

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 23 MAY 2013
 title: PLANNING APPLICATIONS
 submitted by: DIRECTOR OF COMMUNITY SERVICES

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION NO: 3/2012/0789/P (GRID REF: SD 377489 435316)
 PROPOSED DEMOLITION OF THE EXISTING BUILDING AND THE ERECTION OF ONE
 DETACHED DWELLING AND ACCESS ALTERATIONS AT LAND OPPOSITE FOXHILL
 HOUSE, WHINS LANE, SIMONSTONE

PARISH COUNCIL: Initially, by letter dated 2 October 2012 expressed no objections to this application. Having withdrawn that original letter, the Parish Council then objected to the application by letter dated 14 October 2012 for the following reasons:

1. The development is outside the settlement boundary, and therefore does not meet the criteria set out for development.
2. The height of the house does not fit in with surrounding properties, and is out of character.
3. This site has been classed as a brownfield site, which I consider to be very debatable, and expressed concern. The applicant agreed it was a grey area.
4. Felling of trees. A tree survey has been done at ground level and there are concerns that there are bats nesting in the trees as many bats have been observed flying around in this location. Also the felling of over 70% of the trees on the site will have a major impact on the area.
5. It is difficult to see how a house will fit on the site, hence the reason why the proposed house is so high. It would be one of the tallest houses in the area.

ENVIRONMENT
 DIRECTORATE
 (COUNTY SURVEYOR):

No objections to this application on highway safety grounds as the new property will retain the existing parking provision for four vehicles, all of which could manoeuvre to and from the site in a forward gear.

HEALTH & SAFETY
 EXECUTIVE:

Does not advise on safety grounds against the granting of planning permission in this case.

ADDITIONAL
 REPRESENTATIONS:

A letter has been received from a local resident who expresses support for the proposed development for the following reasons:

1. The site is an eyesore and it is good to see someone who is prepared to invest and develop the site.
2. The site is ripe for development and the construction of the proposed house would greatly enhance that part of Whins Lane.
3. I am a strong advocate of using brownfield sites such as this for new housing development.

A total of 8 letters from 6 local households plus a letter from a planning consultant acting on behalf of 5 of those households have been received. The letters all contain objections to the proposal for reasons that are summarised as follows:

1. The site is outside the settlement boundaries of Read and Simonstone and therefore has a high level of protection in the Local Plan. The environmental and landscape characteristics have not changed since the adoption of the Local Plan; the provisos of which therefore remain applicable.
2. The site is highly visible from Whins Lane and the proposed dwelling would have a significant impact as it is inappropriate for the area in size and design.
3. The development is not essential for the local economy or social wellbeing of the area and it is not for agricultural, forestry or other purposes solely appropriate for a rural area. The proposal is therefore not sustainable.
4. The proposal involves the removal of a large percentage of trees on the site. This would be harmful to nesting birds and other wildlife and would be contrary to Local Plan Policies aimed at preserving and retaining woodland in this locality.
5. The proposed building is too tall to be in keeping with the locality and represents overdevelopment of the site.
6. The removal of trees would increase noise and light pollution to a neighbouring property.
7. Due to the height of the building it would adversely affect the privacy of a neighbouring property.
8. There is no need to release sites for housing in the open countryside especially as the Council can now demonstrate a 5 year supply of housing land.

9. Due to its previous use as a stone quarry, the site is not suitable or sustainable for a dwelling. It would be difficult, on land within the applicant's control, to provide the septic tank that would be required because (contrary to the statement in the application) there is no mains sewer in the locality.
10. The land cannot be regarded as brownfield as the original permission for the garage required the unit to be maintained and when, in the opinion of the Local Planning Authority, it was not capable of economic repair, they may direct the owner, at the owner's expense, to remove the wooden garage and reinstate the land. Furthermore, the permission was for the use of the building as a private lock up and did not authorise any commercial uses of the building in order to protect the surrounding residential properties. The use is therefore not considered to fall within the definition of "previously developed land" under NPPF or the previous definition under PPS3 because the intention of the original permission was not to create a permanent structure. The opinion of a QC has been sought on this matter. The QC concurs with the opinion of those instructing him that the proposed development does not comprise previously developed land within the meaning of the glossary to NPPF. (This matter will be discussed later in this report.)
11. Policies G1 and G5 of the Local Plan are consistent with NPPF and are therefore still applicable. The proposal conflicts with these policies.
12. The reference to isolated houses in NPPF appears to refer to housing outside settlements, as opposed to houses in an isolated context per se. This is therefore an isolated site and the proposal does not constitute any of the "special circumstances" listed within paragraph 55 of NPPF. This interpretation is supported by an appeal decision in Yorkshire in which permission was refused for new housing within a small village on the grounds of the poor sustainability credentials of the site.

Proposal

As originally submitted, the application sought full planning permission for the demolition of the existing building on the site and the erection of a detached dwelling with granny annex and access alterations. That originally proposed dwelling had a footprint of 15m x 10m and was three storeys high across the whole of this footprint. It had an eaves height of 8.3m and a ridge height of 11.54m. The originally proposed dwelling contained a garage with workshop and a self-contained one bedroom granny flat on the ground floor with a 4 bedroom dwelling occupying the other two floors.

That dwelling was considered to be inappropriate for the site due to its 3 storey height. Amended plans were therefore requested and received on 5 April 2013. As amended, permission is now sought for a 2 storey dwelling with an eaves height of 5.6m and a ridge height of 8.2m. The footprint of the main two storey part of the dwelling measures 14m x 10m. Attached to the eastern end of the main dwelling there is a single storey element measuring 4m x 7.4m with an eaves height of 2.8m and a ridge height of 4.9m. This would contain a single garage and a utility room. There is also a proposed approximately 2m x 3.3m porch on the front elevation. The main part of the house would contain two lounges, kitchen/dining room and study on the ground floor with four bedrooms (one with en suite shower room) and a bathroom at first floor level.

The external materials would comprise natural stone for the front elevation, render to the other elevations and a natural slate roof.

The proposal involves alterations to the access into the site and the provision of a hard surfaced parking/turning area in front of the dwelling.

Site Location

The application site, that has an area of approximately 0.13 hectares, comprises a former quarry site that fronts the north side of Whins Lane approximately 400m to the west of the Four Lane Ends crossroads.

The site has a road frontage of approximately 25m and there is an existing gated vehicle access slightly to the west of the centre of the frontage. The site is adjoined to the west and north by agricultural land and to the east by a small area of woodland. There are existing residential properties on the opposite side of Whins Lane to the south of the site.

The front part of the site, where the quarrying has taken place, is generally flat with the rear of the site rising upwards from south to north (ie away from the road). On the flat part of the site there is a single storey garage/workshop of timber construction with a mono-pitched roof set approximately 22m back from the road frontage. It is stated in the submitted application documents that this building has been used historically as a domestic garage to an existing property on the opposite side of Whins Lane.

The site is outside the settlement boundaries of Read and Simonstone. Whins Lane, in general, comprises residential properties scattered at intervals along both sides of its entire length. The existing dwellings in the locality are of a variety of types and architectural styles.

Relevant History

7/7/6285 – Proposed erection of double garage with side-port for loose box in disused quarry off Whins Lane. Approved with conditions in January 1970.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 - Dwellings in the Open Countryside.

Policy ENV3 - Development in Open Countryside.

Policy ENV13 - Landscape Protection.

Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMH3 – Dwellings in the Open Countryside and AONB.

Policy DME2 – Landscape and Townscape Protection.

Site and Species Protection and Conservation.

National Planning Policy Framework (NPPF).

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application relate to the principle of the development and the effects of the proposal upon trees/ecology/visual amenity, the amenities of nearby residents and highway safety. These matters will be discussed below under appropriate sub-headings.

Principle of Development

Nearby residents and persons acting on their behalf have made representations that, although containing a building, this is not a brownfield site and should not be treated as Previously Developed Land (PDL). The opinion of a QC on this issue has been sought and submitted by a nearby resident in support of his objection to the application. Extracts of the QC's "Note Advising" are as follows:

- I am asked to advise as to whether or not the site ought to be treated as Previously Developed Land (PDL) when assessing the overall merits of the proposal.
- The building on site was built following a permission in January 1970 (ref 7/7/6285) condition 1 of which states *"that the building shall be maintained in a proper state of repair to the satisfaction of the Local Planning Authority and when, in the opinion of the Local Planning Authority, the building becomes incapable of economic repair, it shall be removed and the land reinstated at the expense of the applicant or owner to the satisfaction of the Local Planning Authority"*.
- The concept of PDL is not intended to simply be an application of a judgement as to whether or not a parcel of land has development on it. Rather it is a formal categorisation of land which then places any given site with that category of sites which are preferred to be released for development or not.
- Initially Governments simply used the National Land Use Database categorisation as to whether or not land to was be treated as PDL, but over time the definition has been used as a tool as policy and has been refined such that it is now an integral part of National Planning Policy and is to be found within the glossary of NPPF. Thus the starting point for consideration in this case is that the question of whether the land is or is not to be treated as PDL is a question of the proper interpretation of policy and not a question of fact and degree.

- NPPF defined previously developed land in the glossary at Annex 2 as *“land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure this excludes land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time”*.
- Those instructing me are firmly of the view that because the development of the site was only ever authorised on a temporary basis (since the planning permission under which the garage was developed specifically requires the site to be reinstated) therefore the garage cannot be ‘permanent’ and falls outwith the definition of PDL. I concur with that view. The effect of condition 1 means that the building is not to be treated as a permanent structure and is therefore outside the definition. Furthermore, even if the view was formed that the building was to be treated as ‘permanent’ (on the grounds that to maintain the building indefinitely on site all the landowner needs to do is maintain it in good order) I am still of the view that the site should not be treated as PDL.
- The definition of PDL excludes *“land that has been developed for minerals extraction ... where provision for restoration has been made through development control procedures”*. In the normal course of events this sentence would seem to relate to the grant of a minerals permission with a condition requiring reinstatement and/or restoration of the land pursuant to a scheme to be agreed. However the language used is plainly more general; thus the land has plainly “been developed for mineral extraction” and the effect of condition 1 is that provision has been made through the development control process for the land to be restored. The fact that one is not dealing with a classic restoration within a minerals consent is an irrelevance given that the clear use of language encompasses the circumstances under consideration.
- In short in the light of condition 1 of the 1970 consent, I am of the view of that the proposed development does not comprise PDL within the meaning of the glossary to NPPF.

The Council does not seek to dispute the finding of QC as summarised above; and the status of the land as so described (ie not constituting PDL) has formed part of the Council’s considerations in the drafting of this report.

The site therefore falls to be considered (as a site not defined as PDL) within the context of national, regional and local development plan policies. At national level, the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that at the heart of NPPF is the 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 the framework taken as a whole; or specific policies in the framework indicate that development should be restricted”

The NPPF requires Local Planning Authorities to consider housing applications in the context of a presumption in favour of sustainable development and the relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable sites.

On 30 April 2013, the Council was advised by the Planning Inspectorate (PINS) that “on 24 April 2013 the Government laid an Order in Parliament to revoke the Regional Strategy for the North West. The Regional Strategy for the North West will be revoked in its entirety. The Order will come into force on 20 May 2013”. This means that the housing requirements of Policy L4 of the Regional Strategy will no longer be part of the development plan.

At March 2013, the Council calculates that it has a supply of 5.79 years against the Core Strategy requirement of 200 dwellings per annum. This includes allowance for sites considered to be undeliverable in the five-year period.

In the Council's opinion, this does not mean that every application for housing development outside a settlement boundary should be refused, as the overriding aim of NPPF “Achieving Sustainable Development” is a major consideration in the determination of all planning applications.

Paragraph 55 of NPPF seeks to promote sustainable housing development in rural areas stating that “housing should be located where it will enhance or maintain the vitality of rural communities. Eg, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances”. A number of such “special circumstances” are then listed within the paragraph. This development would not satisfy any of the listed “special circumstances” but the Council does not consider that it needs to, because the proposal would not result in an “isolated home in the countryside”.

The reference to isolated development needs to be considered within the context of the stated requirement for development to enhance or maintain the vitality of rural communities. In this regard (although obviously accepting that the site is outside the settlement boundary of Read/Simonstone) Policy G3 of the Local Plan is considered to provide some relevant context. This states that within Read/Simonstone (and also Mellor Brook) planning permission will be granted for the development and redevelopment of land wholly within the settlement boundary not defined as essential open space. In the explanatory text to the policy it is stated that “these villages are considered most suitable to accommodate modest development. This is by virtue of the facilities already existing within the villages.” Read/Simonstone is therefore effectively identified in the Local Plan as a sustainable location for new development. Although not within the settlement boundary of the historic Local Plan, the Council contends that the application site is within close proximity to a built up area and existing dwellings. There are existing dwellings on the south side of Whins Lane opposite the site and (after relatively short lengths of undeveloped land in both directions) further dwellings to the east and west on the north side of the road. The occupiers of these existing dwellings (and the proposed dwelling in the event of permission being granted) will contribute as much towards enhancing and maintaining existing local facilities as the residents of dwellings within the settlement boundary.

