

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

Agenda Item No

meeting date: THURSDAY, 16 JANUARY 2014  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES

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

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

APPLICATION NO: 3/2013/0595 (GRID REF: SD 383561 447984)  
 INSTALLATION AND OPERATION OF A SINGLE 500KW WIND TURBINE ON AGRICULTURAL LAND AT SHUTTLEWORTH HALL FARM, WITH A HUB HEIGHT OF UP TO 50M AND OVERALL BLADE TIP HEIGHT OF UP TO 74M AND ASSOCIATED EQUIPMENT SHUTTLEWORTH HALL FARM, BURNLEY ROAD, GISBURN

**GISBURN PARISH COUNCIL:** Gisburn Parish Council has discussed this application at two separate meetings and remain divided on the application. The Chairman of the Parish cannot have the casting vote as he is the applicant. The concerns of the objectors relate to:

1. the turbine being of undesirable and intrusive appearance close to an AONB
2. noise pollution issues
3. threats to wildlife particularly birds and bats
4. possible interference with TV and mobile phone reception in the area, and
5. that a similar proposal was refused nearby (Westby Hall Farm) and that the Parish should be consistent with their views.

**PENDLE BOROUGH COUNCIL:** It appears likely that due to its proximity the turbine will affect the setting of both the Scheduled Ancient Monument at Bomber Camp and the listed building at Wedacre. However, there is very little information provided with the application to assist in assessing this, and we would suggest that more details should be requested of the visual impact of the turbine on each heritage asset. This could usefully include photomontages to illustrate how the turbine will be seen from each asset, and how the turbine could encroach on typical views of the asset, also whether this is mitigated to any extent by the presence of trees, changes in topography or any other screening.

**LANCASHIRE GARDENS TRUST:** The LGT responds on behalf of The Garden History Society, in relation to the potential impacts of the subject application on the registered historic designed landscape at Gisburne Park. The LGT objects to the application on the basis that an adequate assessment has not been undertaken of the impacts of the proposal on the heritage designed landscape. Gisburne Park is registered Grade 2

and forms the setting for the Grade 1 listed mansion, and numerous other Grade 2\* and Grade 2 listed estate buildings, which were in the ownership of the Lister family (later Lord Ribblesdale) as their principal seat for over 300 years. The Park comprises numerous phases of work by a single family from the early C18th Park and formal gardens which continued to develop in the late C18th, and later naturalistic landscape elements including the new picturesque valley approach and Park Lodges. The early C18 work is to designs by Lord Petre (of Goodwood). The estate as a whole is highly significant, as eloquently described in the Gisburne Park Historic Landscape Management Plan October 2010: ‘... and creates a landscape of great complexity with important reciprocal views throughout the estate’. The Planning Statement supporting the application for the wind turbine at Shuttleworth Hall Farm includes a Landscape and Visual Assessment. The LGT considers that this assessment fails to establish the impact of the development on Gisburne Park, despite the Park falling within the five km radius study area (4.1.1 page 18). There are no plans showing the extent of the study area, and the four receptor viewpoints are not adequate for the extent of the study area. Although Viewpoint 4 is within the Park, on the Ribble Way Long Distance Route/National Trail, it is not the only possible receptor (nor the most representative) within the Park. At paragraph 4.4.5 the text description of this viewpoint concludes the ‘...land topography limits the view of the landscape leaving this viewpoint void of intrinsic beauty’. This statement is totally inappropriate and misleading and does not recognise the values of the wider Gisburne Park, as described in the Historic Landscape Management Plan and as summarised above. The Assessment goes on to conclude in 4.5.5 that the impact should be assessed as no more than minor in relation to this viewpoint, however, no reasonable conclusion can be based on this inadequate LVIA assessment. In relation to heritage assets, a far narrower one kilometre radius has been identified which excludes much of Gisburn itself as well as the Park, and the nearby AONB. This is too narrow to allow adequate assessment of impacts.

In conclusion, the Landscape and Visual Assessment has been subjected to very thorough and detailed comments by LCC’s Senior Landscape Architect. The LGT concurs with the request that a thorough and appropriate LVIA, and assessment of impact on heritage assets should be prepared, as the current document has many deficiencies. In this instance, the LGT does not envisage making a request to speak at the Committee Meeting. However we would ask to be kept informed of progress of the application and included in the process of addressing the matters raised in this response.

ENVIRONMENT  
DIRECTORATE  
(AONB OFFICER):

The proposed wind turbine would be located approximately 1.5km from the Forest of Bowland AONB within an area which forms part of the setting to this nationally important designated landscape. The wind turbine would likely be seen in views towards the AONB and

from locations within it. Since the proposed wind turbine would be located close to the AONB and within an area that forms part of the setting to it, consideration of its impacts on the AONB is therefore essential. This is particularly important when trying to determine the acceptability of the likely landscape and visual impacts of a proposed 74m high wind turbine, the effects of which could be over experienced over a large area. A key document in the assessment process is the quality of the information provided by the applicant in support of his application particularly that in his landscape and visual impact assessment (LVIA). This document needs to demonstrate that likely impacts have been addressed and, crucially, provide local planning authorities with the information they need to make informed judgements on the acceptability of impacts.

Unfortunately, the applicant's LVIA is inadequate due to the following significant weaknesses and omissions:

- (a) the assessment of the proposed wind turbine's impacts on the AONB is based on unsound thinking regarding scale, distance and visibility.
- (b) the LVIA has been undertaken using the methodology in *Guidelines for Landscape and Visual Impact Assessment, Second Edition 2002*. It should be noted that this guidance has been superseded by that provided in the latest third edition. The arrival of the third edition does not necessarily mean that the second edition guidance is no longer valid but, at the very least, the applicant should have explained why the latest guidance was not considered appropriate for his LVIA. Aside from issues relating to the merits or otherwise of the two guidance documents I also draw attention to this matter so that users of the LVIA are clear that statements like this from the assessment are not true, "*Making positive/adverse judgements for effects of wind energy developments on landscape character based on **current guidance** (my highlight) would be of questionable value*".
- (c) the criteria used to determine the sensitivity of the landscape are too vague, concentrate almost solely on the value attributed to the landscape (but without stating how this would be determined) and are overly subjective e.g. "*unimportant landscape*". No reference is made to the published *Landscape Sensitivity to Wind Energy Development in Lancashire* study undertaken by Lancashire County Council.
- (d) the assessment of the duration of effects does not make any reference to future re-powering of the proposed wind turbine (an increasingly common occurrence).
- (e) when determining the acceptability of likely landscape and visual impacts, those which are deemed to be of **moderate** and above significance are regarded as material considerations. It is incorrect to state as the applicant does on page 21 of the LVIA that "*Moderate – Indicates a noticeable effect that is not material in the planning decision making process.*"

- (f) none of the chosen viewpoints are within the AONB. In addition just four viewpoints were chosen.
- (g) the assessment of visual effects does not include any reference to specific visual receptors such as residences. This is surprising as there are a number of residences within 1km of the proposed wind turbine. As indicated above the assessment of visual effects is not supported by any ZTV mapping.
- (h) only an assessment of visual impacts has been provided; an assessment of the likely effects of the proposed wind turbine on landscape character, landscape value, landscape amenity and landscape fabric appears to have been overlooked. A description of the methodology used to determine landscape effects has been provided but no actual assessment has actually been undertaken. Even baseline information on landscape character and other landscape attributes/features is missing and no reference has been made to any of the published landscape character assessments that cover the application site and wider landscape.
- (i) the visualisations produced for the proposed wind turbine should not be used as:
  1. key data relating to their production e.g. methodology/camera used and image metadata has not been provided so it is not possible to verify their accuracy and determine the extent of distortion, cropping, etc.
  2. there are no instructions for their use, and
  3. they do not show the scale of the wind turbine as it would appear in reality.
- (j) There is no consideration of mitigating any of the predicted impacts, and
- (k) the heritage assessment only considers impacts on assets within a 1km radius of the proposed wind turbine. As stated above a 74m high wind turbine can have significant impacts at distances beyond 1km. In addition it is not clear whether the assessment of the proposed turbine's impacts on heritage assets involved the applicant's Landscape Architect(s) (if such professionals were employed).

Taking the above into account I strongly recommend that the application should not be determined until a suitable LVIA has been submitted.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

No objection in principle. It is noted that little information has been provided by the applicant with regard to:

1. Prospective construction activities,
2. Time scales and means of equipment delivery to site be it via single or multiple loads, delivery vehicle and crainage, overall size and axel weight.
3. Subsequent maintenance regime associated with the wind turbine itself,
4. Access details to the proposed site. Currently it is not clear from

where and how the property can be accessed. Detailed access details need to be generated, and

5. A planned route, which is indicated in design and access statement, does not indicate any highway constraints and including tight turns, highway accessories like lighting pole, bridge structure for its feasibility to take such heavy load etc.

Being a large structure, logistics of the components up to the site needs to be evaluated carefully in relation to the on-route highways feasibility. It is recommended that route survey and prior inspection of the route is necessary including consideration of off peak traffic transport to the site, secured by condition. Also recommend condition for wheel washing facilities.

ENVIRONMENT  
DIRECTORATE  
(ECOLOGY)

The following matter will need to be addressed before the application is determined:

A turbine in the proposed location appears reasonably likely to pose a risk to bats. There does not appear to have been any site based assessment of likely impacts on bats by a suitably qualified person. This should be submitted and unless the turbine can be relocated to retain a 50m buffer from suitable bat features/habitats to turbine blade tips in a low risk site (and the applicant can demonstrate that this would be the case), surveys during the bat activity season to establish the use of features within 50m by bats will be required and/or mitigation measures will need to be submitted to demonstrate how impacts (and offences) will be avoided (see below).

In determining this application, the requirements of the following legislation, planning policies and guidance should be addressed:

- The Conservation of Habitats and Species Regulations 2010 (as amended).
- The Wildlife and Countryside Act 1981 (as amended).
- The Natural Environment and Rural Communities Act 2006.
- The National Planning Policy Framework, 2012 (NPPF)
- Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).
- Environmental Protection / Nature Conservation policies of the Local Plan.

Further information is required in order to demonstrate that the proposed development would comply with the above legislation, policies and guidance. In order to meet the requirements of the above, it will need to be demonstrated that the development would be located and designed in a way that would ensure that harm to biodiversity will be avoided and minimised and that adequate mitigation /compensation for any unavoidable impacts will be provided.

Ecological information submitted appears to be included within the submitted Planning Statement (section 9.2). The information submitted does not constitute an adequate assessment of the likely ecological impacts resulting for the proposals. The information states that a thorough desktop survey of the proposed site has been undertaken including a site walkover. No information has been provided as to who undertook these assessments/surveys and it is therefore not clear whether or not any site based assessment has been carried out by a suitability qualified and experienced ecologist. It appears to me that the "assessment" has been carried out by the planning agent rather than by someone with suitable knowledge/experience to undertake such an assessment and the majority of the information provided appears to be basic generic and general information. In addition, no information has been provided regarding the "thorough desk top survey", for example what sources of information were used to inform such as assessment. The statement concludes that due to the lack of ecological designations within 1km of the proposed turbine location the potential impacts on the environment will be limited, and because of this and the "low density" of ecological designations in the vicinity that the proposed turbine would cause no more than minor impacts to localised ecological features. This statement shows a complete lack of understanding of species ecology, site designations and the potential ecological impacts of turbines. If ecological assessment/surveys have been carried out then the applicant should be required to submit the standalone ecological report to allow it to be assessed.

### **Bats (European Protected Species)**

The Planning Statement appears to have misinterpreted the Natural England TIN 051. In fact this information note advises that ensuring that turbine blades tips fall at least 50m from features/habitat suitable for use by bats (that is all suitable features/habitats and not just trees, hedgerows and waterbodies as cited in the information submitted) may be sufficient to avoid impacts on bats in many cases, but where the risk to bats is higher (for example where a large number of common species occur or a small number of scarce species occur) a greater stand-off distance may be required.

The proposed turbine appears to be sited within 50m of a boundary feature supporting scrub/sparse hedgerow/trees that appears to be suitable for use by bats and which connects to other suitable bat habitat in the wider landscape. In addition it is not clear to me if there are any trees within 50m of the proposed turbine or what habitat (and its suitability for bats) the proposed turbine is located within (for example it may be situated within grassland suitable to be used by foraging bats). This information should be provided. A site based assessment of likely impacts on bats should be carried out.

Unless the turbine can be relocated to retain a 50m buffer from suitable features to turbine blade tips (and the applicant can

demonstrate that this would be the case) in a low risk area, surveys during the bat activity season to establish the use of these features by bats will be required and/or mitigation measures will need to be submitted to demonstrate how impacts (and offences) will be avoided. Bat assessments/surveys will need to be carried out by suitably qualified and experienced persons and in accordance with recognised guidelines (i.e. *Bat Surveys: Good Practice Guidelines* published by the Bat Conservation Trust, 2nd edition, 2012). DEFRA Circular 01/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision (para 99). This information will therefore need to be submitted prior to determination of the application.

