

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

Agenda Item No

meeting date: THURSDAY, 26 SEPTEMBER 2013
 title: PLANNING APPLICATIONS
 submitted by: DIRECTOR OF COMMUNITY SERVICES

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION NO: 3/2013/0014/P (GRID REF: SD 373139 441549)
 OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT INCLUDING
 DETAILS OF THE MEANS OF ACCESS TO THE LAND. LAND ADJACENT TO ST PAUL'S
 CHURCH, EDISFORD ROAD, CLITHEROE, LANCASHIRE

CLITHEROE TOWN
 COUNCIL:

The Town Council (TC) wish to provide the following comments on this proposal. Whilst they have no objection in principle to the application, they are disappointed that the proposal is to construct eight properties, whereas the original scheme was for nine. This means there is no longer a requirement for 'Affordable' housing. In addition, the TC is unhappy with the proposal to provide access to the development site directly from Edisford Road, as they consider that the access should be from St Paul's Terrace.

ENVIRONMENT
 DIRECTORATE
 (COUNTY SURVEYOR):

No objection in principle to this application.

Lancashire County Council has recently rejected a claimed footpath along the rear of the site however the claimant has submitted an appeal against this decision. The Highways Officer has requested that pedestrian access should be provided through the existing gate in the Edisford Road frontage at the eastern end of the site, and that provision be made for pedestrian access onto the claimed footpath (if an appeal is successful).

UNITED UTILITIES:

No objection to the proposal subject to conditions.

ADDITIONAL
 REPRESENTATIONS:

Seventeen letters from nine households have been received in respect to this application, and the following points of objection have been raised:

1. The development will harm the character and appearance of the area to an unacceptable degree,
2. The scheme will spoil a very pleasant visual amenity so close to the town,
3. The scheme has not changed since the previously refused schemes on the site, which were dismissed on Appeal,

4. Increased traffic and parking in the vicinity since these previous schemes have made the situation worse,
5. Highway safety issues surrounding the proposed access,
6. Flooding issues on Edisford Road will be exacerbated by the proposed development of the site
7. Concerns regarding the legality of the application by the Diocese of Blackburn – a number of objectors believe the land to be bequeathed to the people of Low Moor,
8. Insufficient infrastructure in the area (health and education) to cope with more housing,
9. Impact upon the setting of St Pauls Church,
10. Visual impact upon the approach to Clitheroe,
11. Reasons for dismissing the appeals in 1976 and 1991 still ring true today,
12. Sight lines will be impaired by cars parked on Edisford Road,
13. Proposal will not be attractive to 'all' as noted in the Design and Access Statement,
14. The scheme will have some impact upon the important protected trees on site, due to the location of the buildings close to the roots,
15. Increase in noise,
16. Loss of privacy,
17. No justification for more houses,
18. Loss of view, and
19. Impact on house prices.

Proposal

Outline planning permission is sought for residential development on land adjacent to St Paul's Church, Edisford Road, Clitheroe. Approval of details relating to the access onto the site is sought, with all other matters reserved. The Agent has provided a detailed indicative layout for the site along with scale parameters for the eight dwellings proposed on site. During on-going discussions with the Agent, the layout plan has been subject to negotiations and the amended plans now indicate the provision of five, four bedroom, two storey detached properties and three, two bedroom, dormer bungalow properties on the site. Whilst the layout and scale remain reserved matters, the development of the site has been assessed using the details outlined on the amended plans dated 9th of August 2013.

Site Location

The triangular piece of land subject to this proposal lies to the west of St Paul's Church, Edisford Road, Clitheroe. The site sits between Edisford Road, St Paul's Church, St Paul's Church Vicarage and Beech Grove Residential Care Home. The northern corner of the site is currently home to a disused scout hut that sits on an area of hardstanding. The remaining land within the red edge is let to a local farming for the grazing of animals.

Relevant History

3/2011/0878/P – Prune horse chestnut tree – Approved.

3/1990/0520/P – Proposal for the erection of 8 dwellings – Refused (Dismissed on Appeal).

3/1975/0608/P – Proposed residential development of 30 units – Refused (Dismissed on Appeal).

Relevant Policies

National Planning Policy Framework.
Policy G1 - Development Control.
Policy ENV3 – Development in the Open Countryside.
Policy ENV7 – Species Protection.
Policy ENV13 – Landscape Protection.

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

Policy DMG1 – General Considerations.
Policy DME2 – Landscape and Townscape Protection.
Policy DME3 – Site and Species Protection and Conservation.
Key Statement EN2 – Landscape.
Addressing Housing Need in Ribble Valley.
CIHT document ‘Providing Journeys on Foot’.
CIHT document ‘Guidelines for Planning for Public Transport’.
BS5837 Trees in Relation to Demolition, Design and Construction.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application involve an assessment of the application in relation to the currently applicable housing policy, the creation of a new access onto Edisford Road and its subsequent impact on highway safety, the effects of the development on visual amenity given the likely scale of the development and the potential impact on the amenities of nearby residents. As the scheme proposes the development of the site with eight residential units on, there is no requirement for a percentage of these to be ‘Affordable’.

PRINCIPLE OF THE DEVELOPMENT

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

Where the development plan is absent, silent or relevant policies are out of date, granting permission unless

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
- *specific policies in this framework indicate development should be restricted.*

The NPPF that advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable guidance. As at 31st July 2013, using the Residual method, Ribble Valley can currently demonstrate a 6.83 year supply of housing including a 10% allowance for slippage. Using the Sedgfield method, Ribble Valley can

currently demonstrate a 5.69-year supply of housing including a 10% allowance for slippage. There are no provisions within the NPPF to advocate resisting development 'in principle' once a five year supply of deliverable sites is achieved. Members must bear in mind that a number of the policies of the Local Plan are now considered to be out of date (in particular the settlement strategy) and thus the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits is at this time the over riding consideration. In assessing this application therefore it is important to look at the component parts in turn having regard to the above considerations as follows.

The NPPF outlines that there are three dimensions to sustainable development – economic, social and environmental and these give rise to the need for the planning system to perform a number of roles. In terms of an economic role NPPF comments that LPA's should ensure that sufficient land of the right type is available in the right places and at the right time and also identify and co-ordinate development requirements including the provision of infrastructure. A social role is ensured by providing the supply of housing required to meet the needs of present and future generations and an environmental role by contributing to protecting and enhancing the natural, built and historic environment. Having carefully assessed the proposal against these it is considered that the development would accord with the requirements of the NPPF, including that within paragraph 50 of the NPPF that advises that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as older people/people with disabilities).

The site lies on the edge of the settlement boundary of Clitheroe, defined previously in the Districtwide Local Plan, within land designated open countryside. The site is an acceptable distance from the town centre, local amenities and services (less than 200m walk from the school), and is within 20m of the bus stops that provide a number of direct service routes to Clitheroe, Longridge and beyond (all within acceptable standards when measured against the CIHT document 'Providing Journeys on Foot' and the CIHT document 'Guidelines for Planning for Public Transport'). Therefore having examined the potential development as submitted under this application it is considered that being of a scale that is not inappropriate to the locality, subject to supporting infrastructure, it is concluded that the development of this site for residential purposes as a principle would be consistent with the National Policy Framework, and at the scale proposed the principles of the emerging Core Strategy together with relevant material consideration that the Council must currently take into account.

VISUAL IMPACT OF DEVELOPMENT ON THE SITE

Whilst the proposal is in Outline form all matters other than the access reserved, the visual impact of developing the site for housing is still a material consideration. Visually any development of this site will affect the streetscene as it is currently an open field with trees protected by Preservation Orders in, and a high stonewall facing Edisford Road encloses it. The site currently allows partial views of the spire of St Paul's Church when driving up Edisford Road into Clitheroe, interrupted by the existing protected trees that are positioned close to Edisford Road. In order to refuse a development the significant visual harm of the proposal must be demonstrated and be sufficient enough to outweigh the requirement for new homes within the borough. The amended plans presented to the Committee have been the subject of on-going negotiations for a number of months. The indicative layout proposed highlights the erection of three low key and low impact dormer bungalows to be positioned close to the boundary with St Paul's Church and five two storey detached properties on the rest of the site.

The dwellings and their garages have been positioned to be outside of the Root Protection Areas of the protected trees (as calculated by the formula within the BS5837 standards - Trees in Relation to Demolition, Design and Construction) and will be accessed off via a single vehicular access point from Edisford Road. Other than the opening to be created for the new access, the existing boundary wall will be retained in situ. Having visited this location a number of times and assessed the proposal in relation to the size of nearby properties and their garden areas, I am now satisfied that the scale parameters indicated within the design and access statement would allow a development of a suitable height and massing on the site without being to the visual detriment of the area or the detriment of the amenity of the occupiers of the dwellings opposite. The minimisation of the visual impact of the development of this site is further supported by the retention of the existing trees both on and off the site, as they provide a strong 'green' visual screen when viewed from numerous viewpoints along Edisford Road. On this basis, I am satisfied that the visual impact of the scheme will be suitably mitigated, and on this basis I consider that the development of the site will have an acceptable visual impact at this particular location.

IMPACT OF THE DEVELOPMENT ON PROTECTED TREES ON SITE

Despite the proposed dwellings being positioned outside the Root Protection Area (RPA) of the protected trees (as calculated by the formula within the BS5837 standards - Trees in Relation to Demolition, Design and Construction), the Council's Countryside Officer wishes to raise the following comments in relation to this scheme.

All the trees are included in the St Paul's TPO no. 7 1975 and make a significant contribution to the visual amenity value to the tree-scape, street scene and landscape character of the area and are therefore of visual amenity value to the locality. In order to secure their long-term survivability it is important that all of the trees are given the maximum root protection area possible. The diocese commissioned a visual tree inspection of the chestnut tree [T1 in the order] in 2006 and asked the local authority to consider a request to remove the tree. However as the tree is protected, prominent and of some age, it was felt necessary to arrange for a more detailed tree assessment. The results of the in depth assessment indicated that the tree could be retained but would require some tree work to the upper crown. Following a subsequent climbing inspection commissioned by the diocese, the applicant made a recommendation for the trees removal. Following consultations with Phil Harris, Bowland Tree Consultancy, Adam Taylor, Taylor Tree Surveys & Roy Cattermole, Tree Contracting Services, an independent assessment was commissioned that went into greater depth than the one originally submitted. The assessment was carried out by Simon Holmes, Tree Surveys and included the use of a Picus Sonic Tomograph, a Resistograph test, a Chlorophyll Fluorescence analysis and water pressure test. The conclusion was that the tree could be retained albeit with a slight crown reduction and would require a substantial root protection area.

The application as submitted indicates a root protection area of 16.2m, based on a calculation using the methodology within the BS5837 Trees in Relation to Demolition, Design and Construction. BS5837 is a recommendation document within which there is reference to site constraints that may require consideration being given to an extended root protection area. In this case, the Countryside Officer advises that this could apply and subsequently result in a larger RPA of 19m in order to reduce the potential adverse impacts of development, reduce the potential for tree resentment issues arising and increase the chances for the trees long term survivability. Three of the trees, two of which are on the adjacent land, can be categorised as veteran trees These are trees that typically have a large girth, sometimes with some crown retrenchment and hollow stems, such trees may also have cultural or aesthetic value. The

RPA's calculated for all the trees are in accordance with BS5837 based on a symmetrical root zone and are represented by a circle on the proposals plan. However, the calculations for the RPA's have not taken account the site constraints such as the boundary wall fronting Edisford Road, the actual road or adjacent buildings for example Beech Grove Nursing Home and no 8 St Paul's Terrace. It is likely that the close proximity of these constraints may well have resulted in a asymmetrical root zones becoming established into the softer ground within the site, and therefore in some instances consideration should be given to an increase of the RPA to account for this.

The Countryside Officers view is that the relatively close proximity of the dwelling close to the chestnut [T1] is likely to result in tree resentment issues arising as a result of the effect of the tree on daylight through the main part of the day as the sun tracks from east to west. In addition the relative closeness of the tree in question may also result in a heightened sense of tree anxiety.

In my opinion, as the RPA provided by the developer is in accordance with that calculated by the methodology within the BS5837 Trees in Relation to Demolition, Design and Construction standards, there would need to be sufficient justification that the long term survivability of this tree will be affected by the development being carried out in accordance with the submitted layout plan. I am aware of the advice given that the erection of the dwelling on the plot closest to T1 has potential to result in tree resentment issues, as well as a potential for a heightened sense of tree anxiety, however this may or may not occur.