To amplify the Council's contention that the site is in a sustainable location, there are existing facilities within the settlement of Read/Simonstone which is situated on the A671 Whalley Road that links to the larger settlements, with a larger range of facilities of Whalley and Padiham. Whalley Station gives access to the wider rail network and junction 8 of the M65 (approximately

3 miles from the application site) to the wider motorway network. A bus route between Clitheroe and Burnley passes the front of the application site.

For these reasons, the proposal is considered to represent sustainable development in the locational sense (irrespective of whether this is considered to be a greenfield or a brownfield site) such that, in this regard, the development is considered to be acceptable in principle. The other relevant elements of sustainable development will be discussed below.

Trees/Ecology

With regards to the consideration of ecology, an extended Phase I Habitat Survey and Ecological Evaluation by Pennine Ecological has been submitted with the application. This has been studied by the Council's Countryside Officer who comments that the conclusions of the survey are as follows:

- There are no statutory wildlife sites within 1km of the site.
- The site fails to meet any guidelines for selection associated with County Biological Heritage Sites.
- There are no known protected species relating to the site.
- There are no UK biodiversity action plan habitats or species present.
- The tree cover does have some affinity with Lancashire Biodiversity Plan (LBAP) but being small in area this diminishes its association with the LBAP.

The Countryside Officer concludes that the proposal will only directly affect the small areas of common habitats of site-local value and no further surveys are required.

The Countryside Officer notes, however, that a small area of Japanese knotweed was recorded and therefore appropriate treatment through a planning condition will be required.

With regards to trees, a Tree Survey and Arboricultural Impact Appraisal by Bowland Tree Consultancy has been submitted with the application. This has been studied by the Council's Countryside Officer who explains and comments upon its findings as follows:

1. The arboricultural impact appraisal/tree survey complies with BS5837 trees in relation to demolition, design and construction 2012.
2. The appraisal has identified a total number of 19 individual trees and 8 groups of trees which have been categorised in accordance with the cascade chart for tree quality assessment as follows:
 - Category A (trees of high quality) – one individual tree and one group of trees.
 - Category B (trees of moderate quality) – 9 individual trees and one group of trees.
 - Category C (trees of low quality) – 7 individual trees and 4 groups of trees.
 - Category U (trees unsuitable for retention) – 2 individual trees and 2 groups of trees.
 - The total number of trees is 52 of which 36 are Category C/U trees.
 - Four Category B trees are shown to be removed.
 - The proposals indicate the retention of 12 trees all of which are Category A/B trees which amounts to approximately 20% of the total tree cover.

3. The greatest visual impact of tree removal will be through the loss of two groups of Leyland Cypress trees G2 and G8 consisting of eight tall conifers located at the front of the site. However, the trees are Category C1 (tree of low quality/unremarkable trees of limited merit and impaired condition) and Category U trees (trees unsuitable for retention and in such condition that they cannot realistically be retained for longer than 10 years). Whilst such trees can be considered for retention, this is only if they are of sufficient conservation/heritage value (which they are not) and any issues surrounding their condition can be appropriately managed.
4. Of the four Category B trees indicated for removal, only one is a B1 tree, a Sycamore, the remaining three are Category B2 trees (trees present in numbers that may represent a more collective value than as individual specimens, making little visual contribution to the wider locality).
5. The remaining trees to be removed are Category C1/2 trees (unremarkable trees of very limited merit or impaired condition) and Category U trees (trees in such condition that they cannot be realistically considered for retention).
6. In conclusion, the area of tree cover does not strictly meet the criteria of woodland but taking into account the factors (ie size of woodland, position in the landscape, viewing population, presence of other trees, composition and compatibility) the tree cover does have some collective visual amenity value albeit modest. However, none of the trees individually could be classed as specimen trees. The loss of trees will have an impact on the collective visual amenity value of the overall tree cover but with appropriate planting with good quality trees, the visual amenity (such that it is) could be reinstated.

Therefore, subject to appropriate conditions, the Countryside Officer does not consider there to be any reason for refusal of the application relating to the effects of the proposal on the ecology of the site or the existing trees. On this basis, it is considered that the proposal would not contravene the environmental role of sustainability as contained in Section 11 of NPPF 'Conserving and Enhancing the Natural Environment'. The effects of the proposed tree removal upon visual amenity will be discussed under the next sub-heading.

Visual amenity

As stated above, the loss of trees will have some effects on visual amenity. The removal of trees will undoubtedly make the proposed dwelling more visible in the local street scene of Whins Lane that would be case if more of the trees were to be retained.

The proposed development as amended, however, comprises a detached two storey house with a natural stone front elevation, render to the other elevations and a natural slate roof. It would be partially, but not totally screened by trees.

Whins Lane comprises residential properties of a variety of types, sizes, designs and external materials. There are terraced houses with front elevations on the road edge ranging through to large detached houses within large curtilages. The houses that are not on the road edge are screened by tree cover and hedges to varying degrees.

The proposed development would not, therefore, in my opinion, be in any way discordant or over prominent in the street scene. It would not be out of character with the locality. I do not

therefore consider that a reason for refusal relating to the effects of the proposal on visual amenity would be reasonable or sustainable.

Residential Amenity

Only one of the letters of objection refers to this particular consideration. This is from the owners/occupiers of a dwelling to the north east of the site who consider that the privacy that they presently enjoy would be damaged by the sight of windows in the side and rear elevations of the proposed dwelling. This letter, however, was written in relation to the originally proposed three storey dwelling, and there is a distance of approximately 100m between the now proposed two storey dwelling and that neighbouring property. Due to this separation distance I do not consider that the proposal would have any seriously detrimental effects upon the amenities of that particular nearby existing dwelling. Furthermore, I do not consider that there would be any detrimental effects upon the amenities of any other nearby properties.

Highway Safety

The County Surveyor has confirmed that the access into the site and the parking provision are appropriate and acceptable such that there is no objection to this application on highway safety grounds.

Conclusion

The proposed development will result in the provision of a dwelling in a sustainable location without any seriously detrimental effects upon ecology/trees, visual amenity, the amenities of nearby residents or highway safety. As such, the proposal satisfies the requirements of NPPF. It is considered that more weight should be afforded to NPPF than to the settlement strategy policies (in this case Policy G5) of the Local Plan which are to be considered out of date. As stated in NPPF, where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicate that development should be restricted.

For reasons given in this report, it is not considered that a permission for one dwelling in this relatively built up locality would have any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole. Also there are no specific policies in the Framework that indicate that this development should be restricted.

It is therefore considered that planning permission should be granted subject to appropriate conditions.

SUMMARY OF REASONS FOR APPROVAL

The proposed development would provide a dwelling in a sustainable location to the benefit of the local rural economy and without any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

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

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

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

2. This permission shall relate to the proposal as shown on the amended plans received by the Local Planning Authority on 5 April 2013 (drawing no LOF/01 Dwg01B).

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

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

4. The development shall be carried out in accordance with the Tree Survey Schedule for Arboricultural Impact Appraisal Report By Bowland Tree Consultancy Limited (Ref. BTC359 dated 26 July 2012) Prior to the commencement of any development works including delivery of building materials and excavations for foundations or services, all trees identified for retention in that report shall be protected with a root protection area in accordance with the BS5837 [Trees in Relation to Construction]. Details of a tree protection monitoring schedule shall also be submitted to and agreed in writing by the Local Planning Authority before any site works are begun. The monitoring schedule shall then be implemented in accordance with the agreed details.

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

No tree surgery or pruning shall be implemented without prior written permission of the Local Planning Authority, which will only be granted when the Authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and will be carried out by an approved arboricultural contractor.

REASON: In order to ensure that the trees within the site that are to be retained are afforded maximum physical protection from the adverse effects of development in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever possible the retention of existing trees, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening. The scheme shall include an appropriate number and species of trees to replace those trees that are to be felled as part of the proposed development scheme.

The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part 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 and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. No part of the development shall be commenced until a non-native species removal and disposal method statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the eradication and removal from the site all Japanese Knotweed and Himalayan Balsam. The removal and disposal of these species shall then be carried out in accordance with the approved method statement to the satisfaction of the Local Planning Authority.

REASON: To ensure that there is no risk of further spread of a non-native plant species and to ensure that there are no residue non-native plant species parts remaining in the interests of protecting the native ecology of the site and to comply with with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

APPLICATION NO: 3/2012/0870/P (GRID REF: SD 373163 445294)
CHANGE OF USE OF AN AGRICULTURAL BUILDING WITH OFFICE AND STAFF FACILITIES TO MIXED USE FOR AGRICULTURAL, OFFICE, STAFF FACILITIES, CIDER MAKING AND HOLIDAY COTTAGE USE (PART RETROSPECTIVE) AT DOVE SYKE NURSERY, EAVES HALL LANE, WEST BRADFORD

PARISH COUNCIL: Has no objections to the change of use for staff facilities and a cider making plant.

The Parish Council, however, objects to the conversion of part of the building into a holiday cottage. Councillors feel that this may set a precedent for other agricultural buildings of this type of construction to be converted into holiday and permanent homes within the Parish and feel the application should be refused as the building is not suitable as a residential property.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

No objections to the application on highway safety grounds although the combination of commercial unit and holiday accommodation is unusual, the two bedroom holiday unit would have no discernable impact on the safe operation of the adjacent highway and as such no objection is raised to its provision. However, it will be necessary to provide a clear route to and from the holiday accommodation distinct from and not impeded in any way by the operation of the commercial unit. This will include the introduction of designated and permanently marked parking spaces for two vehicles. A plan should therefore be submitted that shows a designated route to the holiday accommodation and the associated parking spaces.

ADDITIONAL
REPRESENTATIONS:

Three letters of objection have been received. Two of these are identical letters from the owners/occupiers of two nearby dwellings. The third is from a planning consultant acting on behalf of those local residents. The observations and objections contained in the letters are summarised as follows:

1. The proposal relates to an unsightly and inappropriate building in the AONB and to uses which give rise to significant noise nuisance, cause physical damage to the local access lane and result in traffic danger.
2. Permission 3/2007/0603 for the erection of an agricultural building with office and staff facilities was subject to 9 conditions, numbers 3 and 6 of which require the submission and approval, prior to the commencement of development, of important details relating to site levels, site plans and elevations and a scheme for the disposal of foul and surface water. Condition number 5 required the submission and approval of details of walls, roofing and window surrounds prior to their use in the proposed works. No details have ever been submitted to discharge these conditions. As these prior submission details go for heart of the planning permission, the whole of the building as it stands and the uses approved are unauthorised and do not benefit from any planning permission. The reference in the application to 'part retrospective' is therefore inaccurate and the whole of the proposal falls to be considered anew.
3. This building was to be used for agricultural purposes with office and staff facilities, the last two uses clearly intended to be ancillary to the principal agricultural use. That agricultural use, which mainly involved the growing and sale of Christmas trees is now a minor part of the use of this site. Other uses appear to include cider making, mainly from imported juice, the importation for sale of Christmas trees not grown at the site (this is a

retail use) the retail and wholesale selling of cider on site and the holding of festivals. Some of these activities take place outside the hours of operation restrictions imposed by condition 9 of permission 3/2007/0603.

4. Not only is the building unauthorised but it has also been substantially altered from the scheme previously approved by the addition of windows, doors and first floor accommodation. The proposal therefore falls to be considered against relevant policies of the Local Plan. In terms of building design, the proposal which involves a utilitarian building of no design merit is clearly contrary to Policies G1 and ENV1 both of which require a high standard of building design particularly in an AONB location.
5. With regards to the use of the site, the trees which are sold are largely imported on to the site. This is therefore a change of use from a growing nursery to a retail use which requires planning permission.
6. The use of the site for cider production and sale is similarly not an agricultural use in that it relies very substantially on imported juice. Of great concern to neighbours is that this could give rise to 45,000 litres using existing equipment. The additional juice is brought into the site on heavy commercial vehicles which are clearly unsuitable for the access track and cause significant damage to the neighbouring residents' access. What has now been created on site is an industrial use for which planning permission is required.
7. The use of the site for cider and beer festivals that take place four or five times a year result in a high level of noise and disturbance late into the night. Whilst these festivals are licensed under other legislation they are however required to operate under planning controls. Uses of this site by customers are restricted by condition 9 to daytime hours and must cease by 6pm (4pm Sundays). The festival use outside of these hours therefore requires planning permission.
8. The proposed use of the building as a 'holiday let' as described in paragraph 5.3 of the Planning Statement is clearly an on site residence for use by the applicants and not a holiday let. From the layout of the building it is also clear that it could not be let independently. As such the application description of the holiday let is clearly misleading and inaccurate and the proposal should be evaluated as an on site dwelling.

