate a 6 year supply of housing, including a 10% allowance for slippage but no detailed site adjustments for deliverability.

The issue of a five year supply is a somewhat complex one as we move forward with the preferred development option in the Core Strategy at a time when government advice has highlighted that the Regional Strategy (RS) is soon to be abolished and that it will fall upon LPAs to determine what the housing requirement should be for their own borough. The most relevant policies of the RS are those that relate to housing requirements (Policy L4) and affordable housing (Policy L5). The Council has established that it will continue to determine planning applications against the existing RS figure of 161 dwellings per year (in line with Government guidance) and as Members will recall, this is a minimum requirement not a maximum. Even though the Council is undertaking a review of its housing requirements as part of the plan making process, the requirement going forward is most appropriately addressed within the Core Strategy examination and statutory plan making process. Therefore, whilst mindful of the figure of 200 dwellings per year, agreed by a special meeting of Planning and Development Committee on 2 February 2012 as the annual housing requirement (following work undertaken by Nathaniel Litchfield & Partners) it is the 161 per year requirement that remains the relevant consideration for decision-making purposes on planning applications at this time. As stated, the current figure would appear to demonstrate a 5.2 year supply against that requirement.

I am mindful of the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The site under consideration here lies outside the saved settlement boundary of Longridge however as it is bounded on three sides by housing development, the development of this particular site for housing would effectively complete the 'Dilworth Triangle' area of Longridge. The circumstances that are prevalent now with the need to meet the requirements of NPPF and maintain a deliverable five year supply of housing are such that this site is considered to meet the three dimensions of sustainable development as outlined in NPPF – economic, social and environmental. Considered close enough to the settlement boundary as it is, and being of a scale that is not considered inappropriate to the locality (Longridge being the key service centre in the borough), it is concluded that in land use terms the use of the site for residential development as a principle would be consistent with the national policy framework, extant Regional Strategy and at the scale proposed the principles of



the Emerging Core Strategy together with relevant material considerations that the Council must currently take into account.

In relation to whether affordable housing is required on the site, the document 'Addressing Housing Need in Ribble Valley' must be considered. In considering this site, the Council would adopt the approach outlined in paragraph 3.1 of the document, i.e. *In all other locations in the borough [not Clitheroe or Longridge] on developments of 5 or more dwellings (or sites of 0.1 hectares or more irrespective of the number of dwellings) the council will seek 30% affordable units on the site.* On this basis, there is no requirement for affordable housing on this site.

## VISUAL IMPACT OF SCHEME

As part of the principle of the development of this site it is also important to consider any potential visual impact of the scheme. Any development of this site will affect the streetscene however in order to refuse a development the significant visual harm of the proposal must be demonstrated and be sufficient enough to outweigh the requirement for new homes within the borough. When considering the harm, this can be done so in a number two ways. With regards to the design and materials used for the proposed housing, the NPPF provides the following guidance. Paragraph 63 of the NPPF notes that in determining applications, great weight should be given to outstanding or innovative designs that help raise the standard of design more generally in the area. However in virtually the same breath paragraph 64 then advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. At a local level, Policy H2 of the adopted Districtwide Local Plan advises that the impact of proposals on the countryside will be an important consideration in determining all planning applications, and that development should be appropriately sited and landscaped. In addition, scale, design, and materials used must reflect the character of the area, and the nature of the enterprise. Local Plan Policy ENV3 also advises that in the open countryside development will be required to be in-keeping with the character of the landscape area and should reflect local vernacular style features and building materials.

In this instance, the proposal submitted is for three terraced dwellings with a combined footprint of approximately 22.965m (w) x 13.697m (d) that will measure 5.029m to the eaves and 8.9m to the highest point of the ridge. Having visited this location and looked at the size of nearby properties, I am satisfied that the overall height of the building proposed could be supported at this location however there are issues with the overall massing that I will come to shortly. With regards to the materials to be used, the properties will have a stone frontage (facing Dilworth Lane) with rendered side and rear elevations, and the roof will be a grey slate to match the roof of no. 41 Dilworth Lane. The properties to the east and west of the site are predominantly stone in construction however the recently approved development for Rowland Homes to the rear (south) of this site sees a mixture of brick and render being used for the housing approved. On the basis of the materials proposed, I do not consider them to be inappropriate for this particular area however this is not the main area of concern in respect to this scheme.

The main concern with this proposal is a culmination of three aspects of the scheme, namely the overall massing of the housing, the layout on site and the loss of the trees on both the northern and eastern boundary of the site required in order to build the housing. It is hard to disassociate these aspects, as they are all requisites of the scheme submitted. For instance, were the trees able to be retained as part of the development the overall visual impact on the streetscene would potentially be mitigated by the existing tree lined avenue that adds so much to the character and visual amenity of this particular entrance to Longridge; however due to the

massing of the proposed building and layout of the proposed site, the scheme requires the loss of a number of these important trees that front and add to the visual amenity value of Dilworth Lane, and the loss of trees that provide a significant visual amenity screen for the occupiers of no. 5 Dilworth Court. One roadside tree, noted as T1 within the recently enforced TPO Ref. No. 7/19/3/186, a mature horse chestnut, has previously been granted permission to be removed as part of application 3/2012/0052/P to allow the improvement of the existing, severely restricted visibility splays at the existing access. The proposal submitted requires the removal of the following trees protected under TPO Ref. No. 7/19/3/186, namely T4, T5, T6 and the group G1 in its entirety, and it is for these reasons that if approved the Council consider that the scheme would have a significant and detrimental visual impact upon the setting and character of the street scene as well as upon the residential amenity of the occupiers of the neighbouring properties. This concern is supported by paragraph 118 of the NPPF which states that 'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principle - if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. At a local plan level, Policy ENV13 considers landscape protection and advises that the Borough Council will refuse development proposals that harm important landscape features including hedgerows and individual trees.

One of the objections raised by the occupiers of neighbouring dwellings in regards to the proposed development is the potential 'impact on residential amenity' caused by the development of this site, more specifically the close proximity of the development to no. 5 Dilworth Court. There is a distance of 11m between the gable of the new building and the rear elevation of no. 5 Dilworth Lane which, when you measure distances between the new housing on the development site to the site of this site, is not considered unacceptable, however as highlighted in my earlier paragraph the issue is the loss of the large cluster of trees on the boundary that provide a significant visual amenity screen for the occupiers of no. 5 Dilworth Court that is the most cause for concern, and which forms an element of the basis for the reason for refusal. There are no issues of overlooking due to the orientation of the new building on site and oblique angles between habitable room windows.

With regards to the impact on the character and setting of the existing dwelling, especially given the consideration that the building is a non-designated heritage asset (in-line with guidance providence provided within NPPF), it is worth noting the following. National guidance contained within paragraph 129 of the NPPF considers that 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.' Given the distance between the proposed development and the non-designated heritage asset of over 70m, it is not considered that the scheme would have a detrimental impact on the character and setting of the non-designated heritage asset.

