

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

Agenda Item No

meeting date: THURSDAY, 29 MAY 2014
 title: PLANNING APPLICATIONS
 submitted by: DIRECTOR OF COMMUNITY SERVICES

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION NO: 3/2014/0071 (GRID REF: SD 374113 440918)
 ERECTION OF A CLASS A1 FOODSTORE (GROSS INTERNAL FLOORSPACE 1,520 SQUARE METRES) AND NON-FOOD RETAIL UNIT (GROSS INTERNAL FLOORSPACE 557 SQUARE METRES) TOGETHER WITH ASSOCIATED VEHICULAR ACCESS, CAR PARKING, SERVICING AREA AND HARD AND SOFT LANDSCAPING AT LAND AT FORMER BARKERS GARDEN CENTRE, WHALLEY ROAD

PARISH/TOWN COUNCIL: No objection.

ENGINEERS: No objection.

ENVIRONMENT DIRECTORATE (COUNTY ARCHAEOLOGY): No significant archaeological implications.

ENVIRONMENT DIRECTORATE (COUNTY ECOLOGY): The applicant has not demonstrated that loss of semi-natural habitat (suitable for Species of Principal Importance) would be adequately compensated for. The applicant should be required to demonstrate that there would be sufficient compensation to fully offset all the losses. Subject to resolving the above, conditions are recommended.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): Require changes to the site layout and mitigation measures on the local road network to improve the sustainability of the development and to reduce hazards on the highway. If these measures are not implemented, there would be a highways objection to this development.

ENVIRONMENT AGENCY: Given the previous use of the site, it is unlikely that significant levels of contamination are present at the site. No objection subject to condition regarding unexpected contamination. Recommend SUDs and use of oil interceptor.

ELECTRICITY NORTH WEST: No objection. Advisory notes recommended.

LANCASHIRE CONSTABULARY: No objection. Recommend measures to reduce the risk of crime.

UNITED UTILITIES:

No objection subject to drainage condition. Surface water must drain separate from foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems.

ADDITIONAL REPRESENTATIONS:

Five letters of objection have been received from the occupants of neighbouring properties and one letter of objection has been received from a planning consultant acting on behalf of an adjoining landowner. The main concerns raised include:

- The application does not take into account an extant planning permission for residential development on land immediately to the north of the site (3/2012/0420 granted June 2013). Assessment needs to be undertaken as the indicative layout shows houses would have principal elevations facing the proposed retail development and its servicing area. This is a sensitive relationship that must be afforded due consideration.
- Account needs to be taken of the levels differences on the land to the north, as has been done in respect of Meadowcroft.
- The noisiest plant is proposed to be located on the north side of the building near to the boundary with residential properties – the impact on the consented development needs to be taken into account.
- The extent of render proposed to be used is not in keeping with local materials of stone or brick - the north and east elevations should be finished in stone.
- Over development of the site – too much floor space is being squeezed into the site, which is apparent due to the relationship between unit 2 and the eastern boundary of the site. Unit 2 is too close to the boundary, is too large for the site and is too tall.
- Lighting scheme should be submitted.
- Retail development should be located in the town centre not in a predominantly residential area.
- There could in future be an application for a vehicular access onto Littlemoor Road resulting in the removal of trees and established hedgerow. The road junction of Littlemoor Road and Whalley Road struggles to cope now with traffic.
- The building of a supermarket on the edge of a town would set a precedent for similar establishments, which would be detrimental for footfall of customers in the town centre, more empty shops, loss of trade and loss of choice for the shopper. Clitheroe would end up in the same position as Accrington, Blackburn and Burnley with dead centres in their towns which they are struggling to remedy.

- Potential noise disturbance from deliveries, especially during the early morning/evening and with lorries beepers and refrigeration units.
- Noise from cars in the car park 8pm-10pm in a residential area is not appropriate.
- Whalley Road is already very busy and will be even more congested with cars trying to turn into the car park, especially when turning right on approach. Tailbacks would be likely.
- The car park may be a playground for youths especially when the store is shut.
- The development will look like a prefabricated carbuncle on the outskirts of the town.
- Does Clitheroe need a fifth supermarket to the detriment of the town centre retailers.
- Welcome the redevelopment of the site but a retail development would be out of keeping with the residential area and would detract from the semi-rural leafy nature of Littlemoor. A previous approach by a supermarket was turned down some 14 years ago.
- Traffic has increased considerably since Primrose Garage was refurbished and reopened. Seemingly, the previous garage had only 4 pumps and now it has 8 pumps, a supermarket and a subway and is permitted to open 24 hours. The amount of traffic this has generated has been incredible and quite a shock to residents of Parker Avenue – cars are double parking on the pavement on Parker Avenue and Whalley Road causing grave concerns about highway safety. Another 100 cars with associated HGVs will cause congestion, noise and safety issues.
- As a market town, the first impression on arrival will be one of chaos, confusion and ugly shopping trolleys.
- The Council should focus on Clitheroe town centre due to shops closing.

Five letters of support and one mixed comment have been received. The main points raised include:

- No objection in principle, but wish to see tree adjacent to the boundary retained, plant maintained to prevent noise disturbance and an acoustic fence provided along the northern boundary.
- Retail store will be needed with all the new housing development and this site is right for a store.
- Will bring a new good value and reasonably priced supermarket to the town with associated jobs.
- Bus stops provide access to the wider area.
- Will improve appearance of a derelict site.
- Increased competition will keep food prices down.
- Will provide a retail outlet accessible to many customers

- without travelling through the town centre.
- Presents opportunity to widen Littlemoor Road, which is a hazardous junction and narrows considerably preventing cars passing each other

Proposal

Planning permission is sought for the erection of two retail units with associated vehicular access, parking, servicing areas, and hard and soft landscaping. Unit 1 would be located adjacent to Whalley Road and would form a class A1 discount food store (gross internal floorspace 1,520 square metres, net sales area 1,140 square metres) to be occupied by Aldi. Unit 2 is proposed to be located adjacent to the eastern boundary of the site and would form a non-food retail unit (gross internal floorspace 557 square metres, net sales area 500 square metres) to be occupied by Pets At Home.

Vehicular access is proposed from the A671 Whalley Road, which would serve both the car parking and servicing areas. Pedestrian access would also be from Whalley Road. The application form indicates that there would be 20 full time staff and 20 part time staff employed.

The proposed hours of opening and hours of servicing sought by the applicant have been reduced during the course of the application in respect of the proposed Aldi store, but increased in respect of the proposed Pets at Home. The opening hours proposed for both units are Monday to Saturday 08:00-21:00 and 10:00-16:00 on Sundays. The servicing hours proposed, also for both units, are 07:00-21:00 Monday to Saturday and 09:00-17:00 on Sundays.

Site Location

The application site is a rectangular parcel of land measuring 0.74 hectares and comprises of the former site of Barker's garden centre on the eastern side of Whalley Road and to the north of Littlemoor Road. Whilst the site was formerly previously developed brownfield land, it has lain vacant for more than 10 years and the majority of the site is now overgrown with vegetation. There is an extant outline consent for the development of the application site to provide 30 apartments, 2 dwellings and a 40 bedroom nursing home (planning permission reference 3/2010/0550).

The application site is adjoined by Whalley Road to the west, Littlemoor Road to the south, semi-detached dwelling No.159 Whalley Road to the north and a detached bungalow known as Holly Lodge to the east. The site also adjoins open fields to the north of the site, subject to an extant outline consent for residential development comprising up to 49 dwellings (planning permission reference 3/2012/0420). The ground level within the site slopes down from Whalley Road to the east and also slopes down towards Littlemoor Road.

There are mature trees and hedges along the boundaries of the site, including two groups of trees protected by Tree Preservation Orders (TPOs). These are located to the south west of the site fronting onto Whalley Road near to the existing bus stop and to the south east of the site fronting onto Littlemoor Road close to the boundary with Holly Lodge. Mature trees also line the opposite side of Littlemoor Road and whilst these are not the subject of a TPO, they are considered worthy of statutory protection.

Relevant History

3/2010/0550 - Application for outline planning permission to construct 30 apartments, 2 houses and a 40 bed nursing home – Approved September 2011.

3/2010/0236 - Erection of children's day nursery, laying out of parking, new access to Littlemoor Road and associated engineering works – Approved June 2010.

3/2003/0595 - Residential development (33 units), new access, improvements to Littlemoor Road and associated engineering works (resubmission) – Appeal dismissed February 2004.

Relevant Policies

Ribble Valley Districtwide Local Plan (1998):

Policy G1 - Development Control

Policy G11 - Crime Prevention

Policy ENV7 - Species Protection

Policy ENV10 - Development Affecting Nature Conservation

Policy ENV13 - Landscape Protection

Policy S2 – Shopping Development Outside the Town Centre

Policy T1 - Development Proposals - Transport Implications

Policy T7 - Parking Provision

Draft Ribble Valley Core Strategy 2008-2028 (Regulation 22 Submission Draft Post Submission Version Including Proposed Main Changes):

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement EC1 – Business and Employment Development

Key Statement EC2 – Retail, Shops and Community Facilities and Services

Key Statement DMI1 – Planning Obligations

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME1 – Protecting Trees and Woodlands

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME6 – Water Management

Policy DMR1 – Retail Development in Clitheroe

Other Material Considerations:

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Practice Guidance (PPG)

Environmental, AONB, Human Rights and Other Issues

Principle, Sequential Test and Retail Impact

The Districtwide Local Plan is out of date and whilst the draft core strategy is a material consideration, it can be afforded limited weight at this stage in the examination process. The National Planning Policy Framework (NPPF) is therefore a material consideration to which significant weight should be attached. In cases where the local plan is out of date, the presumption in favour of sustainable development applies and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The application proposes out of centre retail development. Policy S2 of the Districtwide Local Plan requires such proposals to be considered on a sequential basis, be accessible by means of public transport and to not adversely affect the vitality or viability of the town centre, hence Policy S2 is generally in line with guidance in the NPPF with the exception of a requirement to demonstrate need, which is no longer required. The NPPF sets out two key tests that should be applied to town centre uses which are not in an existing town centre and which are not in accordance with an up to date Local Plan – the sequential test and the impact test. The applicant has undertaken a sequential assessment and it is accepted that this demonstrates there are no alternative sites within or near to the town centre that would adequately accommodate the proposed development.

The threshold for impact test in the NPPF is 2,500 square metres of gross external floor space and the proposed development is therefore below the threshold that would require impact assessment, however Policy DMR1 of the draft Core Strategy proposes a lower floor space threshold of 1000 square metres. The applicant has undertaken an impact assessment in support of the proposed development and this demonstrates that there would be no likely significant impact on Clitheroe town centre.

The main identified impact would be trade diversion from other supermarket retailers, the greatest impact of which would be on discount retailer Lidl. Whilst the extent of the trade diversion from this store would not amount to significant harm, it would inevitably result in the loss of linked trips currently associated with Lidl customers using the town centre, by virtue of the proximity of this edge of centre store to the town centre. This harm weighs against the application in the planning balance, however the evidence indicates leakage out of the Borough to shop at Aldi and the proposal could therefore retain spending within the Borough. There may also be linked trips associated with the development itself. Furthermore, evidence produced in support of the Core Strategy (Retail Study Update 2013) demonstrates overtrading and capacity for comparison and non-comparison retail of comparable floor spaces to those proposed. Key Statement EC2 of the draft Core Strategy is proposed to be amended, subject to consultation, to specify provision for new convenience retail floor space of up to 1815 square metres and provision for new comparison retail floor space of up to 2630 square metres in Clitheroe (Proposed Main Changes) as a result of the Retail Study Update 2013 – well above the floor spaces sought by this proposal.

In respect of the impact of the comparison goods floor space, the applicant has confirmed that unit 2 would be occupied by Pets at Home. There are three outlets in the town centre selling similar pet goods - Ideal Pet Stores at 48 Moor Lane plus 2 other units on Clitheroe Market which could face potential impacts. The impact on these three stores, including potential closure, weighs against the proposal in the planning balance. Typically, Pets at Home would

require the business to be located in larger retail units than those currently available in Clitheroe town centre, yet such a store could attract additional visits to the town as has been the case with Aldi stores in certain locations. On balance, it is considered that the impact on the town centre would be less than significant.

In conclusion, it is accepted that there are no sequentially preferable sites that would adequately accommodate the proposed development and the development is not likely to have a significant impact on the vitality and viability of the town centre on the basis of the proposed occupation by the discount food operator and the sale of pet products and associated goods by the comparison retailer. Furthermore, the proposal is not likely to impact on the proposed redevelopment of Clitheroe market and would not therefore undermine the Clitheroe Town Centre Masterplan. As such, the proposal is in accordance with Policy S2 of the Districtwide Local Plan, Policies DMR1 and EC2 of the draft Core Strategy and the NPPF and is therefore considered to be acceptable in principle.

Amenity

It is noted that the gardens of No.157 and 159 Whalley Road are already enclosed by the building to the north, Primrose Garage (Texaco). Unit 1 would extend the length of the curtilage of No.159 and would therefore add to the sense of enclosure to the gardens of these properties. However, unit 1 would be sited between 5.5m-7.5m from the boundary with this property with an eaves height of 3.7m, hence taking into account levels differentials, unit 1 would not unduly enclose the gardens of No's 157 and 159 and would not have an overbearing impact on the occupants of No.159. Amendments to unit 2 include a reduction in height and increased distance to the boundary with Holly Lodge and as a result, it is considered that unit 2 would have no undue impact on the amenity of the occupants in respect of overshadowing or overbearing impact. Similarly, there would be no overbearing impact of overshadowing in respect of the proposed residential development to the north of the site.

In relation to noise, hours of opening and servicing have been negotiated following discussions with environmental health. These hours are considered to be reasonable and would not introduce activity beyond what is deemed a reasonable hour in a predominantly residential area. Whilst the applicant has indicated that they would prefer standard hours to apply on bank holidays, it is considered reasonable to restrict opening and servicing hours on bank holidays to those hours specified on Sundays to protect the amenity of neighbouring residents.

Additional noise assessments undertaken by the applicant indicate that the proposed noise levels would be within recommended levels and conditions are therefore recommended to ensure these levels are not exceeded as a result of activity on the site. An acoustic fence is proposed in the vicinity of the service yard areas to prevent undue noise disturbance to neighbouring properties (existing and proposed) and full details of this fencing would be required by condition. In addition, in order to minimise impacts of servicing activity on local residents, a condition requiring a service yard and deliveries management plan is recommended to specify the number of HGV deliveries that can be made to the site per day, to specify the number of deliveries that can be made to the site during early the morning and late evening at times when measured background levels are lower and to ensure noise is kept to a minimum during the servicing process, which would control for example reversing warning sounds and use of radios.

The servicing areas are accessed from within the customer car parking area and it would be necessary for servicing vehicles to undertake reversing manoeuvres, creating the potential for

conflict of service vehicles, including HGVs, with cars and pedestrians. Deliveries would therefore need to be managed by the retailers to ensure the safety of customers whilst servicing is taking place and the condition requiring the service yard and deliveries management plan is therefore also recommended in the interests of the safety of users of the development.

Site lighting would need to be afforded careful consideration to protect the amenity of neighbouring residential properties – no details of lighting have been provided with the application, hence a lighting scheme would be required by condition.

Access, Highways and Parking

The local highway authority advises that the following works are required to facilitate the development:

1. Improvements to the bus stops on Whalley Road
2. Provision of a puffin crossing facility across Whalley Road in the vicinity of the site
3. The marking out of pedestrian routes within the site
4. Improvements to Littlemoor Road comprising the provision of a footway on the northern side of Littlemoor Road, the provision of a footway on the southern side of Littlemoor Road and the widening of the highway to a minimum width of 5.5m

Following extensive discussions, the applicant has agreed to items 1 and 2 above - the provision of the puffin crossing on Whalley Road and the improvements to the bus stops on Whalley Road. Item 3 - the marking out of pedestrian routes within the site can be secured by condition in the interests of facilitating pedestrian movement.

In respect of item 4, I agree with the local highway authority in that the provision of a footway on Littlemoor Road would be necessary in the interests of highway safety and the safety of other users of the highway. One of the core planning principles advocated by the NPPF is to make the fullest possible use of public transport, walking and cycling, which would be facilitated by the provision of the footway and widening of the carriageway on Littlemoor Road. Furthermore, these works are considered to be essential to delivering a sustainable and accessible form of development. The NPPF recognises that Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Adequate provision for safe access to the development on foot and cycle should be provided for those local residents most affected by a development.

The local highway authority has stated that the works to Littlemoor Road are essential and if these works are not delivered, there would be an objection on highways grounds and a refusal of planning permission would be recommended. In determining the planning application, the local planning authority is required to consider whether otherwise unacceptable development could be made acceptable through the use of conditions (paragraph 203 of the NPPF). Whilst the test with conditions related to off-site highway works is to consider whether there is a realistic prospect of the works being delivered, it is reasonable to assume that land within the development site can be used as necessary to deliver a safe and inclusive form of development. The applicant states that a strip of land adjacent to the southern boundary of the site does not form part of the option agreement with the landowner and the works to Littlemoor Road are therefore undeliverable. It is the local planning authority's view that, given this land is within the red edge of the application site, it is reasonable to expect it to form part of the development site. Neither the local planning authority nor the highway authority could reasonably be expected to take option agreements into account when determining a planning application. There is a

realistic prospect of the off site works being delivered as the land is within the control of the local highway authority.

The land that would be required for the works to Littlemoor Road is within the application site boundary and it is the local planning authority's view that a condition could therefore be attached to the permission to require a scheme for the works to Littlemoor Road to be agreed prior to the commencement of any site works. This condition is considered to be reasonable, relevant and necessary to enable the development to proceed and accords with the six tests in the Planning Practice Guidance. It is also necessary that this scheme is agreed prior to commencement given the nature of the potential objection raised by the local highway authority and the indication that the development should not proceed without the provision of a footway on Littlemoor Road.

