

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 22 JUNE 2017  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF COMMUNITY SERVICES

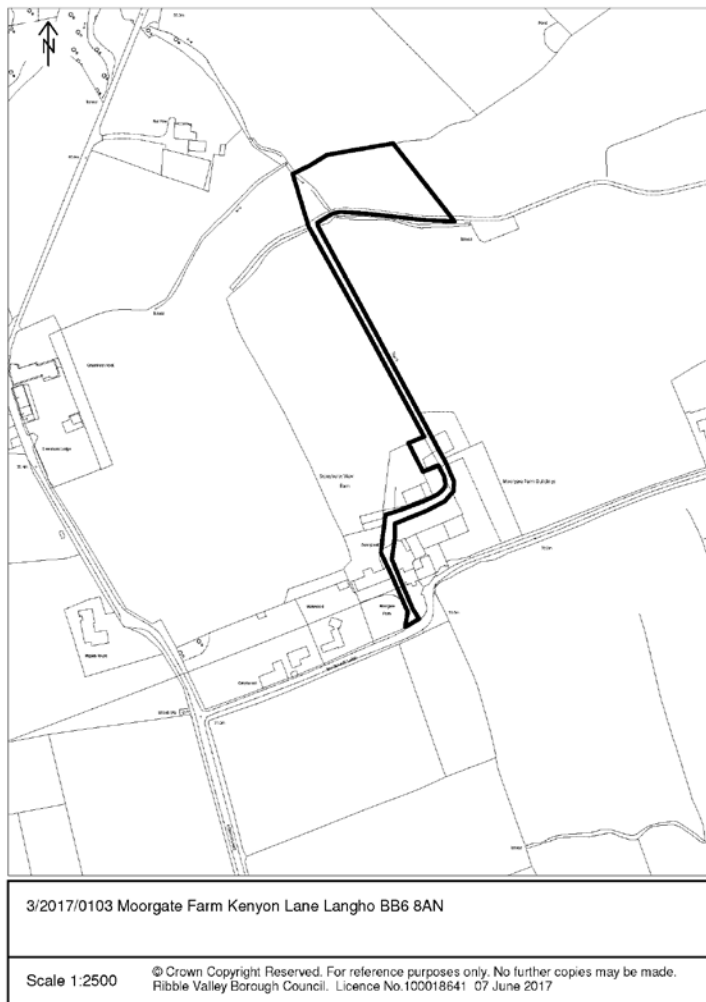
## PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

**APPLICATION REF: 3/2017/0103**

GRID REF: SD 368909 436238

### **DEVELOPMENT DESCRIPTION:**

CHANGE OF USE OF AGRICULTURAL LAND TO CAMPING FACILITY FOR EIGHT CAMPING PODS AND ASSOCIATED CAR PARK AND LANDSCAPING (RESUBMISSION OF APPLICATION 3/2016/0833) AT LAND AT MOORGATE FARM KENYON LANE LANGHO BB6 8AN



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

### **PARISH COUNCIL:**

Billington and Langho Parish Council raise no objections.

Parish Meeting of Dinckley raise the following objections:

- Landscape and visual impact assessment has limited value.
- Unacceptable impact on the tranquillity of the area.
- Contrary to Core Strategy Policies EC3 and DMG2.
- Users would be reliant on private motor vehicle to access the site.
- Proposals are not well-related to an existing settlement or group of buildings.

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

No objections.

### **LEAD LOCAL FLOOD AUTHORITY:**

No comment.

### **UNITED UTILITIES:**

None received.

### **ADDITIONAL REPRESENTATIONS:**

Objections have been received from a total of 22 separate addresses and raise the following concerns:

- The development site is visible from surrounding footpaths
- The site access and egress are dangerous
- The applicant's parents own the land and have already diversified widely into other businesses
- Request for a public meeting
- The development would create noise and light pollution
- No services and amenities in Dinckley
- Urbanisation of the countryside and harm to its character and appearance
- Harm to wildlife
- LVIA findings seem weighted in applicants favour
- House values would be reduced
- Hedge and tree planting will have no shielding benefits for at least 20 years
- Work has taken place on the proposed site since the refusal of the previous application
- Trees proposed are not native to the area
- Development would be of no local benefit and would have no employment benefits
- The site of the pods are a long way from the occupants house and accessed by a track permitted for agricultural purposes
- Design of the pods would encourage noisy activities to spill outside
- Approval of this proposal would be the 'tip of the iceberg'
- Perimeter screening will offer little protection in winter months when trees are not in leaf

- Loss of privacy and unacceptable disturbance to nearest neighbouring residents
- CASS Associates review of applicant's LVIA has been commissioned by Dinckley residents and the landscape architects view should be taken seriously
- Changes of direction and delays in determination of the application
- Amendments to parking only serves to move problem elsewhere and is not a solution
- Negative impact on the character of Dinckley
- Better sites available in locality

One letter of support has been received by Wigwam Holidays, the franchise associated with the proposed development. It is stated that the land attached to Moorgate Farm would be a unique and high quality destination and that that the proposal would not displace existing businesses.

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

- 1.1 The application site is situated in an open field location approximately 230m north of the farm complex at Moorgate Farm and would be accessed by an existing field track that travels north-north-west from Moorgate Farm for a distance of approximately 170m. The site is within the Open Countryside and around 1.5km south of the Forest of Bowland AONB.
- 1.2 The area is surrounded by countryside and the field is open and rural in character, comprising largely grazing land. There is a hedge with frequent gaps traversing the southern site boundary and some mature trees to the north of the site that are outside the applicant's ownership. Some 150m to the west of the site is Kenyon Lane which also serves as a public footpath and the River Ribble is 400m northwards. The wider area is characterised by its openness with individual farmsteads and dwellings and small clusters of built development.

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

- 2.1 The application is a re-submission of an application that was refused under delegated powers on 28 October 2016. The reasons for refusal related to the visual impact of the development, its impact on the character of the surrounding landscape and its effect on the local footpath network. The applicant sought to appeal against the Council's decision; however, the appeal was withdrawn without reason in early March 2017. This application differs insofar that it is accompanied by a Landscape Visual Impact Assessment (LVIA) and includes additional landscaping and a partial relocation of the car parking area.
- 2.2 The planning application seeks consent for the change of use of 0.56 hectares of agricultural land to a camping facility for eight camping pods with associated parking and landscaping at Moorgate Farm, Kenyon Lane, Langho. The eight timber clad arch-shaped camping pods would have a crescent arrangement. Each pod would measure 3.5m x 6.5m and would stand to a height of 3.2m and would have a bathroom which comprises a shower, WC and sink, and a kitchen and living area.
- 2.3 Each pod would be supported on a gravel base and would be connected to a water supply and electricity. There would be a sewage treatment plant installed to the south west of the site that each pod would be connected to. A car parking area would be provided to accommodate 8 vehicles on an existing hardstanding area adjacent to the group of buildings at Moorgate Farm some 200m south of the pods themselves. A drop-off space and two disabled spaces would be retained in the field location and would be

surfaced with gravel. The proposal also incorporates a comprehensive scheme of landscaping and screen planting.

3. **Relevant Planning History**

3/2016/0833 - Change of use of agricultural land to camping facility for eight camping pods and associated car park and landscaping – Refused. Appeal withdrawn.

3/2015/0004 - Part retrospective application for the construction of a farm track. Approved.

3/2014/0390 - The erection of a building for the storage and drying of wood for biomass; tractor storage; a secure workshop and office and welfare facility to be used alongside an existing agricultural contracting business. Approved.

4. **Relevant Policies**

**Ribble Valley Core Strategy**

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EC1 – Business and Employment Development

Key Statement EC3 – Visitor Economy

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 DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3 – Recreation and Tourism Development

**Other Material Considerations:**

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Practice Guidance (PPG)

5. **Assessment of Proposed Development**

5.1 The main considerations in determining this application are the principle of the development, the impact of the development on the character and visual appearance of the surrounding area, its effect on the residential amenities of neighbouring occupiers and its effect on highway safety.

5.2 **Principle of Development**

5.2.1 Core Strategy Key Statement EC3 relates specifically to the visitor economy stating that proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged and that significant new attractions will be supported in circumstances where they will deliver overall improvements to the environment and benefits to local communities and employment opportunities. The proposed development would contribute to the tourism economy and would accord with the general objectives of Key Statement EC3.

- 5.2.2 The application site is located in the Open Countryside. Core Strategy Policy DMG2 requires development outside of defined settlement areas to meet at least one of six considerations. It is considered that the proposal is for a small scale tourism development of a type that is appropriate to a rural area and therefore meets criteria 4) of Policy DMG2.
- 5.2.3 Policy DMB3 relates specifically to recreation and tourism development. Tourism and visitor attractions are generally supported subject to the meeting six criteria noted above. These are therefore the detailed considerations that are relevant to this application and that will be discussed under appropriate headings below.

### 5.3 Effects Upon the Landscape/Visual Amenity

- 5.3.1 In light of the Council's previous reasons for refusal, this application is supported by a Landscape Visual Impact Assessment (LVIA) in an effort to evidence that the proposals would not have an unduly negative impact on the character or appearance of the surrounding landscape. It identifies the landscape as having 'low' quality and 'medium' sensitivity to the introduction of new development. In terms of its impact on the character of the site, the LVIA states there would be a 'moderate adverse' impact following the introduction of the camping pods. Once the landscape mitigation proposed has established and matured after a 15 year period the proposals would have a 'moderate neutral' effect. In terms of its visual sensitivity, the LVIA acknowledges that views from a number of public footpaths would be adversely affected, most significantly public footpaths no.6 and 9 where the proposed development would have a 'moderate/substantial adverse' visual effect upon its initial completion. However according to the LVIA, once the landscape mitigation proposals have fully established after a period of 15 years the visual effects would be reduced to 'moderate/substantial neutral' and would help the proposed development assimilate into the landscape to produce a neutral visual effect.
- 5.3.2 Core Strategy Policy DMG2 is clear that in considering development proposals the most important consideration will be the protection, conservation and enhancement of the landscape and character of the area avoiding where possible habitat fragmentation. Policy DMG2 states that "within the open countryside development will be required to be in-keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, the landscaping and siting". This objective is repeated in Key Statement EN2 and the supporting text acknowledges that the Borough comprises extensive areas of open countryside much of which has an intrinsic value that contributes to the quality of the landscape in the Borough. It is therefore important to ensure development proposals do not serve to undermine the inherent quality of the landscape whether it is afforded AONB status or not.
- 5.3.3 The development site is located approximately 1.5km south of the Forest of Bowland AONB and 0.4km from the River Ribble. To the immediate north of the site land levels gradually fall towards the River Ribble by around 40m and, on the north side of the river the land rises again towards the village of Hurst Green. The application site and the surrounding area is identified as Undulating Lowland Farmland (5) in the Lancashire Landscape Character Assessment and is described as a lowland landscape that is traversed by deeply incised, wooded cloughs and gorges. There are also many mixed farm woodlands, copses and hedgerow trees and a patchwork of wood and pasture from raised viewpoints on

the fells. The area is also characterised by isolated dwellings and farmsteads. Each pod would be erected on a gravel base and would be connected to a water supply, electricity and drainage and, for all intents and purposes, would be permanent structures that would operate on a year round basis. The pods timber construction would reduce their prominence in the landscape to some extent although their arched form and design would not be reflective of local vernacular. It is considered that the use of timber materials for the proposed structures would aid in reducing their visual prominence and they would be expected to weather and blend into the natural landscape over time.

- 5.3.4 Policy DMB3 'Recreation and Tourism Development' requires development of the sort proposed to "be physically well related to an existing main settlement or village or to an existing group of buildings, except where the proposed facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available". The proposal is not required in conjunction with a particular countryside attraction and therefore this locational requirement applies in this case.
- 5.3.5 The proposed development is not physically well-related to an existing main settlement or village. The application site is detached from the existing farm buildings at Moorgate Farm by a distance of 230m across open land. Whilst it is accepted that the buildings at Moorgate Farm are a 'defined group' the application site is not particularly well-related to them physically. Nonetheless, the surrounding area is characterised by clusters of built development including Moorgate Farm and five large detached properties to the south and south-west, Greenhurst Cottages and Greenhurst Nook around 190m to the south-west-west and Fairview 65m to the north-west-west. The proposed development site would not therefore be seen in isolation but rather in the context of its surroundings which are characterised by sporadic groups of buildings including a farm complex and traditional and modern residential properties. The wording of Policy DMB3 is explicit with its aim to be to prevent visually isolated development in countryside locations which would undoubtedly result in additional visual harm. In this case, it is considered that the proposed development would not be seen in isolation from other built form but instead would be seen in the context of surrounding buildings and residential properties.
- 5.3.6 To the south the land is relatively flat and there are no unrestricted views afforded of the site from Moorgate Lane. Long distance views of the buildings at Moorgate Farm can be seen from the north at Whalley Road (B6234) when approaching the village of Hurst Green from the west, however; the application site itself is partly screened by a tree belt, seen against the background of the farm complex at Moorgate Farm and would not be conspicuous in the landscape. There are however more localised views of the site that can be gained from public footpaths that traverse the surrounding fields. There would be brief views of the site from footpaths no.9 and 11 to the north and east of the site but these are restricted by existing intervening vegetation and local topography. The site would have more prominence when seen from footpath no.6 which is located approximately 150m to the west of the site and links with the popular Ribble Way footpath to the south. There are unrestricted views of the application site from footpath no.6 however, the application proposes a scheme of hedge and tree planting to minimise visibility of the proposed development from this public vantage point.