## ACCESS

With regards to the proposed access to the site, following the submission of an amended plan and further information the LCC County Surveyor raises no objection in principle to this application on highway safety grounds. He notes that a satisfactory visibility splay of 2.4m x 50m at the proposed new access to the parking area can be achieved with the felling of a

number of frontage trees. The number of parking bays has been increased from 6 to 7 thus allowing two spaces per dwelling plus a visitor space, and it is considered that if approved the parking area will need to be paved in suitable materials i.e. not loose gravel or similar and be available for use prior to occupation of the dwellings. The proposed dwellings have been moved back slightly from the edge of carriageway to allow a 1.5m footway and facilitate good visibility to the east. The railings to the front of the proposed dwellings have been removed from the plans and no longer encroach on the available footway width. The Highways Officer appreciates that the loss of the trees as part of the planning scheme is a matter for the Council to consider, however if this element were to be accepted, the Highways Officer would be satisfied with the highway safety element of the scheme.

As such, bearing in mind the above comments and whilst I am mindful of the points of objection from the Parish Council and nearby neighbours, I consider the scheme to comply with the relevant policies, and I recommend the scheme accordingly.

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

1. Due to the overall massing of the housing, the layout and position on site and the loss of the trees on both the northern and eastern boundary of the site (required in order to facilitate the proposed development), the Council consider that the scheme would have a significant and detrimental visual impact upon both the setting, character and visual amenity value of the street scene and the residential amenity of the occupiers of the neighbouring properties. Approval would therefore be contrary to guidance contained within paragraphs 64 and 118 of the National Planning Policy Framework, as well as the provisions of Local Plan Policies G1, G5, ENV3 and ENV13.

APPLICATION NO: 3/2012/0134/P (GRID REF: SD 370198)  
PROPOSED INSTALLATION OF A FLUE FOR A FREE STANDING LOG BURNING STOVE  
AT 5 HODDER COURT, KNOWLES BROW, HURST GREEN

PARISH COUNCIL: No comments received.

HISTORIC AMENITY SOCIETIES: Consulted, no representations received.

RVBC COUNTRYSIDE OFFICER: The property has conservation significance for breeding bat species and further survey work is required between May and end of August consisting of at least one evening emergence survey and one dawn survey in order to establish species, numbers, roost status and location of access and roosting points. A detailed method statement is required before any works are undertaken and shall include details of mitigation measures that are required to reduce the impact of the development on protected species [bats].

**ADDITIONAL  
REPRESENTATIONS:**

A letter has been received from a resident of Hodder Court (apartment 7) expressing no objection.

Two letters of objection have been received from residents of Hodder Court (No's 1 and 3) which make the following points:

- i. The application form states that neighbour and community consultation has been undertaken. However, apartments 1-4 unaware of proposals until site notice displayed (and this is inadequate community consultation);
- ii. Plans unclear as to how the flue will run from apartment 5 and emerge from the roof of apartment 7;
- iii. Listed building – concerned that the flue will be on the outer surface of the north wall. Detrimental, unsightly and out of character;
- iv. Smoke and fumes in the enclosed courtyard. More pollution in No's 1-4. Existing kitchen extractor fans in courtyard will allow smoke and fumes to filter to the inside;
- v. The residents of 1-4 Hodder Court have not received individual consultation. The site notice was rather late in the day;
- vi. Bats in the roof space – respect these habitats;
- vii. Oil tank installed at No 5 recently. Planning permission granted despite objections.

**Proposal**

Listed building consent is sought for a flue for use with a freestanding log burning stove. From its origin, the flue is proposed to pass through 7 Hodder Court (above 5 Hodder Court) and the roofspace and then to project from the roof ridge at the juncture with the contiguous property 'Old House', to the east. The flue is then proposed to be attached to and rise to the full height of Old House's gable chimney stack (approximately a 2.5m projection). Revised plans (21 June 2012) have been received from the applicant, indicating the flue to have a 0.25m x 0.25m casing plan size and to be render coated steel (finish to emulate Ashlar).

Section 7 of the application form (neighbour and community consultation) advises of the agreement to the scheme of the management company and the owner of the gable/chimney to which the flue is proposed to be affixed.

A bat survey has been submitted which concludes that the property has "moderate" conservation significance and breeding bats are likely to be present within part of the roof and void between April and the end of August.

A Design and Access Statement has been submitted which states:

1. the interior of the building was completely refitted in the early 1980's immediately before listing, therefore the interior works do not affect the historic or architectural interest of the building;
2. the cost of heating is fairly onerous due to the size and constructional type. The proposals improve the viability of a protected building and conserve fuel and power.

### **Site Location**

Hodder Court (Hodder Place) is a Grade II listed three-storey house, once a preparatory school for Stonyhurst College, now divided into flats. It is very prominently sited on an escarpment above the river and within the Forest of Bowland Area of Outstanding Natural Beauty. The access drive to Hodder Court is also a public footpath (FP 75).

The Draft Stonyhurst College Conservation Plan (July 2008; 4.1.17) suggests that Hodder Place was originally a mill owner's house. In the early 19<sup>th</sup> century the factory was demolished and two new wings were added to the house to form a (Society of Jesus) Noviciate.

The list description (22 November 1983) identifies building evolution as '*late C18<sup>th</sup> with early C19<sup>th</sup> additions and later C19<sup>th</sup> extensions*'. It also identifies the south front as the most important elevation and describes in detail its architecturally lively and varied form (styles, roofscape, heights, materials).

The listed building's courtyard elevations are also prominent but suffer to a degree from unsympathetic modern alteration which it is understood is related to the building only being listed part way through implementation of conversion works (application 3/81/0446). This appears to be confirmed by the list description's reference to '*now divided into flats*'.

No's 5 (ground floor) and 7 Hodder Court is to the middle of the south front range. Its ridge is significantly below that of the contiguous property to the east (Old House) revealing a part ashlar-stoned gable apex. The north elevation of the range forms one side of a courtyard which is also prominent and open to views from the public footpath.

### **Relevant History**

Pre-application advice sought by applicant August 2010. Officers considered a roof top flue scheme to be unduly harmful to the listed building.

3/2007/0323 - Fitting of a new stainless steel flue pipe in conjunction with the use of a wood burning stove (Flat 4). LBC refused 15 June 2007. Appeal dismissed 21 April 2008.

3/2006/0284 – Backplate and flue for oil fired boiler, on wall of kitchen, next to rear door leading to private yard (Flat 5). LBC granted 15 May 2006.

3/2006/0010 – Oil tank in private yard (Flat 5). PP granted 30 March 2006.

3/1988/0112 – Velux roof light (Flat 7). LBC granted 24 March 1988.

3/1983/0659 & 0658 – Alterations to form four permanent residential flats on the southerly side of the complex. PP & LBC granted 31 January 1984.

3/1981/0446 – Three dwellings for permanent residential occupation, five holiday flats and bed and breakfast facilities for guest accommodation. PP granted 15 September 1981.

3/1981/0244 – Conversion of former private school to residential unit. Outline PP granted 2 August 1979.

3/1977/0978 – Proposed part demolition and conversion of private school to residential unit. Outline PP granted 31 October 1977.

### **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990.

National Planning Policy Framework.

Historic Environment Planning Practice Guide.

Policy ENV20 - Proposals Involving Partial Demolition/Alteration of Listed Buildings.

Policy ENV19 - Listed Buildings (Setting).

Policy G1 - Development Control.

Policy ENV1 - Area of Outstanding Natural Beauty.

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

The main consideration in the determination of this listed building consent application is the duty at Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the (listed) building, its setting and any features of special architectural or historic interest which it possesses. However, some regard may also be had to the following legislation, policy and guidance.