Requiring a RPA of 19.5m to the north would extend the root zone towards the tarmac apron and hardstanding home to the former Scout Hut. The developer has carried out an on-site investigation and notes that there is no sign of root growth in this area, and therefore notes that there is no reason to believe that the root growth is more likely to extend in this direction than it would in the direction of Edisford Road. On this basis, and given the retention of large areas to the south and west of the tree, as shown on the attached plan, retains an extensive area for potential root growth, beyond the requirements of the relevant British Standard. It also ensures that development is kept away from the area where the root growth of T1 is most likely to have spread. The applicant therefore submits that a RPA of 16.2m is retained and should be considered robust both in relation to the relevant British Standard, but also the practical on-site constraints that are encountered.

IMPACT UPON SETTING OF ST PAUL'S CHURCH

St Paul's Church is considered a non-designated heritage asset given its age and architectural merit. The land subject to this application is considered to add to the setting of the asset because of its openness. St Paul's Church is considered to be a dominant feature in the immediate vicinity by virtue of the open approach to it but also because of its spire. The height of the asset and its form as an ecclesiastical building are self-evident and the spire itself dominates the skyline in this vicinity. The scheme originally submitted was considered to affect views of the asset on the approach along Edisford Road, although given the dominant feature of the building, the spire, would still have remained the more dominant feature. These concerns were raised with developer and the scheme was amended to propose the erection of three, low-key dormer bungalows closest to St Paul's Church. With a maximum ridge height of 6.5m, some 1.2 – 2.5m lower in height than the dwellings originally proposed, and a much reduced building mass, whilst still having a visual impact upon the views of the asset, this is considered to be minimal and more acceptable as the scheme allows more of the dominant spire to be

visible on views up Edisford Road. Indeed, the closer you draw to the main entrance of St Paul's past the dwellings, the impact lessens allowing the asset to retain its dominance.

I am mindful of historic applications that sought planning approval for dwellings on this site, as well as their subsequent dismissal at appeal by the Inspectorate, however there have been a number of key changes to planning policy since 1991, most importantly the introduction of the NPPF. In order to refuse this development, the significant visual harm of the proposal on the setting of the non-designated heritage asset must be demonstrated and be sufficient enough to outweigh the requirement for new homes within the borough. In this instance, following the changes to the location, scale, design and massing of the proposed dwellings on the site, and the opportunity for the provision of bungalows on the site, I do not consider the impact so significant to warrant an unfavourable decision.

ACCESS

With regards to the access to the site, the LCC Traffic and Development Engineer raises no objection in principle to this application on highway safety grounds. Works will be required in the highway to create the vehicular access into the site and the details of these works will need to be agreed with LCC Highways before any development commences.

OTHER ISSUES AND PLANNING BALANCE

Aside from other non-material planning considerations raised by nearby neighbours, concern has been raised that flooding occurs on site during heavy periods of rain. United Utilities have recommended a number of conditions, if the application is approved, that will seek to control the surface water drainage of the site. On this basis, I am satisfied that the current issues relating to flooding will be accounted for when the full planning of the site is developed.

As mentioned above, the principle of this development has to be judged by applying the presumption in favour of sustainable development in NPPF given the lesser weight that can be attached to the DWLP and particularly bearing in mind the need for adverse impacts to significantly outweigh the benefits. It is also important to identify any other relevant material considerations. Given that the development of this site for housing could be considered as contributing to the local housing supply and, given the indications that there is extant local need for bungalows/lifetime homes, this site could be argued to address the social strand of sustainability. This should be seen to be weighed against the fact that the borough has a five-year housing supply, however as mentioned above this itself has to be considered within the wider presumption and the need to demonstrate significant adverse harm associated with sustainable development in NPPF (paragraph 49).

The site also needs to be seen in its physical context in relation to the settlement of Clitheroe. There is no question that the site is not isolated, and given its location close to a school, local retail unit, public house, church and existing residential properties, the site is wholly sustainable.

On the basis of the above assessment, when considering the planning balance of the scheme submitted, given that the scheme will contribute to the provision of local housing numbers (including bungalows/lifetime homes) and that the site can be considered as sustainable in NPPF terms, the minor impacts of the scheme must be considered to significantly and demonstrably outweigh the benefits. The benefits include small scale economic benefits (house building and other associated trades), the New Homes Bonus, boosting the supply of market housing, the provision of bungalows/lifetime homes that meet an identified housing

requirements for older people and the delivery of a high quality sustainable development on an accessible and well-located site. The two detractors are considered to be the minor impact upon the setting of St Paul's Church and the potential long-term impact upon the chestnut tree protected by TPO close to the proposed access to the site. However, when considering the information contained within this detailed report, I consider the benefits to this proposal significantly outweigh these minor adverse impacts.

CONCLUSION

Bearing in mind the above details, the principle of developing this site for housing is acceptable in principle, providing of course that the housing proposed for this site reflect the character of the village in terms of scale, design and density and do not have any detrimental visual impact on the locality. As this is an Outline Application with these details reserved, these elements will be considered as part of a Reserved Matters Application.

Therefore, bearing in mind the above comments and whilst I am mindful of the points of objection from nearby neighbours and the concerns raised by the Town Council, I am satisfied that any adverse impacts of granting this proposal will not significantly or demonstrably outweigh the benefits, and as such I recommend the scheme accordingly.

RECOMMENDATION: That planning permission is granted subject to the following conditions

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of three years from the date of this permission; or
 - (b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The permission shall relate to the development as shown on Plan Drawing number ER-P-01 Revision F.

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

3. Detailed plans indicating:
 - (i) the external appearance of the dwellings,
 - (ii) the scale of the dwellings,
 - (iii) the landscaping and boundary treatments,
 - (iv) the parking and manoeuvring arrangements of vehicles, including a contoured site plan showing existing features, and
 - (v) the proposed slab floor level and road level,(called the reserved matters), shall be submitted to and approved by the Local Planning Authority before development commences.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan, and Policy DMG1 of the Core Strategy (Regulation 22 Submission Draft), and in order that the Local

Planning Authority should be satisfied as to the details and because the application was made for outline permission.

4. Other than the opening required for the new vehicular access point onto Edisford Road, the existing stonewall fronting the site shall be retained at its existing height in perpetuity. The details of the design, layout and alterations proposed to the stonewall in order to create the vehicular entrance to the site shall be submitted to the Local Planning Authority prior to the commencement of development on the site.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan, and Policy DMG1 of the Core Strategy (Regulation 22 Submission Draft), and in order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.

5. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

REASON: To ensure that satisfactory access is provided to the site before construction work commences.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other order superseding it), there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed estate road from the continuation of the nearer edge of the carriageway of Edisford Road to points measured 43m in each direction along the nearer edge of the carriageway of Edisford Road, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To ensure adequate visibility at the street junction or site access.

7. Before the construction work commences facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

REASON: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

8. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme, which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

REASON: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

9. No part of the development hereby approved shall be occupied until all the off-site highway works have been constructed in accordance with a scheme, which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

REASON: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

10. Notwithstanding the submitted plans all garage doors shall be located at least 5.5m back from the highway boundary at all times and the garages and driveways thereafter kept clear for the parking of a private motor vehicle and cycle.

REASON: To ensure satisfactory off street parking arrangements are preserved at all times.

11. With reference to any future reserved matters application, the approved dwellings shall be within the scale parameters highlighted within the Addendum to the Design and Access Statement received on the 19th of August 2013.

REASON: In the interests of visual amenity and the potential impact upon the amenity of the occupiers of the adjacent neighbouring properties, in accordance with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan, and Policies DMG1 and DME2 of the Core Strategy (Regulation 22 Submission Draft).

12. The development hereby approved shall not exceed the erection of 8 dwellings in accordance with the submitted planning application forms.

13. REASON: To ensure that there is no ambiguity in the decision notice over the amount of development hereby approved.

14. No development shall commence until such time as a scheme for the disposal of foul and surface waters has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To secure proper drainage and to reduce the risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy (Regulation 22 Submission Draft).

15. For the avoidance of doubt, surface water must drain separately from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5 l/s. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure a satisfactory form of development, to prevent undue increase in surface water run off and to reduce the risk of flooding and pollution in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy (Regulation 22 Submission Draft).

16. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services, all trees identified in the Arboricultural Development Report dated November 2012, and indicated on plan reference number ER-P-01 Revision F,

shall be protected in accordance with the BS5837 2012 [Trees in Relation to Demolition, Design & Construction] the details of which shall be agreed in writing and implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Council's Countryside/Tree Officer.

A tree protection - monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun and the root protection/exclusion zone 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/exclusion zone, in addition no impermeable surfacing shall be constructed within the protection zone.

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

REASON: In order to ensure that any trees affected by development and included considered of visual, historic or botanical value are afforded maximum physical protection from the potential adverse affects of development. In order to comply with planning policies G1 and ENV13 of the District Wide Local Plan and Policy DMG1 of the Core Strategy (Regulation 22 Submission Draft).

17. Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at Ribble Valley Borough Council. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A Report, which contains details of sampling methodologies and analysis results, together with remedial methodologies, shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of the development.

On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a Verification Report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

INFORMATIVES

Ribble Valley BC imposes a charge to the developer to cover the administration, and delivery costs in providing wheeled bins to each household within a new build property or conversion. Details of current charges are available from the RVBC Contact Centre on 01200 425111.

Before construction work commences, the developer should contact Eddie Mills, Ribble Valley District Highways Office, Lancashire County Council, Riddings Lane, Whalley BB7 9RW (tel.

08450 530011) and quote the planning application number, in order to discuss and agree the access for construction traffic and times of working.

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Ribble Valley District Highways Office, Lancashire County Council, Riddings Lane, Whalley BB7 9RW (tel. 0845 0530011) and quote the planning application number.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

If approved, the applicant should contact UU Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

APPLICATION NO: 3/2013/0408/P (GRID REF: SD 377356 449541)
PROPOSED VARIATION OF CONDITIONS 3 AND 4 OF PLANNING PERMISSION
3/2011/0838/P AT HOLDEN CLOUGH NURSERY, HOLDEN, BOLTON BY BOWLAND

PARISH COUNCIL: Has commented on this application as follows:

'We see this as a difficult issue.

We feel it would be good to support the continued development of a local business offering jobs and attracting visitors to the area and this application is a not unreasonable further step along this path.

We are, however, conscious of a significant concern amongst residents of Holden about the impact of increased traffic noise and disturbance. There is a feeling that they have supported developments so far but are resistant to anything going beyond the current 9-5 business open seven days a week, with facilities for pre-booked evening lectures/presentations.

Part of the supporting argument rests on the additional opening hours providing an amenity for local residents. The evidence seems to be that a significant number of Holden residents do not want this and do not welcome it. On balance, we are of the view that the extension of hours from 5pm (afternoon) to 6.30pm (evening) is perhaps a step too far given the negative impact on residents in the immediate vicinity although we are conscious that many people in the wider Parish are complementary and supportive of the changes being made at the Nursery, not least the opening of the café/shop and would no doubt welcome the extended hours.

The use of the lecture room as an overspill for the café seems a sensible provision and cannot be said to have an adverse impact on the community and we would support the removal of this restriction’.

ADDITIONAL
REPRESENTATIONS:

A total of 13 letters have been received from nine local households in which objections are made to the application as summarised below:

1. The reason for condition No 3 as stated on the planning permission was that the use of the café and shop outside the stated hours ‘could prove injurious to the character of the area and detrimental to the amenities of nearby residents’. Local residents have already experienced the detrimental effect of the current increase in business and they strongly object to any lifting of these restrictions as this will certainly affect the character of their small, rural hamlet.
2. Local residents are already experiencing increased traffic volume (including catering delivery vehicles and even coaches) and therefore increased traffic noise. The proposed increased traffic is also detrimental to highway safety. This nuisance and danger would be exacerbated by the proposed variation of conditions.
3. The pre-booked events are supposed to finish at 2100 but appear to be regularly finishing after 2200 and therefore staff are not leaving until 2230. This is not acceptable and completely disregards conditions 3 and 4 of the original planning permission.
4. The nearby residents in particular now experience late night noise from both staff and visitors, also from their vehicles, cooking smells and kitchen noise every day, a massive increase in traffic, several daily early morning deliveries and neighbours have reported unsafe conditions on the narrow lane due to the volume of traffic. There is also the nuisance of car doors banging and cars driving away when the evening events finish.
5. This is not a commercial area but a quiet hamlet in a ‘quiet lane’; but the succession of permissions for first one thing and then another will lead eventually to a restaurant and dining facility with an alcohol licence which will challenge those of the Copy Nook Hotel and the Coach and Horses Hotel, both of which are in the close locality.
6. The applicants seek to justify the extension for opening hours by saying that it will benefit local residents. This is

questionable as the majority of residents are opposed to the growth of the project and do not shop there anyway. Moreover, it is misleading to describe this as an after work service when the variation would also include weekends and bank holidays.

