

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 5

meeting date: THURSDAY, 31 AUGUST 2017  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF COMMUNITY SERVICES

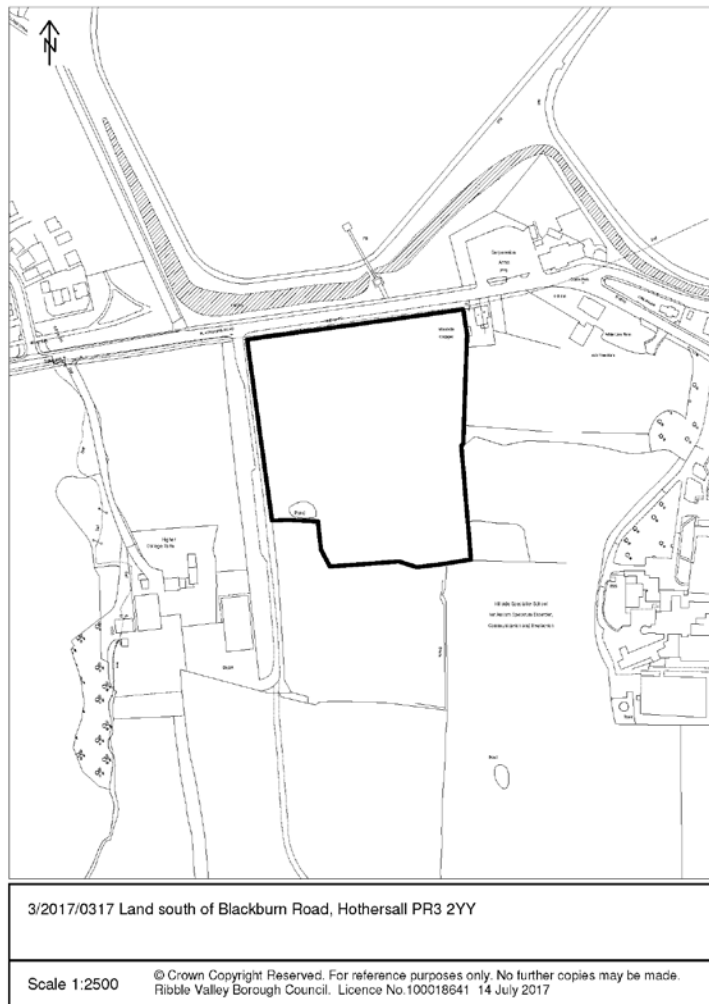
## PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

### APPLICATION NO: 3/2017/0317/P

GRID REF: SD 361763 437185

### DEVELOPMENT DESCRIPTION:

OUTLINE PLANNING APPLICATION FOR EMPLOYMENT FLOORSPACE (USE CLASSES B1, B2 AND B8) AND ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND SERVICES INFRASTRUCTURE WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS AT LAND SOUTH OF BLACKBURN ROAD, HOTHERSALL PR3 2YY



## INTRODUCTION

Members will recall the report recommending that this application be deferred and delegated to the Director of Community Services for approval subject to the receipt of acceptable highway details and any additional conditions in relation to highways issues, and subject to conditions was considered by Committee at its meeting on 27 July 2017. Committee resolved to defer a decision to allow further discussions to take place with LCC Highways and further information be obtained in relation to the highway implications, noise disturbance (particularly in relation to the school), air pollution and the proposed uses of the units.

The original report, including the recommendation of approval, is repeated below. This has been updated and amended as appropriate.

### PARISH/TOWN COUNCIL:

**Longridge Town Council:** Note the objection to the scheme from Hothersall PC but in principle are in favour of this development providing that adequate screening and also that due care and consideration is given to the needs of the school. Also in the making of any decision any representations received from the nearby school must be taken into account.

**Hothersall Parish Council:** The site subject to this application has NOT been identified in the Regulation 19 Publication version of the Housing and Economic Development – Development Plan Document April 2017. In our view the decision taken by the Council on 6 April not to allocate this land for employment use is appropriate and demonstrates that the site is unnecessary to deliver the economic objectives set out in the Local Plan. A series of concerns have been raised including:

- the siting, scale and form of the proposal is inappropriate to this open countryside location on the fringe of the Forest of Bowland Area of Outstanding Natural Beauty;
- the uses proposed include those [B2 & B8] which are inappropriate to this location due to the impacts that the buildings needed and the activity hosted will have on the local environment and on residential amenity;
- the siting of the buildings [as proposed in the Illustrative Site Location Plan] is inappropriate in respect of the proximity to Hillside School and will cause unacceptable harm to the setting of this special school.
- the proposal will have a harmful impact on the designated Biological Heritage sites at Hillside School Woodland and Spade Mill Reservoir.
- no provision appears to be made to identify any protected species on site, to assess the risk of harm arising to protected species and to put forward mitigation.
- no assessment has been made of the potential for adverse visual or landscape impact.
- the Transport Study appears to be inadequate; no consideration appears to have been given to Light or Heavy Goods Vehicles despite the proposed use class of the majority of the development [B2 & B8]

**Ribchester Parish Council:** The design of the proposed park appears to contain some 248 parking/loading spaces. This number of spaces will inevitably boost vehicle movements through

the area, particularly during the morning and early evening leading to traffic congestion on local roads. Vehicles accessing the motorway network through Longridge and Grimsargh already meet delays through heavy traffic. Drivers will inevitably seek to find an alternative; the only route available being through the village of Ribchester where roads are unsuitable for heavy traffic and are already congested.

The argument that the site is well served by public transport is open to question given that the current bus service is one per hour, closes around 7pm and does not operate on a Sunday. This cannot by any stretch of the imagination be described as 'well served'.

The proposed site is situated in open countryside on greenfield land. It will be argued that it is possible to mitigate the negative effects of the development by good design. To some extent this is a fanciful argument as no matter how clever the designer no mitigation measures can compensate for the loss of visual amenity in the area, particularly given the amount of detritus that inevitably surrounds any industrial building.

The site is adjacent a source of water which drains into local watercourses that eventually find their way into the river via Boyce's Brook. There is a worry that without a well-designed site drainage system the Brook will be polluted by commercial and domestic waste.

Amended plans reducing the site area by removing land adjacent Hillside Specialist School have been received and Parish Councils were re-notified. Further representations received from the Parish Councils as a result of this re-notification are detailed as follows:

A response from Hothersall Parish Council raised objections on the basis of the principle of development, siting, scale and form, landscape impact, highway safety, ecology, amenity of the area and lack of demand for employment land. A further letter from Hothersall Parish Council was received Tuesday 25 July in response to Officers Report reported to Committee on 27 July 2017.

#### **EDUCATION (LCC):**

No comments received.

#### **HIGHWAYS (LCC):**

The County Survey has asked to see a revised access layout taking the access away from the easement associated with an underground pipe crossing Blackburn Road. Furthermore, it is requested that a kerbed buildout be provided outside the Corporation Arms to deflect and reduce the speed of left turning traffic. The Highways Officer has received revised plans and confirms that the site access and works to the Corporation Arms junction are both acceptable.

The County Surveyor notes that there is a 42' length restriction on the B6245 which extends from the A59 at Clayton Le Dale through to the junction with the B6243 ( Corporation Arms). The Order is dated 1998 and it restricts except for access / loading /unloading. The application site lies outside the zone and therefore technically access to the site from the A59 through Ribchester would be prohibited but the effectiveness of this Order would be related to the level of enforcement it receives. It is more likely that the alignment constraint in the centre of Ribchester is a more effective deterrent.

In respect of highway capacity, it is not possible to quantify the precise impact of the development because each occupier of the units proposed will generate varying levels of HGV movement according to their own particular business plan. The only quantifiable impact would be the potential trip generation based on TRICS but this would also include private car journeys.

The Transport Assessment submitted with the application (Table 4 Para 4.0.2) indicates that the development would generate 68 two way vehicle trips in the weekday am peak and 52 trips in the pm peak. Of these, the County Surveyor anticipates that the majority would be generated in the immediate areas (Longridge and Ribchester) and very few additional trips would be evident on the highway between the site and Preston.

#### **UNITED UTILITIES:**

Whilst a water main crosses the site with associated easement United Utilities raise no objection subject to drainage conditions.

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

Raise no objection to the development subject to appropriate conditions including the submission of a Detailed Surface Water Management Plan.

#### **ENVIRONMENT AGENCY:**

No objection in principle to the proposed development subject to the inclusion of conditions relating to pollution control.

#### **ADDITIONAL REPRESENTATIONS:**

113 letters of objection have been received and raise the following concerns:-

- Wrong site in the wrong location.
- Development is in Hothersall and not Longridge as required by the Core Strategy.
- Use of the building out of character with the area.
- Development would affect tourism and recreation sectors.
- The site is on the edge of the AONB and is surrounded by protected biological heritage sites.
- Environmental survey undertaken by developers is inadequate – countless species of wildlife have been seen. The site is close to five biological heritage sites and would ruin ecology of the area.
- No assessment of visual impact of development – the site would impact on surrounding area and AONB.
- No detail on size and construction of the units.
- Empty brownfield sites within Longridge available for development. There are vacant premises on existing industrial estates.
- Site access is between two busy junctions and there have been numerous accidents and deaths.
- Surrounding road network is inadequate with HGVs using B roads with restrictions on certain roads and access bridges. Road conditions would be affected by HGVs.
- Increase in air pollution and light pollution.
- Transport Statement is unacceptable. Sight lines from the site are not adequate. Cars already speed along Blackburn Road.
- Major worry regarding site drainage which would be served by non-mains drainage. Potential for pollution of brook.
- Access to the school through the site is unacceptable and the schools staff and governors are opposed to the scheme with no consultation prior to the application.
- Any development would set a terrible precedent.

- Increase in noise and pollution that could have severe impact on children at Hillside specialist school for children with autism.
- Development would ruin views from the AONB.
- Scheme is likely to employ more people from outside the area than local residents.
- Government laws regarding limiting pollution levels near schools.
- Many suitable empty warehouses near the M6 for this type of business.
- Development is too close to residential areas and schools.
- Development is contrary to Longridge Neighbourhood Plan.
- Nothing in the plans to limit height or scale and suitable building materials.
- Even buildings of single storey height would decimate protected views.
- Noise levels would affect local residents.
- Devaluation of property.
- Loss of quiet and calming environment for Hillside School.
- HGV traffic would pass through residential areas.
- Poor local transport links.

7 additional letters of objection have been received from residents in response to a further period of consultation following amendments to the proposals however 6 of these are from households that have already objected to the application and no new issues were raised other than those already detailed above.

## 1. **Proposal**

- 1.1 Consent is sought for the erection of circa 8,500 square metres of employment floor space falling with the 'B' Use Class Order categories and associated access, car parking, landscaping and services infrastructure. All matters are reserved at this stage other than the proposed access. The proposal would comprise a mixed employment development including office, research and light industrial use (B1), general industrial use (B2) and/or storage (B8), the finalised details of which would be established as part of any reserved matters submission. As originally submitted the application site extended to an area of 3 hectares of land in two distinct 'phases' or parcels of land. The larger parcel, Phase 1, measured approximately 2 hectares in area with a frontage onto Blackburn Road. The smaller parcel, Phase 2, was set back from Blackburn Road and would be an area earmarked for potential future 'low-key' development. The proposed access to the site would be via a new vehicular and pedestrian entrance to Blackburn Road.
- 1.2 The additional land to the east, Phase 2, would also provide an alternative access and waiting area for the adjacent Hillside Specialist School. The provision of land at the western school boundary would enable vehicles to arrive with or wait for children without waiting outside the school entrance from Blackburn Road at the start and end of each day.
- 1.3 As a result of discussions, the area denoted as Phase 2 has now been removed from the scheme and the application now relates solely to the 2 hectares of land referred to as Phase 1. The illustrative site layout indicates six buildings totalling 8,185 square metres of employment floor space on the site which would be subdivided into smaller units and the provision of 204 car parking spaces. The submitted Parameter Plan indicates where existing landscape features would be retained and new landscape screening would be provided. It should be noted that the applicant remains willing to provide an alternative vehicular access for Hillside Specialist School should it be considered necessary to obtain planning permission at the application site and has

suggested that this could be secured through an appropriately worded planning condition or through a section 106 legal agreement.