### **Birds**

Although a robust assessment of the likely impacts on birds has not been submitted and the submitted information does not appear to have fully considered the likely impacts on birds resulting from installation of a turbine in this location; the proposed turbine is not within an area identified as supporting bird populations sensitive to wind turbines (RSPB & Lancashire Wildlife Trust, 2008) or in an area highlighted as being important for bird populations (RSPB) and this combined with the scale of development, and the nature of the habitat on the site and surrounding area (within the potential zone of influence) indicates that the risk to bird populations sensitive to wind energy developments is likely to be low. Unless other consultees have evidence to the contrary it would therefore seem disproportionate to require bird surveys/assessments. Habitats on the site may have the potential to support nesting birds, including ground nesting species. If Ribble Valley Borough Council is minded to approve the application it needs to be ensured that works associated with the development do not impact on nesting birds. A planning condition is recommended above to address this matter.

NATIONAL AIR  
TRAFFIC AND  
MINISTRY OF  
DEFENCE:

No objection.

No objection. Request applicant provides construction start and end dates, maximum height of construction equipment and the precise latitude and longitude of the turbine so that it can be plotted on their flying charts prior to commencement.

ADDITIONAL  
REPRESENTATIONS:

15 letters of objection have been received from neighbouring properties. One objection statement has also been submitted on behalf of residents local to the application site, Gisburn and Rimington. The main points of objection have been taken from these letters and simplified as follows:

- Height of the proposed turbine - Visual impact on such a wide area/for miles. Irreversible impact upon the countryside
- Visual impact of the turbine upon the uninterrupted

- landscape - would dominate the skyline and blight the area
- Impact upon Area of Outstanding Natural Beauty
- Impact upon tourism -inappropriate development
- industrial money making scheme on agricultural land
- No thought for the impact upon the locality and environment
- Impact upon wildlife/birds
- Impact upon radio, TV and mobile signals
- Turbines are notoriously inefficient
- Impact on views from the Conservation Area
- Noise nuisance
- Impact upon the enjoyment of walkers who use nearby footpaths
- Proposed 500kW turbine is too large, a 50kW would be fine
- The proposed white turbine will stand out even more
- Shadow flicker impact upon cattle
- Impact on school children (1000m from the school)
- Detrimental impact upon views
- Insufficient area of notification
- No evidence has been provided to suggest the turbine could not be better located in an area outside the setting of the AONB
- Approval would set a precedent.

### **Proposal**

Planning permission is sought for the installation of a 500kW wind turbine with a hub height of 50 metres and an overall height of 74 metres to the tip on land to the south east of Shuttleworth Hall Farm, Burnley Road, Gisburn. The turbine is a tri-blade design and the surface finish colour would be white. A dark green reinforced plastic control unit to house the control box and electrical gear switch would be positioned adjacent to the turbine base (dimensions 5m x 2m x 3m). There is no reference in the application to the cabling that will transfer the produced electricity to Shuttleworth Hall Farm.

The applicant states that the turbine would generate an estimated output of 1,400mwh of electricity per annum, which would enable Shuttleworth Hall Farm to reduce its carbon emissions and energy bill whilst increasing its self-sufficiency in terms of electricity production.

### **Site**

Shuttleworth Hall Farm lies on the eastern side of Burnley Road to the south of Gisburn. The turbine would be sited approximately 700m to the south east of Shuttleworth Hall Farm within open countryside, approximately 1.5km south east of the Forest of Bowland Area of Outstanding Natural Beauty, 900m south of the Gisburn Conservation Area and 1km to the south of Gisburne Park (Grade I Listed) and Gisburne Park Historic Park and Garden (Grade II Listed). Public Right of Way no's 2, 3, 4 and 23 within the Parish of Gisburn run close to the proposed site, with the nearest No.3 being just over 130m to the east of the turbine site. The turbine will be sited approximately 270m to the north of Coal Pit Lane and approximately 690m to the east of Burnley Road (A682). There is an existing 15m high telecommunications mast within the field and the turbine is proposed to be sited approximately 40m to the north west of this.



## **Relevant Policies**

### *Ribble Valley Districtwide Local Plan (RVDLP)*

Policy G1 - Development Control  
Policy ENV1 – Area of Outstanding Natural Beauty  
Policy ENV2 – Areas adjacent the Area of Outstanding Natural Beauty  
Policy ENV3 – Open Countryside  
Policy ENV4 – Green Belt  
Policy ENV7 – Species Protection  
Policy ENV13 – Landscape Protection  
Policy ENV14 – Ancient Monuments  
Policy ENV16 - Conservation Areas  
Policy ENV19 – Listed Buildings  
Policy ENV21 – Historic Parks and Gardens  
Policy ENV24 – Renewable Energy  
Policy ENV25 – Renewable Energy  
Policy ENV26 – Wind Energy

### *Ribble Valley Core Strategy (Regulation 22 Submission Draft Post Submission Version Including Proposed Main Changes)*

Key Statement EN2: Landscape  
Key Statement EN3: Sustainable Development and Climate Change  
Key Statement EN4: Biodiversity and Geodiversity  
Key Statement EN5 Heritage Assets  
Key Statement DS2: Sustainable Development  
Policy DMG1: General Considerations  
Policy DME2: Landscape and Townscape Protection  
Policy DME3: Site and Species Protection and Conservation  
Policy DME4: Protecting Heritage Assets  
Policy DME5: Renewable Energy  
Policy DMB5: Footpaths and Bridleways

Ancient Monuments and Archaeological Areas Act 1979  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning Policy Statement (PPS) 5 Planning for the Historic Environment Practice Guide  
Planning Practice Guidance for Renewable and Low Carbon Energy

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

### **Policy Context**

Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan therefore remains the starting point for assessment in the determination of planning applications. In this case, as the local plan is out of date, certain policies within it can be afforded little weight and the NPPF is therefore a significant material consideration, as it prescribes that in such cases, planning permission should be granted unless: *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework'* including those that indicate development should be restricted.

Whilst the NPPF promotes the use of renewable resources, it also requires decisions to recognise the intrinsic character and beauty of the countryside and to conserve heritage assets (paragraph 17 – core planning principles). Adverse impacts are required to be addressed, including cumulative and visual impacts (paragraph 97) and applications should only be approved if the impacts are, or can be made, acceptable. In particular, paragraph 115 of the NPPF states:

*'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.'*

Other material considerations of relevance are the 'Landscape Sensitivity to Wind Energy Development in Lancashire' (Lancashire County Council, February 2005) – the site lies within a landscape character area that has a moderate–high sensitivity to wind energy development as defined by this document.

A further material consideration is the Government's 'Planning Practice Guidance', which will sit alongside the NPPF once adopted. Although the guidance is currently in draft form and can therefore be afforded limited weight, with regards to renewable energy and heritage assets it contains advice of relevance to this application and gives a clear indication of the Government's direction of thought:

Paragraph 15 of the Planning Practice Guidance for Renewable and Low Carbon Energy states that in considering planning applications, it is important to be clear that:

- the need for renewable or low carbon energy does not automatically override environmental protections
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases
- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

Paragraph 34 also states:

*'As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind*

*turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset.'*

The main issues in this case are:

1. *The visual impact of the turbine in this particular location within the open countryside;*
2. *The impact upon designated heritage assets, including the Forest of Bowland AONB, Gisburne Park and Gardens and nearby Listed Buildings and Scheduled Ancient Monuments;*
3. *The impact on the amenity of the occupants of nearby residential properties; and*
4. *Potential ecological impacts.*

### **Landscape and Visual Impact**

The sensitivity of landscapes can be defined as the degree to which a particular landscape can accommodate change arising from development, without detrimental effects on its character. The application site lies within a landscape that has been defined as having a moderate–high sensitivity to wind energy development. The application site itself is located on high ground within an area of open countryside forming the setting of designated heritage assets. I therefore consider the application site's sensitivity to wind turbine development to be high.

Whilst the applicant has submitted a Landscape Visual Impact Assessment (LVIA), there are significant weaknesses in the submission and I agree with the comments of Lancashire County Council's Senior Landscape Architect (AONB Officer), who concludes that the assessment of the proposed wind turbine's visual impacts is based on unsound thinking regarding scale, distance and visibility. The full comments of this consultee are reported above. The LVIA has not been produced in accordance with good practice guidance and I consider that the information within it is insufficient given the substantial size of structure proposed - the photomontages are likely to significantly under-represent the scale of the wind turbine in relation to the landscape and only four viewpoints are included, none of which are taken from the designated heritage assets. A medium scale wind turbine with a tip height of 74m and hub height of 50m would have significant landscape visual impacts within an area of at least 3km radius from it and even at a distance of 5km, there may be effects of moderate significance.

The applicant has been advised of the Council's concerns in respect of the quality of the LVIA but no further information has been submitted. Whilst Lancashire County Council's Senior Landscape Architect (AONB officer) advises that the application should not be determined until an appropriate level of assessment has been undertaken, in the absence of this, the application cannot be held in abeyance indefinitely.

Bearing in mind the above, the visual impact of the proposal has been considered on the basis of assessment on site, having regard to landscape character assessments of the area. The Ribble Valley Landscape Character Assessment forms part of the Ribble Valley Districtwide Local Plan and defines the character of the landscape as 'Upland Fringe Farmland' - features of the upland fringe include views of nearby moorland escarpments and hills, proximity to semi wild country and a general sense of elevation. Positive landscape elements highlighted include the absence of intrusive development, open pasture land, open views from key positions and other semi natural habitats, with landscape detractors highlighted as inappropriate and insensitive siting and design of new development, significant expansion of built form into the countryside and electricity and telephone poles and overhead wires. According to the

Landscape Sensitivity to Wind Energy Development (LCC 2005) the site lies in a 'Drumlin Field', where built development on the skyline should be avoided.

The turbine is proposed to be sited in an exposed field approximately 700m to the east of Shuttleworth Hall Farm on land that rises away from Gisburn and Shuttleworth Hall Farm – the land level at the application site is approximately 35m higher than properties in Gisburn to the north at approximately 180m AOD and is approximately 10m higher than the nearby A682 Burnley Road. Ordinance survey maps demonstrate that this site is one of a number of hills in the area with a high land level (180-190m). Given the elevated height of the land and its exposed nature, I consider this to be a prominent site and due to the wind turbine's proposed distance from the farm, no functional relationship could be established with the existing built form for which it would provide electricity. The siting and height of the turbine has been chosen to maximise electricity generation as opposed to respond to the landscape character of the area.

I consider the scale and height of the proposed turbine to be inappropriate for the landscape - certainly beyond the 'domestic' scale installation which has been successfully accommodated within the Borough to date. Such installations are generally small scale and have a functional relationship with the farm holding with which they are associated. It is unfortunate that the existing telecommunications mast within this field demonstrates the impact of inappropriately sited and somewhat alien structures within this landscape. Whilst this structure has a detrimental impact on the landscape, by virtue of its height, it is limited to a localised impact. The proposed wind turbine would be more than five times greater in height than the telecommunications mast and would have significantly greater visual impact. The wind turbine would be located close to the summit of the drumlin, hence it would be viewed against the skyline to a significant height and it would be visible in long range views, including from the A59 and the A682 as well as nearby footpaths. When approaching the site from the nearby footpaths, the turbine would loom larger as the viewer would be closer, including from public footpath (number 3) immediately to the east of the proposed turbine location, which begins in Gisburn village and would offer close and uninterrupted views of the turbine. The iconic Pendle Hill also forms part of the backdrop of this area. Whilst there is no statutory separation distance between wind turbines and Public Rights of Way (PROW), fall over distance is a consideration. Whilst the turbine would be located a sufficient distance from the PROW to ensure it does not pose a safety risk, due to the scale and height of the turbine in the context of this site, I consider that it would be detrimental to the enjoyment of users of these footpaths in this particular setting.

I consider that the landscape qualities of this area would be materially compromised by the proposed turbine, by virtue of its visual dominance within the landscape and the impact upon the tranquillity of the location. To my mind, the turbine would be of a significant height and scale in the comparative landscape within which it would be sited and would interrupt the current unspoilt views of this significant upland area, introducing a prominent and visually intrusive vertical structure of significant scale and height, resulting in serious harm to this area of attractive countryside. I conclude that the proposed turbine, by reason of its siting, scale, height and long range of visibility, would conflict with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan that seek to protect the countryside and ensure that development is compatible with its surroundings. The proposal would also conflict with the objectives of the National Planning Policy Framework (NPPF) which seek to protect and enhance valued landscapes and the intrinsic character and beauty of the countryside.

## **Impact upon the setting of Designated Heritage Assets**

The application site is located within an area of designated open countryside forming the setting of designated heritage assets. Setting is defined by the NPPF as:

*“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*

To assess the impact of development on the setting of heritage assets, it is necessary to understand the significance of the assets. Significance is defined by the NPPF as:

*“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”*

In closest proximity to the application site is Bomber Camp, a scheduled ancient monument approximately 650m to the south east of the application site within the Borough of Pendle. Also in Pendle is the Grade II Listed Wedacre Farmhouse approximately 800m to the east of the site. The Forest of Bowland AONB is approximately 1.5km to the north west of the site, Gisburn Conservation Area is approximately 900m to the north of the application site, Gisburne Park and Gardens (the gardens are Grade II listed, and the property Grade I) are approximately 1km to the north of the site.

The scale and height of the proposed turbine is such that it could have visual impacts within a 5km radius, however the applicant has not undertaken an adequate assessment of the potential impacts of the turbine on the setting of nearby designated heritage assets. This is a significant weakness in the applicant's submission.

The NPPF advises that proposals that do not preserve those elements of a setting that make a positive contribution to the significance should be treated unfavourably. Specifically, the NPPF states:

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

*Paragraph 134 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.*

The Council has requested the views of English Heritage and the Garden History Society in order to fully assess the impact on Gisburne Historic Park and Garden and the nearby

scheduled ancient monument known as Bomber Camp. The impact on the setting of each of the assets will be considered separately.