The National Planning Policy Framework (27 March 2012):

Paragraph 7 states that sustainable development has three dimensions. The creation of a high quality built environment and providing support to community cultural well-being is part of the *social role*. Protecting and enhancing the built and historic environment, the prudent use of natural resources and mitigation and adaption to climate change are parts of the *environmental role*;

Paragraph 17 'Core Planning Principles' includes "*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*";

Paragraph 126 states that local planning authorities should recognise that "*heritage assets are an irreplaceable resource*" which should be conserved in a "*manner appropriate to their significance*". Local planning authorities should also take into account "*the desirability of sustaining and enhancing the significance of heritage assets ... the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring ... (and) the opportunities to draw on the contribution made by the historic environment to the character of a place*";

Paragraph 131 states "*In determining planning applications, local planning authorities should take account of:*

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness”;

Paragraph 132 states *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”*;

Paragraph 134 states *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*;

Paragraph 95 states: *“to support the move to a low carbon future, local planning authorities should: actively support energy efficiency improvements to existing buildings .*

The Historic Environment Planning Policy Guide states:

*“New elements may be more acceptable if account is taken of the character of the building, the roofline and significant fabric ... in some circumstances the unbroken line of a roof may be an important contributor to its significance”* (paragraph 185);

*“small-scale features, inside and out, such as ...chimney breasts and stacks ... will frequently contribute strongly to a building’s significance and removing or obscuring them is likely to affect the asset’s significance”* (paragraph 187);

*“new services, both internal and external can have a considerable, and often cumulative, effect on the appearance of a building and can affect significance”* (paragraph 189);

*“it would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting”* (paragraph 178);

*“the junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting”* (paragraph 180);

*“the extent and importance of setting is often expressed by reference to visual considerations”* (paragraph 114);

*“the contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting ... Nevertheless, proper evaluation of the effect of change within the setting of a heritage asset will usually need to consider the implications, if any, for public appreciation of its significance”* (paragraph 117);

*“when a building is adapted for new uses, its form as well as its external and internal features may impose constraints. Some degree of compromise in use may assist in retaining significance”* (paragraph 181);

The Ribble Valley Districtwide Local Plan states:

*“Proposals for the alteration or repair of listed buildings should be sympathetic to their character and appearance. The most important features of any listed building will be preserved”* (Policy ENV20);

*“development proposals on sites within the setting of buildings listed as being of special architectural or historic interest, which cause visual harm to the setting of the building, will be resisted”* (Policy ENV19);

*“In determining planning applications the following criteria will be applied:*

- (a) Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature;*
- (h) Materials used should be sympathetic to the character of the area”* (Policy G1);

*“ The Borough Council will support the development of renewable energy schemes provided it can be shown that such developments would not cause unacceptable harm to interests of acknowledged importance in the local environment”* (Policy ENV24).

The ‘Setting of Heritage Assets: English Heritage Guidance’ (EH, October 2011) states:

*“the cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development”* (4.5).

*In my opinion, Hodder Court is significant because of its historic association with Stonyhurst and an early water-powered textile mill and the interest of its exterior architecture and setting. The importance of the building’s façade is confirmed by the addition of the building to the Secretary of State’s list despite extensive alteration to the interior; the focus of the list description on the exterior and principally the south front, and the recent dismissal of an appeal concerning further degradation (fitting of roof flue pipe) to the courtyard already ‘modernised’ by 3/1981/0446. The south front roofscape is an interesting, varied and architecturally lively element of the listed building (including materials).*

*In my opinion and mindful of the legislation, policy, guidance and local resident opinion above, the proposal would be unduly harmful to the character (including setting) and significance of the listed building because the flue is conspicuous, incongruous and visually intrusive.*

*Buildings are listed for their innate interest rather than because of any public views. However, noting paragraphs 114 and 117 of the HEPPG I am concerned that the gable to Old House is highly visible from the elevated public right of way/road as well as from the south front and the courtyard.*

The prominence of the Old House gable is reflected in the quality (Ashlar) of a remnant section of original stonework (the applicant advises that before the construction of his property Old House was the gable end of the range). The gable stonework also reflects subsequent changes to the building and contains less formal work in a variety of coursings, surface finishes and



hues. In this context, the proposed rendered box would be visibly linear, monolithic and not in harmony.

*The proposal has some public benefit (NPPF paragraph 134) in respect to the mitigation of climate change and the prudent use of natural resources. However, in my opinion this does not outweigh the harm to the listed building, its setting and its features of special interest [Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990] and I do not consider the proposal to be sustainable development.*

I am mindful of the concerns of local residents in respect to the possibility of smoke and fumes resulting from the development but do not consider this issue to be significant in the determination of the listed building consent application.

I am satisfied that the Borough Council has met its statutory obligations in respect to application consultation.

RECOMMENDATION: That listed building consent be REFUSED for the following reason:

1. The proposal is unduly harmful to the character (including setting and interesting roofscape) and significance of the listed building because the flue would be conspicuous, incongruous and visually intrusive as a result of its siting, materials and linear/monolithic form.

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

APPLICATION NO: 3/2012/0379/P (GRID REF: SD 373742 440826)  
PROPOSED MATERIAL AMENDMENTS TO APPROVED SCHEME (3/2010/0897/P) FOR DEMOLITION OF PRIMROSE MILL SITE FOR RESIDENTIAL DEVELOPMENT FOR 12 APARTMENTS AND 2 DWELLINGHOUSES (THIS APPLICATION RELATES TO 12 APARTMENTS ONLY) AT PRIMROSE MILL, WOONE LANE, CLITHEROE

TOWN COUNCIL: No objections.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection in principle on highway safety grounds.

UNITED UTILITIES: No comments received at the time of report preparation.

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

ADDITIONAL REPRESENTATIONS: No comments received at the time of report preparation.

**Proposal**

This application takes the form of a full submission for material alterations to a scheme approved previously under 3/2010/0897/P for a replacement building to thea mill to accommodate 12 apartments.

The scheme put forward here details a four-storey building roughly 'L' shaped in appearance with an overall footprint of approximately 18.9m x 16.5m and optimum height of approximately 13.5m. Its design has been revised since initial submission in order that the structure would have a natural stone finish to all elevations and not the expanses of brick and render to the elevations facing into the site as originally put forward. The roofing material would be slate under which would be uPVC windows and steel doors painted black.

**Site Location**

The site (0.2 hectare) lies to the west of Woone Lane within the identified settlement limit of Clitheroe. To its immediate west are presently commercial buildings, which together with this site and land extending towards the railway line to the north-west form part of a wider approved housing scheme. To the south lies a commercial business with public footpath no 17 passing between that and the application site. The mill building which occupied this site was demolished earlier this year.

**Relevant History**

3/2012/0394/P – Reserved matters consent for the design and appearance of proposed residential units including adjacent access ways, roads and footpaths, plus ancillary landscaping (78 units) – approved with conditions.

3/2012/0392/P – Proposed amendment of previously approved reserved matters application 3/2010/0756/P at site of Rectella Works – approved with conditions.

3/2010/0897/P – Proposed demolition of existing mill site for residential development for 12 apartments and 2 dwellinghouses, amendment to approved residential scheme 3/2008/0526/P – approved with conditions.

3/2010/0472/P – Adjustment of site access – approved with conditions 8 October 2010.