- 5.3.7 This resubmission includes extra landscape mitigation measures in an effort to reduce the visual and landscape impact of the proposals to an acceptable level including the planting of an additional woodland area to the eastern side of the development site, the reinforcement of existing hedgerows to the north and south of the site, planting of new hedgerows and a landscape management plan.
- 5.3.8 The use of screen planting can in certain substances be required in order to dampen or soften the visual impact of development on surrounding areas. However; vegetation, even if standard plants are used, would take some years (15 years as stated within the supporting LVIA) to become effective. In spite of this it must be noted that at present open views of the development are limited to short lengths of public footpath nos.6 and 9 and the development does not require the removal of any trees or sections of hedgerow. By year 15 an appropriate scheme of landscaping would soften or completely screen views of the site.
- 5.3.9 A review of the applicant's LVIA has been submitted on behalf of the residents of Dinckley which states that the visual effects of the proposed planting would significantly change the visual outlook and character of the landscape, particularly for users of the public right of way on the sites boundaries, as views will become foreshortened and will not provide long distance views as presently exist. It recommends that hedgerows should be created, maintained or infilled in manner that reflects the landscape character and the native hedgerow mix and that tree planting should comprise native species that are in keeping with the area. The Review refers to several anomalies within the LVIA submitted in support of the planning application and concludes that the Year 15 visual effects of the development would be moderately or substantially adverse as the existing views and character of landscape would no longer exist. The applicant's landscape architect has responded in kind and has provided additional justification for the conclusions of the LVIA.
- 5.3.10 The Council's Countryside Officer is satisfied that the LVIA submitted with the planning application is adequate and comprehensive enough to determine the application. It is agreed that there would be some initial adverse impact mainly within the context of the local area, which over time through appropriate landscaping should become more modest. It is therefore considered that over the long term, taking into account the scale and mass of the proposal, the development would not change the landscape character of the area in a significantly fundamental way. It will be seen from footpaths but existing hedgerows and appropriate new planting will adequately reduce its impact.
- 5.3.11 At the request of the Council's Countryside Officer the applicant has submitted a detailed landscaping plan consisting of hedgerow gap and new hedgerow planting made up of a Lancashire hedgerow species mix and woodland planting consisting of a lowland woodland species mix and density using appropriate tree types. It is considered that the scheme of landscaping proposed is acceptable.
- 5.3.12 Concerns were raised in relation to the original car parking arrangement with the potential for a row of up to 12 parked vehicles in an open field location. Upon request the applicant has amended the site layout and has reduced and relocated parking for the pods which now caters for 8 vehicles on an existing hardstanding area adjacent to the group of buildings at Moorgate Farm some 200m south of the pods themselves. A drop-off space and two disabled spaces

would be retained in the field location and it is considered that this alteration reduces the potential visual and aural impact of the proposed development.

- 5.3.13 The provision of an electricity supply to each pod would also elicit concerns regarding external lighting. Should the application be approved an appropriately worded condition should be imposed which restricts any external lighting at the site without the express consent of the Local Planning Authority.

#### 5.4 Impact on Residential Amenity

- 5.4.1 In terms of its impact on the residential amenity of nearby residents, the nearest property, Fair View, would be located at a distance of around 65m from the development site. It is generally accepted that there is no private “right to a view” from an individual property such as Fair View. There are unhindered views from Fair View towards the proposed development, however; the proposed plans indicate some proposed screen planting along the western site boundary. Any planting would take some time to become established and deciduous trees and shrubs are likely to provide limited screening during the winter months. Nonetheless, it is considered that the intervening distance would be sufficient to avoid any loss of privacy to the occupants of Fair View so as to result in an unacceptable level of residential amenity.

- 5.4.2 With regards to noise nuisance and disturbance, the Council’s Environmental Health Officer is of the opinion that the proposals would not result in a statutory nuisance. However, it is important that the site is managed in order to limit noise levels during certain hours. The location of the site within the open countryside and away from any major transport routes where existing ambient noise levels can be very low means therefore that such activities can impact on surrounding amenity. The Council would require the submission of a satisfactory Management Plan so as to be satisfied that the site could be managed accordingly.

#### 5.5 Effects Upon Wildlife/Ecology

- 5.5.1 In terms of its impact on local wildlife and ecology, the site comprises poor semi-improved grassland bound by hedgerows to the north and south. Poor semi-improved grassland has a very low ecological value. There are a number of ponds in the locality but it is considered that they have a low value to amphibians being open and exposed. There are no badger setts or runs on site and no setts would be disturbed as a result of the proposals. The foraging habitat at the site is very poor for bat species and it is not considered there would be a significant degradation of the foraging habitat as a result of the proposal so long as the trees and hedgerows are retained or their loss compensated for.

- 5.5.2 It is recommended that the roots of hedgerows/trees are adequately protected during development. The application proposes some additional planting of linear trees which would improve the ecological value of the site. Further mitigation is recommended in the previously submitted ecological appraisal to prevent harm to local wildlife. However, there was no conclusive evidence of any specifically protected species regularly occurring on the site which would be negatively affected by site development following the appropriate mitigation and the proposals would generally accord with Policy DME3.



## 5.6 Highways Safety

5.6.1 Policy DMB3 requires recreation and leisure developments to be well related to the existing highway network. The application site is within a reasonable distance of the A59, the primary strategic route, and would be predominantly served by classified roads. The scale and type of development would not result in a significant increase in traffic movement to produce any undue problems or disturbance. The County Highways Surveyor has raised no objections on highway safety grounds and the level of parking to be provided is considered appropriate to serve the development.

## 6. Conclusion

6.1 Key Statement DS2 requires the Council to reflect the presumption in favour of development contained in the National Planning Policy Framework (NPPF). There are three dimensions to sustainable development: economic, social and environmental.

6.2 In terms of its economic benefit to the rural area, the proposals are likely to generate some additional business for the nearest public houses, restaurants and shops as visitors would spend some time in the local area. In terms of its impact on the social dimension of sustainability, the proposals would expand the range of visitor accommodation in the Borough, supporting the intentions of Core Strategy Key Statement EC1 and EC3.

6.4 Thus, the aforementioned economic and public benefits that would arise from the proposed development must be weighed against the environmental impacts of the proposals. As discussed in detail above, it is considered that the proposed development would not result in an unacceptable level of harm to the appearance and character of the surrounding landscape subject to the provision of appropriate landscaping. It is therefore concluded that the economic and social benefits of the proposal outweighs any slight harm to the surrounding landscape and would not undermine the landscapes inherent quality. The proposal therefore accords with Core Strategy Policies DMG1, DME2 and DMB3 and Key Statement EN2 and it is recommended that the application be approved subject to conditions.

**RECOMMENDATION:** That the application be APPROVED subject to the following conditions:

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 drawing ref.

Bre/096/2239/02/Rev.D (Location Plan and Parking Detail Plan)

MGF/LP/001 (Landscape Proposals)

MGF/LP/002 (Wider Landscape Proposals)

Bre/096/2239/05 (Refuse Store – Proposed Plans and Elevations)

401 (Elevations 01, 02, 03 & 04)

201 (Floor Plan)

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

3. The camping pods hereby approved shall be faced with timber as detailed on the approved plans and shall be retained as such in perpetuity.

REASON: To ensure that the materials to be used are appropriate to the locality in accordance with Policies DMG1 and DMB3 of the Ribble Valley Core Strategy.

4. The approved landscaping scheme (dwg nos. MGF/LP/001 and MGF/LP/002) shall be implemented in the first planting season following completion of the development and shall be maintained thereafter in accordance with the approved management plan. 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: In the interests of the amenity of the area and to comply with Policies DMG1 and EN2 of the Core Strategy.

5. Hard landscaping (ground surfacing materials) of the site shall be completed in accordance with the approved plans and shall comprise materials as specified in the email from Gary Hoerty Associates dated 31 May 2017 which states that the pod bases, the car park area and footpaths are to be surfaced with clean grey limestone gravel. The works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.

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.

6. Notwithstanding the details shown on the approved plans, the timber bin store shall feature a dark stain and shall be completed prior to first use of the 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 Policies DMG1 and DMB3 of the Ribble Valley Core Strategy.

7. No part of the development shall be brought into use until works for the drainage/disposal of foul water from the development have been completed in accordance with approved plans ref: Bre/096/2239/02/Rev.D.

REASON: To ensure a satisfactory means of drainage in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

8. The development hereby permitted shall be carried out in complete compliance with the recommendations and mitigation measures in Section 7 of the Ecological Appraisal by Envirotech (report reference 3670) that was submitted with the application.

REASON: To ensure that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed or harmed, and in order to comply with the requirements of Policy DME3 of the Ribble Valley Core Strategy.

9. During the construction period all trees/hedgerows within influencing distance of the development shall be protected with a root protection area in accordance with the BS5837 [Trees in Relation to Construction].

REASON: In order to ensure that any trees affected by development and considered to be of visual, historic or botanical value are afforded maximum physical protection from the potential adverse effects of development.

10. No external lighting shall be installed at any part of the development unless a further planning permission has first been granted in respect thereof.

REASON: In the interests of general amenities of the locality and the amenities of nearby residents and to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

11. Prior to the first occupation of the development, precise details of the proposed means of management and operation of the site shall be submitted to and approved in writing by the Local Planning Authority in the form of a Site Management Plan. Thereafter the site shall be operated in strict accordance with the approved details. This shall include details of the following:

Check-in and check-out procedure

Occupation restrictions

Security and safety arrangements

Measures to ensure that the behaviour of persons at the site is reasonable and not detrimental to the amenities of nearby residents.

Details of the person or persons who would be responsible for assisting occupiers of the site with any queries/problems

The addresses of the person or persons responsible for the operation of the site.

REASON: To ensure the satisfactory management of the site, in the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

12. The car parking and manoeuvring scheme shall be marked out in accordance with the approved plan, before the use of the site hereby permitted becomes operative and permanently maintained thereafter.

REASON: To ensure adequate parking is available within the site and to comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

13. The camping pods hereby approved shall not be let to or occupied by any one person or group of persons for a combined total period exceeding 90 days in any one calendar year and in any event shall not be used as a unit of permanent accommodation or any individual(s) sole place of residence. A register of all occupants of the accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain the name and address of the principal occupier together with dates of occupation.

REASON: For the avoidance of doubt and ensure that the use remains compatible with the character of the area and the intensity, frequency and nature of the usage remains commensurate and relevant to the nature of the consent sought in accordance with

Policies DMG1, DMG2, DMB3 and Key Statements EC1 of the Ribble Valley Core Strategy.

14. Notwithstanding the provisions The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the camping pods hereby approved shall only be used as holiday accommodation and for no other purpose, including any other purpose within Use Class C3.

REASON: For the avoidance of doubt, and to avoid an over-intensive use and to ensure that the development remains compatible with the character of the area and the intensity and frequency of usage remains proportionate to the use hereby approved in accordance with Policies DMG1, EC1, DME2, DMB1 and DMB3 of the Ribble Valley Core Strategy.

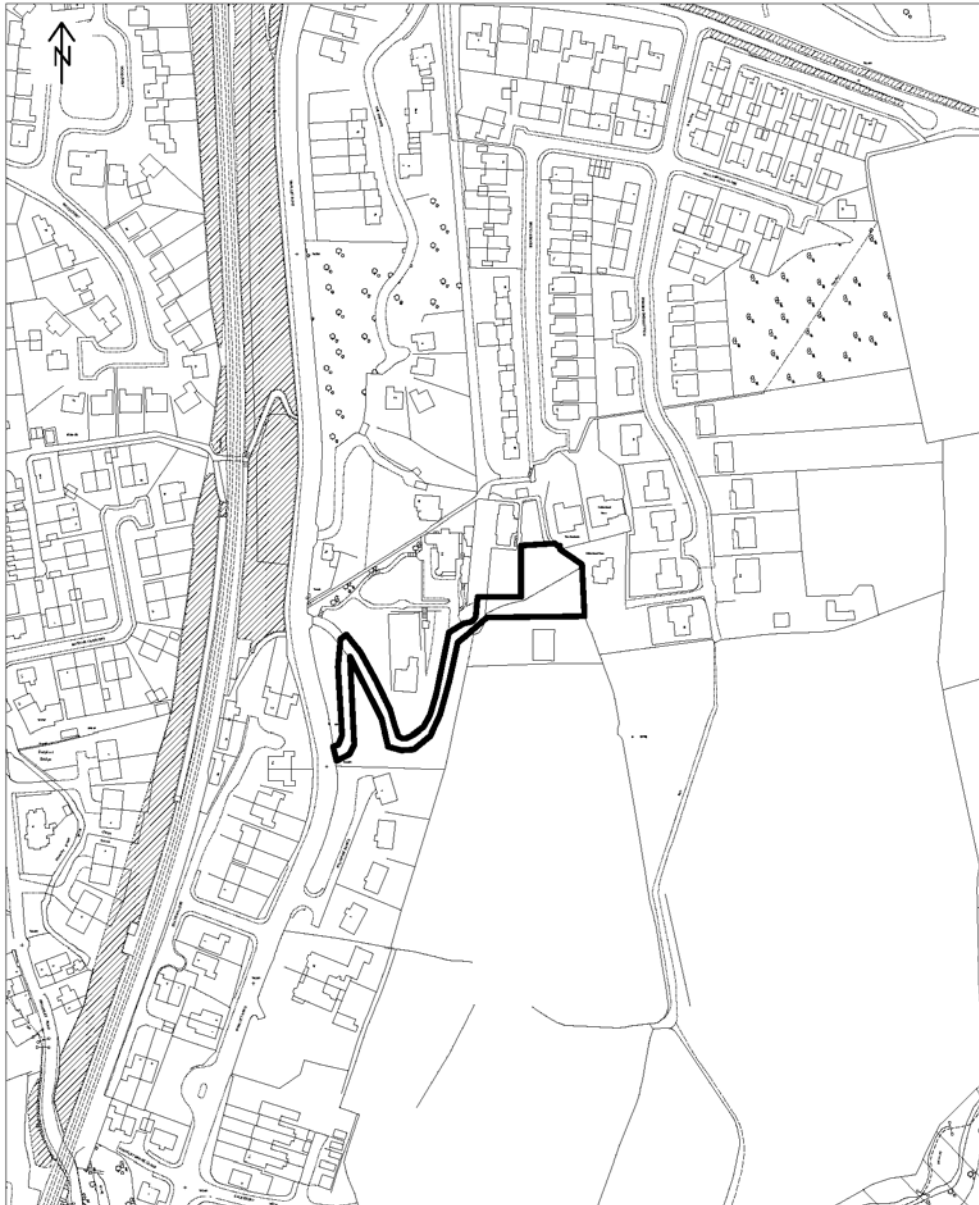
#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2017%2F0103](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F0103)

**APPLICATION REF: 3/2017/0118**  
**GRID REF: SD 368891 432063**

**DEVELOPMENT DESCRIPTION:**

THE ERECTION OF THREE NEW DWELLING HOUSES ON THE SITE OF THE FORMER TENNIS COURT AT THE COACH HOUSE 26 WHALLEY ROAD WILPSHIRE BB1 9JT



3/2017/0118 The Coach House 26 Whalley Road Wilpshire BB1 9JT	
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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

Wilpshire Parish Council objects to the proposed development for the following reasons:

- Overdevelopment of the site
- Highway concerns in regards to access and egress to and from the site
- Ongoing drainage issues on this site
- Concerns over the design of the proposed terraced properties

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

The County Surveyor (Highways) has no objection to the proposed development subject to the inclusion of appropriate conditions.