### Impact on Gisburn Conservation Area

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires regard in decision making to the desirability of preserving or enhancing the character or appearance of conservation areas. Gisburn Conservation Area was designated in 1974 for its special architectural and historic interest. The conservation area appraisal and management guidance notes that in terms of its setting, the village is surrounded by gently rolling pasture, and rising hillocks. Gisburne Park and its gardens also contribute to the setting of the conservation area. Whilst the turbine would be visible in southerly views out of the conservation area, the important views are those along Main Street within the conservation area as identified by the conservation area appraisal and management guidance. I consider that the impact of the proposal on the setting of Gisburn conservation would not undermine the desirability of preserving or enhancing its character and appearance. The proposal would therefore not conflict with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Impact on Gisburne Hall and Gisburne Park and Gardens

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed structures or their settings or any features of special architectural or historic interest which they may possess.

Gisburn conservation area appraisal and management guidance notes that the whole of the area north of the village and up to the Ribble was enparked in the 18th century, and a large mansion was built in 1724 in the angle formed by the conjunction of the Ribble and Stock Beck. The mansion is known as Gisburne Hall and is Grade I listed - it is L-shaped in plan comprising an original early C18 main front range and a late C19 rear service range. The park and formal gardens park are known as Gisburne Park Historic Park and Garden (Grade II Listed). The formal garden and deer park dates to the C18 and is designated for its historic interest - the integrity of the early C18 formal garden and deer park phase is preserved and highly visible and is a good example of a mid and later C18 landscaped park in the English natural style and sufficient of its original landscaping survives to reflect its original design. Some elements of the landscaping appear to reflect the influence of a proposed early C18 design by Lord Robert Petre on subsequent generations of the Lister family. There are various other listed buildings and structures within the grounds of the hall and park and there is therefore a strong group value with a number of listed buildings including the Grade II\* gate lodges and the Grade I Gisburne Hall. The presence of the 'Great Nursery' on Coppy Hill is a striking and unusual feature.

In terms of its setting, Gisburne Hall Park lies immediately north of the village of Gisburn and occupies the angle formed by the confluence of the River Ribble and the Stock Beck. An unnamed tributary of the Stock Beck bisects the park from north to south. The setting is rural and agricultural and the park is a landscape of undulating grassland with several drumlins visible as low rounded hillocks. There are two separate areas of interest: the first and largest c. 68ha in area contains Gisburne Hall Park, bounded on the north by the River Ribble and field boundaries and on the east by the stone wall defining the A682. On the south it is bounded by field boundaries forming the northern extent of Gisburn village and the northern boundary of Mill Lane; the latter also forms the western boundary. The second area of interest is situated on

Coppy Hill to the west and comprises the enclosure known as the 'Great Nursery' c. 1.3ha in area.

To the north and east of the hall lie the steeply, wooded slopes of the Ribble and Stock Beck valleys. The east side of the latter within Temple Wood contains an old road visible as a double-banked hollow way and older mixed deciduous trees. The summerhouse (listed Grade II) formerly lay north of this but has been dismantled and removed leaving only its building platform in situ. To the north of this, Kirk Mile Wood now contains mostly coniferous trees and pheasant rearing enclosures. Immediately south of the hall there is a large irregular shaped, embanked lawn retaining slight earthwork remains of possible terraces. To the south and west of the hall lies the landscaped park incorporating the former deer park; the western boundary of the latter survives as an earthwork forming the eastern side of the original drive and the eastern boundary survives as the western side of the former A682, which itself partially remains as a prominent earthwork at the south-east corner of the park, alongside the present A682.

Immediately to the west of Moor Laithe (on Blind Lane) there are clear static views to both the north (front elevation) of Gisburne Park (house) and the upper stages of St Mary's Church tower and to the south, where the existing telecommunications tower is located. This alignment of view appears to equate to the 'Designed View' illustrated on Figure 53, Views and Vistas, of 'Gisburne Historic Landscape Management Plan' (2010). The Plan seeks to restore historic character and goes so far as to recommend tree removal to the east of the more recent approach drive and removal of inappropriate planting in the east section of the park *'to open up wider views of the landscape and across Little Painley Wood' as 'the pronounced emphasis on tree planting since the C19 has lessened the open character of the landscape and changed and blocked some of the views within the estate together with those to the wider landscape'* (page 139).

The proposed wind turbine would impact upon designed views to the wider landscape forming the setting of Gisburne Hall and Gisburne Park Historic Park and Garden and I consider that this impact would be moderate, as opposed to minor as stated in the applicant's LVIA. The applicant's LVIA concludes that 'land topography limits the view of the landscape leaving this viewpoint void of intrinsic beauty'. I agree with the comments of the Garden History Society in that this conclusion is inappropriate and fails to adequately consider the impact on the group of listed buildings and structures at Gisburne Hall and Gisburne Park Historic Park and Garden. I consider that the proposal, by reason of its siting, scale, height and design, would detract from the setting of these designated heritage assets and would result in substantial harm to the significance of these assets.

#### Impact on Wedacre Farm

Wedacre Farm is Grade II listed and is designated on its architectural and historic significance. The list entry details that it is a C17 two storey farmhouse constructed of rubble under a stone slate roof and the main elevation of the property is orientated towards the application site. Pendle Borough Council have noted that the proposed turbine would affect the setting of Wedacre Farm, but its impacts are unclear due to the lack of information. Ideally, a photomontage of the turbine taken from this location should have been submitted.

The application site lies to the west of Wedacre. The front and rear elevations of Wedacre Farmhouse face broadly north and south, with the main views to the south. Modern farm buildings have been introduced within its immediate setting. Whilst these are sited to the north,

east and south of Wedacre and the landscape to the west of the farmhouse remains generally undeveloped, the scale of the buildings have somewhat diminished the historic setting of the listed building. Whilst the introduction of a tall vertical structure of significant height would clearly impact on the setting of this listed building, in context I consider that the harm to the significance of the asset would be less than substantial and would be insufficient to warrant a refusal of planning permission on this basis alone.

### Impact on Forest of Bowland AONB

The Forest of Bowland AONB was designated in 1964 and much of the natural beauty is related to the wild and 'untouched' nature of the landscape. Attributes that contribute to its designation are the grandeur and isolation of the upland core

- the steep escarpments of the Moorland Hills
- the undulating lowlands
- the visual contrasts between each element of the overall landscape
- the serenity and tranquillity of the area
- the distinctive pattern of settlements
- the wildlife and the landscape's historic and cultural associations

Policy DME5 of the Core Strategy states that the Council will also have regard to the AONB Renewable Energy Position Statement 2011 in assessing proposals, which is a guidance document. This statement advises that, whilst small and micro scale wind turbines may be appropriate in the AONB, medium to large scale renewable energy development may not be appropriate either within the Forest of Bowland AONB or in locations beyond the boundary where development would affect its setting and character, as it has significant potential to adversely affect the natural beauty of the AONB and to compromise the purpose of the statutory designation – the acceptability of specific proposals in landscape terms should be demonstrated by developers through detailed investigation, analysis and careful siting, layout and design to ensure that they are done in a sensitive and appropriate manner. In terms of siting, the statement advises that wind turbines should have a strong functional relationship with existing development such as farm buildings where views of it would be constrained by the topography – in this case, the turbine would be sited on an exposed hilltop more than 700m from the farm with which it is proposed to be associated. This would fail to establish any functional relationship with the farm. The applicant has not undertaken an appropriate level of assessment of the turbine's impact on the setting of the AONB. I consider that the proposed turbine, by reason of its siting, scale, height and design, would result in substantial harm to the setting of the Forest of Bowland AONB to the extent that the objectives of the designation of the Forest of Bowland AONB would be compromised.

### Impact on Scheduled Ancient Monument

Ancient Monuments are protected by the Ancient Monuments and Archaeological Areas Act 1979. Bomber Camp is a scheduled ancient monument located approximately 650m to the east of the application site and is a Romano-British farmstead with its associated enclosure. Open fields lie between the scheduled monument and the site of the proposed wind turbine. The list entry description (reasons for designation) identifies that "*Bomber Camp Romano-British farmstead and associated enclosure survives reasonably well and remains unencumbered by modern development*". The setting of this ancient monument is therefore identified in the list entry as contributing to its significance. I consider that the introduction of a vertical and alien



structure of significant scale and height would result in visual intrusion and dominance in the otherwise befitting pastoral landscape setting, particularly in views from Bomber Camp to the application site. I therefore conclude that the proposed turbine, by reason of its siting, scale, height and design, would result in substantial harm the setting of the Bomber Camp scheduled ancient monument.

### **Planning Balance**

In considering the above, it is clear that harm to the setting of a designated heritage asset must be clear and convincingly justified and any harm to the significance of the Heritage Asset must be weighed against the public benefits. I consider that the harm to the setting and significance of the heritage assets has not been adequately assessed by the applicant and no convincing justification for this harm has been presented. On balance, I consider that the public benefits of the scheme, in terms of the reduction in CO2 emissions, would not outweigh the harm I have identified above. Benefits to the applicant, in terms of renewable energy generation, are unclear as no detailed information has been submitted as to the energy requirements of the farm. Nevertheless, I consider that the benefits of the proposal would not outweigh this harm. As such, I consider that the proposed turbine, by reason of its siting, scale, height and design, would result in significant harm to the setting of designated heritage assets contrary to the NPPF, Policies G1, ENV1, ENV2, ENV3, ENV4, ENV13, ENV19, ENV24, ENV25 and ENV26 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2, DME3, DME4 and DME5, and Key Statements DS1, EN1, EN2, EN3 and EN4 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft Post Submission Version Including Proposed Main Changes).

### **Amenity**

The assessment of visual effects submitted by the applicant does not adequately address specific visual receptors such as residences, which is a serious omission given the nearest residences are between 450m-900m from the application site. Turbines of this scale and proximity can pose an unpleasantly overwhelming and unavoidable presence in main views from a house or garden and there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory place in which to live. It is an accepted principle that it may not be in the public interest to create such living conditions where they did not exist before.

In this case, whilst the application proposes a single turbine, it is of significant height and scale and would be prominently sited elevated above the level of nearby properties. At those residences further away from the turbine, whilst visible, it would not dominate outlook to the degree that it would be visually intrusive. The same cannot be said of those properties in closer proximity, specifically Moor Laithe some 450m to the north of the application site given its orientation towards the application site. Given the scale of the turbine, I consider that it would be visually intrusive and would dominate views to the south from this property to the detriment of the amenity of the occupants of this property.

In terms of potential shadow flicker, measures can be incorporated to ensure that a turbine does not operate when conditions are likely to create shadow flicker to nearby properties. This matter could therefore be addressed by suitable condition.

It is also not clear from the applicant's submission what impact the turbine would have on the nearby telecommunications mast.

In respect of potential noise disturbance, the recognised guidance to be used in assessing potential noise disturbance is 'A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise (ETSU, Institute of Acoustics 2013), which advises that a condition can be attached to restrict noise levels, achieved by calibrating the turbine. The environmental health officer has however expressed concerns that the information submitted by the applicant fails to demonstrate that noise from the turbine would not be unduly detrimental to the occupants of nearby residential properties. Background noise measurements are likely to be low given the nature of the surrounding area. Whilst in some cases a condition could be used to address potential noise impacts, in this case, given the scale of the proposed wind turbine and the relative uncertainty with regards to the information submitted in support of the application, I consider that it would be inappropriate to attach a condition where the potential noise impacts are unknown.

Paragraph 15 of the draft Planning Practice Guidance states that local amenity is an important consideration which should be given proper weight in planning decisions and the NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. I therefore conclude that the applicant has failed to demonstrate that the proposal would not have an unacceptable detrimental impact on the amenity of the occupants of nearby residential properties by virtue of potential noise disturbance, contrary to the NPPF and Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft Post Submission Version Including Proposed Main Changes).

### **Air Traffic**

No objection has been raised to the proposal with regards to its potential impact on radar subject to a condition recommended by the Ministry of Defence (MOD). As such, the proposal would have no undue impact on air traffic control radar.

### **Ecology**

Natural England advise that turbine blades tips should fall at least 50m from features or habitat suitable for use by bats. This includes all suitable features and not just trees, hedgerows and waterbodies as cited in the information submitted by the applicant. This is normally sufficient to avoid impacts on bats in many cases, but where the risk to bats is higher (for example where a large number of common species occur or a small number of scarce species occur) a greater stand-off distance may be required (information note TIN 051).

Whilst the plans show that the centre of the turbine would be more than 50m from the adjacent field boundaries, the blade tips would fall within 50m of habitat features suitable for use by bats and the proposed siting of the turbine therefore appears reasonably likely to pose a risk to bats. In such cases, it is appropriate for the applicant to undertake site surveys during the bat activity season to establish the use of features within 50m by bats. The information submitted by the applicant fails to adequately assess the impact of the proposed turbine on protected species and the applicant has therefore failed to demonstrate that the proposal would not be detrimental to bats.

The application also lacks detail with regards to the impact of the turbine on local bird populations. However, Lancashire Ecology have observed that the application site is not within an area identified as supporting bird populations sensitive to wind turbines or in an area

highlighted as being important for bird populations (RSPB). The risk to bird populations sensitive to wind energy developments is likely to be low and could be adequately mitigated by a condition to protect birds during the nesting season, with development to take place outside the nesting season.