3/2008/0526/P – Regeneration of site around and including Primrose Mill for residential development (maximum 162 units) including improved site access, highway improvements and provision of public open space – approved with conditions 24 March 2010.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy A1 - Primrose Area Policy.

National Planning Policy Framework.

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

The principle of a replacement mill structure has been approved previously under 3/2010/0897/P and thus the matters for consideration under this material amendment scheme are visual and residential amenity, highway safety and how the proposals should be considered against the Section 106 Agreement that covers the wider site.

The mill that has recently been demolished was considered a heritage asset under the terms of PPS5 which was the National Heritage Policy document in force when the previous scheme was considered. The building was neither listed nor within a conservation area and the approach taken in considering the previous scheme was that the wider regeneration benefits of the scheme carry significance and thus the demolition of the mill whilst regrettable was acceptable in principle. The design of the new building was reflective of the commercial architectural style of the mill and combined both the tradition style with more contemporary style fenestration detailing in the use of large expanse of glazing and flat roof sections. The design put forward for consideration under this scheme has been amended since first submission in order to secure the use of natural stone on all elevations – previously the elevations within the body of the site were to have been a mix of render, brickwork and smaller areas of natural stonework. The footprint of the building is slightly reduced from the previous detailed scheme and at an optimum height of approximately 13.5m is approximately 2m below the optimum ridge of the previously approved scheme. Fenestration details now shown provide a more domestic proportion to window openings but I am of the opinion that the scheme shown would still remain sympathetic to the history and heritage of the former mill which occupied this site. Thus in design and visual amenity terms the scheme is considered appropriate.

In assessing residential amenity it is important to have regard to the relationship of the proposed apartment block with surrounding development both existing and proposed. In terms of distances to proposed dwellings under other approvals the relationship between this apartment block and apartment block 2 would provide distances between habitable rooms at less than the 21m advocated in our SPG when considering extensions and alterations to dwellings. The distance would be approximately 17m. However the 21m is an indicative figure when

considering extensions on properties which already exist whereas this is a new residential development where purchasers will be aware of the layout as approved and resultant relationship between properties. This is a distance which has been considered acceptable elsewhere on the wider primrose redevelopment and is also reflective of the characteristics of the surrounding area where facing distances between terrace dwellings can be as little as 12m. I am also mindful of the relationship with the commercial premises operated by Lodematic to the opposite side of the public footpath and the proposed apartment building. In considering the previous outline submission and subsequent detailed replacement mill building application it was deemed appropriate to impose a condition requiring the submission of noise mitigation measures on units on the southern side of the site in order to protect their amenities. I would consider it equally relevant to this submission and subject to this proviso would not conclude there to be any significant residential amenity issues resulting from this scheme.

In respect of highway safety this scheme, as with its predecessor, reduces the total number of residential units on this part of the overall site from that envisaged in the initial outline application. Parking provision is provided in the form of a courtyard parking area to the rear of the building with the County Surveyor commenting that the 12 spaces provided is the minimum acceptable provision for this aspect and that he is satisfied it would not have a detrimental impact on highway safety within the site or on the adjacent local highway network. Having regard to these comments and the phasing mechanisms of the outline consent and requirements for highway improvements, it is important to ensure that this scheme again secures those works.

Turning to Section 106 Agreement issues, it is important to remember that the Agreement contains trigger mechanisms for the payment of money towards open space, highway works and affordable housing with the first two contributions linked towards the legal completion of sale of set numbers of housing units be it market or affordable. Should committee be minded to approve this application, some mechanism will need to link into that Legal Agreement in order that the trigger points previously agreed are still activated at certain points of the overall development. This has been discussed with one of the Council's Legal Officers and a Deed of Variation can be drafted in order to achieve this.

Therefore having carefully considered all the above, I am of the opinion that the design put forward would not prove significantly detrimental to visual amenity, nor would it prove detrimental to residential amenity or highway safety. There is a need to ensure that the scheme is linked to the existing Section 106 Agreement for the wider site and subject to this I recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

**RECOMMENDATION:** That the application be DEFERRED and DELEGATED to the Director of Community Services subject to drafting a Deed of Variation within 6 months of the date of this decision, to the existing Section 106 Agreement and 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. apt3/001 – apartment type 3 elevation 1 amended 19 July 2012.  
apt3/002 – apartment type 3 elevation 2 amended 19 July 2012.  
apt3/003 – apartment type 3 elevation 3 amended 19 July 2012.  
apt3/004 – apartment type 3 elevation 4 amended 19 July 2012.  
apt3/005 – apartment type 3 ground floor plan, amended 10 July 2012.  
apt3/006 – apartment type 3 first floor plan, amended 10 July 2012.  
apt3/007 – apartment type 3 second floor plan, amended 10 July 2012.  
apt3/008 – apartment type 3 third floor plan, amended 10 July 2012.  
csp/002 – coloured site plan.  
loc/002 – location plan.  
matbound/002 – materials and boundary treatment plan.  
SD/SW7 1200mm high screen wall and railings.  
3244.001 – landscaping specification.  
D3244.001 – landscaping layout plan.  
D3244.002 – planting plan.

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

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

4. No works 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 have first been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policies G1, ENV14 and ENV15 of the Ribble Valley Districtwide Local Plan.

5. Prior to the commencement of development a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of the development and thereafter retained in perpetuity.

REASON: In order to encourage renewable energy and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. Prior to commencement of development approved by this planning permission (or such other date or stage in development as maybe agreed in writing with the Local Planning Authority) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority.

1. A site investigation scheme, based on desk study report, Primrose Mill, Primrose Road, Clitheroe, Lancashire for Beck Developments Ltd, GEA, June 2008, Ref J07352 to provide information for a detailed assessment of the risk to all receptors that maybe affected, including those off site.
2. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

REASON: To prevent the pollution of controlled waters from potential contamination on site in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

REASON: To reduce the increased risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

8. The new estate road will be constructed in accordance with the Lancashire County Council Specification for Construction of Estates Roads prior to occupation of any of the dwellings.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and to ensure that satisfactory access is provided for the site before the development hereby permitted is occupied.

9. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (i) the parking of vehicles of site operatives and visitors;
  - (ii) loading and unloading of plant and materials;
  - (iii) storage of plant and materials used in constructing the development;
  - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (v) wheel washing facilities;
  - (vi) measures to control the emission of dust and dirt during construction;
  - (vii) a scheme for recycling/disposing of waste resulting from construction works.

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

10. The parking bays for the apartments as shown on drawing csp/002 shall be provided and made available for use prior to occupation of any of the apartments.

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

11. 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.

12. Prior to commencement of development a scheme detailing noise mitigation measures to be incorporated into the design of the apartment building shall be submitted to and approved in writing by the Local Planning Authority. The measures so submitted and approved shall thereafter be fully implemented prior to the first occupation of the apartment units to which they relate and thereafter retained.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan in the interests of safeguarding the amenity of occupiers of the new units.

13. No development shall take place until details of the provisions to be made for building dependent species of conservation concern artificial bird nesting boxes and artificial bat roosting sites have been submitted to and approved in writing by the Local Planning Authority.

The details shall be submitted on a building dependent bird/bat species development site plan and include details of plot numbers and the numbers of per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated [north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats] and type and make of bird boxes and bat roof tiles i.e. lbstock.

