

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 10 NOVEMBER 2016  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF COMMUNITY SERVICES

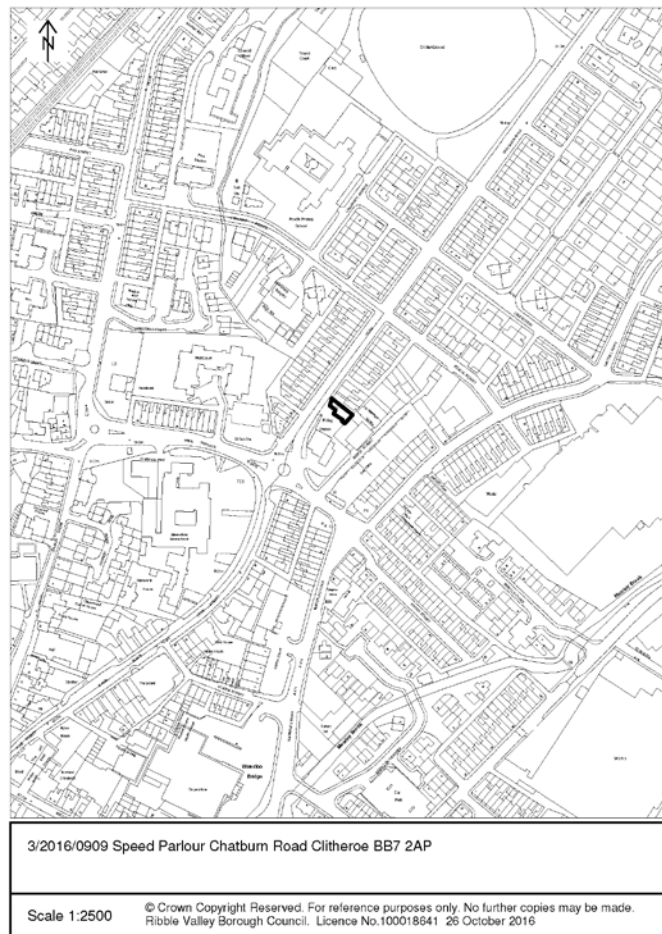
## PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

**APPLICATION REF: 3/2016/0909**

GRID REF: SD 374669 442184

### DEVELOPMENT DESCRIPTION:

PROPOSED ERECTION OF CANOPY OVER EXTERNAL DISPLAY AREA AND FENESTRATION ALTERATIONS. CLADDING OF EXTERNAL WALLS. PROPOSED CHANGE OF USE FROM CLASS A1 (FUNERAL PARLOUR) TO SUI GENERIS (MOTORBIKE SALES SHOWROOM). RESUBMISSION OF WITHDRAWN APPLICATION 3/2016/0733 WITH DESIGN AMENDMENTS AT SPEED PARLOUR, CHATBURN ROAD, CLITHEROE



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

No representations have been received in respect of the proposed development.

### **LCC HIGHWAYS:**

The Highway Development Control Section does not have any objections regarding the proposed canopy over external display area and associated works and are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

### **ENVIRONMENTAL HEALTH:**

Environmental Health has no concerns with this application.

### **ADDITIONAL REPRESENTATIONS:**

Letters of representation have been received from 13 individual households objecting to the application on the following grounds:

- Noise disturbance – Not the right type of business to operate in a residential area
- Highway safety
- A modern showroom is not in keeping with the area
- Devalue property
- Opening hours

#### **1. Site Description and Surrounding Area**

- 1.1 The application site is situated off Chatburn Road within the settlement of Clitheroe. It is located directly adjacent to a BP Petroleum Filling Station. The application relates to a 1 ½ storey pitched roof structure with a single storey flat roof element attached to the front which separates the 1 ½ storey structure from the terraced house gable which the site is attached to. The site is located within a mixed area of commercial to the East (rear) and residential to the North.

#### **2. Proposed Development for which consent is sought**

- 2.1 This application seeks full planning consent for the change of use of the building from a funeral parlour (Class A1) to a Motorbike Sales Showroom (Class Sui Generis). The proposed development includes the erection of a canopy over the front display yard; this would create 17.5m<sup>2</sup> of covered external display area. The canopy would project 6.1m from the principle elevation of the building and would have a width of 4.8m. It would be set back 1.2m from the front terrace building line. The canopy would have a flat roof with an eaves height of 2.6m and a ridge height of 3.450m. It would be supported by circular section metal columns and an open lattice roof structure, finished in a dark grey colour.
- 2.2 Fenestration and alterations are proposed to the existing building, these include the insertion of a glazed corner and alterations to the front entrance door and glazing, to create a central double door to improve access into the shop. The proposal includes the re-rendering of the existing external wall. These would be painted an off white colour with a black band plinth above the ground.

### 3. **Relevant Planning History**

**3/2016/0733:** Proposed erection of canopy over external display area and fenestration alterations. Cladding of external walls using matt aluminium. Proposed change of use from Class A1 (funeral parlour) to sui generis (motor sales showroom) (Withdrawn).

### 4. **Relevant Policies**

Ribble Valley Core Strategy:  
Key Statement DS1 – Development Strategy  
Key Statement DMI2 – Transport Considerations  
Key Statement EC1 – Business and Employment Development

Policy DMG1 – General Considerations  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport & Mobility  
Policy DMB1 – Supporting Business & Growth and the Local Economy

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Technical Guidance to National Planning Policy Framework

### 5. **Assessment of Proposed Development**

#### 5.1 **Principle of Development:**

5.1.1 The Ribble Valley Core Strategy Policies EC1 & DMB1 encourages appropriate business growth and this proposal will help to secure employment locally. The application site is located within the settlement of Clitheroe and as such the principle of the development is considered to be acceptable when assessed against the adopted development plan.

#### 5.2 **Impact upon Residential Amenity:**

5.2.1 The unit is adjoined by the BP Petroleum Filling Station to the South West. To the East (rear) is a number of small scale commercial business and to the North is a residential dwelling No. 2 Chatburn Road. The immediate area has a mixed residential and commercial use, although Chatburn Road is predominantly residential. There are a number of other commercial uses in the area which include Cycles Recycled, Park Garage and Abbey Mills Carpet & Blinds shop. On the basis that it is a mixed use area and the ability to restrict the hours of use I consider the proposal would not significantly adversely impact on adjacent residential amenities.

5.2.2 The applicant states that the current business hours are 8.30am to 5.30pm Monday to Saturday with opening on a Sunday by appointment only. I do not consider that this will cause undue disturbance to neighbouring amenity given the opening hours of the directly adjacent BP Petroleum Filling Station are 06.30am – 10.30am Monday to Sunday.

5.2.3 The proposal includes the insertion of a small bike prep workshop & store to the rear of the shop. This would be used to prep the bikes which have been delivered. This includes fixing or registration plated and other bespoke optional

manufacturers' parts to suit the customers' requirements and cleaning. The proposed works will use only non-powered or no-pneumatic hand tools and a silent hydraulic work platform. It is considered that the proposed layout and associated activities would not have any undue impact upon residential amenity of the attached residential dwelling No. 2 Chatburn Road or the commercial buildings to the rear of the property.

### 5.3 Visual Amenity/External Appearance:

5.3.1 Member will note a previous application 3/2016/0733 was withdrawn following a meeting to review the design issues identified by the Local Planning Authority. It is considered that the previously proposed development would have adversely affected the character and appearance of the existing building and surrounding area. It would have detracted from the character and the present configuration of the building. Its approval would thus have been perceived to be detrimental to the visual amenities of the application building and the surrounding area. This has subsequently been amended due to officer negotiation with the agent.

5.3.2 The amendments to the proposal included the removal of the aluminium wall cladding and the re-design of the proposed canopy. The current application is considered to be more sympathetic and responds more positively to the application building and the surrounding area.

5.3.3 The proposed canopy would be positioned to the front of the property. It would consist of a lattice roof structure which would allow views through, creating a lightweight attractive aesthetic that reflects the framework of a MC Agusta Bike. Whilst the proposal would be afforded a high level of visibility within the streetscene, it is considered that the design and appearance of the proposal would be in keeping with the character and appearance of the application property and the surrounding area and would not be considered a prominent addition.

5.3.4 In view of the above, it is considered that the proposed development would preserve the character and appearance of the application building and the surrounding area in accordance with national and local policies.

### 5.4 Highway Safety and Accessibility:

5.4.1 The application property benefits from 6 on-site parking spaces for motorcycles. Objections have been raised from nearby residents on the ground that the area is already severely congested with traffic from the BP Garage, nearby school traffic, pedestrians and children going to and from the three schools in the area.

5.4.2 The County Highways Officer has raised no objection to the application on highway grounds, and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. In view of the above, it is considered that the proposal does not raise any highways concerns.

### 5.5 Economic Benefit:

5.5.1 The submitted application does not include specific details of the economic benefits of the proposed development. However, it is clear that the proposal

would bring small scale employment benefits to the area and bring people/visitors to Clitheroe.

6. **Observations/Consideration of Matters Raised/Conclusion**

- 6.1 The proposed development would be considered compatible with its location within Clitheroe and would not unduly affect the amenity of nearby occupiers. The proposal would not have a negative impact upon the visual character and appearance of the application building or the surrounding area. Accordingly, it is recommended that the application be approved.

**RECOMMENDATION:** That the application be APPROVED subject to the imposition of the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Proposed Plans – Drawing No: 5161-04B  
Proposed Elevations – Drawing No: 516-03D

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Notwithstanding the submitted details, precise specifications or samples of all external surfaces, including surfacing materials and their extents, of the development hereby permitted shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development. The approved materials shall be implemented within the development in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

4. The Motorbikes Sales Showroom use hereby approved shall only operate between the hours of 8.30 - 17.30 Monday to Saturday inclusive, and there shall be no operation on Sundays or bank holidays. There shall be no business operated from the site outside the stated operating hours.

REASON: In order to safeguard the amenity of nearby residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy, and the NPPF.

5. Unless otherwise agreed in writing with the Local Planning Authority, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the application building shall be

used as a Motorbike Sales Showroom and for no other use within Class Sui Generis as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: To ensure that the unit is used solely as a Motorbike Sales Showroom as any other use within use class Sui Generis may not be considered acceptable in the interest of amenity of the area in accordance with Policy DMG1, of the Ribble Valley Core Strategy.