## 2. **Site Location**

- 2.1 The application site comprises an area of open land to the south of Blackburn Road, Hothersall. It is located some 50m to the east of the Longridge Draft Settlement Boundaries which formed part of the Regulation 18 stage consultation and has now been adopted for Development Management Purposes (as of Dec 2016).
- 2.2 The centre of Longridge lies just over 1 kilometre to the west which contains all the services and facilities associated with a main settlement. To the north of the site are the Spade Mill Reservoirs and to the east a combination of residential properties, the Corporation Arms public house and the Hillside Specialist School.
- 2.3 Existing site features including boundary trees, hedgerows and ponds within and adjacent to the site. The southern boundary of the Forest Of Bowland AONB lies approximately 1km to the north of the site. There is a Public Right of Way that runs adjacent to the site's western boundary. A number of Biological Heritage Sites are located in the surrounding area, however; the site itself does not contain any land designated or recognised for its ecological value.

## 3. **Relevant History**

3/2006/0329 - Outline application for the erection of rural workshop units. Refused.

## 4. **Relevant Policies**

### **Ribble Valley Core Strategy**

Key Statement DS1 - Development Strategy

Key Statement DS2 - Sustainable Development

Key Statement EN2 - Landscape

Key Statement EN3 - Sustainable Development and Climate Change

Key Statement EN4 - Biodiversity and Geodiversity

Key Statement EC1 - Business and Employment Development

Key Statement DMI1 - Planning Obligations

Key Statement DMI2 - Transport Considerations

Policy DMG1 - General Considerations

Policy DMG2 - Strategic Considerations

Policy DMG3 - Transport and Mobility

Policy DME1 - Protecting Trees and Woodlands

Policy DME2 - Landscape and Townscape Protection

Policy DME3 - Site and Species Protection and Conservation

Policy DME6 - Water Management

Policy DMB1 – Supporting Business Growth and the Local Economy

### **Other Material Considerations:**

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Practice Guidance (PPG)

Regulation 14 Longridge Neighbourhood Plan

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

5.1 This is an outline application with all detailed matters except access reserved for subsequent consideration at reserved matters application stage. The main consideration, therefore, concerns the principle of the proposed commercial development. However, the matters of visual amenity, residential amenity, tree/ecological considerations, highway safety/traffic/public footpath issues do have to be given some consideration. Each of these matters are discussed below.

### 5.2 **Principle of Development**

5.2.1 The principal planning policy considerations in this case are based around the Ribble Valley Core Strategy adopted December 2014. The Ribble Valley Core Strategy highlights the limited number of employment opportunities available in the Borough, which results in a high level of daily out commuting to access employment opportunities, and therefore this proposal would support the underlying strategic approach to align jobs with homes in key areas. Key Statement EC1 'Business and Employment Development' directs employment development towards the main settlements of Clitheroe, Whalley and Longridge as preferred locations to accommodate growth. The development is considered to be essential to the local economy and therefore satisfies one of the considerations for development outside of the defined settlement areas outlined in Core Strategy Policy DMG2.

5.2.2 The concept of the provision of additional employment land at Longridge is supported as both a planning and economic development principle. The Council is seeking to address an objective of the provision of employment land and sites to serve Longridge are a particular concern to be delivered as identified in the Employment Land Study Refresh 2013. The Employment Land Study recommended that the Council explored the feasibility of bringing forward new employment allocations in Longridge (considering sites at College Farm and to the rear of Sainsbury's) in order to address sustainability issues for what is acknowledged as a key service centre. Core Strategy Key Statement EC1 states that the Council will aim to allocate an additional 8 hectares of land for employment purposes in line with the supporting evidence base during the plan period 2008-2028. It should be noted that the employment land requirement of 8 hectares is not expressed as a maximum – it is the minimum requirement to meet the economic needs of the borough to the end of the plan period. The most recent position is that there remains a residual requirement for employment land across the borough of 2.41ha which the emerging Housing and Economic DPD makes provision for. The Council proposes to allocate 4ha of employment land which results in an overprovision against the identified requirement in the Core Strategy of 1.6ha to provide for a choice of sites and locations to accommodate economic growth.

5.2.3 The Core Strategy directs development towards the Longridge area but does not set a prescribed amount of employment land. It is important to note that the application site was identified by the Council as being suitable for employment use and was proposed as a potential site for allocation in relation to the Housing and Economic DPD Issues and Options (Regulation 18) that was endorsed at Committee on 14 April 2016. The site was subject to a sustainability appraisal (SA) process that identified no matters that would prevent the site being considered. However, the decision was taken at Publication (Regulation 19)

Stage to take forward an alternative site at Higher College Farm for allocation for employment purposes. This site, which neighbours the application site to the west and comprises 1.5 hectares of land for which there is a planning application awaiting determination, has been included within the Submission (Regulation 22) Version of the Housing and Economic DPD which represents the plan which the Council anticipates would be adopted.

- 5.2.4 Notwithstanding the above, it is considered that only limited weight can be attached to the proposed allocation of the neighbouring site within the Housing and Economic DPD at this time due to the number of outstanding objections received to its allocation and the DPDs pre-examination stage. Accordingly, the Council's Head of Regeneration and Housing considers the principle of development in relation to this area at this stage raises no fundamental issues.
- 5.2.5 The application is supported by a local employment land and market commentary by commercial property consultants which states that recent employment development has been principally centred around Junction 31A of the M6 in Preston. The commercial property consultants comment that employment stock is generally 20 years old and there has been no significant employment development in the last 15 years in Longridge.
- 5.2.6 Statistics suggest that the Ribble Valley economy is performing well having low levels of unemployment and supporting a strong culture of entrepreneurial behaviour. However a significant number of people out-commute on a daily basis for employment purposes and there is a need to provide jobs that maximise the skills of the resident population to promote more sustainable travel patterns and to benefit the Borough's long-term economy.
- 5.2.7 The Core Strategy aims to align employment opportunities relative to housing and to improve physical accessibility to jobs as travel to work statistics indicate that the use of the private car in the borough is above regional and national levels. Opportunities should be sought to reduce dependence on the private car and increase public transport use and it is therefore important to ensure that new employment sites can be easily accessed by public transport.
- 5.2.8 The sustainability of the application site has been assessed as part of the Housing and Economic DPD sustainability appraisal (SA) process. The site is located around 50m from the Longridge Draft Settlement Boundary and is approximately 1km from the centre of Longridge with its various services and facilities. The site is considered to be within acceptable walking and cycling distance of a significant area of Longridge and visitors to the site would not be solely dependent on private motor vehicles to reach the site. There is a bus stop near to the Corporation Arms on Blackburn Road within 100m of the proposed site entrance with two-hourly buses to Clitheroe, Whalley and Longridge. There are also bus stops within Longridge centre approximately 1.5km from the proposed development site that provides a regular bus service to Preston.
- 5.2.9 A number of representations raise objections to the scheme on the basis that more suitable brownfield sites exist within Longridge. Whilst Key Statement EC1 prioritises the use of brownfield sites and sites closer to the centre of Longridge are likely to be in a more sustainable location due to better links to public transport and services, the Council has undertaken a 'Call for Sites' exercise as



part of the preparation of the emerging Housing and Economic DPD and there were no alternative brownfield or town centre sites identified.

5.2.10 It has been noted that representations have referred to the emerging Longridge Neighbourhood Plan and its draft policies concerning landscape protection and the enhancement of local employment opportunities. The aspirations of this document and its relevant policies have been noted. However, it must be borne in mind that the Plan is at an early stage and cannot be afforded weight in the determination of this application. More importantly, the application site lies outside of this designated neighbourhood area.

5.2.11 Taking into account the above, the proposals would make an important contribution to the provision of local employment opportunities for the area, and further support the economic aims of the Council towards promoting local employment opportunities in accordance with Core Strategy Key Statements DS1 and EC1 and Policies DMG2 and DMB1. The principle of developing this site for employment generating purposes is thus acceptable subject to the other development management criteria being considered.

### 5.3 Design and Visual Impact

5.3.1 Whilst the issues of appearance, landscaping, layout and scale would be considered in detail at reserved matters stage, the overall masterplan and design approach to the site should be fully considered at this stage. This will aid in ensuring that the current application would fully inform and guide the approach taken to the site at later detailed design stages of the proposal.

5.3.2 In total the site lies in close proximity to residential dwellings, Hillside Specialist School and the Corporation Arms to the east. To the west there is an existing complex of buildings at Higher College Farm and development has commenced on a major residential development scheme around 50m from the application site to the north of Dilworth Lane. It is therefore evident that the development site is not isolated from other built form and would be seen in the context of the buildings that already exist in close proximity to the site.

5.3.3 The proposed Parameters Plan details the important site parameters which aim to reduce the visual impact of the development on the surrounding area. The Design and Access Statement (DAS) describes the buildings as being low rise and to have the appearance of agricultural buildings. The buildings along the site frontage would be a maximum of 6m in height and within the site building heights would be no more than 7m in accordance with the Parameters Plan. Contained within the DAS is an assortment of employment buildings finished in timber and stone and kept to the lowest practicable height as an indication of the design and appearance of the proposed buildings. A 3m wide landscape buffer zone would be provided along the western site boundary which would be highly visible to vehicles, pedestrians and cyclists travelling along Blackburn Road and the public footpath adjacent to the western site boundary. There are no close-up or unrestricted views afforded of the site to the south and east.

5.3.4 To the north of the development site is Blackburn Road and Spade Mill Reservoirs and around 1km beyond that lies the Forest of Bowland AONB boundary. There are long distance views of the application site from public footpaths and bridleways within the AONB. The development site lies within

Landscape Character Type 5c Lower Ribble as defined in the LCC Landscape Character Assessment which recognises that this landscape type is characterised by a complex pattern of hedges and woodland that give an overall impression of a well wooded landscape. The Landscape Character Assessment also acknowledges that the area is well settled; *“a dense network of winding country lanes and tracks link the large number of stone farm buildings. Other features of this area are the country houses and designed landscapes, for example Stonyhurst College, Huntingdon Hall and Showley Hall”*. Given that the area surrounding the application site is characterised by various forms of built development and the inter-visibility between the site and settlement boundary of Longridge it is not considered that the proposed development would result in unacceptable harm to the character and appearance of the area to warrant refusal of the application subject to acceptable details of appearance, landscaping, layout and scale which would be considered at reserved matters stage.

#### 5.4 Effects upon Amenity

- 5.4.1 Policy DMG1 of the Core Strategy states that development must not adversely affect the amenities of the surrounding area. The development is located in close proximity to sensitive uses. This includes residential properties, the closest being Woodville Cottages located at a distance of around 7m from the site boundary. To the east of the development is Hillside Specialist School for children and young people with autism which is comprised of a cluster of pitched and flat roof buildings and associated outdoor amenity space surrounded by a boundary of mature trees with the site frontage facing Preston Road.
- 5.4.2 This is an outline application with all matters reserved at this stage other than the proposed access. As such the application does not at this stage detail the internal layout of the site nor the end-use of the individual buildings – these would be considered at reserved matters stage. Nonetheless, in light of concerns raised in relation to noise and air pollution the applicant has submitted a Noise Assessment and Air Quality Assessment in order to demonstrate that the proposed development would not adversely affect neighbouring uses.
- 5.4.3 The application proposes a mixed use development comprising uses falling within classes B1 to B8 of the Use Classes Order. It is generally accepted that uses within class B1 (office, research and light industrial use) can be carried out in a residential area without detriment to the amenity of that area. The main potential noise sources for the development relate to the proposed B2 and B8 use classes, namely general industry and storage or distribution, however, as stated above, at this stage the application is outline with no fixed detail in relation to the end uses which would be clarified at the reserved matters application.
- 5.4.4 In terms of its impact on the nearest residential dwelling, the Parameters Plan denotes a 14.5m offset distance from the property to the edge of the development area. There are two small ground floor windows on the side of the nearest dwelling facing the application site. Following amendments to the scheme as described earlier in this report, the application site boundary is now around 90m from the boundary of Hillside Specialist School site to the east and over 100m from the nearest school building and would be separated by existing and proposed trees and vegetation.