9. The proposal is contrary to Policies G1 and ENV1 by virtue of its design and fails to meet the requirements of Policy G1 as it is not sympathetic in terms of size, intensity and nature; the access arrangements are clearly inadequate for the proposed uses; the materials are not sympathetic to the character of the area; and, above all, it will adversely affect the amenities of neighbour and therefore fails the principal test of Policy G1.
10. It is really a dwelling in the open countryside contrary to Policy H2 of the Local Plan. Even if it is assessed as a holiday let, it fails the requirements of Policies RT1 and RT3 as it is not well related to a settlement or group of buildings; the materials and design are inadequate; access is very poor and the site is not well related to the public transport network; also under the AONB consideration, the building does not display a high standard of design appropriate to the area. In relation to Policy RT3 the proposal will cause unacceptable disturbance to neighbours and access to the site is not of a safe standard.
11. Due to the significant element of retail sales, the application should be evaluated against the shopping policies of the Plan. The relevant policies here are S7 (farm shops) and S8 (garden centres) and the proposal fails to meet the criteria of these policies and any significant retailing activity is contrary to planning policy.
12. Reference is made in the planning statement to Policies EMP9 and EMP12. EMP9 relates to the conversion of barns and other rural buildings. As pointed out, this is a new building and should be evaluated as such. However, even if treated as a conversion, the proposal fails to meet all the detailed criteria of the policy. The proposal also fails to meet the requirements of Policy EMP12 in that the proposed building is not appropriate in terms of scale and character.
13. NPPF features prominently in the planning statement. Fundamentally, this is not a sustainable development in that it seeks to create industrial, retail, entertainment and residential development in a remote area and unrelated to any settlement or group of buildings. It also has serious detrimental impacts on residential amenity and the character of an area of special protection. As such it is not supported by the NPPF.
14. The development as it stands is clearly unauthorised and urgent enforcement action should be taken to rectify the numerous breaches of planning control. This application

should be refused and any alternative proposal should be carefully controlled to ensure that it is appropriate to the location.

Proposal

The application relates to a building that was granted permission (3/2007/0603/P) as an agricultural building including office and staff facilities.

The permission was subject to two conditions (No's 3 and 6) that require the submission of details prior to commencement of development. Those conditions were not satisfied, but the building was constructed. Condition No 8 of the permission contains a restriction on the use of the building stating that 'the building hereby permitted shall be used to house an office, workers' amenities and planting/loading facilities in connection with the existing nursery business on site at present and for no other purpose' and there is also an hours of operation condition, No 9, which states that 'the use of the premises for customers in accordance with this permission shall be restricted to hours between 8am and 6pm Monday to Saturday and 9am to 4pm on Sundays.

The building is divided into two distinct areas. Over one half, the ground floor is open to the underside of the roof and relatively open and is used for the nursery business and cider making. The ground floor of the second area is sub divided into a series of rooms and there is a first floor above this part of the building which has also been divided into a series of rooms.

The building is presently put to various uses with the large open area used in connection with a nursery/landscaping business and also for cider production. There is a room primarily dedicated to wreath production; a ground floor office and associated store and a living/dining kitchen area and toilet and shower facilities which are used on a daily basis by the applicants and their staff in connection with the operation of the business. The first floor rooms provide additional storage space and office, occasionally being used as a bedroom by the applicants.

The development proposed in this application (which is partly retrospective) involves the change of use of the building approved for agricultural and incorporating office and staff facilities, to a mixed use for agriculture, office, staff facilities, cider making and holiday cottage accommodation. The development also involves the regularisation of the creation of several new window openings and the creation of first floor accommodation within part of the building.

It is stated in the application documents that the cider making operation is semi commercial and fairly small-scale currently producing 18,000 litres of cider per annum with a maximum capacity of the equipment currently sited within the building of approximately 45,000 litres. It is stated that the cider is predominately sold on a wholesale basis although there are some direct sales generally from the nursery and during cider festivals which are held intermittently at the property. It is stated that the change of use to cider production relates to only part of the building with approximately 33m² being set aside solely to this activity and the balance of that part of the building within which the equipment is located being used for mixed use associated with nursery landscaping activity and cider production.

It is also stated in the submitted application documents that the proposed creation of a self-contained holiday cottage within part of the building would enable the applicants to lawfully reside on site from time to time when they need to whilst retaining their property in West Bradford which will continue to be their main residence. The holiday let would also be available for use by friends and family.

Site Location

The site is located off a single track approximately 350m to the southwest of the junction with Eaves Hall Lane, West Bradford. The track also provides access to two residential properties sited further to the southwest. The site is within the Forest of Bowland Area of Outstanding Natural Beauty.

Relevant History

3/2004/0997/P – Two proposed polytunnels. Approved with conditions.

3/2004/1015/P – Proposed lean-to extension to provide seed planting facilities. Approved with conditions.

3/2005/0650/P – Proposed extension to existing storage shed to provide a covered loading area. Approved with conditions.

3/2005/1055/P – Proposed agricultural building to house office, workers amenities and planting and loading facilities. Approved with conditions.

3/2007/0603/P – Proposed agricultural building to house office and staff facilities including the retention of another existing building. Approved with conditions.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy RT1 - General Recreation and Tourism Policy.

Policy RT3 - Conversion of Buildings to Tourism Related Uses.

Policy EMP9 - Conversions for Employment Uses.

Policy EMP12 - Agricultural Diversification.

Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DMB1 – Supporting Business Growth and the Local Economy.

Policy DMB2 – The Conversion of Barns and Other Rural Buildings for Employment Uses.

Policy DMB3 – Recreation and Tourism Development.

National Planning Policy Framework (NPPF).

Environmental, AONB, Human Rights and Other Issues

In this particular case, and in response to a representation received from a planning consultant acting on behalf of nearby residents, it is necessary to first consider the legitimacy of determining this application on the basis of the stated description of development.

It is not disputed by the applicant's agent that the building was constructed without two conditions precedent having been satisfied. The agent was advised that, in these circumstances, and following careful consideration of the matter within the context of some case law examples, it appeared that a decision could not be made on the basis of the "part retrospective" element of the description of development given in the application. This is because the relevant conditions (no's 3 and 6 of 3/2007/0603/P) both clearly state that "development" (as opposed to any less specific/precise words such as "works") shall not be commenced until certain details/plans have been submitted to and approved by the Local Planning Authority. The required details related to site levels, site plans, elevational drawings and details of a scheme for the disposal of foul and surface water. Due to their precise wording, these are considered to be true "conditions precedent" and the details that they required are considered to go to the heart of the planning permission. In such circumstances, case law seems to indicate that non-compliance with these conditions means that the development is unauthorised and unlawful for planning purposes.

In response to this, the agents submitted invoices for building work which are dated Autumn 2007 and it is stated that the works were completed and the building was in use by Christmas 2007. These invoices appear to provide clear evidence that the building to which this application relates has been completed for more than 4 years (it is actually more than 5 years) and has therefore become lawful through the expiration of time and is immune from enforcement action. It is therefore considered that the application can be legitimately considered on the basis of the submitted description of development. Even if the building had been built more than 4 years ago without any planning permission at all, an application for alterations or changes of use of the building could still be considered without the necessity to also seek permission retrospectively for the building itself.

Whilst, therefore, not seeking retrospective permission for the building itself, the drawings submitted with the application show the unauthorised first floor rooms over approximately half of the footprint of the building and a number of door and window openings that were not shown on the original application drawings. Any permission in respect of this application would therefore authorise these aspects of the existing building.

The first floor accommodation in itself does not have any detrimental effects upon any recognised planning interests. The actual use of this accommodation will be discussed later in this report. The unauthorised door and window openings are similar in size and have similar frames to the authorised openings. I do not consider that these doors and windows have any seriously detrimental effects upon visual amenity; and the nearest residential properties to the site are not close enough for the privacy of their occupiers to be in anyway affected by these additional openings. There is therefore, in my opinion, no expediency for enforcement action in relation to either the formation of the first floor accommodation or the additional openings. I can therefore see no objections to these matters being authorised as part of any permission that might be granted in respect of this application.

The next aspect of the application relates to the use of part of the building (ie the part of the building with only ground floor accommodation) for cider making. This is a relatively small-scale use. It is acknowledged that, at the present time, the majority of the apple juice used in the cider making process is purchased from elsewhere; but it is stated in the application documents that it is the applicant's intention to plant more apple and pear trees at the site in the future and to rent orchards in order to become self-sufficient in the cider making process.

The cider making represents an agricultural diversification. Saved Policy EMP12 of the Local Plan states that: "proposals for agricultural diversifications will be approved, subject to other policies within the Local Plan and provided they are appropriate in both scale and character to the rural areas of Ribble Valley and do not compromise its natural beauty".

Saved Policy EMP9 is also relevant and states that planning permission will be granted for employment generating uses in barns and other rural buildings provided all of the following criteria are met:

1. The proposed use will not cause unacceptable disturbance to neighbours in any way.
2. The building has a genuine history of use for agriculture or other rural enterprise.
3. The building is structurally sound and capable of conversion for the proposed use without the need for major alterations which would adversely affect the character of the building.
4. The impact of the proposal or additional elements likely to be required for the proper operation of the building will not harm the appearance or function of the area in which it is situated.
5. The access to the site is of a safety standard or is capable of being improved to a safe standard without harming the appearance of the area.
6. The design of the conversions should be of a high standard and be in keeping with local tradition, particularly in terms of materials, geometric form and window and door openings.

I consider that this small-scale use within an existing building does not have any detrimental effects upon the appearance and character of the locality. No external alterations to the building are required and the County Surveyor has no objections to the application with regards to the means of access to the site. The proposal does involve deliveries of juice and dispatch of cider but the vehicles involved do not have to pass the two nearby dwellings that are further down the lane beyond the application site. I do not therefore consider that this element of the application has any seriously detrimental effects upon the amenities of nearby residents.

The cider is sold wholesale with a small amount of retail sales during cider festivals that are held at the site intermittently under temporary use permitted development rights and with the appropriate events licence having been first obtained. The establishment of an A1 retail use at this location would not be appropriate. A condition would therefore be required on any permission to restrict retail sales to an ancillary part of the other uses legitimately operating from the site.

The final element of the application concerns the use of the part of the building with two floors of accommodation as a holiday let. Concern has been expressed by nearby residents that this part of the building has been used by the applicants as living accommodation. It is not denied by the applicants or their agent that they have on occasions, for security reasons, stayed overnight at the site; they do, however, have a main residence in West Bradford. It is also not denied that they would continue to use the building for their own intermittent occupation if they were to obtain permission for the use of this part of the building as a holiday let.

As part of the Council's investigation of the alleged residential use of the building, the site has been visited on 20 January 2012 and 7 August 2012 by two Council Officers on each occasion.

On each occasion the applicants denied that they were using the site as a permanent accommodation and an inspection by the Officers of the rooms concerned supported this claim. It was therefore stated in writing to the applicants and their agent that, at the time of those visits, the building was not in use as a permanent dwelling. It cannot therefore be claimed in the future that the premises has been used as a permanent accommodation from any time before 20 January 2012. The Council will continue to monitor this matter (irrespective of the decision reached in relation to this application) in order to ensure that the use of the site as a permanent residence does not become lawful through the passage of time (ie by such use having been carried out unlawfully for 4 years).

Given the ability of the Council to monitor the use and to take enforcement action if necessary, this application for the holiday let use must be considered on its own merits. As with any application, the decision must be made on the basis of what is applied for, and should not be influenced by any concerns about any other use or development that may or may not occur in the future.

Saved Policy RT3 deals with the conversion of buildings for tourism related uses and states that: "planning permission will be granted for tourism related uses in rural buildings provided that all of the following criteria are met:

1. The proposed use will not cause unacceptable disturbance to neighbours in any way.
2. The impact of the proposal or additional elements likely to be required for the proper operation of the building will not harm the appearance or function of the area in which it is situated.
3. The access to the site is of a safe standard or is capable of being improved to a safe standard without harming the appearance of the area.
4. The design of the conversion should be of a high standard and be in keeping with local tradition particularly in terms of materials, geometric form and window and door openings.
5. If the building is isolated from others then it should have a genuine history of use for agriculture or other rural enterprise and be structurally sound and capable of conversion for the proposed use without the need for major alterations which would adversely affect the character of the building.

I do not consider that this particular use of this part of the building would cause any unacceptable disturbance to the neighbours in any way. Additionally, the new openings which have already been created and would be regularised as part of any permission in respect of this application, as previously stated, do not have any detrimental effects upon the appearance of the locality. Again, as previously stated there is a safe access to the site and vehicle movements would not be excessive and would not pass close to the nearby residential properties. The building is part of a group and not in a totally isolated location and the approval of this element of the application would not require any buildings works to be undertaken.