### **LEAD LOCAL FLOOD AUTHORITY:**

The Lead Local Flood Authority (LLFA) has no comment to make on the application.

### **UNITED UTILITIES:**

Prior to commencement of development United Utilities would require the submission of an appropriate surface water drainage scheme. In addition, no surface water from the development site would be permitted to drain directly or indirectly into the public sewer.

### **ADDITIONAL REPRESENTATIONS:**

A total of 20 representations have been received from individual households and object to the proposals for the following:

- Water from the site flows across the A666 causing a road safety hazard
- Proposal would result in the removal of mature trees
- Overdevelopment of the site which would contain a total of seven dwellings
- Road safety concerns regarding site access/egress to A666
- Loss of privacy and overlooking of neighbouring properties
- Harm to bat foraging areas
- Refuse vehicles would be unable to serve the dwellings
- Terraced dwellings not reflective of housing in the area
- Concerns relating to the creation of a driveway to the rear of properties along Beaver Close
- The land is not wholly within the ownership of the applicant

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

- 1.1 The application site relates to a plot of land which previously formed part of the extensive curtilage to the large detached dwelling known as the Knolle, on the eastern side of Whalley Road in Wilsphire. Overtime a number of planning applications have been granted for residential development within the grounds of the Knolle, including conversion of The Coach House to a dwelling, and permission has also been granted for the erection of four detached dwellings, of which two have been constructed. The application site rises steeply to the east from Whalley Road.

- 1.2 The application relates specifically to a plot of land on the western side of the former curtilage of the Knolle. The site of the proposed building is therefore adjoined to the west by The Knolle; to the north by The Coach House and a dwelling off the end of Beaver Close; to the east by a detached dwelling off Hollowhead Avenue; and to the south by a detached dwelling approved under planning application 3/2010/0807/P which is nearing completion. The Knolle, The Coach House and the two newly constructed dwellings are served by an access road which was constructed under planning consent 3/2004/0235/P. Extant consent is in place for the construction of a single dwelling on the eastern section of this site adjacent to Whalley Road.
- 1.3 Planning consent has been granted previously at the application site for the erection of a single detached dwelling by planning consent 3/2009/0664/P in 2009 and this consent was renewed in 2013.

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

- 2.1 Consent is sought for the erection of three townhouses on the site of the former tennis courts. The proposed dwellings would be seen as two storey dwellings with roof space accommodation from the west; from the east they would be seen as dormer bungalows due to the change in land levels from east to west. The building as a whole would measure 17.9m in width and 11m in depth. When viewed from the west the eaves and ridge height would be 5.2m and 8.5m respectively from ground level. To the rear the dwelling would have a height of 6m above adjacent ground levels.
- 2.2 The front and rear roof slopes would each be adorned with three pitched-roof dormers measuring 1.5m x 2m. Each dwelling would provide living accommodation comprising two bedrooms, bathroom, kitchen diner and lounge arranged across three floors. The ground floor would be back to earth on its east side. The proposed dwellings would be faced with natural stone, slate roofs and timber effect UPVC window frames and doors. A driveway would be provided from the existing access to the Coach House and the proposals include parking for six vehicles including manoeuvring space within the site. Shared garden areas are proposed to the front of the properties and an upper garden area is proposed on the remainder of the tennis courts to the north.

## 3. **Relevant Planning History**

3/2002/0632/P – Change of use of The Coach House to dwelling. Refused. Appeal dismissed.

3/2003/0731/P – Change of use of The Coach House to dwelling, together with new access to Whalley Road. Refused.

3/2004/0235/P – New access and driveway onto Whalley Road and closure of existing access. Approved.

3/2008/0805/P – Change of use of The Coach House into a dwelling. Approved.

3/2009/0664/P – Erection of detached. Approved.

3/2010/0807/P - Erection of two dwellings on land at The Knolle. Approved.

3/2012/0937/P - Application for the renewal of planning permission 3/2009/0664P, for the erection of a four bed detached dwelling on the former tennis court adjacent to the Coach House. Approved.

3/2016/0278P - One detached dwelling with integral garage. Approved.

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

##### **Ribble Valley Core Strategy**

Key Statement DS1 - Development Strategy

Key Statement DS2 - Sustainable Development

Key Statement H1 – Housing Provision

Key Statement H2 - Housing Balance

Key Statement DMI2 - Transport Considerations

Policy DMG1 - General Considerations

Policy DMG2 - Strategic Considerations

Policy DMG3 - Transport and Mobility

Policy DME1 - Protecting Trees and Woodlands

Policy DME2 - Landscape and Townscape Protection

Policy DME3 - Site and Species Protection and Conservation

Policy DME6 - Water Management

##### **Other Material Considerations:**

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Practice Guidance (PPG)

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

5.1 The main considerations in determining this application are the principle of the development, the impact of the development on the character and visual appearance of the surrounding area, its effect on the residential amenities of neighbouring occupiers and its effect on highway safety.

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

5.2.1 The application site is located within the Settlement Boundary of Wilpshire which is identified as a Tier 1 Village in Key Statement DS1 of the Core Strategy. Key Statement DS1 directs the majority of new housing development to the principle settlements and the identified strategic site. In addition, residential development is focused towards Tier 1 Villages which are considered the more sustainable of the 32 defined settlements. According to the latest housing land monitoring position (30 September 2016) there remains a residual housing need in the Settlement of Wilpshire and therefore the proposal would comply with Core Strategy Key Statement DS1 and is acceptable in principle.

5.2.2 The Planning Officer notes Parish Council and neighbour objections relating to perceived overdevelopment of the site and assertions that the erection of a terrace of three dwellings would be out of keeping with the surrounding area which is characterised by detached properties. Nonetheless, Core Strategy Key Statement H2 requires development proposals to contribute to a mix of housing to provide for the different needs of local people. It is considered that the proposals would accord with the general intentions of Key Statement H2 by



enhancing the mix of housing available in the area. Furthermore, the surrounding area is not homogeneous in nature and includes dwellings in a variety of designs and scales.

### 5.3 Design and Visual Appearance

5.3.1 In terms of its visual appearance, the proposal would be similar to the single detached dwelling previously approved at the application site. Dwellings in the surrounding area are faced with a mix of materials including stone, brick and render and therefore the proposed facing materials are acceptable. The buildings size and scale are commensurate with buildings in the immediate vicinity and, as such, the development proposals are in accordance with Policy DMG1 of the Core Strategy.

### 5.4 Impact on Residential Amenity

5.4.1 The site of the proposed building is adjoined to the west by The Knolle; to the north by The Coach House and a dwelling off the end of Beaver Close; to the east by a detached dwelling off Hollowhead Avenue; and to the south by a detached dwelling approved under planning application 3/2010/0807/P which is nearing completion.

5.4.2 The proposed dwellings would be located around 16m from the Coach House. There would be no facing habitable room windows and the proposals would have no detrimental impact on the residential amenity of this neighbour. Similarly, the occupants of The Chestnuts, a detached dwelling to the north-east of the site, would not be impacted upon by any loss of light, outlook or privacy as a result of the proposed development and there are no habitable rooms serving this neighbouring property that would directly face the dwellings proposed.

5.4.3 The nearest neighbouring dwelling to the east is Hollowhead Farm. Due to the lie of the land this neighbouring property is elevated above the application site. The applicant has submitted plans that show that the separation distance between the proposed development and Hollowhead Farm would exceed 21m and that the ground floor windows of Hollowhead Farm facing the application site would be above the first floor bedroom windows of the proposed dwellings. Given the distances involved, relative land levels and existing and proposed trees and shrub screening it is not considered that the proposals would result in unacceptable harm to the residential amenities of this neighbouring occupant to warrant refusal of the application. Moreover, it is borne in mind that the previous planning decision to allow the erection of a single detached dwelling on the same footprint and with similar dimensions considered the relationship with Hollowhead Farm acceptable.

5.4.4 Concerns have been raised based on the fear that the applicant would use a track that runs along the rear of Beaver Close as access to the development site. The applicant, however, does not seek such permission; the access track is not shown on the red-edged location plan and so does not form part of the application. Reference has been made to previous refusals and appeal decisions for the use of the track as an access route to other dwellings on the site. In these cases, the development did propose use of the track as a sole means of entry to the site. This is not, however, the case with the current application which should be determined on the basis of what has been applied for.

## 5.5 Further Issues for Consideration

- 5.5.1 The applicant has provided an Arboricultural Impact Assessment in support of the application. The proposed development would require the removal of a single category 'U' tree. The remaining trees in and around the application site form part of a wider woodland TPO and the assessment shows that the proposals would not impact negatively on the health or longevity of these trees subject to appropriate measures including the erection of protective fencing.
- 5.5.2 Concerns have been raised regarding drainage of the site including flow of surface water from the site onto Whalley Road. The County Highway Surveyor has recommended the imposition of a planning informative which advises the applicant that surface water cannot be discharge onto the highway. The Lead Local Flood Authority (LLFA) has been consulted and has raised no objection. The Flood Risk Management Officer has commented that the land drainage issues at the site have been resolved. Further details of a surface water drainage scheme would be submitted prior to commencement of the development.
- 5.5.3 Members will be aware that further information was sought in respect of the right of way/access to the rear of Beaver Close (outside the development site) and requested that LCC Highways revisit to look at the suitability/capability of the existing access road/junction to serve the proposed dwellings.
- 5.5.4 Having regard to highway safety concerns, the County Highways Surveyor has reassessed the application and remains satisfied that the existing access/egress onto Whalley Road is acceptable. It is noted, however, that the access road, which was approved by planning consent 3/2004/0235, was subject to a planning condition which required that the sightlines be kept clear of any obstruction above a height of 1m. The existing vegetation when turning right out of the access road onto Whalley Road exceeds 1m in height and encroaches within the approved sightlines in breach of the aforementioned planning condition.
- 5.5.5 The site access and associated sightlines are not in the control of the applicant and therefore conditions requiring works on this land by the applicant would fail the tests of reasonableness and enforceability outlined in paragraph 206 of the NPPF. However, the Councils Enforcement Officer has contacted the owner of the land, Sherwood Homes Ltd, to ensure that the sightlines are maintained in accordance with the planning conditions imposed by planning consent 3/2004/0235. I can see no legitimate reason for refusal of this application on highway safety grounds given that the sightlines approved by planning consent 3/2004/0235 are considered acceptable subject to compliance with the conditions imposed.
- 5.5.6 With regard to the right of way/access to the rear of Beaver Close, on the basis of the access being onto Whalley Road, as applied for in the application, the application would have no effects on the amenities of the residents of Beaver Close. Residents of Beaver Close have raised concerns based on the fear that the applicant would use the track that runs along the rear of their properties as access to the development site. Consideration has been given to the imposition of an appropriately worded planning condition to ensure that vehicular access to the development shall be from Whalley New Road (A666) only. However, private issues between neighbours including private rights of access and covenants are not planning matters and planning permission cannot override private rights of

access or any restriction or condition arising from a covenant. This view has been confirmed by the Council's Chief Legal Officer.

5.5.7 Any fears about what may or may not happen in the future cannot be a reason for refusal of a planning application and it is considered that a planning condition which would restrict the use of a private right of access would not be reasonable or enforceable as required by paragraph 206 of the NPPF. Members will note that similar concerns were raised during the determination of previously approved applications for the change of use of the Coach House to a private dwelling and for the erection of a single dwelling at the application site. In both cases there was considered to be no legitimate reason for refusal of those applications on the basis of any impact on the residential amenity of the residents of Beaver Close nor were any planning conditions imposed to restrict the use of a private right of access. Taking account the above, refusal of the application based on its effects on the amenities of the residents of Beaver Close would be unreasonable and unjustified.

## **6. Conclusion**

6.1 The erection of three dwellings at the application site would contribute to the supply of housing the Settlement of Wilpshire and would comply with the development strategy set out in Key Statement DS1 of the Core Strategy. The proposals would not result in any unacceptable harm to the visual appearance of the area nor would it harm the residential amenities of neighbouring occupiers in accordance with Policy DMG1 of the Core Strategy. Accordingly, it is recommended that the application be approved subject to appropriate conditions.