The artificial bird/bat boxes shall be incorporated into those dwellings/buildings during the construction of those individual plots identified on the submitted plan in accordance with the approved details and under the supervision of the local RSPB Swift/Swallow Officer in liaison with the Council's Countryside Officer.

REASON: To enhance nesting/roosting opportunities for bird/bat species of conservation concern and reduce the impact of development in accordance with Policy ENV7 of the Ribble Valley Districtwide Local Plan and to ensure that bird and bat species are protected and their habitat enhanced, in accordance with the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 and the Lancashire Biodiversity Action Plan.

14. This permission shall relate to the S106 Agreement dated 24 March 2010 and Deed of Variation dated.....which include triggers for highway improvements and contributions towards the off-site delivery of public open space.

REASON: For the avoidance of doubt as the application is the subject of a legal agreement that covers the wider Primrose re-development area.

#### INFORMATIVES

1. The units hereby approved should achieve a minimum Level 3 of the Code for Sustainable Homes.
2. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpath 17 abuts the site.
3. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.

APPLICATION NO: 3/2012/0455/P (GRID REF: SD 372660 442155)  
PROPOSED AMENDMENT TO SECTION 106 AGREEMENT DATED 13 NOVEMBER 2006 IN  
RELATION TO 3/2004/0806/P TO ALLOW OCCUPANCY OF HOLIDAY CARAVANS FOR 12  
MONTHS AT SHIREBURN CARAVAN PARK, EDISFORD ROAD, WADDINGTON

PARISH COUNCIL: No comments received at time of report preparation.

ENVIRONMENT AGENCY:

ADDITIONAL REPRESENTATIONS: No comments received at the time of report preparation.

#### **Proposal**

This application seeks to modify the Section 106 Agreement on Shireburn Caravan Park to enable the owners to visit the caravans throughout the year. At present the part of the overall site that has consent to 76 holiday caravans has a seasonal occupancy restriction limiting use to between 1 March to 6 January in any succeeding year. The request here is for 12 month use which would necessitate a Deed of Variation to the clauses in the current Agreement concerning occupancy.

#### **Site Location**

The application site lies to the west of Edisford Road outside any defined settlement limit within land designated open countryside.



## **Relevant History**

3/2004/0806/P – Proposed extension to Shireburn Park creating 72 new caravan spaces, new entrance, reception and swimming pool. Existing site 5.16 hectare, new area 4.1 hectare. Approved with conditions and Section 106 Agreement 15 November 2006.

## **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy RT5 - New Static Caravan Sites and Extensions to Existing Sites.

Good Practice Guide on Planning for Tourism.

National Planning Policy Framework (NPPF).

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

The key consideration in the determination of this application is whether or not the proposed revised terms of the Section 106 Agreement would achieve the same aim as the originally drafted document.

The Section 106 Agreement in force covers the whole of Shireburn Caravan Site and in terms of occupancy restrictions splits the site in two – 12 months' residential occupancy on 105 units and holiday seasonal occupancy 1 March to 6 January in any succeeding year on 76 units. The agreement also serves a number of other functions, namely to limit the exact number of both residential and holiday units, their precise positioning on site, that the residential part of the site only be used for residential purposes, that the part of the site on which the holiday units are situated can be used for holiday purposes only and not as a person's primary residence and not to grant any Leases which would breach any of the covenants in the Section 106 Agreement. What is proposed here is to delete those parts of the Agreement that specify a seasonal occupancy period for the holiday units and substitute with reference to holiday occupancy for 12 months.

For Committee's information the existing Agreement was drafted having regard to the Caravan Compendium which was produced in June 2005 to draw together the Council's policies about the principle statutory regulations that apply to caravan development at that time, including site use for holiday use, second homes and residential use. It sought to help the interpretation of the relevant regulation and clarify how the Council would approach issues such as site occupancy, responsibilities of site operators and individual owners. It provided a vehicle for discussion and starting point for a better understanding between all those involved in the issues surrounding caravans. It was drawn up at a time when the Lancashire Structure Plan was still in force as indeed was PPG21 – Tourism.

In respect of conditions, the Compendium concluded that the length of season would be restricted to 10 months and 6 days based on agreement that had been made in connection with a legal appeal on the open period issue on another site within the borough. This provided for a break in occupancy, thereby avoiding the creation of permanent residential use whilst allowing the growth of this form of holiday accommodation. Significantly however it provided an important means by which the use of the unit could be monitored and subsequently enforced to ensure compliance. Since that time PPG21 has been superseded by the Good Practice Guide on Planning for Tourism (2006) which recognises that the nature of holidays in this country has become increasingly diverse in location, in season and in duration. It acknowledges that

demand for accommodation may occur in areas where the provision of permanent housing would be contrary to Policies that seek to restrict development in order to safeguard the countryside but states: *“the planning system can reconcile these two objectives through the use of occupancy conditions designed to ensure that holiday accommodation is used for its intended purpose”*. Annex B makes reference to holiday occupancy conditions – *the aim of such conditions is generally to ensure that the premises are only used by visitors and do not become part of the local housing stock*. The three principle reasons given for using such conditions are:

- in order that national/local policies on development in the countryside are not compromised;
- to strengthen tourism in a particular area by ensuring there is a wide range of properties available to encourage visitors to come there on holiday;
- to avoid occupation by permanent households which would put pressure on local services.

Conditions such as this will need to be framed by Local Authorities according to local circumstances, but they should be reasonable and fair and framed in such a way that they be readily enforced and are not unduly intrusive for either owners or occupants.

Another consideration is the introduction of NPPF and this document does not make any reference to the aforementioned Good Practice Guide in the list of documents to be replaced by the framework in Annex 3. Therefore in terms of considering this scheme I am of the opinion that regard should be given to both of these national planning documents.

The Compendium and its suggested seasonal occupancy condition was draw up at a time when concerns were emerging about inconsistencies of approach between planning controls and site licensing, the growing use of caravans as a main residence, enforcement over closed periods, health and safety issues and clarification of a planning approach to new sites and extensions to existing sites. Officers have sought over the years to bring a consistency of approach by planning permissions and site licences (issued through the Council’s Environmental Health Service) since that that time, but trends in this form of holiday accommodation have moved on. In particular there has been a significant increase in the construction standards of such units with high levels of insulation, central heating etc – these are far removed from the early designs that originally led to the issues of closed periods due to health and safety. The Good Practice Guide refers to the use of seasonal occupancy conditions to protect the local environment eg protection of important species of birds during breeding seasons, not in particular to restrict permanent residential occupation. Advances in construction technology, changes in the nature of holiday demand and the emergence of more up to date Government guidance, lead me to conclude that to resist the principle of extending the period of occupancy for these 75 units on site may prove difficult to substantiate on appeal.