Whilst the conversion of part of a modern farm building into a holiday cottage is not typical of this type of use, it would provide a standard of accommodation at least equivalent to a static caravan that is widely accepted as a form of holiday accommodation. The agent considers that the unit would appeal to persons such as cyclists or persons attending any of the temporary

events at the site who might not been seeking accommodation of a higher (and more extensive) standard.

Overall, when judged on its own merits and in accordance with the saved policies of the Local Plan, I can see no sustainable objections to the application. Indeed, when judged in this way, I can see no objections to any of the elements of the application.

Whilst the Local Plan provides some context for the consideration of this application, it is perhaps more important to consider the application in relation to the more up to date guidance of NPPF.

Section 3 of NPPF relates to “supporting a prosperous rural economy” and states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new developments. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas both through conversion of existing buildings and well-designed new buildings;
- promote the development and diversification of agricultural and other land based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

I consider that the proposed uses of the building would satisfy the above stated intentions of NPPF and would contribute towards the local rural economy. For reasons already given in the report, I do not consider that these uses of an existing building would have any detrimental effects upon visual amenity, the character of the locality, the amenities of nearby residents or highway safety. I can therefore see no objections to the application subject to appropriate conditions.

SUMMARY OF REASONS FOR APPROVAL

The proposed uses of the building would support the local rural economy and would not have any seriously detrimental effects upon visual amenity, the character of the locality, the amenities of any nearby residents or highway safety.

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

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

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

2. This permission shall relate to the external appearance of the building (ie window and door numbers, sizes and positions) and to the uses of the different parts of the building as shown on submitted drawing number Cre/5731/1508/01.

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

3. The unit of holiday accommodation hereby permitted shall not be let to or occupied by any one person or group of persons for a continuous period of longer than 3 months in any one year and in any event shall not be used as a permanent accommodation. A register of such lettings shall be kept and made available to the Local Planning Authority to inspect on an annual basis.

REASON: In order to comply with Policies G1 and RT1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMB3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft; and because the building is located in an area where the Local Planning Authority would not normally be minded to grant permission for the use of the building for a permanent residential accommodation.

4. The cider produced at the site shall be for wholesale only with no retail sales from the site other than incidental sales during any authorised temporary events held at the site.

REASON: As the establishment of an A1 retail use would be inappropriate in this rural location to the detriment of the character of the area contrary to Policies G1 and ENV1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME2 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. With regards to the cider making business, any deliveries of raw materials to the site or despatch of the finished product from the site shall only take place between the hours of 9am and 6pm Monday to Saturday with no deliveries or despatch on Sundays or Bank Holidays.

REASON: In the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. Prior to the first occupation of the unit of holiday accommodation hereby permitted, a plan showing the location of designated parking spaces for the unit and indicating a pedestrian route between those spaces and the unit (that is distinct from and not in any way impeded by the operation of the other commercial uses of the building) shall be submitted to and approved in writing by the Local Planning Authority. The approved parking spaces and pedestrian access route shall be available for use at all times when the unit of holiday accommodation is in use.

REASON: In the interests of highway/pedestrian safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

APPLICATION NO: 3/2012/1113/P (GRID REF: SD 374048 440941)
PROPOSED HOUSING DEVELOPMENT AT PARKER AVENUE, CLITHEROE

TOWN COUNCIL: No observations to make on this application.

ENVIRONMENT DIRECTORATE Initially made the following observations:

(COUNTY SURVEYOR):

1. Would prefer the vehicular access to be from the Parker Avenue side of the site, but it appears that the ownership of the land required to provide such an access on this side has not yet been determined. The developer should be requested to delay a decision on the application until the landownership is resolved.
2. If it is necessary to gain access to the dwellings from Back Whalley Road because the land on the other side of the site is not owned by the developer, I would have some concerns regarding the access onto the adopted highway.
3. The developer needs to show that there is a right of access to Whalley Road as records tend to indicate that the required link between the gable ends of 180 and 182 Whalley Road is a private road.
4. If a right of way is proved, the back road is in a poor state of repair and would be required to be improved by the developer.
5. The usual requirement for vehicle access gates to be set back 5m from the highway is not requested in this case as the accesses are onto a private roads.
6. The proposed high fencing on the rear boundaries of the properties would obstruct the visibility of drivers leaving the parking spaces to the detriment of highway safety. Such high fences will also tend to encourage anti-social behaviour.

The applicants agent responded to these comments as follows:

1. Ownership of the adjoining land beyond the western boundary of the site is still unresolved and could take some considerable time, possibly years, to resolve.
2. The applicants Deeds show a right of way from Whalley Road via the unadopted private road between numbers 180 and 182 Whalley Road (copy documents have been submitted as proof).

3. Resurfacing of the back street appears unjustified and unnecessary because the existing road is currently being used by vehicles from Back Whalley Road and Parker Avenue and any vehicle accessing the workshop. Therefore the proposed use could potentially generate significantly less traffic than the current use.
4. Lower walls on the rear boundary of the properties would compromise security.
5. The potential for anti-social behaviour would be reduced by the re-development of the site for three houses.

The County Surveyor then commented as follows:

1. If an access from Parker Avenue is not possible I would not object to the use of the right of access along the private road to Whalley Road between the gable ends of 180 and 182 Whalley Road but this would be conditional upon improving the private road from Whalley Road up to the vehicle access points into the proposed dwellings.
2. The boundary treatment at the rear could be in the form of a 1.2m high closed boarded fence with railings or other form of open fencing above this height.

UNITED UTILITIES:

No objections to this application.

ADDITIONAL
REPRESENTATIONS:

Four letters have been received from nearby residents in which objections are made to the application on the following grounds:

1. Whilst having no objections to housing development on the site, there is objection to the proposed access from Back Whalley Road because:
 - this is a private road;
 - it is extensively used for parking which would not leave sufficient room for cars to turn into the development;
 - it is narrow and if two cars meet, one would have to reverse onto the road;
 - there is no lighting;
 - we do not want wagons, diggers and building materials being delivered via this back street;
 - parking should be on Parker Avenue.
2. No provision has been made for visitor parking. Visitors and possibly the residents of the new houses will park on Parker Avenue where parking is already problematic,

especially at evenings and weekends. The terraced houses numbers 2-16 Parker Avenue have only 1.5 parking spaces each. Currently there are 14 vehicles using these 12 spaces. Any use of Parker Avenue for parking will increase the use of the dangerous junction of Parker Avenue onto Whalley Road.

3. Users of the allotments currently park where the entrances to the new houses would be. Where would the allotment holders park in future?
4. The refuse vehicle sometimes has problems getting down Parker Avenue due to parked vehicles. Emergency vehicles could therefore also have problems.
5. Concerns regarding the ownership of the land and rights of way over the proposed new development. Prior to it being fenced off this land has been used for many years as a shortcut between Whalley Road and Parker Avenue.
6. The statement in the application documents that the residents of Parker Avenue are looking forward to the Avenue becoming a 2 cul-de-sac is misleading because the residents have not been asked this question.
7. The proposal is too large for the limited amount of space on the site representing an unacceptable high density of housing development.

Proposal

Full planning permission is sought for the erection of a terrace of three, three bedroom, two storey houses. The building would have an eaves height of 5.15m and a ridge height of 7.25m and would be of natural stone construction with reconstituted stone quoins and concrete roof tiles.

The front elevations, including a porch to each dwelling would face west. There would be a small private garden area to each house on this side of the terrace with pedestrian access only obtained from the end of Parker Avenue.

The rear elevations would face Back Whalley Road. Two parking spaces would be provided within the rear curtilage of each dwelling with access gained from Whalley Road via Back Whalley Road.

Site Location

The site is occupied by a corrugated sheet clad building that has in the past been used as a vehicle maintenance workshop but is presently used for general storage.

The site is adjoined to the north by allotments; to the east by Back Whalley Road and the rear elevations of traditional terraced houses on Whalley Road; to the south by a more modern

terrace of houses on Parker Avenue; and to the east by a strip of land of undetermined ownership beyond which is a detached single storey dwelling, number 17 Parker Avenue.

This is a predominantly residential locality within the settlement boundary of Clitheroe.

Relevant History

None.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

National Planning Policy Framework (NPPF).

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application relate to the principle of development, visual amenity, the amenities of nearby residents and parking/access/highway safety issues. These matters will be discussed under appropriate sub-headings below.

Principle of Development

As a development of three houses on a brownfield site within the settlement boundary of the main settlement of Clitheroe, the proposal would comply with saved Policy G2 of the Local Plan as carried forward by Policy DMG2 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft. As the site is very close to a bus stop and within easy walking distance of the facilities and amenities of Clitheroe Town Centre, the development also complies with the sustainability requirements of NPPF. As a development of three houses within Clitheroe there is no requirement under the approved document “Addressing Housing Need in Ribble Valley” for any of the units to be affordable. The proposed development is therefore, in my opinion, acceptable in principle.

Visual Amenity

The site is adjoined to the east by traditional terraced houses facing Whalley Road and to the south by a more modern terrace of 8 houses facing Parker Avenue. The proposal to construct a terrace of three houses on the site is therefore in keeping with the general character of the locality. The height and design of the proposed houses and the proposed use of natural stone and concrete roof tiles is also appropriate. Subject to the submission for approval of precise details of the external materials, the proposal would not therefore, in my opinion, have any detrimental effect upon the visual amenities of the locality.

Amenities of Nearby Residents

The rear elevation of the proposed dwellings would be approximately 25m away from the main two-storey rear elevation of the terraced houses on Whalley Road, and approximately 19m away from the single storey rear extensions on those dwellings which do not have any principle windows in their end elevations facing the application site.

The front elevation of the proposed dwellings would also be approximately 21.5m away from the dwelling at the northern end of Parker Avenue to the east of the application site. I consider that the separation distances would not result in any seriously detrimental effects upon the privacy of existing nearby residents and would provide a satisfactory level of privacy for the future occupiers of the proposed dwellings.

The front elevation of the terrace would be approximately 4m forward of the front elevation of the modern terrace of houses to the south of the site. As the proposed development is to the north of the existing dwellings, I do not consider that this would result in any seriously overshadowing effects upon the existing dwellings; nor would it be seriously overbearing. As no windows are proposed in the southern gable elevation of the terrace, there would also be no detriment to the privacy of the occupiers of the existing adjoining terraced houses.

Overall, I consider the proposal to be acceptable with regards to its effects upon the amenities of any nearby residents. I consider it worthy of note that no nearby residents have expressed any objections with regards to the effects upon their amenities.

Parking/Access/Highway Safety Issues

Due to a question mark over the ownership of a strip of land at the front (west) of the site, it is proposed to provide vehicle access and parking provision utilising the privately owned, unadopted, Back Whalley Road at the rear. The applicant claims to have a right of way from Whalley Road to the eastern site boundary across Back Whalley Road. It is for the applicant to ensure that this right of way is in place. If it was not, then any planning permission relying upon it to access the required onsite parking spaces could not be implemented. This will be the subject of an advisory note in the event of planning permission being granted. A condition would also be imposed to require the provision of the parking spaces, and vehicle access to them, prior to the first occupation of the dwellings, and their retention thereafter in perpetuity.

The County Surveyor, whilst preferring the provision of vehicle access from Parking Avenue at the front, has no objections in principle on highway safety grounds to the provision of parking spaces at the rear with access of Back Whalley Road as proposed in the application. The resurfacing of the back street as preferred by the County Surveyor would require the permission of all of the owners of the back street. The County Surveyor accepts that this would prove difficult and has confirmed that the use of the back street in its existing form would not actually be detrimental to highway safety and, as such, he would not insist upon a condition to require the resurfacing of Back Whalley Road. As the level of use of the back street might, in any event, differ little from its use in association with the existing use of the site, and as the County Surveyor is not expressing any objections on highway safety grounds, I consider that a condition requiring the surfacing of the back street would be unnecessary and unreasonable.

The County Surveyor has also expressed concern about any proposed closed board fencing above 1.2m high on the rear boundary of the site. The precise nature of the treatment of this boundary could be the subject of an appropriate condition in order to satisfy the highway safety

objectives of the County Surveyor whilst also ensuring an appropriate level of security for the future occupiers of the proposed dwellings.

Overall, subject to appropriate conditions, the proposed development would not have any seriously detrimental effects upon highway safety.

As the proposal is also considered to be acceptable in principle, and would not have any seriously detrimental effects upon visual or nearby residential amenity, I can see no objections to this application.