6. No vehicle repairs other than minor works associated with vehicles for display or sale as contained within the Planning, Design and Access Statement (Ref: 5161 Version: 1-02 (Rev A)) shall be undertaken on this premises unless otherwise agreed in writing with the Local Planning Authority

REASON: In order to safeguard the amenity of nearby residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy, and the NPPF

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2016%2F0909](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0909)

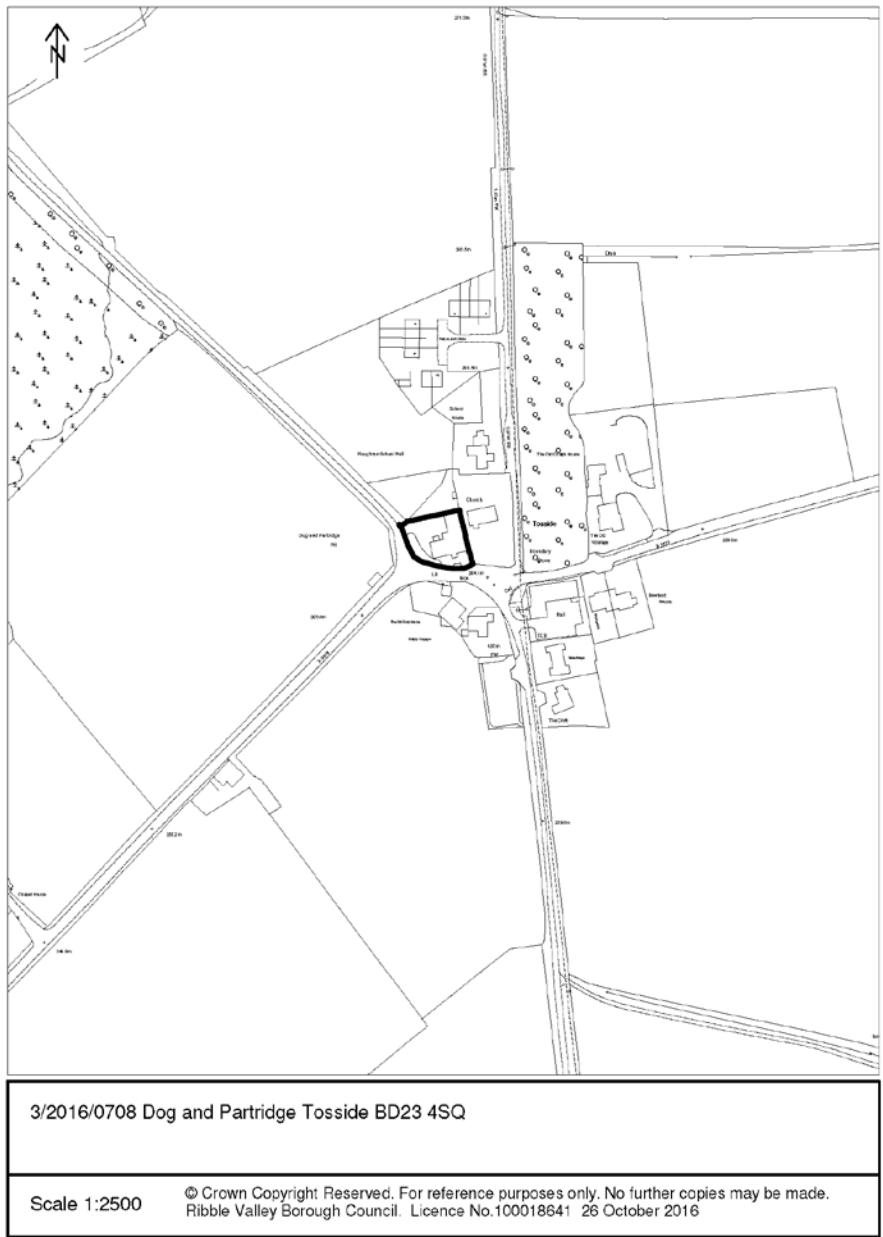
**C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL**

**APPLICATION REF: 3/2016/0708**

**GRID REF: SD 376871 455498**

**DEVELOPMENT DESCRIPTION:**

**CHANGE OF USE FROM PUBLIC HOUSE, OWNER'S LIVING ACCOMMODATION AND BED AND BREAKFAST FACILITY TO TWO DWELLINGS AT DOG & PARTRIDGE, TOSSIDE**



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **CRAVEN DISTRICT COUNCIL:**

Craven DC has no specific objections to this proposal which falls to be assessed against your own Local Plan policies and the NPPF. However, it is regretted that a leisure facility of this nature which is located within a village with very limited community assets will be lost. Craven DC would request that the case officer verifies that the application site has not been subject to a request to be listed as a community asset as set out under Part 3, Class A of the Town and Country Planning (General Permitted Development) Order 2015.

### **CONSERVATION OFFICER:**

The Dog and Partridge is a grade II listed building. The building was listed in 1984 and has a brief listing description, as was typical of the time:

*“Public house, probably late C18th. Squared watershot sandstone with stone slate roof. 2 storeys, 4 bays. Windows have plain stone surrounds. Bays 2, 3 and 4 have 2-light windows with plain stone surrounds and square mullions. The left-hand bay has a window with plain stone surround, with a window of similar appearance in cement above. At the left is a door with plain stone surround. Between bays 2 and 3 is a modern porch. Attached to the wall between bays one and 2 is a mounting block with 4 stone steps and a flagged top. The gables have copings. Chimney on right-hand gable, between bays one and 2 and between bays 3 and 4.”*  
(Historic England)

The application form provided states that the proposal does not involve works to the exterior of the building or works to any structure or object fixed to the property (or buildings within its curtilage). This does not appear to be the case from the accompanying documents. Drawing Gri/754/2103/01 depicts, on the Proposed Site Plan, a proposed curtilage boundary between Plots 1 and 2. Paragraph 4.1.6 of the Heritage Statement states that the pub signage will be removed from the building’s façade. I cannot find further details about either. Details of the size, design and materials of proposed boundary should be provided and, as it appears on the simple plan provided to attach to an existing boundary and the building, details should be provided of how it would attach. It is not known if the fabric of pub signage has significance nor is it understood how any “scars” left from the removal of the signage would be made good.

I note the listing description does not refer to the building’s interior; this is a reflection of the typical brief descriptions prepared at that time and should not imply that the interior is of no significance. The proposal includes the blocking up of three internal doorways. I would agree that, from a historic fabric point of view, this would be a harmless approach in that it would not see the loss of historic fabric and could be a reversible intervention. The proposals include the loss of a bar. It is not made clear if the bar, or indeed any other fixture or fitting associated with the bar use, comprises of any historic fabric. Paragraph 3.2 of the Planning Statement mentions that the larger of the two proposed properties would have an attic room at second floor level. This is not shown on the plans or discussed further so it is not understood what, if any, works are proposed to the attic or the access to it.

Moving away from historic fabric, heritage significance is derived from many factors. This is acknowledged in the Heritage Statement although the sources used to prepare the Heritage Statement are questionable. Information on the building’s past use is quoted from Tosside Parish Magazines of 1989 and 1990, rather than the relevant Historic Environment Record, as is required in paragraph 128 of the NPPF. The historic maps used to accompany this historic description omit the circa.1850 OS County Series Map for Yorkshire that clearly identifies the



building as the Dog and Partridge Public House, and can be readily viewed on a number of online sites. This suggests the building has a history of being known as the Dog and Partridge dating at least 160 years.

The listing description notes the use as a public house and so this is an aspect that contributes to the building's significance. The historic and current use as a pub, including a substantial time known as the Dog and Partridge, gives the building high evidential, historic and communal value, alongside its clear aesthetic value. This amounts to a building of considerable heritage significance. To remove the use from which this significance derives would cause substantial harm to the special historic interest of the building. I note that in the appeal decision APP/T2350/A/13/2193965 (*proposed change of use from public house, bike hire and dwelling to hotel, bike hire and dwelling*, 2012, dismissed), the Inspector also reaches this conclusion. Based on my own consideration of the application, I can see no reason to deviate from their findings.

In both the Heritage Statement and Planning Statement, reference is made to NPPF paragraph 134 that discusses "less than substantial harm to the significance of a designated heritage asset". I cannot agree that the tests in this paragraph should be applied because I do not share the view that the harm would be less than substantial. Rather, exceptional circumstances should be demonstrated, as required under NPPF paragraph 132, that show the substantial harm would be necessary to achieve substantial public benefits or that all of the criteria in NPPF paragraph 133 apply.

Due to the substantial harm to the significance of a grade II listed building, the applications for planning permission and for listed building consent should be refused, unless, as expected under NPPF paragraph 132, exceptional circumstances can be demonstrated as part of the consideration of the wider application that would justify the harm. Should such exceptional circumstances be demonstrated, I would advise that the lack of clarity and detail provided with the application is concerning and additional information should be supplied to overcome the identified shortcomings prior to any consent being granted.

## **HIGHWAYS:**

The Highway Development Control Section does not have any objections regarding the proposed change of use from public house, owner's living accommodation and bed and breakfast facility to two dwellings and are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

Based on the car parking recommendations in the Joint Lancashire Structure Plan and the Ribble Valley Parking Standards, the Highway Development Control Section is of the opinion that the applicant has provided adequate off road parking provision for this type and size of development.

The Highway Development Control Section is of the opinion that the existing access onto B6478 Wigglesworth Road should be stopped up to prevent vehicles using this access in the future due to the restricted sight lines. The Highway Development Control Section recommends the following conditions as part of the formal planning decision: -

1. The car parking and manoeuvring scheme to be marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter. Reason: To allow for the effective use of the parking areas.

2. The existing access shall be physically and permanently closed to vehicular traffic in accordance with a scheme to be approved by the Local Planning Authority, before first occupation : To limit the number of access points.

## **FOREST OF BOWLAND AONB PARTNERSHIP**

The Forest of Bowland Area of Outstanding Natural Beauty (AONB) is a statutory protected landscape, and as such a local authority within the Forest of Bowland AONB has a duty of care to ensure that the landscape is not affected by inappropriate development which would comprise the reason for designation. Current legislation (Section 85 of the Countryside and Rights of Way Act 2000) requires that 'in exercising or performing any functions in relation to, or so as to affect land' within the designated landscape an 'authority shall have regard to their statutory purposes'; i.e. to 'conserve and enhance the natural beauty of the area.'

The statutory Forest of Bowland AONB Management Plan 2014 – 2019 outlines an objective (2.2) to support the retention of basic rural services and amenities in villages and hamlets of the AONB: *'Promote and support rural services and socio-economic development of the area, particularly where such activity helps to conserve and enhance the AONB's natural beauty'*. The proposed change of use from public house to two dwellings would result in the loss of a key village amenity for local residents.

Additionally, the Management Plan outlines an objective (2.4) regarding sustainable tourism development which seeks to: *'Develop, co-ordinate and effectively promote sustainable tourism activity within the AONB'*; with a linked action (2.4i) to *'Support opportunities to develop and promote Gisburn Forest and Stocks as a destination for cycling, walking and riding'*. The proposed change of use from public house to two dwellings would result in the loss of potential tourism business development to provide food and accommodation for visitors to Gisburn Forest and Stocks.

For these reasons, the Forest of Bowland AONB Partnership does not recommend the proposed change use to two dwellings.