- 5.4.5 There are a number of measures that can be taken to ensure that the proposed development would not impact upon the closest residential properties or Hillside Specialist School. The layout of the site can ensure that reversing alarms can be minimised. The exact end use of the B2 and B8 units are not currently known, however these units can be insulated against noise breakout. The specification for the fabric of the buildings will be utilised within calculations at the detailed noise assessment phase and upgraded insulation measures can be implemented if necessary. Further mitigation which can be included at reserved matters stage includes orientation of buildings to ensure that no openings face towards nearby residential properties or the school, including loading areas and access doors where possible.
- 5.4.6 It is recognised that the neighbouring school is particularly sensitive to noise and disturbance that could arise from adjoining land uses. There are particular requirements for the acoustic performance of internal and external spaces within schools; BB93: Acoustic Design of Schools: 2015. The document contains specific requirements for pupils with special educational needs and states:
- 'Pupils with hearing impairment, autism and other special needs are often very sensitive to specific types of noise, particularly those with strong tonal, impulsive or intermittent characteristics.'*
- 5.4.7 There are alternative performance standards (APS) contained within BB93 for teaching spaces intended specifically for students with special hearing and communication needs. The highest of these standards is 30 dB LAeq, 30 mins. Any future assessments of the impact of noise shall take into account the aforementioned criteria as part of the assessment aims.
- 5.4.8 In addition to the above measures, should consent be granted, it is recommended that planning conditions are imposed to control opening hours, delivery times and vehicle movements.
- 5.4.9 Given the distances to the existing noise sensitive receptors it is not considered that noise will have a significant impact once the initial mitigation measures are included within the design. It is considered that with a noise assessment at reserved matters stage and implementation of suitable controls, the site can be operated without impacting on nearby noise sensitive receptors.
- 5.4.10 I note concerns regarding an increase in air pollution levels arising as a result of the operation of the site and associated vehicle movements. The applicant has commissioned an Air Quality Assessment which concludes that existing concentrations of NO<sub>2</sub> and PM<sub>10</sub> resulting from vehicle exhaust emissions associated with the proposed employment are well below the annual mean objective and it is extremely unlikely that the proposed development would increase concentrations by 20 µg/m<sup>3</sup> at existing sensitive receptor locations, which would be required to cause an exceedance of any relevant air quality objectives. The assessment also considered whether the proposed development could significantly change air quality during the construction phase. With the implementation of mitigation measures the dust impacts from the construction are considered to be not significant, in accordance with IAQM guidance.
- 5.4.11 There is one Air Quality Management Area within the Ribble Valley located at Whalley Road, Clitheroe. However, air quality across the Borough in general is

good and the development would be subject to a condition that would require consent from the Council for any fixed plant, machinery or equipment (including ventilation and extraction equipment). In addition, a proposed scheme of off-site highway improvements are proposed that would ensure that the site is well served by sustainable transport links which would help to reduce the reliance on motor vehicles and thus lessen vehicle emissions. The Council's Environmental Health Section has been consulted and has raised no objection to the development subject to the imposition of appropriate planning conditions.

## 5.5 Highway Safety

- 5.5.1 In respect of the current application all matters are reserved except for the site access. It is noted that a planning application for the erection of a single industrial unit at the site was refused on highway grounds in 2006. However, the NPPF was introduced in 2012 and states that development should only be refused on transport grounds where the residual cumulative impacts of development are *severe*. The County Highways Surveyor has considered the Independent Highways Review submitted on behalf of Hothersall Parish Council but is of the opinion that an acceptable access can be achieved. The site access incorporates a 10m junction radii in order to enable HGV's to exit the site without encroaching into the opposing traffic lane. It is also suggested that, should the LPA and the Highways Authority consider this proposal desirable, the 30mph speed limit could be extended eastwards to a point to the southeast of the Hillside school access.
- 5.5.2 The applicant proposes numerous off-site highway improvements that would be provided through a Section 278 legal agreement with the Highway Authority. Footways would be provided around the access and dropped kerbs and tactile paving will be provided to enable safe crossing of Blackburn Road to access the footway on the northern side and the eastbound bus stop. A pedestrian refuge has been included in the proposals to further assist pedestrian movements across Blackburn Road and this would also discourage overtaking manoeuvres in the vicinity of the proposed access. Both bus stops in the vicinity of the site would be upgraded as part of the proposed development. A pedestrian/cycleway could also be provided along the southern verge of Blackburn Road to connect into the proposed Longridge Cycle/Footpath Loop that will run along Tan Yard Lane close to the eastern boundary of the Dilworth Lane housing development. The proposed parking provision is sufficient to meet the likely demand of the proposed development. Safe and secure cycle parking will also be provided at suitable locations within the site to encourage employees to cycle to work and details of these facilities would be provided at reserved matters stage.
- 5.5.3 The Highways Officer raised concerns regarding the location of the site access as there is an underground pipe crossing Blackburn Road at the proposed entrance with a 5m easement either side. In the event of maintenance being required for this pipe it would effectively close the access into the estate. As a result the site access has been moved to the west so that it is clear of the pipeline. In addition, the applicant has provided details of a kerbed buildout that would be provided outside the Corporation Arms to deflect and reduce the speed of left turning traffic. The County Highways Surveyor is satisfied with the details provided and raises no objection to the proposed development.
- 5.5.4 In respect of the capacity of the surrounding highway network, the County Surveyor anticipates that the majority of vehicle movements would be generated

in the immediate areas (Longridge and Ribchester) and very few additional trips would be evident on the highway between the site and Preston. The site is considered to be within acceptable walking and cycling distance of a significant area of Longridge and visitors to the site would not be solely dependent on private motor vehicles to reach the site particularly given the schedule of highways improvements detailed above. There is a bus stop near to the Corporation Arms on Blackburn Road within 100m of the proposed site entrance with two-hourly buses to Clitheroe, Whalley and Longridge. There are also bus stops within Longridge centre approximately 1.5km from the proposed development site that provides a regular bus service to Preston. As stated above, the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of development are *severe*. The County Highways Surveyor raises no objections in relation to the impact of the development on the wider highway network.

## 5.6 Trees and Ecology

- 5.6.1 The existing tree cover includes seven individual trees, two groups of trees and five hedges. The application is supported by an Arboricultural Impact Assessment which indicates that the development would require the removal of a number of existing trees and which, in the absence of suitable controls, has the potential to have an indirect impact on a number of trees proposed for retention. Mitigation for the impact of the development can be provided in the form of protective fencing and the use of geotextiles and 'no-dig' construction methods. Compensation for the impact of the development would be achieved through the planting of native hedges to replace those lost to development. The scheme also proposes landscape buffer zones which would provide an opportunity for replacement tree planting.
- 5.6.2 Considering the development proposals would only require the removal of small sections of hedging, which can be replaced elsewhere on site, the direct impact of the development is likely to be negligible. Where proposed hard surfaces encroach within or are immediately adjacent root protection areas of retained trees special construction measures would be required in order to safeguard the trees. Taking into account the above it is recommended that any reserved matters application include a detailed arboricultural assessment/tree constraints plan that shall indicate how the existing trees have informed the detailed layout that has been submitted for reserved matters approval.
- 5.6.3 Core Strategy Key Statement EN4 and Policy DME3 seek to avoid negative impacts on biodiversity through development. Where a proposed development would adversely affect biodiversity the applicant is required to demonstrate that any negative effects can be mitigated, or as a last resort, compensated for. There should, as a principle, be a net enhancement of biodiversity. An Ecological Appraisal has been submitted in support of the application and finds the site to be of low ecological value. None of the hedgerows on the site perimeter are considered important under the Hedgerow Regulations (1997). Japanese knotweed grows along the northern boundary hedge and a non-native species removal and disposal method statement should be submitted to the Council for approval prior to commencement of development.
- 5.6.4 Feeding or roosting by bats is unlikely to occur on site and the overall habitats on site are considered to be of poor quality to foraging and nesting birds. In

accordance with Key Statement EN4 and Policy DME3 of the Core Strategy appropriate roosting features should be provided on-site to enhance nesting and roosting potential for birds and bats along with compensatory planting that would enhance the ecological value of the site. The Ecological Survey contains details of appropriate mitigation measures which would ensure the development would not adversely impact species of conservation concern.

## 5.7 Flooding and Drainage

5.7.1 Under the requirements of Planning Practice Guidance (PPG) “Flood Risk & Coastal Change,” the Local Authority is required to apply a risk-based sequential test to new developments. With reference to Table 2 from PPG, a development consisting of “offices/general industry/storage & distribution” falls into the “Less Vulnerable” category. Therefore, in accordance with Table 3, the site proposals would be deemed “appropriate” within Flood Zone 1.

5.7.2 The Environment Agency require that, for the range of annual flow rate probabilities, up to and including the 1% annual probability (1 in 100 year event) the developed rate of runoff into a watercourse should be no greater than the undeveloped rate of run-off for the same event. Until such time the ground investigation is undertaken to formally assess the infiltration potential of the site, it is proposed that surface water drainage from the development will be discharged into the ditch/watercourse to the south of the site. Attenuation will be required within the system to accommodate the volume of surface water created by restricting the outfall rates to the existing rate of run-off. There are a number of options available for attenuating the proposed flows from the development. The storage could be in the form of underground tanks or via detention/retention basins or possibly a combination of both. The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of the imposition of conditions including the requirement to submit a Formal Detailed Surface Water Management Plan and a Surface Water Lifetime Management and Maintenance Plan prior to commencement of development. The Environment Agency recommends a conditional requirement to provide oil separators prior to surface water being discharged to any watercourse or soakaway in order to reduce the risk of pollution to the water environment. For the avoidance of doubt, the applicant would need to obtain Land Drainage Consent from Lancashire County Council before starting any works on site.

5.7.3 With regard to foul water, a non-mains drainage system is proposed. For a non-mains method of foul sewage disposal, estimated flow from the development is below the threshold of 5m<sup>3</sup> per day requiring an Environmental Permit under the Environmental Permitting Regulations 2016 to discharge to surface water or groundwater. If on re-calculation foul flows exceed 5m<sup>3</sup> per day, an Environmental Permit will be required and the capacity and suitability of the proposed receiving watercourse should be taken into account and a continuous flow will be required to provide adequate dilution for any discharge of secondary treated effluent.

## 6. Conclusion

6.1 In conclusion, the proposed development would result in the creation of additional local employment opportunities and would support the strategic objectives of the Council in accordance with the Employment Land Study Refresh 2013 and Core Strategy Key

Statements DS1 and EC1 and Policies DMG2 and DMB1. The economic and public benefits that would arise from the proposed development would outweigh the environmental impacts of the proposals.

- 6.2 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 details at reserved matters stage. Taking into account the above, it is recommended that the application be approved subject to appropriate conditions.

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

1. Application(s) for approval of all of the outstanding reserved matters related to the consent hereby approved must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates.
  - (a) The expiration of three years from the date of this permission; or
  - (b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: Required to be imposed 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. Detailed plans indicating the layout, scale and appearance of the buildings, facing materials, landscaping and boundary treatment and parking and manoeuvring arrangements for vehicles (called the "reserved matters") shall be submitted to and approved by the Local Planning Authority before development commences.

REASON: In order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline planning permission and to comply with Policy DMG1 of the Ribble Valley Core Strategy Adopted Version.

3. The details in respect of the submission of any reserved matters shall be in strict accordance with the design principles set out in the Design and Access Statement (Rev 1.01) dated 20 June 2017 and the parameters shown on 5220-P02B Parameters Plan received 14 August 2017.