**RECOMMENDATION:** That the application be APPROVED subject to the following conditions:

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

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

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:

Dwg 02A Existing Site Plan received 29.03.2017  
Dwg 03A Proposed Plans and Elevations received 29.03.2017  
Dwg 04A Proposed Site Plan received 29.03.2017  
Dwg 05 Proposed Section received 29.03.2017

REASON: For the avoidance of doubt since the proposal was the subject of agreed amendments 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 Policies DMG1 of the Ribble Valley Core Strategy.

4. 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' 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

5. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified to be retained in the Arboricultural Impact Assessment dated March 2017 shall be protected in accordance with the BS5837 2012 [Trees in Relation to Demolition, Design & Construction] the details of which shall be implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Countryside/Tree Officer. A tree protection monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun.

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

No tree felling or pruning shall be implemented without prior written consent, which will only be granted when the local authority is satisfied that it is necessary is in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and the locality and in accordance with Policies DMG1, EN2, and DME2 of the Ribble Valley Core Strategy.

6. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) including details of any changes of level or landform and the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted

plan(s) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

REASON: In the interests of the amenity of the area and to comply with Policy DMG1 of the Ribble Valley Core Strategy.

7. Notwithstanding the details shown on the approved plans, within three months of the commencement of development, the siting, details of the construction and design of external refuse recycling/bin stores shall be submitted to and approved in writing by the Local Planning Authority. The duly approved facilities shall be made available for use before the dwellings hereby approved is first occupied and retained thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interest of visual amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

8. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strict in accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that proposed development responds appropriately to the topography of the site and is appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

9. The site shall be drained via separate systems for the disposal of foul and surface water.

REASON: To secure a satisfactory system of drainage and to prevent pollution of the water environment in accordance with Policy DME6 of the Ribble Valley Core Strategy.

10. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy DME6 of the Ribble Valley Core Strategy, and national guidance contained within the NPPF and NPPG.

11. No development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial

bird nesting boxes / artificial bat roosting sites have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall identify the nature and type of the nesting boxes/artificial roosting sites and the locations(s) or wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into the dwelling during the construction stage of the development and made available for use before the dwelling hereby approved is first occupied and thereafter retained. The development shall be carried out in strict accordance with the approved details.

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 Policies DMG1 and EN4 of the Ribble Valley Core Strategy.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, amending or re-enacting that Order) any future extensions and/or alterations to the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to H shall not be carried out without the formal written consent of the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality, and to protect any adjacent trees, in accordance with the requirements of Policy DMG1 of the Ribble Valley Core Strategy.

13. Prior to commencement of development on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority (including a timetable for implementation) to secure at least 10% of the energy supply of the development hereby permitted from renewable or low carbon energy sources or a scheme that demonstrates that alternative measures will achieve at least 10% less energy consumption than similar development constructed in accordance with the current Building Regulations Standards. The approved scheme/details shall be implemented as part of the development/as approved and retained as operational thereafter.

REASON: In order to encourage renewable energy and to comply the Key Statement EN3 and Policies DMG1 and DME5 of the Ribble Valley Core Strategy.

14. Unless otherwise agreed in writing by the Local Planning Authority, no building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and between 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.

REASON: In order to protect the amenities of existing residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

15. The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the site in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

16. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

17. No development shall take place, including any works of demolition, until a construction method statement 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:

The parking of vehicles of site operatives and visitors  
The loading and unloading of plant and materials  
The storage of plant and materials used in constructing the development  
The erection and maintenance of security hoarding  
Details of working hours  
Contact details of the site manager

REASON: To protect existing road users in the interest of highway safety in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

#### NOTES

1. This consent does not give approval to a connection being made to the County Council's highway drainage system.

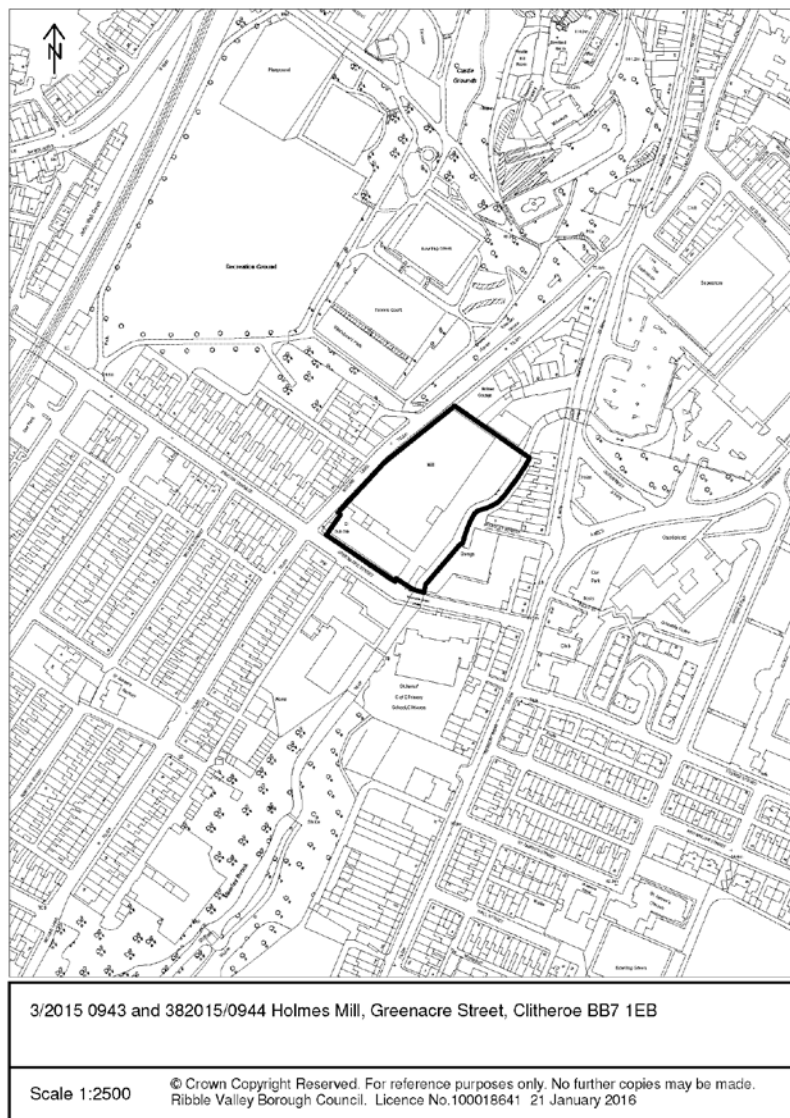
#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2017%2F0118](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F0118)

**APPLICATION REF:** 3/2017/0262/P  
**GRID REF:** SD 374128 441359

**DEVELOPMENT DESCRIPTION:**

VARIATION OF CONDITIONS FROM PLANNING PERMISSION 3/2015/0943 TO ALLOW APPROVAL OF UNAUTHORISED WORK, INCLUDING CONDITIONS 2 (SUBSTITUTION OF AMENDMENTS TO APPROVED PLANS), 3 (EXTERNAL EXTRACTION, AIR CONDITIONING AND VENTILATION), 4 (EXTERNAL MATERIALS), 5 (STORAGE AND DISPOSAL OF WASTE), 6 (SERVICING AND DELIVERIES) 8 (CONSTRUCTION METHOD STATEMENT), 9 (SITE ACCESS AND HIGHWAY IMPROVEMENT WORKS), 11 (CAR PARKING), 12 (FRAMEWORK TRAVEL PLAN), 13 (PERSONNEL DOORS AND SERVICE YARD GATES), 16 (CONTAMINATED LAND), 19 (NOISE MITIGATION), 20 (OPERATIONAL NOISE LEVELS), 21 (LIGHTING SCHEME), 22 (LIGHTING IN WEAVING SHED) AND 24 (GLAZING SYSTEM AND ROOF CONSTRUCTION OF WEAVING SHED). REMOVAL OF CONDITIONS 17 AND 18 FROM PLANNING PERMISSION 3/2015/0943 (DRAINAGE SCHEME, MAINTENANCE AND MANAGEMENT PLAN) AT HOLMES MILL, GREENACRE STREET, CLITHEROE





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

### **PARISH COUNCIL:**

No representations received but previously raised no objections but expressed concern on the previously scheme about the lack of a wall between the car park and the brook and the possibility of smells emanating from the brewery which could affect local residents and the need for adequate proximity to the car parking to be made for this development via Whalley Road car park.

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

Raises no highway concerns and the highway works are acceptable in principle but will be subject to detailed design. Of the 2 pedestrian refuge options on Moor Lane, the preference would be for option 2 as this would provide a crossing facility for pedestrians travelling from the south east. This will be subject to further design but it would be necessary to ensure that the positioning does not affect the swept path for larger delivery vehicles to Sainsbury's and the application site (access and egress).

I note from the submitted documentation that the applicant had identified the potential for the new access onto Moor Lane to create a through route to Greenacre Street and that this possibility would be addressed possibly by means of a barrier. In order to be satisfied on this point I would need to be certain that the potential for through traffic is removed on an effective and permanent basis.

### **ENVIRONMENT AGENCY:**

No objection.

### **LANCASHIRE LOCAL LEAD FLOOD AUTHORITY:**

#### **Lead Local Flood Authority Position:**

In the initial response The Lead Local Flood Authority **objected** to the removal of conditions 17 and 18 of planning permission 3/2015/0943 on the basis of:

#### **Objection 1: Removal of condition 17**

Whilst the LLFA was satisfied that the proposed development could be allowed in principle, it was made clear in our consultation response to planning application 3/2015/0943 (dated 11 March 2016) that this was subject to a formal detailed surface water drainage strategy being provided. This was to ensure that the proposed development could be adequately drained and to also ensure that there would be no flood risk on or off the site resulting from the proposed development.

In order to secure this, the LLFA recommended for the inclusion of Condition 17 which required details of the design, implementation, maintenance and management of a formal surface water drainage scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. As noted in the condition, those details should include as a minimum:

- a) Demonstration that surface water run-off will not exceed pre-development run-off rates and volumes.
- b) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post

development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;

- c) Details of any mitigation measures to manage surface water;
- d) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- e) Overland flow routes and flood water exceedance routes, both on and off site.
- f) A timetable for implementation; and
- g) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

It is noted that the applicant has previously submitted an application to discharge this condition prior to applying for it to be removed - please see planning application 3/2016/0649. Whilst it is recognised that this application has since been withdrawn by the applicant (withdrawal decision date 15 November 2016), the LLFA wishes to highlight that it did provide a consultation response on 1 August 2016 indicating that it was unable to recommend the discharge of Condition 17 for the following reasons:

- a) The drainage proposals referred to in the indicative surface water drainage strategy (Appendix F of the Flood Risk Assessment) were yet to be finalised and therefore they could not be considered as a reliable piece of evidence to support the discharge of the condition. In particular, the indicative surface water drainage strategy failed to clarify the exact location of the rainwater planters that will be used to provide a betterment on the existing surface water runoff rates and volumes. Drawing no. 2015-028-02 did indicate the 'potential' location of the rainwater planters, but this may be subject to change.
- b) The applicant failed to address the comments provided within our planning consultation response to application 3/2015/0943; dated 11 March 2016. In this response we recommended for the applicant to consider formalising the drainage in the area adjacent to Mearley Brook. In the absence of any formal drainage in this area, the applicant was unable to ensure that this area could be sufficiently drained and was unable to ensure that surface water run-off would not exceed pre-development run-off rates and volumes.
- c) The applicant failed to provide any overland flow routes or flood water exceedance routes. In the absence of this information, the applicant was unable to demonstrate that the proposal would not result in flooding to property/critical infrastructure and was unable to demonstrate that surface water from the development site would be contained within the red line boundary.
- d) The applicant failed to provide a timetable for implementation.
- e) The applicant failed to provide evidence of an assessment of the site conditions, which includes a site investigation and test results to confirm infiltration rates.

The LLFA is not aware of any additional information being provided by the applicant and therefore, the LLFA's position remains unchanged. The LLFA is concerned that if condition 17

was to be removed from planning permission 3/2015/0943 before a formal detailed surface water drainage strategy was submitted (and approved by the Local Planning Authority), then the adequacy and suitability of the final surface water drainage proposals for the development site would be unknown.

Whilst the applicant has attempted to justify the removal of Condition 17 in their supporting statement (dated March 2017), the LLFA wishes to make clear that it did not request for the inclusion of Condition 15 of planning permission 13/15/0943. For the avoidance of doubt, the LLFA does not regard the indicative surface water drainage strategy provided within the FRA to be sufficient for the reasons stated above.

**Overcoming our objection:**

You can overcome our objection by submitting a formal detailed surface water drainage strategy as required under Condition 17 of planning permission 13/15/0943. The formal detailed surface water drainage strategy must be in line with the requirements of the Planning Practice Guidance, National Planning Policy Framework and non-statutory technical standards for Sustainable Drainage Systems.

For the avoidance of doubt, our objection will be maintained until an adequate level of information has been submitted which satisfies the principles outlined above.

Should you wish for further information or clarification on the contents of this letter please contact the case officer on the number provided on this letter.

**Objection 2: Removal of condition 18**

Whilst the LLFA was satisfied that the proposed development could be allowed in principle, it was made clear in our consultation response to planning application 3/2015/0943 (dated 11 March 2016) that this was subject to a surface water management and maintenance plan being provided. This was to ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development. It was also to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

In order to secure this, the LLFA recommended for the inclusion of Condition 18 which required details of an appropriate management and maintenance plan to be submitted to and approved by the Local Planning Authority prior to the first occupation of any of the approved dwellings or completion of the development. As noted in the condition, those details should include as a minimum:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - on-going inspections relating to performance and asset condition assessments
  - operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

It is noted that the applicant has previously submitted an application to discharge this condition prior to applying for it to be removed - please see planning application 3/2016/0649. Whilst it is recognised that this application has since been withdrawn by the applicant (withdrawal decision date 15 November 2016), the LLFA wishes to highlight that it did provide a consultation response on 1 August 2016 indicating that it was unable to recommend the discharge of Condition 18 as the applicant failed to provide any information relating to this Condition.