## **ADDITIONAL REPRESENTATIONS:**

Five individual objections, two letters of support and a petition with 150 signatures (against the proposal) have been received, these are summarised below:

### **Objections:**

- Loss of pub will be detrimental to the village, loss of important social amenity.
- The bar in the community hall is not taking away business and only opens on Sunday evenings because the pub is closed.
- It is incorrect to state that the Old Vicarage Tea Room is one of the reasons the pub is not viable.
- The owners have made no attempt to run the pub as a village pub. They tried to sell it very overpriced when even they admit it is not viable. At a realistic price it would make a great business for someone. I own and run the tea room next door and there is lots of trade in the village if they only open the doors.
- Loss of the social amenity that a well run pub gives to a village
- Detrimental effect on local businesses
- Loss of employment opportunities
- Detrimental effect on rural tourism

- Incorrect to claim that there is no viable alternative use for this Public House other than conversion into residential properties
- Lack of substantial evidence to show that there is no longer a need for the pub.
- The current owners gradually reduced facilities closed more often and appeared to alienate some customers. Once the pub has gone no one else can have the chance to make an effort to revive it.
- Local opinion is that that this is a 'carefully managed failure' of what was and still could be a viable public house for the purpose of making a substantial profit through development.
- Proposal is contrary to section 3 'supporting a prosperous rural economy' and section 8 'promoting healthy communities' of the NPPF.
- The analysis of the economic profile of the Forest of Bowland demonstrates market growth which has not been drawn upon by the current owners of the pub.
- In the right hands, there is every likelihood that the D&P could be made commercially viable, see CAMRA's Public House Viability Test.
- There is insufficient evidence of a comprehensive marketing campaign at a sensible price, the application should be refused and not be reconsidered before such a campaign has taken place.
- Proposal is contrary to policies DMG1, DMG2, DMH4-10.21.1 and DMB1 of the Core Strategy.

Support:

- I am hardly surprised that the pub is no longer viable, at least the two houses would be in keeping rather than the proposed new build which is not proportionate or in keeping and will ruin the village.
- The owners have tried hard to make a viable going-concern of the business whilst operating against the backdrop of a particularly difficult economic climate. I would much prefer to see the building being converted and used for some other purpose rather than it being boarded-up and standing derelict, which seems another highly likely option in the current economic climate.

1. **Site Description and Surrounding Area**

- 1.1 The proposal site is the Dog and Partridge, which is a Grade II Listed, late 18<sup>th</sup> Century public house located within the centre of Tosside hamlet. It is immediately adjoined by the west gable (with open stone bellcote) of the mid to late 18<sup>th</sup> Century Church of St Bartholomew. This building is also Grade II Listed. The site is prominently located in an elevated position within the landscape and is within the Forest of Bowland Area of Outstanding Natural Beauty. A public footpath along Bailey Lane passes and offers views of the Dog and Partridge and of the Church of St Bartholomew.

2. **Proposed Development for which consent is sought**

- 2.1 Planning permission is sought for the change of use from public house, owner's living accommodation and bed and breakfast facility to two dwellings. Listed building consent is also sought for internal works consisting of the blocking up of three doors

3. **Relevant Planning History**

3/2004/0323 - Demolition and rebuilding of restaurant with first floor accommodation over. Alterations to lean-to toilets and construction of bottle store - Approved 16.06.2004

3/2004/0611 Removal of part external stone skin on front and rebuilding, first floor extension with pitched roof, new lean-to extension to provide bottle store and other minor alterations listed building consent - Approved 12.04.2004

3/2005/282 - Planning permission and 3/2005/0283 Listed building consent. Single storey porch - Approved 06.05.2005

3/2008/0196 - Change of use of part of existing ground floor to mountain bike storage and service area - Approved 28.04.2008

3/2012/0729 - Proposed change of use from Public House, bike hire and dwelling to Hotel, bike hire and dwelling – Refused 18.01.2013. Appeal Dismissed 25.07.2013

#### 4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN2 - Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN5 – Heritage Assets

Key Statement H1 – Housing Provision

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME4 – Protecting Heritage Assets

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3 – Recreation and Tourism Development

Policy DMH3 – Dwellings in the Open Countryside and the AONB

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

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

Technical Guidance to National Planning Policy Framework

#### 5. **Assessment of Proposed Development**

- 5.1 The applicant has submitted a detailed Planning Statement, a Heritage Asset Statement and a confidential statement on financial matters, in support of the current planning application. The main issues relate to the principle of the proposed development, the viability of the existing use of the site, the impact of the proposal on the heritage asset and the AONB, the effect upon nearby residents and the impact on the highway.

#### 5.2 **Principle of Development:**

- 5.2.1 The NPPF states that the planning system should take account of the different roles and character of different areas recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Planning policies should support economic growth in rural areas in order to

create jobs and prosperity by taking a positive approach to sustainable new development.

- 5.2.2 To promote a strong rural economy, local and neighbourhood plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- 5.2.3 Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 5.2.4 Key Statement DS1: Development Strategy identifies Tosside as a 'Tier 2' settlement, and states that new development will need to meet proven local needs or deliver regeneration benefits.
- 5.2.5 Policy DMH4 states that planning permission will only be granted for the conversion of buildings to dwellings where there would be no materially damaging effect on the landscape qualities of the area, where there would be no detrimental effect on the rural economy and where the proposals are consistent with the conservation of the natural beauty of the area.
- 5.2.6 Policy DMG1 sets out the general consideration which must be taken into account in the determination of all planning applications. Such considerations include the nature of the proposed use and the protection and enhancement of heritage assets and their settings.
- 5.2.7 Policy DMG2 state that development should be in accordance with the core strategy development strategy and should support the spatial vision. Within 'Tier 2' villages, such as Tosside, the development must meet at least one of the following considerations:
1. It should be essential to the local economy or social well being of the area.
  2. It is needed for the purposes of forestry or agriculture.
  3. It is for local housing needs which meets an identified need and is secured as such.
  4. It is for small scale tourism or recreational developments appropriate to a rural area.
  5. It is for small scale uses appropriate to a rural area where a local need or benefit can be demonstrated.
  6. It is compatible with the enterprise zone designation.
- 5.2.8 Policy DMB1 states that proposals for the conversion of sites with employment generating potential for alternative uses will be assessed with regard to the following criteria:
- The provisions of policy DMG1
  - The compatibility of the proposal with other plan policies
  - The environmental benefits to be gained by the community

- The economic and social impact caused by loss of employment opportunities to the borough
- Any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence) that the property/business has been marketed for business use for a minimum of six months or information that demonstrates to the Council's satisfaction that the current use is not viable for employment purposes.

5.2.9 Significant local objection has been submitted to the proposed change of use of the public house to two dwelling houses in the form of a 150 person petition and 5 objections. The content of these is noted. It is also noted that whilst Craven District Council have not objected to the proposal, they have stated that it is regretted that a leisure facility of this nature, which is located within a village with very limited community assets will be lost.

5.2.10 It is accepted that principle of residential development within a Tier 2 settlement such as Tosside may be acceptable providing that it is in accordance with the Core Strategy. However, in this case the proposal will result in the loss of the public house as a community facility within the village. The applicant has provided a detailed Planning Statement in which they have stated that the proposal is in accordance with the relevant policies of the Core Strategy and that the application site is not the only community facility available to the residents of Tosside, with reference made to the community hall, The Crowtrees Inn at Crowtrees Holiday Park and the Old Vicarage Tea Rooms, and has advised that these draw custom away from the application site.

5.2.11 However, in consideration of the previous appeal relating to the application site the Planning Inspector had clear regard to these facilities, but considered that in terms of the potential loss of a community facility, public houses have long provided the central focus to village life and are highly valued for this community function especially in widely dispersed rural areas such as this. Their role is parallel but different to that of the village church, and here they are located adjacent. This remains the case for the current application. The proposed development would result in the loss of one of very few community facilities in Tosside, which would be contrary to policies DMH4, DMG1, DMG2, DMB1 and the NPPF in that it would weaken the rural economy in this location.

5.1.12 It is acknowledged that the proposal would result in two new dwellings. However, the Ribble Valley Borough Council's Housing Land Availability Scheme (HLAS) April 2016 states that the Council has an existing 5.36 year supply. In accordance with the advice in paragraphs 11 and 12 of NPPF, it follows that the application must be determined in accordance with the up to date development plan unless material considerations indicate otherwise. The proposed development is contrary to the development plan and therefore the starting point is that it should be refused, unless material considerations indicate otherwise. There are no material considerations that would overcome the harm that would be caused and therefore on balance, it is recommended that planning permission should be refused.

## 5.2 Impact on the Listed Building (Heritage Asset):

5.2.1 The NPPF states that when determining the impact on the significance of a heritage asset great weight should be given to the assets conservation. The

more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

- 5.2.2 Key Statement EN5 states that there will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place; and to wider social, cultural and environmental benefits.
- 5.2.3 Policy DME4 states that alterations or extensions to listed buildings or development proposals on sites within their setting which cause harm to the significance of the heritage asset will not be supported. In addition, any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances exist.
- 5.2.4 The applicant has noted that within the previous application 3/2012/0729 for the change of use from a public house to a hotel, bike hire and dwelling the local planning authority did not raise an objection to the loss of the function of the listed building as a public house. However, he notes that the Planning Inspector, in her subsequent appeal decision, did cite this as a reason for dismissing the appeal. She described the Dog and Partridge pub as, “....one of the most prominent buildings in Tosside; it sits at its heart in an attractive roadside setting, close to the church, the community centre and the historic stone marker at the central road junction. In this context, it is a designated heritage asset of considerable significance; both due to its architectural interest and its traditional function within the settlement.”
- 5.2.5 The applicant appears to disagree with this conclusion. However, in commenting on the current application the Conservation Officer disagrees with the applicant's assertion and highlights the fact that the listing description itself notes the use as a public house and so this is an aspect that contributes to the building's significance. The historic and current use as a pub, including a substantial time known as the Dog and Partridge, gives the building high evidential, historic and communal value, alongside its clear aesthetic value. This amounts to a building of considerable heritage significance. It is considered that to remove the use from which this significance derives would cause substantial harm to the special historic interest of the building.
- 5.2.6 The Conservation Officer has also noted that the detail provided within the Heritage Statement fails to respect the requirement set out in paragraph 128 of the NPPF, which states that information on a building's past use should be taken from the relevant Historic Environment Record. The applicant has sourced information from Tosside Parish Magazines of 1989 and 1990, which are a questionable source for accurate historic records. The historic maps which have been provided by the applicant fail to include the circa.1850 OS County Series Map for Yorkshire, which clearly identifies the building as the Dog and Partridge Public House, and can be readily viewed on a number of online sites. This suggests the building has a history of being known as the Dog and Partridge dating at least 160 years.

- 5.2.7 Furthermore, the Conservation Officer disagrees with the statement made by the applicant within both of the Heritage and Planning statements that the test in paragraph 134 of the NPPF should be applied (“less than substantial harm to the significance of a designated heritage asset”). The Conservation Officer disagrees that the harm would be less than substantial. Rather, exceptional circumstances should be demonstrated by the applicant, as required under NPPF paragraph 132. The proposal would result in substantial harm. There are no substantial public benefits that would outweigh the harm that would be caused.
- 5.2.8 It is therefore considered that the proposed change of use of the Grade II listed public house would result in substantial harm to its significance. The applicant has not demonstrated exceptional circumstances as part of the wider application that would justify the harm, relying strongly on the financial considerations/viability of the site to justify the proposal. This is considered in the following section.
- 5.2.9 Members must determine whether the proposed change of use is acceptable in terms of its impact on the heritage asset. Officer advice is that the proposed change of use is contrary to Key Statement EN5, policy DME4 and the NPPF.