7. With reference to Local Plan saved Policy G1, the development of this business has already had an adverse effect upon the amenities of the village.
8. Assurances given to residents that the extended car park would have no relation to the existing business were clearly misleading. The volume of traffic for the normal business has indeed required the facilities of the extended car park. All this is on a narrow lane which in places only accommodates single traffic, no footpaths, no street lighting and opportunity to drive at the national speed limit of 60mph.
9. This application, that has not yet been approved, seeks to extend the opening hours to 6.30pm, yet several advertised events have already taken place or are scheduled to take place starting with a meal in the café at 6pm. It is understood that these events proceed with the whole of the premises and facilities being available. Clearly the applicants are under the impression that condition 3 can be ignored and condition 4 applies to the whole of the premises and has the flexibility of including advertised events offering food and opening until 10.30pm if they wish.

Although Premises Licence Applications are dealt with separately from planning applications, it is considered appropriate to inform Members that persons from seven local households have also made objections to an application to vary the premises licence to allow the sale of alcohol up until 9pm on all days (for the reason given by the applicant that the business has 'lots of group visits booked in for evenings'). This application to vary the premises licence will be considered by the Licensing Committee at a hearing on 17 September 2013. Members will be advised at the meeting of the decision made by the Licensing Committee.

Proposal

In recent years there have been a number of planning permissions for development at Holden Clough Nursery. Perhaps the most significant of these permissions was 3/2011/0838/P granted subject to conditions on 24 February 2012. This permission authorised the erection of a new building to accommodate a café, training room and nursery shop. The permission has been implemented and the building is now in operation.

Condition No 3 of permission 3/2011/0838/P states that the use of the café and shop in accordance with the permissions shall be restricted to the hours between 0900 and 1700 on any day.

This current application seeks the variation of condition No 3 in order to allow the café and shop to open between the hours of 0900 and 1830 on any day (ie an extra 1½ hours opening in the early evening on each day).

Condition No 4 of permission 3/2011/0838/P states that the use of the lecture room in accordance with the permission shall be on a pre-booked basis only and shall be restricted to the hours between 0900 and 2100 on any day.

In the Supporting Statement submitted with this application, the agent says that condition No 4 was based on 21 parking spaces (that existed at the time of the original permission) but that permission has since been granted to extend the car park to 62 spaces. It is stated in the Supporting Statement that lectures are more often than not given in the early evening after normal working hours; as a result of which the lecture room is vacant during normal trading hours. It is stated in the Supporting Statement that customers invariably use the café following purchase of horticultural products; and that it is anticipated that due to demand, customers will be waiting for a table creating problems in the momentum of customer service and care, which could be detrimental to the business.

To offset this potential problem, this current application therefore seeks permission to vary condition No 4 in order to allow the lecture room to be used as a reserve annex to the café when required due to customer demand.

Site Location

Holden Clough Nursery lies partly within the settlement boundary of Holden and the entire site falls within the Area of Outstanding Natural Beauty. The site is at the western extreme of the village with residential properties to its west, east and south.

The overall site extends to 0.73 hectares with the land used for plant production and sale. The main building on the site is the recently constructed L shaped single storey building with overall dimensions of 20.3m x 18.5m containing a café, nursery shop, lecture room with associated kitchen, storage and toilet facilities.

Relevant History

3/2009/0431/P – Proposed advertising boards associated with proposed new car park and alterations to entrance gateways. Approved.

3/2009/0464/P – Proposed car park with improvements to the existing entrance gateways. Approved.

3/2011/0838/P – Proposed building containing café, lecture room and nursery shop. Approved.

3/1012/0587/P – Application for non-material amendments to permission 3/2011/0828/P including changes to the external elevations and the internal layout. Approved.

3/2013/0091/P – Proposed extended car park area. Approved.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy RT1 - General Recreation and Tourism Policy.

Core Strategy 2008 to 2028 Regulation 22 Submission Draft

Policy DMG1 – General considerations.

Policy DMB3 – Recreation and Tourism Development.

National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

As a result of a number of planning permissions the scale, intensity and nature of the business operated at Holden Clough Nursery has changed significantly in recent years. It cannot be denied that these changes have impacted upon the character of Holden and the amenities of its residents.

The previous applications have all been determined having regard, principally, to the considerations of any resultant benefits to the local economy; and impacts upon visual amenity, the amenities of nearby residents and highway safety.

At the time of its consideration, the application for the creation of a new café, training room and nursery shop (3/2011/0838/P) was considered to be in accordance with the general requirements of the intentions of saved Policy RT1 of the Local Plan. The provision of five new jobs was also considered to be of benefit to the local economy. Since that building was approved, the Council has moved towards the adoption of a Core Strategy, Policy DMB1 of which effectively carries forward saved Policy RT1 of the Local Plan. NPPF has also come into operation; and this includes a requirement to support a prosperous rural economy.

Overall, I therefore consider that the applicants general intentions to diversify and expand this long established rural business remains, in principal, in accordance with the relevant policies and guidance.

With regards to the consideration of visual amenity, the approved new building and the approved extension for the car park were both considered to be acceptable in relation to their effects upon the visual amenities of both the immediate locality and the AONB in general. In my opinion, the variation of the two conditions as proposed in this current application do not have any impact in relation to the consideration of visual amenity.

With regards to the effects on the amenities of nearby residents, at the time of consideration of the original application for the new building, no objections were received from any nearby residents. The building, of course, has been constructed, and has been in operation for a number of months. The resultant intensified use of the site has resulted in objections to this current application from nearby residents as detailed earlier in this report.

With regards to highway safety, the County Surveyor did not express any objections on highway safety grounds to either the application for the proposed new building or the application to extend the car park. The County Surveyor has not commented upon this current application, but it is not considered that either of the proposed variations of conditions would have any

significant impact upon the matter of highway safety. The location of the site in relation to the highway network, the access into the site and the level of parking provision will not be altered; it is just that the use of the café and shop will be increased by 1½ hours on each day.

I therefore consider that the sole consideration in relation to this application concerns the effects of the proposed variations of the two conditions upon the amenities of nearby residents. Whilst it is accepted that those amenities have been affected by the implementation of previous planning permissions, this current application can only be considered by paying regard to any increased detriment to residential amenity that might result from the requested variation of the conditions, should the variations be approved.

I consider the most straightforward of the two requested variations to be that related to condition No 4. I will therefore deal with that one first. I note in relation to this particular requested variation that the Parish Council comments that 'the use of the lecture room as an overspill for the café seems a sensible provision and cannot be said to have an adverse effect on the community and we would support the removal of this restriction'. I also note that the majority of the objections received from nearby residents relate principally to the proposed variation of condition No 3. I concur with the opinion of the Parish Council that the proposed use of the lecture room as an overspill for the café does represent a sensible provision. I also consider that making the most efficient use of the rooms within the building would not have any impacts upon the amenities of nearby residents. I therefore consider that condition No 4 can be amended as requested.

The proposed variation of condition No 3 to allow the café and shop to be open until 1830 hours on all days (an increase of 1½ hours on the existing closing time of 1700 hours) is less straightforward. Again, I concur with the opinion expressed by the Parish Council that this is a difficult issue. The Parish Council comments that there is a feeling that local residents have supported development at this site so far, but they are resistant to anything going beyond the existing 9-5 business opening seven days a week, with facilities for pre-booked evening lectures/presentations. They refer to the applicants supporting argument that the additional opening hours would provide an amenity for local residents; and comment that there appears to be evidence that a significant number of Holden residents do not want this and do not welcome it. The Parish Council concludes that, **on balance**, they consider the extension of the hours to be a step too far given the negative impact on residents in the immediate vicinity although they do recognise that many people in the wider Parish are complementary and supportive of the changes being made at the nursery, not least in the opening of the café/shop and that these, more distant, residents would no doubt welcome the extended hours.

Again, I concur with the Parish Council that a balanced judgement needs to be made here. To be added into the balance, are the benefits of the business to the local economy including the provision of employment. Having taken all relevant matters into consideration, I consider that it would be difficult to sustain a refusal of the application to vary condition No 3 on the basis that it would have significant detrimental effects upon the amenities of nearby residents. Even in rural areas such as this, there are public houses and restaurants in the vicinity of residential properties that operate successfully without serious detriment to the amenities of nearby residents. Such public houses in particular open until considerably later in the evening than the closing time requested in this variation of condition application. On balance I therefore consider the proposed variation to condition No 3 to be acceptable.

In conclusion, whilst accepting that the recent changes to this business have impacted upon the amenities of nearby residents, I do not consider that the effects of either of the proposed variations of condition would be so material as to justify refusal of the application.

RECOMMENDATION: That permission be GRANTED for the variation of the two conditions with the replacement conditions to read as follows:

3. The use of the café and shop in accordance with this permission shall be restricted to the hours between 0900 and 1830 on any day.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 Regulation 22 Submission Draft as the use of these elements of the business outside these hours could prove injurious to the character of the area and detrimental to the amenities of nearby residents.

4. The use of the lecture room for the giving of lectures/presentations in accordance with this permission shall be on a pre-booked basis only and shall be restricted to the hours between 0900 and 2100 on any day; except that the lecture room can also be used as an overspill area for the café during the hours of 0900 and 1830 on any day.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 Regulation 22 Submission Draft as the use of the lecture room for these elements of the business outside these specified hours could prove injurious to the character of the area and detrimental to the amenities of nearby residents.

APPLICATION NO: 3/2013/0585/P (GRID REF: SD 367239 435659)
PROPOSED CHANGE OF USE AND INTERNAL/EXTERNAL ALTERATIONS TO FORMER AGRICULTURAL BUILDING TO CREATE NEW OFFICE ACCOMMODATION AND IMPROVEMENTS TO EXISTING COURTYARD TO FORM ADDITIONAL PARKING AND MANOEUVRING SPACE AT MANOR COURT, PHASE 3 SALESBURY HALL ROAD, SALESBURY, PR3 3XU

PARISH COUNCIL: No observations received at the time of preparing this report.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): Whilst unlikely to raise any objection I need clarification regarding the submission of a Travel Plan in previous applications in 2007 a former colleague made reference to the requirement of a Travel Plan of which there seems to be no plan submitted. The implementation of an effective Travel Plan is a necessary requirement in an otherwise unsustainable site.

ENVIRONMENT AGENCY: No comment to make on the application as the proposal is not listed on the external consultation list and Development Procedure Order.

ADDITIONAL REPRESENTATIONS: No representations received.

Proposal

The proposal seeks to convert the northern section of an existing agricultural building into 12 offices with the insertion of mezzanine floor and refurbishment of the building. The offices would be similar to that recently approved under Phase 2 and involve replacement of the building to incorporate part timber boarded and concrete external façade. The remainder of the agricultural building would be used in connection with the estate use and independently accessed.

Externally 21 car parking spaces will be provided which is added to the existing 85 spaces serving the existing development. There is also cycle and motorcycle provision.

Site Location

The building is located adjacent to the recently converted complex which forms part of the real business centre opposite Salesbury Hall, it is approximately 2 miles from Ribchester and located in the open countryside.

Relevant History

3/2007/1048/P – Conversion of existing farm building to employment purposes and rebuilding of existing farmhouse at Salesbury Hall Farm. Approved with conditions.

3/2011/0608/P – Conversion of existing agricultural building to form B1 employment use at Salesbury Hall, Salesbury Hall Road, Salesbury. Approved with conditions.

Relevant Policies

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy ENV7 - Species Protection.

Policy EMP9 - Conversions for Employment Uses.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Ribble Valley Core Strategy Regulation 22 Submission Draft

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMG3 – Transport and Mobility.

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

National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration to determining this application are the principle of development, its visual impact and its effect on landscape as well as highway safety. It is also important to have regard of the need to promote employment growth.

It is evident that this proposal would involve conversion of a relatively modern agricultural building to form various office suites for employment use. The principle of this type of use has been established under previous consents and I consider that the design philosophy has also been established. Members will be aware that since the previous consent there is an important emphasis in the promotion of employment uses both in rural areas and in established centres but this needs to be balanced having regard to the sustainability of any site.