For the avoidance of doubt, members are advised that officers have discussed these works at length with the local highway authority and no mature trees would be removed to facilitate their delivery. No dig construction methods will be used in proximity to the trees and the footway may reduce in width to accommodate the retention of the trees.

In respect of the internal site layout, environmental health raised concerns that HGVs would be manoeuvring within the customer car park at times when customers are present. Whilst the applicant advises that this is common practice across other Aldi stores, the NPPF states that safe and accessible developments, containing clear and legible pedestrian routes, contribute to promoting healthy communities and there are two retailers proposed to occupy this site. A marked pedestrian surface throughout the site would be necessary to provide a clear and legible pedestrian route within the site, particularly given HGVs would be reversing within the customer car park. It is also recommended that a condition is attached to the permission to require details of the management of deliveries in the interests of the safety of users of the development.

Design

Following extensive discussions with the applicant, the design and appearance of both units 1 and 2 have been amended to reduce the height and massing of the units and to introduce articulation and glazing to prominent elevations. The elevational treatment of the proposed units is now considered to be acceptable. Whilst it would be preferable for the trolley storage to be located to the side of unit 1 as opposed to the front on Whalley Road, the applicant will not pursue this amendment. There is however a retaining wall proposed on Whalley Road to the front of unit 1 and this would assist in screening the trolleys from the street, as would a comprehensive landscaping scheme. Measures may need to be in place to prevent trolleys straying into the public highway.

Whilst the elevational treatment of the development is considered to be acceptable, as noted in the previous section of the report, design extends to more than aesthetics and includes the layout of the development and how it would function. The NPPF states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations and planning policies and decisions should address the connections between people and places. The conditions recommended in the previous section in respect of the marking of a pedestrian route within the site, the proposed works to Littlemoor Road and the pedestrian crossing on Whalley Road are considered to relate to the objectives of sustainable development and the need to secure high

quality and inclusive design. Subject to the conditions are recommended, the design of the proposal is considered to be inclusive and would enhance the appearance of the site.

Trees and Landscaping

Trees proposed to be removed to facilitate the development are T7, T9 and T11. T7 is a category C tree whilst T9 and T11 are category U trees and therefore require removal. Pruning works are proposed to T2, T3, T12 and T13. The proposed tree works to facilitate the development are considered to be acceptable.

The highway works required by the local highway authority in respect of Littlemoor Road would result in the loss of the existing landscaping along the southern boundary of the site on Littlemoor Road. The loss of this landscaping would be of detriment to the visual amenities of the area, however planning permission has been granted for the removal of this landscaping under planning permission reference 3/2010/0550, which remains extant and which proposed widening of the highway and provision of a footway. In the context of this approval, it would be difficult for the local planning authority to adopt a change in stance and insist on the retention of this landscaping, particularly given the works that necessitate the loss of this landscaping have been requested by the local highway authority to enhance the sustainability of the development. Whilst I am mindful that residents would prefer to see this landscaping retained, it is imperative that safe access is provided to the development for local residents, including by means other than private car. Sufficient space would be retained for replacement landscaping to be provided between the car park and the boundary with Littlemoor Road.

Ecology and Biodiversity

Paragraph 119 of the NPPF is clear that the presumption in favour of sustainable development does not apply to development requiring appropriate assessment under the Birds or Habitats Directives. As such, these matters could not be weighed in the planning balance – the development must be acceptable in respect of the directives to be able to proceed.

LCC ecology suggest that in order to assess compliance with the habitats regulations, the net gains and losses of biodiversity should be quantified to arrive at an appropriate biodiversity offsetting proposal given sufficient compensatory measures cannot be delivered on site. The applicant proposed a contribution of £1000 towards off site mitigation and has subsequently provided calculations of gains and losses to justify this figure. Following discussions with the Environment Bank, the proposed offsetting is considered to be inadequate and has not been based on proper assessment.

The NPPF advises that where compensatory measures are insufficient, planning permission should be refused however, it also advises consideration should be afforded to whether the imposition of a condition could make otherwise unacceptable development acceptable. The applicant has been advised to undertake appropriate offsetting calculations to demonstrate that the development does not result in a net loss of biodiversity. Primrose Lodge has been recommended by the local planning authority as a potential site for biodiversity offsetting to take place as it lies in proximity to the site on the opposite side of Whalley Road to the south west. Calculations undertaken by the local planning authority in conjunction with the Environment Bank indicate a more appropriate offset of up to 4 credits may be necessary (up to a maximum of £30,000) for biodiversity offsetting specific to Primrose Lodge, which could be secured by condition of any permission. Conditions are also recommended in respect of vegetation

clearance and further checks prior to commencement of site works in the interests of protected species.

The NPPF states that pursuing sustainable development involves moving from a net loss of biodiversity to achieving net gains for nature (paragraph 9). Specifically, paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gain in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity. Whilst the proposal should not result in any net loss to comply with the habitats directives, any net gains could be weighed in favour of the proposed development in the planning balance.

Planning Balance

In the absence of an up to date local plan, significant weight is attached to the NPPF and planning permission should therefore be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. It is noted that without the condition in respect of the improvements required to Littlemoor Road to facilitate safe and inclusive access to the development for the existing and future residents of Littlemoor and beyond, including by walking and cycling, there would be identified social and environmental impacts of such significance that I consider it would outweigh the benefits of the proposal. Local residents, particularly those most affected by the development, should be provided with a safe means by which to access the development.

A condition in respect of the works to Littlemoor Road would provide and enhance accessibility and this could be weighed in favour of the proposal in the planning balance. Local residents, particularly those most affected by the development, should be provided with a safe means by which to access the development. The adverse impacts that cannot be overcome by condition of the permission are the impact of the comparison goods unit on similar pet goods retailers in the town centre and also the potential loss of linked trips currently associated with the edge of centre Lidl store. The benefits of the proposal, including the economic benefits associated with the retention of expenditure in the Borough, potential linked trips and job creation, with associated social benefits and also environmental benefits that would arise from the re-use of underused land within the urban area and the resulting net gains in biodiversity to be secured by condition of the permission, are considered to outweigh the harm identified.

Conclusion

The proposed development would result in the loss of habitat suitable for species of principle importance and the extent of hard area coverage proposed on the site is such that on site mitigation would not adequately mitigate or compensate for this loss. Under the habitats directive, there should be no net loss of biodiversity and off site compensation is therefore necessary to enable the development to proceed. Subject to appropriate conditions, it is considered that the proposal would comprise sustainable development and the benefits of the proposal would outweigh the harm identified. As such, it is therefore recommended that planning permission is granted subject to appropriate conditions.

RECOMMENDATION: Grant subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the amended plans received by the local planning authority on 8th May 2014 and drawing reference numbers:
 - 13009 P108C Site Sections and Elevations
 - 13009 P106E Unit 1 (Aldi) Proposed Elevations
 - 13009 107C Unit 2 Elevations
 - 13009 P103C Proposed Site Plan

REASON: To clarify the permission, which was the subject of agreed amendments.

3. Notwithstanding the submitted details, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to their use in the proposed works. The development shall be carried out in accordance with the approved details prior to the first occupation of the development.

REASON: In the interests of visual amenity, having regard to Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

4. No part of the development hereby permitted shall be occupied or brought into use until the parking/turning/servicing areas are provided in accordance with the approved plans. The parking/turning/servicing areas shall be retained thereafter at all times when the premises are in use and shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.

REASON: In the interests of highway safety and convenience, having regard to Policies G1 and T7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

5. Prior to the first use of the development, a car parking management strategy to include time scales for monitoring and trigger points for management of the car park shall be submitted to and approved in writing by the local planning authority. The strategy shall be implemented in accordance with the approved details on the first occupation of the development. In the event that occupation of the car park cannot be satisfactorily managed to below 90% at peak periods as set out in the approved strategy, a parking management scheme for mitigation measures on the public highway, including time scales for implementation, shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details.

REASON: In the interests of highway safety and convenience, having regard to Policies G1 and T7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

6. Prior to the commencement of the development, a scheme for the disposal of foul and surface waters, to include provision for surface waters to drain separate to foul and to pass

through an oil interceptor, shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development and retained thereafter at all times.

REASON: To prevent pollution of the water environment in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

7. No tree felling, vegetation clearance works, site clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless the site has been subject to additional surveys by a competent ecologist, the results of which shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the ecological survey.

REASON: To protect any nesting birds that may be present on the site, having regard to Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan and Policies DMI1, DME1 and DME3 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

8. Prior to the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to and approved in writing by the local planning authority in consultation with specialist advisors. Site works shall be carried out in complete accordance with the survey unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of badgers and in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan and Policies DMI1, DME1 and DME3 of the draft Ribble Valley Core Strategy (post submission version including proposed main changes).

9. The development hereby permitted shall be carried out in complete accordance with the arboricultural report dated 25th September 2013, the arboricultural method statement dated 19th March 2014 and the amended tree protection plan dated 27th March 2014, unless otherwise required by condition of this permission. All trees and hedgerows identified as retained in or adjacent to the application area will be adequately protected during construction, in accordance with BS5837: 2012 Trees in relation to design, demolition and construction or equivalent unless otherwise required by condition of this permission.

REASON: To protect trees and hedges on and adjacent to the site in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan and Policies DME1 and DME3 of the draft Ribble Valley Core Strategy (post submission version including proposed main changes).

10. Prior to installation of any external lighting, a scheme for the external lighting of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development. External lighting associated with the development shall be directed downwards and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities including trees and hedgerows within or adjacent to the site.

REASON: In the interests of visual and residential amenity and in the interests of protected species, having regard to Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME1 and DME3 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

11. No site works shall take place unless and until a hard and soft landscaping scheme and scheme for boundary treatment including vegetation and hedgerows to be retained, has been submitted to and approved in writing by the local planning authority. The scheme shall include appropriate surface treatment to reduce tyre squeal and to include the marking out of a pedestrian route within the site. The landscaping scheme shall include the replacement of trees identified for removal at a ratio of at least 3:1. The hard landscaping shall be implemented in accordance with the approved details prior to the first occupation of the development and the soft landscaping shall be implemented in accordance with the approved details in the first planting season following completion of the development and shall be maintained for a period of not less than 5 years to the satisfaction of the local planning authority. This maintenance shall include the replanting of any tree or shrub that dies, becomes diseased or seriously damaged, or is removed with a similar species of the same size as originally planted.

REASON: To ensure the site is satisfactorily landscaped and to ensure adequate provision for pedestrian movement within the site, having regard to Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME1 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

12. Works affecting any features likely to provide shelter (for example, rubble piles, piles of leaf litter, dense vegetation) will be avoided during the core hibernation period (November to February inclusive).
 - Vegetation to be removed shall be cut at a height of approx 6-7 inches and removed (note the need to ensure nesting birds are not affected).
 - The site shall then be carefully searched by hand by a suitably qualified ecologist immediately prior to a second cut of vegetation down to ground level. All heaped debris and any other habitat suitable for sheltering/hibernating hedgehogs and reptiles shall be uplifted carefully by hand and removed from the site.
 - Vegetation shall thereafter be kept at ground level until works commence.
 - Any hedgehogs, amphibians or reptiles (or any other wildlife) encountered shall be moved carefully to a safe area of suitable habitat, which will then remain undisturbed.
 - The duration of all ground works should be kept as short as possible and any excavations should be made in a phased order when required to minimise the time holes are exposed for.
 - Trenches and other excavations shall be backfilled or covered before nightfall, or a ramp placed in excavations to allow animals to easily exit. All excavations left open overnight shall be searched/checked every morning prior to commencement of works.

REASON: In the interests of species that may be present on the site, having regard to Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan and Policies DMI1, DME1 and DME3 of the draft Ribble Valley Core Strategy (post submission version including proposed main changes).

13. The development hereby permitted shall not be commenced unless and until a scheme for the highway works to Littlemoor Moor has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, the scheme shall include: the provision

of a footway on the northern side of Littlemoor Road; the widening of Littlemoor Road to a minimum width of 5.5m; improvements to the southern side of Littlemoor Road to provide a footway; and the associated retention of all trees, along with a full specification of surface treatments, construction methods and associated boundary treatments and replacement landscaping. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development hereby permitted.

REASON: To deliver a sustainable form of development in the interests of highway and pedestrian safety and the safety of other users of the highway and to protect mature trees, having regard to Policies G1, ENV10 and T7 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME1 and Key Statement DS2 of the draft Ribble Valley Core Strategy (post submission version including proposed main changes) and the National Planning Policy Framework.

14. The development hereby permitted shall not be commenced unless and until details of the design, specification, fixing and finish, including sections at a scale of not less than 1:20, of all glazing, verges, eaves, reveals and any extract vents have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development unless otherwise agreed in writing by the local planning authority.

REASON: Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the draft Ribble Valley Core Strategy (post submission version including proposed main changes).

15. Prior to the commencement of the development, a scheme for the provision of the off-site highway works comprising the provision of the pedestrian crossing on Whalley Road and the improvements to the bus stops shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full in accordance with the approved details prior to the first occupation of the development unless otherwise agreed in writing by the local planning authority.

REASON: To facilitate access for pedestrians and encourage sustainable modes of travel in accordance with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and Policies DMI1, DMI2 and DMG3 of the draft Ribble Valley Core Strategy (post submission version including proposed main changes).

16. Prior to the first occupation of the development, full details of cycle parking provision for staff and visitors and motorcycle parking provision shall be submitted to and approved in writing by the local planning authority. The cycle and motorcycle parking shall be implemented prior to the first occupation of the development and retained thereafter at all times unless otherwise agreed in writing by the local planning authority.

REASON: To ensure adequate provision is made for the parking of cycles and motor cycles in accordance with Policies G1 and T7 of the Ribble Valley Districtwide Local Plan and Policies DMG3 and DMI2 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

17. No deliveries shall take place unless and until a service yard and deliveries management plan has been submitted to and approved in writing by the local planning authority. Servicing and deliveries shall thereafter take place in accordance with the agreed

management plan at all times unless otherwise agreed in writing by the local planning authority.

REASON: To manage conflicts between customers and deliveries/servicing of the units and to safeguard the living conditions of occupiers of nearby dwellings, having regard to Policies G1 and T7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

18. Prior to the first occupation of the development, full details of any external plant and associated acoustic enclosure/s shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to first occupation of the development and shall thereafter be maintained in accordance with the manufacturers details at all times unless otherwise agreed in writing by the local planning authority. The cumulative noise level from external plant shall not exceed 35dB at any time.

REASON: To protect the amenity of the occupants of neighbouring properties in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

19. No development shall commence until a Framework Travel Plan has been submitted to and approved in writing by the local planning authority. Monitoring of the travel plan will require the applicant to enter into a legal agreement with Lancashire County Council prior to commencement of the development unless otherwise agreed in writing by the local planning authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority and all elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used, for a minimum period of at least 5 years.

REASON: To ensure that the development provides sustainable transport options in accordance with Policies G1 and T7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

20. Prior to the first occupation of the development, a scheme for the provision of an acoustic fence in the vicinity of the service yard to include associated repair and maintenance, shall be submitted to and approved in writing by the local planning authority. The acoustic fence shall be installed in accordance with the approved scheme prior to the first occupation of the development and shall thereafter be maintained in accordance with the approved scheme unless otherwise agreed Local Planning Authority. Site operations shall be managed to ensure that activity on the site does not exceed a noise level of 50dB Laeq to surrounding private gardens in accordance with BS8233 2014.

REASON: In the interests of visual and residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

21. No development shall commence unless and until a scheme for the offsetting of biodiversity impacts at the site has been submitted to and approved in writing by the local planning

authority and until the developer has purchased the requisite conservation credits (for example as provided by Environment Bank) as evidenced through submission of the issued Conservation Credit certificates. The offsetting scheme shall include:

- (I) The identification of receptor site(s);
- (II) Details of the offset requirements of the development (in accordance with the recognised offsetting metrics standard outlined in the Defra Metrics Guidance dated March 2012);
- (III) The provision of arrangements to secure the delivery of the offsetting measures (including a timetable for their delivery); and
- (IV) A management and monitoring plan (to include for the provision and maintenance of the offsetting measures for not less than 25 years).

The offsetting shall be implemented in accordance with the approved scheme unless otherwise agreed in writing by the local planning authority.

REASON: In order to offset impacts on biodiversity and to compensate for residual harm of development, having regard to Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan, Policies DMI1, DME1 and DME3 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes) and the National Planning Policy Framework.

22. Unit 1 (discount food retail) shall not be open to the public outside the following hours:

Monday to Saturday 08:00-21:00
Sundays and Bank Holidays 10:00-16:00

REASON: To protect the amenity of the occupants of neighbouring properties, having regard to Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

23. Servicing and deliveries to and from unit 1 (discount food retail) shall not take place other than between the hours of 07:00-21:00 Monday to Friday; 07:30-21:00 Saturdays and 09:30-17:00 on Sundays and Bank Holidays.

REASON: To protect the amenity of the occupants of neighbouring properties, having regard to Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

24. Unit 2 (non-food retail) shall not be open to the public outside the following hours:

Monday to Saturday 08:00-21:00
Sundays and Bank Holidays 10:00-16:00

REASON: To protect the amenity of the occupants of neighbouring properties, having regard to Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

25. Servicing and deliveries to and from unit 2 shall not take place other than between the hours of 07:00-19:00 Monday to Friday; 07:30-19:00 Saturdays and 09:30-17:00 on Sundays and Bank Holidays.

REASON: To protect the amenity of the occupants of neighbouring properties, having regard to Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the draft Ribble Valley Core Strategy (Post submission version including proposed main changes).