### 5.3 Viability

- 5.3.1 The applicant has submitted a confidential ‘Planning Statement on Financial Matters’, which it is requested is taken into account by the Local Planning Authority in determination of the proposed change of use application. This statement sets out the trading profit and losses for the site between 2008 and April 2016, whilst operating as both Gisburn Forest Bikes Ltd and the bed and breakfast/food and drink elements of the business. Details of the bar and food takings over five weekends in June and July 2016 have also been provided. The statement concludes that, despite best efforts, considerable losses have been made over recent years throughout the operation of various aspects of the business, and the business cannot continue to operate at a loss indefinitely.
- 5.3.2 With reference to Policy DMB1, details of the previous marketing of the site for sale have also been provided. An email from an estate agent confirms that the premises were advertised for sale between 20.04.2014 and 02.11.2015. The property was advertised as an eight bedroom commercial property for offers in excess of £700,000. The applicant has advised that in response to the advertising only two expressions of interest were made, both were tentative and neither was progressed. Objectors have raised concerns with regard to the marketing campaign. However, the applicants consider that they have made appropriate and adequate attempts to sell the application site as a commercial property.
- 5.3.3 In her consideration of the appeal relating to 3/2012/0729 for the change of use from a public house, bike hire and dwelling to hotel, bike hire and dwelling the Planning Inspector had regard to financial implications. However, she did not consider that these provided a persuasive justification for the proposal to demonstrate that the listed building could not be operated on a financially viable basis. In business terms the Planning Inspector also noted that heritage assets such as this listed building are recognised to provide an added draw in particular for tourist facilities. It is considered that the same applies to the current



application and that the financial statement submitted as part of the current application does not change this position.

- 5.3.4 Para 140 of the NPPF states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
- 5.3.5 In the case of Hamsterley Hall (APP/X1355/A/14/2229201) the Planning Inspector expressly applied English Heritage Guidance (2008) in assessing the development proposal. These criteria are succinctly expressed in "The Policy":
- 5.3.6 "Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:  
(a) **It will not materially harm the heritage values of the place or its setting**  
...  
(e) sufficient subsidy is not available from any other source  
(f) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests ..."
- 5.3.7 The Inspector concluded that despite attaching significant weight to the Hall's restoration the enabling development could not be approved as such development would materially harm the setting of the Hall and associated Grade II heritage assets (the Old Lodge, entrance gates, pillars and walls). This is directly applicable and relevant to the current proposal.
- 5.3.8 In this case Members must determine whether the enabling of the proposed development, which the applicant argues would secure its optimum viable use and prevent it from deteriorating in condition due to lack of finances for necessary maintenance, would outweigh the material harm to value of this heritage asset and its setting. Members are reminded that the avoidance of loss of a heritage asset does not mean that any enabling development is acceptable. Officer advice is that the proposal is contrary to advice contained in paragraph 140 of NPPF, Core Strategy Key Statement EN5 and policy DME4.

#### 5.4 Impact on the Forest of Bowland AONB

- 5.4.1 Amongst other criteria Policy DMH3 states that within areas defined as open countryside or AONB on the proposals map, residential development will be limited to:
- Development essential for the purposes of agriculture or residential development which meets an identified local need.
  - The appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings.
- 5.4.2 Key Statement EN2 states that the landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. Any development will need to contribute to the conservation of the natural beauty of the area.

- 5.4.3 Within paragraph 5.3.8 of their Planning Statement, the applicant has stated that they consider the proposal to be fully compliant with Key Statement EN2 in that it would have no significant effects upon the landscape of the AONB.
- 5.4.4 The Forest of Bowland AONB Partnership has objected to the proposed change of use stating that the local authority has a duty of care to ensure that the landscape is not affected by inappropriate development which would comprise the reason for designation. The Partnership advises that an objective of the Forest of Bowland Management Plan 2014 – 2019 is to support the retention of basic rural services and amenities and villages and hamlets of the AONB and that the proposed change of use from public house to two dwellings will result in the loss of a key village amenity for local residents.
- 5.4.5 In addition, the Partnership considers that the proposal would result in a loss of potential tourism business development to provide food and accommodation for visitors to Gisburn Forest and Stocks, which is contrary to the objective 2.4 outlined in its Management Plan, which seeks to: *'Develop, co-ordinate and effectively promote sustainable tourism activity within the AONB'*; with a linked action (2.41) to *'Support opportunities to develop and promote Gisburn Forest and Stocks as a destination for cycling, walking and riding'*.
- 5.4.6 Within the 2013 appeal decision relating to the application site, the Planning Inspector agreed that the loss of the historic function of the building as a public house would result in a small degree of harm to the character and appearance of the AONB. The NPPF places great weight on conserving the scenic beauty of the AONB, and current proposal, which would result in the complete loss of the historic public house function, is considered to be in conflict with both this and the relevant Core Strategy policies.

## 5.5 Impact on Residential Amenity

- 5.5.1 NPPF paragraph 123 states 'Planning policies should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise new development, including through conditions; and recognise that development will often create some noise'.
- 5.5.2 Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.
- 5.5.3 Core Strategy policy DMG1 states that development should not adversely affect the amenities of the surrounding area.
- 5.5.4 It is considered that the proposed change of use from a public house to two dwellings would not result in any significant adverse impact on the amenity of nearby residents in terms of noise and activity. The use of the site as two dwellings would have less of an impact than the existing use.

5.5.5 Therefore, in terms of its impact on surrounding residential amenity, the proposed development is acceptable and in accordance with policy DMG1 and the NPPF.

## 5.6 Impact on the Highway

5.6.1 The NPPF states that there are three dimensions to sustainable development; economic, social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.

5.6.2 Paragraph 32 of NPPF advises that applications should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.6.3 Core Strategy Policy DMG3: Transport and Mobility states that all development proposals will be required to provide adequate car parking and servicing space in line with currently approved standards.

5.6.4 The Council's Highways Section have raised no objection to the proposed development advising that parking has been provided in accordance with the standards set out in the Joint Lancashire Structure Plan and the Ribble Valley Parking Standards. Therefore, the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site as adequate off road parking provision has been provided for this type and size of development.

5.6.5 Subject to the stopping of the existing access onto the B6478 Wigglesworth Road and the suggested conditions, it is considered that the proposed development is acceptable in terms of highway safety, and is therefore in accordance with the provisions of the NPPF and the policy DMG3.

## 6 Observations/Consideration of Matters Raised/Conclusion

6.1 Taking account of the above observations and all matters raised, it is considered that the proposed works would result in harm and detriment to the significance of the Grade II listed building, and would result in the loss of a community facility which would harm the rural economy.

6.2 It is for the above reasons and having regard to all material considerations and material matters raised that the application is recommended accordingly.

**RECOMMENDATION:** That the application be REFUSED for the following reason(s):

1. The proposal is considered contrary to the NPPF and Policies DME4, DMH3, EN5 and EN2 of the Ribble Valley Core Strategy insofar that the proposed development would fail to preserve the special historic interest of the listed public house and would, consequently, harm the character and appearance of the Forest of Bowland Area of Outstanding Natural Beauty contrary also to the advice in NPPF and policy EN2 of the Ribble Valley Core Strategy.

2. The proposal is considered contrary to the NPPF and Policies DMG1, DMG2 and DMB1 of the Ribble Valley Core Strategy insofar that the proposed development would result in the loss of a substantial proportion of the commercial floor area within this tourism and community facility, which would harm the rural economy and the vitality of the local area.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2016%2F0708](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0708)



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **CRAVEN DISTRICT COUNCIL:**

Craven DC has no specific objections to this proposal which falls to be assessed against your own Local Plan policies and the NPPF. However, it is regretted that a leisure facility of this nature which is located within a village with very limited community assets will be lost. Craven DC would request that the case officer verifies that the application site has not been subject to a request to be listed as a community asset as set out under Part 3, Class A of the Town and Country Planning (General Permitted Development) Order 2015.

### **CONSERVATION OFFICER:**

The Dog and Partridge is a grade II listed building. The building was listed in 1984 and has a brief listing description, as was typical of the time:

*“Public house, probably late C18th. Squared watershot sandstone with stone slate roof. 2 storeys, 4 bays. Windows have plain stone surrounds. Bays 2, 3 and 4 have 2-light windows with plain stone surrounds and square mullions. The left-hand bay has a window with plain stone surround, with a window of similar appearance in cement above. At the left is a door with plain stone surround. Between bays 2 and 3 is a modern porch. Attached to the wall between bays one and 2 is a mounting block with 4 stone steps and a flagged top. The gables have copings. Chimney on right-hand gable, between bays one and 2 and between bays 3 and 4.”*  
(Historic England)

The application form provided states that the proposal does not involve works to the exterior of the building or works to any structure or object fixed to the property (or buildings within its curtilage). This does not appear to be the case from the accompanying documents. Drawing Gri/754/2103/01 depicts, on the Proposed Site Plan, a proposed curtilage boundary between Plots 1 and 2. Paragraph 4.1.6 of the Heritage Statement states that the pub signage will be removed from the building’s façade. I cannot find further details about either. Details of the size, design and materials of proposed boundary should be provided and, as it appears on the simple plan provided to attach to an existing boundary and the building, details should be provided of how it would attach. It is not known if the fabric of pub signage has significance nor is it understood how any “scars” left from the removal of the signage would be made good.

I note the listing description does not refer to the building’s interior; this is a reflection of the typical brief descriptions prepared at that time and should not imply that the interior is of no significance. The proposal includes the blocking up of three internal doorways. I would agree that, from a historic fabric point of view, this would be a harmless approach in that it would not see the loss of historic fabric and could be a reversible intervention. The proposals include the loss of a bar. It is not made clear if the bar, or indeed any other fixture or fitting associated with the bar use, comprises of any historic fabric. Paragraph 3.2 of the Planning Statement mentions that the larger of the two proposed properties would have an attic room at second floor level. This is not shown on the plans or discussed further so it is not understood what, if any, works are proposed to the attic or the access to it.

Moving away from historic fabric, heritage significance is derived from many factors. This is acknowledged in the Heritage Statement although the sources used to prepare the Heritage Statement are questionable. Information on the building’s past use is quoted from Tosside Parish Magazines of 1989 and 1990, rather than the relevant Historic Environment Record, as is required in paragraph 128 of the NPPF. The historic maps used to accompany this historic description omit the circa.1850 OS County Series Map for Yorkshire that clearly identifies the

building as the Dog and Partridge Public House, and can be readily viewed on a number of online sites. This suggests the building has a history of being known as the Dog and Partridge dating at least 160 years.

The listing description notes the use as a public house and so this is an aspect that contributes to the building's significance. The historic and current use as a pub, including a substantial time known as the Dog and Partridge, gives the building high evidential, historic and communal value, alongside its clear aesthetic value. This amounts to a building of considerable heritage significance. To remove the use from which this significance derives would cause substantial harm to the special historic interest of the building. I note that in the appeal decision APP/T2350/A/13/2193965 (*proposed change of use from public house, bike hire and dwelling to hotel, bike hire and dwelling*, 2012, dismissed), the Inspector also reaches this conclusion. Based on my own consideration of the application, I can see no reason to deviate from their findings.