In relation to the highway concerns regarding the failure to promote a Travel Plan in the original applications, this is regrettable but it is clear that the owner has sought to encourage the use of sustainable transport measures both through the provision of facilities within the site and the co-ordination officer employed by the management company. It is evident that the County Surveyor would have no objection to the production of an in-house Travel Plan but this will need to be specified with both targets and penalty elements. He is also of the opinion that a Travel Plan should be applied retrospectively to Phase 1 and is of the opinion that it should be submitted prior to work commencing on the site.

I note the concerns of Lancashire County Council Highway Authority and I am satisfied that a reasonable compromise can be made on any such Travel Plan condition which would allow for effective monitoring.

In relation to other issues appertaining to flood risk, there has been no objection from the Environment Agency. In terms of residential amenity there are no dwellings that would be reasonably affected by the application and as such the main effect with the additional traffic created by this proposal.

In relation to design issues and to reflect the agricultural nature of the building the proposal was amended to include timber boarding on the side elevation on the first floor. However, since the initial agreement a revised plan showing the elevation to be fully stoned has now been submitted. Although I remain of the opinion that the former would be a more appropriate solution, having regard to the economic benefits of the scheme, I do not consider it would be appropriate to recommend refusal on design and visual impact issues.

I am satisfied that the proposal is in accordance with national guidelines and welcome the creation of additional employment in a predominantly rural area.

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

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

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

2. This permission shall relate to the proposal as shown on drawing numbers 4389-01A and amended elevation re drawing 4389-02C received on 12 September 2013 which includes full stone cladding on the North West elevation.

REASON: For the avoidance of doubt and in the interest of visual amenity.

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 Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan and DMG1 of Ribble Valley Core Strategy Regulation 22 Submission Draft ensuring a satisfactory standard of appearance given the location of the property in a Conservation Area.

4. Within 10 weeks of the date of this permission a Full Travel Plan related to the proposed phase and the existing development shall be submitted to the Local Planning Authority. The plan shall be approved in writing before occupation of any of the new units. The Travel Plan shall include objectives targets, measures and funding mechanism to achieve targets, monitoring implementation timescales for delivery and the provision of a Travel Plan Co-ordinator. The plan will be carried out, audited and updated in accordance with approved details.

REASON: To comply with the principles of sustainable development and Policies DS2 – Sustainable Development Presumption, Core Strategy and NPPF.

APPLICATION NO: 3/2013/0685/P (GRID REF: SD 370138 436347)
TO INSTALL NEW BALL STOP NETTING AND POSTS AS EXISTING 6M HIGH POSTS AND NETS AT BRFC SENIOR TRAINING CENTRE, BROCKHALL VILLAGE, OLD LANGHO. (PART RETROSPECTIVE)

PARISH/TOWN COUNCIL: No representations have been received at the time of writing.

ADDITIONAL REPRESENTATIONS: A total of 14.no letters of objection have been received from 10.no individual addresses. The comments received can be summarised as follows:

- Description and proposals misleading, as they don't match.
- Structure is more obtrusive than existing.
- Unnecessarily close to our properties.
- Ugly eyesore and an intrusion into our lives.
- They serve no realistic purpose.
- The overpowering structure is overkill to what is a minor problem.
- The structure has been up for 5 weeks and has been in use for only two hours on occasional days, nor would it be used for 8 weeks or so during the summer months. Whilst we would be forced to suffer thus blight on our lives all day every days.
- Permanent structure behind our backyard and there will be a chance of breaking of privacy.

- They are a blot on the landscape.
- Nets cannot be lowered as the existing ones can.
- Concerns regarding installation of posts along the perimeter with Elm Tree.
- Creates a feeling of confinement to the rear gardens to all the properties on The Drive.
- Presents a very obtrusive visual carbuncle on the landscape.
- Proposals are not a like for like change.
- Nets will obscure the light coming into my property.
- The nets billow in the wind.
- Nets appear higher than 6m by virtue of the differences in land levels between our gardens and the training ground.
- The nets have only been used for a total of four hours in nine days.

Proposal

The development consists of the installation of additional ball stop netting. A section of the nets have already been erected on site; I therefore deem that this application is, in part, retrospective.

The netting to be erected is on 6m high upright posts at intervals of approximately 30m; the posts are finished in a dark green powder coating with a high tensile wire between each post which the nets are run along. The nets are 3mm HDPE knotted football nets that are finished in green.

The new netting is to be sited along the red line denoted on the submitted plans covering a distance of 340m. The area on the submitted plan marked with the yellow line denotes the existing ball stop netting that exists around the perimeter of the site. This netting is to undergo a scheme of refurbishment but will remain the same. The proposals under consideration in this particular application only apply to the netting denoted by the red line on the submitted plans. The proposed netting will act to subdivide the existing training pitches.

The existing nets sited along the perimeter of the site where the pitches abound properties on The Drive and Elm Tree Grove stand to a height of 6m and are erected in panels of approximately 10m in width. These nets are operated via a pulley system that allows for them to be lowered when not in use leaving only the upright posts visible. In contrast the netting under consideration in this application whilst standing to the same height as the existing, is to be erected in 30m sections. In addition to this rather than being lowered, the nets would operate similar to a curtain along the guide wires. As such they could not be lowered when not in use; they would be retracted back to one of the upright posts and gathered at one end of each 30m section between upright posts.

Unlike the existing nets, which run parallel to the properties located on The Drive and Elm Tree Grove, the proposed new nets will be sited as to run perpendicular to these dwellings.

Objections have been raised to the description of the proposed development as submitted by the applicant that makes reference to 'as existing'. The proposed new netting does not precisely match that of the existing perimeter netting the upright posts are a slightly different form and

appearance, the netting is operated horizontally rather than vertically and the distance between each upright post is larger.

Site Location

The development site covers approximately 7.75 hectares and is used as a training complex for the senior Blackburn Rovers team. It is located immediately to the West of the main access road into the Brockhall Village Complex in Old Langho. The site consists of indoor and outdoor training facilities, football pitches, accommodation block used by academy players and associated parking.

Relevant History

3/98/0365/P – Proposed indoor training facility and laying of sports pitches. Approved with conditions.

3/98/0838/P – Amendment to 3/98/0365P to include on-site residential accommodation. Approved with conditions.

3/98/0839/P – Amendment to 3/98/0365/P to reconfigure the layout of the land to be used as a sports field. Approved with conditions.

3/02/00925/P - Proposed 6m high ball control netting along the entire lengths of the northern and western boundaries of the football pitches. Withdrawn by Applicant.

3/02/1042/P – Erection of Ball control netting on boundary of football pitches. Approved with conditions.

Relevant Policies

Ribble Valley Districtwide Local Plan:
Policy G1 – Development Control.

Ribble Valley Core Strategy 2008-2028 (Regulation 22 Submission Draft):
Policy DMG1 – General Considerations.

Environmental, AONB, Human Rights and Other Issues

The area of the site where the ball stop nets are to be sited consists of 4.no individual pitches. The nets would subdivide this into two pairs of pitches. The requirement of the nets is one principally of Health Safety. The nets would prevent footballs from straying into the other pitches; preventing instances of other players or spectators being caught unaware and struck by footballs and also in the case of those nets proposed to the southern end of the pitches from straying into the car park and potentially causing damage to vehicles or buildings.

The key considerations in the determination of this application are; the impact the proposed development will have upon the character and setting of the landscape; and what harm, if any, the proposals will have upon the residential amenity of the area.

With regard to the landscape and general visual impact; the development will inevitably have a degree of impact, as does all development, as it would result in a change to what currently

exists. The determination that has to be made is whether this change is deemed to be harmful and if so is it harmful to such an extent that would warrant the refusal of planning consent on such grounds. Having considered this I do not believe the landscape impact would be harmful to such a degree that would warrant the refusal of planning consent; particularly when set within the context of the use of this site. The overall harm of the proposals would not be significantly different to that of the existing netting.

With regard to the residential amenity of the area the nearest private properties to the proposed new netting are No's 11 and 12 The Drive, where the dwellings would be approximately 20m away from the nearest upright post. Having visited the site I do not anticipate the proposed netting would result in any of the neighbouring properties being subjected to any undue loss of natural light. The netting is not a solid surface and therefore allows light to pass through. In addition to this the proposed netting is to be sited perpendicular to the surrounding dwellings, rather than parallel as the existing boundary nets are. I would argue that the proposed nets would have no greater impact than the existing nets sited around the boundary.

It is accepted that the nets and associated upright posts would be readily visible from the surrounding properties; however the determination that has to be taken is whether or not this is harmful to the residential amenity of the area. Simply because they are visible is not sufficient grounds for refusal; there has to be a demonstrable harm.

Having visited the site and considered the development I do not believe any harm would be of such significance as to warrant the refusal of planning consent. The nets would be visible, however they would not be sited so close as to be overbearing or oppressive. In addition to this the nets would be sited perpendicular to the nearest neighbouring properties. This reduces the impact of the development. I do not believe they would create a situation whereby residents feel enclosed. The scale of the posts is perhaps exaggerated to a degree by virtue of the variation in ground levels between the training ground and the adjoining gardens. However this also aids to partially obscure the posts. From ground level in the rear gardens of The Drive only the top third of the posts are visible.

The applicant is readily aware of the concerns of the neighbours and wishes too, where possible, be a good neighbour. However this has to be balanced against their responsibilities towards their staff, visitors and users of the facilities and also their operational requirements as the main training base for a professional football club. To this end the applicant has provided an undertaking to make minor alterations to the netting that has already been installed. When I visited the site the final 30m section of netting located to the South of No's.11 and 12 The Drive had been retracted to the post closest to these properties. This resulted in the post looking far bulkier and far more visible than perhaps be necessary. The applicant therefore proposes to alter this particular net so that it retracts to the opposite post; away from the properties of No's 11 and 12 The Drive. This should reduce the general impact of the development upon these two particular dwellings both when the net is in use and when retracted.

As I have outlined above; a significant level of objections have been received from nearby residents. Having considered these I do not believe that the development would be of such significant detrimental harm as to warrant the refusal of planning consent on grounds of visual impact or by virtue of being detrimental to the residential amenity of the area. There will be a slight visual change within the landscape I would not deem this to be harmful.

I do not feel that the development under consideration is one that would appear alien when set within the environment of a professional football club. The development would have no greater

visual impact than the boundary nets which already exist on the site. Nor do I believe that they would be any more obtrusive visually.

On the original consent granted for the boundary nets a condition was imposed which only allowed the nets to be erected within 90mins prior to their use and retracted within 90mins of that use ceasing. I therefore propose to impose a similar condition on this approval. This will ensure that when the training ground is not being actively used the nets are retracted so that they do not become susceptible to wind that may give rise to conditions of bellowing or exaggerated wind noise which may be detrimental to the residential amenity of the area. Such a condition should also reduce the visual impact the netting when not in use by ensuring a degree of openness within the landscape is retained, particularly when viewed from the abounding properties.

Representations have been received from a nearby resident detailing that the nets have only been actively used for a period totalling four hours over the course of a nine-day period (September 3rd – September 11th); therefore demonstrating that the nets are unnecessary and overkill for what appears to be a limited issue.

Whilst I have no reason to question the validity of this particular representation, it should be noted that the nine-day period sampled was during an international break in the domestic football season. Prior to this the last BRFC first team match was on the 31st August, whilst their next fixture (at the time of writing this report) is set for the 14th September. During this time it is likely that training schedules would have been reduced to reflect the additional time between fixtures and that some players may have been away on international duty. I would therefore argue that this particular sample might not be wholly representative of the actual extent of the nets use. It could also be argued that as weather conditions deteriorate into the autumn and winter months the nets would be used more frequently to protect any pitches that may not be in use or are used on a rotational basis.

Whilst objections have been received; on balance I do not feel that the refusal of planning permission on grounds of visual landscape impact or residential amenity would be warranted. I therefore recommend accordingly.

RECOMMENDATION: That conditional planning consent is GRANTED.

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. The permission shall relate to the development as shown on drawing No's: DWG No: 01/A.

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

3. Notwithstanding the details submitted the development shall be constructed from 3mm HDPE Knotted football net finished in green hung from a high tensile wire mounted on 6m high steel posts finished in dark green powder coating at 30m intervals.

REASON: To ensure the development is carried out in accordance with the details submitted as any deviation may be harmful to the visual and residential amenities of the area and require further consideration from the LPA.

4. Notwithstanding the details submitted all of the nets that form the subject of this permission shall only be extended when the pitches are in use, or in the periods 90 minutes preceding use of the pitches and 90 minutes after the use of the pitches has ceased, unless any restriction to this requirement has first been agreed in writing by the Local Planning Authority.

REASON: To ensure that the development has no adverse impacts upon the residential amenity of the area in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy 2008-2028 (Regulation 22 Submission Draft).