REASON: To ensure the development accords with the agreed general principles in relation to design and green infrastructure in accordance with Policies DMG1, DME1, DME3, and Key Statements EN2 and EN4 of the Ribble Valley Core Strategy.

4. Notwithstanding the details shown on the approved plans, buildings on the site shall not exceed 7m in height.

REASON: To ensure a satisfactory appearance of the site in the interests of local visual amenity and to comply with Policy DMG1 of the Ribble Valley Core Strategy.

5. Applications for the approval of reserved matters shall be accompanied by a noise assessment to ensure that the rating level (LAeq,T) of noise emitted from the site shall not

exceed the background noise level (LA90,T) by more than 0 dB at any time when measured at the boundary of the nearest noise sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and the Planning Practice Guidance and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the units.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

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

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

The external lighting shall be installed precisely in accordance with the approved details and thereby retained as such unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to reduce the harmful impact of artificial lighting on the natural foraging/roosting/nesting behaviour of a protected species and species of conservation concern and to minimise the possibility of inconvenience to nearby residents in compliance with Policies DMG1 and DME3 of the Ribble Valley Core Strategy Adopted Version.

7. The working hours within the premises shall be restricted to the period from 0800 to 1800 hours on Mondays to Fridays and 0900 to 1300 on Saturdays only. No work shall take place in the buildings on Sundays, Bank or Public Holidays.

REASON: In order to protect the residential amenities of the occupiers of the adjacent properties and to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

8. No externally sited fixed plant, machinery or equipment (including ventilation and extraction equipment); or internally sited fixed plant, machinery and equipment (including ventilation and extraction equipment) which communicates directly to the exterior of a building used in connection with the development shall be fitted without first obtaining planning permission from the Local Planning Authority.

REASON: In the interests of the amenity of the surrounding area due to noise from such equipment, in accordance with Policy DMG1 of the Ribble Valley Core Strategy.



9. No goods, plant or materials shall be deposited or stored on the site other than in the buildings shown on the approved plans.

REASON: To ensure a satisfactory appearance of the site in the interests of local visual amenity to comply with Policy DMG1 of the Ribble Valley Core Strategy.

10. There shall not at anytime whatsoever be any working outside of the buildings, or any noise generating work inside the buildings with the doors open.

REASON: In the interest of safeguarding residential amenity and to comply with Policy DMG1 of the Ribble Valley Core Strategy Proposed Main Modifications (May 2014).

11. There shall be no deliveries or collections to/from the new units hereby approved other than between 07:00-19:00 Monday to Friday, between 08:00-13:00 Saturday and not at all on Sunday and bank Holidays.

REASON: In order to protect the amenity of the surrounding area and to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

12. There shall be no movements of HGV's or forklift trucks, used in connection with the new units hereby approved, within the open areas of the site other than between 07:00-19:00 Monday to Friday, between 08:00-13:00 Saturday and not at all on Sunday and bank Holidays.

REASON: In order to prevent nuisance arising in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

13. No goods, plant or material shall be displayed for sale in the open on the site.

REASON: To ensure a satisfactory appearance of the site in the interests of local visual amenity and to comply with Policy DMG1 of the Ribble Valley Core Strategy.

14. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity 1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, 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, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- c) 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);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to reduce the risk of flooding to the proposed development, elsewhere and to future users and; to ensure that water quality is not detrimentally impacted by the development proposal.

15. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The 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:
  - i. on-going inspections relating to performance and asset condition assessments
  - ii. operation costs for regular maintenance, remedial works and irregular maintenance 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.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

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.

16. Applications for the approval of reserved matters shall be accompanied by full details of the proposed surface water attenuation ponds and all other water bodies on site.

For the avoidance of doubt the submitted information shall include existing and proposed sections through each pond including relevant existing and proposed land levels and details of all associated landscaping and boundary treatments where applicable.

All attenuation basins and flow control devices/structures shall be carried out in strict accordance with the approved details and be operational prior to the commencement of any other development.

REASON: To ensure a satisfactory form of development in the interests of visual amenity and to ensure the Local planning Authority can make an accurate assessment of the details relating to matters of flood risk and sustainable drainage in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

17. Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed system.

REASON: To reduce the risk of pollution to the water environment in accordance with Core Strategy Policy DME6.

18. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve the buildings, in accordance with the approved details. This development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure satisfactory means of foul drainage in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

19. No development shall take place until a Construction Risk Assessment Method Statement (RAMS) for construction of the proposed development, is submitted to and approved by the Local Planning Authority. The statement shall outline the potential impacts from all construction activities on infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to this infrastructure. The development shall be undertaken in accordance with the approved RAMS.

REASON: To ensure a satisfactory form of development and to afford appropriate protection of infrastructure that crosses the site.

20. As part of any reserved matters application and prior to the commencement of any site works including delivery of building materials and excavations for foundations or services, a detailed arboricultural assessment/tree constraints plan shall indicate how the existing trees have informed the detailed layout that has been submitted for reserved matters approval.

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.

21. Prior to the commencement of development a detailed method statement for the removal or treatment and control of Japanese Knotweed on site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of proposed working methods to be adopted to prevent the spread of the species during any operation such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/rot/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

REASON: To prevent the spread of non-native invasive species in the interests of protecting nature conservation issues in accordance with Policies DMG1, EN4 and DME3 of the Core Strategy.

22. Applications for the approval of reserved matters shall be accompanied by full details of the landscaping of the site, including wherever possible the retention of existing trees. The scheme shall reflect the landscape character of the area and therefore indicate on a detailed planting schedule appropriate species, types and density as well as their distribution on site.

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

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

23. The biodiversity mitigation measures as detailed in the ecological appraisal dated the 10<sup>th</sup> of October 2016 [7.1 – 8.1.6] shall be implemented in accordance with the recommendations and any specified time table. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

REASON: To protect the protected species/ species of conservation concern from damaging activities and reduce or remove the impact of development and to ensure that there are no adverse effects on the favourable status of a bat population before and during the proposed development.

24. 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 details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall be submitted on a building dependent bird/bat species site plan and include details of the numbers [there shall be at least 1 nest brick/bat tile per unit] across the development as a whole on north or east facing elevations. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into those individual units during the construction of those individual units identified on the submitted plan and be made available for use before each such building is 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 protected species in accordance with Section 9 of the NPPF, and Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

25. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan (drwg no.T2267-H-01 (Proposed Access)) received 14 August 2017. The vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

REASON: Vehicles reversing to and from the highway are a hazard to other road users.

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

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Blackburn Road to a point measured 153m in a westerly direction and 104m in an easterly direction along the nearer edge of the carriageway of Blackburn Road, from the centre line of the access and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

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

28. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. For the avoidance of doubt the off-site works shall include

- a) Provision of pedestrian refuge and localised carriageway widening
- b) Signing and lining
- c) Junction re-alignment at Lower Road/Blackburn Road/Preston Road
- d) Extension of the street lighting provision on Blackburn Road

REASONS: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site

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

29. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 4 has been constructed and completed in accordance with the scheme details.

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

30. 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.

31. 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:

- a) The parking of vehicles of site operatives and visitors
- b) The loading and unloading of plant and materials
- c) The storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding
- e) Details of working hours
- f) HGV delivery times and routeing to/from the site
- g) Contact details for the site manager

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway during the construction phase of the development in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

32. Cycling and motorbike parking facilities shall be provided in accordance with a scheme to be approved by the Local Planning Authority before the use of the premises hereby permitted becomes operative.

REASON: To allow for the effective use of the parking areas in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

## INFORMATIVES

1. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council **before** starting any works on site. Information on the application process and relevant

forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

2. Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to the guidance for the storage of drums and intermediate bulk containers (<https://www.gov.uk/guidance/storing-oil-at-a-home-or-business>).

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%.

All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations.

3. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by telephoning the Developer Support Section on 0300 123 6780, or email [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk)

## BACKGROUND PAPERS

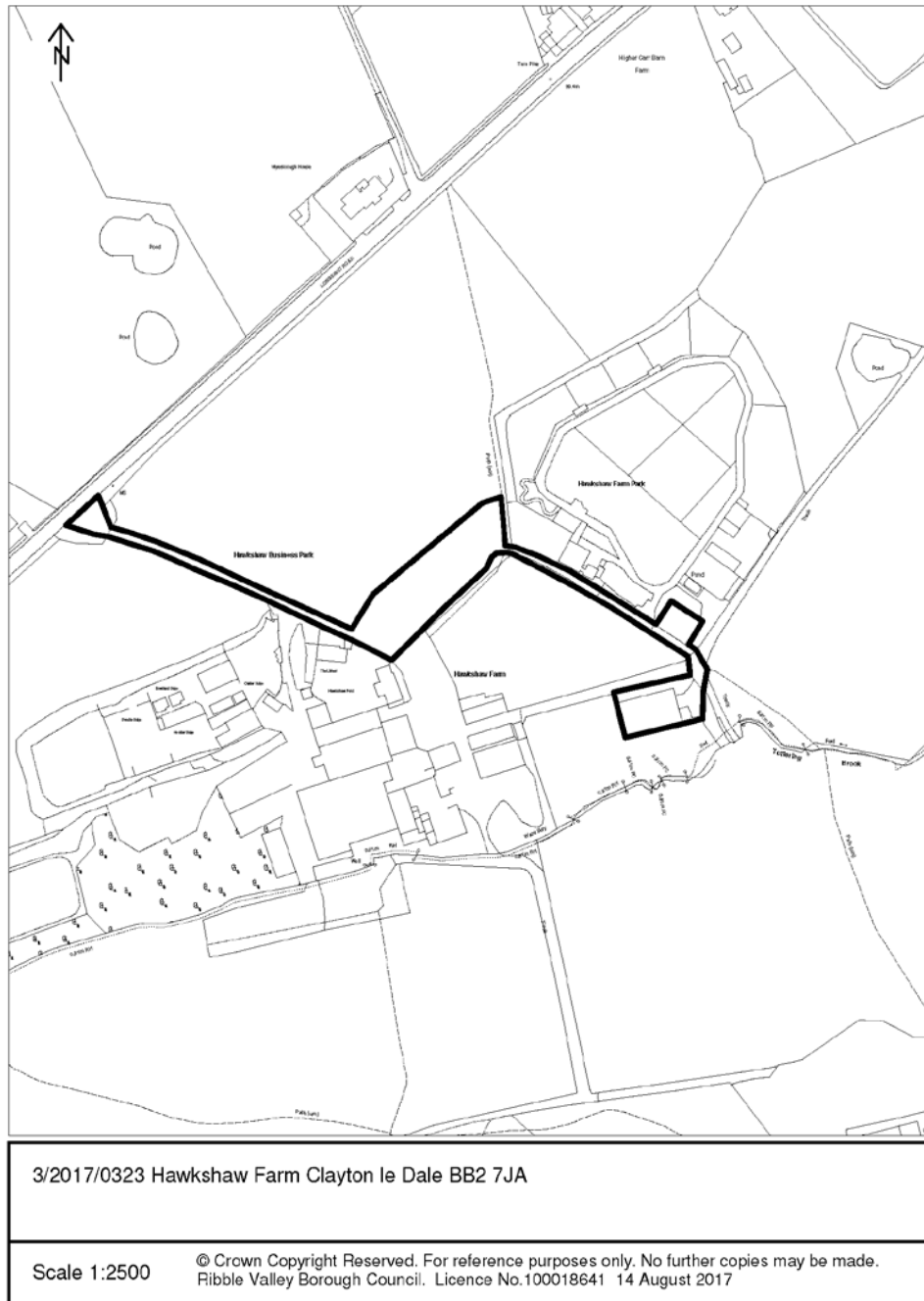
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2017%2F0317](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F0317)

**APPLICATION REF: 3/2017/0323/P**

GRID REF: SD 365686 432179

**DEVELOPMENT DESCRIPTION:**

RETENTION OF UNAUTHORISED CHANGE OF USE OF AN AGRICULTURAL BUILDING AND STORAGE CONTAINERS FOR THE OPERATION OF SCARE KINGDOM AT HAWKSHAW FARM, CLAYTON LE DALE, BB2 7JA





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

### **PARISH/TOWN COUNCIL:**

Clayton-le-Dale Parish Council have no objection on planning grounds. No representations have been received from Mellor PC.