SUMMARY OF REASONS FOR APPROVAL

The proposal will provide three dwellings in a sustainable location within the main settlement of Clitheroe without any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

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

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

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

2. This permission shall relate to the development as shown on drawing numbers RA039/02A and 03A.

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

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

4. Prior to the first occupation of each of the dwellings hereby permitted a hard surfaced parking area for two vehicles with access from Back Whalley Road shall have been formed within the rear curtilage to the satisfaction of the Local Planning Authority in accordance with the details shown on drawing number RA039/02A. Thereafter, two parking spaces and vehicular access to the spaces shall be permanently retained for each dwelling to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. The fencing and gates on the rear (east) boundary of the site shall not exceed 1.2m in height unless precise details of the design of any fencing above that height have first been submitted to and approved in writing by the Local Planning Authority. Any fencing above 1.2m high shall be permanently retained in accordance with the approved design unless the Local Planning Authority agrees in writing to any future amendments or alterations.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

NOTE(S):

1. The applicant is advised to ensure prior to the commencement of development that the proposed on-site parking spaces for each dwelling benefit from a legal right of way from Whalley Road across Back Whalley Road, as any failure to provide the required access and parking spaces would be liable to enforcement action in respect of a breach of condition number 4 of this planning permission.

APPLICATION NO: 3/2013/0004/P (GRID REF: SD 372592 436652)
PROPOSED ERECTION OF FOUR DWELLINGS (ALTERNATIVE SCHEME TO THAT APPROVED UNDER REFERENCE 3/2009/0807/P) AT ABBEY FARM, NETHERTOWN CLOSE, WHALLEY

PARISH COUNCIL: By letter dated 18 January 2013 the Parish Council expressed 'no observations' on this application. By letter dated 19 April 2013, however, the Parish Council objects to the proposal for the reason that the previous applications for development on this land kept within the boundary and footprint of the original barn structure. This renewal application is now proposing to build outside the originally approved development area. This amounts to a 72% increase and results in building on agricultural land. The impact of this extra building results in significant loss of amenities to adjacent properties. The Parish Council is strongly of the opinion that this is a new application, not a renewal, and is therefore subject to the full planning process.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): Initially had concerns about aspects of the proposal relating to the proposed number of parking spaces, the accessibility of some of the parking spaces, the width of the access track and the geometry of its junction with the carriageway of Nethertown Close. These matters have been addressed in amended plans received on 3 March 2013 and the County Surveyor has confirmed that he has no objections to the application as amended.

**ADDITIONAL
REPRESENTATIONS:**

Letters have been received from the owners/occupiers of three nearby residential properties in which objections are made to the application on the following grounds:

1. Noise nuisance due to cars passing close to the side wall of the adjoining single storey dwelling.
2. Statements in the application documents that the site already benefits from planning permission for four dwellings are inaccurate because the site in this current application is larger than in the previous applications. Therefore only three of the dwellings now proposed are on land that has the benefit of planning permission. The fourth dwelling should therefore be considered as new build outside the settlement boundary of Whalley and should be considered in relation to saved Local Plan Policy G5. The proposal does not fall within any of the types of development defined as permissible in the open countryside by Policy G5.
3. The now proposed plot 4 is to be built on agricultural land outside the footprint of the original barn when the previous proposed development was wholly inside that footprint. This represents over development of the site.
4. A two storey detached garage/annex at the rear of the house on plot 4 would be on elevated ground overlooking an existing neighbouring property.

Proposal

Full planning permission is sought for the erection of four dwellings in the form of one semi-detached pair and two detached two storey houses. Plot 1 would have an attached single garage; and a detached double garage would be shared by Plot 2 and 3. The largest dwelling and the largest curtilage is Plot 4 that also has a proposed two storey detached garage/annex building in its rear garden.

The dwellings on Plots 1, 2 and 3 would have an eaves height of approximately 5.5m and a ridge height of approximately 8.9m. The dwelling on Plot 4 would have an eaves height of approximately 5.4m and a ridge height of approximately 8.5m. The garage/annex building on Plot 4 would have an eaves height of approximately 3.6m and a ridge height of approximately 6.8m.

The dwellings would be constructed using natural stone to all four elevations with stone heads and cills to the windows. The detached garage and detached garage/annex would have stone front elevations with render to the other three elevations. The roofs of all buildings would be natural blue slate.

Site Location

The site comprises the site of a recently demolished agricultural building plus an area of adjoining agricultural land. It is located to the west of Mitton Road and forms part of the former Abbey Farm complex that no longer functions as a farm.

The site is adjoined to the north by dwellings at Nethertown Close that have been formed through the conversion of former agricultural buildings; to the south by a detached dwelling within a large curtilage that fronts Mitton Road; and to the west by agricultural land.

The site is outside the settlement boundary of Whalley within land designated as open countryside.

Relevant History

3/2005/0216/P – conversion of existing agricultural building to form two holiday lets. Approved with conditions.

3/2006/1015/P – conversion of existing agricultural building to form four holiday lets. Approved with conditions.

3/2009/0807/P – proposed demolition of existing agricultural building and replacement with four holiday cottages. Approved with conditions.

3/2012/0264/P – application for the removal of holiday occupancy condition to allow the units to be used as permanent residential dwellings. Approved.

3/2012/0586/P – Prior notification application for the demolition of the existing building. Approved.

3/2012/1069/P – application for the renewal of permission 3/2009/0807/P for the demolition of the existing agricultural building and its replacement with four holiday cottages. Approved.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 - Dwellings in the Open Countryside.

Policy ENV3 - Development in Open Countryside.

Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft Policy

DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMH3 – Dwellings in the Open Countryside.

Policy DME2 – Landscape and Townscape Protection.

National Planning Policy Framework (NPPF).

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in relation to this application relate to the principle of development, and the effects upon visual amenity, the amenities of nearby residents and highway safety. These matters are discussed below under appropriate sub-headings.

Principle of Development

In relation to the principle of the development, it is considered appropriate in this case to outline the recent planning history of the site.

Outline planning permission was granted on 18 December 2009 for the demolition of an existing agricultural building and the erection in its place of four holiday cottages in two stone built buildings, together with garden areas and parking. All of the proposed development was to be within the footprint of the building that was to be demolished.

An application (3/2012/0264/P) was submitted for the removal of the holiday occupancy condition attached to the outline permission in order to allow the units to be used as permanent residential dwellings. That application was considered in May 2012 in relation to the requirements of the relevant saved policies of the Local Plan and the advice contained within NPPF. It was concluded that the erection of four dwellings on the site as opposed to the originally approved four holiday lets was in accordance with the relevant saved policies and advice within NPPF and permission was therefore granted.

A prior notification application for the demolition of the existing building (3/2012/0586/P) was then approved on 30 July 2012. The building has since been demolished.

As no reserved matters application had been submitted in respect of the original outline permission, that permission would have lapsed on 18 December 2012 if a renewal application (3/2012/1069/P) had not been submitted prior to that date. Although seeking to renew a permission for four holiday lets, the previous removal of the restrictive occupancy condition meant that granting permission in respect of the renewal application would effectively be renewing a permission for the erection of four dwellings on the site.

Central Government advised the Local Planning Authorities in respect of renewal applications is clear that, where no material change in planning circumstances has occurred, a refusal to renew planning permission would be unreasonable. In this particular case, the saved Policies of the Local Plan that were applicable to the consideration of both the original application for the holiday lets and the application to remove the holiday occupancy condition remained applicable to the renewal application. The general requirements of those saved Local Plan Policies had, at the time of consideration of the renewal application, been carried forward in the equivalent policies in the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft. The proposal therefore remained in accordance with the applicable policies and it was also considered that the site is in a sustainable location such that the requirements of NPPF would also be satisfied. The renewal was therefore granted.

The effect of this planning history is that there is an extant planning permission for the erection of either four holiday lets or four permanent residential dwellings on a site comprising the footprint of the now demolished agricultural building.

Three of the dwellings proposed in this current full planning application would also be within that footprint. As there have been no changes in policies or guidance since the renewal permission was granted in January 2013, it is evident that the erection of those three dwellings remain totally acceptable in principle. The erection of four dwellings at this general location also, in my opinion, remains acceptable in principle.

The dwelling now proposed on Plot 4 is on a small parcel of land extending to the west of the original application site. The whole of the site, however, is outside the settlement boundary of Whalley, but was considered to be acceptable in principle for the erection of 4 houses. This was not solely because they were to be built on the site of a previously existing building but that the site was in a sustainable location and the development therefore complied with the requirements of NPPF. I therefore consider the construction of a dwelling on Plot 4 beyond the boundaries of the original application site to be acceptable in principle. The detailed considerations specific to Plot 4 will be discussed below.

Visual Amenity

The application relates to the erection of 4 dwellings (1 with an attached garage) a double garage shared between two properties and a detached 2 storey double garage/annex building on Plot 4. On the originally submitted plans, the dwellings, the garages and the annex building all had stone to their main front elevation with render to the other elevations. On the amended plans received on 6 March 2013, all four elevations of all four dwellings are to be in natural coarsed stone with stone heads and cills to the windows. The detached garage and the detached garage/annex building are still to have stone front elevations with render to the other elevations. The roofs of all buildings are to be natural blue slate. I consider the design and external materials of the buildings to be appropriate for locality.

Although Plot 4 extends beyond the western edge of the existing development at Nethertown Close, it does not extend as far west as the nearby dwellings to the north in Wittam Close and Wittam Road.

I do not consider that either by virtue of their precise location or their design and external materials, the proposed buildings would have any seriously detrimental effects upon the visual amenities of the locality.

Amenities of Nearby Residents

In relation to this consideration, it should be borne in mind that permission has been granted for four dwellings on part of the current application site, in the form of two semi-detached pairs of two-storey houses. The pair closest to Mitton Road is orientated with its rear elevation facing east towards Mitton Road with the other pair positioned at right-angles with its front elevation facing north towards Nethertown Close.

In this current application, all four dwellings have north facing front elevations and the dwelling on Plot 4 extends further to the west than the previously approved development. It is these changes that must be considered in relation to their effects upon the amenities of nearby residents.

The reorientation of the houses on Plots 1 and 2 mean that they now have their rear elevations facing the adjoining property to the south. There is a dense and high evergreen hedge on the boundary between the site and that adjoining property; and the northern gable elevation of that

neighbouring property (as opposed to a main front or rear elevation) is also approximately 14m away from that boundary. Through the combination of these factors it is not considered that this reorientation of the dwellings on Plots 1 and 2 would have any seriously detrimental effects upon the privacy or general residential amenities of that adjoining property to the south; nor would there be any detrimental effects upon the amenities of any other nearby dwellings.

As now proposed, the front of the dwelling on Plot 4 now faces the side elevation and across the rear garden of the adjoining two-storey dwelling to the north. Previously the dwellings on Plots 3 and 4 did not look over that neighbouring rear garden. This has been acknowledged in the internal room layout and window positions on the front elevation of the proposed dwelling. At the western end of that elevation there is a ground floor window to a study and two small windows at first floor level to an en suite bathroom. The agent has expressed agreement to a condition requiring these three windows to be fitted and permanently retailed with obscured glass. Subject to such a condition, I do not consider that the proposed amended location for the dwelling on Plot 4 would have any seriously detrimental effects upon the privacy of the adjoining property to the north.

The owner/occupier of that adjoining property has objected to the application but only on the grounds that the changed layout and position of Plot 4 would result in more vehicles passing down the side of her dwelling. On the original approved layout, however, there were 8 parking spaces in two rows of four spaces (ie tandem spaces) close to the side/front of her dwelling. The position and layout of those eight parking spaces would, in my opinion, have resulted in more vehicles manoeuvring close to her neighbouring property than would result from the amended location of the garage and driveway on Plot 4 in this current application.

The owner of the adjoining property on Mitton Road to the south of the site objects to the detached garage/annex on Plot 4 on the grounds that it would adversely affect his privacy. The garage/annex is on land behind the curtilage of that adjoining dwelling but it is not immediately behind the dwelling itself. The direct view from the rear windows of the neighbouring property would therefore not be obstructed and the proposed garage/annex would only be visible when looking at an angle out of those windows. Additionally, there are no windows proposed in the eastern end elevation of the garage/annex facing the neighbouring dwelling (and this could be retained in perpetuity by the imposition of an appropriate condition). Finally, there is a distance of approximately 33m between the proposed building and the rear elevation of the neighbouring property. I do not therefore consider that the proposed annex on Plot 4 would have any seriously detrimental effects upon the privacy or general residential amenities of that adjoining property.

Overall, I do not consider that the proposed development would have any seriously detrimental effects upon the amenities of any nearby residents.

Highway Safety

Following the receipt of amended plans that addressed concerns that he had initially expressed, the County Surveyor has no objections to this application. A condition will, however, be required to ensure the satisfactory provision and permanent retention of the garages, driveways and parking spaces.

Additional Matter

A Phase I Land Quality Assessment Report submitted with the application concludes that “due to the existing building being removed and the lack of contamination risk for the site, it is unlikely that any further contamination investigation is required”. On this basis the appropriate condition to impose would be one requiring appropriate action to be taken if contamination is suspected during construction works. Such a condition is included in the recommendation at the end of this report.