## **Conclusion**

Whilst policies in the local plan and the NPPF support renewable energy development, it is required to be appropriate in its context having regard to the character of the area. The proposed turbine would be of considerable size located in an attractive rural area where the landscape is 'small scale' and 'intimate' for the most part, in that fields tend to be of modest size, and separated by hedges and occasional tree belts and woods. I consider that the proposed turbine would result in serious harm to the character and appearance of this attractive rural area and to the setting of designated heritage assets, to which I attach significant weight. Furthermore, the proposal would result in serious harm, by reason of visual intrusion, to the amenity of the occupants of a nearby residential property (Moor Laithe). On balance, I consider that the benefits of the proposal in terms of renewable energy generation, including associated economic benefits to the farm and a reduction in CO2 emissions, would not outweigh the harm I have identified. Furthermore, the applicant has failed to demonstrate that the proposal would not have an unacceptable detrimental impact on protected species or the amenity of the occupants of neighbouring properties by reason of noise disturbance. I consider that, when assessed against the policies of the NPPF taken as a whole, the adverse impacts cannot be made acceptable and would significantly and demonstrably outweigh the benefits. It is for these reasons that I recommend accordingly.

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

1. The proposed turbine, by reason of its siting, height, scale and design will result in a prominent and visually intrusive feature in the rural landscape to the detriment of the visual amenities of the open countryside and the enjoyment of users of nearby public footpaths. Furthermore, the proposed turbine will detract from the setting of the Bomber Camp Scheduled Ancient Monument, the Forest of Bowland Area of Outstanding Natural Beauty, Gisburne Hall (Grade I Listed) and Gisburne Park Historic Park and Gardens (Grade II listed). The proposal is therefore considered to be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the Ancient Monuments and Archaeological Areas Act 1979, the NPPF, Policies G1, ENV1, ENV2, ENV3, ENV4, ENV13, ENV19, ENV24, ENV25 and ENV26 of the Ribble Valley Districtwide Local Plan and Key Statements/Policies EN2, EN3, EN5, DS2, DMG1, DME2, DME4 and DME5 of the Core Strategy (Regulation 22 Submission Draft Post Submission Version Including Proposed Main Changes).
2. The proposed turbine would be visually intrusive and overbearing to the occupants of Moor Laithe, to the detriment of the amenity that the occupants should reasonably expect to enjoy. The applicant has also failed to demonstrate that the proposal would not have an unacceptable detrimental impact on the amenity of the occupants of nearby residential properties by virtue of potential noise disturbance. As such, the proposal is contrary to the NPPF, Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft Post Submission Version Including Proposed Main Changes).

3. The applicant has failed to demonstrate that the proposal would not have an unacceptable detrimental impact on protected species, contrary to the NPPF and Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan, Policies DMG1, DME3 and DME5 and Key Statement EN4 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft Post Submission Version Including Proposed Main Changes), the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended) and the Natural Environment and Rural Communities Act 2006.

APPLICATION NO: 3/2013/0920/P (GRID REF: SD 375015 441982)  
RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM B1 LIGHT INDUSTRY TO FITNESS STUDIO (SUI GENERIS) AT UNIT 6 UPBROOKS, BROOKSIDE INDUSTRIAL UNITS, TAYLOR STREET, CLITHEROE, BB7 1NL

PARISH/TOWN COUNCIL: No objection in principle. Request that activities are not permitted to commence until 8am on weekdays and 9am at weekends in order to mitigate noise nuisance for neighbouring residents.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): A maximum of 8 parking spaces should be provided, but a reasonable lesser number of parking spaces would be acceptable.

ADDITIONAL REPRESENTATIONS: Six letters of objection have been received from the occupants of neighbouring properties. The main concerns raised are:

1. Noise at unsociable hours – raised voices, loud music, thumping of weights and equipment, noises from people exerting themselves, traffic and raised voices outside the unit as people arrive and leave, loud hissing from compressed air
2. Increased traffic at unsociable hours
3. The units have not been constructed for these purposes – there is no soundproofing and noise carries loudly
4. The applicant has altered the forecourt of the premises
5. The area is primarily residential and the occupants should be afforded consideration. Residents should be entitled to peace and quiet at night and weekends
6. Police have been called to deal with excessive noise late and night and early in the morning
7. Noise disturbance is affecting quality of life, causing stress and tension
8. Noise can be heard from rear facing rooms when windows are closed, when windows are open noise can be heard throughout the house
9. Gym has a yard to the front that could be used for outside exercise offering no sound resistance

## **Proposal**

Planning permission is sought retrospectively for the change of use of the light industrial unit (Use Class B1/B8) to a fitness studio (sui generis). The studio is known as 'The Unit' and operates fitness classes such as spin, circuits and Zumba. The use has been operating since August 2013.

The floor plans show two workout spaces, a reception counter, a toilet and a shower room to the ground floor. A small mezzanine floor forming an office is located above the toilet and shower rooms and there is also a pool, which is used for children's swimming classes. The opening hours sought by the applicant are 07:00-21:00 Monday to Friday and 08:00-14:00 Saturdays. The unit would be closed on Sundays and bank holidays.

## **Site Location**

Upbrooks Industrial Estate is located at the eastern end of Taylor Street where it becomes Up Brooks road. There are 7 units within this part of the industrial estate to the south of Up Brooks and the application relates to the middle unit within a row of 3 adjacent to the southern boundary of the estate. This row of units is adjoined to the south by the rear gardens of properties at Bracken Hey, with No's 33 and 35 Bracken Hey immediately to the rear of unit 6.

Planning permission was granted in February 2011 (3/2010/0917) for the erection of a sixth industrial unit within Brookside Industrial Estate. This unit has subsequently been subdivided with the result that there are now seven units in total in this part of the industrial estate.

## **Relevant History**

3/2010/0917 - Resubmission of proposed industrial building ref: 3/2009/0162P (retrospective) – Approved with conditions 25/02/2011.

3/2009/0162 - Resubmission of application 3/2008/0939/P for proposed erection of a steel portal framed building for light industrial use – Approved with conditions 31/07/2009.

3/2008/0939 - Proposed erection of a steel portal framed building for light industrial use – Refused 19/12/2008.

## **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control

Policy EMP11 – Loss of Employment Land

Policy T7 - Parking Provision

*Ribble Valley Core Strategy Regulation 22 Submission Draft – Post Submission Version (Including Proposed Main Changes)*

Key Statement DMI2 – Transport Considerations

Key Statement EC1 – Business and Employment Development.

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy EC1 – Business and Economic Development

## **Applicant's Submission**

Environmental Health received noise complaints in respect of the use and the applicant subsequently appointed a qualified noise assessor to undertake a preliminary noise assessment from an adjoining residential property. The applicant has submitted this survey during the course of the application.

The noise assessment concludes that the construction provides very little sound attenuation where residential properties are located so close to the building and noise is likely to be radiating from the entire outer wall and roof area including the skylights. The character of the noise is almost certainly likely to create a noise disturbance with respect to the use of external areas of the adjoining properties. With windows closed, the noise would not necessarily be likely to cause a disturbance based on the noise measurements at the time of the survey. The assessment noted that the measurements represented a very restricted 'snap shot' of the noise situation, do not necessarily take account of the variability of noise from the premises, do not take account of the need for residents to open windows during the day time and evenings and do not necessarily take account of the complainants' increased perception of 'disturbance' relative to the noise levels measured, this being, in all likelihood, out of proportion to the noise level due to the perceived 'intrusion' of the noise into their private domestic situation.

The noise assessment includes recommendations to control the noise, such as sound attenuation measures (application of sound attenuating materials to the internal skin of the outer walls and roof and covering up of the skylights). The assessment also advises that a potentially better solution might involve relocation; a significant element of the problem with the current situation is simply proximity to the residential properties.

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

### **Principle**

The authorised use of the unit is B1 business and B8 storage and distribution. Uses within Class B1 are defined by the Use Classes Order 1987 as uses that can be carried out in a residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Planning permission is sought for the change of use of the unit from light industrial (Use Class B1/B8) to a fitness facility (sui generis). The use has been operating since August 2013 and the planning application is the result of enforcement action. As a result of this, the applicant has stopped the early morning classes that were taking place at 6am and does not commence classes until after 9am. The earliest opening time sought by the applicant as part of this application is 7am.

The Council is receiving an increasing number of applications to change the use of existing industrial premises to uses such as gyms, fitness studios and associated uses such as physiotherapy services within the D1, D2 and sui generis use classes. Whether such changes of use are acceptable in principle is normally dependent on considerations such as the loss of business floorspace and whether sufficient off-road car parking is available to support the proposed use.

The application form states that the unit has been vacant since it was constructed. Whilst no evidence has been provided to demonstrate attempts to market the unit, I consider that it would

be unreasonable to refuse the application on the loss of business floor space. The employment benefits of the proposed use are likely to be comparable to the existing use.

In this case, as the unit the subject of the application backs onto residential properties to the rear, the primary consideration is the impact of the use on the amenity of neighbouring residents. The principle of the change of use would therefore be dependent on whether or not the proposed use could operate without detriment to the amenity of the area.

### **Amenity**

Paragraph 123 of the NPPF states that policies and decisions should aim to:

1. avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
2. mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

The unit is adjoined to the south by the rear gardens of properties at Bracken Hey, with No's 33 and 35 Bracken Hey immediately to the rear of unit 6. The residential properties are sited on raised ground sloping away from the ground level at the unit. The unit itself is situated approximately 3m from the boundary with these properties and there are a row of deciduous trees the subject of a tree preservation order along the common boundary.

The unit is a typical steel frame portal construction with a single entrance door and roller shutter door to the front elevation and a fire exit door to the rear. Internally, there are full height solid block walls between the unit and those adjoining, however the front and rear walls of the unit do not benefit from full height solid block walls, as the solid wall terminates approximately 2.5m above the internal floor level. The construction therefore offers little sound attenuation, with noise able to break out from the front and rear walls and the roof of the unit.

The noise assessments undertaken by the applicant and the Council's Environmental Health Officer demonstrate that the use of the unit is resulting in noise disturbance to the occupants of neighbouring residential properties. The nature of the noise varies dependent upon the activity being undertaken within the unit. Letters of objection submitted identify this noise as noise from amplified music, raised voices including those of the instructors, thumping of weights and equipment, noises from people exerting themselves, traffic and raised voices outside the unit as people arrive and leave and the loud hissing from compressed air.

Residents should clearly be able to enjoy peace and quietude in the confines of their property, particularly during the early morning and late evening when residential areas are expected to be quiet. During the summer months, residents would sit out in the garden and windows would be open – it would clearly be unreasonable to permit a level of noise that would render a private garden unusable during times when the use is operating or would result in the need for windows to be closed to prevent noise disturbance occurring.

I am also mindful of the residents' perception of the noise disturbance – the persistent and intermittent nature of the noise, in particular the raised voices of the instructors and noise disturbance at times when residential areas are expected to be quiet, could increase residents' perception of noise. This includes people arriving and leaving early in the morning and late in the evening, with noise from people conversing outside the building, from car doors being slammed and engines starting.

The Local Planning Authority has worked with the applicant to try and overcome the issues. Whilst the applicant has commissioned a noise assessment, I am mindful that the noise assessment was undertaken at a time when background noise levels were higher than normal as there was a football match taking place at the local football club. In addition, the applicant will have been aware that the survey was being undertaken and this may have affected the outcome of the survey. Also, it would have been useful for noise level measurements to have been taken within and outside the building whilst music was being played to establish the noise breakout from the building.

I have considered whether appropriate conditions could overcome the identified harm, however I consider that any such conditions would need to be informed by further noise surveys. Whilst the acoustic consultant commissioned by the applicant has recommended both physical and management measures that could be employed to mitigate and reduce noise, it is unclear whether these measures would adequately contain noise within the building to ensure noise at the nearest sensitive receptors is at an acceptable level, taking into account the nature of the construction and given its proximity to the private rear gardens of properties on Bracken Hey.

The applicant has been advised that further noise assessments should be undertaken to inform a detailed sound attenuation scheme and also a management plan. However, the applicant has concluded that the financial implications of the sound attenuation requirements would be less viable than relocating the business to alternative premises. I consider that the use is clearly and demonstrably resulting in undue noise disturbance to the occupants of neighbouring residential properties and this is seriously harmful to the amenity that these occupants should reasonably expect to enjoy.

I therefore conclude that the noise from the use of the building is giving rise to significant adverse impacts on the health and quality of life of the occupants of neighbouring residential properties, which paragraph 123 of the NPPF states decisions should aim to avoid. The proposal is therefore detrimental to the amenity of neighbouring residential occupants by reason of undue noise disturbance, contrary to the NPPF, Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft Post Submission Version Including Proposed Main Changes).

I am mindful that the unauthorised use of the building is presently resulting in noise and disturbance to neighbouring properties and I therefore consider that it would be expedient to take enforcement action. The time scale for compliance with the requirements of any enforcement notice should be reasonable and I consider a reasonable time scale for compliance would be 8 weeks. Environmental Health could take appropriate action under the Environmental Protection Act 1990 in the event that the noise disturbance becomes a statutory nuisance, in which case a noise abatement notice could be served.