The LLFA is not aware of any additional information being provided by the applicant and therefore, the LLFA's position remains unchanged. The LLFA is concerned that if condition 18 was to be removed from planning permission 3/2015/0943 before a management and maintenance plan was submitted (and approved by the Local Planning Authority), then the future maintenance arrangements for the sustainable drainage system would be unknown.

Whilst the applicant has attempted to justify the removal of Condition 18 in their supporting statement (dated March 2017), the LLFA wishes to make clear that it did not request for the inclusion of Condition 15 of planning permission 13/15/0943. For the avoidance of doubt, the LLFA does not regard the indicative surface water drainage strategy provided within the FRA to be sufficient as it does not include a management and maintenance plan for the lifetime of the development.

**Overcoming our objection:**

You can overcome our objection by submitting a management and maintenance plan as required under Condition 18 of planning permission 13/15/0943. For the avoidance of doubt, our objection will be maintained until an adequate level of information has been submitted which satisfies the principles outlined above.

Should you wish for further information or clarification on the contents of this letter please contact the case officer on the number provided on this letter.

**Other comments:**

For the avoidance of doubt, the LLFA has **no comment** to make in relation to conditions 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 16, 19, 20, 21, 22, 24 of planning permission 3/2015/0943, or conditions 2, 3, 4, 5, 6 and 7 of planning permission 3/2015/0944.

We ask to be re-consulted following the submission of additional information relating to Conditions 17 and 18 of planning permission 3/2015/0943. We will then provide you with comments within 21 days of receiving formal re-consultation.

Following a site meeting with relevant parties it is anticipated that the LLFA will raise concerns and not formally object subject to imposition of appropriate conditions but remain of the opinion that it is regrettable work has commenced which makes it difficult to meet certain objectives outlined in the consultation response.

**LAAS (ARCHAEOLOGY):**

No comments

**UNITED UTILITIES:**

No representations received but previously raised no objections subject to appropriate conditions regarding foul water and surface water.

## **HISTORIC ENGLAND:**

Recommend that the application be determined in accordance with national and local policy guidance on the basis of your expert conservation advice and archaeological advice but do not wish to offer any further comments.

## **SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:**

No representation received but previously commented that they do not wish to comment on the details of the application but appears generally sympathetic to the current repair needs of the building.

## **ADDITIONAL REPRESENTATIONS:**

4 letters of objection have been received which make the following comments:

- Concern in relation to highway safety and general conflict on the local road network.
- Insufficient parking
- Noise disturbance
- Loss of view and light due to the height of the new roof

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

- 1.1 The building is located on the outskirts of the Town centre and comprises a mixed use area with retail and other employment uses including offices and residential properties in the vicinity. It has a road frontage on to both Woone Lane and Greenacre Street and is adjacent to the Clitheroe Conservation Area. The main site entrance is from Greenacre Street and there is also a proposed new vehicular access from Mearley Street and restricted vehicular and pedestrian access from Woone Lane.

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

- 2.1 This application seeks detailed consent for the conversion of a grade II listed building property to create kitchens, restaurant, bar, 42 rentable rooms/suites with 44 bedrooms. This compares to the original application which had 31 rentable rooms/suites and 45 bedrooms/ apartment hotel accommodation, brewery with retail outlet, bakery, function room, offices, retail units and gym and spa leisure complex.

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

3/2015/0943 and 3/2015/0944 Planning and Listed Building Consent for Renovation and conversion of Grade II Listed property to create kitchens, restaurant, bar, 31 room apart-hotel, brewery with retail outlet, bakery, function room, offices, two retail units and gym/spa leisure complex.

### **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 EN5 – Heritage Assets

Key Statement EC1 – Business and Employment Development  
Key Statement EC3 – Visitor Economy  
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 DMB1 – Supporting Business Growth and the Local Economy  
Policy DMB3 – Recreation and Tourism

Historic Environment Planning Practice Guidance (HEPPG)

National Planning Policy Framework  
Technical Guidance to National Planning Policy Framework  
National Planning Practice Guide  
Clitheroe Conservation Area Appraisal and Management Guidance

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

5.1 Members will be aware that consent has been issued for the redevelopment of this site and work has commenced based on the previous permission. The issues under consideration relate specifically to the proposed variation to conditions which include the detailed elevations. There is also a separate application on adjoining land which provides a car parking area which although not part of this application, given the land is under the applicants control can be considered as part of the overall planning concept. In relation to this application the main changes relate to the following:

- Elevational changes to the weaving shed with the introduction of more walling on the internal courtyard,
- Elevational changes on the Woone Lane frontage which include some additional glazing elements, new doors and repositioning of previously approved entrances.
- A minor change in the new roof profile and an increase in height of the roof of the weaving shed.
- Additional advertisements on the building.
- Reorientation of the internal parking arrangements.
- Additional information and details submitted in order to minimise pre commencement and or discharge of condition applications.

## 5.2 **Principle**

5.2.1 The principle of this development remains acceptable given its location within the key settlement of Clitheroe which is regarded as a sustainable location. However, consideration needs to be given to all other Development issues which would include heritage impact, highway safety and residential amenity which are all key issues as a result of the changes.

### 5.3 Highway Safety and Accessibility

- 5.3.1 The site is located within a central position of Clitheroe and whereas there is access to public car parks it is evident that there is a significant lack of parking spaces being provided by the scheme. The County Surveyor does not object to the proposal but as Members will be aware previously raised concerns about the lack of parking spaces within the site.
- 5.3.2 The scheme provides for 40 car parking spaces and 4 accessible space within the application site and a further 32 spaces as a result of the planning application on the adjoining land. I consider that it is possible to condition that this parking shall be used in conjunction with the overall proposal.
- 5.3.3 It is clear that some of the objections relate to lack of parking and associated highway issues resulting from the development but on the basis of no objections from the highway authority and although acknowledging the concern of the local residents I do not think a refusal on highway grounds would no longer be sustainable.
- 5.3.4 It is evident that there are still some unresolved highway issues which include the service yard and personnel door arrangement on to Woone Lane. The applicant is aware of these issues and working with the County Surveyor on the matter. However, in order to progress these applications and not delay the matter I have imposed a condition which excludes consent in relation to these doors and this may result in the need for a further planning application.

### 5.4 Flood Risk and Drainage

- 5.4.1 In relation to Flood Risk and drainage it is clear that they have asked for pre-commencement conditions. At the time of commencing work on this report a meeting has been scheduled with the relevant parties to resolve the matter. Any updates will be either added to this report or reported verbally. Although work that has commenced is unauthorised I do not consider any merit in imposing a pre commencement condition in the full knowledge that work has commenced. At time of preparing this report this matter is still being discussed. Proposals have now been submitted which now show the retention of the wall adjacent to the brook and would resolve the concerns of the EA on that matter but no revised comments have been received.

### 5.5 Design

- 5.5.1 In relation to the design and based on the extant consent I consider that the overall changes with the introduction of more walling in certain area of the building that the revised scheme in relation to the built form is still acceptable and would not have an adverse impact on either the Listed Building itself, adjacent listed Buildings or the Clitheroe conservation Area. The proposal has been amended with a reduction in the amount of signage. My main concern relates to the proposed roofing materials which are to be aluminium and of a silver appearance and although I would normally consider this to be unacceptable additional supporting information has now been submitted which includes details of the weathering process. Although I remain concerned regarding the colouring assurances have been given that the roof will weather and result in an appropriate colour that will darken to complement the existing built environment.

Additional information has also been given regarding the longevity of the material. At the time of commencing work on this report the applicant has been advised of the situation and the roofing material was not installed but since completion of the report the majority of the roofing has been installed.

## 5.6 Heritage/Cultural

- 5.6.1 This proposal involves various alterations to Historic Mill to accommodate the mixed use development. The scheme includes elements of demolition both external and internal, window replacement and the creation of internal walls and the introduction of double glazing. Members will be aware of the previous concerns expressed in the advice of the Councils Principal Planning Officer in relation to heritage issues and that he considered the changes to be excessive and damaging to the historic fabric. However, I am of the opinion that it is proper to consider only the changes resulting from the amended elevations given that much of the work has already been implemented or could be implemented under the existing consents. However, it is right and proper to remind members of the importance of protecting heritage assets.
- 5.6.2 The environmental role of the NPPF includes the need to protecting and enhancing the built and historic environment. Indeed conserving heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations are a core planning principle. Significance derives not only from a heritage asset's physical presence, but also from its setting.
- 5.6.3 Holmes Mill is a Grade II Listed Building The building is also adjacent to the Clitheroe conservation and the Historic Park and Garden of Clitheroe Castle.
- 5.6.4 In considering the heritage impacts of the proposal Members are reminded of the need to have regard to the statutory tests outlined earlier within this report.
- 5.6.5 Regard should also be had to paragraph 141 of the NPPF which advises LPA's should require developers to record in advance understanding of the significance of any heritage asset to be lost in a manner proportionate to their importance. The application has been submitted with an Archaeological Building Investigation and Heritage Assessment and the archaeological unit at LCC have been consulted on this application. They have not raised an objection to the development.
- 5.6.6 In respect of the proposed physical alterations to the buildings and the impact of such works are examined in this report.
- 5.6.7 Chapter 12 of the NPPF is specific to conserving and enhancing the historic environment with the following paragraphs key to the determination of this application:
- 5.6.8 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance... (para 128)



- 5.6.9 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. (para 129)
- 5.6.10 In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness. (para 131)
- 5.6.11 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional... (para 132)
- 5.6.12 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use. (para 133)
- 5.6.13 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (para 134)
- 5.6.14 Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that

preserve those elements of the setting that make a positive contribution or to better reveal the significance of the asset should be treated favourably. (para 137)

5.6.15 Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. (para 141)

## 5.7 Residential Amenity/ Noise

5.7.1 The issues in relation to residential amenity are predominantly noise related and traffic issues. Following receipt of additional information on the original scheme, the Council's EHO was satisfied that subject to the imposition of an appropriate condition that the scheme would not result in significant harm to residential amenity by virtue of the proposed activities. In relation to this application no comments have been received and although there is the introduction of additional opening windows on Woone Lane no concerns have been expressed at the time of writing this report.

## 5.8 Benefits

5.8.1 It is clear that as result of the development there would be significant regeneration benefits that would include employment opportunities as well expenditure to the borough with visitors to the area. It is also the case that the scheme would help retain the Mill which is a Listed Building and a prominent structure situated in close proximity to the Conservation Area. The applicant has indicated that would expect to create at least 140 jobs resulting from the development and this does not take account of any employment resulting from the construction works. It is often the case that there is likely to be significant add on economic benefits resulting from the development but no figures have been included in any economic assessment submitted by the applicant.

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

6.1 I recognise the potential regeneration benefits and that the additional parking helps reduce some traffic concerns. It is clear from some local residents that they are currently experiencing some amenity issues and also raise concern on the height of the new roof on the weaving shed. Notwithstanding their concerns I am of the opinion that given the existence of a previous consent that these changes are acceptable in relation to impact on residential amenity, highway safety and heritage issues.

**RECOMMENDED: That the application be APPROVED subject to the following conditions:**

1. 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:

14/59 00	Location Plan	B
14/59 Ex 0	Existing Site Plan	C
14/59 Ex 1	1823 Spinning Mill - Existing Ground Floor Plan	B
14/59 Ex 2	1823 Spinning Mill - Existing First Floor Plan	B
14/59 Ex 3	1823 Spinning Mill - Existing Second Floor Plan	B
14/59 Ex 4	1823 Spinning Mill - Existing Third Floor Plan	B
14/59 Ex 5	New Mill - Existing Ground Floor Plan	B
14/59 Ex 6	New Mill - Existing First Floor Plan	B
14/59 Ex 7	New Mill - Existing Second Floor Plan	B
14/59 Ex 8	New Mill - Existing Third Floor Plan	B
14/59 Ex 9	Weaving Shed - Existing Ground Floor Plan	B
14/59 Ex 10	Weaving Shed - Existing Roof Plan	B
14/59 Ex 20	1823 Spinning Mill - Existing Elevations 1/2	B
14/59 Ex 21	1823 Spinning Mill - Existing Elevations 1/2	B
14/59 Ex 22	New Mill - Existing Elevations 1/2	B
14/59 Ex 23	New Mill - Existing Elevations 2/2	B
14/59 Ex 24	Weaving Shed - Existing Elevations 1/1	B
14/59 PL 01	Overall Site Plan ( Amended plan received on 15/05/17)	I
14/59 PL 02	Boundary Treatments and External Works 1/2	C
14/59 PL 03	Boundary Treatments and External Works 2/2	D
14/59 PL 10	1823 Spinning Mill - Proposed Ground Floor Plan	D
14/59 PL 11	1823 Spinning Mill - Proposed First Floor Plan	C
14/59 PL 12	1823 Spinning Mill - Proposed Second Floor Plan	C
14/59 PL 13	1823 Spinning Mill - Proposed Third Floor Plan	C
14/59 PL 14	1823 Spinning Mill - Proposed Roof Plan	C
14/59 PL 15	1823 Spinning Mill - Ground Floor DemolitionAlteration and Drainage Plan	B
14/59 PL 16	1823 Spinning Mill - First Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 17	1823 Spinning Mill - Second Demolition, Alteration and Drainage Plan	B
14/59 PL 18	1823 Spinning Mill - Partition / Lining Details	B
14/59 PL 20	New Mill - Proposed Ground Floor Plan	D
14/59 PL 21	New Mill - Proposed First Floor Plan	D
14/59 PL 22	New Mill - Proposed Second Floor Plan	C
14/59 PL 23	New Mill - Proposed Third Floor Plan	C
14/59 PL 24	New Mill - Proposed Roof Plan	C
14/59 PL 25	New Mill - Ground Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 26	New Mill - First Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 27	New Mill - Second Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 28	New Mill - Third Floor Demolition and Alteration Plan	B
14/59 BR 30	Weaving Shed - Proposed Ground Floor Plan	G
14/59 BR31	Weaving Sheds Woone Lane Level	D
14/59 BR 32	Weaving Shed - Proposed First Floor Plan	C
14/59 PL 32	Weaving Shed - Roof Plan	C
14/59 PL 33	Weaving Shed - Ground Floor Demolition and Alterations Plan	B
14/59 T10	Weaving Shed- Elevation	D
14/59 T10	Weaving Shed- Proposed Elevations	E
Drawings 09,10,11 Section Details Holmes Mill		
14/59 SKPL3	Proposed Site and Access Plan	B

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

2. All external extraction, air conditioning and ventilation equipment shall be installed in complete accordance with the approved details prior to the units being brought into use.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies DMG1 and DME4 of the Core Strategy Adopted Version.