APPLICATION NO: 3/2013/0733/P (GRID REF: SD 377328 449546)
PROPOSED SINGLE STOREY EXTENSION TO THE KITCHEN WITH ADDITIONAL ACCOMMODATION IN THE ROOF SPACE AND RELOCATION OF 'MEANS OF ESCAPE' STEPS AT HOLDEN CLOUGH NURSERY, HOLDEN, BOLTON-BY-BOWLAND

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

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No comments to make on this application.

ADDITIONAL REPRESENTATIONS: Eight letters have been received from nearby residents in which objections are made to the proposal as summarised below:

1. The proposal is another element in the expansion/intensification of the business at Holden Clough Nursery that will facilitate increased customer numbers and exacerbate existing noise and odour nuisance to local residents and highway safety problems.
2. The Supporting Statement for the application refers to congestion whilst working in the kitchen and there could be some sympathy for this situation. Unfortunately, however, it is made clear in the application that the proposed extension would result in two additional full-time jobs, presumably in the kitchen space created. It is therefore difficult to see how this would solve the existing congestion problem. Given the current operations of the business, it seems clear that the result of the extension (and possibly the reason behind it) would be a significant expansion in customer numbers. The restaurant is no longer ancillary to the principal business (the nursery) serving its existing customer base, which was the

applicant's stated intention when submitting the original application for the new building (3/2011/0838/P). The Council's decision to approve that original application for the building was based on this assertion.

3. The conditions of the original planning application were imposed in order to protect "the amenities of nearby residents". Whilst wishing the business every success, it does not operate in a vacuum, and therefore, it is believed that the only way to preserve those amenities that have not already been eroded would be for the Council to refuse this application.
4. Staff noise from the kitchen has already been a problem for the nearest dwelling to the site. This proposed extension would exacerbate that existing problem.
5. Proposed roof lights in the extension are on the roof slope facing the residential property. The roof lights should be moved to the other side in order to prevent noise nuisance.
6. The nearest residential property, Mear Croft, is not "approximately 40m" away from the proposed extension as stated in the application but "approximately 20m".

Proposal

In recent years there have been a number of planning permissions for development at Holden Clough Nursery. Perhaps the most significant of these permissions was 3/2011/0838/P granted subject to conditions on 24 February 2012. This permission authorised the erection of a new building to accommodate a café, training room and nursery shop. The permission has been implemented and the kitchen and café have now been in operation since April 2013. Prior to the official opening of the kitchen and café, the Council's Environmental Officers advised the applicant that they would experience congestion whilst working in the kitchen, in particular the storing, preparing and cooking of food, considering the covers available for the small kitchen. The applicants therefore advised the Council's Environment Health Officer that they would make plans to extend the kitchen following the opening and determine priority areas as required.

In the Supporting Statement submitted with the application, the agent states that, within the short time of opening the restaurant and kitchen is proving a sustainable success; the applicants now employ 4 full-time cooks and 4 waitresses for the restaurant; and that all food is prepared on site. It has become evident that there is demand for the following:

- A walk-in fridge of approximately 3m x 2m.
- Base storage fridges with upper working surfaces.
- A food preparation area with at least 2 Belfast sinks.
- A staff rest room with supporting toilets.
- A dry food storage room.

This application therefore seeks permission for an extension to provide the required floor space/facilities. The proposed extension would be at the eastern end of the south (front) elevation of the existing building. It would have dimensions of 9.8m x 5.5m with an eaves height of 3m and a ridge height of 6.6m. The external materials would be stone and blue slate to match the existing building.

On the ground floor there would be a food preparation area including base storage fridges and a walk-in fridge. Within the roof space at first floor level there would be a staff rest room, toilet facilities and a dry food storage area. At ground floor level there would be one relatively small window in the south (front) elevation and a door in the eastern side elevation. There would be 2 roof lights in the eastern facing roof slope to provide illumination to the staff rest room.

Site Location

Holden Clough Nursery lies partly within the settlement boundary of Holden and the entire site falls within the Area of Outstanding Natural Beauty. The site is at the western extreme of the village with residential properties to its west, east and south.

The overall site extends to 0.73 hectares with the land used for plant production and sale. The main building on the site is the recently constructed L shaped single storey building with overall dimensions of 20.3m x 18.5m containing a café, nursery shop, lecture room with associated kitchen, storage and toilet facilities.

Relevant History

3/2009/0431/P – Proposed advertising boards associated with proposed new car park and alterations to entrance gateways. Approved.

3/2009/0464/P – Proposed car park with improvements to the existing entrance gateways. Approved.

3/2011/0838/P – Proposed building containing café, lecture room and nursery shop. Approved.

3/1012/0587/P – Application for non-material amendments to permission 3/2011/0828/P including changes to the external elevations and the internal layout. Approved.

3/2013/0091/P – Proposed extended car park area. Approved.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy RT1 - General Recreation and Tourism Policy.

Core Strategy 2008 to 2028 Regulation 22 Submission Draft

Policy DMG1 – General considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DMB3 – Recreation and Tourism Development.

National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

This application seeks permission for a development to address operational difficulties in the kitchen that were foreseen by the Council's Environmental Health Officers before the kitchen/restaurant were in operation; but with the Environmental Health Officers being in full knowledge of the number of covers to be provided. The application has therefore not been submitted as a response to any unexpected success of the restaurant, but was under consideration before the restaurant was open. In itself, therefore, the proposed extension would not result in any increased number of customers. As such it is not considered that the extension would have any detrimental effects upon the amenities of nearby residents due to the activities of customers.

The nearest residential property, Mear Croft, is approximately 36m away from the extension. Given this separation distance, the proposed uses of the rooms within the extension and the limited size and number of door and window openings, I do not consider that the extension would have any seriously detrimental effects upon the amenities of the occupiers of the nearest property. The proposed roof lights in the eastern facing roof slope would serve the staff rest room. I do not consider that this particular use would result in any noise nuisance to the neighbouring property and I do not therefore consider that there would be any benefit in requiring the roof lights to be placed in the other roof slope.

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

The size, design and external materials of the extension are appropriate for the existing building and the locality. The proposal would therefore not in my opinion have any detrimental effects upon the visual amenities of this AONB locality.

As previously stated, the extension is required for operational reasons and should not, in itself, result in any increase in vehicle movements; and the County Surveyor has stated that he has no comments to make on this application. In relation to this particular matter, however, Members' attention is drawn to a current application 3/2013/0408/P which seeks permission to vary a planning condition in order to allow the lecture room to be used as overspill seating for the restaurant. That application, however, falls to be determined on its own merits. Irrespective of the outcome of application 3/2013/0408/P, I can see no sustainable objections to this application.

In conclusion, the proposed extension is required to address inadequacies in the kitchen/food preparation facilities as identified by this Council's Environmental Health Officers. The Environmental Health Officer has no objections to the application provided that no cooking takes place within the extension. This will be covered by a condition in the event that planning permission is granted.

In my opinion, the extension satisfies its objective of improving the food preparation and storage facilities 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 drawing numbers 7007a, 7008 and 7009.

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

3. The rooms within the extension hereby permitted shall only be used for the purposes stated on drawing number 7008 and shall not be used for any other purposes (and, specifically shall not be used for cooking) unless a further planning permission has first been granted in respect thereof.

REASON: To comply with the terms of the application and because the use of the rooms for any other purposes could lead to circumstances that would be detrimental to the amenities of nearby residents or highway safety contrary to Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 Regulation 22 Submission Draft.

4. Other than those shown on the submitted drawings, no additional door or window openings (including roof lights) shall at any time be formed in the extension hereby permitted unless a further planning permission has first been granted in respect thereof.

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 – 2028 Regulation 22 Submission Draft.

NOTE(S):

1. The applicant is advised that it is an offence to intentionally kill, injure or take bats, disturb bats or destroy or block access to their roosts and that roosts are protected whether bats are present at the time or not. Appropriate care should therefore be taken in carrying out the development hereby permitted and in the event that any bats are found or disturbed during the development operations, all work shall cease until advice has been obtained from a licensed ecologist.

C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL

APPLICATION NO: 3/2013/0445P (GRID REF: SD379107 453135)
PROPOSED CONVERSION OF A BARN TO FORM AN AGRICULTURAL WORKERS DWELLING (RESUBMISSION OF APPLICATION 3/2012/0813P) AT HIGHER FLASS FARM, SETTLE ROAD, BOLTON-BY-BOWLAND

PARISH COUNCIL: No objections on the basis it will sustain a business within the community and with a sympathetic conversion will preserve the heritage of the existing barn building.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections.

ENVIRONMENT DIRECTORATE (RURAL ESTATES): Raises objections to the proposal as to the scale of the operations, by virtue of the extent of land owned, number of livestock and the viability of the business does not justify a full time worker living on the site.

ENVIRONMENT DIRECTORATE (ARCHAEOLOGY): Raises concerns that the proposed conversion will have a significant impact on the historic character and appearance of the building and may result in the loss of some historic fabric. If the LPA is minded to approve the application they recommend that recording of the building prior to conversion be secured by condition.

ENVIRONMENT AGENCY: No objections.

ADDITIONAL REPRESENTATIONS: None received.

Proposal

Permission is sought to convert a traditional agricultural stone barn to form an agricultural workers dwelling, which would involve the demolition and rebuilding of one of its modern lean-to additions to form an attached garage and the creation of a garden area between the western elevation of the barn and the main road.

This application is a resubmission of a similar application, 3/2012/0813P, albeit for an unrestricted market house dwelling. This previous application was refused by the LPA for four separate reasons relating to the unjustified creation of a dwelling in an unsustainable location outside any of the Borough's defined settlements and its distance from any services, the inappropriate design having a detrimental impact on the character of this traditional farm building and the AONB, the lack of on-site parking facilities for the dwelling, and the lack of information regarding bat and owl species using the building.

This proposal seeks to address those reasons for refusal by applying for an agricultural workers dwelling, one of the exceptions allowed by paragraph 55 of the NPPF, altering the design of the

conversion scheme, providing details of the off road parking available and submitting a complete protected species survey.

Site Location

The application relates to a traditional stone barn at Higher Flass Farm located on Settle Road, Bolton by Bowland. The western elevation of the barn fronts Settle Road and the land surrounding the barn is relatively flat. The farm and barn are located within the Forest of Bowland Area of Outstanding Natural Beauty and is approximately 3 miles from the village of Bolton by Bowland, 4.6 miles from Long Preston, 6.5 miles from Hellifield, and 7.4 miles from Slaidburn. Public Right of Way no.31 in the parish of Gisburn Forest exists within the field adjacent to the northern gable of the barn.

The original farmhouse to the south of the barn is within separate ownership to the agricultural buildings which are used by the applicant.

Relevant History

3/2012/0813P – Conversion of barn to form residential unit. Refused.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 – Development Control.

Policy G5 – Settlement Strategy.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy ENV7 – Protected Species.

Policy H2 – Dwellings in the Open Countryside.

Policy H15 – Building Conversions – Location.

Policy H16 – Building Conversions – Building to be Converted.

Policy H17 - Building Conversions - Design Matters.

Policy SPG – Extensions and Alterations to Dwellings (Privacy and Overlooking).

Ribble Valley Core Strategy (Regulation 22 Submission Draft)

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

Policy DME4 – Protecting Heritage Assets.

Policy DMH3 – Dwellings in the Open Countryside and AONB.

Policy DMH4 – The Conversion of Barns and Other Buildings to Dwellings.

National Planning Policy Framework

Achieving Sustainable Development.

Section 6 - Delivering a wide choice of quality homes.

Section 7 – Requiring good design.

Section 11 – Conserving and enhancing the natural environment.

Section 12 – Conserving and enhancing the historic environment.