### **Highways and Parking**

The local highway authority advise that a maximum of 8 car parking spaces would be required. The applicant has submitted a car parking plan showing the spaces that area available within the industrial estate, but this does not identify which spaces are available for the proposed use. Those parking spaces directly to the front of the unit would be the most appropriate as use of the car parking adjacent to the boundary with residential properties could result in undue noise disturbance given the opening hours sought. Nevertheless, I am satisfied that dedicated and marked parking could be secured by appropriate condition.



## **Conclusion**

I consider that the noise disturbance arising from the unauthorised use of the building gives rise to significant adverse impacts on the health and quality of life of the occupants of neighbouring residential properties. Whilst the NPPF supports economic growth, sustainable development involves social and environmental considerations. I consider that the harm that is arising from the unauthorised use significantly and demonstrably outweighs the benefits of the proposal.

RECOMMENDATION 1: That planning permission be REFUSED for the following reason:

1. The use, by reason of noise disturbance, is resulting in serious harm to the amenity that the occupants of neighbouring residential properties should reasonably expect to enjoy and this harm is having a significant adverse impact on the health and quality of life of these occupants. The proposal is therefore contrary to the NPPF, Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft Post Submission Version Including Proposed Main Changes).

RECOMMENDATION 2: That the Council authorise appropriate enforcement action to be taken.

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

APPLICATION NO: 3/2013/0440/P

GRID REF: SD 377818 437230

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF LAND FOR 14 HOUSES, 3 BUNGALOWS AND A NEW ACCESS ROAD AT LAND AT PENDLE STREET EAST, SABDEN

PARISH/TOWN COUNCIL: Sabden Parish Council objects to the application of the following grounds:

1. The access will add to and exacerbate existing congestion issues in the area.
2. Traffic generation and increased volumes of traffic and the cumulative impact with already approved developments within the area.
3. The proposal will alter the natural drainage of the site resulting in potential flooding.
4. The development will be both visually intrusive and of detriment to the visual amenity of the Forest of Bowland AONB and the immediate landscape.
5. The proposal will be of detriment to the conservation area.
6. Additional light pollution in the area.
7. Pressures on existing infrastructure.
8. No employment in Sabden resulting in potential residents having to travel out of the area.
9. The development site is Greenfield.
10. The cumulative effect of the proposal taking into account existing permissions granted within the area.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

LCC Highways have raised no objection to the proposal subject to relevant planning conditions being attached in the event of consent being granted. It has been additionally requested that a pedestrian/cycle link be provided to link to Bridle Way No. 76 to facilitate permeability and journeys by foot.

LCC CONTRIBUTIONS

LCC Contributions team have requested a financial contribution in respect of Primary School places for the area. Members are referred to the file for full details which can be summarised as follows:

Primary Places:

= £11,880.45 per place x 3 places

= £35,641

ENVIRONMENT AGENCY:

No representations received.

UNITED UTILITIES:

No objection subject to relevant planning conditions being attached should consent be granted.

**ADDITIONAL  
REPRESENTATIONS:**

58 letters of objection have been received. Members are referred to the file for full details which can be summarised as follows:

1. Sabden has experienced too much development.
2. Additional vehicles as a result of the proposal.
3. Proposed access inadequate in relation to existing parking problems in the area.
4. No demand for such housing within the area.
5. Development is on a Greenfield site.
6. Proximity of the proposed dwellings to existing houses.
7. The scale of the bungalow shown on the submitted plans.
8. The proposal is over-development.
9. The proposal will be of detriment to the Conservation Area.
10. The proposal will be of detriment to the landscape and the Forest of Bowland AONB
11. The proposed access is frequently blocked at weekends with parked vehicles associated with the Bowling Green and football pitch.
12. Loss of wildlife & habitat.
13. Trees have been felled prior to the submission of the application.

**Proposal**

The application seeks outline consent with all matters reserved save that of access and scale for a residential development for 14 houses, 3 bungalows and a new access road at Land to rear of Pendle Street East, Sabden. Members will therefore note that whilst the applicant has submitted indicative an indicative layout and elevations that these are illustrative only.

Access to the development site is proposed between numbers 29 and 27 Pendle Street East, with the submitted indicative layout taking the form of a cul-de-sac arrangement with the turning head terminated at the southern extents of the site. 14 of the proposed dwellings are to be two-storey and semi detached in nature, with 3 bungalows also proposed. The semi-detached dwellings are orientated to back on to the east, south and west boundaries of the site, additionally two bungalows also back on to the west boundary with a remaining larger bungalow being located behind numbers 1 and 3 Pendleside close to the east. The majority of parking is being shown as accommodated on-plot in the form of side driveways with the larger bungalow having both on-plot parking and a detached garage.

**Site Location**

The proposal site is located to the rear of 23 – 35 Pendle Street East and the rear of 1 – 7 Pendleside Close. The proposal site comprises of an area of previously undeveloped open land and an element of domestic curtilage as owned by number 27 Pendle Street East which currently accommodates garaging, a garden area and a storage building.

Land directly to the east (football ground) and west (allotments) of the site is identified as essential open space and identified as within the settlement boundary of Sabden as defined in the District Wide Local Plan, the site also falls within the defined Forest of Bowland AONB. The

site is also located adjacent the Sabden Conservation Area. The topography of the site increases in gradient to the south where it adjoins Bridle way no.76.

### **Relevant History**

There is no relevant planning history associated with the proposed development site.

### **Relevant Policies**

Ribble Valley Districtwide Local Plan:  
Policy G1 - Development Control.  
Policy G5 - Settlement Strategy.  
Policy H20 – Affordable Housing – Villages & Countryside  
Policy ENV13 - Landscape Protection.

Core Strategy 2008 – 2082 – a Local Plan for Ribble Valley Regulation 22 Consultation Draft:  
Policy DMG1 – General Considerations.  
Policy DMG2 – Strategic Considerations.  
Policy DME2 – Landscape and Townscape Protection.  
Policy DME3 – Site and Species Protection and Conservation.  
Policy DMH1 – Affordable Housing Criteria

National Planning Policy Framework (NPPF).

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

The matters to be considered in the determination of this application relate to the principle of the development in policy terms; the potential impact of the development in visual terms; any potential effects upon ecology and trees; the potential impact on neighbouring residential amenities; highway safety; the mechanism by which a financial contribution in lieu of affordable housing on-site is secured; and the matter of any financial contributions requested by Lancashire County Council.

### **Principle of Development**

In assessing the proposal it is imperative to establish whether, in principle, the development would be considered acceptable in light of current and emerging policy considerations whilst fully considering the proposal against the aims and objective of the National Planning Policy Framework (NPPF).

In assessing the proposal I am mindful of the development site being within the defined Forest of Bowland AONB and that the site is located within an area defined settlement boundary for Sabden as set out in the Ribble Valley Districtwide Local Plan, however it should be noted that the current settlement boundaries of the District Wide Local Plan (DWLP) are out of date and as yet no replacement boundaries are in place.

Given the proposals proximity to the existing settlement it would be difficult to consider such a development as isolated and therefore would not directly contradict paragraph 55 of the National Planning Policy Framework.

In terms of five-year land supply, the most recent published position at the time of writing is the Council's Housing Land Availability Schedule dated October 2013. This indicates a position of a

4.34 year supply, employing the Sedgefield approach which is the method Members confirmed to use at the 10<sup>th</sup> of October Meeting. Members are reminded that the position is subject to frequent change as applications are either approved or resolved to be approved subject to S106 Agreements being completed.

Equally sites may be deemed to fall out of the five year supply as they lapse or evidence comes forward to demonstrate they will not be deliverable within the 5yr period.

The National Planning Policy Framework (NPPF) places a clear emphasis that Local Planning Authorities should not resist proposals unless there are any adverse impacts which significantly and demonstrably outweigh the benefits associated with any such proposal.

Whilst it is recognised that any form of development, to some degree, will have an impact particularly in visual/landscape terms, I do not consider the impacts from this development to be overtly or demonstrably harmful to the immediate or wider context.

In taking into account the above considerations I do not consider there would be sufficient relevant grounds in which to resist the application as submitted.

### **Affordable Housing Provision**

In discussion with the Council's Strategic Housing Officer it has been established that there is no demand for affordable housing provision within the Sabden area due to a potential current oversupply when taking into account previous consents issued in the area. Therefore it has been agreed that a financial contribution in lieu of on site provision will be required, it is envisaged that this will be secured via a Section 106 agreement that will require the sum to be paid prior to the commencement of the development and for the calculation of the commuted to be undertaken at the reserved matters stage when the housing mix has been established.

### **Highways safety**

LCC Highways have raised no objection in principle to the application or the nature of the access proposed subject to relevant planning conditions being attached should consent be granted. It has been requested that a pedestrian/cycle link be provided to bridle way No.76 to the south/east, amended plans received detail the provision of a link at the eastern extents of the site. It is expected that the nature and detailed design of this link will be established and negotiated at any reserved matters stage.

### **Residential Amenity**

Given the application is for outline consent with matters of layout to be considered at the reserved matters stage, limited weight can be given to the assessment of the indicative layout in terms of its potential impact upon residential amenity, however based on the proposed layout I do not consider that the proposal would be of significant detriment to the residential amenity of neighbouring occupiers and consider the separation distances shown to be adequate.

### **Layout**

Given the submitted site layout is indicative only limited weight can be given in relation to its assessment as part of this application. However, I am satisfied that in principle the general design approach would be satisfactory, although I would expect that matters relating to the

orientation of a number of the properties, the detailed layout and streetscape would require further negotiation at reserved matters stage.

### **Appearance & Visual Amenity**

Whilst the applicant has submitted indicative house types, only matters of scale in relation to these are a valid consideration in relation to the current application. The applicant has put forward height parameters in relation to the potential development as follows:

- Two storey dwellings: ridge height 7.6m and an eaves height of 5.2m  
Footprint: Approximately 5.5m x 9.6m
- Bungalows: ridge height 4.9m and an eaves height of 2.6m  
Footprint: Approximately 11m x 7.3m

In light of the above parameters I consider the overall height/scale of the proposed dwellings to be appropriate given the immediate context and do not consider that the proposal would be of detriment to the visual amenity of the area.

In terms of the visual appearance of the indicative house types, given the elevations are largely illustrative, I do not consider them to be of any specific architectural merit and I would consider that further extensive negotiation would be undertaken at any reserved matters stage to secure a detailed design that would respond to and enhance the immediate context and character of the area.

### **Ecology**

The applicant has submitted a Phase 1 Ecological Survey Report in support of the application. The survey concludes that there will be no significant impact in respect of habitat or protected species with the development largely having the most significant impact upon an area identified as improved grassland and semi-improved grassland. A number of mitigation measures have been suggested in respect of potential impact upon birds and bats (where applicable) and it is envisaged that these matters will be dealt with through planning conditions should outline consent be granted.

### **Financial Contributions Requested by LCC**

LCC Contributions team have requested a financial contribution of £35,641 in respect of 3 primary school places in relation to the application. The applicant has indicated a willingness to pay the requested amount which will be secured via a Section 106 agreement, the details of which are currently being negotiated with the Local planning Authority.

### **Other Matters**

There are a number of points raised by objectors that do not sit easily within the headings given to consider the main issues associated with this scheme. These issues are addressed below:

A number of objections/representations have been received in relation to the proposal relating to issues of highway safety and increased traffic as a result of the development, members will note that the County Surveyor has indicated that he has no objection to the nature and location of the junction off Pendle Street East.

The issue of cumulative development has also been raised by numerous objectors, it is imperative that each application is considered on its own merits, however it is important to consider the Borough's current Housing Supply. In terms of five-year land supply, the most recent published position at the time of writing is the Council's Housing Land Availability Schedule dated October 2013. This indicates a position of a 4.34 year supply, employing the Sedgfield approach which is the method Members confirmed to use at the 10<sup>th</sup> of October Meeting.

A number of representations have been received that raise concerns over the development being of detriment to the Forest of Bowland AONB and the immediate landscape character. Given the proposed development is within close proximity to existing built form I do not consider that any visual impact would be significantly harmful and consider that it would be visually read as part of the existing settlement pattern. Although detailed design is not for consideration at this stage I do consider that a more sympathetic form and layout of development could be secured through extensive negotiation at reserved matters stage, which could potentially further minimise any perceived visual impact and allow it to respond further to the existing settlement pattern and urban grain.

The National Planning Policy Framework (NPPF) puts a clear emphasis on the need for Local Planning Authorities to consider the planning balance in assessing proposals and clearly states that in relation to sustainable development, applications should only be refused if impacts would significantly and demonstrably outweigh the benefits.

The proposal as presented clearly has a number of benefits in terms of economic development, with construction jobs likely to be created by the development and it is widely accepted that the Housing industry has a critical role to play in terms of the national economic recovery. This has been extensively reported through ministerial statements and the Government's Growth Agenda; Plan for Growth (3/11); Housing Strategy for England (11/11); Housing and Growth (9/12); and Growth and Infrastructure Act (4/13).

Therefore, having carefully considered all of the above matters, and taking account of the planning balance, consider that in this case the benefits associated with the development clearly outweigh any harm associated with the development.

**RECOMMENDATION:** That the application be deferred to allow for further work to be undertaken regarding the Section 106 agreement in relation to a financial contribution in-lieu of on-site affordable housing and in respect of educational provision subject to the following condition(s):

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.

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

2. The submission of Reserved Matters in respect of scale and building height shall be carried out in substantial accordance with the eaves/ridge heights and footprint parameters contained within the approved Design & Access Statement (As amended June 2013).