In both the Heritage Statement and Planning Statement, reference is made to NPPF paragraph 134 that discusses "less than substantial harm to the significance of a designated heritage asset". I cannot agree that the tests in this paragraph should be applied because I do not share the view that the harm would be less than substantial. Rather, exceptional circumstances should be demonstrated, as required under NPPF paragraph 132, that show the substantial harm would be necessary to achieve substantial public benefits or that all of the criteria in NPPF paragraph 133 apply.

Due to the substantial harm to the significance of a grade II listed building, the applications for planning permission and for listed building consent should be refused, unless, as expected under NPPF paragraph 132, exceptional circumstances can be demonstrated as part of the consideration of the wider application that would justify the harm. Should such exceptional circumstances be demonstrated, I would advise that the lack of clarity and detail provided with the application is concerning and additional information should be supplied to overcome the identified shortcomings prior to any consent being granted.

## **HIGHWAYS:**

The Highway Development Control Section does not have any objections regarding the proposed change of use from public house, owner's living accommodation and bed and breakfast facility to two dwellings and are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

Based on the car parking recommendations in the Joint Lancashire Structure Plan and the Ribble Valley Parking Standards, the Highway Development Control Section is of the opinion that the applicant has provided adequate off road parking provision for this type and size of development.

The Highway Development Control Section is of the opinion that the existing access onto B6478 Wigglesworth Road should be stopped up to prevent vehicles using this access in the future due to the restricted sight lines. The Highway Development Control Section recommends the following conditions as part of the formal planning decision: -

1. The car parking and manoeuvring scheme to be marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter. Reason: To allow for the effective use of the parking areas.

2. The existing access shall be physically and permanently closed to vehicular traffic in accordance with a scheme to be approved by the Local Planning Authority, before first occupation : To limit the number of access points.

## **FOREST OF BOWLAND AONB PARTNERSHIP**

The Forest of Bowland Area of Outstanding Natural Beauty (AONB) is a statutory protected landscape, and as such a local authority within the Forest of Bowland AONB has a duty of care to ensure that the landscape is not affected by inappropriate development which would comprise the reason for designation. Current legislation (Section 85 of the Countryside and Rights of Way Act 2000) requires that 'in exercising or performing any functions in relation to, or so as to affect land' within the designated landscape an 'authority shall have regard to their statutory purposes'; i.e. to 'conserve and enhance the natural beauty of the area.'

The statutory Forest of Bowland AONB Management Plan 2014 – 2019 outlines an objective (2.2) to support the retention of basic rural services and amenities in villages and hamlets of the AONB: *'Promote and support rural services and socio-economic development of the area, particularly where such activity helps to conserve and enhance the AONB's natural beauty'*. The proposed change of use from public house to two dwellings would result in the loss of a key village amenity for local residents.

Additionally, the Management Plan outlines an objective (2.4) regarding sustainable tourism development which seeks to: *'Develop, co-ordinate and effectively promote sustainable tourism activity within the AONB'*; with a linked action (2.4I) to *'Support opportunities to develop and promote Gisburn Forest and Stocks as a destination for cycling, walking and riding'*. The proposed change of use from public house to two dwellings would result in the loss of potential tourism business development to provide food and accommodation for visitors to Gisburn Forest and Stocks.

For these reasons, the Forest of Bowland AONB Partnership does not recommend the proposed change use to two dwellings.

## **ADDITIONAL REPRESENTATIONS:**

Five individual objections, two letters of support and a petition with 150 signatures (against the proposal) have been received, these are summarised below:

### **Objections:**

- Loss of pub will be detrimental to the village, loss of important social amenity.
- The bar in the community hall is not taking away business and only opens on Sunday evenings because the pub is closed.
- It is incorrect to state that the Old Vicarage Tea Room is one of the reasons the pub is not viable.
- The owners have made no attempt to run the pub as a village pub. They tried to sell it very overpriced when even they admit it is not viable. At a realistic price it would make a great business for someone. I own and run the tea room next door and there is lots of trade in the village if they only open the doors.
- Loss of the social amenity that a well-run pub gives to a village
- Detrimental effect on local businesses
- Loss of employment opportunities
- Detrimental effect on rural tourism
- Incorrect to claim that there is no viable alternative use for this Public House other than conversion into residential properties



- Lack of substantial evidence to show that there is no longer a need for the pub.
- The current owners gradually reduced facilities closed more often and appeared to alienate some customers. Once the pub has gone no one else can have the chance to make an effort to revive it.
- Local opinion is that that this is a 'carefully managed failure' of what was and still could be a viable public house for the purpose of making a substantial profit though development.
- Proposal is contrary to section 3 'supporting a prosperous rural economy' and section 8 'promoting healthy communities' of the NPPF.
- The analysis of the economic profile of the Forest of Bowland demonstrates market growth which has not been drawn upon by the current owners of the pub.
- In the right hands, there is every likelihood that the D&P could be made commercially viable, see CAMRA's Public House Viability Test.
- There is insufficient evidence of a comprehensive marketing campaign at a sensible price, the application should be refused and not be reconsidered before such a campaign has taken place.
- Proposal is contrary to policies DMG1, DMG2, DMH4-10.21.1 and DMB1 of the Core Strategy.

Support:

- I am hardly surprised that the pub is no longer viable, at least the two houses would be in keeping rather than the proposed new build which is not proportionate or in keeping and will ruin the village.
- The owners have tried hard to make a viable going-concern of the business whilst operating against the backdrop of a particularly difficult economic climate. I would much prefer to see the building being converted and used for some other purpose rather than it being boarded-up and standing derelict, which seems another highly likely option in the current economic climate.

1. **Site Description and Surrounding Area**

- 1.2 The proposal site is the Dog and Partridge, which is a Grade II Listed, late 18<sup>th</sup> Century public house located within the centre of Tosside hamlet. It is immediately adjoined by the west gable (with open stone bellcote) of the mid to late 18<sup>th</sup> Century Church of St Bartholomew. This building is also Grade II Listed. The site is prominently located in an elevated position within the landscape and is within the Forest of Bowland Area of Outstanding Natural Beauty. A public footpath along Bailey Lane passes and offers views of the Dog and Partridge and of the Church of St Bartholomew.

2. **Proposed Development for which consent is sought**

- 2.1 Listed building consent is sought for the change of use from public house, owner's living accommodation and bed and breakfast facility to two dwellings. Works include the blocking up of three internal doors.

3. **Relevant Planning History**

3/2004/0323 - Demolition and rebuilding of restaurant with first floor accommodation over. Alterations to lean-to toilets and construction of bottle store - Approved 16.06.2004

3/2004/0611 Removal of part external stone skin on front and rebuilding, first floor extension with pitched roof, new lean-to extension to provide bottle store and other minor alterations listed building consent - Approved 12.04.2004

3/2005/282 - Planning permission and 3/2005/0283 Listed building consent. Single storey porch - Approved 06.05.2005

3/2008/0196 - Change of use of part of existing ground floor to mountain bike storage and service area - Approved 28.04.2008

3/2012/0729 - Proposed change of use from Public House, bike hire and dwelling to Hotel, bike hire and dwelling – Refused 18.01.2013. Appeal Dismissed 25.07.2013

3/2016/0708 - Change of use from public house, owner's living accommodation and bed and breakfast facility to two dwellings. – Pending decision

#### 4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement EN5 – Heritage Assets  
DMB1 - Supporting Business Growth and the Local Economy  
Policy DME4 – Protecting Heritage Assets  
Policy DMG1 – General Considerations

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Technical Guidance to National Planning Policy Framework

#### 5. **Assessment of Proposed Development**

5.1 The applicant has also submitted an application for planning permission for the change of use of the host premises to two dwellings. In support of both applications a Heritage Asset Statement, a Planning Statement and a confidential statement on financial matters, have been submitted. The main issues for consideration as part of this application are viability and the impact of the proposal on the designated heritage asset. The listing description is as follows:

5.2 Public house, probably late C18th. Squared watershot sandstone with stone slate roof. 2 storeys, 4 bays. Windows have plain stone surrounds. Bays 2, 3 and 4 have 2-light windows with plain stone surrounds and square mullions. The left-hand bay has a window *with plain stone surround, with a window of similar appearance in cement above. At the left is a door with plain stone surround. Between bays 2 and 3 is a modern porch. Attached to the wall between bays one and 2 is a mounting block with 4 stone steps and a flagged top. The gables have copings. Chimney on right-hand gable, between bays one and 2 and between bays 3 and 4.*

#### 5.3 **Viability**

5.3.1 The applicant has submitted a confidential 'Planning Statement on Financial Matters', which it is requested is taken into account by the Local Planning Authority in determination of both applications. This statement sets out the trading profit and losses for the site between 2008 and April 2016, whilst operating as both Gisburn Forest Bikes Ltd and the bed and breakfast/food and drink elements of the business. Details of the bar and food takings over five

weekends in June and July 2016 have also been provided. The statement concludes that, despite best efforts, considerable losses have been made over recent years throughout the operation of various aspects of the business, and the business cannot continue to operate at a loss indefinitely.

- 5.3.2 With reference to Policy DMB1, details of the previous marketing of the site for sale have also been provided. An email from an estate agent confirms that the premises were advertised for sale between 20.04.2014 and 02.11.2015. The property was advertised as an eight bedroom commercial property for offers in excess of £700,000. The applicant has advised that in response to the advertising only two expressions of interest were made, both were tentative and neither was progressed. Objectors have raised concerns with regard to the marketing campaign. However, the applicants consider that they have made appropriate and adequate attempts to sell the application site as a commercial property.
- 5.3.3 In her consideration of the appeal relating to 3/2012/0729 for the change of use from a public house, bike hire and dwelling to hotel, bike hire and dwelling the Planning Inspector had regard to financial implications. However, she did not consider that these provided a persuasive justification for the proposal to demonstrate that the listed building could not be operated on a financially viable basis. In business terms the Planning Inspector also noted that heritage assets such as this listed building are recognised to provide an added draw in particular for tourist facilities. It is considered that the same applies to the current application and that the financial statement submitted as part of the current application does not change this position.
- 5.3.4 Para 140 of the NPPF states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
- 5.3.5 In the case of Hamsterley Hall (APP/X1355/A/14/2229201) the Planning Inspector expressly applied English Heritage Guidance (2008) in assessing the development proposal. These criteria are succinctly expressed in "The Policy":
- 5.3.6 "Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:  
(a) **It will not materially harm the heritage values of the place or its setting**  
(e) sufficient subsidy is not available from any other source  
(f) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests ..."
- 5.3.7 The Inspector concluded that despite attaching significant weight to the Hall's restoration the enabling development could not be approved as such development would materially harm the setting of the Hall and associated Grade II heritage assets (the Old Lodge, entrance gates, pillars and walls). This is directly applicable and relevant to the current proposal.
- 5.3.8 In this case Members must determine whether the enabling of the proposed development, which the applicant argues would secure its optimum viable use

and prevent it from deteriorating in condition due to lack of finances for necessary maintenance, would outweigh the material harm to the value of this heritage asset and its setting. Members are reminded that the avoidance of loss of a heritage asset does not mean that any enabling development is acceptable. Officer advice is that the proposal is contrary to advice contained in paragraph 140 of NPPF, Core Strategy Key Statement EN5 and policy DME4.