3. Only those external materials and surfacing materials as approved under condition 2 shall be used in the development.

REASON: To ensure that the appearance of the development is appropriate to the character of the building and setting of the area and comply with Policies DMG1 and DME4 of the Ribble Valley Core Strategy adopted version

4. The plans and particulars showing the provision to be made for the storage and disposal of refuse and recycling receptacles as approved under condition 2, shall be implemented concurrently with the development and thereafter retained. No part of the development unless otherwise agreed by the LPA shall be occupied until the agreed provision is completed and made available for use.

REASON: In order that the Council may be satisfied that adequate provision for the storage and collection of waste will be provided on site in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

5. Servicing and deliveries shall take place in accordance with the approved management plan (Croft Transport Solution's Transport Report dated March 2017) at all times unless otherwise agreed in writing by the local planning authority. The agreed scheme shall be implemented and maintained whilst the use remains in operation. Other than in the case of an emergency, the accesses on Woone Lane and Greenacre shall not be used for servicing during the hours of 0830 – 0900 and 1500-1545 on weekdays during school term time.

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety and comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy adopted version.

6. The development hereby approved shall be undertaken in accordance with the approved 'Phase 1 Construction Method Statement', 'Phase 2 Construction Method Statement' and 'Phase 3 Construction Method Statement'.

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety and comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy adopted version.

7. Within 6 months of the grant of planning permission, the site access and required, off-site highway improvement works shall have been constructed in accordance with the approved details as set out in Croft Transport Solution's Transport Report dated March 2017.

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety and comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy adopted version.

8. The car parking identified on the approved plans as referred to in condition 2 shall be appropriately surfaced or paved in accordance with the approved details. Unless

otherwise agreed by the LPA the spaces shall be available for use before the development hereby approved is first brought into use.

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety and comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy adopted version.

9. The Framework Travel Plan (included within Croft Transport Solution's Transport Report dated March 2017) hereby approved shall be implemented in accordance with these agreed details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety and comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy adopted version.

10. This permission does not give consent to the Woone Lane personnel doors and service yard gates and further details shall be submitted and agreed prior to the development being brought into use unless otherwise agreed in writing by the LPA.

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety and comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy adopted version and for avoidance of doubt as there are unresolved highway concerns regarding the doors and service yards.

11. The development hereby approved shall be carried out in accordance with E3P Ltd's Phase II Site Investigation Scheme Report Ref: 10-566-r2 dated February 2016.

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

REASON: To comply with Policy DMG1 of the Ribble Valley Core Strategy adopted version.

12. Unless otherwise agreed in writing by the Local Planning Authority, prior to the proposed development being brought into use, all remedial works to limit noise from the site shall be carried out, in accordance with the Noise Assessment by Miller Goodall dated January 2015.

REASON: To protect the amenities of occupiers of nearby properties from noise and comply with Policy DMG1 of the Ribble Valley Core Strategy adopted version.

13. All fixed plant and equipment used within the development should be designed to give a rating level (as defined in BS4142:2014) no greater than 5dB above the night time LAF90(5min) or the daytime LAF90 (1 hour) whichever is the most appropriate, when measured 4 metres from the nearest residential properties. The plant noise emission limits shall not exceed:-

- Day: 48 dB LAeq
- Night: 33 dB LAeq

Following substantial completion of the development hereby approved or before 31 December 2018, whichever comes sooner, an assessment (including tonal assessment) of the operational noise levels shall be submitted to the Local Planning Authority with recommendations and a programme of works and timings to comply with the above limits and attenuate any specific tones as identified. The approved recommendations shall be carried out within the approved timescale.

REASON: To protect the amenities of occupiers of nearby properties from noise and comply with Policy DMG1 of the Ribble Valley Core Strategy adopted version.

14. Unless otherwise agreed in writing by the Local Planning Authority, only those approved external lighting details included in Oldfield Lighting's report ref. 16.071.01 Rev B may be used in the development.

REASON: To protect the amenities of occupiers of nearby properties from excessive light pollution and visual amenity and to comply with Policy DMG1 of the Ribble Valley Core Strategy adopted version.

15. Prior to occupation of the weaving shed a detailed lighting specification, including luminance levels, for the glazing to the weaving shed shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submitted details shall demonstrate how the illuminance of the glazed area will be minimised during nocturnal hours and shall include the accurate modelling of potential light spill. The scheme shall be implemented in accordance with the details so approved and retained thereafter unless agreed otherwise in writing with the Local Planning Authority.

REASON: In the interests of the amenities of the area, to minimise light pollution and to safeguard adjacent residential amenity and to comply with Policies DMG1 and DME4 of the Ribble Valley Core Strategy Adopted Version.

16. The glazing system and roof of the weaving shed shall be constructed in strict accordance with the approved details as shown on the drawings included in condition 2 of this consent and only those approved details shall form part of the proposed development.

REASON: In the interests of the amenities of the area, to minimise light pollution and to safeguard adjacent residential amenity and to comply with Policies DMG1 and DME4 of the Ribble Valley Core Strategy Adopted Version.

17. Details of the design, implementation, maintenance and management of a formal surface water drainage scheme to be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission or a date to be agreed by the LPA. The details should include as a minimum:

- a) Demonstration that surface water run-off will not exceed pre-development run-off rates and volumes.
- b) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and

post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;

- c) Details of any mitigation measures to manage surface water;
- d) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- e) Overland flow routes and flood water exceedance routes, both on and off site.

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation / body / company / undertaker for the sustainable drainage system.

18. Details of an appropriate management and maintenance plan to be submitted to and approved by the Local Planning Authority within 3 months of the date of this permission or a date to be agreed by the LPA. The details should include as a minimum:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - on-going inspections relating to performance and asset condition assessments
  - operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance.

#### NOTE

The applicant is advised that this permission should also be read in conjunction with 3/2015/0943 dated 20 April 2016.

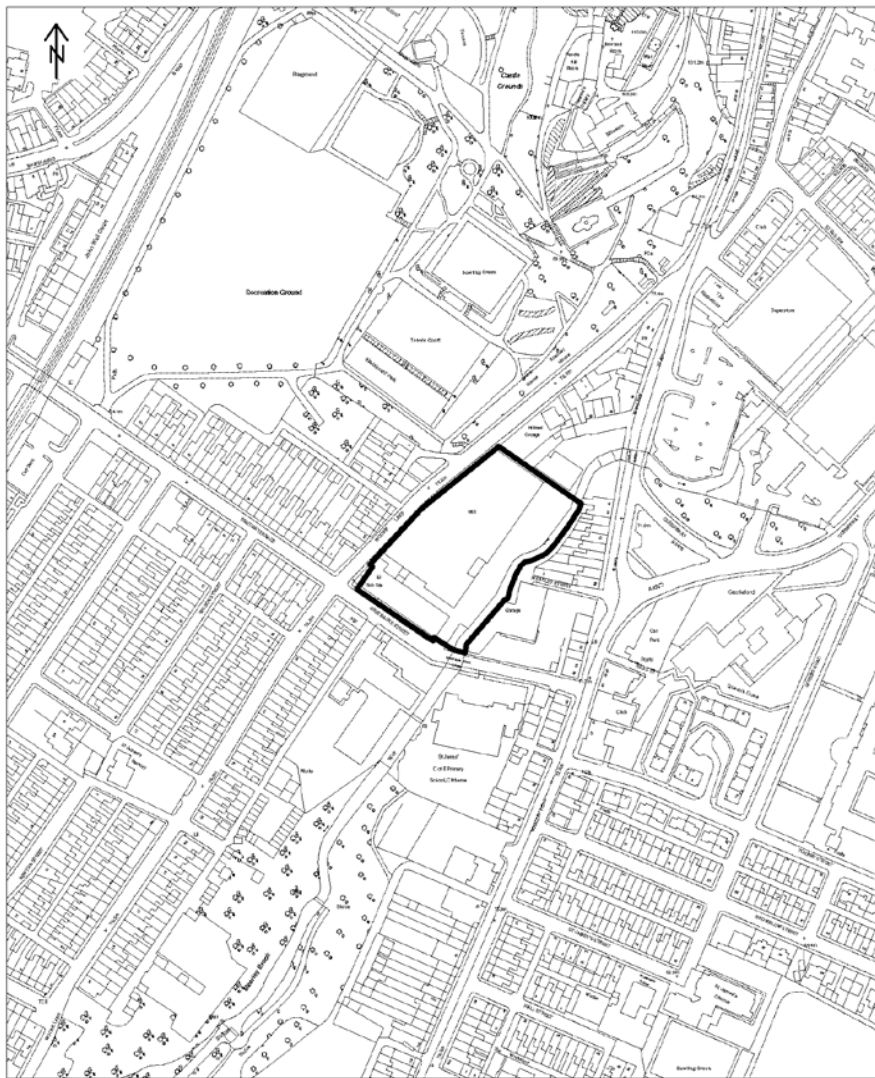
#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2015%2F0943](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2015%2F0943)  
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2015%2F0944](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2015%2F0944)

**APPLICATION REF:** 3/2017/0268/P  
**GRID REF:** SD 374128 441359

**DEVELOPMENT DESCRIPTION:**

VARIATION OF CONDITIONS FROM LISTED BUILDING CONSENT 3/2015/0944 TO ALLOW APPROVAL OF UNAUTHORISED WORK, INCLUDING CONDITIONS 2 (SUBSTITUTION OF AMENDMENTS TO APPROVED PLANS), 3 (WEAVING SHED ROOF AND GLAZING), 5 (EXTRACTION, AIR-CONDITIONING AND VENTILATION), 6 (EXTERNAL MATERIALS). REMOVAL OF CONDITIONS 4 (SECTIONS) AND 7 (METHOD STATEMENT FOR RESTORATION OF ENGINE) FROM LISTED BUILDING CONSENT 3/2015/0944 AT HOLMES MILL, GREENACRE STREET, CLITHEROE



3/2015 0943 and 382015/0944 Holmes Mill, Greenacre Street, Clitheroe BB7 1EB

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

### **PARISH COUNCIL:**

No representations received but previously raised no objections but expressed concern on the previously scheme about the lack of a wall between the car park and the brook and the possibility of smells emanating from the brewery which could affect local residents and the need for adequate proximity to the car parking to be made for this development via Whalley Road car park.

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

The above application does not appear to have any highway consequences and I would therefore raise no objection to the proposal on highway grounds.

### **ENVIRONMENT AGENCY:**

No objection.

### **LANCASHIRE LOCAL LEAD FLOOD AUTHORITY:**

Object but further clarification is sought on the matter as this application relates to Listed Building issues and there is no reference to Flood or Drainage issues.

### **UNITED UTILITIES:**

No representations received but previously raised no objections subject to appropriate conditions regarding foul water and surface water.

### **HISTORIC ENGLAND:**

Recommend that the application be determined in accordance with national and local policy guidance on the basis of your expert conservation advice and archaeological advice but do not wish to offer any further comments.

### **SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:**

No representation received but previously commented that they do not wish to comment on the details of the application but appears generally sympathetic to the current repair needs of the building.

### **ADDITIONAL REPRESENTATIONS:**

No specific representations in relation to the application but for avoidance of doubt 4 letters of objection have been received which make the following comments in relation to the planning application:

- Concern in relation to highway safety and general conflict on the local road network.
- Insufficient parking
- Noise disturbance
- Loss of view and light due to the height of the new roof

1. **Site Description and Surrounding Area**

- 1.1 The building is located on the outskirts of the Town centre and comprises a mixed use area with retail and other employment uses including offices and residential properties in the vicinity. It has a road frontage on to both Woone Lane and Greenacre Street and is adjacent to the Clitheroe Conservation Area. The main site entrance is from Greenacre Street and there is also a proposed new vehicular access from Mearley Street and restricted vehicular and pedestrian access from Woone Lane.

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

- 2.1 This application seeks detailed consent for the conversion of a grade ii listed building property to create kitchens, restaurant, bar, 42 rentable rooms/suites with 44 bedrooms. This compares to the original application which had 31 rentable rooms/suites and 45 bedrooms/ apartment hotel accommodation, brewery with retail outlet, bakery, function room, offices, retail units and gym and spa leisure complex.
- 2.2 The main changes relate to some elevation alterations, additional details provided in relation to glazing and materials as well as removal of the requirement for additional plans requiring sections and proposals for the restoration of the engine,

3. **Relevant Planning History**

3/2015/0943 and 3/2015/0944 Planning and Listed Building Consent for Renovation and conversion of Grade II Listed property to create kitchens, restaurant, bar, 31 room apart-hotel, brewery with retail outlet, bakery, function room, offices, two retail units and gym/spa leisure complex.