26. No site works shall take place unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period and shall provide for:
- i. Sustainable travel options for journeys to and from work for the site operatives, including pedestrian routes, travel by bicycles, journeys by train, car sharing schemes and other opportunities to reduce journeys by motor car;
 - ii. The parking of vehicles of site operatives and visitors;
 - iii. Loading, unloading and storage of plant and materials;
 - iv. Wheel washing facilities;
 - v. Periods when plant and materials trips should not be made to and from the site (mainly peak hours, but the developer to suggest times when trips of this nature should not be made);
 - vi. Routes to be used by vehicles carrying plant and materials to and from the site which shall have been constructed to base course level;
 - vii. Measures to ensure that construction vehicles do not impede adjoining accesses;
 - viii. The erection and maintenance of security hoardings;
 - ix. Details of the storage of potential ground and water contaminants;
 - x. A scheme for recycling/disposing of waste resulting from construction work; and
 - xi. A scheme to control noise during the construction phase.

REASON: In the interests of protecting residential amenity from noise and disturbance and in the interests of highway safety in accordance with Policies G1 and T7 of the Ribble Valley Districtwide Local Plan and Policy DMG1 and DMG3 of the draft Ribble Valley Core Strategy (Post Submission Version Including Proposed Main Changes).

27. Notwithstanding the provisions of the Use Classes Order 1987 (as amended or re-enacted) unit 1 shall not be occupied other than by a discount retailer for the sale of convenience food goods. The net retail floor space of unit 1 shall not exceed 1,140 square metres and notwithstanding the provisions of the General Permitted Development Order 1995 (as amended or re-enacted); no mezzanine floorspace shall be introduced and the unit shall not be subdivided unless planning permission for such works has been granted on application to the local planning authority.

REASON: In the interests of highway safety and to protect the vitality and viability of Clitheroe Town Centre, having regard to Policies G1, T7 and S2 of the Ribble Valley Districtwide Local Plan and Policy DMR1 and Key Statement EC2 of the draft Ribble Valley Core Strategy (post submission version including proposed main changes).

28. Notwithstanding the provisions of the Use Classes Order 1987 (as amended or re-enacted), unit 2 shall not be used other than for the sale of pet goods and ancillary services. The net retail floor space of unit 2 shall not exceed 500 square metres and notwithstanding the provisions of the General Permitted Development Order 1995 (as amended or re-enacted); no mezzanine floorspace shall be introduced and the unit shall not be subdivided unless planning permission for such works has been granted on application to the local planning authority.

REASON: In the interests of highway safety and to protect the vitality and viability of Clitheroe Town Centre, having regard to Policies G1, T7 and S2 of the Ribble Valley Districtwide Local Plan and Policy DMR1 and Key Statement EC2 of the draft Ribble Valley Core Strategy (post submission version including proposed main changes).

APPLICATION NO: 3/2014/0214/P (GRID REF: SD 364970 435294)
PROPOSED RETROSPECTIVE APPLICATION FOR THE REPLACEMENT OF WINDOWS AND INSERTION OF VELUX WINDOWS TO THE REAR OF THE PROPERTY AT 31 CHURCH STREET, RIBCHESTER

PARISH COUNCIL: No representations received.

ADDITIONAL REPRESENTATIONS: A letter (7 April 2014; with attached registry transfer deed) has been received from the owner of 29 Church Street suggesting that the submitted 'proposed plan' documents wrongly identifies the plot for 30/31 Church Street.

A petition with between 300-400 signatures has been received from the building owners headed 'I support the above application as the windows have an acceptable impact upon the character and setting of 30/31 Church Street and the Conservation Area. The rooflights shall be flush with the roof plane safeguarding the character and setting of the building'.

The building owners have also submitted 10 letters from Ribchester residents which make the following points:

1. Support work on 30/31 Church Street to bring back into use.
2. There is a balance between retaining original historic appearance and creating a home to live in which secures the building's future.
3. Unclear why Article 4 direction applied in isolation to others in the area.

Letters have been received from the occupants of 31 Church Street and the resident of 45 Blackburn Road which comment on the Article 4 direction in general and also make the following specific points in respect to the application:

1. Rear of property overlooking the garden and a housing estate (not public space);
2. Velux windows are: non-intrusive; flush; of conservation design and similar to those previously agreed by the Council (eg 50 Church Street).

3. Rear windows are: beautiful; constructed of hardwood; painted in traditional period colours; sympathetic to adjoining listed building.
4. No evidence of previous window type at the rear of the property.
5. No continuity of row.
6. Will have an acceptable impact upon the character and appearance of this dwelling in the Ribchester Conservation Area.

Proposal

Planning permission (necessitated because of an Article 4 direction which came into force on 28 January 2014 withdrawing permitted development rights) is sought retrospectively for the retention of double glazed windows and rooflights at the rear of the property. Most of the windows are in the style of late 19th century/early 20th century 2/2 pane sashes with single glazing bars and are painted. At the date the Article 4 direction came into force, no windows were present at the rear elevation. Officer records indicate that the windows removed were not of significance.

Four rooflights of a flush fitting 'conservation type' have been distributed on the rear roofslope.

Site Location

Nos 30 and 31 Church Street are early to mid 19th century cottages prominently sited within Ribchester Conservation Area. They retain their late Georgian form and detail (including original and distinctive multi pane sliding sash windows and doors at the front elevation) and are identified as Buildings of Townscape Merit (therefore making a positive contribution to the character and appearance of Ribchester Conservation Area) in the Ribchester Conservation Area Appraisal (The Conservation Studio consultants; adopted by the Borough Council following public consultation 3 April 2007). The historic windows and doors at the front elevation ensure a pleasing, distinguished and consistent frontage to the row which also includes the adjoining 18th century, grade II listed 28 and 29 Church Street. Nos 30 and 31 Church Street are within the setting of the grade II listed 28-29, 48 and 50-58 Church Street and are adjoined and faced by Buildings of Townscape Merit. Nos 30-31 Church Street are the only residential properties within Ribchester Conservation Area which retain their original historic windows at the front elevation (see Appraisal SWOT analysis Weaknesses and Threats).

Relevant History

At the meeting of 16 January 2014 Members authorised the Director of Community Services to expedite the making of an Immediate Article 4 direction at 30 and 31 Church Street. The Committee report identified the principle reason and justification for the direction to be the conservation of the front elevation multi paned Georgian windows. The direction came into force on 28 January 2014.

Relevant Policies

Policy ENV16 - Development Within Conservation Areas.

Policy ENV17 - Details Required with Proposals in Conservation Areas.

Policy ENV19 - Listed Buildings.

Policy G1 - Development Control.

NPPF.

NPPG.

HEPPG.

Planning (Listed Buildings and Conservation Areas) Act 1990.

Ribchester Conservation Area Appraisal.

Core Strategy Regulation 22 Submission Draft Post Submission Version (including proposed main changes)

Policy DME4 – Protecting heritage assets.

Policy DMG1 – General considerations.

Environmental, AONB, Human Rights and Other Issues

The main considerations in the determination of this application relate to the impact upon the character, appearance and significance of Ribchester Conservation Area and the setting and significance of listed buildings. The contribution of proposed works to the prudent use of natural resources and mitigation of climate change is also a material consideration.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act states that in the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the planning acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 66 of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The most recent Government guidance on Article 4 directions is provided in Replacement Appendix D to Department of Environment Circular 9/95: General Development Consolidation Order 1995, June 2012, Department for Communities and Local Government. This states:

Compensation - there are circumstances in which local planning authorities may be liable to pay compensation having made an article 4 direction, although the potential liability is limited in many cases by the time limits that apply.

Local planning authorities may be liable to pay compensation to those whose permitted development rights have been withdrawn if they:

- refuse planning permission for development which would have been permitted development if it were not for an article 4 direction; or
- grant planning permission subject to more limiting conditions than the GPDO would normally allow, as a result of an article 4 direction being in place.

Compensation may be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights [See Section 108 of the *Town and Country Planning Act 1990* as amended].

The Ribchester Conservation Area Management Guidance (The Conservation Studio consultants; subject of public consultation) identifies:

- (i) **“Appearance, materials and detailing: If windows are to be double glazed, then these must be carefully designed. Avoidance of glazing bars can assist in achieving a satisfactory solution”.**

HEPPG paragraph 185 states *“The insertion of new elements such as doors and windows, (including dormers and roof lights to bring roof spaces into more intensive use) is quite likely to adversely affect the building’s significance. **Harm might be avoided if roof lights are located on less prominent roof slopes”.***

There are a number of relevant appeal decisions:

APP/T2350/A/06/2028551 - 45 Church Street Ribchester (unlisted)

*“Ribchester is an attractive small town with Roman and pre-Roman antecedents. Church Street, at the heart of the town, leads down to the bank of the River Ribble and is characterised by terraces of modest houses. Typically they are built of stone under slate roofs and although **some have been marred by the incorporation of unsuitable modern features** ... In the older part of Church Street, dormer windows, and **even rooflights, are wholly untypical of the roofscape**”.*

APP/T2350/F/09/2094978 – 20 Church Street Ribchester (Grade II listed) *“the appeal is allowed, the listed building enforcement notice is quashed and listed building consent is granted for the retention of two roof lights ... whereas the front elevation of the row of houses, and those of other houses to both sides, is well preserved, **the rear elevation has been seriously eroded. There are probably no original window frames in openings in the rear elevation** ... rooflights, some installed before the building was listed and others granted consent subsequent to listing, and these are prominent in views of the row from the playing fields ... the rooflights are not conspicuous, incongruous or visually intrusive”.*

APP/T2350/A/12/2185263 – 28 Church Street Ribchester (Grade II listed)

*“Turning to the proposed attic conversion I agree with the Council that the proposed array of new **roof lights here, their regimented distribution across the roof** and the large size of those on the proposed extension would, taken as a group, be visually intrusive in this historic context ... Setting aside **the number of rooflights proposed, which could be reduced and more organically arranged**, an attic conversion would be a modest intervention that, with control of details via a condition, would be acceptable in itself”.*

Brunskill R.W. ‘Illustrated Handbook of Vernacular Architecture’ (1978, page 123) states: *“Even in a single house there was a gradation in the quality of materials and details from the front, to the sides, and then to the rear of the building. Thus the windows on the front of an 18C. Lancashire farm-house might have double hung sashes in moulded stone architraves, the sides having horizontally sliding sashes in the jambs of a squared rubble wall, while on the rear wall re-used stone mullioned windows with timber casements would be set in random rubble”.*

Hall L. *'Period House Fixtures and Fittings 1300-1900'* (2007, page 82-83) states *"iron casements were still commonly used for the less important windows; in Norwich from the 1830s to the 1880s it was quite common to have sash windows at the front and casements at the back"*.

In my opinion, the implemented works are acceptable. No historic windows have been lost in the works. The new windows, with single glazing bars, are better suited to the incorporation of double-glazing (see Ribchester Conservation Area Management Guidance) than multi-paned windows. The 2/2 pane arrangement maintains the historic gradation of window styles from front to back.

The incorporation of double-glazing has resulted in larger frame members than would be expected for the window type and the reflective characteristics of the glazing is conspicuous and different to old glass. However, this harm to Ribchester Conservation Area and the setting of the adjacent listed building is to rear elevations and to openings at 31 Church Street where historic and significant windows have not been removed. I am also mindful that improvements to the building's thermal performance should be sought wherever possible and where this does not compromise historic or architectural significance (NPPF paragraph 7 'environmental role'; paragraph 134); the double-glazing of these windows is preferable to the impact of such works to the original front elevation multi-paned windows which were the prime motivation for the Article 4 direction.

There is some harm to the Ribchester Conservation Area and the setting of the adjacent listed building from the installation of the four roof lights. Their introduction has compounded the impact of the four rooflights at 29 Church Street and others at 28 Church Street. However, mindful of their arrangement, location at the rear roofslope and of the appeal decision at 20 Church Street in respect to the cumulative impact of rooflights on significance, I do not believe a refusal would be sustained at appeal in this instance.

Works have been undertaken without obvious concern to the possible presence of protected species. If Members are minded to approve the application, it is suggested that a note be attached to the decision notice reminding the applicant of responsibilities in this regard.

In my opinion, giving considerable weight and importance to the keeping free from harm of the character, appearance and significance of Ribchester Conservation Area and the setting and significance of the grade II listed 28 and 29 Church Street the application should be approved.

RECOMMENDATION: That planning permission be approved without condition.

APPLICATION NO: 3/2014/0257/P (GRID REF: SD 377329 449543)
PROPOSED SINGLE STOREY EXTENSION TO THE KITCHEN WITH ADDITIONAL ANCILLARY ACCOMMODATION IN THE ROOF SPACE, AND RELOCATION OF "MEANS OF ESCAPE" STEPS AT HOLDEN CLOUGH NURSERY, HOLDEN, BOLTON-BY-BOWLAND, BB7 4PF

PARISH COUNCIL: The Parish Council firstly refers to comments made in relation to the previously withdrawn application that are summarised as follows:

- This is in effect a proposal for a further amendment to the original planning permission 3/2011/0838/P for “the creation of a new café, training room and nursery shop”.
- This was approved with conditions and the approval report noted that “the primary business opportunity will be to increase spend from the existing customer base rather than to increase the overall number of customers visiting the site” and “overall customer numbers will increase but the peak vehicle movement to and from the site will remain relatively static”.
- That previously withdrawn application was for a not insignificant (75m² on 268m²) increase to what is now described as a “restaurant”.
- Whilst the proposal is to satisfy the requirements of the Council’s Environmental Health Officers, it also reflects what seems to be a significant increase in business, perhaps greater than was envisaged at the time the original permission was granted, as well as anticipating further growth with additional facilities and more staff.
- The Parish Council recognises that this growth of the local business reflects the quality of its product but they feel that it is also necessary to recognise that the growth has an adverse effect on the immediate local residents in a small rural community, especially in increased traffic disturbance and noise.
- If permission was to be granted the conditions and restrictions imposed at the time of the original permission should be maintained and re-emphasised.

The additional comments made by the Parish Council in relation to this current application are as follows:

1. Whilst the success of the business is to be applauded, it is the view of the Parish Council that the infrastructure (parking and access at Holden) is now at breaking point such that the Parish Council would not support further development as the business has already had a significant impact upon the living environment within the hamlet.
2. The Parish Council is aware that many residents in Holden object to the proposal because they thought that it would lead to increased customers at Holden Clough with an increase of traffic in the hamlet.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

The County Surveyor is aware that there are presently 63 parking spaces at this site and he considers that this number should be able to cope with the demand for parking from the uses operating on the site (including the extension to the kitchen that is proposed in this application). If the parking

generated by the site is regularly spilling over onto the public highway, he suggests that the developer should consider how more efficient use of the car park may be brought about, and how the demand for parking might be reduced. He comments that these measures could be dependent on the operation of an effective car park management plan; and that the site owners proposals should be presented to RVBC for comment in conjunction with LCC as Highway Authority.

ADDITIONAL
REPRESENTATIONS:

A letter has been received from a nearby resident who has **no formal objections** to the application but requests that the following be noted:

1. When not in use for entry/exit, they request that the south-facing door remains closed in order to prevent noise and odour spreading across the road to their property and other neighbouring properties.
2. As noted by the Parish Council in respect of the previously withdrawn application that this current application has replaced, consideration should be given to re-emphasising the existing planning conditions and to the logic behind extending a second floor into what was originally planned and approved as a single storey building.

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

1. Local residents chose to live in Holden due to its quiet sleepy character. That character has been lost due to the recent expansion of this business. Cooking smells and the constant traffic movements in and out of the car park 7 days a week have replaced the fresh air and the peace and quiet.
2. The road surface in the vicinity of the nursery is spoilt by the clay surface of the car park being picked up on car tyres and distributed up and down the lane. This is a complete eyesore.
3. The road surfaces in the locality are also deteriorating due to the increased traffic flows to and from the nursery.
4. What was once a specialist alpine plant propagating nursery is now a rampant commercial restaurant venture.

5. The original permission was for a dining facility plus lecture room. The lecture room is now a second dining room. The parking provision is therefore no longer adequate for the number of diners resulting in cars parked on the road 7 days a week. There is also a nuisance caused by a local field being used as an overflow car park.
6. Highway safety problems due to increased traffic and parked cars on narrow country roads. Local residents (including elderly persons) as well as families with young children visiting the nursery are all subject to the increased danger as a result of increased traffic.
7. A permission to extend the kitchen will provide more capacity, more customers, more noise, more parking on the roadside thereby exacerbating existing problems.
8. Cooking smells are a nuisance to nearby residents, particularly on warm days when doors and windows are open thereby bypassing the ventilation system.
9. In commenting on the planning application for the extension to the car park (3/2013/0091/P) the LCC Highway Services stated that the proposed additional spaces granted were considered to be quite adequate in relation to the floor area and activities of the business and were "unlikely to cause on-street parking and affect the existing traffic". This has not turned out to be the case as cars are frequently parked on the road affecting existing traffic causing considerable congestion and dangerous conditions. On some occasions, even coaches are parked on the roadside for long periods of time. Overflow cars have also been parked in a nearby field alongside a public footpath adding further detriment to the environment particularly wildlife and again to public safety.
10. A decision on the application should be deferred pending an investigation by the Highway Authority allied to the introduction of a restriction in on-road parking close to Holden Clough Nursery.
11. It is one thing to have an attractive nursery and tearoom as an integral part of the village, quite another to having a major licensed restaurant and car park dominating the environment and destroying the very nature of the place of which it is a part.
12. The nursery is directly opposite two listed buildings, Broxup House and Broxup Cottage and the further

extension of the nursery building affects the character and appearance of the settings of these two listed buildings. It is also an Area of Outstanding Natural Beauty, the appearance and character of which has been detrimentally affected by this business.