Conclusion

Although extending onto adjoining land, the proposal differs little from the extant permission with regards to its acceptability or otherwise in principle. With regards to detailed considerations, it is not considered that the development would have any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety. Overall, I can therefore see no sustainable objections to this application subject to appropriate conditions.

SUMMARY OF REASONS FOR APPROVAL

The proposed development relates to the provision of 4 dwellings in a sustainable location without any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

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

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

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

2. This permission shall relate to the proposed development as shown on the amended plans received by the Local Planning Authority on 6 March 2013 (drawing numbers WHA/01 Dwg 01B, 02A, 03C, 04C and 05).

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

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

4. Prior to the first occupation of any of the dwelling hereby permitted, their respective driveways, parking spaces and garages shall have been provided in accordance with the details shown on drawing number WHA/01 Dwg 04C. Thereafter these facilities shall be

retained permanently available for their designated purpose to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. The ground floor window to a study and the two first floor windows to an en suite shower room at the western end of the front elevation of the dwelling on plot 4 shall be fitted with obscured glazing, precise details of which shall be submitted to and approved in writing by the Local Planning Authority. The approved glazing shall be fitted prior to the first occupation of this dwelling and thereafter shall be retained in this manner in perpetuity unless the Local Planning Authority grants permission in writing for any alterations to the glazing in these windows.

REASON: In the interests of the privacy of the occupiers of a neighbouring property and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. No doors, windows or other openings shall at any time be formed in the south facing rear elevation or the east facing side elevation of the detached garage/annex building on Plot 4 unless a further planning permission has first been granted by the Local Planning Authority in respect thereof.

REASON: In the interests of the privacy of the occupiers of a neighbouring property and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

7. The garage/annex building on Plot 4 shall only be occupied as ancillary accommodation in association with the occupation of the main dwelling on this plot and shall not be used as an independent separate residential unit.

REASON: To comply with the terms of the application and because the provision of two separately occupied units on this plot could be injurious to the amenities of nearby residents and, as a result of insufficient parking provision, could be detrimental to highway safety. This would be contrary to Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

8. Prior to the first occupation of each of the dwellings, their curtilages shall have been defined by boundary walls, fences or hedges in accordance with precise details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and to provide a satisfactory level of amenity for the occupiers of the proposed dwellings in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

9. Once development works commence on site, should site operatives discover any adverse ground conditions and suspect that the ground may be contaminated, they should report this to the Contaminated Land Officer at Ribble Valley Borough Council. Works in that location shall then cease and the potential problem area shall be protected by fences, barriers and warning signs as appropriate. Sampling and analysis of the suspected contaminated materials shall then be carried out by a competent person and a report detailing the sampling methodologies and the analysis results together with details of remedial methodologies shall then be submitted for the written approval of the Local Planning Authority. Any approved remediation scheme shall be implemented prior to any further development works taking place and prior to occupation of the development.

In the event that no adverse ground conditions are encountered during site works and/or development, a verification statement shall be submitted to the Local Planning Authority prior to occupation of the dwellings confirming that no adverse ground conditions were found.

REASON: To ensure that the development does not cause pollution of ground or surface waters either on or off site and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

APPLICATION NO: 3/2013/0276/P (GRID REF: SD 874355 441977)
PROPOSED TWO SETS OF PROJECTING METAL 3D BOX SECTION LETTERS, 500MM LONG, 800MM WIDE AND TWO BOROUGH CRESTS, 100MM X 100MM FIXED TO THE FRONT AND SIDE ELEVATIONS AT RIBBLE VALLEY BOROUGH COUNCIL, COUNCIL OFFICES, CHURCH WALK, CLITHEROE

TOWN COUNCIL: No objections.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): Has no objections to the application as the signs are unlikely to affect the adjacent highway network.

ADDITIONAL REPRESENTATIONS: None received.

Proposal

This application relates to the scheme of corporate signage at the Ribble Valley Borough Council offices in Clitheroe. Most of the new signs on the exterior of the building have already been installed as they did not require Express Consent under the Advertisement Regulations. Such consent, however, is required, and is sought by this application for two identical signs to replace two existing signs.

The signs to be replaced both comprise individual black letters reading 'Ribble Valley Borough Council' in a single line. The first sign is on the wall of the building facing the main car park above the entrance to the staff parking spaces beneath the building. The second sign is on the side wall to the steps leading to the main entrance to the building facing Church Walk.

The replacement signs will both be non-illuminated and will be in similar locations to the existing signs. Each sign will comprise two elements as follows:

1. The Council crest on a 1m x 1m white background with white returns and print mounted to the face.
2. The words 'Ribble Valley Borough Council' in individual black letters arranged in two rows and positioned to the right of the Council crest. The letters would form a sign with overall dimensions of 3.5m wide x 0.8m high.

Site Location

The Council offices in Clitheroe town centre within the Conservation Area.

Relevant History

Although there have been previous planning applications relating to the Council offices, none are considered to be of any relevance to the consideration of this application for Advertisement Consent.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy ENV16 - Development Within Conservation Areas.

Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft

Policy DMG1 – General Considerations.

Policy DME4 – Protecting Heritage Assets.

National Planning Policy Framework (NPPF).

Environmental, AONB, Human Rights and Other Issues

The County Surveyor has confirmed that the signs would not have any effects upon highway safety. The signs are not to be illuminated and, in any event, there are no nearby residential properties to be in any way affected by the signs.

The only remaining consideration, therefore, relates to the effects of the sign upon the appearance of the building itself and the wider Conservation Area locality. The proposed signs are similar to those that they will replace but they will obviously be newer and more modern in appearance and will appropriately include the Council crest. In my opinion, the signs would not detract from the visual amenities of the locality but could be regarded as representing an improvement in relation to this particular consideration.

SUMMARY OF REASONS FOR APPROVAL

The proposed replacement signs would not have any detrimental effects upon visual amenity, the amenities of any nearby residents or highway safety.

RECOMMENDATION: That Advertisement Consent be GRANTED subject to the following condition:

1. This consent shall relate to the advertisement signs as shown on drawing number 2946-001 dated 7 March 2013.

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

APPLICATION NO: 3/2013/0285/P & 3/2013/0286/P (GRID REF: SD 360655 437331)
PROPOSED GARDEN FENCE, GATES AND OUTBUILDING AND REMOVAL OF EXISTING STORE AND CONIFERS AT SHARLEY FOLD FARM, DIXON ROAD, LONGRIDGE

TOWN COUNCIL: No objections based on the amended plans.

HISTORIC AMENITY SOCIETIES: No representations at the time of preparing this report.

ADDITIONAL REPRESENTATIONS AND STATUTORY ADVERTISEMENT: Request that any new wall should be constructed fully within its own specifically designed foundations and on the owners land.

Proposal

This proposal is for the creation of a garden fence and gateway and an outbuilding within the curtilage of Sharley Fold Farm, Longridge. The proposed timber fence measures approximately 2.4m high and the gateway is to have brick pillars of a similar height. The gateway would allow access from Fairsnape Avenue where there is an existing track adjacent to the properties at Bleasdale Court which allows entrance to the rear garden of Sharley Fold Farm. The replacement timber building measures approximately 4m x 8m and would have a shallow pitched roof with a maximum height of 2.4m. The location of the timber store building adjacent to a stone wall where there is an existing greenhouse and would back on to the car parking area associated with Sharley Fold.

Site Location

The property is located off Dixon Road in the Longridge Conservation Area. The property itself is a grade II listed building.

Relevant History

3/2012/0648/P – Listed building application. Withdrawn.

Relevant Policies

Planning (Listed Buildings and Conservation Areas) Act 1990.
National Planning Policy Framework – English Heritage Section.
Policy ENV20 - Proposals Involving Partial Demolition of Listed Buildings.

Policy ENV19 - Listed Buildings.
Policy G1 - Development Control.
Policy ENV13 - Landscape Protection.
Policy DME4 – Protecting heritage assets.

Environmental, AONB, Human Rights and Other Issues

The main considerations in relation to this application relate to whether the proposal would have on the residential amenity of adjacent dwellings as well as the impact the proposal would have on both the Conservation Area and the listed building.

In relation to the impact on residential amenity, there will be some perceived change with the removal of the conifers adjacent to properties No 7 and 8 Bleasdale court. It would provide less visual protection but the replacement fence at 2.4m would still allow sufficient safeguarding in terms of overlooking.

It is therefore important to emphasise that the key consideration relates to the effect the proposal would have on the character of the listed building and its environment as well as the Conservation Area.

The main impact on the character of the listed building in my opinion relates to the proposed shed which following negotiation from the previous application, has been relocated in order to create less intervisibility between the shed and the main dwellinghouse. I consider that the shed itself would be seen as a standalone building within the gardens of the listed building and not adversely affect the amenity considerations of the building itself. Equally important that the building is of a timber construction which could be easily removed and there is no need for any additional foundation work as it will be situated on existing paving. In relation to the loss of the conifers, although they offer an important element of greenery in the local environment, the proposal is different from the original application in that the conifers on the north east boundary are to be retained and it is those in which there may be some reference to in the Longridge Conservation Area Character Appraisal.

In considering this report, I am mindful of the duty of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in which it is requested to have special regard to the desirability of preserving the listed building, its setting and any future architectural or historic interest which it possesses. The Section 72(1) of the same Act also requires special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Similar guidance is enshrined in the National Planning Policy Framework.

In relation to the letter of concern, it has been confirmed that the wall on the south east elevation is not to be raised.

I am satisfied that the proposal itself would not have a significant impact on the setting of the listed building or its curtilage, nor be demonstrable to an element that would adversely harm the Conservation Area. On that basis, I am satisfied that subject to appropriate conditions that both planning permission and listed building consent can be granted.

SUMMARY OF REASONS FOR APPROVAL

The proposal would not adversely affect any residential amenity or be detrimental to the listed building or Conservation Area and its setting.

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

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

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

2. This permission shall relate to the development as shown on plan references 12-004/05/1; 12-004/05/2; 12-004/05/3 and 12-004/05/4 with the exception of the raising of existing brick wall on the south east boundary.

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

3. Notwithstanding the submitted details, precise specifications of all materials shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that materials to be used are appropriate to the locality in accordance with Policy G1 and ENV19 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME4 of Regulation 22 Submission Draft Core Strategy.

4. Prior to commencement of development precise details of the rear and side elevation of the proposed shed shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that materials to be used are appropriate to the locality in accordance with Policy G1 and ENV19 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME4 of Regulation 22 Submission Draft Core Strategy.

RECOMMENDATION 2: That Listed Building Consent be granted subject to the following conditions:

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

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

2. This permission shall relate to the development as shown on plan references 12-004/05/1; 12-004/05/2; 12-004/05/3 and 12-004/05/4 with the exception of the raising of existing brick wall on the south east boundary.

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

3. Notwithstanding the submitted details, precise specifications of all materials shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that materials to be used are appropriate to the locality in accordance with Policy G1 and ENV19 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME4 of Regulation 22 Submission Draft Core Strategy.

C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL

APPLICATION NO: 3/2013/0296/P (GRID REF: SD 368523 432599)
APPLICATION FOR THE VARIATION OF CONDITION NUMBER 3 (WINDOW GLAZING/OPENING) OF PLANNING PERMISSION 3/2011/0709/P AT 24 RIBCHESTER ROAD, WILPSHIRE

PARISH COUNCIL: No representations have been received at the time of report preparation.

ADDITIONAL REPRESENTATIONS: A letter has been received from an adjoining resident who objects to the application on the following grounds:

1. The window has already been opened on numerous occasions further than the 45° angle permitted by the condition. The condition was imposed to preserve some, albeit limited, privacy for myself and my family or indeed for any future occupiers of our property.
2. As the window has such a large opening, significant privacy issues have occurred making it embarrassing and uncomfortable for herself and her family, both inside and outside their house. They should not be expected to conduct their private lives around the opening of a neighbour's window but should be able to occupy their rooms and outdoor space whenever they wish, which, until this development, were relatively private without their neighbours looking straight down over them.
3. When the windows are open there have been problems in the past with noise emanating from the rooms causing a nuisance.
4. The applicants have fitted frosted glass as required but the privacy provided by this is immediately lost once the window is opened. Why did the applicants agree to the condition at the time of the original application if this issue would present such a problem to them? This would have been better addressed at the time.
5. I cannot see what is unsafe, risky and unreasonable about a restrictor in the circumstances. With regards to safety issues, the new window is only a few metres away from an existing front window that serves that bedroom and that window opens onto a flat roof. Surely a more convenient option would be to increase the size of the opener in the existing window to make it easier to exit.
6. For these reasons I ask you to reject this application and enforce compliance with the original condition. If the application is refused, I would expect the Council to make a site visit to ensure that the required alterations have been made to the windows.