REASON: For the avoidance of doubt to ensure there is no ambiguity in the decision notice over the scale of development that has been approved. In accordance with Policies G1, ENV3 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft ensuring a satisfactory standard of appearance and scale given its location.

3. No more than 17 dwellings (Use Class C3) are hereby permitted within the application site.

REASON: For the avoidance of doubt to ensure there is no ambiguity in the decision notice over what amount of development has been approved. In accordance with Policies G1, ENV3 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft ensuring a satisfactory standard of appearance and scale given its location

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 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 at the junction of the new estate road and Pendle Street East, and shall be that land in front of the visibility splays shown on drawing number 07B, 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 Highways Authority.

REASON: To ensure adequate visibility splays at the street junction or site access. In accordance with Policy T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

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 other construction work takes place within the site.

REASON: To ensure satisfactory access is provided to the site before the construction of the development hereby permitted commences. In accordance with Policy T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

6. Before construction work commences facilities shall be provided within the site by which means of the wheels of vehicle 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. In accordance with Policy T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.



7. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- The parking of vehicles of site operatives and visitors;
  - Loading and unloading of plant material;
  - Storage of plant materials used in the construction of development;
  - The erection and maintenance of security hoardings;
  - Wheel washing facilities;
  - A management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
  - A scheme for protecting trees;
  - Routes into and out of the site to be utilised by construction traffic
  - A scheme for recycling/disposing of waste resulting from construction work; and
  - A scheme to control noise during the construction phase.

REASON: In the interests of protecting residential amenity from noise and disturbance during the construction phase of the development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

8. No building shall be erected within three metres of any public sewer unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect existing surface infrastructure. In accordance with Policies ENV7, ENV9 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies EN2, EN4, DME2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

9. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local planning Authority. For the avoidance of doubt, surface water must drain separate 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 5l/s. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding. In accordance with Policies ENV7, ENV9 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies EN2, EN4, DME2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

10. No part of the development hereby approved shall commence until a scheme for the construction of the site access has been submitted to and approved by the planning authority in consultation with the highway authority.

REASON: To ensure adequate visibility splays are maintained at all times and to ensure the proposed Highways works are acceptable prior to the commencement of the development. In accordance with Policy T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

11. Prior to the commencement of development, a revised Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment shall be submitted to and approved by the Local Planning Authority, for the avoidance of doubt, the survey shall include mitigation measures and timing of works and the development shall thereafter be carried out in accordance with the survey.

REASON: To ensure that the development does not pose a threat or undermine the potential ecological value of the site. In accordance with Policies ENV7, ENV9 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies EN2, EN4, DME2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft

APPLICATION NO: 3/2013/0853/P (GRID REF: SD 377824 446781)  
CONSTRUCTION OF A NEW GATEWAY AND GATEHOUSE LODGE, REINSTATMENT OF ORIGINAL DRIVEWAY ROUTE AND PROVISION OF CAR PARKING FACILITY FOR ANGLERS. LAND TO THE FOOT OF SAWLEY BROW, SAWLEY

PARISH COUNCIL: The Parish Council formally objects to the imposition of the wall and gatehouse which is detrimental to the locality and not in keeping with the landscape. Further the parish council expresses serious concerns about the effect on land drainage, foul drains, the main sewer and the flood zone.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): The County Surveyor raised no objection in principal to the proposed development subject to relevant informatives being attached in relation to potential affected public rights of way.

ENVIRONMENT AGENCY: Have objected to the application. Members are referred to the file for full details which can be summarised as follows:

- In the absence of a suitable flood risk assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted as the application site lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding.
- The development proposes the construction of a new access road which is raised above the flood level. However, there should be a scheme to provide compensatory flood storage to mitigate for the loss created by the new road. We are also concerned that the proposed new boundary wall will impede floodwaters and potentially increase flood risk elsewhere. The new road is also located over an existing culverted watercourse and the FRA takes no account of whether additional structural loading from the embankment could cause the structure to collapse.

Members will not that the proposed access track has now been relocated out with the assumed Flood zone, The Local Planning Authority has re-consulted the Environment Agency with their revised response currently awaited.

#### LCC LANDSCAPE / FOREST OF BOWLAND AONB

Have raised numerous concerns in relation to the application and the content of the submission. Members are referred to the file for full details which can be summarised as follows:

- There are numerous short-comings in relation to the submitted landscape assessment and level of information provided which does not allow a full assessment to be undertaken in relation to the proposals visual impact upon the AONB.
- The proposed access track, a significantly longer track than the existing one, would be situated – unscreened – along most of the western edge of the application site. This is an unsatisfactory arrangement since the absence of any mitigation planting or earthworks would maximise its visual impact and effects on the area's landscape tranquillity.
- The range of planting proposed along the boundary and associated access track are inappropriate for the area given their non-native origin. Boundary/avenue planting should be comprised of native species which are appropriate for the area's landscape character and beneficial for local biodiversity

#### ADDITIONAL REPRESENTATIONS:

8 letters of objection have been received in relation to the application. Members are referred to the file for full details which can be summarised as follows:

- The proposed access track will increase the risk of flooding and increase surface water run off.
- Detrimental visual impact upon the Forest of Bowland AONB.
- The proposal will be of detriment to the Sawley Conservation Area.
- The proposal will be of detriment to the landscape when viewed from the designated footpath/bridleway.
- The proposal will set a precedent for further similar development throughout the borough.
- Increased erosion as a result of the development.
- The proposal will be of detriment to view into and out of the Conservation Area.
- Damage to property as a result of flooding and the construction of the gateway lodge/ gateway.
- The gateway and gatehouse lodge should be sited further into the sight to make them less visually intrusive.
- The existing driveway is adequate and less visually intrusive.

- Concerns in relation to the destruction of woodland.

16 letters of support have also been received in relation to the application.

### **Proposal**

This application seeks consent for the erection of a new gateway and gatehouse lodge, the creation of a new access track/driveway in the location of a previous track and the creation of car parking facilities for anglers at the land to the foot of Sawley Brow, Sawley.

The proposal details the erection of a single storey gatehouse lodge to provide self-contained accommodation for live-in staff associated with an application that has been submitted in parallel with the current submission (Ref: 3/2013/0854 Erection of a replacement dwelling). It is proposed that the lodge will be of a neo-classical appearance providing 2 bedroom accommodation with 2 dedicated parking spaces and areas of external storage. The lodge is located to the west of the dwellings Ribble View and Ribbledene which front the track from Sawley Bridge Brow to Dockber Laithe. It is proposed that the lodge will be slightly graded into an existing banking.

The proposal also seeks consent for the erection of a semi-circular gateway feature to the southern extents of development site constructed of estate type railings (1.35m high) with intermediate stone piers and finials, the gateway maintains public access via gates serving the existing track that is also a designated bridleway (BW8), with dedicated gates serving the proposed new access track. The proposed access track is located to the west of the existing access, partially located within an area of re-graded banking. The track follows the route of a former track that served the existing Sawley Lodge and runs for an approximate length of 290 metres before meeting the access track associated with the parallel replacement dwelling application (Ref: 3/2013/0854).

Dedicated parking provision for anglers is also provided to the southern extents of the site located adjacent the proposed gateway and to the rear of Ribblebank and it is proposed that the parking area will be dug into an existing banking with retaining wall providing 5 dedicated spaces.

### **Site Location**

The proposal site is located within the defined open countryside within the Forest of Bowland AONB in an area characterised as *Undulating Lowland Farmland with Parkland* within the AONB landscape character appraisal.

The proposal site is located approximately 220m to the north of the Spread Eagle Hotel with the southern extents of the proposed access track and eastern extents of the gateway railings located within the defined Sawley Conservation Area.

### **Relevant Planning History**

There is no planning history associated with the site that is relevant to the current application.

## **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 – Dwellings in the Open Countryside

Policy ENV3 – Development in open Countryside

Policy ENV13 - Landscape Protection.

Core Strategy 2008 – 2082 – a Local Plan for Ribble Valley Regulation 22 Consultation Draft

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

Policy DMH3 – Dwellings in the Open Countryside

National Planning Policy Framework (NPPF).

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

The matters to be considered in the determination of this application relate to the principle of the development in policy terms; the potential visual impact of the development; any potential effects upon landscape, ecology and trees; the visual impact and the character of the Forest of Bowland AONB; the potential impact upon neighbouring residential amenities and any issues in relation to highway safety.

### **Principle of Development**

In assessing the proposal it is imperative to establish whether, in principle, the development would be considered acceptable in light of current and emerging policy considerations whilst fully considering the proposal against the aims and objective of the National Planning Policy Framework (NPPF).

The site lies within the currently defined Open Countryside and Forest of Bowland AONB. NPPF paragraph 55 emphasises that the development of isolated homes in the countryside should be avoided unless there are special circumstances. The NPPF also recognises the AONB's are regarded as a policy of constraint and as such significant regard must be given to any potential impact upon the AONB. Given that the proposal seeks the erection of a new dwelling within the AONB I must consider whether the dwelling should be considered as isolated, given the proposed gatehouse lodge is located within close proximity of existing built form I do not consider that it could be considered as overtly isolated. I am mindful that the proposal could in effect set a precedent make further such applications difficult to resist, however, the applicant has agreed to the imposition of a condition or the submission of a S106 agreement that will restrict the occupancy of the dwelling to that of employees associated with the replacement dwelling should it be granted consent.

I therefore consider that the gatehouse lodge could be adequately controlled so as not to result in the creation of an additional isolated planning unit within the Forest of Bowland AONB and could remain as ancillary accommodation.

## **Highways**

The County Surveyor raised no objection in principal to the proposed access track subject to relevant planning informatives being attached.

## **Residential Amenity**

In respect of potential impact upon residential amenity, the proposed gateway lodge, in terms of topographical relationship, is sited lower than the existing dwellings to the east and is located a distance of approximately 29 metres from the rear elevation of Ribble View, approximately 33 metres from the rear elevation of Ribbledene and approximately 60 metres from the primary rear elevation of Laneside House directly to the south. It is proposed that kitchen, utility bathroom and one bedroom window are located facing eastward with the main primary outlook being towards the west.

I am therefore mindful of the relationship between the proposed dwelling and the existing properties/uses within the area and given the internal layout, topographical relationship and separation distances as detailed on the submitted plans, consider the scheme acceptable in terms of its impact upon residential amenity.

## **Appearance & Visual Amenity**

In respect of the appearance of the proposed lodge, access track and gateway fencing/walling the Local Planning Authority has received objections from the Principal AONB Officer and Lancashire County Council Landscape Unit. These objections are predominantly in relation to the visual impact of the proposed access track and its incompatibility with the landscape character of the area. Concerns have been raised in relation to the length of the proposed track which is significantly longer than that of the existing and that no screening or mitigation planting has been proposed to lessen its visual intrusiveness. Amended plans have been received by the applicant detailing extensive landscape mitigation measures and the planting of extensive tree coverage to mitigate the effects of the new access track, these will be covered in more detail in the Landscape section of this report.

The replacement gatehouse lodge itself adopts a neo-classical language, being single storey in nature and of a modest scale and appearance that reflects its subservience to the main dwelling whilst adopting a similar architectural language. Whilst it is considered, given the extents of proposed landscaping, that it will not be viewed in context with the main dwelling I consider the appearance of the gatehouse lodge to be acceptable and do not consider it will be of detriment to the visual amenity of the area.

## **Landscape**

As previously stated the Local Planning Authority has received objections from the Principal AONB Officer and Lancashire County Council Landscape Unit in relation to the impact upon the landscape character of the AONB. To mitigate these concerns the applicant has submitted amended plans which detail extensive avenue planting to screen the proposed access track. The submitted details also propose a native woodland extension to the eastern extents of the site to act as a native buffer between the development site and the public footpath/ bridle way to the southeast. Native planting is also proposed to the east of the new access track on an existing banking to aid in strengthening the overall landscape character and to provide replacement planting to the existing copse which is to be removed.

Given the extensive landscaping proposed, including the provision of a woodland extension, I am satisfied that the overall landscaping strategy will aid in mitigating the visual impact of the proposed access track and enhance the overall biodiversity and ecological value of the site.

### **Conclusion**

Whilst it is recognized that there will be some level of measurable visual impact as a result of the development I consider, given the existing and proposed landscaping and whilst taking into account long and short approach views to the development that the visual harm/impact associated with the development upon the immediate and wider landscape setting would be acceptable.

Therefore, having carefully considered all of the above matters I consider that the proposal would not be of detriment to the visual amenity of the area or the residential amenities of neighbouring/nearby occupiers.

RECOMMENDATION: That the application be defer and delegated to the Head of Planning Services awaiting further formal consultation responses from The Environment Agency 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. The development hereby permitted shall be carried out in complete accordance with the submitted plans:

Drawings reference: 2392.13 Revision B – As amended 2<sup>nd</sup> December 2013

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

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2028 to 2018 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

4. Precise details of all proposed boundary treatments including their materials 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 boundary treatments proposed are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2028 to 2018 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. The development hereby permitted shall not be commenced until full details of the proposed landscaping have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, their maturity at the time of planting, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform including details of any engineering works required to form retaining structures associated with any proposed alterations in land levels.

The approved landscaping scheme shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed by the Local Planning Authority, whether in whole or part and shall be maintained thereafter for a period of not less than 15 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policies G1, ENV3 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

6. No part of the development hereby granted consent shall be commenced until details of all external artificial lighting has been submitted to and agreed by the Local Planning Authority, the details of which shall include the location, intensity of lighting, type of application and direction.