Proposal

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

Such an application (3/2013/0733/P) was submitted in June 2013. In the Supporting Statement submitted with that previous application, the agent stated that, within a short time of it opening, the restaurant and kitchen proved to be a sustainable success such that the applicants employed 4 full-time cooks and 4 waitresses for the restaurant and that all food was prepared on-site. It was stated that it had become apparent that there was a demand for the following:

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

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

On the ground floor in application 3/2013/0733/P there was to be a food preparation area including base storage fridges and a walk-in fridge. Within the roof space at first floor level there was to be a staff restroom, toilet facilities and a dry food storage area. At ground level there was to be one relatively small window in the south (front) elevation and a door in eastern side elevation. There were to be two roof lights in the eastern facing roof slope to provide illumination to the staff rest room.

A report relating to previous application 3/2013/0733/P (in which conditional permission was recommended) was on the agenda of the Planning and Development Committee meeting on 26 September 2013. The application, however, was withdrawn by the applicant prior to the Committee meeting as it had been realised that, from an operational point of view, the previously proposed extension was not ideal.

A separate previous application relating to this site (3/2013/0408/P) was, however, considered by Committee at its meeting on 26 September 2013. That application related to a request for variations to two of the conditions that had been imposed on the original permission 3/2011/0838/P.

Condition no 3 of that original permission stated that the use of the café and shop in accordance with the permission shall be restricted to the hours between 0900 and 1700 on any day. Application 3/2013/0408/P sought the variation of that condition in order to allow the café and shop to open between the hours of 0900 and 1830 on any day (ie an extra 1½ hours opening in the early evening on each day).

Condition no 4 of permission 3/2011/0838/P stated that the use of the lecture room in accordance with that permission should be on a pre-booked basis and should be restricted to the hours between 0900 and 2100 on any day. Application 3/2013/0408/P sought permission for that condition to be varied in order to allow the lecture room to also be used as a reserve annex to the café when required due to customer demand.

In the report relating to application 3/2013/0408/P the two requested variations to the conditions were very carefully considered in relation to the potential impact upon the amenities of nearby residents. It was concluded that, whilst accepting that the recent changes to this business had impacted upon the amenities of nearby residents, it was not considered that the effects of either of the proposed variations of condition would be so material as to justify refusal of the application. Committee resolved in accordance with the Officer's recommendation and permission was granted for the variation of the two conditions subject to the following replacement conditions:

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

This current application needs to be considered within the context of the recent planning history of the site as described above. The application is effectively the resubmission of the withdrawn application 3/2013/0733/P and is the result of further consideration by the applicants of the operational requirements of the proposed kitchen extension. Permission is now sought for an extension of 10.7m x 6m onto the eastern side elevation of the existing main building on the site. As previously proposed, this would contain an extension to the kitchen on the ground floor with a staff rest area, kitchenette, toilet facilities and a dry food store at first floor level within the roof space. The upper floor accommodation would be illuminated by two roof lights in the rear (north) facing roof slope. As previously proposed, the extension would be constructed using external materials to match the existing building. A means of escape would be provided by steps leading down to the lower ground from the northern (rear) elevation of the extension.

Site Location

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

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

Relevant History

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

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

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

3/2012/0587/P – Application for non-material amendments to permission 3/2011/0828/P including changes to the external elevations and the internal layout. Approved.

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

3/2013/0408/P – Proposed variation of conditions 3 and 4 of planning permission 3/2011/0838/P. Approved.

3/2013/0733/P – Proposed single storey extension to the kitchen with additional accommodation in the roof space. Withdrawn by the applicant.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy RT1 - General Recreation and Tourism Policy.

Ribble Valley Core Strategy Regulation 22 Submission Draft – Post Submission Version (including proposed main changes)

Policy DMG1 – General Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DMB3 – Recreation and Tourism Development.

National Planning Policy Framework (NPPF).

Environmental, AONB, Human Rights and Other Issues

The recent planning history of Holden Clough Nursery and, therefore, the background to this current application is described in some detail in the “proposal” section of this report.

This application is effectively a resubmission of the withdrawn application 3/2013/0733/P. That previous application was submitted shortly after the restaurant had opened for business and sought to address operational difficulties in the kitchen that were foreseen by the Council's Environmental Health Officers before the kitchen/restaurant were in operation, but with the

Environmental Health Officers being in full knowledge of the number of covers to be provided. That application was therefore not submitted as a response to any unexpected success of the restaurant, but was under consideration before the restaurant was opened. In the report that was prepared for 3/2013/0733/P (but not considered by Committee) the opinion was expressed that “in itself, therefore, the proposed extension would not result in any increased number of customers”.

Circumstances have, however, changed since that report was drafted because on 26 September 2013 Committee did consider an application (3/2013/0408/P) that, amongst other things, sought the variation of a condition that would allow the lecture room to be used as an overspill area for the café during the hours 0900 and 1830 on any day. In relation to that particular requested variation of condition, the Parish Council commented that “the use of the lecture room as an overspill for the café seems a sensible provision and cannot be said to have an adverse impact on the community and we would support the removal of this restriction”. It was also noted in the Committee report for that application that the majority of the objections received from nearby residents related to the variation of the other condition that was comprised in the application. The Case Officer for the application concurred with the opinion of the Parish Council that the proposed use of the lecture room as an overspill for the café represented a sensible provision. Committee resolved in accordance with the Officer’s recommendation that the condition be amended as requested.

Permissions are therefore in place for the use of a fixed amount of floor space during certain specified hours as a restaurant. The proposed extension to the kitchen will not extend either the amount of floor space available to diners or the hours of operation of the restaurant. It will simply improve the operational aspects of the kitchen by addressing deficiencies that were identified by this Council’s Environmental Health Officers. In relation to this current application, the Environmental Health Officer has expressed no objections to the application subject to compliance with the current food safety legislation. He also asks that detailed plans of the new kitchen are forwarded to the Environmental Health Section before works begin. These requirements will be covered by an advisory note in the event of planning permission being granted.

I fully appreciate the concerns and objections that have been expressed by nearby residents and the Parish Council. I remain of the opinion, however, that, in itself, the proposed kitchen extension would not result in an increase in the number of customers with the resultant increased demand for the available parking spaces. I do not therefore consider that a reason for refusal of the application on that ground would be reasonable or sustainable.

The nearest residential property, Mear Croft, is approximately 32m away from the position of the kitchen extension as now proposed. The residential property, The Croft, that is within the grounds and ownership of the nursery is located between the proposed kitchen extension and Mear Croft. For this reason and in view of the proposed uses of the rooms within the extension and the limited size and number of door and window openings, I do not consider that the extension would have any seriously detrimental effects upon the amenities of the occupiers of that nearest residential property that is in third party ownership. I do not consider that the extension itself would have any detrimental effects upon the amenities of any other nearby residents.

The precise position of the proposed extension is such that it does not get any closer to the listed buildings on the opposite side of the road than the existing main building. For this reason and in view of the relatively small size of the extension compared to the overall development on

this site, I do not consider that the proposal would have any impact upon the setting of the listed buildings.

Overall, in my opinion, the extension satisfies its objective of improving the food preparation and storage facilities without any seriously detrimental effects upon visual amenity, the amenities of any nearby residents, highway safety or the setting of the nearby listed buildings. I can therefore see no sustainable objections to the proposed development.

Having said that, however, the impact of the existing business on the immediate locality, particularly issues concerned with parking on the road or in a nearby field, are fully appreciated. The County Surveyor, however, considers that the presently available 63 parking spaces within the grounds of the nursery should be able to cope with the demand for parking from the uses operating on the site (including the kitchen extension proposed in this application). He has not therefore expressed any objections to the application, nor has he recommended the provision of any additional parking spaces. The County Surveyor does, however, consider that it would be appropriate for the site owners/operator to consider how more efficient use of the car park may be brought about, and how the demand for parking might be reduced. He suggests that this could be achieved by the operation of an effective car park management plan. I concur with the comments of the County Surveyor in relation to this particular aspect of the application and have therefore recommended the imposition of an appropriate condition. I consider that improvements to the parking situation at this site could be brought about through compliance with this condition but also through discussions and negotiations involving the applicant/agent, a Lancashire County Council Highway Engineer and this Council's Planning Officers.

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

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

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

2. This permission shall relate to the proposed development as shown on drawing numbers 8004, 8005, 8006 and 8007.

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

3. The rooms within the extension hereby submitted shall be used only for the purposes stated on drawing number 8006 and shall not be used for any other purposes (and, specifically, the extended area of the kitchen shall be used only for food preparation and shall not be used as a cooking area; and the first floor shall be used as a kitchenette dry food storage area and staff rest area) unless a further planning permission has first been granted in respect thereof.

REASON: To comply with the terms of the application and because the use of rooms for any other purposes could lead to circumstances that would be detrimental to the amenities of nearby residents or highway safety contrary to Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

4. The floor space within the existing building shall only be used for the purposes indicated on drawing number 8005 and shall not be used for any other purposes (specifically, no part of the shop or the existing kitchen shall be used as an additional dining area) unless a further planning permission has first been granted in respect thereof.

REASON: To comply with the terms of the application and because any increase in the area of the restaurant could lead to circumstances that would be detrimental to the amenities of nearby residents or highway safety contrary to Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

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

REASON: In the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

6. Prior to the commencement of development on the kitchen extension hereby permitted, the applicant shall submit to the Local Planning Authority written details of measures that would result in the more efficient use of the existing parking spaces within the site of Holden Clough Nurseries and would thereby reduce the need for vehicles to be parked either on local roads or on other land that is outside the existing curtilage of the Nursery. These details could include a car park management plan. All measures that are subsequently approved in writing by the Local Planning Authority shall be put into operation prior to the first use of the kitchen extension hereby permitted; and, thereafter, shall remain in operation at all times when the business is open for operation.

REASON: In the interests of the amenities of nearby residents and highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

NOTE(S):

1. The applicant is advised that it is an offence to intentionally kill, injure or take bats, disturb bats or destroy or block access to their roosts and bat roosts are protected whether bats are present at the time or not. Appropriate care should therefore be taken in carrying out the development hereby permitted and in the event that any bats are found or disturbed during the development operations, all works shall cease until advice has been obtained from a licensed ecologist.
2. The Council's Environmental Health Officers advise the applicant of the need to comply with the current food safety legislation and they also advise that detailed plans of the new kitchen need to be sent to the Council's Environmental Health Section prior to the commencement of development.

C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL

APPLICATION NO: 3/2014/0217/P (GRID REF: SD 364970 435294)
PROPOSED REPLACEMENT WINDOWS ON FRONT ELEVATION AT 31 CHURCH STREET,
RIBCHESTER

PARISH COUNCIL: No representations received.

ADDITIONAL REPRESENTATIONS: A letter (7 April 2014; with attached registry transfer deed) has been received from the owner of 29 Church Street suggesting that the submitted 'proposed plan' document wrongly identifies the plot for 30/31 Church Street.

A petition with between 300-400 signatures has been received from the building owners headed 'I support the above application as the hardwood windows will have an acceptable impact upon the character and setting of 30/31 Church Street and the Conservation Area. The windows maintain the continuity of the row and do not threaten the amenity of the area'.

The building owners have also submitted 10 letters from Ribchester residents which make the following points:

1. Support work on 30/31 Church Street to bring back into use.
2. There is a balance between retaining original historic appearance and creating a home to live in which secures the building's future.
3. Unclear why Article 4 direction applied in isolation to others in the area.

Letters have been received from the occupants of 31 Church Street and the resident of 45 Blackburn Road which comment on the Article 4 direction in general and also make the following specific points in respect to the application:

1. The replacement windows are: as close as possible to the existing Georgian style; designed to maintain continuity of the row; do not threaten the amenities of the area; made and measured to a similar size as the original; constructed of hardwood by a local craftsman and painted in traditional period colours; comply with both Building Control Part L and Fire Safety standards; double glazed as required by current efficiency regulations and with added benefit of reducing noise pollution (required in light of the location of the building); of design which respects the original design and the needs of inhabitants (mitigating the impact of modern living on the environment).

2. Listed building consent has been provided for double glazing to listed buildings on Church Street (No 25 in 3/2005/0426).
3. The original windows do not comply with either building control or fire safety standards and are consequently a risk to inhabitants of the dwelling.
4. The proposals have an acceptable impact upon the character and appearance of this dwelling in the Ribchester Conservation Area.
5. The proposals do not alter the character, appearance or form of the building.
6. The windows will not have a negative impact on the setting of listed buildings.
7. As a Ribchester resident (No 45 Blackburn Road) concerned about the use of an Article 4 direction, which exposes the Council to a claim for compensation for abortive expenditure and other losses or damages directly attributable to the withdrawal of permitted development rights. Waste of money in financially challenging times.

Proposal

Planning permission (necessitated because of an Article 4 direction which came into force on 28 January 2014 withdrawing permitted development rights) is sought for the removal of all 5 original, early to mid 19th century, multi-paned (8/8) and vertically sliding sash windows at the front elevation of the former cottages and their replacement with modern double glazed versions.

Plans have been requested by officers to show the differences between existing and proposed windows and these were received on 8 May 2014. Whilst requiring some interpretation, it is now possible to ascertain that the windows:

1. Are both multi paned and incorporate elaborately designed 'horns'.
2. Have an external glazing bar depth of 17mm (34mm in existing) because of the incorporation of the double glazed unit.
3. Have a glazing bar nib width of 37mm (16-22mm nib in existing which includes historic accumulated paint depth) because of the incorporation of the double glazed unit.
4. Have double glazed units 24mm in width ('air' gap of 16mm).
5. Window panes are 22mm shorter than existing because of larger sash boxes and rails to accommodate the double glazed unit. That is, top section of sash box with rail is 140mm in height (110mm in existing) – the top rail is 53mm in height (27mm in existing); the bottom section of sash box with rail is 122mm (113mm in existing) – the bottom rail is 78mm in height (48mm in existing) and mid rail is 34mm in height (31mm in existing). The sash box is 112mm in width (86mm in existing). As pane width is shown to remain the same (200mm) there is a change to all window pane proportions.

Officers have also requested a joiner's report on the condition of existing (almost 200 year old) windows and this was received on 7 May 2014. This advises that all windows, with the exception of the first floor right hand side window, can be repaired. The joiner is also of the opinion that 'the rebate for glazing is too shallow to allow for proper fixing which can only lead to

problems in the future. New sashes with purpose made glazing bars will correct this, but this would add greatly to the cost'.

The submitted information suggests that noise (large amount from cars and people) and the Building Regulations (safe means of escape from upper bedrooms in case of fire, need for thermal insulation reducing CO2 emissions) justifies the proposed loss of the historic windows and installation of the modern windows.

The proposed windows have already been made and have been inspected by officers. In response to the recent Article 4 direction consultation, the owner has asked for advice as to how to claim compensation for the loss occurred in windows and door manufacture. In considering any claim it is important to consider the cost of the windows and commissioning and details of the timing of window and door manufacture and other information relevant to consideration of a likely compensation claim, have not been submitted.

The submitted heritage statement identifies that the new loft and all external walls have been insulated to a high standard.

Not included in the description of development but shown on the submitted plans is the proposed removal of the two existing 6 panel doors and replacement with vertically boarded plank doors. The existing doors are recent but in-keeping with historic precedent.

Site Location

Nos 30 and 31 Church Street are early to mid 19th century cottages prominently sited within Ribchester Conservation Area. They retain their late Georgian form and detail (including original multi pane sliding sash windows and distinguished 6 panel doors) and are identified as Buildings of Townscape Merit (by definition making a positive contribution to the character and appearance of Ribchester Conservation Area) in the Ribchester Conservation Area Appraisal (The Conservation Studio consultants; adopted by the Borough Council following public consultation 3 April 2007). The historic windows and the doors ensure a pleasing, distinguished and consistent frontage to the row which also includes the adjoining 18th century, grade II listed 28 and 29 Church Street. Nos 30 and 31 Church Street are within the setting of the grade II listed 28-29, 48 and 50-58 Church Street and are adjoined and faced by Buildings of Townscape Merit. Nos 30-31 Church Street are the only residential properties within Ribchester Conservation Area which retain their original Georgian windows (see Appraisal SWOT analysis Weaknesses and Threats).

Relevant History

At the meeting of 16 January 2014 Members authorised the Director of Community Services to expedite the making of an Immediate Article 4 direction at 30 and 31 Church Street. The Committee report identified the principal reason and justification for the direction to be the conservation of the front elevation multi paned Georgian windows. The direction came into force on 28 January 2014.

Relevant Policies

Policy ENV16 - Development Within Conservation Areas.

Policy ENV17 - Details Required with Proposals in Conservation Areas.

Policy ENV19 - Listed Buildings (Setting).

Policy G1 - Development Control.

NPPF.

NPPG.

HEPPG.

Planning (Listed Buildings and Conservation Areas) Act 1990.

Ribchester Conservation Area Appraisal.

Core Strategy Regulation 22 Submission Draft Post Submission Version (including proposed main changes)

Policy DME4 – Protecting heritage assets.

Policy DMG1 – General considerations.

Environmental, AONB, Human Rights and Other Issues

The main considerations in the determination of this application relate to the impact upon the character, appearance and significance of Ribchester Conservation Area and the setting and significance of listed buildings. The contribution of proposed works to the prudent use of natural resources and mitigation of climate change is also a material consideration.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act states that in the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the planning acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 66 of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Governance and Legal Director of English Heritage ('Legal Developments' Conservation Bulletin Issue 71: Winter 2013) states that the courts have said that these statutory requirements operate as '*a paramount consideration*' and '*the first consideration for a decision maker*'.