#### 5.4 Impact on the Listed Building (Heritage Asset):

- 5.4.1 The NPPF states that when determining the impact on the significance of a heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 5.4.2 Policy DMG1 sets out the general consideration which must be taken into account in the determination of all planning applications. Such considerations include the enhancement of heritage assets and their settings.
- 5.4.3 Key Statement EN5 states that there will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place; and to wider social, cultural and environmental benefits.
- 5.4.4 Policy DME4 states that alterations or extensions to listed buildings or development proposals on sites within their setting which cause harm to the significance of the heritage asset will not be supported. In addition, any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances exist.
- 5.4.5 The applicant has noted that within the previous application 3/2012/0729 for the change of use from a public house to a hotel, bike hire and dwelling the local planning authority did not raise an objection to the loss of the function of the listed building as a public house. However, he notes that the Planning Inspector, in her subsequent appeal decision, did cite this as a reason for dismissing the appeal. She described the Dog and Partridge pub as, "...one of the most prominent buildings in Tossie; it sits at its heart in an attractive roadside setting, close to the church, the community centre and the historic stone marker at the central road junction. In this context, it is a designated heritage asset of considerable significance; both due to its architectural interest and its traditional function within the settlement."
- 5.4.6 The applicant appears to disagree with this conclusion. However, in commenting on the current application the Conservation Officer disagrees with the applicant's assertion and highlights the fact that the listing description itself notes the use as a public house and so this is an aspect that contributes to the building's significance. The historic and current use as a pub, including a substantial time known as the Dog and Partridge, gives the building high evidential, historic and communal value, alongside its clear aesthetic value. This amounts to a building of considerable heritage significance. It is considered that to remove the use

from which this significance derives would cause substantial harm to the special historic interest of the building.

5.4.7 The Conservation Officer has also noted that the detail provided within the Heritage Statement fails to respect the requirement set out in paragraph 128 of the NPPF, which states that information on a building's past use should be taken from the relevant Historic Environment Record. The applicant has sourced information from Tosside Parish Magazines of 1989 and 1990, which are a questionable source for accurate historic records. The historic maps which have been provided by the applicant fail to include the circa.1850 OS County Series Map for Yorkshire, which clearly identifies the building as the Dog and Partridge Public House, and can be readily viewed on a number of online sites. This suggests the building has a history of being known as the Dog and Partridge dating at least 160 years.

5.4.8 Furthermore, the Conservation Officer disagrees with the statement made by the applicant within both of the Heritage and Planning statements that the test in paragraph 134 of the NPPF should be applied ("less than substantial harm to the significance of a designated heritage asset"). The Conservation Officer disagrees that the harm would be less than substantial. Rather, exceptional circumstances should be demonstrated by the applicant, as required under NPPF paragraph 132. The proposal would result in substantial harm. There are no substantial public benefits that would outweigh the harm that would be caused.

5.4.9 It is therefore considered that the proposed change of use of the Grade II listed public house would result in substantial harm to its significance. The applicant has not demonstrated exceptional circumstances as part of the wider application that would justify the harm, relying strongly on the financial considerations/viability of the site to justify the proposal.

5.4.10 Members must determine whether the proposed development is acceptable in terms of its impact on the significance of the heritage asset. Officer advice is that the proposed change of use is contrary to Key Statement EN5, policies DMG1 and DME4 and the NPPF.

## 6 **Observations/Consideration of Matters Raised/Conclusion**

6.1 Taking account of the above observations and all matters raised, it is considered that the proposed works would result in harm and detriment to the significance of the Grade II listed building.

6.2 It is for the above reason and having regard to all material considerations and material matters raised that the application is recommended accordingly.

**RECOMMENDATION:** That the application be REFUSED for the following reason(s):

1. The proposal is considered contrary to the NPPF and Policies DMG1, DME4, and Key Statement EN5 of the Ribble Valley Core Strategy insofar that the proposed development would fail to preserve the special historic interest of the listed public house.

## BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2016%2F0709](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0709)

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

**APPLICATION REF: 3/2016/0764/P**

**GRID REF: SD 373687 440694**

**DEVELOPMENT DESCRIPTION:**

**DEMOLITION OF EXISTING WORKSHOPS BUILDINGS (OTHER THAN WORKSHOP 3), CONVERSION OF WORKSHOP 3 TO PROVIDE 14 RESIDENTIAL APARTMENTS THE ERECTION OF 4 RESIDENTIAL APARTMENTS, ERECTION OF CYCLE/REFUSE STORE, LAYING OUT OF PARKING AND CIRCULATION AREAS, AND ASSOCIATED LANDSCAPING. PRIMROSE WORKS, PRIMROSE ROAD, CLITHEROE, LANCASHIRE BB7 1BS.**



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

The Town Council have no objection and ask conditions be imposed that:

- Improve the site access off Primrose Road.
- That a financial contribution towards improvement of Primrose Lodge be requested.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

LCC Highways understands that approval for site access exists under 3/2015/0266. It considers that the current private site access is not to an adoptable standard although it is acceptable for highway users. Recommends no objection subject to imposition of appropriate conditions.

### **ENVIRONMENT AGENCY:**

No response received but previously raised no objection subject to the imposition of relevant planning conditions.

### **LCC CONTRIBUTIONS:**

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 1 primary (**£13,474.53**) and 1 secondary school place (**£20,303.59**) in respect of educational provision relating to the development.

### **LCC ARCHAEOLOGY:**

No response received but previously raised no objection subject to the imposition of relevant planning conditions to secure a programme of archaeological work in accordance with a written scheme of investigation

### **UNITED UTILITIES:**

No objection subject to the imposition of relevant planning conditions regarding surface water management hierarchy.

### **RVBC ENGINEERS**

No objection subject to the imposition of relevant planning conditions.

### **ADDITIONAL REPRESENTATIONS:**

No responses but previously 5 Letters of representation were received objecting on the following grounds:

- The loss of trees.
- Inadequate parking and access.
- Increased noise disturbance.
- Safety issues relating to the existing public right of way.
- Disruption during demolition.
- Drainage and rainwater run-off.
- Inaccuracies within the application.

## 1. **Site Description and Surrounding Area**

- 1.1 The application relates to former Lodematic site located to the southern extents of Woone Lane. The site is occupied by three parallel and attached industrial workshop buildings, with smaller associated outbuildings dating from the 1800s and a detached industrial building dating from the second half of the twentieth century.
- 1.2 The application site is bounded to the north by an existing access track and public right of way (Footpath 17). Further to the north is the site of the redevelopment of the former Primrose Mill with construction still currently underway.

## 2. **Proposed Development for which consent is sought**

- 2.1 The proposal seeks consent for the demolition of 2 existing mill building and the conversion of the building to be retained to create 14 residential apartments. The submitted details also propose the erection of a two storey apartment block to provide four apartments.
- 2.2 The proposal involves associated landscaping and works to create an external parking area with the erection of a proposed cycle/refuse storage building also forming part of the proposal.
- 2.3 There is no element of Affordable Units within the scheme.

## 3. **Relevant Planning History**

3/2015/0764 Demolition of existing workshops buildings (other than workshop 3), conversion of workshop 3 to provide 14 residential apartments the erection of 4 residential apartments, erection of cycle/refuse store, laying out of parking and circulation areas, and associated landscaping. Approved with conditions

## 4. **Relevant Policies**

Ribble Valley Core Strategy (Adopted Version)

Key Statement DS1 – Development Strategy  
Key Statement DS2 – Presumption in Favour of Sustainable Development  
Key Statement EN2 – Landscape  
Key Statement EN3 – Sustainable Development and Climate Change  
Key Statement EN4 – Biodiversity and Geodiversity  
Key Statement EN5 – Heritage Assets  
Key Statement H1 – Housing Provision  
Key Statement H2 – Housing Balance  
Key Statement H3 – Affordable Housing  
Key Statement DMI1 – Planning Obligations  
Key Statement DMI2 – Transport Considerations  
Policy DMG1 – General Considerations  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport and Mobility  
Policy DME2 – Landscape and Townscape Protection  
Policy DME3 – Site and Species Protection and Conservation  
Policy DME4 – Protecting Heritage Assets  
Policy DME5 – Renewable Energy



Policy DME6 – Water Management  
Policy DMH1 – Affordable Housing Criteria  
Policy DMB4 – Open Space Provision  
Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Technical Guidance to National Planning Policy Framework  
Listed Building & Conservation Area Act.

## 5. **Assessment of Proposed Development**

### 5.1 Principle of Development

5.1.1 Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework adopted in 2012 (NPPF) is one such material consideration and whilst it does not change the legal status of the development plan, it promotes a presumption in favour of sustainable development.

5.1.2 In terms of strategic considerations, Key Statement DS1 of the recently adopted Core Strategy outlines that the majority of new housing development will be concentrated within the identified strategic site to the south of Clitheroe (Standen); and the principal settlements of Clitheroe, Longridge and Whalley.

5.1.3 Whilst the Council can demonstrate a 5 year supply of housing land (5.36 as at 31 March 2016), Members need to be reminded that it is clearly stated that a 5 year supply is a minimum figure.

5.1.4 This development, although modest in numbers would assist in meeting the need, contribute to the 5 year supply.

### 5.2 Affordable Housing Provision

5.2.1 Members will note that following recent changes resulting from legal challenges that the threshold of sites affordable housing was altered to developments of ten or less units and introduced the vacant building credit and subject to area designation. In this instance the applicant has argued that there is no longer a requirement. This was in dispute as the Councils Housing Officer considered the calculation flawed and that one unit should be provided. Following receipt of additional information and an assessment of the buildings to be demolished it has now been agreed that there is no longer a requirement for an element of Affordable Housing on the site.

### 5.3 Planning Obligations

5.3.1 Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 1 primary and 1 secondary school place.

Calculated at the current rates, this would result in a claim of:

Primary places:

(£12,257 x 0.97) x BCIS All-in Tender Price (272 / 240) (Q1-2016/Q4-2008)

= £13,474.53 per place

£13,474.53 x 1 place = **£13,474.53**

Secondary places:

(£18,469 x 0.97) x BCIS All-in Tender Price (272 / 240) (Q1-2016/Q4-2008)

= £20,303.59 per place

£20,303.59 x 1 place = **£20,303.59**

This assessment represents the current position on 12/10/2016. LCC reserve the right to reassess the education requirements taking into account the latest information available.