There have been applications on other caravan sites within the borough to extend occupancy periods and use what is referred to as a ‘holiday occupancy’ condition as opposed to a ‘seasonal occupancy’ condition namely Todber, Rimington and Lower Moss Farm, Longridge with a site at Ribblesdale Park, Gisburn allowed on appeal with the Planning Inspector imposing a similar holiday occupancy condition in 2003. When the Council has imposed such a holiday occupancy condition the wording used has been as follows:

*“The terms of occupancy (of the units concerned) shall be as follows:*

- (i) The units concerned shall be occupied for holiday purposes only.*
- (ii) The units concerned shall not be occupied as a person’s sole or main place of residence.*

*(iii) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual (units) on site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.*

*REASON: In accordance with Policies G5 and RT5 of the Ribble Valley Districtwide Local Plan in order to ensure that the approved holiday accommodation is not used for unauthorised permanent residential accommodation. The register required in (iii) above shall normally be collected by the caravan site licence holder or his/her nominated person.*

What is proposed here is that a Deed of Variation be drafted to the existing Section 106 Agreement to achieve the same aim as the condition outlined above. As stated previously, the Section 106 Agreement covered a number of issues and thus the only parts to be revised are those specifying the “closed period” dates. I would however advocate that an additional clause be inserted into the Agreement regarding (iii) above – (i) and (ii) are already covered by the existing wording. The need for a register is imperative to enable the Local Planning Authority to properly monitor such sites. It is important to ensure that abuse of the regulations does not happen and in order to assist in enabling proactive enforcement the clauses of the Section 106 need to be explicit and precise in their requirements.

Having carefully considered all the above, I am of the opinion that to permit holiday occupancy all year round on this site would be consistent with the approach adopted on other sites within the borough over recent years. The proposal, with an additional clause requiring the keeping of a register of persons main home addresses, would comply with the national planning approach in this respect and would still afford the Local Planning Authority sufficient control over the operation of the site to prevent permanent residential occupation of the 75 units. I 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 the application be DEFERRED and DELEGATED to the Director of Community Services for approval following the satisfaction completion of a Deed of Variation within a period of 6 months (from the date of this decision) to amend the period of occupancy of the holiday units on site and request a register of persons main addresses as outlined in this report subject to the following condition:

1. This decision notice must be read in conjunction with the Deed of Variation (in respect of this planning approval) and planning obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended) signed and dated 13 November 2006 in respect of planning approval 3/2004/0806/P.

**REASON:** For the avoidance of doubt since the original Section 106 Agreement covering the site has been subject of a Deed of Variation and in order to comply with Policies G5 and RT5 of the Ribble Valley Districtwide Local Plan.

ITEMS DELEGATED TO DIRECTOR OF COMMUNITY SERVICES UNDER SCHEME OF DELEGATED POWERS

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

APPLICATIONS APPROVED

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2011/1039/P	Erection of one new single storey residential building adjacent to The Pentre. Creation of new crossover over Pendle Rd for The Pentre. Construction of new boundary fence/wall separating the properties	The Pentre Pendle Road Clitheroe
3/2012/0020/P (LBC)	New porch to rear elevation	Dinkling Green Farm Whitewell
3/2012/0177/P	Removal of hard brittle paint top coat on the side elevation and removal of the remnants of the old lime to expose an actual stone and create more a uniform appearance. The walls will then be appropriately repointed	Kingdom Hall Back York Street Clitheroe
3/2012/0239/P	Application for the discharge of condition no. 3 (materials), condition no. 4 (trees), condition no. 5 (hedge), condition no. 6 (car parking) and condition no. 12 (changing room detail) of planning permission 3/2011/0558/P relating to the building for a new community hall with changing facility, kitchen, storage etc. Demolition of the existing changing facilities	Recreation Ground Sawley Road Grindleton
3/2012/0254/P & 3/2012/0255/P	Conversion of barn into one dwelling	Chadwicks Farm Settle Road Bolton-by-Bowland
3/2012/0273/P	Proposed application to discharge condition 3 (materials), condition 4 (surface water scheme), condition 5 (site investigation/risk assessment), condition 6 (buffer strip), condition 9 (renewable energy requirements) and condition 10 (habitat survey) of planning permission 3/2011/0307/P	Barrow Brook Business Village, Barrow
3/2012/0314/P	Proposed seating area outside the shop comprising 3 fixed wine barrels with portable seating	The Whalley Wine Shop Ltd 63 King Street Whalley

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0357/P	Change of use of first floor from recreation use to dance studio, reinstatement of boundary wall and removal of steps to northwest of site, new opening to boundary wall at wall recess on east elevation and to building on south elevation	The Memorial Hall Lowergate Clitheroe
3/2012/0358/P	Change of use of two holiday cottages to residential to allow for longer let by the discharge of planning obligation Section 106 Agreement dated 1 February 2000, relating to planning application 3/1999/0588/P	Mallard and Woodpecker Spring Head Farm Bolton-by-Bowland
3/2012/0361/P	Proposed installation of synthetic pitch surface to pitch 5 together with erection of 5m high perimeter rebound fence and 15m high floodlighting columns	Blackburn Rovers FC & Athletic plc Senior Training Centre Brockhall Village Old Langho
3/2012/0372/P	Application for discharge of condition 3 (materials), condition 4 (highways and drainage layout), condition 5 (foul manhole schedule), condition 8 (landscape proposals), condition 9 (energy statement/solar layout), condition 10 (protected species survey), condition 11 (arboricultural/tree survey), condition 12 (driveway/affected trees), condition 13 (site access/off-site highway improvements), condition 14 (visibility splays) and condition 16 (traffic calming measures) of planning permission 3/2011/0541/P	land bounded by Dilworth Lane and Lower Lane Longridge
3/2012/0394/P	Reserve matters consent for the design and appearance of proposed residential units including adjacent access ways, roads and footpaths plus ancillary landscaping (Ref 3/2008/0526/P – 78 units)	Land around Primrose Mill Woone Lane Clitheroe
3/2012/0409/P	Variation of condition number 2 to allow the premises to inure for the benefit of Ribble Valley Dance in connection with the use of the premises as a dance studio and variation of condition number 3 to allow opening of the premises between 1000 to 2130 Monday to Friday, 0830 to 1400 Saturdays and 0900 to 1700 on Sundays	The Memorial Hall Lowergate Clitheroe
3/2012/0426/P	Static caravan/lodge park for 19 No pitches	Lower Moss Farm Lower Lane, Longridge
3/2012/0432/P	2 No proposed detached garages with associated external works	Pale Farm Cottages Moss Lane, Chipping

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/20120/458/P	Application to discharge condition no. 4 (materials), condition no. 7 (first floor windows), condition no. 12 (tree protection) and condition no. 13 (finished levels) of planning permission 3/2012/0061/P relating to land to rear	Prospect Cottage Lower Lane Longridge
3/2012/0459/P	Proposed single storey side extension	27 Sunnyside Avenue Wilpshire
3/2012/0462/P	Application for the discharge of condition no. 4 (materials), condition no. 6 (structural survey), condition no. 8 (velux conservation type rooflights), condition no. 9 (landscaping), condition no. 10 (Bat Survey) and condition no. 13 (building recording and analysis) of planning permission 3/2011/0826P	Hill Foot Barn Higher Twiston Clitheroe
Cont/ Cont...		
3/2012/0463/P	Conversion of 4 Stanley Street into 2 no. self-contained flats including extensions following the demolition of remains of derelict barn (Re-submission of refused application 3/2012/0153/P)	4 Stanley Street Longridge
3/2012/0464/P	Listed Building Consent for altered rear access to utilise the original opening and re-rendering of lean-to following structural repairs	5 Church Street Clitheroe
3/2012/0471/P	Proposed extension and alterations to an existing property	Frensham, Sawley Road Grindleton
3/2012/0472/P	Pitched roof single storey rear extension and two conservation area rooflights to rear roofslope of the property	45 Whalley Road, Sabden
3/2012/0473/P	Flat roof single storey rear extension with glass roof lantern	43 Whalley Road Sabden
3/2012/0474/P	Erect a single gate across the driveway	Vicarage Farm Old Back Lane, Wiswell
3/2012/0476/P	Proposed erection of one non-illuminated fascia sign and one externally illuminated (static) hanging sign	7 Market Place Clitheroe
3/2012/0480/P	Change of use from workshop/office to residential to create 2 no dwellings at workshop/office building	Roadside Farm Preston Road Alston
3/2012/0484/P	Proposed single storey rear extension to shop to provide additional floor space	10 Towneley Parade Longridge
3/2012/0485/P	Demolition of existing single attached garage. Erection of two-storey side extension and internal alterations. Additional parking hardstanding with permeable surface	97 Hacking Drive Longridge