Proposal

In order to describe the purpose of this current application, it is first necessary to describe the relevant planning history of this residential property.

A flat roof dormer extension was erected on the north-westerly facing roof slope in 2006 in accordance with a Building Regulations application that had first been submitted and approved. As that dormer extension, however, was classed as permitted development under the General Permitted Development Order 1995, no planning application was submitted or required.

Planning permission was, however, required for a subsequently proposed extension to that existing dormer. Such permission was sought by application 3/2011/0709/P. The windows to the proposed dormer extension were at first floor level, to the side elevation of the property and were to be clear glazed. Therefore, the development did not comply with Class B B.2 of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, hence the requirement for planning permission.

In terms of visual impact, it was considered that the scale, size and design of the proposed dormer extension was appropriate and would complement the existing dormer such that its visual impact upon the immediate locality would be minimal.

An adjoining neighbour objected to application 3/2011/0709/P on the grounds of loss of privacy due to overlooking from the windows of the dormer. Having visited the site, the case officer for that application noted that there would be the opportunity to overlook from the windows of the proposed dormer extension towards the amenity space of the neighbouring property, no 39 Somerset Avenue to the north, as well as directly into a first floor bedroom window to the southern elevation of that property. In the light of these concerns, and following a discussion with the applicant, it was agreed that an appropriate condition should be imposed on any permission in order to ensure that the bathroom window is obscure glazed in perpetuity and, due to the size and position of the bedroom window, this should also be obscure glazed (details of which were to have first been agreed by the Local Planning Authority) and that both windows should be fitted with restrictors limiting the degree of opening. Subject to such a condition, it was considered that the degree of overlooking and loss of privacy would be substantially reduced, and that the application could therefore be approved on that basis.

Permission was therefore granted subject to the standard conditions relating to the commencement of development within 3 years and compliance with the submitted drawings plus the following condition number 3 and its reason:

3. The windows serving the dormer extension to the north-western roof slope of the property which is the subject of this application shall be obscure glazed, details of which shall be submitted to, and agreed in writing, by the Local Planning Authority before development commences; and also fitted with restrictors limiting the degree of opening to not more than 45%. Thereafter they shall be maintained in that condition in perpetuity to the satisfaction of the Local Planning Authority.

REASON: In order to protect nearby residential amenity in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and the Council's SPG "Extensions and Alterations to Dwellings".

Having agreed with the case officer for application 3/2011/0709/P to the imposition of this condition, the applicant now considers the requirement of the opening restrictors to be “unsafe, risky and unreasonable”. Permission is now therefore sought for the variation of a condition by the removal of the requirement to fit restrictors to the windows limiting the degree of opening to not more than 45°.

The applicant has submitted a letter from a planning consultant in support of the application. The points made in that letter are summarised below:

1. The condition is not reasonable or enforceable as required by Circular 11/95 ‘the use of conditions in planning permissions’.
2. The condition is also ultra vires as defined in circular 11/95 as it conflicts with other regulatory controls, namely the building regulations and the applicant’s human rights with regards to his personal safety.
3. The condition is not necessary as it has a limited impact on amenity by way of overlooking/privacy.
4. If the windows are fitted with restrictors that are ‘over rideable’ this might be compliant with the building regulations but would fall foul of the planning condition as the windows could then be opened by more than the 45°. However, if the condition was amended in this way, it would conflict with the ‘enforceability’ test for a condition set out in 11/95.
5. Over rideable restrictors would not be acceptable to the applicant in any event as they would compromise the safety of himself and his family in the event of fire and would not be considered to be ‘reasonable in all other respects’ as required by test 6 of the Circular.
6. The condition is not necessary because prior to this development, the existing dormer on the application site contained a bedroom window which was directly facing the same neighbouring property with no conditions restricting the glazing/opening as it has been built as permitted development. The enlarged dormer with the additional bedroom window is no closer and is not considered to result in an increased level of overlooking. The condition is also considered to be unnecessary as the 45o opening that was deemed necessary to preserve residential amenity already provides an unobstructed view of the first floor bedroom windows and the ground floor rooms of the relevant adjoining property as well as part of the garden.

Site Location

The application relates to a detached dwelling which has a front elevation facing The Hawthorns and a rear elevation facing Ribchester Road within the settlement of Wilpshire.

The dwelling is adjoined to the southeast by another detached dwelling with similar orientation. To the northwest, the property is adjoined by the rear elevation and rear gardens of two detached houses that face Somerset Avenue.

The application relates to a dormer window on the north-western side elevation of the property which faces those properties in Somerset Avenue.

Relevant History

3/2011/0709/P – Proposed dormer extension to north-westerly elevation of property to provide a bedroom and en suite bathroom. Approved with conditions.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy H10 - Residential Extensions.

Supplementary Planning Guidance: Extensions and alterations to dwellings.

Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft

Policy DMG1 – General Considerations.

Policy DMH5 – Residential and Curtilage Extensions.

Environmental, AONB, Human Rights and Other Issues

In the determination of application 3/2011/0709/P it was considered that the proposal would have detrimental effects upon the privacy of an adjoining dwelling on Somerset Avenue if the windows in the proposed dormer were to be clear glazed and capable of being fully open. The application could therefore have been refused due to the harm caused to the privacy of adjoining residents.

Rather than refuse the application however (and with the agreement at the time of the applicant) it was decided to address this potential harm to privacy by the imposition of condition number 3 on the planning permission.

The planning consultant advising the applicant has claimed that the condition is ultra vires as it conflicts with the Building Regulations. I am advised that the fitting of such restrictors is not contrary to the Building Regulations if the restrictor is “over rideable” in the event of an emergency. The condition does not state that the restrictor cannot be “over rideable” therefore it is not in my opinion an ultra vires condition. The condition is enforceable because it would only require a visit to be made to the property to see if the required opening restrictor had been fitted to the windows.

The condition was considered to be necessary for the legitimate planning reason of protecting the privacy of adjoining residents. It is considered to be a legitimate and enforceable condition.

Notwithstanding the supporting letter, I remain of the opinion that the condition is still appropriate.

This application to vary the condition can only be determined with regards to the relevant planning consideration relating to the privacy of adjoining residents. At the time of determination of the original application, it was considered that the harm to the neighbours’ privacy would be so significant as to represent a sustainable reason for refusal of the application unless condition number 3 was imposed. The relationship between the two properties has not in any way changed since that original decision was made. The requirement to pay regard to the privacy of neighbouring residents within saved policies G1 and H10 of the Local Plan and within the Supplementary Planning Guidance: Extensions and Alterations to Dwellings are effectively carried forward into Policies DMG1 and DMH5 of the emerging Core Strategy. The

planning considerations to be made in relation to this request to vary the condition are therefore exactly the same as the considerations that resulted in the imposition of the condition in the first place.

On that basis it is recommended that the application be refused due to the harm that would be caused to the privacy of an adjoining property if the condition was to be varied in the manner requested.

RECOMMENDATION: That planning permission be REFUSED for the following reason(s):

1. The variation of the condition by the removal of the requirement to fit restrictors to the windows to limit the degree of opening to not more than 45% would be seriously detrimental to the privacy of the occupiers of an adjoining property contrary to the requirements of saved policies G1 and H10 of the Ribble Valley Districtwide Local Plan, the Supplementary Planning Guidance: Extensions and Alterations to Dwellings, and the requirements of Policies DMG1 and DMH5 of the Core Strategy 2008 to 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

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

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2012/0423/P	Proposed new slurry lagoon (retrospective)	Withgill Farm, Withgill Fold Withgill, Clitheroe
3/2012/0910/P	Proposed change of use of land for the siting of 15 new static holiday caravans in place of the storage area which will be relocated	Bridge Heywood Caravan Park, Dunkirk Farm Whalley Road Read
3/2012/0977/P	Proposed change of use – the provision of an ‘on-site’ residential accommodation for the applicant, and integrated single storey double garage, wood fire boiler and store	Northcote Stud Northcote Road, Langho
3/2012/1070/P	Proposed storage of hazardous substance consent in connection with items falling within Parts A, B and C of Schedule 1 of the 1992 Regulations	Samlesbury Aerodrome Myerscough Road Balderstone
3/2012/1110/P	Proposed extension of dwelling into adjoining barn, conversion of outbuildings into one dwelling and erection of ménage and stables	Quarry House Tosside
3/2013/0009/P	Erection of kitchen extension, utility store (retrospective) and extension to car park from 48 spaces and 4 disabled spaces to 74 car parking spaces and 8 disabled spaces	The Sanctuary of Healing Dewhurst Road Langho
3/2013/0051/P	Restoration of former cottages to create one, three bed dwelling house with attached garage, garden room and walled parking area	Cottages Top Row Sabden
3/2013/0087/P	Discharge of condition for materials, diversion of culverted water course, ground investigation, method statement and tree constraint plan and access and highway improvements relating	Clitheroe Hospital Chatburn Road Clitheroe
3/2013/0089/P	Two storey extension to the side and sunroom to the rear (resubmission)	16 Hawthorne Place Clitheroe
3/2013/0102/P	Two storey rear extension to the property	29 Eastfield Drive West Bradford
3/2013/0104/P	Retrospective application for the erection of a timber post and rail with vertical board fence (amended resubmission of application 3/2012/0737/P)	2 St Denys Croft Pimlico Road Clitheroe

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0107/P	Proposed construction of a conservatory	Foxcroft, Whalley Road Billington
3/2013/0132/P	Proposed pumping station, rising main and surface water outfall ancillary to proposed residential development to land at Preston Road Longridge – Outline Planning Permission 3/2011/0316/P	Preston Road Longridge
3/2013/0134/P	Application for an amendment to planning permission 3/2010/0632 for formation of new window openings on North and East elevation and lowering of window sill on East elevation	Stocks House Hellifield Road Bolton By Bowland
3/2013/0143/P	Proposed non-illuminated fascia sign and 1no. non-illuminated projecting sign to the front elevation to replace existing	Barclays Bank Plc 67 King Street Whalley
3/2013/0146/P	Proposed extension to kitchen and rear of property and creation of garden room; creation of utility room/W.C. to the rear of the garage; creation of new dormer window to front of property - master bedroom and extension of dormer window to bathroom at rear of property	35 The Hazels Wilpshire
3/2013/0153/P	Outline application for a new dwelling in the curtilage of existing dwelling	1 Durham Avenue, Wilpshire
3/2013/0056/P & 3/2013/0057/P	Internal alterations	Abbey Croft 2 The Sands, Whalley
3/2013/1062/P & 3/2013/0163/P	Planning permission and listed building consent for a small link building and the conversion of workshop into habitable space	Black Hall Farm Garstang Road Chipping
3/2013/0165/P	Proposed extension to the side replacing existing garage with, garage, utility and study	40 Moorfield Whalley
3/2013/0167/P	Single storey rear extension	5 Oakway Longridge
3/2013/0172/P	Proposed porch to front of property rendered on the outside to match the existing and with slate roof	7 Highfield Road Clitheroe
3/2013/0195/P	Proposed slated roof to existing single storey rear extension to replace flat felted roof. Refacing front elevation in natural stone to replace existing brick outer leaf	2 Ribblesdale Place Osbaldeston Lane Osbaldeston
3/2013/0196/P	Proposed demolition of the existing rear conservatory and the erection of a single storey rear extension. Alterations to the internal layout of the garage/utility room to form a spare room, WC, utility and workshop/store. A new pitched roof will be	12 Whittam Road Whalley
Cont/		

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
Cont...	extended over the rear end of the existing garage/utility and the walls/roof brought up to current regulations	
3/2013/0198/P	Proposed single storey rear extension and replacement garage	13 Langdale Avenue Clitheroe
3/2013/0200/P	Proposed rear conservatory to the property	49 Fairfield Drive Clitheroe
3/2013/0209/P	Proposed change of use of Unit 6 from Class B1 to Class D2	Unit 6 90 Berry Lane, Longridge
3/2013/0210/P	Proposed extension to existing covered roof area for to create a manure store and new covered area over existing sheep handling area	Birchen Lea Farm Leagram Chipping
3/2013/0211/P	Proposed two-storey rear extension and 4sq.m PV Solar Thermal Panels on the South East elevation. Re-submission of 3/2012/1056	2 Cardigan Close Clitheroe
3/2013/0212/P	Proposed replacement two-storey dwelling following demolition of the existing bungalow. Re-submission of refused application 3/2012/0552/P	Shay Cross Old Back Lane Wiswell
3/2013/0223/P	Installation of drop kerb and hard standing	62 Padiham Road Sabden
3/2013/0226/P	Non-material amendment to application 3/2010/0944/P to provide a front (south-eastern) porch	Pennine View Bleasdale
3/2013/0232/P	Removal of existing pews to form one large open space. Alterations relocation of existing pulpit to side wall	Chipping Congregational Church, Club Lane Chipping
3/2013/0233/P	Loft conversion and formation of French door opening in gable wall	31 Bolland Prospect Clitheroe
3/2013/0234/P	Renewal of planning permission 3/2010/0021/P - Proposed single storey link/garage extension and loft conversion	Oak Barn, Norcross Farm Hothersall Lane, Hothersall
3/2013/0235/P	New glazing and sliding doors to front elevation	Bay Horse Garage Ltd Longsight Road Osbaldeston
3/2013/0238/P	Application for the approval of details reserved by condition no. 3 of planning permission 3/2012/0848/P	Huntroyde Home Farm Huntroyde West Whins Lane, Simonstone
3/2013/0240/P	Proposed window in side elevation. Re-submission of 3/2012/0970	4 Park Mews Gisburn
3/2013/0241/P	Demolition of existing outbuildings and section of boundary wall, and construction of new garage building	38 Townend Farm Longridge Road Chipping
3/2013/0242/P	Non-material amendment to 3/2013/0061. Omission of extension to South West elevation (area of Kitchen on 4316-07A)	31 Mellor Brow Mellor
Cont/		