Best Practice Guidance on the Conversion of Farm Buildings – English Heritage

Environmental, AONB, Human Rights and Other Issues

It is considered appropriate in this case to describe the proposed development within the context for the history of the site. Permission has previously been refused for the conversion of the same barn to an unrestricted dwelling, which was refused for the following reasons:

1. The proposed development, due to the isolated location of the site outside any of the Borough's defined settlements and distance from any services, does not represent sustainable development as defined in the National Planning Policy Framework (NPPF) and would therefore form an unjustified dwelling within the open countryside to the detriment of the appearance and character of the Forest of Bowland Area of Outstanding Natural Beauty. It is thus considered contrary to Policies ENV1, G5 and H2 of the Ribble Valley Districtwide Local Plan, Policies DMG1, DMG2 and DMH3 of the Regulation 22 Submission Draft Core Strategy and Section 6 of the National Planning Policy Framework.
2. The proposed works are considered contrary to Policies G1, ENV1, and H17 of the Districtwide Local Plan and Policies DMG1, DME2, and DMH4 of the Regulation 22 Submission Draft Core Strategy and Sections 11 and 12 of the National Planning Policy Framework in that they would have a detrimental impact on the original character of this traditional building, a heritage asset, and visual qualities and character of the Area of Outstanding Natural Beauty in which it is set.
3. The proposal is contrary to Policy G1 of the Districtwide Local Plan and Policies DMG1 and DMH4 of the Regulation 22 Submission Draft Core Strategy in that inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of on site parking facilities and subsequently highway safety.
4. Based on Natural England Standing Advice the application presents incomplete information to demonstrate that there would not be a detrimental impact on the favourable status of the bat and owl species protected under the Wildlife and Countryside Act 1981 (as amended) and under the Conservation (Natural Habitats Regulations) 2010 and as such is contrary to Policy ENV7 of the Ribble Valley Districtwide Local Plan, Policy DME3 of the Regulation 22 Submission Draft Core Strategy and Section 11 of the National Planning Policy Framework.

Looking at the first reason for refusal, the NPPF seeks to ensure that in rural areas development takes place where it will enhance or maintain the vitality of rural communities and is clear that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. One of these circumstances is the essential need for a rural worker to live permanently at or near their place of work in the countryside. On this basis, and to prevent the planning system from being abused, it is necessary to determine whether the agricultural operations which exist at the farm and undertaken by the applicants meet this essential need and justifies the creation of a dwelling on the farm.

Higher Flass Farm extends to 20.24 acres and provides the centre of agricultural operations as this is where the cattle are housed, sheep lamb and crops are stored. There are three blocks of rented land totalling an additional 90 acres which are in Slaidburn, Chatburn and Saddlers near Newchurch all rented on short term agreements. Essentially, the agricultural operations undertaken comprise of beef and sheep farming.

The Land Agent at LCC was advised by the applicants that as a consequence of the increase in the suckler herd it is anticipated that the ewe flock will have to be reduced based upon the

current farmland area. In the applicant's opinion it is felt that the ewe flock will be reduced by 20 heads.

A case has been submitted as part of the proposal which considers a functional need for someone to reside on the unit exists and justifies this opinion by referring to a range of tasks which the farming operations require. In addition, emergency situations during lambing and calving periods, together with the risks of theft owing to not living on the premises are also referred to. However, the Land Agent consider that the calving and lambing period relates just to a short period of time in the year and the numbers of livestock involved (15 cows and 140 sheep), would not justify someone to be resident on site on a full time basis even for this short duration. Outside of this time the Land Agent considers the incidences of emergencies occurring on the application site would be rare due to the limited scale of the operations taking place.

Whilst the applicants consider the scale and nature of the agricultural enterprise relates to a full - time worker requirement and applies the Standard Data Analysis methodology to determine this within their agricultural appraisal, it is evident in practice that the operations do not provide a full – time worker requirement as both applicants conduct these operations around employment off the unit.

Within the agricultural appraisal submitted standard data information is used that provides a guide where actual information is not available. It is evident in the applicants' situation that they both have employment outside of agriculture which is considered to be further evidence that the needs of the enterprise do not rely upon the applicants to be readily available at most times. It is important to note that the farm has operated in the same way since the original farmhouse was sold in the 1960s with the applicants parents living in Chatburn. They too had to travel to the farm and the rented land in other parts of the borough, as the applicant's do today. It is important to be aware the distance to the site from the applicants home only becomes a material consideration where a functional need is identified. With this in mind, despite the recent construction of an additional building on the holding, this would not lead to a significant increase in the scale of the enterprise, it is therefore considered that there is a lack of a functional need for a dwelling at the farm.

In addition, the last 3 years annual trading accounts for the agricultural operations undertaken between Mrs Capstick (the applicant's mother who lives in Chatburn) and the applicants' demonstrate that the enterprise has operated at a profit over this time. However, the level of profit would not fund the cost of the provision of the dwelling and the profit is also not sufficient to consider this to be a viable enterprise which is capable of sustaining a livelihood. The profit achieved in the last 3 years is not sufficient to satisfy a financial justification and the fact that the applicants both have employment outside of agriculture emphasises that the profits from the farming operations are not sustainable to provide a livelihood for the applicants.

Whilst the agents have explained how the applicants, who live in Clitheroe, have previously attempted to buy the original farmhouse to Higher Flass but failed to do so, the fact that the applicants do not live near the farm is not a consideration where a functional need does not exist. Given there is a clearly a lack of functional need for a dwelling at the farm the proposal does not comply with this exception within paragraph 55 of the NPPF.

None of the other listed special circumstances within paragraph 55 apply in this case either. The barn is not currently redundant and although the LCC Land Agents advises that on completion of the portal frame building the building would not be used to house cattle, he does not consider that the building will become entirely redundant as it can still be used for agricultural storage

purposes. The barn is not listed as a designated heritage asset, and, as discussed below, it would not lead to an enhancement of the immediate setting.

The NPPF goes on to state that the planning system should protect and enhance valued landscapes and, in particular, great weight should be given to conserving the landscape and scenic beauty in AONBs which have the highest status of protection. In respect of the other previous reasons for refusal, the design of the conversion scheme has been amended, which includes the removal of first floor windows in each of the barns gables, the garage being set back from the west, road facing, elevation by 400mm and single roof lights being removed from each of its roof slopes. These changes are undoubtedly an improvement to the scheme, however, the three arrow slit windows at first floor on the roadside elevation previously accepted, are now proposed to be double in width to comply with building regulation requirements. The English Heritage Best Practice Guidance on the conversion of traditional farm buildings recognises that “*with any conversion or adaptation there is a balance to be struck between incorporating the practical requirements of a new use and protecting the special character and significance of the farm building and its setting*”, therefore, all three of the proposed first floor windows would be required to provide the necessary escape from the bedrooms in case of fire, on balance the design of the scheme is considered acceptable.

The highway objections regarding loss of parking have been addressed as part of the application as a site plan has been submitted which shows the removal of a caravan within the yard and the provision of three off road parking spaces provided within the farmyard.

In respect of protected species, a completed bat survey has been submitted, undertaken in late 2011, prior to the submission of the previous application, which found no evidence of bats or barn owls using the property. The conversion works would therefore be unlikely to affect either bats or barn owls. However, given the length of time which has past since the survey was undertaken, if permission were to be granted, an updated survey would be required to be submitted prior to commencement of development to ensure that the building has not since been occupied by these protected species which the proposals could harm.

In assessing all of the above, whilst I empathise with the applicants circumstances, there is not a functional need for a dwelling at the farm and the other policy exceptions identified within paragraph 55 of the NPPF have not been met. It is considered that due to the unsustainable location of the barn away from local services and any existing settlement, the harm to the visual amenities of the AONB, and the barn proposed for conversion are considered to be the overriding considerations, and for these reasons the application is recommended accordingly.

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

1. The proposal would lead to the creation of a new dwelling in the AONB outside any of the Borough’s defined settlements and isolated from any services or facilities without sufficient justification to the detriment of the visual amenities of the area. As such the development would be contrary to Policies ENV1, G5 and H2 of the Ribble Valley Districtwide Local Plan, Policies DMG1, DMG2 and DMH3 of the Regulation 22 Submission Draft Core Strategy and Section 6 of the National Planning Policy Framework.

APPLICATION NO: 3/13/0694/P (PA) & 3/2013/0695/P (LBC) (GRID REF: SD 378477 444320)
PROPOSED IMPROVEMENTS TO TOILET FACILITIES INCLUDING A SINGLE STOREY REAR EXTENSION, EXTERNAL ALTERATIONS TO THE STAIRS TOWER, INTERNAL ALTERATIONS TO CREATE A DISABLED PERSONS TOILET AND ALTERATIONS TO CAR PARK TO IMPROVE OUTDOOR SEATING AREA AND CREATE BUS SHELTER/SEAT AT THE ASSHETON ARMS HOTEL, DOWNHAM

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

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR): No comment on this application.

ENGLISH HERITAGE: Do not wish to offer any comments on this occasion. Recommend determination in accordance with national and local policy guidance and on the basis of RVBC expert conservation advice.

HISTORIC AMENITIES
SOCIETIES: Consulted, no representations received at time of report writing.

RVBC (ENVIRONMENTAL
HEALTH): No comments.

ADDITIONAL
REPRESENTATIONS: None received at time of report writing.

Proposal

Listed building consent and planning permission is sought for a rear flat (with parapet) roofed toilet extension and the creation of a wall enclosed and raised external seating area at the front of the listed building.

The toilet extension is proposed to be attached to an existing (1954) toilet extension and to be constructed in render and stone. The proposed extension will project 2.9m beyond the historic rear elevation (the 1954 extension sits within the angle at the juncture of the two historic ranges) and into the historic courtyard/former farmyard. It is shown to have a parapet height of 3.2m and to be 4.5m in width.

An existing (1954) stair tower is shown to be enlarged and to incorporate a flat (with parapet) roof (render).

The impact of this development on townscape and listed building character is difficult to understand because 'existing' elevation plans have not been submitted and proposed plans do not show the context and proposed relationship of the extension to the listed buildings historic curtilage buildings.

The extension is proposed as part of a scheme of improvement to toilet facilities (including the incorporation of a disabled persons toilet) at the site. An accessibility audit has been received (6 August 2013) following Officer request. However, this has not been undertaken in parallel with a conservation assessment of building elements (as advocated in English Heritage's "Easy

Access to Historic Buildings”) and therefore provides limited information to the necessary consideration of the relative impact of possible alternative accessible toilet provision schemes (see NPPF paragraph 13.2 and requirement for ‘clear and convincing justification’ for harm to designated heritage assets).

A wall enclosed and raised seating area is proposed to the front of the listed building. The wall has a maximum height of 2.5m and is approximately 17.5m in length. It is shown to be of dry wall construction with flat stone copings and to incorporate an arch-headed seating recess in the external face. It is difficult to understand the proposed level changes from the information submitted (no cross-section drawings) and the degree to which the front elevation of the listed building will be obscured. However, the existing soft landscaped area sloping to and bordering the road is shown to be lost. The seating recess is intended to be a bus shelter seat (no information submitted in respect to timetable boards etc).

Site Location

The Assheton Arms is a Grade II listed (13 February 1967) public house of 1765 prominently sited within Downham Conservation Area. All of the buildings surrounding the site are either listed (including Church of St Leonard II*) or identified as Buildings of Townscape Merit in the Downham Conservation Area Appraisal (The Conservation Studio consultants, 2006). Downham is within the Forest of Bowland Area of Outstanding Natural Beauty. A public right of way (FP41) traverses the north of the site providing excellent views through the village and towards Pendle Hill.

The principal listed building comprises two historic adjoining ranges (the public house and former stables and a perpendicular range of former cottages) and has a close, interesting and harmonic association to its historic curtilage buildings within a courtyard/former farmyard (these buildings may form part of the listing under section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990).

The existing openness of the Assheton Arms forecourt (i.e. without enclosure) is shown on the 1848 and 1892 Ordnance Survey maps.

‘The Buildings of England: North Lancashire’ (Pevsner N, 2000) states “*Downham is an excellently kept village of stone cottages and houses*”.