The recent *Barnwell Manor* Court of Appeal ruling has provided further clarity on consideration of these statutory requirements within the 'planning balance'. In the original judgment, Mrs Justice Lang confirmed that 'desirability' means '*sought-after objective*' and that '*in order to give effect to the statutory duty under section 66(1), a decision-maker should accord considerable importance and weight to 'the desirability of preserving ... the setting' of listed buildings when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status*'. In respect to the Court of Appeal decision, Gordon Nardell QC and Justine Thornton ('Turbines, heritage assets and merits', Local Government Lawyer, 24 April 2014) state "*the key point is that once a decision-maker finds harm to setting, there must be some express acknowledgement of the 'considerable' weight to be given, in the balance, to the desirability of avoiding that harm. It is not enough to ask in a general sense whether benefits outweigh harm, but whether they do so sufficiently to rebut the strong presumption against permission*". Furthermore and in respect to considerations of 'less than substantial harm', the Secretary of State's decision on Lane Head Farm, Cumbria (recovered appeal; decision 16 April 2014; paragraph 11) is noted "*having regard to the judgment in the Barnwell Manor case, the Secretary of State takes the view that it does not follow that if the harm to heritage assets is found to be less than substantial, then the subsequent balancing exercise undertaken by the decision taker should ignore the overarching statutory duty imposed by section 66(1). He*

therefore sees a need to give considerable weight to the desirability of preserving the setting of all listed buildings”.

The most recent Government guidance on Article 4 directions is provided in Replacement Appendix D to Department of Environment Circular 9/95: General Development Consolidation Order 1995, June 2012, Department for Communities and Local Government. This states:

Compensation - there are circumstances in which local planning authorities may be liable to pay compensation having made an article 4 direction, although the potential liability is limited in many cases by the time limits that apply.

Local planning authorities may be liable to pay compensation to those whose permitted development rights have been withdrawn if they:

- refuse planning permission for development which would have been permitted development if it were not for an article 4 direction; or
- grant planning permission subject to more limiting conditions than the GPDO would normally allow, as a result of an article 4 direction being in place.

Compensation may be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights [See Section 108 of the *Town and Country Planning Act 1990* as amended].

Charles Mynors discusses Article 4 direction in Listed Buildings, Conservation Areas and Monuments (2006, page 180-189): “some buildings are particularly susceptible to harm caused by a succession of small changes ... and what one does, others are likely to copy”.

The gradual erosion of the character and appearance of conservation areas has resulted in English Heritage incorporating conservation areas within its yearly “Heritage at Risk” report and indicators. The initiating 2008 report indicated the top 10 threats facing conservation areas. The top threat was:

“Unsympathetic replacement doors and windows (83% of conservation areas)”. This finding is consistent with the Weaknesses and Threats to Ribchester Conservation Area identified within the Management Guidance below.

The report also refers to a recent survey of estate agents which reveals that:

- (i) Unsympathetic replacement windows and doors, is the single biggest threat to property values in conservation areas;
- (ii) 82% feel that original features tend to add financial value to properties and 78% think they help a property to sell more quickly;
- (iii) Three quarters believe that a well maintained conservation area adds to the value of the properties within it. Confidence in the area keeping its character and the attractive environment are the two key reasons;
- (iv) Residential properties within conservation areas sell for more than equivalent properties not in a conservation area.

The National Planning Policy Guidance (6 March 2014) states: “*Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.*”

... distinctiveness is what often makes a place special and valued. It relies on physical aspects such as:

- *building forms;*
- **details and materials;**
- **style and vernacular.”**

The Historic Environment Planning Practice Guide states:

Doors and windows are frequently key to the significance of a building. Change is therefore advisable only where the original is beyond repair, it minimises the loss of historic fabric and matches the original in detail. Secondary glazing is usually more appropriate than double-glazing where the window itself is of significance. ... where remedial works are shown to be necessary, minimum interference to achieve reasonable long term stability is the most sustainable approach” (paragraph 152).

“There are various legal requirements that buildings have to comply with, such as Building Regulations and the Disability Discrimination Act ... Where conflict is unavoidable, such regimes generally allow for some flexibility so that a balance can be struck” (paragraph 144).

‘Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment’ (English Heritage, 2008) identifies four groups of heritage values: Evidential, Historical, Aesthetic and Communal.

Paragraph 91 states:

“Evidential value, historical values and some aesthetic values, especially artistic ones, are dependent upon a place retaining (to varying degrees) the actual fabric that has been handed down from the past; but authenticity lies in whatever most truthfully reflects and embodies the value attached to the place (Principle 4.3). It can therefore relate to, for example, design or function, as well as fabric. Design values, particularly those associated with landscapes or buildings, may be harmed by losses resulting from disaster or physical decay, or through ill-considered alteration or accretion”.

The Ribchester Conservation Area Appraisal (The Conservation Studio consultants; adopted by the Borough Council following public consultation 3 April 2007) identifies:

- (i) **the architectural and historic interest** of the area’s buildings within Summary of Special Interest;
- (ii) **30-31 Church Street to be Buildings of Townscape Merit (making a positive contribution to the character and appearance of the conservation area) on the Townscape Appraisal map;**
- (iii) Ribchester’s historic character and the **appearance of its core area** to be a strength of the conservation area;
- (iv) **“the loss of architectural detail (original windows, doors etc) and the insensitive alteration of historic buildings (spoiling the conservation area’s historic character and appearance)”** to be Weaknesses of the conservation area;
- (v) **“the continuing loss of original architectural details and use of inappropriate modern materials or details”** to be a Threat to the conservation area;

The Ribchester Conservation Area Management Guidance (The Conservation Studio consultants; subject to public consultation) identifies:

- (i) ***“Windows: Sliding sash and side-hung casements are the two principal window types. As a rule, windows in historic buildings should be repaired, or if beyond repair should be replaced 'like for like'. It is important that the design, scale and proportion of new windows should be sympathetic to the character of the building.***
Glazing bars in old buildings are invariably moulded and slender. Over time, the thickness and moulding of glazing bars, the size and arrangement of panes and other historic window details varied. Care is therefore needed in the repair and replacement of historic windows to ensure works are ‘honest’ and not historically misleading. Details should be appropriate to the date of the building or to the date when the window aperture was made”;
- (ii) ***“Doors and doorways: Original doors should be retained. Their replacement or defacement is often entirely unnecessary”.***
- (iii) ***“Appearance, materials and detailing: If windows are to be double glazed, then these must be carefully designed. Avoidance of glazing bars can assist in achieving a satisfactory solution”.***

‘Ribchester: A Short History and Guide’ (Hodge A.C. and Ridge J.F, 1986, page 9) pictures 28-29 Church Street (Grade II listed) and notes “a pair of unusual Georgian houses ... there are very few brick town houses such as these in this part of the country. They are dated to 1745”.

*At a recent appeal relating to 28 Church Street (APP/T2350/A/12/2185263), the Planning Inspector described the listed building as “a handsome narrow two storey house ... The pair dates from 1745, as embossed on the original lead rainwater hoppers, and is built of brick with fine dressed stone details including rusticated quoins, moulded architrave surrounds at window and door openings as well as a stone plinth, string band and eaves cornice. It opens directly onto the footway on Church Street, part of the original Roman route in the town, **and is prominently located close to the heart of the Ribchester Conservation Area ... together with No 29 the adjoining part of the pair, the appeal listed building has a substantial degree of significance and plays an important role in the historic character and appearance of the conservation area, which is also a designated historic asset of high significance”.***

The front windows to 29 Church Street are recent replacements – authenticity was ensured by listed building consent 3/2006/0909.

‘Energy Efficiency and Historic Buildings: Application of Part L of the Building Regulations to Historic and Traditionally Constructed Buildings’ (English Heritage, 2011) states:

“The Importance of Windows in Older Buildings: Window openings and frames give a building’s elevation its character. They should not be altered in their proportions or details, as they are conspicuous elements of the design ... Replacing traditional single-glazed sash windows with double-glazed PVCu windows can be very damaging to the special character and appearance of the building. The fundamental objections, amongst many, are that double-glazed sealed units thicken the dimensions of glazing bars inappropriately, or result in extremely poor facsimiles stuck to the face of the glass. The frames and glazing of many historic windows have fallen victim to inappropriate replacements, but over the past decade greater appreciation of their value has begun to develop. However, many windows are still threatened and Part L must not become the agent for their **thoughtless destruction. While**

listed buildings enjoy some protection, unlisted buildings are at high risk – even where they are in conservation areas.

Window Types and Materials: England has a rich tradition of window designs and materials from different periods of history. Most historic windows are timber-framed. Oak joinery (either fixed or in casements) predominated until the late 17th century, when, with the advent of the sash window, softwood was imported from Scandinavia and the Baltic. This slow-grown, high-quality, naturally durable timber continued to be widely used until the early 20th century. **Thereafter use began to be made of inferior species, the timber from which needed chemical preservatives to provide some degree of longevity. It is very difficult to source timber of traditional quality and durability today. Where possible windows should be repaired and continue to be used All these windows are important historically and should be conserved** (page 46).

New ‘facsimile’ double-glazed windows have been developed with sealed units and low emissivity glass. In most cases these fail to provide an adequate visual match to the original patterns owing to the thickness of the glazing-bar required to accommodate the glazing cavity. It is impossible to replicate most original glazing bars in double glazing even with the thinnest systems. The aim should be to improve thermal performance whilst retaining the existing windows by investigating the following options: Draught Proofing ... Secondary Glazing ... Shutters (page 49).

... reducing carbon emissions from buildings is not just about heating and insulating the building fabric. Much can be achieved by changing behaviour avoiding waste, using energy efficient controls and equipment and managing the building to its optimum performance, all of which is as relevant to older buildings as new ones.

For historic buildings and those of traditional construction an appropriate balance needs to be achieved between building conservation and measures to improve energy efficiency if lasting damage is to be avoided both to the building’s character and significance and its fabric. **For example, it would be neither sustainable nor cost effective to replace a 200-year-old window that is capable of repair and upgrading with a new double-glazed alternative** and even less so if the new window were to have an anticipated life of only 20–30 years, as some do.

... the Approved Documents make it clear that a reasonable compromise on the energy efficiency targets may be acceptable in order to preserve character and appearance and to avoid technical risks. They do this by specifically including some exemptions and circumstances where special considerations apply for historic buildings and those of traditional construction (page 4).

In *‘The Thermal Performance of Historic Windows’*, *The Building Conservation Directory 2008*, Chris Wood (Head of Building Conservation and Research Team at EH) suggests “There is little dispute as to how important windows are to historic buildings. After all, the front windows of a building are often the first feature to draw the eye”.

‘Traditional Sash Windows’, Nottinghamshire County Council, states “Architectural fashion and technological progress working hand in hand may have led to the massive popularity of the vertical sliding sash from the end of the seventeenth century onwards

... By the Georgian period (1715-1830), the typical eighteenth century sash window had appeared with each sash having six panes of glass held by glazing bars of ovolo moulded profiles ... **each individual pane was carefully proportioned as were the window openings as a whole ... the changing shape of the glazing bar is a subtle but important feature of the sash window**

the history of the development of the sash window has been dominated by the desire to increase the size of individual panes of glass and reduce the number and thickness of glazing bars, a desire really only limited by the technology available at the time ... after the mid eighteenth century, glazing bars became much thinner and their profiles more complex and varied. **By the turn of the century, bars might be 12mm (half an inch) or less in width.** By this time panes of glass of up to 25" by 15", produced by the crown glass method, had become available".

The Georgian Group Guide No1 'Windows' states:

"No element does more than the fenestration to enhance the character of Georgian buildings; this is even more relevant to modest terraced houses and country cottages than it is to grander, multi-windowed piles. Yet in recent years the defacing of Georgian buildings by inappropriate modern windows has become more and more commonplace

.. although it must be remembered that sash windows were never constructed to a standard size ... As the eighteenth century progressed the manufacture of larger panes of glass became easier, and Georgian glazing bars became thinner. These bars were moulded in a variety of ways, the robust ovolo form gradually giving way to lamb's tongue, ogee and other, more slender mouldings. **In terms of proportion, the individual panes of glass were generally taller than they were wide (in accordance with the artistic theory of the 'golden section');** whilst early panes were virtually square, most later examples tended to emphasise the verticality of the window

... **a vital component of the Georgian window was, naturally enough, its glass. Yet this feature is often the first casualty of window repair or replacement**

... **the resultant visual effect is often dark and reflectant** (double-glazing of historic windows). **Individual double glazing is certainly not applicable in any circumstances for Georgian windows with slender glazing bars**

... **replacement of windows should only be a last resort**, when repair of individual parts, or the installation or insulation methods, has proved quite impracticable or insufficient.

'Period house fixtures and fittings 1300-1900', Linda Hall, 2007, page 80-81 states:

"A major change occurred at the beginning of Queen Victoria's reign in 1837 when much larger sheets of cylinder glass and then plate glass became cheaper and more readily available. At first it was still too expensive for general use and sashes with small panes continued to be used for many houses. After the abolition of window tax in 1851 and the duty on glass in 1857 plate glass came into more general use. Each sash could now have only two panes of glass, usually divided vertically but sometimes horizontally and later just a single pane of plate glass. These sheets of glass were heavier than the small panes and the absence of glazing bars put a strain on the sash frame. To counteract this **the sash horn was invented, a small projection below the joint on each side of the sash. Sash windows have frequently been repaired or**

renewed and unfortunately the replacements often have both horns and small panes of glass, two things which should never occur together”.

‘Seeing is believing’, RICS Building Conservation Journal, January 2014, page 30-31 states:

“New systems - Apart from the loss of fabric, the main issue with double glazing is one of appearance: modern glass is flatter and has different reflective qualities from older hand-blown glass, and the thicker double-glazed units require heavier, less elegant dividing bars than single glazing.

*However, in recent years, **new systems have been developed specifically for the requirements of historic buildings. The key to these systems is their profile; they are much slimmer than conventional double-glazed units, having a spacer bar of 3mm-4mm rather than 12mm-18mm.** Using more thermally resistant inert gases such as krypton or xenon, rather than the more conventional argon, allows them to achieve similar levels of thermal performance in a slimmer unit.*

*This slim profile allows them to be retrofitted into existing sashes (retaining original fabric), or made into new sashes but using the original slender astragal dimensions. Such specifications effectively remove **the aesthetic issues associated with the heavier sash dimensions”.***

The Georgian Group Guide No3: Georgian Doors states: “Prior to the late 17th century doors of any importance were generally ledged, ie they comprised interlinked planks bound together with horizontal ledges. By the early 18th century, however, **the panelled door had become standard** for all houses of note”.

Brunskill R.W. ‘Illustrated Handbook of Vernacular Architecture’ (1978, page 123) states: “**Even in a single house there was a gradation in the quality of materials and details from the front, to the sides, and then to the rear of the building.** Thus the windows on the front of an 18C. Lancashire farm-house might have double hung sashes in moulded stone architraves, the sides having horizontally sliding sashes in the jambs of a squared rubble wall, while on the rear wall re-used stone mullioned windows with timber casements would be set in random rubble”.

There are a number of relevant appeal decisions:

APP/T2350/A/12/2182563 – 28 Church Street, Ribchester:

“The proposed reinstatement of traditional doors, windows and rainwater goods authentic to the origins of the listed building is a positive aspect of the proposal”.

APP/T2350/A/06/2028551 - 45 Church Street, Ribchester (unlisted):

*“Ribchester is an attractive small town with Roman and pre-Roman antecedents. Church Street, at the heart of the town, leads down to the bank of the River Ribble and is characterised by terraces of modest houses. Typically they are built of stone under slate roofs and although **some have been marred by the incorporation of unsuitable modern features”.***

APP/T2350/F/09/2094978 – 20 Church Street, Ribchester (Grade II listed):

*“The appeal is allowed ... **whereas the front elevation of the row of houses, and those of other houses to both sides, is well preserved, the rear elevation has been seriously eroded. There are probably no original window frames in openings in the rear elevation”.***

APP/T2350/E/11/2161957 – Mellor Lodge Gate House, Mellor (Grade II listed, 1790s, ‘sashed windows with glazing bar’; retrospective application; appeal dismissed):

*“the alterations to the listed building include the insertion of replacement windows in two of its original openings. These windows are **crudely detailed with unduly thick glazing bars to support the double glazed units**”.*

APP/B1225/E/11/2165202 (Grade II listed house in Dorset, 11 June 2012):

*“As far as traditionally configured modern double glazed units go, these ‘Slimlite’ fixtures offer amongst the closest approximations to traditionally fabricated historic window types available. Their principal distinguishing advantage being the employment of the functional glazing bars, a considerable improvement on those with sandwiched dividers within the unit and with profiled strips applied to their inner and outer faces. However, despite this achievement, **it is the apparency of the double-glazed units, with their visible parting bead and the double register of the two panes of glass in each one that identify them as modern fixtures, critically undermining the integrity, character, and so special architectural interest and significance of the listed building.***

*... the justification for the choice of windows is to achieve a significant increase in the **thermal performance** ...in this case, although there would be a modest increase in thermal performance of the dwelling overall, **this would be significantly outweighed by the substantial harm to the special architectural interest and significance** of the listed building. Such a conclusion is given added conviction through the absence of any evidence that **alternative approaches to increasing thermal performance** (other than standard secondary glazing) have been considered and assessed against the benefits of the appeal proposals”.*

APP/X1118/E/11/2157186 (listed cottages in Devon, 20 December 2011):

*“Historic Environment Planning Practice Guide states that changing windows is advisable only where the original is beyond repair. Secondary glazing is usually more appropriate than double-glazing where the window itself is of significance. The windows in this case show signs of decay particularly on the cills but I have **seen no evidence to suggest that they are beyond repair.** **Secondary glazing would allow retention of the historic windows and could be installed with minimal impact on the fabric or appearance of the listed building.***

The proposed replacement windows ... would have thicker and wider frames than the existing windows and have 24mm double glazing units fixed with timber beads. The size of the frames would reduce the area of glass in the windows giving them an uncharacteristically heavy appearance and an altered ratio of glass to timber.