### **HIGHWAYS (LCC):**

No objection.

### **ADDITIONAL REPRESENTATIONS:**

No representations have been received.

#### **1. Proposal**

- 1.1 This retrospective application relates to parts of Hawkshaw Farm that have been used on a seasonal basis to operate the Scare Kingdom visitor attraction. The application seeks consent for the permanent use of an agricultural building to a small scale tourism use and for the retention of a temporary container building to be used as part of the attraction.
- 1.2 The Scare Kingdom events have been a feature at Hawkshaw Farm for several years. Visitors to Scare Kingdom are escorted in groups through sets with different props and with a range of actors performing mini horror movies in each location. Since 2014 the event has been staged inside various buildings at the farm. Whilst the performances are seasonal the Scare Kingdom operators would like to retain the sets on a permanent basis.
- 1.3 Members will be aware that temporary planning consent was granted for the change of use of the buildings under planning application 3/2014/1092. Temporary consent was granted for one year until December 2016 to enable the site to be monitored for noise nuisance. The tour for 2016 had a revised layout meaning that the activities and scenes were all indoors. The volume of any sound effects within the buildings was also reduced. The temporary consent allowed the visitor attraction to operate for up to a maximum of 41 days in any calendar year and was also subject to other planning conditions that sought to reduce the potential for noise and disturbance.
- 1.4 This application proposes the change of use of the buildings on a permanent basis.

#### **2. Site Location**

- 2.1 Hawkshaw Farm is located on Longsight Road and is to the east of the A59. The majority of the 135 acres farm is grassland which is a mixture of permanent pasture and silage meadows, with a small area of maize being grown each year. There is a large range of traditional and modern farm buildings providing cattle housing, silage clamps, general storage and manure storage. The farm also operates Mrs Dowsons leisure and educational family attraction.
- 2.2 There is a group of residential properties at Birley Fold, off Saccary Lane, the nearest of which is approximately 250m to the south of the agricultural building to which the application relates.

### 3. **Relevant History**

3/2007/0313/P – Proposed bird of prey centre including reception, office, education centre and separate toilet block. Approved with conditions.

3/2008/0413/P – Amendments to approved scheme for bird of prey centre. Approved with conditions.

3/2013/0117/P – Agricultural determination application for a portal steel framed storage building. Planning permission not required.

3/2014/1092/P – Retrospective application for change of use to an agricultural storage building to scare kingdom visitor attraction, retention of temporary storage container building and car parking. Approved with conditions.

3/2014/1093/P – Retrospective application for calving unit to be open to members of the public as part of the visitor attraction. Approved with conditions.

3/2014/1094/P - Retrospective application for a visitor centre, comprising a car park, five livestock shelters, one storage building, one polytunnel and one childrens play area. Approved with conditions.

### 4. **Relevant Policies**

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

Key Statement DS2 –Sustainable Development

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 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 matters for consideration in the determination of this application are the principle of development, impact on visual amenity, residential amenity, and highway safety.

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

5.2.1 In relation to the principle of the development, Core Strategy Key Statement EC3: Visitor Economy states that “*proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged, including the creation of new accommodation and tourism facilities through the conversion of existing buildings or associated with existing attractions; and that significant new attractions will be supported in circumstances where they would deliver overall*

*improvements to the environment and benefits to local communities and employment opportunities”.*

- 5.2.2 Policy DMB3 relates specifically to recreation and tourism development. Tourism and visitor attractions are generally supported subject to meeting six criteria. This is an established tourism facility within an existing building that is within the existing group of buildings at Hawkshaw Farm, including the farmhouse and agricultural buildings as well as the buildings and structures associated with the visitor centre attraction. It will also be of benefit to other businesses in the locality (and therefore to the rural economy) as visitors to the attraction are likely to also use local public houses and restaurants. Some visitors from further afield might also use local hotels and guest houses.
- 5.2.3 Policy DMB1 states that *“proposals that are intended to support business growth and the local economy will be supported in principle; and that the expansion of established firms on land outside settlements will be allowed provided it is essential to maintain the existing source of employment and can be assimilated within the local landscape”.*
- 5.2.4 The detailed matters of effects upon the landscape, environment and the local community will be discussed later in this report. Overall, however, it is considered that, in principle, the Scare Kingdom attraction is in keeping with the general intentions of Key Statement EC3 and Policies DMB3 and DMB1.

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

- 5.3.1 In relation to its impact on the visual amenity of the area, the proposal does not involve any new-build development. The proposed change of use would not have any additional visual impact when compared with the existing arrangement and the buildings that are the subject of the application are reflective of other buildings at the farm complex in terms of size, scale and design in accordance with the requirements of Policy DMB3.
- 5.3.2 The County Highway Surveyor has raised no objections to the proposals on highway safety grounds. The attraction is well related to the existing highway network as the farm is located off the A59, the principal road in the borough that is also on a number of bus routes and the proposal would operate outside the hours of operation of the other uses at the site. In relation to the consideration of access/parking/highway safety, the proposal is therefore considered to be acceptable and in compliance with requirements of Policy DMB3.
- 5.3.3 Policy DMG1 of the Core Strategy states that development must not adversely affect the amenities of the surrounding area. It is noted that the main objection made by nearby residents to the previous application concerned alleged nuisance caused by excessive noise. The Council’s Environmental Health Officer made a number of visits to the site prior to the determination of the previous application and recommended the imposition of planning conditions requiring the operator to complete a scheme of screen planting, a time restriction on entry/departure times, the installation of noise mitigation measures and a restriction on the number of events per calendar year.

5.3.4 No objections have been received from nearby residents in relation to this application and the Council's Environmental Health Officer has confirmed that there have been no complaints of noise nuisance made to the Environmental Health Department since the approval of temporary planning consent in December 2015. Having regard to the above, the attraction has operated in accordance with the temporary consent for a period of 12 months and a scheme of screen planting has been completed. The measures taken to reduce noise and disturbance arising from the attraction as part of the temporary permission have been successful insofar that no complaints have been received by the Council and it is considered that the attraction could continue to operate permanently under the same conditions without any detrimental effects upon the amenities of nearby residents. The applicant has also submitted a Management Plan which details the measures that would be put in place during the seasonal attraction including the temporary erection of straw bale walls to guide visitors along the designated walkways and to deflect noise away from the nearest residential properties.

## 6. **Conclusion**

6.1 In conclusion, the proposed development would result in the creation of additional employment opportunities and would support the strategic objectives of the Council in accordance with Core Strategy Policies DMG1, DMB1 and DMB3 and Key Statement EC3. The Council's Environmental Health Section have raised no concerns regarding the continued operation of the attraction and it is recommended that the application be approved subject to appropriate conditions.

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

1. This retrospective permission relates to the use of the agricultural storage building and the retention of a storage container as shown on the submitted plans Location Map 2 (scale 1:2500) and Site Plan (dwg ref. HF/SP).

REASON: For the avoidance of doubt and to define the development for which retrospective permission is hereby granted.

2. The Scare Kingdom attraction for which temporary permission is hereby granted shall be operated for a maximum of 41 days in any calendar year.

The first entry to the attraction shall be no sooner than 6pm. The last entry and the latest departure times shall be as follows:

- Weekdays – last entry 9.30pm, latest departure 11pm.
- Weekdays during Halloween week – last entry 10.30pm, latest departure 12 midnight.
- Fridays and Saturdays – last entry 10.30pm, latest departure 12 midnight.
- Friday and Saturdays on the weekend closest to Halloween – last entry 11.30pm, latest departure – 1am.
- All Sundays last entry 9.30pm, latest departure 11pm.

The applicants shall keep a written record of all days upon which the attraction is open and this shall be made available for inspection by the Local Planning Authority upon request.

REASON: To comply with the terms of application and in the interests of the amenities of nearby residents and to comply with Policy DMG1 of the Ribble Valley Core Strategy Adopted Version.

3. Should the Local Planning Authority consider at any time that the operation of the Scare Kingdom events inside the buildings are resulting in an undue noise nuisance to nearby residents, then a scheme of acoustic insulation within the buildings, and a timescale for its implementation, shall be agreed between the applicant and the Local Planning Authority.

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

4. Unless otherwise agreed in writing with the Local Planning Authority, the site shall be operated in strict accordance with the Visitor Management Plan submitted with the application. This shall include a requirement to erect temporary straw bale walls in accordance with the details shown on Annex 1 of the Visitor Management Plan to a height of 2.5-3m for the duration of all Scare Kingdom events.

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

5. No external lighting shall be installed at the site without the prior written permission of the Local Planning Authority.

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

## BACKGROUND PAPERS

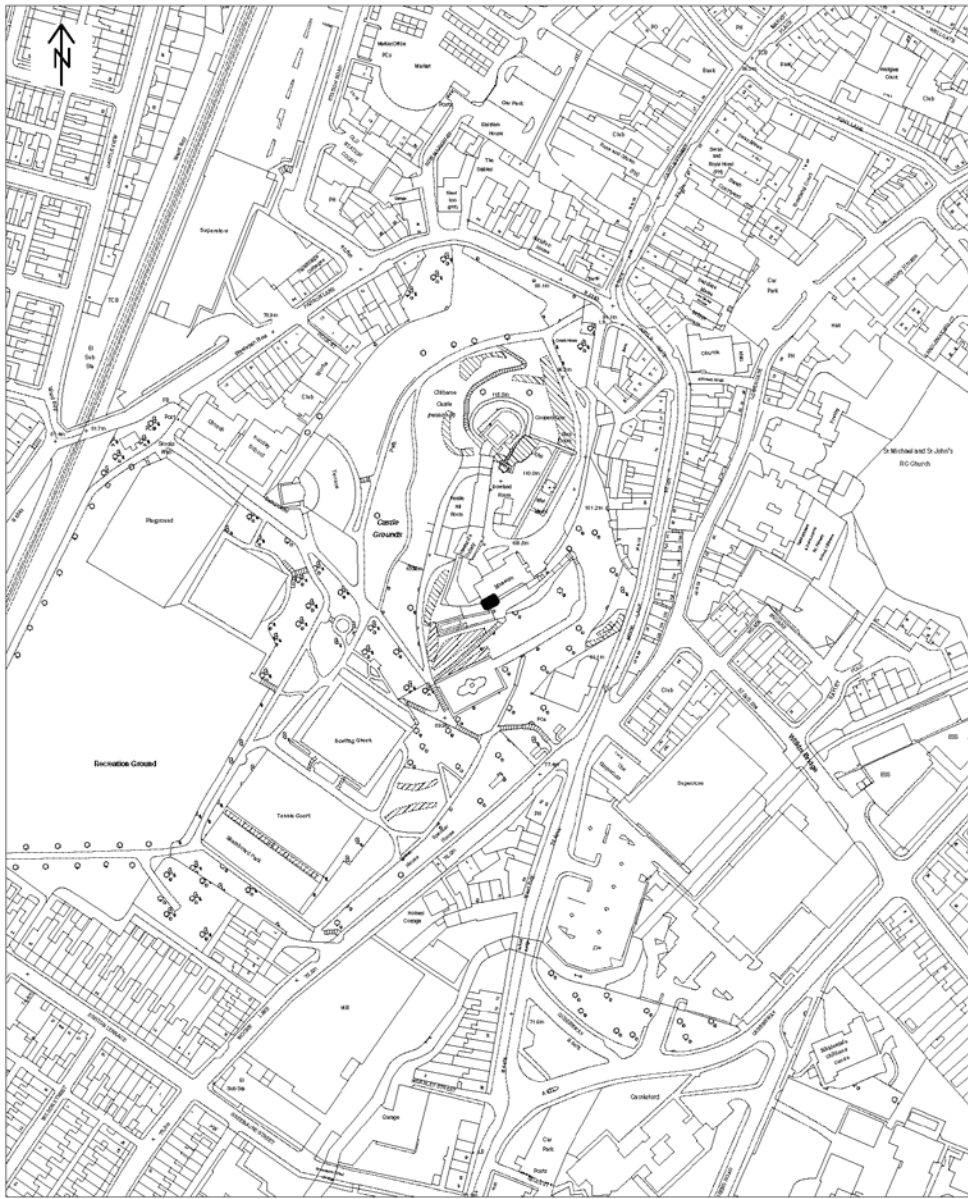
[https://www.ribbonvalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2017%2F0323](https://www.ribbonvalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F0323)

**APPLICATION REF: 3/2017/0495/P (LBC)**

**GRID REF: SD 374247 441621**

**DEVELOPMENT DESCRIPTION:**

**RE-SLATING OF PITCHED ROOF AREA BEHIND PARAPET WALL AT CASTLE MUSEUM, CLITHEROE CASTLE, CASTLEGATE, CLITHEROE**



3/2017/0495 Castle Museum Clitheroe Castle Castlegate Clitheroe BB7 1AZ

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

### **PARISH COUNCIL:**

No objections.