The Downham Conservation Area Appraisal identifies:

- (i) the forecourt of Assheton Arms to be *Significant Open Space*; Assheton Arms, Church of St Leonard and Top Row to be *Focal Buildings*; the view down Main Street from Assheton Arms to be a particularly *Important View* and curtilage buildings associated with the Assheton Arms to be at least *Buildings of Townscape Merit (Townscape Appraisal Map)*;
- (ii) *Hillside location with stunning views of the village and Pendle Hill; Architectural and historic interest of the conservation area’s buildings, including 32 listed buildings;*

Remarkable surviving historic appearance with almost complete lack of 20th century alterations and accretions; Spacious layout devoid of 20th century infill; Rural setting of the village; Local details ... stone boundary walls (Summary of Special Interest);

- (iii) *The village is scattered beside a minor road descending a south facing slope. Current form reflects the settlement's agricultural origins and a single landowner's control of development. The landowner, in successive generations, carried out limited building programmes in the 19th and early 20th centuries and, by sensitive management, has preserved and enhanced the village's historic character and appearance into the 21st century* (**General character and plan form**);
- (iv) William Assheton, born in 1758, and a second William Assheton, born in 1788, were both involved in much rebuilding ... at about this time the road that runs past the post office was constructed ... The Assheton Arms was originally a farmhouse brewing beer for their workers. The interior has a stone fireplace inscribed 'IBS 1765'. In 1872 it was known as the George and Dragon but in the 1950s was renamed the Assheton Arms in honour of Ralph Assheton's elevation to the peerage in recognition of his contribution to government during the Second World War ... At the start of the 20th century there was a large amount of rebuilding, notably St Leonard's Church (1910), the Post Office ... since that time there has been very little new development in the village and careful management of estate properties, resisting the ubiquitous advance of UPVC joinery, has resulted in a village, and conservation area, of exceptional historic character and appearance (**Origins and historic development**);
- (v) *After the brow of the hill, one enters the village and, from outside Top Row, there is a good southward, downhill view of the village ... The layout of the village on a hillside alongside a single main thoroughfare and lesser side lanes provides the opportunity for many diverse and attractive views. Because of the conservation area's picturesque setting, the village is much photographed* (**Key views and vistas**);
- (vi) *Unlike many similar English villages, Downham has not suffered from loss of open space due to 20th century infill or construction of garages or off-road parking ... One of the characteristics of the conservation area are the small grassy paddocks which sometimes contain a few sheep and, together with wide grass verges, act as 'breathing spaces' for the whole village, contributing to its loose-knit layout. Grassed areas north and east of the former School and a triangle of land north of St Leonard's Church are examples. In particular, the setting of Top Row is enhanced by a grassy bank, and the Post Office, too, has an open space to the south which provides a fine setting ... Top Row, the Assheton Arms and St Leonard's Church surround an informal open sloping tarmac 'square' which at first appears to be the public focus of the settlement but the actual village green is the area of land north of West Lane House. In the early 18th century there was a large cross in the road halfway between the church gates and the inn* (**The character of spaces within the area**);
- (vii) *Apart from high status buildings such as Downham Hall, St Leonard's Church and Lidgett House, buildings are modest in scale and architectural pretension, as might be expected of a rural village. Buildings are all stone-built in the local vernacular tradition ... The conservation area has an overall 18th and 19th century character and appearance. There are only a few 20th century buildings in the conservation area and even these conform broadly to local building style (e.g. the Post Office and Hillcrest). Buildings from the mid to late 20th century are notable by their absence ... This absence of post-1914 building is one of the main contributing factors to the Downham Conservation Area's special historic character and appearance* (**Architectural and historic character**);

- (viii) *The conservation area also contains several ‘buildings of townscape merit’ (see below) which add to the area’s range and variety of historic buildings. The presence of so many high quality historic buildings in such a small village is remarkable (Listed buildings);*
- (ix) *The buildings are considered to be good, relatively unaltered examples, of their type where original materials and details, and the basic, historic form of the building, has survived (Key unlisted buildings - Buildings of Townscape Merit);*
- (x) *The village is entirely stone-built ... The Assheton Arms is built with squared coursed limestone. The Post Office and former School, not uncommonly, are built with a combination of both, i.e. limestone walls with sandstone dressings. Stone roofing slabs are common, normally laid in courses diminishing in size from eaves to ridge ... the Assheton Arms and Greengates are examples of stone roofs ... The prevalence of stone as a building material, not only in habitable buildings but also for walls, gate piers, bridges, farm buildings and paving, unifies the conservation area, giving it a distinctive local identity and harmonising the many elements of the built environment (Building methods, materials and local details);*
- (xi) *There are no yellow line road markings in the conservation area and no traffic signs. Occasionally road surfaces are demarcated by a row of stone setts, as at the Assheton Arms ... The quality of the public realm is high. The public car park, information centre and toilets have been created to be respectful of existing buildings and immediate surroundings ... The only signs are small and discreet (a fascia sign at the Post Office and coat of arms at the Assheton Arms). There is no advertising, except for parasols with brewer’s corporate logo at the tables outside the Assheton Arms (summer 2005) (Floorscape and public realm);*
- (xii) *There are a number of local features which add to the area’s distinct identity and form part of the special interest of the area. It is highly desirable that these features are retained ... The conservation is notable for its stone boundary walls. Those in the south of the area enclosing small fields are drystone, capped with a haphazard coping of stones of varying size laid vertically on end. Property boundary walls are generally constructed more neatly, pointed, with either half-round or triangular coping stone. The wall around Lidgett House has triangular stone coping, the wall in front Fir Tree House has a half-round coping. A fourth method of coping with flat slabs laid horizontally can be found around the walled garden south of St Leonard’s Church (Local details and features);*
- (xiii) *Picturesque rural village popular with tourists; Dedicated tourist parking; Exceptionally unspoilt historic character and appearance; Absence of road markings (Strengths: The most important positive features of the Downham Conservation Area);*
- (xiv) *The prevalence of stone walls means that timber fences such as the one bounding the overflow car park of the Assheton Arms appear out of character; Parasols outside the Assheton Arms display advertising logo (Weaknesses: The principal negative features of the Downham Conservation Area);*
- (xv) *The current main threat to the character and appearance of the conservation area is traffic and the pressure of tourism (Threats to the Downham Conservation Area);*

Relevant History

3/2013/0025 & 0026 - Installation of new signage to the exterior of the building. LBC & AC granted 15 February 2013.

3/2012/1096 & 1097 - Improvements to toilet facilities including a single storey rear extension, providing a pitched roof to an existing single storey flat roof, internal alteration to create a disabled persons toilet and alterations to car park to improve outdoor seating area. PP & LBC refused 13 March and 1 February 2013. No pre-application advice was requested prior to submission of these applications; no reference in applications to the findings of the Downham Conservation Area Appraisal.

3/2005/0389 - Replacement of existing flat and glazed roof areas to provide adequate weather protection to building fabric. LBC granted 1 June 2005.

3/1974/0877 – Double-sided projection sign (illuminated). AC refused 14 November 1974.

6/10/0857 – Conversion of stable and loft into staff bedrooms and bathroom. PP granted 29 August 1960. *This relates to the left hand bay.*

6/10/0349 – Proposed alterations (existing bar service; better toilet facilities; conversion of cottage to restaurant). PP granted 29 March 1954. *The scheme included construction of the existing Gents toilet extension, the two storey stair tower and further infill of the space between ranges to provide the existing internal toilet arrangements ('existing' plans show toilets within the outbuildings).*

Relevant Policies

Planning (Listed Buildings and Conservation Areas) Act 1990.

NPPF

HEPPG

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

Policy ENV19 - Listed Buildings (Setting).

Policy ENV16 - Development Within Conservation Areas.

Policy G1 - Development Control.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy ENV13 - Landscape Protection.

Policy G6 - Essential Open Space.

Policy RT1 - General Recreation and Tourism Policy.

Policy T1 – Transport and Mobility

Policy G6 – Essential Open Space

Downham Conservation Area Appraisal.

SPG – Retention of Public Houses in Rural Areas.

Core Strategy Regulation 22 Submission Draft:

DMG1 – General Considerations.

DME4 – Protecting Heritage Assets

DME2 – Landscape and Townscape Protection

DMG2 – Strategic Considerations

DMG3 – Transport and Mobility

DMB1 – Supporting Business Growth and the Local Economy
DMB3 – Recreation and Tourism Development

Environmental, AONB, Human Rights and Other Issues

The main consideration in the determination of the listed building consent application is the duty at Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses. The duty to have special regard is repeated at Section 66(1) in respect to the determination of planning applications and listed buildings.

Section 72(1) of the Act also requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in planning functions.

Mrs Justice Lang's recent judgement in **East Northamptonshire** has confirmed that 'desirability' means '*sought-after objective*' and that '*in order to give effect to the statutory duty under section 66(1), a decision-maker should accord considerable importance and weight to 'the desirability of preserving ... the setting' of listed buildings when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status*'.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

Additional main considerations in the determination of the planning application are the impacts upon the rural economy, accessibility, and the character of the Forest of Bowland Area of Outstanding Natural Beauty.

The Ribble Valley Districtwide Local Plan

Policy ENV20 states "*Proposals for the alteration or repair of listed buildings should be sympathetic to their character and appearance*". Paragraph 4.7.21 states "*The Council will seek to preserve all features which contribute to the special interest of the building*".

Policy ENV16 states "*Within conservation areas development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials. Trees, important open spaces and natural features will also be protected as appropriate*". Paragraph 4.7.8 states "*The main elements of Council policy are retention and enhancement*".

Policy RT1 states that the Borough Council will approve development proposals which extend the range of tourism and visitor facilities providing "*the development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design*" and within the AONB "*the proposal should display a high standard of design appropriate to the area*".

Policy G1 states that "*All development proposals will be expected to provide a high standard of building design and landscape quality ... development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature ... the density, layout and*

relationship between buildings is of major importance ... materials used should be sympathetic to the character of the area”.

The National Planning Policy Framework

Paragraph 131 states that “In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets ... the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness”.

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

Paragraph 137 requires consideration to listed building and conservation area enhancement and also indicates what the approach should be towards new developments which do not preserve positively contributing elements of setting “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably”.

Paragraph 56 states “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

Paragraph 60 states that it “is proper to seek to promote or reinforce local distinctiveness”.

Paragraph 61 states “Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment”.

Paragraph 28 ‘Supporting a prosperous rural economy’ states that planning policies should take a positive approach to “sustainable new development” and should support “sustainable rural tourism”.

The Historic Environment Planning Practice Guidance

Paragraph 178 states “The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting ... It would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset’s significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate”.

Paragraph 193 states “Buildings will often have an important established and historic relationship with the landscaping that exists or used to exist around them. Proposals to alter or renew the landscaping are more likely to be acceptable if the design is based on a sound and well-researched understanding of the building’s relationship with its setting, both now and in the past”.

Paragraph 45 states “There will almost always be scope to provide improved access for all without compromising the significance of a heritage asset”.

Paragraph 114 states: “Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration: by spatial associations; and, by our understanding of the historic relationship between places.”

Paragraph 116 states: “The setting of a heritage asset can enhance its significance whether or not it was designed to do so.”

Paragraph 117 states: “The contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. Nevertheless, proper evaluation of the effect of change within the setting of a heritage asset will usually need to consider the implications, if any, for public appreciation of its significance.”

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

‘the cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development. The gradual loss of trees, verges or traditional surfacing materials in a historic area may have a significant effect on the setting of heritage assets’ (4.5).

‘The numbers and proximity of heritage assets in urban areas means that setting is intimately linked to considerations of townscape and urban design’ (2.2)

‘where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting ... consideration still needs to be given to whether additional change will further detract from ... the significance of the asset’ (2.4).

‘The setting of some heritage assets may have remained relatively unaltered over a long period and closely resemble the setting in which the asset was constructed or first used. The likelihood of this original setting surviving unchanged tends to decline with age and, where this is the case, it is likely to make an important contribution to the heritage asset’s significance ... the recognition of, and response to, the setting of heritage assets as an aspect of townscape character is an important aspect of the design process for new development, and will, at least in part, determine the quality of the final result’ (2.5).

‘many heritage assets have settings that have been designed to enhance their presence and visual interest or to create experiences of drama or surprise. Views and vistas, or their deliberate screening, are key features of these designed settings, providing design axes and establishing their scale, structure, layout and character. These designed settings may also be regarded as heritage assets in their own rights, which, themselves, have a wider setting: a park may form the immediate setting for a great house, while having its own setting that includes

lines-of-sight to more distant heritage assets or natural features beyond the park boundary' (2.5).

Ribble Valley Supplementary Planning Guidance 'The Retention of Public Houses in Rural Areas' states "*Not only does the village pub provide an important social function to the village, it also has a significant impact upon the economic vitality of the village and the rural areas beyond ...also plays an important role in the visual appearance of the village. This is particularly true where the pub is located within a conservation area. The pub provides a vitality and attractiveness to the village and also affords a visible social focus which marks the centre of the village*".

The Downham Conservation Area Management Guidance (The Conservation Studio consultants, 2006) states: **Key design principles** - *Maintain the historic pattern of development by respecting the historic grain associated with historic plots and the historic morphology of development in the immediate area (New development).*

English Heritage guidance 'Easy Access to Historic Buildings' (2004) states that '*The aim should always be to reconcile the interests of conservation and access*'. The recommended approach to determining reasonableness is to produce an access plan from an access audit and a conservation assessment : "*preparing an access plan, and working through the issues it raises, is fundamental to the process of determining the need for changes to a historic building ... the process should consider the options available*".