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0492/P	Retrospective application to demolish modern toilet block from rear yard and remove internal plaster from external boundary wall (LBC)	5 Church Street Clitheroe
3/2012/0496/P	Proposed construction of a roofed slurry store	Horton Grange Farm Horton
3/2012/0510/P	Proposed erection of a bay window to front with conversion of the garage to a dining room	54 Knowsley Road West Clayton-le-Dale
3/2012/0514/P	Proposed side single storey extension	6 Warrington Terrace Barrow, Clitheroe
3/2012/0517/P	Proposed rear dining room extension, side extension to form garage and utility room. Demolition of existing garage and conservatory	29 Coniston Close Longridge
3/2012/0520/P	Proposed dining extension to the existing kitchen and proposed utility room extension	89 Regent Street Waddington
3/2012/0523/P	Renewal of planning permission for single storey front extension	Mellor Brook District Community Centre Whalley Road, Mellor Brook
3/2012/0527/P	Application for the renewal of planning permission 3/2009/0568/P for proposed annex accommodation	Hill Top Farm Forty Acre Lane, Longridge
3/2012/0531/P	Application for 1 no. fence-mounted non-illuminated information sign at BAE systems	Samlesbury Aerodrome Myerscough Road Balderstone
3/2012/0535/P	Proposed change of use from retail (A1) to mixed use Classes A1 and A3 providing kitchen store, coffee bar/lounge area, café/deli sales	Maureen Cookson Ltd George Street Whalley
3/2012/0536/P	Application to discharge condition no. 3 (walling and roofing materials), condition no. 5 (Bats and protected species survey), condition no. 6 (access track materials) and condition no. 8 (Landscaping) of planning permission 3/2009/0440P	Skirden Hall Barn Tosside Skipton
3/2012/0542/P	Application for the renewal of planning permission 3/2009/0035/P for alterations to create a new self contained apartment at first floor level and relocation of external flue pipes	28 Cockerill Terrace Barrow
3/2012/0545/P	Application for partial discharge of condition in relation to walling and roofing materials for units 1-4 on planning permission 3/2009/0399 which was for the erection of 11 dwellings of which 5 affordable and 6 market housing	Kirklands Chipping

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0548/P	Application for the discharge of condition no. 3 (air filtration/extraction system) of planning permission 3/2011/0744/P relating	Shajan Restaurant Longsight Road Clayton-le-Dale
3/2012/0555/P	Proposed rear extension	22 Vicarage Lane Wilpshire
3/2012/0564/P	Application for the discharge of condition no. 3 (materials) of planning permission 3/2011/0378/P relating	10 Fell Brow Longridge
3/2012/0567/P	Proposed detached chalet to provide guest accommodation for visiting friends and relatives of owner, comprising a single bedroom and sitting area	Dove Cottage Whalley Road Sabden
3/2012/0573/P	Application for a non-material amendment to planning permission 3/2011/0731/P to allow provision of a studio room, velux roof lights and access stairs to the approved garage roof void	Woodend Cottage Birdy Brow Hurst Green
3/2012/0575/P	Application to discharge condition 4 (external lighting), condition 5 (landscape scheme for car parking/access), condition 7 (landscaping details), and condition 10 (gateway design) of planning permission 3/2010/0258/P	Land at The Spinney Grindleton
3/2012/0576/P	Application for a non material amendment to planning permission 3/2011/1057/P to allow the proposed dormer to be extended to provide more headroom in the dressing area and to overcome structural issues relating to the existing roof structure	20 The Hazels Salesbury, Blackburn
3/2012/0580/P	Disabled lift provision	St Augustine's RC High School, Elker Lane, Billington
3/2012/0587/P	Application for a non-material amendment to planning permission 3/2011/0838/P to allow the relocation of the lecture room and the addition of a second entrance door (footprint and height remain the same)	Holden Clough Nursery Holden Bolton-by-Bowland
3/2012/0597/P	Application to discharge condition no. 3 (phase one habitat survey) and condition no. 4 (landscaping details) of planning permission 3/2012/0424P	Worston House Worston Clitheroe
3/2012/0610/P	Application for a non-material amendment to planning permission 3/2012/0002/P, to allow proposed alterations to window and door configuration of a recently approved replacement dwelling	Pepper Hill Wiswell, Clitheroe



APPLICATIONS REFUSED

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
3/2012/0096/P	Proposed dwelling with garages, garden and landscaping	Kemple Barn Whalley Road Pendleton	Policies G1, ENV3, ENV19, HEPPG and NPPF – detriment to the setting of the grade II listed Lower Standen Farmhouse and Primrose House and the non designated heritage asset of Primrose Mill, and detriment to the appearance of the open countryside.
3/2012/0199/P & 3/2012/0200/P	Change of use from agricultural access to domestic access and creation of new pedestrian access and listed building consent for removal of garden wall and erection of new drystone boundary wall (1m high)	Backridge House Twitter Lane Bashall Eaves	Policies G1, ENV1, ENV19, and the NPPF – adversely affect the character, appearance and significance of the listed building and the visual qualities of the AONB.  Policy H12 – curtilage extension within open countryside.
3/2012/0469/P	Application for a non-material amendment to planning permission 3/2009/0542/P, to allow the addition of solar panel to roof, reduction in roof pitch resulting in increased eaves height and reduced ridge height. Land adjacent	47 Knowsley Rd West Wilpshire	N/A
3/2012/0499/P	Single storey side extension to dwelling	The Granary at Bulcocks Farm Pendleton	G1, ENV16 and H17 – adverse impact on character, appearance and setting of barn conversions and Pendleton Conservation Area.