*... in view of the possibility of installing temporary, reversible secondary glazing, the improved thermal performance provided by the proposed scheme would **not justify irrevocable harm** to the heritage asset arising both from loss of the historic windows and the installation of inappropriate window replacements.*

In my opinion, the proposed development has a very harmful impact upon the character, appearance and significance of Ribchester Conservation Area and the setting and significance of listed buildings (principally the Grade II listed 28 and 29 and 48 Church Street Ribchester).

The existing windows can be repaired as advocated in the Ribchester Conservation Area Management Guidance, HEPPG, English Heritage ‘Conservation Principles’ and English Heritage ‘Energy Efficiency and Historic Buildings’, (abiding to the tenet of ‘minimum intervention’ to historic fabric). Notwithstanding this, I am mindful that the joiner’s report recommends like-for-like replacement to avoid problems associated with window rebates in the

future. This approach would also retain significance ('Conservation Principles' paragraph 91) and was recently adopted at the adjacent 29 Church Street listed building (3/2006/0909).

The proposed windows are overtly modern and very different in appearance to the existing carefully and deliberately proportioned and detailed late Georgian windows that are an aesthetic and technological record. NPPF paragraph 132 requires that 'great weight' be given to conservation of the Conservation Area and the setting of the listed building. In my opinion, this NPPF requirement to *sustain or enhance* significance is not met by:

- (i) the thicker and wider frames that produce an uncharacteristically heavy appearance, an altered ratio of glass to timber and the loss of historic window pane proportion;
- (ii) the thickness of glazing bars (at least twice the width of existing) and loss of moulding detail which is intrinsic to the significance of windows of this period;
- (iii) the double-glazed units, which result in a double register of two panes of glass and a conspicuous and uncharacteristic reflectivity; and
- (iv) the historically spurious and misleading incorporation of multi-paned windows and horn details.

I am mindful from the above of double glazing technology. Unfortunately, in this case, there has been no attempt to reduce or minimise the potential harm from double-glazing in this sensitive location. I note from the Ribchester Conservation Area Management Guidance that the double-glazing of windows with glazing bars is best avoided. Furthermore, RICS and the appeal decision above would suggest that the crude and incongruous appearance of the proposed windows is in part a product of the unnecessary incorporation of 24mm wide double glazed units.

NPPF paragraph 134 requires that 'less than substantial harm' be weighed against the public benefits of the proposal. From the information submitted (Heritage Statement's reference to insulation of the new loft and all external walls to a high standard; no apparent consideration to the improvement of thermal performance of existing windows through draught-proofing, secondary glazing, shutters etc) and mindful of the incorporation of double-glazing to all of the property's rear windows, I do not consider the possible improvement to overall building performance to be significant or to outweigh the harm to the designated heritage assets.

In my opinion, the proposed new doors do not conserve the Georgian elegance of these properties or their important contribution to the row (including 28 and 29 Church Street). The introduction of crude and overtly modern windows at the prestigious front elevation also undermines the deliberate gradation of materials and details identified by Brunskill. The impact of replacement doors and windows would exacerbate the Weaknesses and Threats to Ribchester Conservation Area identified in the Ribchester Conservation Area Appraisal and undermine the existing positive contribution and Building of Townscape Merit status of these historic buildings. In this regard, the comments of Charles Mynors and the findings of the Planning Inspector at 20 Church Street in respect to precedence to others and the implications of cumulative damage are prescient.

I am mindful of the petition submitted by the applicant and the comments of local residents. However, I am concerned that the very late submission of essential plans (received three weeks after the submission of the petition) has not afforded local residents the opportunity to understand the impact of proposed works on Ribchester Conservation Area or the setting of listed buildings.

In respect to comments concerning the requirements of the Building Regulations and Fire Safety standards, I am mindful from HEPPG paragraph 144 of the potential flexibilities and opportunities for compromise that may exist and from NPPF paragraph 132 that harm has to be justified. However, the information necessary for such discussion and consideration has not been submitted by the applicant and on the basis of the submission and the proposed works do not appear necessary to achieve reoccupation of the cottages.

A revised site plan has been received which does not show any land in the ownership of the neighbour at 29 Church Street to be within the application site.

The double glazed windows granted listed building consent (3/2005/0426) at 25 Church Street, Ribchester replaced modern windows.

In my opinion, giving considerable weight and importance to the keeping free from harm of the character, appearance and significance of Ribchester Conservation Area and the setting and significance of listed buildings (principally 28, 29 and 48 Church Street) the application should be refused.

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

1. The proposed development is harmful to the character, appearance and significance of Ribchester Conservation Area and the setting of listed buildings (principally 28, 29 and 48 Church Street, Ribchester) because of the loss of important historic fabric and design significance embodied in the existing original multi-paned sliding sash windows and the overtly modern, incongruous and visually intrusive appearance of proposed double glazed replacement windows.

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 Policies ENV19, ENV16 and G1 and Core Strategy Regulation 22 Submission Draft Post Submission Revision (including proposed main changes) Policies DME4 and DMG1.

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

APPLICATION NO: 3/2013/0981/P (GRID REF: SD 375231 443018)
PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 20 DWELLINGS (INCLUDING 6 UNITS OF SOCIAL HOUSING), 3 CLOSE-CARE APARTMENTS AND A 60 BED CARE HOME (WITH ALL MATTERS RESERVED FOR SUBSEQUENT APPROVAL) ON LAND AT CHATBURN ROAD, CLITHEROE

INTRODUCTION

This application was considered by Committee at its meeting on 13 February 2014. Committee resolved in accordance with the Officer's recommendation that the application be DEFERRED and DELEGATED to the Director of Community Services for outline approval following the satisfactory completion of a legal agreement within a period of 3 months from the date of the decision as outlined in the Section 106 Agreement sub-heading within the report and subject to a number of conditions.

It was stated in the Section 106 Agreement sub-heading of the original report that the Agreement would require the following:

1. The provision and permanent retention of 6 houses and 1 extra care apartment as affordable rental dwellings.
2. The payment by the applicant to Lancashire County Council of the sum of £95,205.45 (or any recalculated figure that might be required by triggers that will be set out in the Agreement) towards the provision of 5 primary school places and 2 secondary school places.
3. The payment by the applicant to Lancashire County Council of a sum to be confirmed towards sustainable transport measures.

The reason for the wording of point number 3 above was because, at the time of consideration of that report, the LCC Highways Team had not specified either the sum of money that was to be requested or the measures that the sum would be required to fund.

The Section 106 Agreement was drafted and sent to the Lancashire County Council Solicitors for consideration/agreement. On 28 April 2014 (some 2½ months after the Committee's decision on 13 February 2014), the County Solicitor confirmed that she had just received the comments of the County Highways team. Those comments do specify the financial contribution that is requested and the measures that the contribution would be required to fund. The County Council therefore sought to include the requested contribution as a requirement of the Section 106 Agreement in accordance with point number 3 of the original Committee report as referred to above.

The applicants agent has requested more time to consider the request that has been made by the County Council Highways team. This, of course, meant that the Agreement could not be finalised and therefore the outline permission could not be granted within the 3 month period specified in the original Committee resolution. It is for this reason that this further report has been prepared for consideration by Committee. Any observations received from the agent (in

particular, whether or not his clients are willing to pay the financial contribution requested by the LCC Highways Team) will be reported orally to the Committee. No detailed viability assessment has been submitted with this application to enable the Council to assess whether or not the scheme is no longer viable with the financial contribution.

The original report is reproduced below but with amendments as appropriate under the headings Environment Directorate (County Surveyor); Financial Contributions Requested by LCC; Section 106 Agreement and Recommendation.

TOWN COUNCIL:

No objections.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

No objections to the principle of housing development on this site but makes a number of comments as follows.

The submitted transport statement has reviewed the design of the roundabout at the Chatburn Road/Pimlico Link Road junction and has recommended improvements to the geometry of this roundabout. Improvement to this roundabout is accepted but the detailed design will have to be scrutinised by LCC engineers and a safety audit should be carried out. This work would be carried out under a Section 278 Agreement.

The speed limit along Chatburn Road will need to be reviewed for possible extension of the 30mph limit.

Visibility splays would need to be conditioned but their size would be dependent upon decisions made in relation to the appropriate local speed limit.

A pedestrian crossing on Chatburn Road near to Clitheroe Grammar School should be constructed under a Section 278 Agreement.

Turning heads should be provided next to the care home main entrance and in front of the service entrance.

Unless the roads in front of units 1-6, 12-16 and 9-11 are not to be adopted, 2m wide service strips would be required where there is no footway. This would be part of the highway and parking spaces should not encroach on to any service strips.

Garages should be a minimum of 6m x 3m. If separate provision is made for the secure undercover storage of bicycles, a smaller garage might be acceptable.

The costs of any Traffic Regulation Orders (TROs) that are required will be payable by the developer.

The financial sum to be requested under the Section 106 Agreement towards sustainable transport and transport improvements had not been finalised at the time of

consideration of the original report on 13 February 2014. The County Council has subsequently confirmed that the highways requirements for Section 106 funding are as follows:

1. Review the speed limit along Chatburn Road near to the site to determine the need and justification for an extension of the 30mph speed limit along Chatburn Road to the Pimlico Link Road roundabout. The costs are to cover the technical review of an extension to the speed limit, public consultation, TRO, design work and carrying out the work in the highway, including illumination of the signs. Cost estimate - £4,000.00 (four thousand pounds).
2. Constructing a priority pedestrian crossing on Chatburn Road near to the Clitheroe Grammar School, including public consultation, design work and works in the highway. Cost estimate - £20,000.00 (twenty thousand pounds).
3. Establishment of two new bus stops (DDA compliant) on Chatburn Road, including public consultation, design work and carrying out the works in the highway. The costs requested include for raised kerbs, road markings and signpost; but not a shelter. Cost estimate £5,000.00 (five thousand pounds).

The County Surveyor also recommends the imposition of a number of standard conditions.

LCC (ARCHAEOLOGY):

Having checked their records the County Archaeologist confirms that there are no significant archaeological implications relating to this site.

LCC (ECOLOGY):

The County Ecologist comments that much of the application site appears to be of relatively low biodiversity value. However, there are features of biodiversity value (hedgerow/mature trees and marshy grassland) and these provide potential habitat for protected and priority species (including bats, nesting birds including ground nesting birds, common toad). Whilst the submitted illustrative plan indicates that the proposed development would mainly be located on the species poor grassland, it appears that the marshy grassland would form part of the amenity land and potentially lie within the garden curtilages. The Borough Council must be satisfied that such habitat can be retained and that potential impacts on such habitat and associated species can be avoided. The County Ecologist advises that this should be ensured either by appropriate conditions on any outline planning permission and/or at reserved matters application stage.

LCC (CONTRIBUTIONS):

LCC Contributions team has requested a financial contribution in respect of the provision of primary school and secondary school places to meet the needs of the proposed development. Members are referred to the file for full details which are summarised as follows.

The County Council has made its calculation based upon the information regarding the number of bedrooms specified in the application details (namely 11 x 4 bed dwellings and 9 x 3 bed dwellings). This has resulted in a requirement for five primary places and two secondary places.

Primary places - £11,880.45 x 5 places = £59,402.25.

Secondary places - £17,901.60 x 2 places = £35,803.20.

Total requested financial contribution - £95,205.45.

Members will note that this figure could be subject to recalculation by triggers that will be set out in the Section 106 Agreement.

LANCASHIRE
CONSTABULARY:

Has commented that the Design and Access Statement includes a section on designing out crime. This details crime prevention interventions that will be incorporated into the scheme such as enhancing the opportunity for natural surveillance. It is recommended that a meeting should take place with an Architectural Liaison Officer at the detailed design stage of the scheme in order to address the layout and building design and to design out any potential opportunity for crime.

ENVIRONMENT AGENCY:

The Environment Agency has no objection in principle to the proposed development subject the inclusion of a number of conditions relating to the following matters:

- Part of the application site lies within flood zone 3 which is defined as having a high risk probability of flooding in the National Planning Policy Framework (NPPF) Technical Guide. For this reason the application was accompanied by a Flood Risk Assessment (FRA). The Environment Agency has reviewed the FRA and comments that, provided no dwellings are proposed in flood zone 3, they are satisfied that the proposal will not pose a risk to life or property. The proposed development will only meet the requirements of NPPF if the measures detailed in the submitted FRA are implemented and secured by conditions requiring a limit on surface water run-off and the submission approval and subsequent implementation of a scheme of surface water drainage for the site.

- In relation to biodiversity, a condition requiring the provision of a 5m wide buffer zone along the Pimlico watercourse should be imposed. The submitted illustrative layout shows that dwellings numbered 12-17 would have rear facing domestic gardens adjacent to the watercourse. The proposed layout is likely to require revising to accommodate the 5m buffer as it should be clear of any private garden spaces or built development.
- A condition requiring the removal or long term management of Himalayan Balsam should be imposed.
- A condition requiring a water vole survey should be imposed.
- A condition is necessary to require the submission for approval of details of the footbridge over the watercourse.

UNITED UTILITIES:

Has no objections to the proposal subject to the imposition of a condition requiring the submission approval and subsequent implementation of a detailed scheme for the disposal of foul and surface waters for the entire site.

NETWORK RAIL:

As the application site is within 10m of an operational railway line, Network Rail has made a number of observations and has suggested a number of planning conditions and advisory notes primarily relating to safety issues.

The suggested conditions/notes relate to the matters of boundary fencing; no physical encroachment on to Network Rail land; safety requirements in relation to any scaffolding within 10m of Network Rail lane; all surface water drainage to be directed away from the railway; details to be provided of any excavations or earthworks in the vicinity of the railway; the provision of a 2m gap between any buildings and structures on the site and the boundary fencing to the railway; and a request that no trees are planted next to the boundary with the railway.

ADDITIONAL REPRESENTATIONS:

Three letters have been received from nearby residents and a letter has been received from the Ribble Rivers Trust. The points and objections contained in the letters are summarised as follows:

1. The increased surface water run-off as a result of the development could result in flooding of existing dwellings in the locality. This problem would be exacerbated if there was to be a phase 2 of the development onto the field adjoining the Colthirst Drive estate.
2. It is already difficult for the writer of one of the letters (a blind person) to cross Chatburn Road. The increase in traffic associated with this proposed development would exacerbate that problem.

3. When added to other housing developments in Clitheroe, this proposal would put further pressure on the existing infrastructure such as roads, car parking, schools, health facilities such as doctors, dentists and even including the new local hospital, would be unable to cope with the proposed increase in population.
4. The extra traffic will exacerbate existing problems on the already busy Chatburn Road including the difficulty experienced by drivers exiting the existing estates such as from Warwick Drive. The documentation on this matter submitted with the application does not appear to take account of other existing or proposed developments such as the extra traffic relating to the new hospital or the construction of houses on the old hospital site.
5. Mention is made in the Traffic Statement of walking or cycling into Clitheroe. Whilst this is possible, most visits to the town centre are probably made by car.
6. Within the development site itself, there could be a problem for drivers during icy/snowy conditions due to what will be a steep uphill access onto Chatburn Road.
7. The Ribble Rivers Trust would like to see a full survey of invertebrates and fish and a more detailed otter survey as they are aware that otters are in the vicinity.
8. If the development is to go ahead then a significant buffer strip should be left to the watercourse and mitigation should include tree planting in order to provide shade and habitat. The Trust would not want to see back gardens right up to the stream edge (as shown in the application) as the impact from the gardens would be significant.
9. The Ribble Rivers Trust has records of Himalayan Balsam upstream of the site. Construction works have a potential spread Himalayan Balsam seeds around the site and off the site. The Trust could provide advice and help in the control of this invasive species.

Proposal

This application is submitted in outline with all matters reserved for subsequent consideration at reserved matters application stage. An illustrative layout plan indicating how the site could be developed, however, accompanies the application, along with illustrative access plans and street scenes. The submitted illustrative plans show the following:

- 20 dwellings along with three extra care apartments associated with a 60 bed care home.
- A vehicular access from near to the mid point of the site's boundary to Chatburn Road.

- Dwellings laid out around a cul de sac road layout, with the care home having a dedicated car park.
- The retention of trees and hedges on the external boundaries of the site, and additional planting within the site and on its boundaries.
- The provision of an amenity open space alongside the Brook.

The illustrative layout plan also shows how an area of adjoining land to the south west of the site could also be developed for housing in conjunction with the application site. This adjoining land is in separate ownership and its potential future development does not form any part of this current planning application.

A design and access statement has been submitted with the application. This shows that the scale of the development is primarily two storey dwellings with the care home having two storey and three storey elements. It is however stated that, at final design stage, consideration could be given to the inclusion of some three storey houses to be sited adjacent to the care home and therefore provide a step down in scale between the care home and the dwellings. It is stated that the height to eaves of the houses would range between 4.8m and 5.025m and that the eaves of the two storey element of the care home would range between 5.025m and 5.175m whilst the eaves of the three storey element would range between 7.95m and 8.325m.

It is proposed that six of the dwellings and one of the extra care apartments are to be made available on an affordable rent basis to be delivered through a housing association (representing 30% of the total units).

Site Location

The site is situated at the northern edge of Clitheroe approximately 1km to the north east of the town centre. The site comprises two fields of rectangular shape and having a total area of approximately 1.82 hectares. An existing hedge crosses the site in a north west to south east direction dividing the fields and the brook passes through the north western part of the site on a north east to south west orientation. The site generally slopes down in level from its south eastern frontage to Chatburn Road down to the brook, beyond which it rises again towards the north western boundary with the railway line.

To the south west, the site is adjoined by a field of approximately 0.79 hectares beyond which is the established housing development at Colthirst Drive. The south eastern boundary of the site at Chatburn Road is marked by a stone wall. To the north east of the site are further fields with the boundary marked by a hedgerow. The railway line lies to the north west of the site with the boundary again marked by a hedgerow. There is established housing and the former Coplow Quarry beyond the railway line.

More generally in the locality are further areas of established housing, employment areas including Salthill Industrial Estate 500m to the south of the site, Clitheroe Hospital approximately 150m to the east and Clitheroe Grammar School some 200m to the south.