Note is made of the Planning Inspector's comments on appeal APP/T2350/E/08/2072213, Rodhill Lodge, Bolton By Bowland (8 August 2008; converted barn attached to Grade II listed farmhouse) "*I accept that views of the proposed conservatory from the public realm would be very limited but listed buildings are protected for their intrinsic value. The fact that the conservatory would be barely visible to anyone but the appellants is not a matter to which any great weight can be attached, therefore*" (paragraph 6).

The Forest of Bowland AONB (Draft Outline) Management Plan (July 2013) states:

"The natural beauty of AONBs is partly due to nature, and is partly the product of many centuries of human modification of 'natural' features. Landscape encompasses everything – 'natural' and human – that makes an area distinctive".

Conclusions

Mindful of the advice at NPPF paragraph 187-190 it is disappointing that this resubmission has not been the subject of pre-application discussion with officers (other than initial advice to undertake an access plan). From the information submitted, it is difficult to understand the impact of the proposals on the character and significance of the designated heritage assets or to assess whether harm is justified (see the Borough Council's duties at 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF paragraph 132 requirement).

In my opinion, the proposed development is unduly harmful to the character (including setting) and significance of the listed building, the setting of nearby listed buildings and the character, appearance and significance of Downham Conservation Area because:

(i) the extension is incongruous and dominant – whilst the existing two storey modern stair tower is an unfortunate aberration it is to be retained and enlarged. The existing single-storey extension is not of interest but appears to have been carefully sited (pre-listing) to respect its historic and prominent location. However, the proposed extension dominates the enchanting courtyard and assemblage of related historic buildings because of its projection, flat-roofed (parapeted) form, use of render (its use is conspicuous in a village of unifying, distinctive and harmonizing stonework) and loss of interesting and very important through views (principally those of the village roofscape juxtaposed with Pendle Hill). Therefore, the proposal does not preserve (i.e. keep free from harm; **South Lakeland**) the listed building or the character, appearance and significance of Downham Conservation Area as narrowly defined by The Conservation Studio consultants in the Downham Conservation Area Appraisal).

In the absence of a comprehensive access plan, I am not convinced that the suggested public (accessibility) benefits of the extension outweigh the considerable harm to the listed building and conservation area (NPPF paragraph 134).

(ii) the forecourt proposals demarcate and enclose an historically open (and ostensibly public) space. Historic maps and the conclusions of the Downham Conservation Area Appraisal confirm that the openness of the Assheton Arms forecourt and adjacent listed buildings is a long-standing and critical element of the character of this 'gateway' part of the conservation area. The enclosure and raising of the forecourt will result in a prominent and alien feature and the obscuring of a large section of the listed building's façade. The forecourt is already used as a seating area and I am therefore not convinced from the information submitted that the proposed works are necessary to achieve the economic benefits suggested (NPPF paragraph 134). In my opinion, the harm to designated heritage assets results in proposals which are not sustainable (NPPF paragraph 28).

RECOMMENDATION: That listed building consent and planning permission be REFUSED for the following reasons:

1. The proposal has an unduly harmful impact upon the character (including setting) and significance of the listed building, the setting of nearby listed buildings and the character, appearance and significance of Downham Conservation Area. This is because of the proposed extension's projection into the rear courtyard, its parapeted form and its extensive use of render resulting in an incongruity, dominance, obscuring of important building features and the loss of important through views. This is also because of the unsympathetic demarcation, raising and enclosure of the historic and important open space to the front of the listed building. This is contrary to Policies ENV20, ENV19, ENV16 and G1 of the Ribble Valley Districtwide Local Plan, Policies DME4 and DMG1 of the Core Strategy Regulation 22 Submission Draft and Paragraph 17 (conserve heritage assets in a manner appropriate to their significance), Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) and Paragraph 132 (great weight to conservation) of the National Planning Policy Framework.

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>
3/2012/1065/P	Proposed multi-purpose agricultural building on land adjoining Ward Green Lane	Crow Wood Ward Green Lane Ribchester
3/2013/0493/P	Application for a non-material amendment to planning permission 3/2013/0131P to allow a small change to the new chimney between the existing drawing room and the new Orangery Garden Room extension, effectively reinstating what would have been an original chimney. As this original chimney would have continued up to roof level through the window to the master bedroom in the end gable of the South West elevation, we have reduced the width of the chimney at first floor level to allow a smaller window to be installed on either side of the chimney stack	Woodside Whalley Old Road Billington
3/2013/0502/P	Proposed demolition of existing dwelling and erection of a new dwelling (note previous approvals 3/2005/0155/P and 3/2010/0325/P)	Seven Acre Cottage Forty Acre Lane Longridge
3/2013/0623/P	Reconstruction of fire damaged first floor dormer roof, with extension of existing footprint to rear	Farthings Whins Lane, Simonstone
3/2013/0535/P	The erection of a single cottage (alternative scheme to planning permission 3/2011/0618/P) on land adjacent	10 The Dene, Hurst Green Clitheroe
3/2013/0630/P	Application for the modification of the S106 agreement to allow the whole house to be used as a residential dwelling	1 Chapel Close Brockhall Village
3/2013/0634/P	Proposed single storey extension, demolition of detached timber garage and erection of new garden store and office building	28 The Sands Whalley
3/2013/0641/P	Application to discharge condition no.3 (window Specification) of planning permission 3/2013/0240P	4 Park Mews Gisburn

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0652/P	Proposed two storey extension to the gable end of an existing semi-detached house, with materials to match those existing	4 Woodlands Drive Whalley
3/2013/0658/P	Application to discharge condition no. 7 (historic building record) and condition no. 8 (foul drainage) of planning permission 3/2013/0103/P	Park Style Leagram Chipping
3/2013/0660/P	Proposed two-storey extension to the rear	18 Pollard Row, Simonstone Lane, Simonstone
3/2013/0661/P	Application to discharge condition No.3 (materials) of planning permission 3/2012/1034P	Osbaldeston Riding Centre Osbaldeston Lane Osbaldeston
3/2013/0662/P	Ground floor extension to provide disabled bathroom facilities	5 Berkshire Close Wilpshire
3/2013/0667/P	Single storey extension to semi-detached house	3 Huntsmans Cottages Woodfold Park, Mellor
3/2013/0669/P	Extension to rear of bungalow, extend the existing pitched roof over garage (Retrospective)	22 Moor Field Whalley
3/2013/0674/P	Proposed dormer to front elevation to provide two additional bedrooms and bathroom and extension to existing rear dormer	88 Hillcrest Road Langho
3/2013/0709/P	Single storey extension to extend existing office	Skretting Shay Lane, Longridge

APPLICATIONS REFUSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2013/0365/P (LBC) & 0366/P (PP)	Internal alterations to reinstate key historical aspects of the existing house, including sub division of the existing living room and the resiting of the staircase and main entrance hallway to the existing 'out-shut' on the west elevation and the recreation of the pre-existing tripartite first floor layout. Reinstate the traditional roof pitch over the bathroom and repair the poor quality modern window frames on the south west side. It is proposed to lime render the south gable and west elevation walls of the	Edisford Hall Farm Edisford Bridge Clitheroe	Harmful to character (including setting) and significance of the listed building because of loss of important historic fabric and the size, siting, materials and design of the proposed extension. RVDLP Policies ENV20, ENV19, G1 and H10, NPPF paragraph 131 and 132, SPG 'Extensions and Alterations to Dwellings' and RVCSReg.22SD Policies DME4 and DMG1.

Cont/

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...	original house to match the east elevation. The proposed small extension on the south east side of the 1984 kitchen extension is intended to assist in reinstatement of the historic layout internally, improve the kitchen extension layout and the form and appearance of the mono pitch. Practical issues addressed in the extension include retaining the existing necessary floor area in the kitchen and breakfast area. There is also a need to provide access to boot cleaning at the 'garden' entrance to the kitchen which also includes a more adequate utility room space		
2013/0578/P (LBC) & 3/2013/0579/P (PA)	New porch to front elevation	Wolfen Hall Chipping	Harmful impact upon the character and significance of the listed building because of the incongruity and dominance in front elevation, the prominence given to a secondary element of the facade and the obscuring of important historic features. RVDLP Policies ENV19, G1 and H10, NPPF paragraph 131 and 132, SPG 'Extensions and Alterations to Dwellings' and RVCSReg.22SD Policies DME4 and DMG1.
3/2013/0651/P	Removal of existing garage and construction of two storey side and rear extension	2 Beech Street Clitheroe	DWLP - G1, H10 and SPG and C.S DMG1, and DMH5 – injurious to dwelling and visual amenity.

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2013/0655/P	Proposed new balcony	3 Bridge End Billington Whalley	<p>Policies G1, ENV16 – incongruous addition harmful to character, appearance and significance of Building of Townscape Merit and Conservation Area.</p> <p>Policies G1, and H10 – harmful to amenities of adjacent residents due to use of balcony, noise, overlooking and overshadowing.</p>

PRIOR APPROVAL PART 1 OF SCHEDULE 2 TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (AS AMENDED) REFUSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0666/P	Proposed single storey mono-pitch extension to rear of existing terraced property, with painted render walls and grey tiled roof	6 Wheatsheaf Avenue Longridge
3/2013/0672/P	Proposed single storey rear extension projecting 4360mm	9 Springs Road Longridge
3/2013/0716/P	Prior notification of new rose wood on white pvc conservatory to rear of property to project 4.75m	56 Preston Road 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 Agent – issues regarding United Utilities and revised plans
3/2012/0014	Land adj Greenfield Avenue Low Moor Clitheroe	19/7/12 18/7/13	30	With Legal
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 – engrossment went out in July/third party delay

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0738	Dale View Billington	6/12/12	10	With Agent – issues regarding plans and access details
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	6/12/12	57	With Legal & Lancashire County Council
3/2012/0964	Land to the north of Whalley Road Hurst Green	14/3/13	30	LCC education issues resolved - with applicants Solicitors
3/2013/0137	Lawsonsteads Whalley	18/7/13	260	Not 'called in' - with Legal & Lancashire County Council
Non Housing 3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures, draft 106 received from Lancashire County Council

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	17/01/12	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	Appeal dismissed 24/07/13
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)	Appeal allowed 27/06/13
3/2012/0630 Undetermined	22/01/13	land SW of Barrow and W of Whalley Road, Barrow	Inquiry	11/09/13 (up to 2 days)	Inquiry to reopen
3/2012/0478 and 0479 Undetermined	23/01/13	28 Church Street, Ribchester	WR		Appeal dismissed 02/07/13

<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	Change d to Hearing, then back to written reps Costs		Notification letter sent 11/02/13 Questionnaire sent 11/02/13 Statement sent
3/2012/0526 R	27/03/2013	Laneside Farm, Pendleton			
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 sent 28/03/13
3/2012/0729 R	13/03/13	Dog & Partridge, Tosside	WR		Appeal dismissed 25/07/13
3/2012/1088 R	28/03/13	8 Church Brow, Clitheroe	LB		Notification sent 08/04/13 Questionnaire sent 09/04/13 Statement sent 09/05/13
3/2012/0913 R	28/03/13	land off Waddington Road, Clitheroe	Inquiry	19/09/13 (1 day)	Inquiry to reopen
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 sent 17/05/13 Statement sent 17/05/13
3/2012/0972 R	23/04/13	Shays Farm Tosside	WR		Notification sent 24/04/13 Questionnaire sent 24/04/13 Statement sent 03/06/13

<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>
3/2012/0539 R	25/04/13	Carr Hall Home and Garden Centre, Whalley Road, Wilpshire	Hearing	20/08/13 1.5 days	Hearing over, waiting for decision
3/2013/0099 Undetermined	20/05/13	land to the west of Whalley Road, Barrow	Inquiry	05/11/13 4 days	Notification sent 23/05/13 Questionnaire sent 31/05/13
3/2013/0321 R	07/06/13	Slimrow Slaidburn Road Newton	HH		Appeal dismissed 25/07/13
3/2012/1040 R	15/07/13	Carr Meadow Barn, Carr Lane, Balderstone	WR		Notification due 29/07/13 Questionnaire due 29/07/13 Statement due 26/08/13
3/2013/0126 R	29/07/13	3 Horton Lodge, Horton	HH		Notification sent 30/07/13 Questionnaire sent 31/07/13
3/2013/0419 R	08/08/13	Wolfen Mill	WR		Notification sent 14/08/13 Questionnaire sent 16/08/13 Statement due 19/09/13
3/2012/1092 R	Awaiting validation by PINS	land off Henthorn Road			
3/2013/0447	Awaiting validation by PINS	Bleak House, Kemple End, Stonyhurst			

LEGEND

D – Delegated decision
C – Committee decision
O – Overturn