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
3/2012/0511/P (PA) & 3/2012/0512/P (LBC)	Replace two third storey windows with exact copies of existing windows and; Replace existing windows to front of premises on second floor (where ground floor = 0) with exact copy in hardwood (painted white)	at McFarlane Dental Practice, 33 King Street, Whalley (3/2012/0511/P) and; McFarlane Dental Practice, 33A King Street, Whalley (3/2012/0512/P)	The proposal has an unduly harmful impact upon the character and significance of the listing building and the character, appearance and significance of Whalley Conservation Area because the windows are conspicuous, incongruous and visually intrusive as a result of their oversized and crudely designed frame members, their top-opening mechanism, the relationship of top and bottom lights and the apparency (including beading and double-register of two panes of glass) of the modern double-glazing. This is contrary to Policies ENV20, ENV19 and ENV16 of the Ribble Valley Districtwide Local Plan.
3/2012/0515/P (LBC) & 3/2012/0516/P (PA)	Internal and external alterations	2 Abbey Croft The Sands Whalley	The proposal has an unduly harmful impact upon the character and significance of the listed building because of the loss of important historic fabric and alterations to historic plan form (including heck post screen, internal wall between lounge and

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<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
Cont...			kitchen, formation of external doorway, blocking without memory of door from C19 re-modelling and insertion of new staircase from ground to second floor). This is contrary to Policies ENV20 and ENV19 of the Ribble Valley Districtwide Local Plan.
3/2012/0562/P	Application for a non-material amendment to planning permission 3/2011/1048P to allow the external material of the kiosk to be 18mm plywood, fire resistant with GRP stone effect finish instead of the natural stone clad. Kiosk roof and doors to be as detailed in the original application	The Skaithe Catlow Road Slaidburn	Policy G1 and ENV1 - Materials not in keeping with the character and appearance of the AONB and would thus detrimentally affect the visual amenities of the AONB.
3/2012/0568/P	Installation of 2 No conservation style velux rooflights and roof vents and installation of replacement windows to dwelling	4 Church Raikie Chipping	The proposal has an unduly harmful impact upon the character and significance of the listed building, the setting of St Bartholomew's Church (Grade II* listed) and the character, appearance and significance of Chipping Conservation Area because the proposed roof lights and vents are conspicuous, incongruous and
Cont/			

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
Cont...			visually intrusive in the prominent and otherwise unbroken roof slope.
3/2012/0569/P	Application for a non-material amendment to planning permission 3/2011/0722P, to allow a window in the front elevation to the master bedroom and omit 2no. Velux windows; split window to front elevation lounge and render all elevations of existing house with through render (off-white colour ivory) to match rear extension	2 Bushburn Drive Langho	This scheme in respect of works to the front gable is of such a nature that it is not considered appropriate to determine as a non-material amendment given that it would result in potential overlooking of a neighbouring property.

REFUSAL OF CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0482/P	Application for a Lawful Development Certificate for a proposed single storey rear extension and replace an existing glazed roof with a new tiled roof	5 Abbot Walk Clitheroe

NOTICE OF DEMOLITION

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0586/N	Application to demolish a portal frame agricultural building to enable the building of four dwellings	Nethertown Close Whalley

OBSERVATIONS TO OTHER LOCAL AUTHORITIES

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0506/P	OUTLINE: MAJOR (Access) Demolition of existing buildings and erection of an industrial unit and a foodstore with associated car parking, access, servicing and landscaping.	Land at R Soper Ltd/Albert Hartley Crownest Mill Skipton Road Barnoldswick

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2010/0078P	Old Manchester Offices Whalley New Road Billington	20/5/10	18	With Legal
3/2010/0929P	Land between 36 & 38 Henthorn Road Clitheroe	14/7/11	8	Not Signed yet With applicants solicitor
3/2011/0776	Land off Whiteacre Lane Barrow	12/4/12	7	With Legal
3/2011/0784	Old Whalley Nurseries Clitheroe Road Whalley	12/4/12	6	With Applicant
3/2012/0065	Land off Dale View Billington	24/5/12	12	With Legal
3/2011/1064	Sites off Woone Lane a) rear of 59-97 Woone Lane & b) Land to South-West of Primrose Village phase 1, Clitheroe	21/6/12	113	With Legal
3/2011/1071	Land at Chapel Hill Longridge	19/7/12	53	With Legal
3/2012/0014	Land adj Greenfield Avenue, Low Moor Clitheroe	19/7/12	30	With Planning
<b><u>Non Housing</u></b>				
3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures so no progress on Section 106

APPEALS UPDATE

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2011/0820 D	12.1.12	Mr S Davenport Application for the removal of condition no.15 (length of occupancy), of planning consent 3/2006/0836P to allow the house to be used as permanent residential accommodation Butchers Laithe Knotts Lane Tosside	WR	-	APPEAL DISMISSED 10.7.12

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2011/0300 O	17.1.12	Mr & Mrs Myerscough Outline application for the erection of a country house hotel and spa Land adjacent to Dudland Croft Gisburn Road Sawley	-	Hearing adjourned on 12.7.12	Awaiting response from The Planning Inspectorate
3/2011/0624 D	17.2.12	Mr Ken Dobson Fit secondary glazing (Listed Building Consent) Vicarage House Vicarage Fold Wiswell	WR	-	AWAITING DECISION
3/2011/0567 D	16.3.12	Mr D Ashton Proposed erection of a holiday cottage (Re-submission) Pinfold Cottage Tosside	WR	-	Awaiting site visit
3/2011/0703 O	16.4.12	Mr T Brown Proposed erection of a three-bedroom, two-storey detached dwelling with attached garage (Re-submission of 3/2011/0315P) 43 Hawthorne Place Clitheroe	WR	-	Site visit 31.7.12 AWAITING DECISION
3/2011/0095 D	11.5.12	Mr & Mrs S Cherry Re-submission of refused application application 3/2010/0002P for two affordable dwellings in garden area of existing house, demolition of outbuilding, realigning of vehicular access to Cherry Hall and removal of part of wall to site Cherry Hall Grindleton	WR	-	Site visit 25.7.12 AWAITING DECISION
3/2011/0849 D	16.5.12	Mr K Kay Proposed new detached garage, boundary wall, gates and hard landscaping Great Mitton Hall, Mitton Road, Mitton	Householder appeal	-	AWAITING DECISION

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2011/1001 D	30.5.12	Ms Pamela Oliver New detached dwelling within the curtilage of 1 Portfield Bar Whalley	WR	–	Awaiting site visit
3/2011/0025 O	25.6.12	J-J Homes LLP Outline planning application for residential development (ten dwellings) Land off Chatburn Old Road Chatburn	WR	–	Awaiting site visit
3/2012/0158 C	6.7.12	LPA Receiver for Papillion Properties Ltd Outline application for the erection of 73 open market detached dwellings and 31 social housing properties Site 2 Barrow Brook Business Village Barrow	–	Hearing – date to be arranged	Notification letter sent 16.7.12 Questionnaire sent 18.7.12 Statement to be sent by 16.8.12
3/2011/0729 D	9.7.12	Mrs Joan H Porter Demolition of redundant agricultural sheds. Conversion and extension of existing barns to 1no. new dwelling and improvements to existing access Lawson House Farm Bolton-by-Bowland Road Sawley	WR	–	Notification letter sent 17.7.12 Questionnaire sent 20.7.12 Statement to be sent by 17.8.12
3/2011/0893 D	10.7.12	Mr F P Cherry Outline application for one dwelling situated in the old car park at Hodder Place Old Car Park Hodder Place Stonyhurst	WR	–	Notification letter sent 17.7.12 Questionnaire sent 20.7.12 Statement to be sent by 20.8.12

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2012/0160 D	16.7.12	Mr Ian Scholey Proposed two-storey side extension incorporating kitchen, lounge, two further bedrooms and house bathroom. Single storey rear extension to include downstairs cloaks and utility room. Existing shippon to be demolished 74 Knowsley Road Wilpshire	Householder appeal	-	Notification letter sent 17.7.12 Questionnaire sent 23.7.12 AWAITING DECISION

#### LEGEND

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