### **LAAS:**

Do not consider that there will be any significant impacts on the archaeology of the site. Content to leave consideration of the impact on the listed building, conservation area etc. to the RVBC conservation specialist.

### **HISTORIC AMENITY SOCIETIES:**

Consulted, no comments received.

### **HISTORIC ENGLAND:**

Advice Clitheroe Castle was built for the de Lacy Family in the 12th century, and was the administrative centre for the Honour of Clitheroe, a role it played until the mid 19th century. The Norman Keep has been described as the most 'remarkable fortress of Lancashire' and is the second smallest stone keep in the country. The complex has altered and adapted over centuries; in 1730 a three storey dwelling with battlements and an external stair tower was constructed to house the Steward of the Castle. In 1920 the castle was purchased for the public as a War Memorial, and remains in the ownership of Ribble Valley Council.

The Castle complex is a scheduled monument (SM), whilst certain buildings are individually listed; the Keep (GI), Stewards House (GII) and the outbuildings (GII). The site is also a GII registered historic park and garden, and is included within the Clitheroe Conservation Area. The current proposals seek to reroof part of the Steward's House, and the application meets Historic England's remit for consideration as the building is in the ownership of Ribble Valley Council.

Historic England have no objection to the principle of the works; keeping buildings weather proof is a vital part of their continued existence. Historic England advise that the detail of the proposals should be considered by RVBC's specialist advisors.

Recommendation Historic England has no objection to the application on heritage grounds.

Historic England consider that the application meets the requirements of the NPPF, in particular paragraph numbers 131.

In determining this application RVBC should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

RVBC should take these representations into account in determining the application.

*(6 July 2017)* Notification and referral to the Secretary of State

The referral to the Secretary of State of all Local Authority own applications for planning permission for demolition in a Conservation Area or for Listed Building Consent has now been

streamlined. This means that only where Historic England or a National Amenity Society has been notified of the application; has given a written notice to the authority setting out the reasons for objecting to the application and stating that the application should be referred to the Secretary of State; and the authority doesn't propose to refuse the application – then it will be referred to the Secretary of State.

As such, RVBC is only required to refer LPA applications to the SoS if Historic England, or an Amenity Society, has objected and RVBC are seeking to approve the application in any case. It is also worth being aware, that Historic England are never the determining body, so even in the case of LPA applications Historic England's role remains unaltered as a statutory advisor.

Castle Museum - providing that RVBC is happy with the detail, it can be determined by RVBC, without referral to the SoS.

### **ADDITIONAL REPRESENTATIONS:**

None received.

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

- 1.1 The building is Grade II listed (30 September 1976) as 'Premises occupied by Ribble Valley Borough Council in grounds of Clitheroe Castle'. It is prominently sited within the Clitheroe Castle Historic Park and Garden (Grade II), Clitheroe Conservation Area and the setting of Clitheroe Castle Keep and Curtain Walls (scheduled monument; Grade I listed) and 'Outbuilding and Stable block to Clitheroe Castle and premises occupied by Ribble Valley Borough Council' (Grade II).

The list description identifies:

*"... Gothic style ... crenelated parapet"* (roof material not referred to).

The historic park and garden description identifies (19 August 1996):

*"Entrances and approaches ... The main entrance to the Castle grounds is the gateway at the southern end of Castle Street, which leads into the northern tip of the site. From the Castle Street gate a drive, laid out around 1830, leads up along the east side of the mound to Castle House.*

*... Principal buildings ... Castle House (listed grade II) is situated 10m to the south-west of the Old Courthouse. It was built as a private residence and opened as a museum in 1981. Although much of the present fabric of these buildings is of mid C19 date, the stables, courthouse and house all appear on a ground plan of c 1723 (Best 1990), and their existence is confirmed by the mid C18 stewards' records (ibid)".*

'The Buildings of England: North Lancashire' (Pevsner N, 1969, page 102) identifies:

*"Castle ... the bailey is recognizable by the walls to the SW and the houses in a Georgian and later medieval dress. Lord Torrington in 1792 wrote of 'a foolishly fancied Gothic house'. How much of genuine medieval survives around these houses and walls has not been sorted out yet".*

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



*“Clitheroe Castle, a Scheduled Ancient Monument”; “The Castle Grounds which is included on the English Heritage Register of Parks and Gardens”; “The architectural and historic interest of the area’s buildings, 88 of which are listed”; “The distinctive skyline, especially as viewed from the Bashall Eaves area of the Borough” (Summary of special interest).*

*“Clitheroe Castle is the most prominent feature, not just of the surrounding countryside but within the conservation area and the town itself. The keep is perched on the highest point of the limestone ridge and is surrounded by open land, mostly landscaped parkland. Castle and development along the limestone ridge give the conservation area a distinctive skyline” (Key views and vistas).*

*“For roofing materials, Clitheroe’s position in the Ribble Valley placed it at some distance from quarries producing stone flags but the river would have been a plentiful source of reeds for thatch. There is no local source of clay for making tiles and bricks. Although many medieval buildings would have been thatched, the prevalent roof material in the conservation area is Welsh slate which became more readily available after the arrival of the railway in the mid 19<sup>th</sup> century. Viewed from a high point such as the Castle, the roofscape is dominated by slate but there are also examples of clay tile roofs on late 19<sup>th</sup> century buildings such as the former Parish School in Church Street where bands of plain and rounded tiles have been used to decorative effect. Stone flags are characteristic of the locality but there are few examples remaining within the conservation area ... the conservation area’s lively roofscape which is also enhanced by the turrets and pinnacles of the town’s many churches and chapels” (Building materials and local details).*

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

- 2.1 Listed building consent is sought for the re-slatting of a limited area of the Castle House roof and incorporate ‘Tapcoshake’ artificial slate on the lower courses. The latter is to provide a walkway of slates on the pitched roof which is resilient (existing slates are thin and easily cracked) and would allow essential maintenance of the CCTV camera equipment and the clearing out of drains. A sample of the artificial slate has been submitted.

## 3. **Relevant Planning History**

3/2007/0039 – Restoration of existing Listed Museum and outbuilding incorporating newbuild link building. External re-landscaping and remodelling of 3240 sq.m. site within curtain wall of Castle site enabling greater public access. Planning permission granted 2 August 2007.

3/2006/1047 – Alteration and extension of Grade II listed Museum and outbuilding incorporating restoration of existing buildings and localised alteration - to improve access and from physical link into the new building. New building linking the existing buildings together and providing accessible entrance facilities. External re-landscaping and remodelling of 3240 sq.m site within the curtain wall of castle site enabling greater public access. All works are aimed to keep the museum buildings in public use and ensure financial viability of the facility. LBC granted 31 July 2007.

3/1984/0484 – Installation of gas central heating system at Castle House. LBC granted 11 October 1984.

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

Planning (Listed Buildings and Conservation Areas) Act 1990  
'Preservation' in the duties at sections 16, 66 and 72 of the Act means "doing no harm to" (*South Lakeland DC v. Secretary of State for the Environment* [1992]).  
Clitheroe Conservation Area Appraisal

National Planning Policy Framework  
National Planning Policy Guidance

Ribble Valley Core Strategy:

Key Statement EN5– Heritage Assets  
Policy DMG1– General Considerations  
Policy DME4– Protecting Heritage Assets

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

5.1 Impact upon the special architectural and historic interest of the listed building (section 66 of the Act), the setting of listed buildings (section 16 of the Act) and the scheduled monument, the character and appearance of Clitheroe Conservation Area (section 72 of the Act) and the character of Clitheroe Castle historic park and garden:

5.1.1 The Clitheroe Conservation Area Management Guidance (The Conservation Studio consultants, 2005; subject to public consultation) identifies:

"Roofs: The roof is nearly always a dominant feature of a building and the retention of its original structure, shape, pitch, cladding and ornament is important. Traditional roofing materials should be retained. New materials should match existing. When a roof is stripped it is important that as much as possible of the original covering is re-used, preferably on the visible slopes, with matching new materials on other slopes".

5.1.2 The Society for the Protection of Ancient Buildings (SPAB) website identifies:

***"What can the consequences of poor rainwater disposal be? ...***  
*Frequently, those first noticed are internal. Concentrated and prolonged wetting is likely to cause damp patches and plaster mould on walls and ceilings, and the decay of timber skirting boards, panelling etc. Investigation will often reveal rot in concealed timbers, such as roof truss bearings beneath parapet gutters. Commonly because of poor maintenance. Gutters, downpipes and gullies can become blocked if leaves, moss and debris (for example, broken tiles) are allowed to accumulate. In addition, components can corrode through lack of decoration. Gutters may fracture where bolt fixings rust, and downpipes frequently leak at joints where blockages hasten corrosion. Good maintenance involves regularly clearing out rainwater fittings, particularly after the autumn leaf fall, and checking the system for defects. Periodic redecoration of ironwork is required to inhibit corrosion".*

*“Roof Maintenance ... Maintenance essentially means preventing rainwater getting in where it can cause harm. Water is potentially most likely to enter through the roof, so putting right minor problems here before they worsen can avert the need for more extensive repair ... Reinstate slipped or missing slates or tiles, and replace broken ones before roof timbers or plaster ceilings are harmed”.*

5.1.3 In my opinion and in concurrence with Historic England, keeping buildings weather proof is a vital part of their continued existence. Therefore, in this case the ability to clear out drains without compromising the integrity of the roof cover (natural slate breakage) is an important consideration. Proposed works are necessary and limited to lower roof cover courses which are not visible from ground level or the Castle Keep. The very minor harm from loss of material authenticity is outweighed by the proper preservation of the listed building.

## 5.2 Landscape/Ecology:

5.2.1 In my opinion, the proposed development (subject to conditions) has an acceptable impact upon protected species.

## 5.3 Heritage Issues

5.3.1 In my opinion, the harm to the special architectural and historic interest of the listed building is ‘less than substantial’. NPPF paragraph 134 requires that this harm be “weighed against any public benefits of the proposal, including securing its optimum viable use’ and in my opinion the minimal harm from loss of material authenticity is acceptable because of the securing of the long-term use and repair of the building.

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

6.1 Therefore, in giving considerable importance and weight to the duties at section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in giving ‘great weight’ to the conservation of the designated heritage assets (NPPF paragraph 132) and in consideration to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy, I would recommend that listed building consent be granted conditionally.

**RECOMMENDATION:** That listed building consent is GRANTED subject to the imposition of the following condition(s):

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

REASON: Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The permission shall relate to the development as shown on Plan Reference Roof-Plan Sheet 1.

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

3. Precise specifications and samples of any replacement natural slates to be used including their colour and texture shall have been submitted to and approved by the Local Planning Authority before their use in the proposed works.

REASON: In order to safeguard the special architectural and historic interest of the listed building.

4. Precise specifications of any works to the roof timber structure shall have been submitted to and approved by the Local Planning Authority before its implementation in the proposed works.