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 EN5 – Heritage Assets  
Key Statement EC1 – Business and Employment Development  
Key Statement EC3 – Visitor Economy  
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 DMB1 – Supporting Business Growth and the Local Economy  
Policy DMB3 – Recreation and Tourism

Historic Environment Planning Practice Guidance (HEPPG)  
National Planning Policy Framework  
Technical Guidance to National Planning Policy Framework

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

5.1 Members will be aware that consent has been issued for the redevelopment of this site and work has commenced based on the previous permission. The issues under consideration relate specifically to the proposed variation to conditions which include the detailed elevations. There is also a separate application on adjoining land which provides a car parking area which although not part of this application, given the land is under the applicants control can be considered as part of the overall planning concept. In relation to this application the main changes relate to the following:

- Elevational changes to the weaving shed with the introduction of more walling on the internal courtyard.
- Elevational changes on the Woone Lane frontage which include some additional glazing elements, new doors and repositioning of previously approved entrances.
- A minor change in the new roof profile and an increase in height of the roof of the weaving shed.
- Additional advertisements on the building.
- Re orientation of the internal parking arrangements.
- Additional information and details submitted in order to minimise pre commencement and or discharge of condition applications.

### 5.2 Principle

5.2.1 Approval has been previously granted for Listed Building Consent so it can be argued that this has now been established and what is under consideration is whether the alterations to the design changes remains acceptable having regard to any heritage impact. Issues such as highway, flooding and residential amenity are not relevant and are considered under the planning application.

### 5.3 Heritage/Cultural

5.3.1 This proposal involves various alterations to Historic Mill to accommodate the mixed use development. The scheme includes elements of demolition both external and internal, window replacement and the creation of internal walls and the introduction of double glazing. Members will be aware of the previous concerns expressed in the advice of the Councils Principal Planning Officer in relation to heritage issues and that he considered the changes to be excessive and damaging to the historic fabric. However, I am of the opinion that it is proper to consider only the changes resulting from the amended elevations given that much of the work has already been implemented or could be implemented under the existing consents. However, it is right and proper to remind members of the importance of protecting heritage assets.

5.3.2 The environmental role of the NPPF includes the need to protecting and enhancing the built and historic environment. Indeed conserving heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations are a core planning principle. Significance derives not only from a heritage asset's physical presence, but also from its setting.

- 5.3.3 Holmes Mill is a Grade II Listed Building The building is also adjacent to the Clitheroe conservation and the Historic Park and Garden of Clitheroe Castle.
- 5.3.4 In considering the heritage impacts of the proposal Members are reminded of the need to have regard to the statutory tests outlined earlier within this report.
- 5.3.5 Regard should also be had to paragraph 141 of the NPPF which advises LPA's should require developers to record in advance understanding of the significance of any heritage asset to be lost in a manner proportionate to their importance. The application has been submitted with an Archaeological Building Investigation and Heritage Assessment and the archaeological unit at LCC have been consulted on this application. They have not raised an objection to the development.
- 5.3.6 In respect of the proposed physical alterations to the buildings and the impact of such works are examined in this report.
- 5.3.7 Chapter 12 of the NPPF is specific to conserving and enhancing the historic environment with the following paragraphs key to the determination of this application:
- 5.3.8 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance... (para 128)
- 5.3.9 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. (para 129)
- 5.3.10 In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness. (para 131)
- 5.3.11 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Substantial harm to or loss of a grade II listed building, park or garden should be exceptional... (para 132)

5.3.12 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use. (para 133)

5.3.13 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (para 134)

5.3.14 Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution or to better reveal the significance of the asset should be treated favourably. (para 137)

5.3.15 Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. (para 141)

I am of the opinion that the resultant changes mainly the introduction and retention of walling on the internal courtyard elevation, the minor changes to the roof profile and the new advertisements which have been subject to changes are an acceptable change that would not adversely impact on the Listed building, Adjacent Listed Building or the Conservation Area. The proposal specifies the roof material which is a shiny aluminium and information has now been submitted to justify the use of the material. Although I remain concerned regarding the colouring assurances have been given that the roof will weather and result in an appropriate colour that will darken to complement the existing built environment. Additional information has also been given regarding the longevity of the material. On that basis and given the wider benefits associated with the scheme I consider that it is possible to issue a positive recommendation.

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

- 6.1 I recognise the potential regeneration benefits that would accrue from this proposal as well as the benefit in safeguarding a Historic building and having regard to the extant consent do not consider that the further design changes are excessive and inappropriate. In doing so I have assessed this proposal having regard to all relevant legislation,

**RECOMMENDED: That the application be APPROVED subject to the following conditions:**

1. 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:

14/59 00	Location Plan	B
14/59 Ex 0	Existing Site Plan	C
14/59 Ex 1	1823 Spinning Mill - Existing Ground Floor Plan	B
14/59 Ex 2	1823 Spinning Mill - Existing First Floor Plan	B
14/59 Ex 3	1823 Spinning Mill - Existing Second Floor Plan	B
14/59 Ex 4	1823 Spinning Mill - Existing Third Floor Plan	B
14/59 Ex 5	New Mill - Existing Ground Floor Plan	B
14/59 Ex 6	New Mill - Existing First Floor Plan	B
14/59 Ex 7	New Mill - Existing Second Floor Plan	B
14/59 Ex 8	New Mill - Existing Third Floor Plan	B
14/59 Ex 9	Weaving Shed - Existing Ground Floor Plan	B
14/59 Ex 10	Weaving Shed - Existing Roof Plan	B
14/59 Ex 20	1823 Spinning Mill - Existing Elevations 1/2	B
14/59 Ex 21	1823 Spinning Mill - Existing Elevations 1/2	B
14/59 Ex 22	New Mill - Existing Elevations 1/2	B
14/59 Ex 23	New Mill - Existing Elevations 2/2	B
14/59 Ex 24	Weaving Shed - Existing Elevations 1/1	B
14/59 PL 01	Overall Site Plan (Amended plan received 12/04/17)	H
14/59 PL 02	Boundary Treatments and External Works 1/2	C
14/59 PL 03	Boundary Treatments and External Works 2/2	D
14/59 PL 10	1823 Spinning Mill - Proposed Ground Floor Plan	C
14/59 PL 11	1823 Spinning Mill - Proposed First Floor Plan	C
14/59 PL 12	1823 Spinning Mill - Proposed Second Floor Plan	C
14/59 PL 13	1823 Spinning Mill - Proposed Third Floor Plan	C
14/59 PL 14	1823 Spinning Mill - Proposed Roof Plan	C
14/59 PL 15	1823 Spinning Mill - Ground Floor DemolitionAlteration and Drainage Plan	B
14/59 PL 16	1823 Spinning Mill - First Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 17	1823 Spinning Mill - Second Demolition, Alteration and Drainage Plan	B
14/59 PL 18	1823 Spinning Mill - Partition / Lining Details	B
14/59 PL 20	New Mill - Proposed Ground Floor Plan	D
14/59 PL 21	New Mill - Proposed First Floor Plan	D
14/59 PL 22	New Mill - Proposed Second Floor Plan	C
14/59 PL 23	New Mill - Proposed Third Floor Plan	C
14/59 PL 24	New Mill - Proposed Roof Plan	C
14/59 PL 25	New Mill - Ground Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 26	New Mill - First Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 27	New Mill - Second Floor Demolition, Alteration and Drainage Plan	B
14/59 PL 28	New Mill - Third Floor Demolition and Alteration Plan	B
14/59 PL 30	Weaving Shed - Proposed Ground Floor Plan	D
14/59 PL 31	Weaving Shed - Proposed First Floor Plan	D

14/59 PL 32	Weaving Shed - Roof Plan	C
14/59 PL 33	Weaving Sheds - Ground Floor Demolition and Alterations Plan	B

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

2. All external extraction, air conditioning and ventilation equipment shall be installed in complete accordance with the approved details prior to the units being brought into use.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies DMG1 and DME4 of the Core Strategy Adopted Version.

3. Only those external materials and surfacing materials as approved under condition 2 shall be used in the 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 Policies DMG1 and DME4 of the Core Strategy Adopted Version.

4. The glazing system and roof of the weaving shed shall be constructed in strict accordance with the approved details as shown on the drawings included in condition 2 of this consent and only those approved details shall form part of 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 Policies DMG1 and DME4 of the Core Strategy Adopted Version.

5. This proposal shall relate to the details submitted with the application which include the retention of the engine wheel and its maintenance in a condition agreed by a scheme submitted to the LPA within 6 months of the date of this permission.

REASON: To safeguard historic fabric in accordance with Policies DMG1 and DME4 of the Core Strategy Adopted Version.

#### NOTE

The applicant is advised that this permission should also be read in conjunction with 3/2015/0944 dated 19 April 2016.

#### BACKGROUND PAPERS

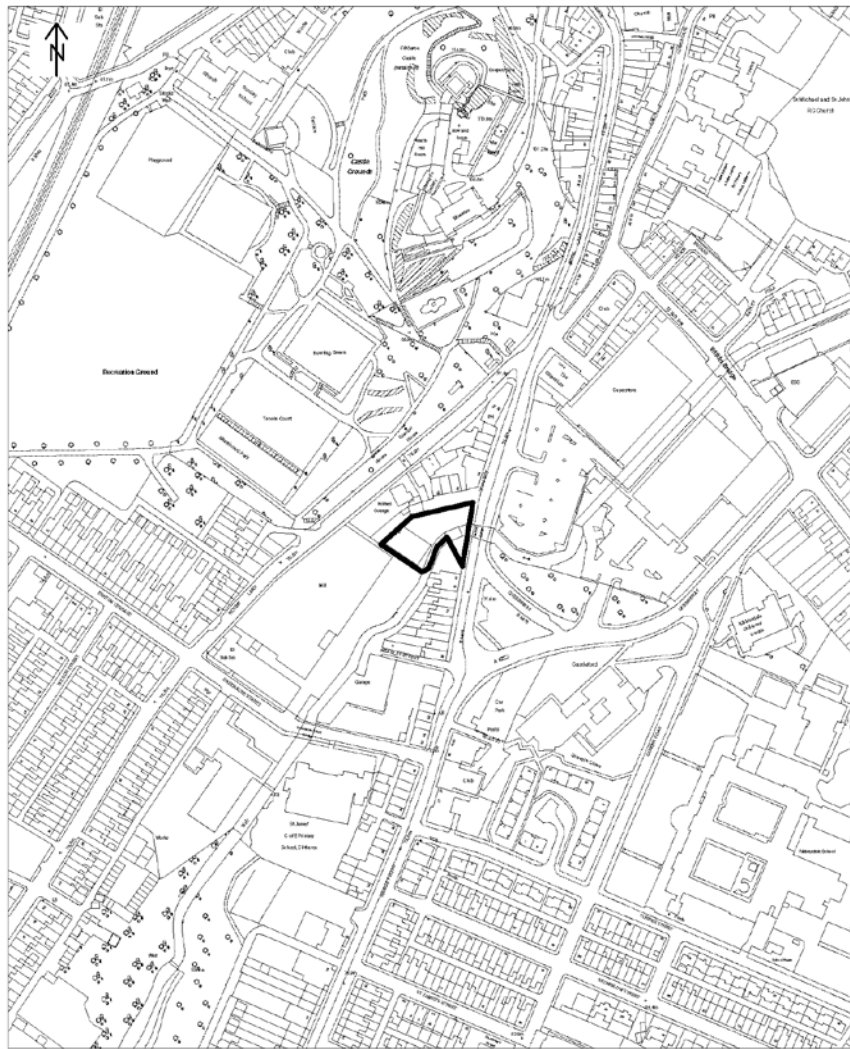
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2015%2F0943](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2015%2F0943)  
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2015%2F0944](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2015%2F0944)

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

**APPLICATION REF:** 3/2017/0270/P  
**GRID REF:** SD 374218 441430

**DEVELOPMENT DESCRIPTION:**

CREATION OF NEW VEHICULAR AND PEDESTRIAN ACCESS AND AREA OF ADDITIONAL CAR PARKING ASSOCIATED WITH THE ADJACENT HOLMES MILL DEVELOPMENT AT 62 MOOR LANE, CLITHEROE



3/2017/0270 62 Moor Lane Clitheroe BB7 1AJ

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

### **PARISH COUNCIL:**

No objections

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

Whilst I am unlikely to raise any objection to the proposal and particularly welcome the increased parking provision that the proposal, if approved, will deliver, there are a number of issues which need further clarification.

1. In a recent application for the site (2017/0262) it was suggested that the proposed pedestrian / cycle link from Mearley Street would not be pursued. This being the case the new access proposed by this application should include adequate provision for pedestrians entering the site from Moor Lane. Unfortunately this provision is not clear from the information on plan 14/59SKPL3 A. I would need to see how this is to be achieved and also a safe pedestrian route through to the various elements within the site.
2. Similarly to item 1 above, mention has previously been made of a barrier to prevent through access between Moor Lane and Greenacre Street. The method employed and location of any such barrier will need to be shown on a revised plan. I think it will be necessary to condition the provision of the barrier.

### **ENVIRONMENT AGENCY:**

Initially recommended refusal on the basis of inadequate FRA. Following additional information informally advised likely to withdraw objection. At time of preparing report no revised comments received.

### **LANCASHIRE LOCAL LEAD FLOOD AUTHORITY:**

Objects to the development due to inadequate information submitted to assess the principle of surface water drainage and recommend refusal.

### **LAAS (ARCHAEOLOGY):**

The above application is accompanied by a survey of the existing Holmes Mill site (Oxford Archaeology North, April 2014), a Heritage Statement (C J O'Flaherty Dec 2016), a Construction Method Statement (Stanton Andrews Jan 2017), an Existing Site Plan (Stanton Andrews 14/59 Ex 0 Rev C, Dec 2016), and a Proposed Site Plan (Stanton Andrews 14/59 PI01 Rev C, Dec 2016).