#### 5.4 Highways

- 5.4.1 The Highway Development Control Section does not have any objections in principle to the proposed housing development, subject to the imposition of planning conditions and providing the following observations are addressed:
- 5.4.2 The applicant has provided an acceptable Transport Statement by VTC (Highways & Transportation) Consultancy dated the 2nd February 2015. TRICS is the national standard system used to predict trip generation and analysis of various types of development. Using a typical TRICS report for a privately owned housing development, the development will generate an estimated 120 vehicular movements a day with an estimated peak flow of (11) vehicles between 17:00 and 18:00.
- 5.4.3 Using the information above the peak flow traffic generated by the new housing development will decrease the amount of peak flow traffic using Primrose Road and Woone Road and also reduce the total number of light goods vehicles, vans and HGVs visiting the site. This agrees with the findings and conclusions in the Transport Statement by VTC (Highways & Transportation) Consultancy dated the 2nd February 2015.
- 5.4.4 Based on the Joint Lancashire Structure Plan the Highway Development Control Section is of the opinion that the applicant has provided adequate off-road parking provision for this type and size of development.
- 5.4.5 The Highway Development Control Section is of the opinion that the existing available sight line from the existing private site access road onto Primrose Road and Woone Road are acceptable and as such a sight line condition is not required.
- 5.4.6 The Lancashire County Council Sustainable Travel has requested improvements to the existing site access road as part of definitive footpath 3-1-FP17 these improvements includes the surfacing of the access road for the full frontage of the site and for the landowner of the site to designate the existing access road as

a cycle route. This dedication would aid with the provision of a future cycle route from Henthorn Road to Woone Road, to aid social inclusion and the promotion of sustainable transport.

- 5.4.7 The Highway Development Control Section accepts the principle of shared access roads for this size of development but are of the opinion that the current site access is not safe for children and mobility impaired to enter and exit the site safely at the junction with Woone Road. The applicant is advised to prove the forward visibility for north bound traffic entering the private access road with an estimated 85th percentile speed of 15mph. All walls planting and fencing etc. within the forward visibility splay to be reduced to a height not more than 1m high. In the interest of highway safety, the promotion of sustainable transport and to aid social inclusion.
- 5.4.8 The Highway Development Control Section is of the opinion that the applicant should prove the existing site access with Woone Road by swept path analysis for a twin axel refuse vehicle to ensure refuse vehicle do not need to reverse back down Woone Road to serve the site as the current practice is at the detriment to highway safety.
- 5.4.9 The Highway Development Control Section is also of the opinion that the applicant should prove the car park entrance with the private access road by swept path analysis for a twin axel refuse vehicle to ensure refuse vehicles do not need to reverse back onto Woone Road at the detriment to highway safety.

## 5.5 Heritage Issues

- 5.5.1 No formal response but previously the Councils conservation offer has raised concerns in respect of the application in that they are of the opinion that the duty at section 69 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be re-visited.
- 5.5.2 The Conservation officer previously made reference to the specialist opinions to the site that consider that is area is of architectural importance and should be afforded conservation area status. It was the Conservation Officers opinion that his should be undertaken immediately because the current proposals will intrude irrevocably into the valley of the original water mills (the valley top also forms the designed curtilage boundary to Primrose House) and denude (e.g. mill manager's house) the core ensemble of its visual and architectural coherence and historic integrity.
- 5.5.3 Whilst I am mindful of previous observations made by the Conservation Officer the scheme benefits from a detailed consent and his views were taken into account and assessed against all other relevant considerations.

## 5.6 Residential & Visual Amenity

- 5.6.1 The submitted scheme in design and layout is no different from the extant consent and the relationship between the proposal and that of existing neighbouring occupiers to the north and west is no different. Taking into account the site topography and off-set distances proposed I do not consider that the proposal would be of significant detriment to the residential amenities of existing occupiers.

## 5.7 Ecology and landscaping

5.7.1 A bat survey was carried out with the original application in 2014/15 and a further survey in June 2015. The report concluded that the limited vegetation of the site not to be botanically noteworthy. It did identify some bats and recommended requirement for bat mitigation and for a licence to be obtained from Natural England. There has been no formal response from the Countryside Officer but he is now of the opinion that the information is sufficient but would still wish to obtain a biodiversity offset to contribute towards work and funding on the adjacent Primrose Lodge.

## 5.8 Employment Use

5.8.1 The proposal will see the redevelopment of an existing Brownfield site and will secure the long term retention of the main mill building through its re-use and conversion. The applicant has submitted supporting information regarding the marketing of the site which has demonstrated there has been insufficient interest in respect of securing an occupier or purchaser who would operate the site in a similar manner to that of the previous.

5.8.2 The site is largely constrained by access arrangements, with limited parking provision for staff, the internal layout and configuration of the existing buildings are also thought to be inadequate to accommodate modern work practices or requirements, with other properties currently available within the borough that offer more efficient and unconstrained work spaces.

## 5.9 Benefits

5.9.1 It is considered that the development of this site offers the following benefits:

- The proposal will assist RVBC in boosting the supply of housing in the Borough.
- The proposal would deliver some economic benefits through the creation or retention of jobs during the construction phase.
- Off-site recreational contributions of £3888 which will go towards the green gym project at the Castle.

## 6. Observations/Consideration of Matters Raised/Conclusion

6.1 Having considered all the benefits and mindful of the concern in relation to heritage assets, I still consider that a positive recommendation is appropriate. As such, it is for the above reasons and having regard to all material matters raised that I recommend accordingly.

**RECOMMENDATION:** That the application be DEFERRED AND DELEGATED to the Director of Community Services for approval following the satisfactory completion of a legal agreement (in the terms described in the developer contributions section of this report) within 3 months from the date of this Committee meeting or if the 3 month period is exceeded delegated to the Head of Planning Services in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee and subject to the following conditions:

### *Commencement of Development*

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.

### *Drawings and Plans*

2. Unless explicitly required by condition within this consent the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Proposed Site Plan Drawing: 14-105-P10 Rev C  
Proposed Floor Plans Plots 1 to 14 Drawing: 14-105-P01 Rev A  
Proposed Elevations Plots 1 to 14 Drawing: 14-105 P02  
Proposed South and East Elevations Plots 1 to 18 Drawing: 14-105-P04 Rev B  
Proposed North and West Elevations Plots 1 to 18 Drawing: 14-105-P05 Rev B  
Proposed Plans and Elevations Plots 15 to 18 Drawing: 14-105-P03 Rev D  
Cycle and Refuse Store Drawing: 14-105-P06 Rev A

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

3. Precise specifications or samples of all external surfaces, including surfacing materials of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted version).

### *Amenity*

4. Prior to the commencement of the development section details at a scale of not less than 1:20 of each elevation shall have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt the sections shall clearly detail all eaves, guttering/rain water goods, soffit/overhangs, window/door reveals and the proposed window/door framing profiles and materials. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted version).

5. Notwithstanding the submitted details, prior to the commencement of the development, section details and/or elevations at a scale of not less than 1:20 of the proposed boundary treatments/fencing, walling including any coping details shall have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted version).

### *Materials and Landscaping*

6. Notwithstanding the submitted details, prior to the commencement of the development, full details of the proposed landscaping shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the landscaping details shall indicate all trees and hedgerows identified to be retained or how those adjacent to the proposed development and/or application area/boundary will be adequately protected during construction, in accordance with BS5837: 2012 'Trees in relation to design, demolition and construction' or equivalent unless otherwise agreed. The agreed protection measures shall be put in place and maintained during the construction period of the development.

The approved landscaping scheme shall be implemented in the first planting season following first occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those original planted.

REASON: To protect trees and hedges on and adjacent to the site and to ensure the proposal is satisfactorily landscaped and appropriate to the locality in accordance with Policies DME1 and DME3 of the Ribble Valley Core Strategy (Adopted version).

### *Highways*

7. Prior to the commencement of the development, details of the car park surfacing/markings shall be submitted to and agreed in writing by the Local Planning Authority. The car parking spaces and manoeuvring areas shall be marked out in accordance with the approved details, before the use of the premises hereby permitted becoming operative.

REASON: To allow for the effective use of the parking areas in accordance with Policies DMG1, DMG3 and DMI2 of the Ribble Valley Core Strategy (Adopted version).

8. No development shall take place, including any demolition, until a Construction & Demolition Method Statement has been submitted to and approved in writing by the local planning authority has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. The loading and unloading of plant and materials
  3. The storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding
  5. Wheel washing facilities
  6. Measures to control the emission of dirt and dust during construction
  7. Details of working hours
  8. Contact details of the site manager
  9. The timing of the delivery of plant and material to site

10. A programme and timing for the mechanical sweeping of all adjacent roads during the construction and demolition phase of the development

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adoption version).

- 9 No part of the development shall be occupied until details of the forward visibility splays visibility have been approved by the planning authority and the land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the forward visibility splays in excess of 1.0 metre in height above the height at the centre line of Woone Road.

REASON: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy (Adopted Version).

10. Prior to the commencement of the development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of Woone Road. A similar survey shall be carried out within six months of the completion of the last phase of development, and the developer shall make good any damage to Woone Road to return it to the pre-construction situation.

REASON: To maintain the construction of Woone Road in the interest of highway safety in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy (Adopted Version).

- 11 The cycle facilities submitted with this application shall be implemented prior to the premises being operative and thereafter permanently maintained.

REASON: To allow for effective use of parking areas and the promotion of sustainable forms of transport and to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

#### *Heritage and Conservation*

- 12 Prior to the commencement of the demolition works on site, a methodology and schedule of works in relation to all proposed demolition shall be submitted to an agreed in writing by the Local Planning Authority. For the avoidance of doubt the submitted details shall contain a further building condition survey relating to the buildings/structures to remain on site, details regarding the method and phasing of demolition and details in respect of demolition works relating to or affecting the main mill building

The schedule and timing of works shall also include detailed proposals to ensure the structural stability of the building(s) during the course of demolition and construction of the development and include elevational and engineering details as to how the building(s) will be retained in a satisfactory and sound condition thereafter. All works shall be carried out in strict accordance with the agreed details.

REASON: To protect and conserve the buildings proposed to be retained on site and to ensure that there is no significant deterioration in the condition of the building. In accordance with Policies DMG1 and DME4 of the Ribble Valley Core Strategy (Adopted Version).

13. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

REASON: To ensure and safeguard the recording of any archaeological deposits in accordance with Policies DMG1 and DME4 of the Ribble Valley Core Strategy (Adopted Version).

#### *Contamination*

14. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
  - (a) A Desk Study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.
  - (b) If the Desk Study identifies potential contamination and ground gases, a detailed Site Investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under Part IIA of the Environmental Protection Act 1990, focusing primarily on risks to human health and controlled waters. The investigation shall address implications of the health and safety of site workers, of nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and approved in writing by the LPA prior to the site investigation survey.
  - (c) If the site investigation indicates remediation is necessary, a Remediation Statement detailing the recommendations and remedial measures to be implemented within the site shall be submitted to and approved in writing by the LPA. The remediation shall be carried out in accordance with the agreed statement and on completion of the development/remedial works, the developer shall submit a Verification Report to the LPA for approval in writing that certifies that all works were completed in accordance with the agreed Remediation Statement prior to the first occupation of the development.

REASON: To prevent pollution of ground and surface waters both on and off site and to ensure the site is suitable for its end use in accordance with Key Statement EN4 and Policies DME2, DME3 and DMG1 of the Ribble Valley Core Strategy (Adopted Version).

15. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
  - 1) A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;



- a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To assess the risk associated with the development and to ensure the site is suitable for its end use in accordance with Key Statement EN4 and Policies DME2, DME3 and DMG1 of the Ribble Valley Core Strategy (Adopted Version).

16. No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To assess the risk associated with the development and to ensure the site is suitable for its end use in accordance with Key Statement EN4 and Policies DME2, DME3 and DMG1 of the Ribble Valley Core Strategy (Adopted Version).

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To assess the risk associated with the development, to prevent the pollution of controlled waters from potential contamination on site and to ensure the site is suitable for its end use in accordance with Key Statement EN4 and Policies DME2, DME3 and DMG1 of the Ribble Valley Core Strategy (Adopted Version).

## *Ecology*

18. The bat mitigation proposals for the protection of bats as contained within the Inspection and Assessment in Relation to Bats Dated 18th June 2015 will be implemented in full, subject to any changes required by Natural England at the Licensing stage.

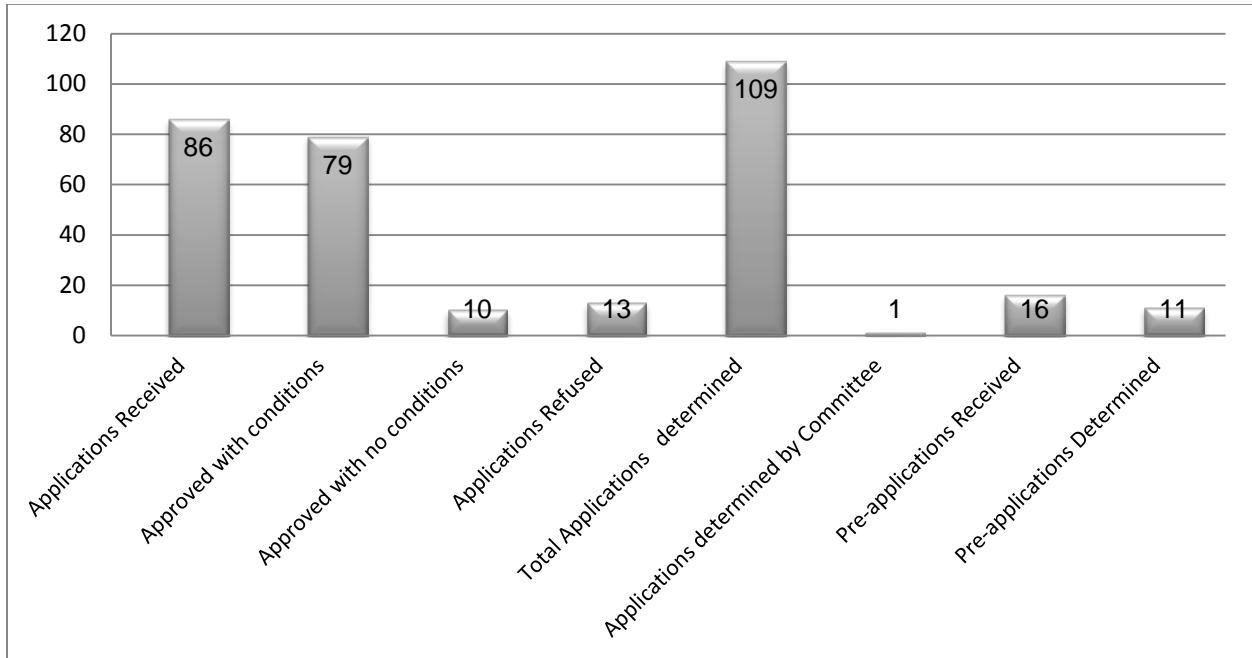
REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development in accordance with Policy DMG1 and Key Statement EN4 of the Ribble Valley Core Strategy (Adopted Version).

## BACKGROUND PAPERS

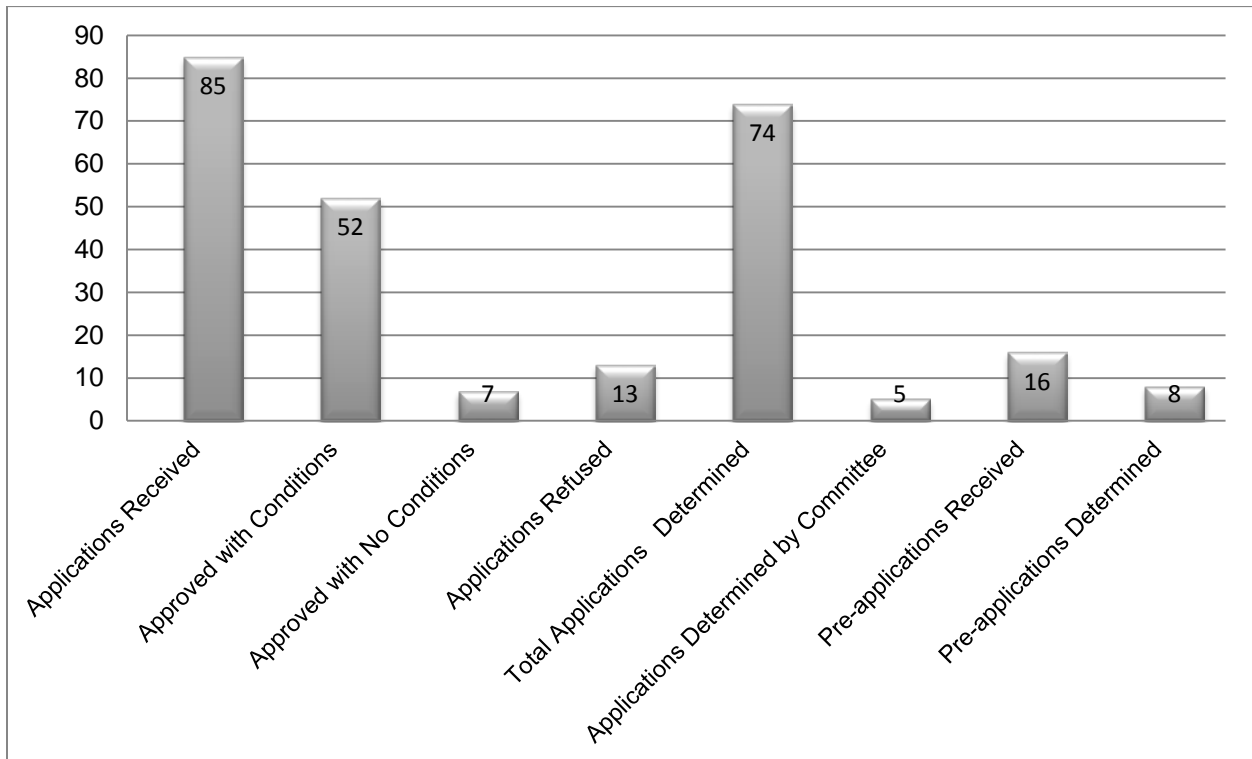
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2016%2F0764](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0764)

PLANNING APPLICATION STATISTIC REPORT

APPLICATIONS DETERMINED – 31 August to 30 September 2016



APPLICATIONS DETERMINED – 1 October 2016 to 28 October 2016



(This list does not include prior determinations, split decisions, observations to other Local Planning Authorities and other less frequent application types).

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2016/0328	15 Parker Avenue Clitheroe	15/9/16	18	With Legal

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2016/0177	Conversion of agricultural building into 2 dwellings	Higher Boyce Farm Stoneygate Lane Ribchester
3/2016/0502	Construction of 30 dwellings 16 x ¾ bed houses; 8 low cost houses and 6 x 2 bed bungalows	Land adjacent Greenfield Avenue Clitheroe
3/2016/0564	Proposed enclosed car port	26 Waddow Grove Waddington
3/2016/0774	Non material amendment to planning permission 3/2016/0106 for the remodelling of internal room layout and lean-to extension to link existing kitchen and garage already screened by parapet wall.	Lynwood Stoneygate Lane Ribchester
3/2016/0855	Replacement of garage following demolition of garage stables by storm damage	Bank House Sawley Road Grindleton
3/2016/0782	Erection of 11.4m x 18.7m agricultural livestock building	Ease Barn Farm Gallows Lane Ribchester

APPEALS UPDATE

<u>Application No and reason for appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Date of Inquiry/ Hearing if applicable</u>	<u>Progress</u>
3/2014/0697 R	29/06/15	Land adj Clitheroe Rd West Bradford	WR		Appeal Dismissed 28/09/16
3/2014/0846 R	12/08/15	Land at 23-25 Old Row Barrow	Hearing	07/09/16	Appeal Dismissed 12/10/16
3/2016/0022 R	21/04/16	1 & 2 Abbeycroft The Sands Whalley	WR		Appeal Dismissed 24/10/16
3/2015/0605 R	03/05/16	Little Snodworth Fm Snodworth Rd Langho	WR		Awaiting Decision
3/2016/0241 R	15/06/16	Field Barn Old Langho Rd Langho	WR		Awaiting Decision

<u>Application No and reason for appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Date of Inquiry/ Hearing if applicable</u>	<u>Progress</u>
3/2016/0368 R	17/08/16	Fourwinds 54 Fairfield Drive Clitheroe	WR		Appeal Allowed 24/10/16
3/2016/0393 R	13/07/16	Ellerslie House Ribchester Road Clayton le Dale	WR		Appeal Dismissed 12/10/16 Costs awarded to RVBC
	24/08/16	3 Accrington Road Whalley	WR		Awaiting Decision
3/2016/0145 R	09/08/16	Thorneyholme Whalley Road Barrow	WR		Appeal Dismissed 07/10/16
3/2016/0260 U	09/09/16	The Hay Moo Mellor Brow, Mellor	WR		Awaiting Decision
3/2015/0393 R	10/08/16	Land west of Preston Road Longridge (Grimbaldeston Fm)	Inquiry	03/05/17 to 05/05/17 (3 days)	Bespoke timetable
3/2016/0195 R	24/08/16	The Pippins 248 Preston Road Longridge	WR		Awaiting Decision
3/2016/0250 R	09/09/16	Elms House 127 Whalley Road Clitheroe	WR		Awaiting Decision
3/2016/0516 R	12/10/16	Seven Acre Bungalow Forty Acre Lane Longridge	WR		Statement due 16/11/16
3/2016/0333 R	Awaiting start date from PINS	Blue Trees Copster Green	HH (to be confirmed)		
3/2016/0459 R	Awaiting start date from PINS	10 Pendle Drive Whalley	HH (to be confirmed)		
3/2016/0655 R	28/09/16	29 Warwick Drive Clitheroe	HH		Appeal Dismissed 18/10/16
3/2016/0750 R	Awaiting start date from PINS	24 Higher Road Longridge	LB		
3/2016/0279 R	Awaiting start date from PINS	Dove Syke Eaves Hall Lane West Bradford	LB		
3/2015/0776 R	Awaiting start date from PINS	Land off Lambing Clough Ln Hurst Green	WR		

<u>Application No and reason for appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Date of Inquiry/ Hearing if applicable</u>	<u>Progress</u>
3/2015/0780 R	Awaiting start date from PINS	Timothy House Fm Whalley Road Hurst Green	WR		