REASON: In order to safeguard the special architectural and historic interest of the listed building.

5. This consent relates to the actions, methods & timing details included in the mitigation notes attached to the protected species survey (Ecology Services UK Limited, 13 June 2017). In the event that the building works are undertaken after summer 2017 or if any bats are found or disturbed during any part of the development, work shall cease until further advice has been sought from a licensed ecologist.

Mitigation refers to practices adopted to reduce or remove the risk of disturbance, injury or death of a protected species.

REASON: To protect the bat population from damaging activities and reduce or remove the impact of development. To ensure that there are no adverse effects on the favourable status of a bat population before and during the proposed development.

6. Bat roof access, access tile and lead saddle shall be incorporated into the roof ridge refurbishment in accordance with the details identified in the submitted ecology report (Ecology Services UK Limited, 13 June 2017).

REASON: To protect the bat population from damaging activities and reduce or remove the impact refurbishment. To ensure that there are no adverse effects on the favourable conservation status of a bat population before and during the proposed development.

## BACKGROUND PAPERS

<http://www.legislation.gov.uk/ukpga/1990/9/contents>

[Planning (Listed Buildings and Conservation Areas) Act 1990]

<https://www.historicengland.org.uk/images-books/publications/conservation-bulletin-73/>

(page 46 'The Big Issue of Little Harm', Conservation Bulletin: Issue 73 Winter 2014)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

(National Planning Policy Framework)

<https://www.gov.uk/guidance/national-planning-policy-framework/12-conserving-and-enhancing-the-historic-environment>

(National Planning Policy Guidance: Conserving and Enhancing the Historic Environment)

<https://www.historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

('Making Changes to Heritage Assets', Historic England, 2016)

<https://content.historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesguidanceapr08web.pdf/>

('Conservation Principles, Policies and Guidance', Historic England, 2008)

<https://content.historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2.pdf/>

('Managing Significance in Decision-Taking in the Historic Environment', 2015)

[https://www.ribblevalley.gov.uk/download/downloads/id/10010/adopted\\_core\\_strategy.pdf](https://www.ribblevalley.gov.uk/download/downloads/id/10010/adopted_core_strategy.pdf)

(Adopted Core Strategy)

[https://www.ribblevalley.gov.uk/downloads/download/3329/clitheroe\\_conservation\\_area](https://www.ribblevalley.gov.uk/downloads/download/3329/clitheroe_conservation_area)

[https://www.ribblevalley.gov.uk/downloads/file/3680/clitheroe\\_conservation\\_area\\_management\\_guidance](https://www.ribblevalley.gov.uk/downloads/file/3680/clitheroe_conservation_area_management_guidance)

(Clitheroe Conservation Area Appraisal and Management Guidance)

**APPLICATION REF: 3/2017/0504**

GRID REF: SD 374863 437669

**DEVELOPMENT DESCRIPTION:**

DEMOLITION OF EXISTING SINGLE STOREY DWELLING AND ERECTION OF REPLACEMENT TWO-STOREY DWELLING WITH DETACHED TRIPLE GARAGE AT WILLOW SPRING (NO. 58) PENDLETON ROAD, WISWELL



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

### **PARISH COUNCIL:**

No objection to the proposed development, however the Parish Council recommend that conditions be imposed to ensure that the hedge fronting Pendleton Road is retained or restored after the development has been completed and details of any external lighting to be submitted to (and agreed with) the LPA prior to its installation on site.

The Parish Council have also commented that consideration should be given to lessen the impact of the development on the village during the construction phase, by way of a Construction Management Plan, which defines the hours of working, prevents parking of vehicles on Pendleton Road and limits the size/types of vehicles accessing the site as the single lane track is not suitable for large articulated vehicles.

### **LCC HIGHWAYS:**

The increase in bedroom size would likely result in an increase in vehicle movements to and from the site. At present the access to the site off Pendleton Road is considered to be poor, with zero visibility to the right (north) for vehicles leaving the site.

In view of the above, whilst the Highway Surveyor has no objection to the proposal on highway grounds, conditions (detailed in the Highways section of this report) have been recommended to be attached to any approval.

### **ADDITIONAL REPRESENTATIONS:**

Letters of representation have been received from 21 residential properties, objecting to the application on the following grounds:

- The replacement dwelling would extend beyond the footprint of the existing dwelling and a neighbouring property was not permitted to do this;
- The replacement dwelling would be far too high in comparison to the original property;
- The surrounding houses in this area are either bungalows or dormer bungalows, with the exception of the small cottages opposite;
- Restrictions have been placed on the heights of surrounding properties;
- The design of the dwelling is totally unsuitable and out of character in this area;
- Excessive light pollution;
- Loss of residential amenity, including loss of light;
- The submitted layout plan does not accurately reflect the footprint of neighbouring properties;
- The bathroom windows in the southern (rear) elevation need to be obscurely glazed and have restricted openings;
- Potential for further dwellings in the rear garden;
- Additional traffic;
- Noise nuisance during construction;
- The existing hedge should be maintained to a height no greater than 2.5m (from road level). Any greater height of this hedge would result in a loss of light to houses opposite;
- Restrictions should in place for constructions works ie. hours of operation, road cleaning and maintenance, construction vehicle access to the site;
- Bats have been seen in the area and the submitted bat survey was not carried out at the correct time (December);

- Restrictions to prevent hedges and trees from obscuring natural light into neighbouring/nearby properties;

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

- 1.1 The application relates to a detached bungalow known as Willow Spring at 58 Pendleton Road in Wiswell. The dwelling is located within a substantial plot measuring 0.43 hectares and is on the edge, but within, the defined settlement boundary of Wiswell.
- 1.2 The existing dwelling is situated centrally within the plot with its front elevation facing east towards Pendleton Road. At the nearest point the front elevation of the dwelling is set back 17m from Pendleton Road, and due to the natural topography of the land the dwelling is currently set approx. 2-3m above the road level.
- 1.3 Vehicular access to the site is obtained directly off Pendleton Road with a sloping driveway leading up to the dwelling. To the front, sides and rear of the dwelling are relatively large garden areas with all boundaries defined by a mixture of hedging and trees. During the application process the Council's Countryside Officer has visited the site and considered that the trees along the northern boundary of the residential curtilage, as well as a number of trees along the western boundary shared with Pendleton Road, were of considerably amenity value and consequently a Tree Preservation Order was placed on these trees (ref: TPO 7/19/3/205). There is also a historic Tree Preservation Order (TPO No. 2 – 1971/15) that covers a large number of trees throughout Wiswell and it would appear that T1 (Ash) on the recent TPO is also covered by this historic TPO.
- 1.4 As mentioned above the application site is on the edge of, but within the settlement boundary of Wiswell, and therefore the southern and western boundaries of the site are adjoined by built form/development. To the south the application site is adjoined by the residential curtilage of Hollybank (fronting Pendleton Road) and the rear garden areas of the dwellings at 1, 3, & 5 Leys Close. To the west is the highway of Pendleton Road and on the opposite side are the dwellings at Tithe Barn Cottages, Steps Cottage and Four Acres, whose front elevations face the application site. To the north and east of the site is an open field and beyond the field to the north is the relatively large residential dwelling, with an extensive curtilage, at Robin Hill.
- 1.5 The surrounding area, and settlement of Wiswell, is defined by a variety of house types. To the south of the site the properties are generally bungalows and dormer bungalows, however there are two properties on Leys Close that are true two storey dwellings (nos. 4 & 16). Directly opposite the dwellings at Tithe Barn Cottages and Steps Cottage are traditional two storey properties and to the north Robin Hill consists of a mixture of single and two storey elements.

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

- 2.1 The application seeks consent to demolish the existing bungalow and replace it with a new larger two storey dwelling, including a detached triple garage.
- 2.2 The replacement dwelling would be rotated and re-aligned so that its front elevation faces north west and its rear elevation south east, and it would be two storey in height. The dwelling would be built into the sloping nature of the site so that when viewed from the front it would be two storey, but from the rear it would be single storey, however accommodation would still be provided below ground level at the rear.



- 2.3 As a result of the sloping nature of the site the existing land levels would be altered to create a flat level for the dwelling to be constructed. At the front of the dwelling the ground floor level would be lowered, but directly to the rear the land would be raised by 1.3m at the greatest point. The finished ground floor level of the replacement dwelling would be approximately 2m lower than the ground floor level of the existing bungalow. In respect of overall height, the highest ridge point of the replacement dwelling would be 3.6m higher than the highest point of the existing dwelling.
- 2.4 With regard to appearance, the replacement dwelling would have a modern design, consisting of steep pitched over-hanging roofs and high levels of full length glazing in the front and rear elevations, including a front balcony area. The dwelling would be finished in stone, with a slate roof and an amended plan has been submitted reducing the level of glazing in the front elevation and adding detailed truss features at roof level.
- 2.5 The dwelling would include five bedrooms, a cinema room, family room, kitchen, lounge, office, bar/games room, gym and lounge area, as well as various utility and storage rooms including bathrooms, shower rooms and toilets. The detached triple garage would be sited to the east of the dwelling and the existing driveway and hardsurfaced area to the front of the dwelling would be altered/extended to provide vehicle access to the garage, however vehicular access would be retained from the existing point off Pendleton Road.
- 2.6 The application is accompanied by an Arboricultural Impact Assessment which details the removal of a Beech tree, a Wild Cherry tree and a group of ornamental Holly, Cherry and Bay shrubs along the front (western) boundary shared with Pendleton Road. The submitted report states that the Beech tree is to be removed in order to facilitate the extended driveway and the Wild Cherry because of its short life expectancy. The Beech tree to be removed does form part of the recent Tree Preservation Order.

3. **Relevant Planning History**

None relevant

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DME1 – Protecting Trees and Woodlands

Policy DMG3 – Transport & Mobility

Policy DMH5 – Residential and Curtilage Extensions

Policy DME2 – Landscape & Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

National Planning Policy Framework (NPPF)

5. **Assessment of Proposed Development**

5.1 **Principle of development**

5.1.1 The application seeks consent to demolish an existing bungalow and replace it with a two storey dwelling. The application site is located within the settlement boundary of Wiswell (Tier 2 Village) and consequently the broad principle of a replacement dwelling in this location is acceptable, subject to compliance with other relevant policies within the Core Strategy.

5.2 **Impact upon Residential Amenity**

5.2.1 The replacement dwelling would continue to be centrally located within the site, however its orientation is altered so that it's front elevation faces north west. The dwelling would be set back 17m from the highway of Pendleton Road, at the nearest point, and therefore a separation distance of 28m would be achieved between the front elevation of the cottages/dwellings opposite and the front corner of the replacement dwelling. The LPA would normally expect a separation distance of 21m to be achieved between the principal front elevations and the proposal would comfortably comply with this requirement. Furthermore, the replacement dwelling has been orientated so as to ensure its front elevation does not directly face the properties opposite.

5.2.2 It is accepted that the replacement dwelling would be significantly taller than the existing bungalow, however the ground floor of the replacement dwelling would be set at a lower level which reduces this impact. Taking into account the altered ground levels the replacement dwelling (at the highest point) would be 3.6m taller than the existing bungalow, however it must be noted that this is at the most extreme point and for the majority the replacement dwelling would be less than 1.5m higher than the exiting bungalow. As such, given the above mentioned separation distances it is considered that the proposed development would share an acceptable relationship with the properties on the opposite side of Pendleton Road in relation to overlooking, overshadowing, loss of daylight and privacy.

5.2.3 Residents of the properties opposite have requested that the LPA ensure that the hedgerow is retained to a maximum of 2.5m in height so as to ensure that this hedge does not block light into the front of their properties. The LPA cannot control or enforce against the maximum height of this hedge, or other vegetation, as planning permission is not required to plant trees/hedges. However there is separate high hedge legislation (separate from the planning process) which controls the heights of hedges and their impact upon neighbouring amenity. Notwithstanding this, there is no indication within the application that the applicant seeks to significantly increase the height of the hedge or increase vegetation screening/planting along this front boundary.