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
Cont...	formation of sliding/folding door opening to south west elevation (area of sitting area on 4316-07C)	
3/2013/0248/P	Proposed single storey side and rear extensions and new roof to existing attached double garage	The Nook, Snodworth Road Langho
3/2013/0250/P	Demolition of current extension and erection of replacement extension to be rebuilt to modern standard	150 Whalley Road Clitheroe
3/2013/0255/P	Two storey side extension	3 Chapel Hill Farm Cottages Lower Lane, Longridge
3/2013/0256/P	Application for the discharge of condition no.3 (materials) and condition no.4 (method statement) of planning permission 3/2012/1104P	Cherry Tree Cottage Orchard Cottages Waddington
3/2013/0257/P	New fascia featuring 2no 'Maserati logos and 'Bowker Ribble Valley'. Maserati Logo to feature back lights	Bay Horse Garage Ltd Longsight Road Osbaldeston
3/2013/0263/P	Proposed replacement trolley bay from metal framed to wooden framed ones and new timber cladding applied to the side of the entrance area. Proposed relocation of two fire exit doors and new cladding applied to the front of the ATM	Tesco Duck Street Clitheroe
3/2013/0265/P	Application to discharge condition no.3 (materials) of planning permission 3/2012/1068P	16 Whins Avenue Sabden
3/2013/0269/P	Application to discharge condition number 3 (Materials), condition number 5 (Construction Method Statement), condition number 10 (Noise Insulation Measures), condition no 11 (Acoustic Fence Details) and condition number 15 (Landscaping Details) of planning permission 3/2012/0219/P	Altham Pumping Station Burnley Road Altham
3/2013/0326/P	Application for a non-material amendment to planning permission 3/2012/0918/P to allow the West wall of the Garden Room to be constructed in natural stone (as the North and East elevations) instead of the painted render on the approved plans	Cross House Broad Lane Whalley
3/2013/0332/P	Application for the discharge of a planning obligation relating to planning permission 3/2001/0755/P and revoke planning permission 3/2000/0890/P	Burons New Laithe Horton-in-Craven
3/2013/0337/P	Application for a non-material amendment to planning permission (reserved matters) 3/2012/0629P, to amend detached house	Chapel Close Low Moor Clitheroe
Cont/		

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
Cont...	driveways to 4.8m wide to ease parking congestion on the site roads at land	
3/2013/0343/P	Application for non-material amendment to planning permission 3/2012/0154, to move one of the Velux windows to the front of the extension	Alder House Alderford Close Clitheroe
3/2013/0344/P	Application for the discharge of condition 4 (tree protection measures) of planning permission 3/2012/0821/P	Nook House Farm Longsight Road Clayton-le-Dale

APPLICATIONS REFUSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2013/0062/P	Replacement of two existing wood panel garages with a new build brick and block garage. Part retrospective application for the installation of a flue outlet to rear slope on the existing garage	3 Larkhill Cottages Old Langho	Contrary to Policy G1 of DWLP and Policy DMG1 of RVCS.
3/2013/0108/P 3/2013/0109/P	Formation of a car park for use by hotel guests	Eaves Hall Moor Lane West Bradford	Harmful to character of the listed building because the car park would be incongruous, conspicuous and visually intrusive within the designed landscape. Contrary to Policies ENV19, ENV20 and G1(a) of RVDLP, Paragraph 17 and 131 NPPF and Policies DME4 and DMG1 of the RV(Reg 22)CS.
3/2013/0208/P	Application for the removal of condition no. 3 of planning consent 3/2010/1023/P, to allow the holiday let to be used as permanent residential accommodation	Higher Mill Farm Mill Lane Slaidburn Road Waddington	The site is in a predominantly rural location, and the development of the site in principle would therefore not be in accordance with the
Cont/			

Cont...

			<p>NPPF presumption in favour of sustainable development. Contrary to guidance within Local Plan Policies G1, ENV1, H2, H15 and H23, and guidance within the NPPF – unsustainable location for the creation of a new dwelling.</p>
3/2013/0227/P	Proposed bedroom extension over the garage	The Farmhouse Dean Top Whalley Road Simonstone	DWLP – policies G1, H10, SPG – RVCS – policies DMG1 and DMH5 - Scale, design, massing – detrimental to visual amenity and property itself.
3/2013/0244/P	Repairs and refurbishment of existing dwelling	Bell Sykes Farm Catlow Road Slaidburn	The proposals would be unduly harmful to the character (including fabric and setting) and significance of the listed building because of the unjustified removal and alteration of important historic fabric. This is contrary to Policies ENV20 and ENV19 of the Ribble Valley Districtwide Local Plan, Policy DME4 of the Ribble Valley Core Strategy Regulation 22 Submission Draft and the National Planning Policy Framework paragraphs 126 and 131 (desirability of sustaining and enhancing the significance of heritage assets).

CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0207/P	Application for a Lawful Development Certificate for the proposed erection of gates to be less than 1m high	Huntroyde Hall West Whins Lane, Simonstone

CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR ACTIVITY IN BREACH OF PLANNING CONDITION

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0179/P	Application for a Lawful Development Certificate for an existing use. Connected sheds for domestic ancillary use	2 Pendle View Brockhall Village, Langho

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0141/P	Change of use of barn to dwelling and erection of detached garage	Eatoughs Farm Fleet Street Lane Ribchester
3/2013/0142/P	Two floor mounted air conditioning condenser units to the rear	Barclays Bank 67 King Street, Whalley
3/2012/0175/P	Two storey and single storey extensions and proposed drive	Glenlivet, Straits Lane Read
3/2013/0180/P	Retrospective application for decking in the rear garden	2 Pendle View Brockhall Village
3/2013/0199/P	Change of use of ground floor from commercial to residential use to form one two-bed unit	27-29 Bawdlands Clitheroe
3/2013/0214/P	New slurry lagoon	Over Hacking Farm Stonyhurst
33/2013/0213/P	Two storey side extension and single storey rear extension to existing detached dwelling including internal alterations	5 Abbot Walk Clitheroe
3/2013/0136/P	New 4 bed attached house on side of property on garden area in lieu of approved two-storey extension	2 Halton Place Longridge

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0065	Land off Dale View Billington	24/5/12	12	With applicants solicitor
3/2012/0014	Land adj Greenfield Avenue Low Moor, Clitheroe	19/7/12	30	With Agent

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0379	Primrose Mill Woone Lane Clitheroe	16/8/12	14	Deed of Variation Applicants solicitor
3/2012/0497	Strawberry Fields Main Street Gisburn	11/10/12	21	With Agent
3/2012/0420	Land North & West of Littlemoor Clitheroe	8/11/12	49	With Legal/Planning
3/2012/0617	Land off Clitheroe Road Barrow	8/11/12	7	Approved
3/2012/0179	Land at Accrington Road Whalley	6/12/12	77	With Agent
3/2012/0738	Dale View Billington	6/12/12	10	With Legal
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	6/12/12	57	With Agent
3/2012/0964	Land to the north of Whalley Road Hurst Green	14/3/13	30	With Legal
3/2012/1101	The Whins Whins Lane Read	11/4/13	16	With Planning
3/2013/0113	Petre Wood Crescent Langho	11/4/13	25	Negotiations ongoing with agent
<u>Non Housing</u>				
3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures Lancashire County Council to draft 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>
3/2011/0300 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	-	09/04/13	Waiting for 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>
3/2011/0025 O	25.6.12	J-J Homes LLP Outline planning application for residential development (ten dwellings) Land off Chatburn Old Road Chatburn	—	Procedure has now been changed – appeal will be dealt with via a Public Inquiry, date 12.03.13	Appeal allowed 19/04/13 Costs application refused 24/04/13
3/2011/1032 D	19.11.12	Mr Peter Street Proposed 'Log Cabin' style holiday lodges Whins Lodge Whalley Old Road Langho	WR	—	Appeal dismissed 26/03/13
3/2012/0831 D	13/12/12	Mr J Harding and Ms C Britcliffe 29 Moor Lane, Clitheroe	WR	-	Appeal dismissed 16/04/13
3/2012/0637 Undetermined	07/01/13	Mr Andrew Taylor, David Wilson Homes, land to the south of Mitton Road, Whalley	Inquiry	15/05/13 (7 days)	Waiting for Inquiry to take place
3/2012/0843 D	07/01/13	Paddy Power plc, Whiteside Bakery, 10 Market Place, Clitheroe	WR	-	Notification letter sent 8/1/13 Questionnaire sent 21/01/13 Statement sent 15/2/13
3/2012/0630 Undetermined	22/01/13	land SW of Barrow and W of Whalley Road, Barrow	Inquiry	4/6/13 (8 days)	Waiting for Inquiry to take place
3/2012/0478 and 0479 Undetermined	23/01/13	28 Church Street Ribchester	WR		Notification letter sent 31/01/13 Questionnaire sent 05/02/13 Statement sent 15/03/13
3/2012/0723 R	25/01/13	site of former stable, Trapp Lane, Simonstone	WR		Notification letter sent 01/02/13 Questionnaire sent 06/02/13 Statement sent 07/03/13

<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>
3/2012/0526 R	01/02/13	Laneside Farm Pendleton	Changed to Hearing		Notification letter sent 11/02/13 Questionnaire sent 11/02/13 Statement sent
3/2012/0526 R	27/03/2013	Laneside Farm Pendleton	Costs		
3/2012/0089 R	15/02/13	Lanshaw Barn Woodhouse Lane Slaidburn	WR		Notification letter sent 26/2/13 Questionnaire due 01/03/13 Statement sent 29/03/13
3/2012/0402 R	18//2/13	Mason House Farm Clitheroe Road Bashall Eaves	WR		Notification letter sent 25/02/13 Questionnaire sent 25/02/13 Statement due 01/04/13
3/2012/0862 R	13/02/13	Fell View Barnacre Road Longridge	WR		Questionnaire and notification sent 22/2/13 Final comments sent 25/04/13
3/2012/0327 Application for award of costs against RVBC	27/02/13	land to the east of Clitheroe Road (Lawsonsteads) Whalley	Costs		Applicant's application for costs is successful and a full award of costs is being made against RVBC
3/2012/0938 R	11/03/13	26 Waddow Grove Waddington	HH		Appeal dismissed 16/04/13
3/2012/0729 R	13/03/13	Dog & Partridge Tosside	WR		Notification sent 21/03/13 Questionnaire sent 03/04/13

<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>
3/2012/1088 R	28/03/13	8 Church Brow Clitheroe	LB		Notification sent 08/04/13 Questionnaire sent 09/04/13
3/2012/0913 R	28/03/13	land off Waddington Road Clitheroe	Inquiry		Notification sent 11/04/13 Questionnaire sent 15/04/13
3/2012/0723 Application for award of costs against RVBC	09/04/13	site of former stable, Trapp Lane, Simonstone	Costs		
3/2012/0792 R	30/04/13	Hodder Bank Stonyhurst	WR		Notification sent 07/05/13 Questionnaire sent 07/05/13
3/2012/1079 R	26/04/13	79 King Street Whalley	WR		Notification sent 07/05/13 Questionnaire due 17/05/13
3/2012/0972 R	23/04/13	Shays Farm Tosside	WR		Notification sent 24/04/13 Questionnaire sent 24/04/13
3/2012/0539 R	25/04/13	Carr Hall Home and Garden Centre, Whalley Road, Wilpshire	Hearing		Notification sent 30/04/13 Questionnaire sent 8/05/13
3/2013/0099	Awaiting confirmation from Inspectorate	land to the west of Whalley Road, Barrow			

LEGEND

D – Delegated decision
C – Committee decision
O – Overturn