Relevant History

There is no relevant planning history relating to this site.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy ENV7 - Species Protection.

Policy ENV13 - Landscape Protection.

Policy H2 - Dwellings in the Open Countryside.

Policy H19 - Affordable Housing - Large Developments and Main Settlements.

Policy H21 - Affordable Housing - Information Needed.

Policy RT8 - Open Space Provision.

Ribble Valley Core Strategy Regulation 22 Submission Draft – Post Submission Version (including proposed main changes)

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME1 – Protecting Trees and Woodlands.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

Policy DMH1 – Affordable Housing Criteria.

Policy DMH3 – Dwellings in the open Countryside.

Policy DMB4 – Open Space Provision.

National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

The matters to be considered in the determination of this outline 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 upon the amenities of nearby residents; highway safety; potential flooding issues; ground contamination; public open space; the observations of Network Rail; affordable housing; and financial contributions requested by Lancashire County Council.

Principle of development

In assessing the proposal it is necessary to establish whether, in principle, the development is considered to be acceptable with regards to the emerging policy considerations whilst also fully considering the proposed development in relation to the aims and objectives of the National Planning Policy Framework (NPPF). In assessing the proposed development I am mindful that whilst the site is outside the settlement boundary of Clitheroe, it must be noted that the current settlement boundaries of the Local Plan are out of date and that, as yet, no replacement boundaries are in place. The site is close to existing residential development and is only approximately 1km away from the shop services and facilities within Clitheroe town centre.

With regards to the matter of a five year land supply, the most recently published position at the time of writing this report is the Council's Housing Land Availability Schedule dated December 2013. This indicates a position of a 4.81 year supply when employing the Sedgefield approach which is the method Members confirmed to use at the meeting on 10 October 2013. Members

are, however, reminded that the position is subject to frequent change as applications are either approved or resolved to be approved subject to the completion of appropriate Section 106 Agreements. Equally, sites may be deemed to fall out of the five year supply as they lapse or evidence comes forward to demonstrate that they will not be deliverable within the five year period.

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 proposals.

I consider that the site of this current application is in a highly sustainable location being close to all the services and facilities of Clitheroe, the main town in the borough. The proposal would also provide the benefits of the provision of housing, including affordable housing, and a care home. Overall, when considered in relation to the requirements of NPPF and the emerging Core Strategy policies, I consider the proposed development to be acceptable in principle. I will however, examine below all the relevant detailed considerations in order to establish whether there would be any harm associated with the development that would significantly and demonstrably outweigh the benefits.

Visual impact

Although this is a greenfield site, the proposed development would have only a limited degree of landscape and visual impact. Any impact will be mitigated through the retention of the most sensitive ecological areas and through the provision of additional planting. The character of the locality, however, is predominantly urban rather than rural due to the presence of existing residential areas, the hospital, the nearby cement works and the main road along the frontage of the site.

Any visual impact is limited to the immediate area, within which there are no highly sensitive receptors, and the site is not visible from any viewpoint with a designation such as AONB or conservation area.

The approach into Clitheroe along Chatburn Road does form the setting for the town, but there are few locations along this road where housing is currently not visible. The proposed development would therefore be associated appropriately with existing development in the locality. The impact of the development when viewed from Chatburn Road will also be reduced due to the land sloping downwards away from the road. Overall, whilst the proposed development would obviously have some impact upon the landscape, I do not consider that there would be any detrimental impact that would significantly and demonstrably outweigh the benefits associated with the proposed development. With regards to this particular consideration, I therefore consider the proposal to be acceptable.

Trees/Ecology

A Tree Survey and Arboricultural Impact Assessment has been submitted with the application. This shows that there are no category A trees on the site and that all category B trees would be retained as part of the development. Other trees and hedgerows on the boundaries of the site would also be retained and additional planting would be provided as part of the development.

The Council's Countryside Officer has considered the content of the Tree Survey and Arboricultural Impact Assessment and has no objections to the proposed development subject to the imposition of appropriate conditions.

An Ecology and Habitat and Protected Species Risk Assessment have also been submitted with the application. This indicates that no evidence was found of any protected species occurring on the site or in the surrounding area which would be negatively affected by the proposed development of the site. The report does, however, contain recommendations in relation to the protection of habitats.

This report has been studied by this Council's Countryside Officer, the County Council Ecologist and also by the Ecologist at the Environment Agency. Subject to appropriate conditions, none of these officers have any objections to the proposed development with regards to ecological considerations. In my opinion, the proposal is therefore acceptable in relation to this particular consideration.

Amenities of Nearby Residents

Although the general locality is residential in nature, the application site is separated from any existing housing. As such, the proposal would not result in any detrimental effects upon the amenities of any nearby residents by reason of overlooking, loss of privacy or overbearing impacts. Within the context of existing traffic flows on Chatburn Road, I do not consider that the traffic generation associated with the proposed development would have any discernible impact upon the amenities of nearby residents. Overall therefore I consider the proposal to be acceptable in relation to this particular consideration.

Highway Safety

A Transport Assessment has been submitted with the application. This concludes that the site is in a sustainable location for development with ready access to services etc, by cycling and by public transport; and that good visibility is available at the access point into the site; and that the relatively low traffic flows would not have any significant impact on the highway network.

The County Surveyor has considered the contents of the Transport Statement and has no objections in principle to the proposed development subject to the imposition of appropriate conditions and through appropriate highway/transport measures being achieved either through a Section 278 Agreement or through a developer contribution secured by a 106 Agreement.

Overall, therefore, there are no objections to the proposed development in relation to highway safety and traffic considerations.

Flooding Issues

A Flood Risk Assessment (FRA) and Drainage Options Assessment accompany the application. The site is located in flood zones 1, 2 and 3, with by far the greater part of the site within flood zone 1. All of the proposed built development would be delivered within that part of the site identified as flood zone 1.

The FRA has been studied by the Environment Agency who have confirmed that they have no objections to the proposal subject to compliance with the requirements of the FRA and subject

to the submission approval and subsequent implementation of a surface water drainage scheme for the site.

Subject to appropriate conditions, there are therefore no objections to the proposed development in relation to flooding issues.

Ground Contamination

A Contaminated Land Preliminary Risk Assessment (PRA) has been submitted with the application. The PRA has not found any past land uses that might give rise to elevated levels of industrial contamination. The report identifies that all past land uses have been agricultural and that there are possible contaminants associated with agricultural usage, including heavy metals, sulphate, nitrate and phosphate. The railway line to the north-western site boundary could also have resulted in ground contamination. It is therefore recommended that a site investigation be undertaken prior to development of the site. This is a common requirement and will be covered by an appropriate condition.

Public Open Space

In the illustrative plans and details submitted with the application, it is proposed that an amenity open space is to be provided alongside the brook on land that cannot be developed for reasons relating to flood risk. This is considered to be an appropriate location for the provision of public open space on this site. A condition will, however, be required in respect of the provision and future maintenance of the public open space on the site (as such maintenance will not be undertaken by RVBC).

Observations of Network Rail

Network Rail has suggested a number of conditions and notes to be attached to any planning permissions. The suggestions relate primarily to health and safety requirements associated with development close to a railway line and appear to be applicable where there would be built development in the immediate vicinity of the railway. In this case, however, the public open space (see above) would be on that part of the site. I therefore consider it sufficient in these particular circumstances for the requirements of Network Rail to be the subject of an advisory note rather than any conditions.

Affordable Housing

It is stated in the application that 6 dwellings and 1 extra care apartment would be made available on an affordable rental basis (representing 30% of the total units). These 7 units will be delivered through a Housing Association. The Council's Strategic Housing Officer is satisfied with the provision of 7 affordable rental units within this development.

Financial Contributions Request by LCC

The County Council has requested a contribution by the developer of £95,205.45 towards the provision of 5 primary school places and 2 secondary school places (but Members will note that this figure could be subject to recalculation by triggers that will be set out in the Section 106 Agreement). The applicant has indicated a willingness to pay the requested amount which will be secured through a Section 106 Agreement, the details of which are currently being negotiated with the Local Planning Authority.

The County Council has also indicated that a contribution towards sustainable transport measures may also be requested, but the precise figure had not been provided to the Local Planning Authority at the time of preparation of this report. Members will therefore be informed at the Committee meeting of any further information received from the County Council on this particular matter.

Section 106 Agreement

As stated previously in the report, if outline planning permission is to be granted, a Section 106 Agreement will be required. This will require the following:

1. The provision and permanent retention of 6 houses and 1 extra care apartment as affordable rental dwellings.
2. The payment by the applicant to Lancashire County Council of the sum of £95,205.45 (or any recalculated figure that might be required by triggers that will be set out in the Agreement) towards the provision of 5 primary school places and 2 secondary school places.
3. The payment by the applicant to Lancashire County Council of the sum of £29,000.00 towards the review of the speed limit along Chatburn Road near to the site; the construction of a priority pedestrian crossing on Chatburn Road near to Clitheroe Grammar School; and the establishment of two new bus stops on Chatburn Road; all as explained in detail previously in this report within the observations of the Environment Directorate (County Surveyor).

Conclusion

For the reasons stated in this report, the proposed housing and care home development is considered to be acceptable in principle in view of the sustainable location of the site close to all the facilities and amenities of Clitheroe town centre. The examination in this report of all relevant detailed considerations has not identified any harm to any interests that would be of such magnitude to outweigh the benefits of the proposed development. The development is therefore in compliance with the relevant policies of the Local Plan and the emerging Core Strategy and complies with the 'presumption in favour of development' as embodied in NPPF. In my opinion, outline planning permission should therefore be granted.

RECOMMENDATION 1:

In the event that the applicants agent has expressed a willingness on behalf of this client to pay the financial contribution towards sustainable transport measures that has been requested by Lancashire County Council, the recommendation is as follows:

That the application be DEFERRED and DELEGATED to the Director of Community Services for outline approval following the satisfactory completion of a Legal Agreement within a period of 3 months from the date of this decision as outlined in the Section 106 Agreement sub-heading within this report and subject to the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
 - (a) the expiration of 3 years from the date of this permission; or
 - (b) the expiration of 2 years from final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the access, layout, scale, appearance and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and comply with 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 development hereby permitted in outline relates to the erection of 20 dwellings, 3 close care apartments and a 60 bed care home. The application for reserved matters shall not exceed the stated number of dwellings, the stated number of close care units, or the stated number of bedrooms in the care home.

REASON: To define the scope of the permission and to ensure that the development complies with 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).

4. Any reserved matters application shall include a detailed arboricultural assessment/tree constraints plan that shall indicate how the existing trees have informed the detailed layout that has been submitted for reserved matters approval. The details shall include a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres, and also the details of all hedgerows within the site and on its boundaries.

In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area - BS5837, 2012, Trees in Relation to Demolition, Design & Construction) must also be shown.

The details of each tree as required in accordance with BS5837 in a separate schedule, a schedule of tree works for all the trees, specifying those to be removed, pruning and other remedial or preventative work.

The details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring ground.

The details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.

A statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure shall be included in the submitted details. This shall also include details of re-instatement and management of all existing hedgerows.

REASON: In order to ensure that the detailed layout of the development has been informed by the location and condition of existing trees and to ensure that trees of visual amenity value are given maximum physical protection from the adverse effects of development in order to comply with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

5. Any reserved matters application shall include details of provisions to be made for building dependent species of conservation concern, including artificial bird nesting boxes and artificial bat roosting sites.

The details shall specify the plot numbers of the dwellings upon which the provisions are to be made and shall identify the actual wall and roof elevations into which the provisions are to be incorporated (which should be north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats).

The provisions shall be provided in accordance with the approved details prior to the first occupation of the individual dwellings upon which they have been provided.

REASON: To protect the bird/bat population from damaging activities and reduce or remove the impact of development in order to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

6. Any reserved matters application shall include details of all proposed artificial external lighting. The details shall include the type, location, intensity and direction of all proposed lighting; and shall also include details of mitigation measures designed to reduce the impact of artificial lighting on protected species or 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 any protected species or species of conservation concern in order to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

7. Any removal of vegetation including trees and hedges associated with the development hereby permitted in outline shall be undertaken outside the nesting bird season (March - August inclusive). Any removal of vegetation out with the nesting bird season shall first be

agreed by the Local Planning Authority and shall be preceded by a pre-clearance check by a licensed ecologist on the day of removal.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds, and to protect the bird population from damaging activities and reduce or remove the impact of development in order to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

8. No part of the development hereby permitted in outline shall be commenced until a non-native species removal and disposal method statement has been submitted to and agreed in writing by the Local Planning Authority. The details of which shall include details of the eradication and removal from the site all Japanese Knotweed and Himalayan Balsam.

REASON: To ensure that there is no risk of further spread of a non-native plant species and to ensure that there are no residue non-native plant species parts remaining in order to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

9. No part of the development hereby permitted in outline shall commence until a water vole and great crested newt survey has been carried out during the optimum period, and details of its findings, including all protection and mitigation measures for non-disturbance and protection of all streams and watercourses, has been submitted to and approved in writing by the Local Planning Authority. The details shall include measures to ensure that the streams and watercourses are protected against spillage incidents and pollution that may arise during construction works.

REASON: To ensure that the development is not detrimental to the ecological wildlife value of the watercourse that crosses the site and to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

10. The development hereby permitted in outline shall not be commenced until details of the landscaping of landscape buffers around habitat zones have been submitted to, and approved in writing by, the Local Planning Authority. The details shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, including details of any changes of level or landform and the types and details of all mammalian friendly fencing and screening.

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 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub, which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of visual amenity and to ensure that the development provides appropriate habitat protection and mitigation measures and enhances biodiversity value in

order to comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

11. The development hereby permitted in outline shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: P4558-Rev003 dated 5 July 2013) and the following mitigation be filled within the FRA:

- Limiting the surface water run-off from the site to a maximum of its 17l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off site.

The mitigation measures shall be fully implemented prior to occupation of any dwelling and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in order to comply with 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).

12. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1:100 year 6 hour critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall also include details of how the scheme shall be maintained and managed thereafter in perpetuity.

REASON: To prevent the risk of flooding both on and off site and to comply with 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).

13. No development shall take place until a scheme for the provision and management of a minimum of 5m buffer zone alongside Pimlico watercourse has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing by the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision.

REASON: To protect and enhance the Pimlico watercourse as a wildlife corridor and key green infrastructure asset and to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

14. Any reserved matters application shall include detailed plans for any footbridge that is proposed to be erected over the Pimlico watercourse.

REASON: In order to ensure the retention of a continuous buffer strip of broadly natural character, providing a corridor for the passage of wildlife and reduce of pollution from run-off, and in the interests of visual amenity and to comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

15. The development hereby permitted in outline shall not be commenced until a scheme for the disposal of foul waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. Within the scheme, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure a satisfactory form of development including the satisfactory treatment and disposal of foul drainage in order to comply with the requirements of 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).

16. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details of:

- i) Sustainable travel options for journeys to and from work for the site operatives, including pedestrian routes, travel by bicycles, journeys by train, car sharing schemes and other opportunities to reduce journeys by motor car.
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in the construction of the development;
- v) the erection and maintenance of security fencing;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction; and
- viii) a scheme for recycling/disposing of waste resulting from construction works.
- ix) Periods when plant and materials trips should not be made to and from the site (mainly peak hours, but the developer to suggest times when trips of this nature should not be made).
- x) Routes to be used by vehicles carrying plant and materials to and from the site which shall have been constructed to base course level.
- xi) Measures to ensure that construction vehicles do not impede adjoining accesses.

The approved construction method statement shall be adhered to throughout the entire period of construction works.

REASON: In order to ensure safe working practices on or near the highway in the interests of safety and in the interests of the amenities of nearby residents in accordance with the requirements of 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).

17. Prior to the commencement of development, an intrusive ground investigation shall be carried out as recommended and described in Section 7 (Recommendations) of the Preliminary Risk Assessment Report by Thomas Consulting (ref. P4459-01-R1 dated October 2013) that was submitted with the outline application; and a report of the findings of the investigation shall be submitted for the written approval of the Local Planning Authority. Any mitigation measures that are found to be necessary shall be carried out to the satisfaction of the Local Planning Authority prior to the commencement of development. In the event that unforeseen problems arise during construction works, the Local Planning Authority shall be informed and shall advise in writing on any appropriate remediation/mitigation measures that the developer will be required to implement.

REASON: In the interests of providing an appropriate environment for the end users of the development and to comply with 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).

18. No development shall begin until a details identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details prior to occupation of the development and thereafter retained in a condition commensurate with delivering the agreed level of energy generation.

REASON: In order to encourage renewable energy and to comply with the requirements of the National Planning Policy Framework.

19. Prior to the first occupation of the development hereby permitted in outline, the existing access on to Chatburn Road shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated with the Lancashire County Council Specification for Construction of Estate Roads.

REASON: To limit the number of access points to, and to maintain the proper construction of the highway in the interests of highway safety and to comply with 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).

20. No part of the development hereby permitted in outline shall be commenced until all the highway works that facilitate construction traffic access have been constructed in accordance with a detailed scheme that has first been submitted to and approved in writing by the Local Planning Authority.

REASON: To enable all construction traffic to enter and leave the premises in a safe manner in the interests of highway safety and to comply with 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).

21. No part of the development hereby permitted in outline shall be occupied until all the off-site highway works have been constructed in accordance with the scheme that shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works in the interest of highway safety and to comply with 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).

22. Prior to commencement of development a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings) including the proposed area of public open space on the north western part of the site, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall also provide precise details of any play equipment and its maintenance and indicate a timescale when any such equipment will be provided and made available for use. The landscape management plan shall be carried out in accordance with the details so approved.

REASON: In the interests of residential and visual amenity 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 - Post Submission Version (including proposed main changes).