The details shall include the light mitigation measures designed to reduce the impact of artificial lighting on protected species/species of conservation concern identified and/or other named species.

REASON: In order to reduce the harmful impact of artificial lighting on the natural foraging/roosting/nesting behaviour of a protected/species of conservation concern and to comply with Policies G1, ENV3 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

7. No development shall take place until details of the provisions to be made for building dependent species of conservation concern artificial bird nesting boxes and artificial bat roosting sites have been submitted, and approved by the local planning authority.

REASON: To ensure that bird and bat species are protected and their habitat enhanced, in accordance with the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 and in accordance with policies G1, ENV9 and ENV10 of the Ribble Valley Districtwide Local Plan and policies DMG1, EN4 and DME3 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

8. Prior to commencement of the development or any site works including delivery of building materials and excavations for foundations or services, all trees identified to be retained on the submitted tree removal plan and within the Arboricultural Report 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 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. 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.

REASON: In order to ensure that all retained trees affected by development are afforded maximum physical protection from the potential adverse effects of development in accordance with Policies G1, ENV3 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

9. The proposed development shall only be occupied by a person solely or mainly employed by the occupants of, and shall remain ancillary to, the building known as Sawley Lodge or any other subsequent replacement dwelling(s).

REASON: In order to comply with Policies G1 and H9 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DMG2 and DMH3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft. The creation of a separate dwelling could be injurious to the amenities of the neighbouring occupiers and to the character of the area and would require further consideration by the Local Planning Authority.

10. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

REASON: To ensure a satisfactory means of drainage in accordance with Policies G1, ENV3 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

11. Surface water run off from as a result of the development should be restricted to existing rates in order that the proposed development does not contribute to an increased risk of flooding.

REASON: To reduce the increased risk of flooding in accordance with Policies G1, ENV3 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

12. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies G1, ENV3 and H10 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH5 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

PARISH COUNCIL: No response received.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): The County Surveyor raised no objection in principal to the proposed development subject to relevant planning conditions being attached in relation to potential affected public rights of way.

ENVIRONMENT AGENCY: No objection.

LCC ECOLOGY Consultation response awaited and to be reported verbally.

NATURAL ENGLAND No objection.

UNITED UTILITIES No objection subject to the imposition of planning conditions.

LCC LANDSCAPE / FOREST OF BOWLAND AONB Have raised numerous concerns in relation to the application and the content of the submission. Members are referred to the file for full details which can be summarised as follows:

- There are numerous short-comings in relation to the submitted landscape assessment and level of information provided which does not allow a full assessment to be undertaken in relation to the proposals visual impact upon the AONB.
- No assessment of the boundary wall/fencing has been provided in the supporting information or landscape assessment.
- The large country house/hall proposed is not a key feature of the areas local landscape character.
- The proposed walling/deer fence bounding the majority of the development will be a substantial built structure that could be inappropriate for the landscapes character.
- The scale and height of the proposed replacement building will be located on a prominent elevated area near the edge of the flood plain resulting in an incongruous and imposing structure in a rural landscape characterised by built development that is primarily of a much smaller scale and markedly different vernacular style.
- The range of planting proposed along the boundary and associated access track are inappropriate for the area given their non-native origin. Boundary/avenue planting should be comprised of native species which are appropriate for the area's landscape character and beneficial for local biodiversity

ADDITIONAL  
REPRESENTATIONS:

16 letters of support have been received in relation to the application.

### **Proposal**

This application seeks consent for the erection of a replacement dwelling at the site of Sawley Lodge, Sawley with associated ground-works, landscaping, boundary walling and access track.

The proposal details the demolition of the existing Sawley Lodge and associated out buildings and the erection of a 5 bedroom replacement dwelling with associated courtyard building accommodating garaging, greenhouse, utility room, staff accommodation, orangery and estate office.

The replacement dwelling is two-storey in scale and adopts a neo-classical vernacular measuring 7.5m at eaves and approximately 8.8m at ridge. It is proposed that the dwelling will be of a sandstone ashlar construction with Portland Haddonstone window/door surrounds, string courses, cappings and portico. Windows and doors will be painted timber sliding sash with blue slate roof. It is proposed that the dwelling will sit on a landscape plateau raised approximately 1m higher than that of the surrounding immediate ground level.

The ancillary courtyard buildings are linked to the main dwelling via a single storey utility area located to the northeast of the dwelling forming a quadrangle arrangement with the inner courtyard area to be surfaced in resin bound gravel with sandstone paving. The courtyard buildings are single storey in height measuring approximately 4.2m at eaves at their highest point with a raised archway acting as a folly and entrance feature into the quadrangle.

The application also seeks consent for extensive ground-works, hard landscaping, re-grading and the erection of a perimeter security wall/deer fence. It is proposed that the security walling will be of a 2m high ashlar sandstone construction with a galvanised steel wire and sectional post security fencing of 1m mounted atop the wall running an approximate length totalling approximately 600m. The boundary of the wall follows the line of a historic access track to the existing Lodge at the western extents of the site returning back on itself to form part of the formal entry to the courtyard associated with the proposed replacement dwelling. The walling then continues eastward adjacent the existing woodland being located on a raised area of land that will sit approximately 9m higher than the land level to the west by virtue of proposed re-grading, the walling then returns southward encompassing the area of the former tennis courts, "Hydro" building and Skinners Syke Stream.

As previously stated, extensive ground works and landscaping form an integral part of the overall proposal. The proposal seeks consent for the re-grading of large areas within the proposal site, some of which is the rationalisation of existing land levels/topography with the remainder resulting in extensive topographical changes by virtue of terracing/banking which in some areas proposes the banking and excavation of the existing land level by approximately 9-10 metres, particularly to the eastern extents of the site directly adjacent the Biological Heritage Site and existing woodland to the north east to allow for the construction of the courtyard/quadrangle element of the proposal.

Members will note that there is a current associated application that has been submitted in parallel with the current submission Ref: 3/2013/0853 that proposes the construction of new gateway and gatehouse lodge to be ancillary to the main (replacement) dwelling, the parallel

application also proposes the creation of a new access track, ground works, extensive landscaping and provision of car-parking facilities for anglers.

### **Site Location**

The proposal site is located within the defined open countryside within the Forest of Bowland AONB in an area characterised as *Undulating Lowland Farmland with Parkland* within the AONB landscape character appraisal. The proposal site is typified by a large area of lowland grassland with a raised plateau of land which currently accommodates Sawley Lodge, associated outbuildings and stable block.

The proposal site is located approximately 565m to the north of Sawley and is afforded a high level of visibility from the west upon approach along Bowland By Bowland Road, the southwest along Sawley Bridge Lane with additional limited long-range views from Sawley Road.

The site is bounded to the northeast by identified Biological Heritage Site which includes an identified area of ancient woodland, the applicant has submitted information that indicates a portion of this woodland may have been within the residential curtilage of the existing lodge, although at this stage this remains unconfirmed.

Members will note that the Local Planning Authority has been informed by the Forestry Commission that a large amount of felling has been undertaken on-site prior to the submission of this application on an area that forms part of the proposal site. The Local Planning Authority is currently awaiting clarification regarding the extents of the Biological Heritage Site and any potential damage resultant from the development and has received formal confirmation from the Forestry Commission that a re-stocking order has been negotiated and agreed that will require replacement tree planting elsewhere within the site as a result of the aforementioned felling.

### **Relevant Planning History**

There is no planning history associated with the site that is relevant to the current application.

### **Relevant Policies**

#### *Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 – Dwellings in the Open Countryside

Policy ENV3 – Development in open Countryside

Policy ENV13 - Landscape Protection.

#### Core Strategy 2008 – 2082 – a Local Plan for Ribble Valley Regulation 22 Consultation Draft

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

Policy DMH3 – Dwellings in the Open Countryside

National Planning Policy Framework (NPPF).

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

The matters to be considered in the determination of this application relate to the principle of the development in policy terms; the potential visual impact of the development; any potential effects upon landscape, ecology and trees; the visual impact and the character of the Forest of Bowland AONB; the potential impact upon neighbouring residential amenities and any issues in relation to highway safety.

### **Principle of Development**

In assessing the proposal it is imperative to establish whether, in principle, the development would be considered acceptable in light of current and emerging policy considerations whilst fully considering the proposal against the aims and objective of the National Planning Policy Framework (NPPF).

The site lies within the currently defined Open Countryside and Forest of Bowland AONB. NPPF paragraph 55 emphasises that the development of isolated homes in the countryside should be avoided unless there are special circumstances. Given that the proposal seeks consent for the erection of a replacement dwelling I do not consider that the principle of the development has to meet the tests/criteria set out in paragraph 55. However, I am mindful that there is the need to consider the overall scale of the replacement dwelling and the cumulative increase in size/scale and its relationship with the wider context and setting which shall be covered in detail later in this report.

### **Highways**

It is intended that the proposal will be served by the erection of a new access track in lieu of the existing track on site that runs to the west of laneside House, members will note that this element of the proposal has been submitted as part of a separate application. With only the extents of the new track proposed that are directly adjacent the proposed replacement dwelling and bounding "security wall" forming part of the current application. The County Surveyor raised no objection in principal to the proposed development subject to relevant planning conditions being attached.

### **Residential Amenity**

In respect of potential impact upon residential amenity, given the isolated nature of the site and the location of proposed replacement dwelling in relation to adjoining/nearby dwellings, I consider the proposal as submitted would have no detrimental impact upon the residential amenities of existing/neighbouring occupiers.

I am therefore mindful of the relationship between the proposed dwelling and the existing properties/uses within the area and given the layout and spatial relationships as detailed on the submitted plans, consider the scheme acceptable in terms of its impact upon residential amenity.

### **Appearance & Visual Amenity**

In respect of the appearance of the proposed dwelling and associated works the Local Planning Authority has received objections from the Principal AONB Officer and Lancashire County Council Landscape Unit. These objections are predominantly in relation to the nature and

extents of the artificial ground works, proposed security walling and the nature of the landscaping, with limited comments in relation to the inappropriate scale of the proposed replacement dwelling.

In terms of overall appearance and scale it is accepted that the proposed replacement dwelling and associated courtyard buildings represent a significant increase in overall footprint in relation to the existing buildings on site. However, when taking into account the overall landscaping strategy and design approach to the replacement dwelling as a whole, consider that the visual impact and intrusiveness of the proposal, will be somewhat mitigated by the extensive landscaping and terracing which will in effect form a backdrop to the development.

The replacement dwelling itself adopts a clear elevational hierarchy which aids in defining and reinforcing the neo-classical approach which is reinforced through its use of classical proportioning devices, particularly in its overall fenestrational arrangement. The visual scale of the main dwelling is also lessened through its overall articulation, with the dwelling presenting a clear central focal and entry point. The east and west separate “wings” remain visually subservient through their austere detailing in relation to the main body of the building whilst being clearly visually defined by a forward projection from their respective elevations which provides visual depth and relief.

In respect of the courtyard buildings, significant amendments have been secured that reduce the overall scale and mass of the buildings and they remain clearly visually subservient to the main dwelling by virtue of their scale and given their siting I consider that they will appear further subservient upon approach in terms of long-views, particularly from the north and northwest.

## **Landscape**

Given the location and nature of the proposed development it is considered imperative that an overall landscape strategy be formed that would work in concert with the proposed buildings to ensure their visual compatibility with the immediate defined Landscape Character of the Area and that of the wider AONB. It is assumed that a number of the landscaping issues will be dealt with through planning condition that will allow further negotiation at a later stage. I am equally mindful that there is the need for the Local Planning Authority to be convinced at this stage that the initial design approach to the overall landscaping plan is well conceived and responds well to the immediate context.

The Local Planning Authority has received objections from the Principal AONB Officer and Lancashire County Council Landscape Unit in relation to the proposed landscaping/ground works and security walling. The objections primarily relate to the boundary/security walling, its overall scale/extents and its visual prominence and incompatibility with the landscape character of the area. With other matters such as the proposed species mix being a concern and not being considered as native to the area.

Subsequent to the initial comments received, amended plans have been submitted which propose avenue tree planting that will aid in lessening the visual intrusiveness of the walling which is further complimented by further tree planting and landscaping on the banking located behind the wall which will create varying visual layers of planting which will be emphasised by the changes in topography as a result of the proposed re-grading. To the north eastern extents of the site the proposed walling will occupy an elevated position, it is proposed that further landscaping/tree planting will be located on the banking leading up to the security walling, which will then be viewed in context with Brownthwaites Wood directly adjacent the site.

Whilst I accept that the nature of security walling and its overall extents could be considered an incongruous feature in the landscape that may undermine the defined character of the area. I consider that the proposed indicative landscaping proposals will aid, to some degree, in mitigating its visual impact and consider that further negotiation at the discharge of planning condition stage would ensure that any proposed landscaping is not only appropriate in terms of its overall species mix, but that the detailed landscaping strategy and long term management is robust enough to mitigate the inevitable visual impact of the security walling and dwelling/courtyard buildings.

### **Ecology**

It is recognised that portions of the development site and elements of the proposed courtyard buildings and re-grading/terracing are located within an identified Biological Heritage Site (BHS). Comments in relation to any potential adverse impact upon the BHS are currently awaited from Lancashire County Council Ecology department.

### **Conclusion**

Whilst it is recognized that there will be some level of measurable visual impact as a result of the development I consider, given the existing and proposed landscaping and whilst taking into account long and short approach views to the development that the visual harm/impact associated with the development upon the immediate and wider landscape setting would be acceptable.