The archaeological survey of the Holmes Mill site does not appear to include the area of the proposed development, and is thus only of use when considering the visual impacts of the proposals. The Heritage Statement assesses the existing building at 62 Moor Lane and concludes correctly that the extant structure is of c.1970 date and is of negative value to the extant Conservation Area. It does not, however, consider the buried archaeological resource or the visual impact of the proposed new car park and access on the adjacent Listed Building. The latter is probably not very significant, given the 'improvement' to the setting of the mill (and conservation area) by the removal of the extant building, but the former will need to be considered.

It is also noted that the Plan as Existing appears to be incorrect. Comparison of the photograph supplied as Figure 3 in the Heritage Statement with the Existing Site Plan would suggest that the latter omits to show the eastern part of the stone wall (c.1.5m high) which separates the garage plot from the mill grounds. This portion of wall is also omitted from the plan as proposed. The western part of the wall is clearly extant on early OS mapping, but the eastern part was not present in 1932 (OS 1:2,500 mapping sheet Lancashire 47.14, surveyed 1930) and it may well have been constructed at the time that Salford Bridge Mill (below) was demolished, to straighten the boundary here. It is possible that the wall will need to be treated as a curtilage structure to the Listed mill and require Listed Building Consent for its removal and you should consult the borough Conservation Officer on this matter.

With regard to the impact of the proposals on buried archaeology, it should be noted that the area in front of the existing garage building was formerly occupied by Salford Bridge Mill (Lancashire Historic Environment Record PRN24375). Its location is shown on the 19th and early 20th century mapping reproduced in the Phase 1 Geo-Environmental Site Assessment (E3P, December 2016, Table 3.1) and on the attached map extract. This site was built as a cotton spinning mill and sizing house before 1822, but was converted to a warehouse after 1833 (possibly after 1842, Rothwell M, 1990, *Industrial Heritage: A Guide to the Industrial Archaeology of the Ribble Valley* p.11). The building was later reused as housing (Langshaw A L, 1953, *How Cotton came to Clitheroe*, p.7) and was demolished at some time between 1935 and 1964 (OS 25 inch mapping, sheet Lancashire 47.14, 3rd and 4th editions). The subdivisions shown on the earlier 20<sup>th</sup> century maps suggest that these dwellings may have been back-to-back houses. It seems probable that foundations and other buried remains of the mill-cum-terrace buildings will survive on site, although the very southern corner of the structure may have been impacted by the construction of the present building. If the proposals submitted were simply to remove the existing building and provide car parking on its site, then there would be little need for any ground intervention and thus the buried remains would remain in situ. However the proposals appear to require the cutting away of the ground beneath the building to form a ramp down to the Holmes Mill yard. This detail is rather unclear on the drawings, with no levels being shown on the Proposed Site Plan and no representative section(s) being provided. The only place where a ramp is mentioned in any detail is the Construction Method Statement, where a hatched rectangle is drawn on the plan provided on Page 6 (Stanton Andrews Plan14/59 D1 Rev A, Jan 2017). This area is dimensioned to be 7m wide and slightly longer than the present building footprint.

It is annotated: '*Concrete slab, footing and masonry to be removed to allow for a ramped access. 1.7m change in level over 18m...*' giving a *circa* 1 in 10 slope. No safety fences are shown either side of this ramp on the Proposed Site Plan and the arrangement of parking spaces would not allow for them in any case, so it must be presumed that the whole southwest end of the site is intended to be reduced. The proposed 1 in 10 slope from the Construction Method Statement would appear rather steep for side-on parking as shown and thus it must be presumed that the site level reduction will also extend significantly further northeast. This will threaten the buried remains of the pre-1822 mill.

The applicants should, therefore, be asked to provide:

- (i) A full description and/or plan of the proposed parking area, including levels and sections;
- (ii) An assessment of the impact of the proposals on the buried remains of Salford Bridge Mill;
- (iii) A written scheme of impact mitigation (if required).

You may also wish them to address the matter of the wall between 62 Moor Lane and Holmes Mill Yard mentioned above.

Following receipt of additional documents no further comments received but it is anticipated that there will be no formal objection.

## **HISTORIC ENGLAND:**

Recommend that the application be determined in accordance with national and local policy guidance on the basis of your expert conservation advice and archaeological advice but do not wish to offer any further comments.

## **ADDITIONAL REPRESENTATIONS:**

One letter of objection which raises concern about current problems and that the new car park would be inadequate.

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

1.1 The site is located on the outskirts of the Town centre and has access off Moor Lane. It is adjacent to Listed Buildings and within the Clitheroe Conservation Area. Within the immediate locality are a mixture of commercial and residential properties.

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

2.1 The proposal seeks to use the land for car parking and create 32 parking spaces and a pedestrian and vehicular access from Moor Lane.

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

3/2016/1020 Demolition of existing building in a Conservation area. Approved

### **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 EN5 – Heritage Assets

Key Statement EC1 – Business and Employment Development

Key Statement EC3 – Visitor Economy

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 DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3 – Recreation and Tourism

Historic Environment Planning Practice Guidance (HEPPG)

National Planning Policy Framework

Technical Guidance to National Planning Policy Framework

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

5.1 Members will be aware that Conservation Area Consent has been issued for the redevelopment of this site with the removal of existing buildings and this application is now for use of land as car parking as well as engineering work to create the car parking spaces and changes to access. The issues under consideration relate specifically to the use of the land, highway considerations, visual impact, heritage issues, Flooding issues as well as general amenity considerations.

### 5.2 Principle

5.2.1 The principle of this development remains acceptable given its location within the key settlement of Clitheroe which is regarded as a sustainable location. However, consideration needs to be given to all other Development issues which would include heritage impact, highway safety and residential amenity which are all key issues as a result of the changes.

### 5.3 Highway Safety and Accessibility

5.3.1 The site is located within a central position of Clitheroe. The County Surveyor does not object to the proposal and welcomes the additional parking spaces. However, additional information has been requested which has not been submitted at the time of preparing this report. But as Members will be aware previously raised concerns about the lack of parking spaces within the site.

5.3.2 The application provides for 32 spaces which would give a total of 72 spaces for the development site. It is recognised that this is still a considerable shortfall based on the advice given by LCC in the original application but given the existence of a consent it would be unreasonable to object on that basis, irrespective of the concerns expressed from local residents.

### 5.4 Flood Risk and Drainage

5.4.1 In relation to Flood Risk and drainage there are still concerns based on the original submission but it is anticipated that revised details which should show the retention of the wall adjacent to the brook would overcome any objections. However no revised comments have been received from the EA on the matter.

5.4.2 It is also evident that the LLFA have objected on the grounds of the lack of information to assess

### 5.5 Design

5.5.1 In relation to the design the car park materials are tarmac which is consistent with the adjacent supermarket car park. I consider that the scheme is still acceptable and would not have an adverse impact on either the Listed Building itself, adjacent listed Buildings or the Clitheroe conservation Area.

## 5.6 Heritage/Cultural

- 5.6.1 Holmes Mill is a Grade II Listed Building The building is also adjacent to the Clitheroe conservation and the Historic Park and Garden of Clitheroe Castle.
- 5.6.2 In considering the heritage impacts of the proposal Members are reminded of the need to have regard to the statutory tests outlined earlier within this report.
- 5.6.3 Regard should also be had to paragraph 141 of the NPPF which advises LPA's should require developers to record in advance understanding of the significance of any heritage asset to be lost in a manner proportionate to their importance. The application has been submitted with an Archaeological Building Investigation and Heritage Assessment and the archaeological unit at LCC have been consulted on this application. They have not raised an objection to the development.
- 5.6.4 In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness. (para 131)
- 5.6.5 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional... (para 132)
- 5.6.6 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use. (para 133)

- 5.6.7 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (para 134)
- 5.6.8 Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution or to better reveal the significance of the asset should be treated favourably. (para 137)
- 5.6.9 I am satisfied that given consent has been granted for the demolition and this proposal has a limited impact on the heritage issues and also the associated benefits of assisting regeneration and highway issues that there is only limited harm to any heritage issues and the proposal is therefore acceptable.

## 5.7 Residential Amenity/ Noise

- 5.7.1 The issues in relation to residential amenity are predominantly noise related and traffic issues. It is recognised that the introduction of parking areas and the associated noise from vehicular and pedestrian movements would have some impact on residential amenity by virtue of noise but given the existing consent I do not consider it significant. In relation to this application no comments have been received and although

## 5.8 Benefits

- 5.8.1 It is clear that as result of the development it would assist in the regeneration benefits associated with the redevelopment of Holmes Mill.

## 6. Observations/Consideration of Matters Raised

- 6.1 I recognise the regeneration benefits and that the additional parking helps reduce some traffic concerns. I note that there is still concern expressed in relation to the overall parking spaces but as this increase the number of spaces it can only be seen as an improvement.

**RECOMMENDED:** That the application be Deferred and Delegated to the Director of Community Services subject to satisfactory resolution relating to drainage and flooding concerns and highway issues in consultation with the Statutory Consultees and the following conditions as well as any appropriate conditions in relation to flood, drainage highway issues:

### *Time Limit*

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

REASON: Required to be imposed pursuant to 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:

14.59 Ex 0	Location Plan	A
14/59 PL01	Proposed Site Plan (Amended 12/04/17)	H
14/59 SK10	Ramp Access Plan (Amended 12/04/17)	A
14/59 SKPL3	Proposed Site and Access plan (26/05/17)	B

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

3 The new parking area shall be used solely for the purpose of Holmes Mill and prior to commencement of use a detailed scheme showing a car parking management regime shall be submitted to and agreed in writing by the LPA and thereafter implemented.

REASON: In the interest of highway safety and to comply with Policies DMG1 of the Core Strategy.

4 Drainage and Flood and any additional highway related conditions as deemed appropriate following further consultation responses.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2015%2F0943](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2015%2F0943)  
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2015%2F0944](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2015%2F0944)

## SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2016/0974	Land West Preston Road Longridge	16/2/17	275	With Applicants Solicitor

## APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2016/1185/P	Outline planning application with all matters reserved except access for demolition of existing structures and construction of up to 50 dwellings (Class C3) with associated parking and landscaping	Former Clitheroe Hospital Chatburn Road Clitheroe
3/2017/0187/P	Proposed new dwelling on site of Primrose Dairy (adjacent 11-13 Railway View Road)	Primrose Dairy Railway View Road Clitheroe
3/2017/0243/P	Proposed erection of single storey extension to rear and single storey extension to side	Lower Clerk Hill Clerk Hill Road Whalley
3/2017/0244/P	Modification of S106 Agreement dated 16 November 2016 (qualifying permission 3/2015/0652) to allow substitution of plan approved under planning permission 3/2016/1140	Land to the south west of Montgomerie Gardens Clitheroe
3/2017/0277/P	Conversion of barn to one dwelling including demolition of existing farm buildings	Morton House Birdy Brow Clitheroe
3/2017/0300/P	Application for retention of historic unauthorised amendments to development approved under planning permission 3/2007/0619	Dugdale Nutrition Ltd Bellman Mill Lincoln Way Clitheroe
3/2017/0304/P	Application to determine whether planning permission is needed for a proposed two storey rear extension	11 Victoria Court Chatburn
3/2017/0344/P	Removal of condition 3 (unit of accommodation approved shall not be let or occupied by any one person or group of persons for continued period of longer than 3 months in any one year and in any event shall not be used as a permanent accommodation) from 3/2005/0565	Height Horton Green Farm Knott Lane Horton-in-Craven
3/2017/0381/P	Request for screening opinion for Embedded Electricity Generation consisting of natural gas fuelled internal combustion engines rotating alternators in an agricultural building 50m x 30m within a mesh security fence around the perimeter of the site. Facility to connect directly into an existing Electricity North West pole within the site curtilage.	Land at Club Farm Off Pimlico Road Clitheroe



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>
3/2015/0393 R	10/08/16	Land west of Preston Road Longridge (Grimbaldeston Fm)	Inquiry	In abeyance	Bespoke timetable
3/2016/0279 R	11/04/17	Dove Syke Eaves Hall Lane West Bradford	WR		Awaiting Decision
3/2015/0776 R	26/01/17	Land off Lambing Clough Lane Hurst Green	Hearing	9/5/17	Appeal Dismissed 18/05/17
3/2015/0780 R (enf)	26/01/17	Timothy House Farm Whalley Road Hurst Green	Hearing	9/5/17	Appeal Dismissed 18/05/17
3/2016/0369R	30/11/16	Greengore Farm Hill Lane Hurst Green	WR		Partially Allowed, Partially Dismissed 15/05/17
3/2016/0370 R	30/11/16	Greengore Farm Hill Lane Hurst Green	WR		Partially Allowed, Partially Dismissed 15/05/17
3/2016/0346 R	15/02/17	30 Barker Lane Mellor	WR		Appeal Allowed 05/05/17
3/2016/0366 R	07/03/17	Freemasons Arms Vicarage Fold Wiswell	WR		Appeal Allowed 16/05/17
3/2016/1152 R	27/03/17	132 Ribchester Rd Clayton le Dale	HH		Appeal Dismissed 12/05/17
3/2016/1067 R	12/04/17	Westholme Longsight Road Copster Green	WR		Awaiting Decision
3/2017/0088 R	Awaiting start date from PINS	1 and 2 Abbeycroft The Sands Whalley			
3/2017/0039 R	Awaiting start date from PINS (invalid as no grounds of appeal submitted)	18 Netherwood Gdns Brockhall Village Langho			
3/2017/0272 R	Awaiting start date from PINS	Ribble View Barn Alston Lane Longridge			

<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>
3/2016/1196 R	Awaiting start date from PINS	Lower Standen Fm Whalley Road Pendleton			
3/2016/0708 R	Awaiting start date from PINS (invalid – no Statement of Common Ground submitted)	The Dog & Partridge Public House Tosside			
3/2016/0709 R	Awaiting start date from PINS (invalid – no Statement of Common Ground submitted)	The Dog & Partridge Public House Tosside			