NOTES

1. The development for which outline planning permission is hereby granted requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1908, Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore, before any access works are commenced, the applicant or developer is advised to contact Customer Services at highways@lancashire.gov.uk and on 0845 0530000.
2. As the application site immediately adjoins an operational railway line, Network Rail has advised that the applicant or developer should submit a method statement and risk assessment to Network Rail's Asset Protection Engineer for approval prior to any works commencing on site (email: assetprotectionlnwnorth@networkrail.co.uk) Network Rail has also provided advice and guidance on matters relating to boundary fencing; encroachment on to railway land; scaffolding; drainage; excavation/earthworks in the vicinity of the railway; a 2m gap required between buildings on the site and the boundary fencing to the railway; and landscaping. The applicant or developer is therefore advised that it would be appropriate to consult Network Rail on these matters before the commencement of development, and ideally before the submission of any reserved matters planning applications (email: townplanninglnw@networkrail.co.uk).

In the event that the applicant's agent has expressed, on behalf of his client, that they are unwilling to pay an agreed financial contribution towards sustainable transport measures and without a detailed and independently assessed financial viability report that has been requested by Lancashire County Council, the recommendation is as follows:

RECOMMENDATION 2:

That the application be DEFERRED and DELEGATED to the Director of Community Services for refusal for the reason that, without the requested financial contribution to fund the specified highways works, the proposal would not represent sustainable development and would be detrimental to highway safety contrary to the requirements of the National Planning Policy Framework 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).

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>
3/2013/0975/P	Variation of condition 4 of planning permission 3/2013/0059/P to read "No more than 31 holiday lodges (or their equivalent) shall be stationed at any one time on the site as outlined in red on drawing no Lee/04B/Dwg02 and no more than a total of 156 holiday lodges or holiday static caravans shall be stationed at any one time on the total of the areas outlined in red and blue on drawing no Lee/04B/Dwg02. In addition to the permitted holiday lodges and holiday static caravans, touring caravans are permitted within the area outlined in blue subject to a restriction that the total number of units (lodges, static caravans and touring caravans) shall not at any one time exceed a maximum of 200 units"	Rimington Caravan Park Cross Hill Lane Rimington
3/2013/1009/P	Erection of an agricultural building	Ghyll Seeds Farm Knotts Lane, Tosside
3/2014/0080/P	Construction of steel portal frame cubicle shed adjoining the existing dairy cow cubicles	Horton Grange Farm Horton-in-Craven
3/2014/0089/P	Single Storey rear extension. Part conversion of garage to create toilet	65 Moorland Road Langho
3/2014/0095/P	Erection of steel framed portal agricultural building as a dairy unit for 128 dairy cows	Sudells Farm, Preston Road Alston
3/2014/0090/P	Demolition of the existing timber storage and workshop unit and replacement with double garage and store area	29 Church Street Ribchester
3/2014/0120/P	Timber garage, driveway and vehicular access to Crumpax Meadows	The Old Farmhouse Crumpax Avenue, Longridge
3/2014/0125/P	Proposed alterations to increase the width of the existing site entrance (resubmission of application 3/2013/0704/P)	Salesbury Memorial Hall Ribchester Road Clayton-le-Dale
3/2014/0130/P	Erection of two storey side extension to form garage and bedroom above following demolition of existing garage	9 Coniston Close Longridge
3/2014/0140/P	Erection of attached car port between High Lea Barn and High Lea Cottage	High Lea Barn, Whins Lane Simonstone
3/2014/0157/P	Discharge of condition no 3 of planning approval 3/2013/0926/P	Church Gates 14 Sawley Road, Chatburn

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0161/P	Two storey porch at the front	Cob House Green Lane, Grindleton
3/2014/0165/P	Single storey extension and retrospective consent for use of land as Car Park	Myerscough Veterinary Group, Myerscough House, Longsight Road Clayton-le-Dale
3/2014/0166/P	Single storey rear extension	19 Paris, Ramsgreave
3/2014/0167/P	New pitched roof and stone cladding to existing double garage	Brooklands 9 Pendle Road, Clitheroe
3/2014/0168/P	Proposed single storey rear extension and ramp to front for disabled person	147 Henthorn Road Clitheroe
3/2014/0169/P	Discharge of conditions relating to roof materials, walling materials and tree protection issues	Thistle Manor Edisford Road, Clitheroe
3/2014/0170/P	Erection of 27.4m x 5.6m lean-to extension to existing 42.7m x 15.2m silage building, to house 24 cattle cubicles	Hen Gill Farm Hellifield Road Bolton-by-Bowland
3/2014/0176/P	Proposed erection of a polytunnel and erection of a mess room/ office/ store	Oak Tree Nurseries Oak Tree House Settle Road Bolton by Bowland
3/2014/0177/P	Construction of single storey wash room	Waddow Hall Girl Guide Camp, Waddow Hall Waddington Road Waddington
3/2014/0182/P & 3/2014/0264/P	Discharge of condition 3 – Landscaping, for planning application and listed building consent for formation of car park	Eaves Hall Moor Lane West Bradford
3/2014/0184/P	Discharge of Condition No.3 (precise specifications of samples of walling and roofing materials and details of any surface materials to be used etc) of planning consent 3/2013/0345/P	18 Ribblesdale Road Ribchester
3/2014/0193/P	Non-material amendment to planning consent 3/2011/0580/P to relocate a fish ladder and increase the width of a turbine building by approximately 900mm and length of the building by 400mm with double doors on the front elevation moved slightly off centre by 1m	Hole House Farm Bridge End Billington
3/2014/0207/P	Proposed change of use from dwellinghouse to bed and breakfast accommodation	58 West View Clitheroe Road, Waddington
3/2014/0209/P	Replacement of defective decorative windows at the west elevation with upgraded like for like appearance windows, essential repairs to stone window mullions and surrounds and replacement of exiting access ramp to north west porch with wheelchair access, platform lift alongside a new flight of steps	United Reformed Church Castlegate, Clitheroe

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0212/P	Proposed stable and tack room	New Chapel House Preston Road, Longridge
3/2014/0218/P	Discharge of condition no 3 – additional car parking to be marked on plan, no 4 – site desk study, no 5 – landscaping layouts and details, no 6 – external materials of planning permission 3/2013/0715/P	Belman Mill Salthill Clitheroe
3/2014/0219/P	Single storey front shower room extension	101 Ribchester Road Salesbury
3/2014/0221/P	Proposed new double garage	Kellets Farm Greenmoor Lane Knowle Green
3/2014/0231/P (LBC)	Repairs to chimney flashings, refixing loose slates, repairs to the front door stoop due to the level of Lowergate being raised, cleaning out gutters, replacing 2 no broken pieces of glass in the kitchen window, removal of 2 No modern fireplaces, replacement of a modern bathroom suite, installation of a kitchen, installation of central heating, plaster repairs following removal of modern wallpapers, redecoration of the property. Installation of a fan in the utility room as there is a fixed window, terminating with a terracotta coloured vent. Central heating is to be a wall mounted boiler in the utility room at the rear with the flue being taken out through the gable wall. Raising the level of the modern guard rail to the stairs to comply with building regulations. Installing quilt loft insulation to the flat parts of the ceiling and insulated plasterboard to the sloping sections	Dower House 41 Lowergate Clitheroe
3/2014/0244/P	Amendment to planning permission 3/2012/0357/P involving the relocation of the proposed entrance door	Memorial Hall, Castlegate Clitheroe
3/2014/0247/P	Application to discharge Condition No.3 (Materials) of planning consent 3/2013/0528	Mitchell Street Clitheroe
3/2014/0253/P	Demolition of existing car port and erection of single storey side extension and erection of first floor extension over the existing garage and proposed rear extension. Raise the roof of the existing dwelling and build walls up to full height	24 Fairfield Drive Clitheroe
3/2014/0255/P	Demolition of existing attached garage and erection of single storey extension to rear	24 Moorfield, Whalley
3/2014/0269/P	First floor bedroom extension	240 Preston Road Alston, Longridge

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0313/P	Non material amendment to planning permission 3/2013/0747/P comprising a change of house type to plot 1 from Sherbourne to Maidstone and minor changes to the roof on the Sherbourne house type	Land off Whalley Road Billington
2/2014/0328/P	Application to discharge condition no 6 of planning permission 3/2013/0738/P	11 Whinney Lane Langho
3/2014/0382/P	Non-material amendment to application 3/2014/0154/P with a reduction of a building from 3 storey to 2 storey an amendment of finished ground floor level from 76AOD to 77AOD resulting in a reduced ridge height. Number of bedrooms reduced from 10 to 8	Northcote Manor Northcote Road Langho
3/2014/1152/P	Demolition of two red-brick farm buildings and replacement with steel portal frame buildings to provide more adequate housing facilities for dairy cattle and milking equipment	Horton Grange Farm Horton

APPLICATIONS REFUSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2013/0448/P	Proposed poultry unit	Oakfield Longsight Road Clayton-le-Dale	<p>G1/ DMG1 - It would result in conditions that would have a seriously detrimental impact on the amenity of local residents and businesses by virtue of noise, odour and dust nuisance.</p> <p>ENV7, ENV13/ DME1 and DME3 - The application presents insufficient information to demonstrate that there would not be a detrimental impact on biodiversity and the trees and hedgerow on the site.</p> <p>Policy G1/ DMG1 - Inadequate information has been submitted to satisfy the LPA that the proposal is acceptable in terms of access, visibility splays, on site turning facilities and vehicle movements.</p>

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2014/0060/P	Change of use from offices to Children's Nursery	West Lodge Park Road Gisburn	Harmful to setting, significance, character and appearance of listed buildings, Gisburn Conservation Area and Gisburne Park historic park and garden because of incongruity, visual intrusiveness and conspicuousness of proposed outbuildings, structures and fencing and noise emission compromising the site's intrinsic tranquility. NPPF Paragraph 17, 131, 132 and 123, Local Plan ENV19, ENV21, ENV16 and G1 and Core Strategy DME4 and DMG1.
3/2014/0115/P	Variation of condition 2 of planning permission 3/2009/0334/P to allow the garage to be used as a gym for personal use	Blue Trees Copster Green	Policies G1 and DMG1 – Intensification of use of a residential curtilage to the detriment of the amenities of nearby residents and the character of the locality.
3/2014/0116/P	Variation of condition 2 of planning permission 3/2009/0334/P to allow the garage to be used as an annex and a gym for personal use	Blue Trees Copster Green	Policies G1 and DMG1 – Intensification of use of a residential curtilage to the detriment of the amenities of nearby residents and the character of the locality.
3/2014/0129/P	Demolition of external garage and construction of one residential bungalow	54 Whalley Road Sabden	Policy G1 – Harmful to residential amenity. Policies G1 and DME6 – Flood Zone 3 development.
3/2014/0195/P	Retrospective application for 1800mm high fence around the side and rear garden adjacent to public footpath	98 Durham Road Wilpshire	Policy G1/ DMG1 – visual amenity and NPPF poor design.

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2014/0222/P	Single storey extension to side of bungalow to provide dining room and extend kitchen	1 Scott Avenue Simonstone	G1, H10, SPG/ DMG1 and DMH5 - Overbearing, oppressive, and loss of outlook – detrimental to residential amenity.

OBSERVATIONS TO ANOTHER LOCAL AUTHORITY

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0232/P	Proposed erection of new building for business purposes associated with use of live/work unit for Mr Charles Hughes – observations to Craven District Council	Stepping Stones Forest Becks Brow Wigglesworth

PROPOSED LARGER HOME EXTENSION NOTIFICATION WHERE PRIOR APPROVAL WILL **NOT** BE NECESSARY.

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0159/P	Single storey extension to rear to replace existing conservatory extending beyond the rear wall of the original dwelling 5.17m built to a maximum height of 3.48m and an eaves height of 2.6m	5 The Woodlands Brockhall Village Old Langho

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 PARTS 6 & 7 PRIOR NOTIFICATION OF AGRICULTURAL AND FORESTRY BUILDINGS AND ROADS PRIOR APPROVAL REQUIRED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0210/P	Proposed portal frame agricultural building for livestock	Steelands Farm Grindleton

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 PARTS 6 & 7 PRIOR NOTIFICATION OF AGRICULTURAL AND FORESTRY BUILDINGS AND ROADS PRIOR APPROVAL **NOT** REQUIRED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0243/P	Extension to existing agricultural building to form covered silage store	New Laithe Farm Settle Road Bolton-by-Bowland

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0389/P	Single detached full open market dwelling on land at Spread Eagle Farm, Barrow	Spread Eagle Farm Clitheroe Road, Barrow

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0394/P	Demolition of the Moorcock Inn, Slaidburn Road, Waddington and erection of three detached dwellings, three detached double garages with annex accommodation over and garden/landscaped areas	Moorcock Inn Slaidburn Road Waddington
3/2013/0841/P	Outline application for four dwellings	Land adjacent The Dene Hurst Green
3/2013/1052/P	Reserved matters application for appearance, landscaping layout and scale for the erection of one dwelling following demolition of outbuilding	Land adjacent Whitecroft Kayley Lane, Chatburn
3/2014/0009/P	Demolition of existing garage and erection of 2 bed house in vacancy garden area – resubmission	Vacant garden area at 10 Fairsnape Avenue Longridge
3/2014/0039/P	Two detached dwellings and associated garaging	Land adjacent barn Billington
3/2014/0056/P	15 affordable dwellings to meet local needs	Land off Parsonage Avenue Ribchester
3/2014/0103/P	Renewal of consent 11/0093	Depot – land off Dixon Road Longridge
3/2014/0136/P	Erection of single retail unit including parking and improvement to existing access	Land adjacent Myerscough Smithy Road Mellor Brook
3/2014/0171/P	Raising of wall plate to facilitate attic conversion, demolition of single storey flat roof extension and erection of new building dwelling	128 Whalley Road Langho
3/2014/0174/P	Conversion of barn to three dwellings with detached garages, creation of garden areas, replacement garage for farmhouse and installation of package treatment plant	Little Dudlands Farm Rimington Lane Rimington
3/2014/0239/P	3 detached residential dwellings	Land off Highfield Drive Longridge
3/2014/0248/P	Formation of new office adjacent main entrance at location of previously refurbished staff toilets, creation of new head teachers office and chaplaincy	Brennands Endowed Primary School Slaidburn
3/2014/0252/P	Two storey extension	Happy Cottage Lovely Hall Lane Salesbury
3/2014/0256/P	Proposed conversion of agricultural barn to holiday let and for tourism activities	Duddle House Farm Clitheroe Road, Dutton
3/2014/0260/P	Demolition of attached garage and rear porch area to create the space for a single storey rear extension and detached annex	77 Mitton Road Whalley
3/2014/0267/P	Creation of vehicular access	14 Nowell Grove Read

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0270/P	Proposed detached dwelling within the curtilage of Glenburn	Glenburn Whalley Road, Billington
3/2014/0317/P	Siting of new LPG tank/protective fencing within demise of the White Bull's car park	White Bull Hotel Main Street, Gisburn

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	6/12/12	57	Protracted negotiations ongoing
3/2013/0737	Hansons Garden Centre Whalley Road Barrow	13/2/14	43	With Applicants Solicitor
3/2013/0771	Land off Middle Lodge Road Barrow	13/2/14	102	With Applicants Solicitor for signature
3/2014/0981	Land at Chatburn Road Clitheroe	13/2/14	23	With Agent
3/2013/0691	Elmridge Farm Elmridge Lane Chipping	13/2/14	4	With Applicants Solicitor
3/2013/0440	Land R/O Pendle Street East Sabden	10/4/14	17	With Agent
<u>Non Housing</u>				
3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures, draft 106 received from Lancashire County Council

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Time from First Going to Committee to Decision</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2013/0747	Land at Whalley Road Billington	7/11/13	20 weeks	56	28/3/14
3/2012/0379	Primrose Mill Woone Lane Clitheroe	16/8/12	85 weeks	14	3/4/14
3/2012/0942	Land at Higher Standen Farm & part	12/12/13	18 weeks	1040	17/4/14

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Time from First Going to Committee to Decision</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2013/0161	Littlemoor Farm Clitheroe Strawberry Fields Main Street Gisburn	7/11/13	26 weeks	11	8/5/14

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)	Appeal Allowed 20/02/14 Partial costs awarded to appellant
3/2013/0099 Undetermined	20/05/13	land to the west of Whalley Road, Barrow	changed to Hearing	05/11/13 2 days	Appeal Allowed 22/04/14
3/2013/0447 R	21/10/13	Bleak House, Kemple End, Stonyhurst	WR		Appeal dismissed 06/02/14
3/2013/0378 R	09/12/13	1 2 and 3 Greendale View, Grindleton	WR		Awaiting decision
3/2013/0909 R	02/01/14	9 Manor Road, Whalley	HH		Appeal dismissed 3/02/14
3/2013/0703 R	07/01/14	Goose Chase Preston Road, Ribchester	HH		Appeal dismissed 10/02/14
3/2013/0793 R	07/01/14	Great Mitton Hall Mitton Road Mitton	HH		Appeal allowed 06/02/14
3/2013/0578 R	06/02/14	Wolfen Hall Chipping	LB		Awaiting decision
3/2013/1013 R	20/02/14	Neddy Barn Billington	HH		Appeal allowed 31/03/14
3/2013/0848 Condition	20/02/14	7 Church Close Mellor	WR		Awaiting decision
3/2013/0201 R	14/04/14	129 Whalley Road Sabden	HH		Awaiting decision
3/2014/0064 R	16/04/14	14 Green Park Whalley	HH		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>
3/2013/1060 R	23/04/14	70a Downham Road Chatburn	HH		Awaiting decision
3/2013/0445 R	29/04/14	Higher Flass Farm	Hearing		Statement due 10th June
3/2013/1048 R	07/05/14	Holmes Cottage Clitheroe	HH		Awaiting decision