Therefore, having carefully considered all of the above matters I consider that the proposal would not be of detriment to the visual amenity of the area or the residential amenities of neighbouring/nearby occupiers.

RECOMMENDATION: That the application be defer and delegated to the Director of Community Services awaiting further formal consultation responses from Lancashire County Council Ecology and subject to no new adverse issues arising and 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. The development hereby permitted shall be carried out in complete accordance with the submitted plans:

Drawings Reference:

2392.7 Revision B – As amended 02 December 2013

2392.8 Revision B - As amended 02 December 2013

2392.10 Revision A - As amended 02 December 2013

2392.14 Revision B - As amended 02 December 2013

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

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2028 to 2018 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

4. Precise details of all proposed boundary treatments including their materials 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 boundary treatments proposed are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2028 to 2018 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. The development hereby permitted shall not be commenced until full details of the proposed landscaping have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, their maturity at the time of planting, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform including details of any engineering works required to form retaining structures associated with any proposed alterations in land levels.

The approved landscaping scheme shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed by the Local Planning Authority, whether in whole or part and shall be maintained thereafter for a period of not less than 15 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policies G1, ENV3 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

6. No part of the development hereby granted consent shall be commenced until details of all external artificial lighting has been submitted to and agreed by the Local Planning Authority, the details of which shall include the location, intensity of lighting, type of application and direction.

The details shall include the light mitigation measures designed to reduce the impact of artificial lighting on protected species/species of conservation concern identified and/or other named species.

REASON: In order to reduce the harmful impact of artificial lighting on the natural foraging/roosting/nesting behaviour of a protected/species of conservation concern and to comply with Policies G1, ENV3 and ENV13 of the Ribble Valley Districtwide Local Plan and



Policies DMG1, EN2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

7. The development hereby permitted shall not be commenced until full details of the proposed refurbishment of the existing Hydro building including any internal and external alterations has been submitted to and agreed by the Local Planning Authority.

REASON: In the interests of the visual amenity of the area and to comply with Policies G1, ENV3 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

8. No development shall take place until details of the provisions to be made for building dependent species of conservation concern artificial bird nesting boxes and artificial bat roosting sites have been submitted, and approved by the local planning authority.

REASON: To ensure that bird and bat species are protected and their habitat enhanced, in accordance with the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 and in accordance with policies G1, ENV9 and ENV10 of the Ribble Valley Districtwide Local Plan and policies DMG1, EN4 and DME3 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

9. Prior to commencement of the development or any site works including delivery of building materials and excavations for foundations or services, all trees identified to be retained on the submitted tree removal plan and within the Arboricultural Report 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 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. 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.

REASON: In order to ensure that all retained trees affected by development are afforded maximum physical protection from the potential adverse affects of development in accordance with Policies G1, ENV3 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

10. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

REASON: To ensure a satisfactory means of drainage in accordance with Policies G1, ENV3 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

11. Surface water run off from as a result of the development should be restricted to existing rates in order that the proposed development does not contribute to an increased risk of flooding.

REASON: To reduce the increased risk of flooding in accordance with Policies G1, ENV3 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

12. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies G1, ENV3 and H10 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH5 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

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

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

APPLICATIONS APPROVED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2012/0811/P	Application for the discharge of condition no.3 (materials – walling, roofing and surface), condition no.6 (programme of archaeological work), condition no.8 (highways works), condition no.10 (access treatment) and condition no.12 (tree constraints plan) and part discharge of condition no.7 (visibility splays) of permission 3/2012/0052P	41 Dilworth Lane Longridge
3/2013/0775/P (LBC)	Internal ground floor alterations to existing dwelling	36 Chapel Brow Downham
3/2013/0799/P	Discharge of conditions; 3,4,5,6,7 & 11 of planning consent 3/2012/1049	Jones Stroud Insulations Queen Street, Longridge
3/2013/0824/P	Fabric repairs to external masonry including cleaning/repointing/repairs to well; redecoration of external joinery; removal of modern tubular handrail and replacement with new handrails either side of stair	Stydd Almshouses Stydd Lane Ribchester
3/2013/0872/P	Discharge of conditions 3, 5, 6, 7, 9, 10 and 11 of consent 3/2012/0277/P which relates to a new sports hall	Clitheroe Royal Grammar School Chatburn Road, Clitheroe
3/2013/0877/P	Change of house type to the previously approved under 3/2010/0973 from a 4 bedroom detached house to a 1 bedroom detached bungalow	2 Parlick Avenue Longridge
3/2013/0878/P	Proposed first floor side extension over the attached double garage	11 Holme Hill Clitheroe
3/2013/0885/P	External wall insulation. Rendering to match	6 Kirklands Chipping
3/2013/0907/P	External wall insulation. Rendering to match	5 Kirklands Chipping
3/2013/0910/P	Erection of first floor side and rear extension	14 The Hawthorns Wilpshire
3/2013/0912/P	Minor material amendment to substitute plans and elevations on approved drawing 09-1411-PO6 for the revised plans on drawing 09-1441-W04E and elevations on drawing 09-1441-W05G showing the incorporation of PV panels	Land adj 14 Church Raikie Chipping

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2013/0917/P	Removal of planning condition 4 of permission 3/1003/0356	Nuffield House Eaves Hall Lane West Bradford
3/2013/0918/P	Application for the renewal of planning consent 3/2010/0891P for the demolition of an existing cabin and carport and the erection of a detached workshop, store and carport	Sunnyhurst Lambing Clough Lane Hurst Green
3/2013/0922/P	Raise the roof to create two additional bedrooms and en suite bathroom in the roof space. Re-roof the rear conservatory and reconstruct the front porch	8 Church Close Waddington
3/2013/0931/P	Single storey extension to side	Stump Cross Cottage West Stump Cross Lane Bolton-by-Bowland
3/2013/0935/P	Change of use of first floor rooms from showroom (A1) to tattoo and piercing studio (sui generis)	68/70 Whalley Road Clitheroe
3/2013/0954/P	Construction of dormer window to the rear elevation and the alteration of the attic space to form a new bedroom	25 Longworth Road Billington
3/2013/0955/P	Discharge of condition 16 (visibility splay) from planning permission 3/2010/0113/P on land adjacent	Whalley Road Sabden
3/2013/0972/P	Request to discharge conditions 10 (desk study) and 12 (historic recording) of planning permission 3/2013/0421/P	Jacksons Barn Bolton-by-Bowland Road Sawley
3/2013/0985/P	Demolition and reconstruction of two storey extension to south elevation. Removal of existing conservatory and greenhouse and kennels. Rebuild existing garage and first floor bedrooms and re-clad barn in timber and various other minor alterations	Cob House Green Lane Grindleton

#### APPLICATIONS REFUSED

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>	<b><u>Reasons for Refusal</u></b>
3/2013/0509/P	Proposed two-storey extension to the side of the house a detached garage and extension of curtilage	1 Brookside Old Langho	Contrary to Policies G1 and H10 of the DWLP, Policies DMG1 and DMH5 of the CS and the Adopted SPG and Extensions and Alterations to Dwellings.
3/2013/0868/P	Internal alterations	12 Church Street Clitheroe	The proposals have an unduly harmful impact upon the character and
Cont/			

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...			significance of the listed building because of the loss and alteration of important historic fabric and plan form. This is contrary to the National Planning Policy Framework 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), Ribble Valley Districtwide Local Plan Policy ENV20 and Core Strategy Regulation 22 Submission Draft Post Submission Revision (including proposed main changes) Policy DME4.
3/2013/0875/P	Proposed extension	first floor 5 Limefield Avenue Whalley	Contrary to Policies G1, H10 and T7 of DWLP and Policies DMG1, DMH5, DMG3 of the CS and adopted SPG on Extensions and Alterations to Dwellings.
3/2013/0914/P	Proposed conservatory to rear elevation	26 Goose Lane Cottages Goose Lane Chipping	1. Policies G1, ENV1, and H17 of the DWLP, the SPG: Extensions and Alterations to Dwellings, Policies DMG1, DME2, EN2, DME4 of the Core Strategy (Post Submission Draft) and Sections 7, 11 and 12 of the NPPF - visually
Cont/			

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...			<p>discordant feature to the detriment of the character and appearance of the traditional converted rural building and the AONB in which it is set.</p> <p>2. Policies G1 and H10 of the DWLP and the SPG on alterations and extensions to dwellings and Policies DMG1 and DMH5 of the Core Strategy (Reg. 22 Post Submission Draft) - It would overshadow neighbouring windows resulting in a significant loss of light to habitable rooms.</p> <p>3. The proposal if approved would set a dangerous precedent for the acceptance of other similar proposals which would cause visual harm to the landscape as well as the amenity of nearby residents, and render more difficult the implementation of the established planning principles of the Local Planning Authority.</p>
3/2013/0924/P	Proposed conversion of agricultural barn to residential dwelling	Duddle House Farm Clitheroe Road Dutton	Contrary to policies G1, G5, ENV3, H2, H15, H16 and H17 of DWLP and policies DMG1, DMG2, DME2 and DMH4 of the CS.

#### OBSERVATIONS TO ANOTHER LOCAL AUTHORITY

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0993/P	Consultation on LCC application for the retention of demountable units to provide additional two classrooms and link corridor	Hillside Special School Ribchester Road Hothersall

## CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0942/P	Certificate of Lawfulness for a proposed single storey rear extension to existing dwelling	35 Lindale Road Longridge
3/2013/0951/P	Lawful Development Certificate for extension into existing roof void to provide additional bedroom and shower room including construction of two dormer window extensions, insertion of a roof light, and alterations to existing kitchen/dining room including replacement of two bay windows with one	6 Hollowhead Lane Wilpshire

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

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0671/P	Application for a Lawful Development Certificate for proposed single storey extensions to increase the room sizes	Blue Trees Copster Green

## APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0736/P	Erection of one dwelling house	Cherry Hall, Main Street Grindleton
3/2013/0787/P	Single storey garage to side	Rylstone 47 Edisford Road, Clitheroe
3/2013/0962/P	Variation of condition 2 of planning permission 3/2011/0222 to substitute amended plans for those originally approved	Calder Vale Park Simonstone Lane Simonstone
3/2013/0969/P	Proposed agricultural building for livestock, storage and garaging	Chapel House Barn Chaigley

## SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0379	Primrose Mill Woone Lane, Clitheroe	16/8/12	14	Deed of Variation Applicants solicitor
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	6/12/12	57	Ongoing issues may refer back to committee
3/2012/0964	Land to the north of Whalley Road Hurst Green	14/3/13	30	Ongoing issues may refer back to committee

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2013/0161	Strawberry Fields Main Street Gisburn	7/11/13	11	With Lancashire County Council
3/2013/0711	Land off Henthorn Road Clitheroe	7/11/13	140	With Applicants Solicitor
3/2013/0747	Land at Whalley Road Billington	7/11/13	56	Ongoing issues regarding education contributions
3/2013/0782	Spout Farm Preston Road Longridge	12/12/13	32	With Legal
3/2013/0851	The Whins Whins Lane, Read	12/12/13	16	With Legal
3/2012/0942	Land at Higher Standen Farm & part Littlemoor Farm Clitheroe	12/12/13	1040	Subject to departure procedures
<b><u>Non Housing</u></b>				
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>
3/2012/0630 Undetermined	22/01/13	land SW of Barrow and W of Whalley Road, Barrow	Inquiry	11/09/13 (up to 2 days)	Awaiting decision
3/2012/0402 R	18//2/13	Mason House Farm Clitheroe Road Bashall Eaves	WR		Appeal dismissed 26/11/13
3/2012/1088 R	28/03/13	8 Church Brow, Clitheroe	LB		Awaiting decision
3/2012/0913 R	28/03/13	land off Waddington Road, Clitheroe	Inquiry	19/09/13 (1 day)	Awaiting decision
3/2012/0792 R	30/04/13	Hodder Bank Stonyhurst	WR		Appeal allowed 18/11/13
3/2012/0972 R	23/04/13	Shays Farm Tosside	WR		Awaiting decision
3/2013/0099 Undetermined	20/05/13	land to the west of Whalley Road, Barrow	changed to Hearing	05/11/13 2 days	Awaiting decision



<u>Application No</u>	<u>Date Received</u>	<u>Applicant Proposal/Site</u>	<u>Type of Appeal</u>	<u>Date of Inquiry/Hearing</u>	<u>Progress</u>
3/2013/0419 R	08/08/13	Wolfen Mill	WR		Awaiting decision
3/2013/0447 R	21/10/13	Bleak House, Kemple End, Stonyhurst	WR		Awaiting decision
3/2013/0448 invalid	Awaiting validation by PINS	Oakfield, Longsight Road, Clayton le Dale			
3/2013/0643 R	13/11/13	8 Whitewell Drive, Clitheroe	HH		Appeal dismissed 12/12/13
3/2013/0378 R	09/12/13	1 2 and 3 Greendale View, Grindleton	WR		Notification sent Questionnaire sent Statement due 20/01/14
3/2013/0909 R	Awaiting validation by PINS	9 Manor Road, Whalley			
3/2013/0703 R	Awaiting validation by PINS	Goose Chase Preston Road, Ribchester			
3/2013/0793 R	Awaiting validation by PINS	Great Mitton Hall Mitton Road Mitton			

#### LEGEND

D – Delegated decision  
C – Committee decision  
O – Overturn