5.2.4 To the south of the development site are the bungalows (and dormer bungalows) at Hollybank and Leys Close. With regard to Hollybank, the side elevation of this property would face the front garden area of the replacement dwelling and a separation distance of more than 20m would be achieved between the side elevation of Hollybank and the blank side elevation of the replacement dwelling. Thus the relationship is acceptable.

- 5.2.5 The rear elevation of the proposed dwelling would face towards the rear garden areas and rear elevations of the properties on Leys Close, however a distance of 16m would be achieved from the nearest point of the replacement dwelling to the shared boundary with number 1 Leys Close, and it should be noted that the nearest windows would be non-habitable bathroom windows which are to be obscurely glazed (a condition to ensure this has been attached). Due to the angled relationship this distance increases and the nearest habitable window within the rear elevation of the replacement dwelling would be 22.3m from the shared boundary. The LPA would normally seek to achieve a distance of 10.5m from a habitable window to a shared rear garden boundary such as this, in order to ensure garden areas are not overlooked.
- 5.2.6 With regard to dwellings on Leys Close, at the nearest point a separation distance of approximately 33m would be achieved between the rear elevation of 1 Leys Close and rear corner of the replacement dwelling, and again this separation distance increases due to the angled orientation of the replacement dwelling. As mentioned above the Council seek to ensure a separation distance of 21m is achieved between principal elevations and therefore a separation distance of 33m from the rear elevation Leys Close to the rear corner of the replacement dwelling adequately meets this recommendation. It should also be noted that the rear of the replacement dwelling is single storey only and as detailed above the closest windows to 1 Leys Close would be obscurely glazed bathroom windows.
- 5.2.7 In respect of the other properties on Leys Close, the angled nature of the replacement dwelling ensures that the separation distances between the proposal and these existing properties only increases and as such the impact reduces. For example the separation distance from the rear elevation of proposal to the rear elevation of the dwelling at 5 Leys Close would be in excess of 50m (at the nearest point) and furthermore 5 Leys Close is situated on higher ground due to the sloping nature of the topography.
- 5.2.8 It is accepted that the because of the alterations in land levels at the application site the ridge height of the replacement dwelling would be higher than the ridge of the existing bungalow (ranging from 1.5 to 3.9m higher in places), and therefore more of the replacement dwelling would be visible from neighbouring properties in comparison to the existing bungalow. Nevertheless, this in itself is not a reason to refuse the application and as identified above the proposal would comfortably achieve/exceed the Council's recommended separation distance in order to ensure that residential amenity of neighbouring residents is not unduly affected by a proposal. It is therefore concluded that the proposal would share an acceptable relationship with surrounding residential properties in accordance with Policy DMG1 of the Core Strategy.
- 5.2.9 Objections have been raised in respect of potential noise and disturbance from construction works and vehicles, however construction works are a necessity for any development and therefore this is not a sustainable reason to refuse a planning application. Conditions have however been attached requiring a detailed construction management plan to be submitted to the LPA prior to development commencing on site and restricted hours of operation.

### 5.3 Visual Impact and design

- 5.3.1 Some objectors have commented that the replacement dwelling is too large and out of keeping with surrounding properties. In response to this, in terms of ground floor footprint the replacement dwelling is similar in size to the existing bungalow, however it is accepted that replacement dwelling would be two storey and therefore more visible within the surrounding area. Nevertheless, the application site is within the defined settlement boundary of Wiswell and the residential curtilage is substantial (0.43 hectares) and can easily accommodate a dwelling of this size. It should also be noted that applications for replacement dwellings are relatively common, and in nearly all cases such applications seek to create a dwelling that is larger than the existing property.
- 5.3.2 In respect of appearance, the replacement dwelling has a modern design, with steep over-hanging roofs, high levels of glazing and use of timber boarding/cladding, however the proposal does seek to retain some traditional characteristics by use of stone and slate materials, and the inclusion of the truss features at roof level. There are a variety of house types and designs throughout Wiswell and in the immediate vicinity of the application site there are houses of different styles and materials, ranging from the traditional two storey stone cottages on the opposite side of Pendleton Road, to the 1960s/1970s style dwellings on Leys Close which includes, bungalows, dormer bungalows and two storey dwellings, which are generally finished in brick and/or render. As such, it is not considered that there is a specific house type or design in the vicinity and this plot does lend itself to allow a modern design of property.
- 5.3.3 In addition to the above, the application site is reasonably well screened by existing vegetation situated along the boundaries and the recently imposed TPO will ensure that the majority of this vegetation will be retained. The Council Countryside Officer has visited the site and considers that the existing vegetation at the application site, as well as vegetation on neighbouring/surrounding land, would substantially screen the proposed development from longer distance views and reduce light pollution.
- 5.3.4 In view of the above it is considered that the replacement dwelling, and detached garage, albeit larger than the existing bungalow, would be sympathetic and in keeping with the surrounding area/buildings and would not adversely impact upon the landscape in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

### 5.4 Landscape and Ecology

- 5.4.1 The application is accompanied by an Arboricultural Impact Assessment which shows two trees and a group of ornamental trees to be removed as part of the application. One of the trees to be removed (Beech tree) is included within the recent Tree Preservation Order, and the submitted report states that this is to be removed to allow for the extended driveway. The Countryside Officer has raised no objection to the removal of this tree, or other trees to be removed, subject to suitable replacements being provided. A condition has therefore been attached requiring a detailed landscaping scheme to be submitted for the written approval of the LPA, and a timetable for implementation. An additional condition has been attached which requires the root protection areas of all trees/hedging shown to be retained shall be protected by fencing during the construction process.

5.4.2 The applicant has also submitted a bat survey with the application which found no evidence of bats at the site and concludes that the risk to bats is low. A nearby resident has contacted the Council and informed the Countryside Officer that they have seen bats in/around the building. The Countryside Officer has discussed this resident's comments with the Bat Surveyor and the Surveyor has reiterated that the existing building is well sealed and has negligible potential for bats. In view of this, the Countryside Officer has commented that they have no evidence to contradict the conclusions of the submitted bat report, and thus raises no objection subject to the development being carried out in accordance with the "Recommendations and Mitigation" measures detailed within section 9 of the submitted bat survey. A standard informative has also been attached in respect of bat protection.

## 5.5 Highways

5.5.1 The existing access off Pendleton Road will be utilised and sufficient parking space will be provided for the replacement dwelling within the residential curtilage.

5.5.2 The County Highway Surveyor has no raised objection to the proposal on highway grounds, although has commented that the existing access point is poor, specifically visibility, and improvements need to be made. The Highway Surveyor has therefore requested the applicant submit a scheme for the construction of an improved site access point to be submitted to the LPA, and implemented on site, prior to commencement of development.

5.5.3 The Highway Surveyor has also requested conditions be attached in relation to a construction management plan and wheel washing facilities.

## 5.6 Other Issues

5.6.1 A number of objectors have referred to height restrictions that have been imposed on neighbouring developments, however no specific details of these have been given and the LPA is not aware of any such restrictions. Nevertheless, each application is judged on its own merits.

5.6.2 Questions have been raised with regard to the failure of the location/site plans to show extensions that have been carried out on neighbouring properties, and thus the plans do not show the true relationship. In response this, ordinance survey maps are not always updated in line with extensions at neighbouring properties and in making the recommendation the Officer is fully aware of extensions that have taken place at neighbouring properties. The application has therefore been assessed against neighbouring properties as built, as opposed to a plan only assessment.

5.6.3 An objector has commented that the approval of this application would potentially enable further applications for additional dwellings within the curtilage to be approved. The approval of this application would not in any way alter the potential for the applicant to erect further dwellings in the curtilage.

## 6. **Conclusion**

- 6.1 Considering all of the above and having regard to all material considerations and matters raised, the replacement dwelling would share an acceptable relationship with the surrounding area in terms of both residential and visual amenity, and subsequently the application is recommended for approval, 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.

### *Plans*

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

Location Plan – 16182 (PL) 001  
Proposed Block Plan – 16182 (PL) 004 D (amended plan received 27/06/17)  
Proposed Floor Plans – 16182 (PL) 005 C (amended plan received 31/07/17)  
Proposed Elevations – 16182 (PL) 006 (amended plan received 14/08/17)  
Proposed Garage – 16182 (PL) 007 (amended plan received 14/08/17)  
Proposed Cross Section – 16182 (PL) 008  
Elevations Overlay– 16182 (PL) 009

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

### *Materials*

3. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, samples or full details of all materials to be used on the external surfaces of the dwelling hereby approved shall have been submitted to and approved in writing by the Local Planning Authority prior to their use on site. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

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 DMH3 of the Ribble Valley Core Strategy.

4. Notwithstanding the submitted details, prior to the replacement dwelling hereby approved being occupied, details at a scale of not less than 1:20 of any new boundary walling, gates and fencing shall have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Policies DMG1 and DMH3 of the Ribble Valley Core Strategy.

#### *Landscaping and trees*

5. Notwithstanding the details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place a landscaping scheme for the site (including elements of both 'hard' and 'soft' landscaping) shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the proposed surface treatment of all hard surfaced areas and the type, species, siting, planting distances and programme of planting of any new and replacement trees and shrubs. The duly approved landscaping scheme shall be carried out within 12 months of the dwellinghouse first being occupied and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

REASON: In order to achieve a satisfactory level of landscaping and provision of adequate off-road parking facilities for the dwellinghouse in the interests of visual amenity and highway safety in accordance with the requirements of Policy DMG1 of the Ribble Valley Core Strategy.

6. Unless otherwise agreed in writing with the Local Planning Authority, the trees and hedges shall be retained on site as shown on drawing 16182 (PL) 004 D (amended plan received 27/06/17) and no development shall take place until all the existing trees within, or directly adjacent, to the site (except those shown to be removed on the approved plans), have been enclosed with temporary protective fencing in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations. The fencing shall be checked and verified on site by the Council's Countryside Officer prior to work commencing and the fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

REASON: To protect the existing vegetation in the interest of visual amenity in accordance with Policies DMG1 and DME2 of the Ribble Valley Core Strategy.

#### *Permitted Development*

7. 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 in accordance with the requirements of Policies DMG1 and DMH3 of the Ribble Valley Core Strategy.

8. The two full length bathroom windows in the rear (south) elevation of the dwellinghouse hereby approved shall be obscurely glazed to a minimum of level 3 on the Pilkington

Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed windows shall be retained as such thereafter.

REASON: To safeguard the privacy of occupiers of neighbouring dwellings and to ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Policy DMG1 of the Ribble Valley Core Strategy.

9. No external lighting shall be installed on the replacement dwelling hereby approved, or elsewhere within the site, without the prior written approval of the Local Planning Authority.

REASON: In order to ensure a satisfactory appearance in the interests of visual amenity and to prevent nuisance arising in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

### *Ecology*

10. No above ground works 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.

11. The development hereby approved shall be carried out in complete accordance with the measures detailed/recommended within Section 9 "Recommendations and Mitigation" section of the submitted Bat Survey undertaken by envirotech.

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.

### *Construction Works and Highways*

12. 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.

13. 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 in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

14. No part of the development hereby approved shall commence on site until a detailed scheme for the site access off Pendleton Road has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. For the avoidance of doubt the submitted scheme should include details of visibility splays, surfacing and any gates that are proposed on the access. The duly approved scheme shall be constructed and completed in accordance with the approved details, prior to the access being utilised in conjunction with the development, including any demolition or construction works beginning on the replacement dwelling.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

15. 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
- HGV delivery times and routeing to / from the site
- Contact details for 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.

16. Notwithstanding the requirements of condition 5 of this approval, the car parking and manoeuvring areas shall be provided as shown on Drawing Number 16182 (PL) 004 D (amended plan received 27/06/17) prior to the first occupation of the replacement dwellinghouse hereby permitted, and shall be permanently maintained thereafter clear of any obstruction to their designated purpose.

REASON: To allow for the effective use of the parking areas in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3

### *Drainage*

17. 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.

### INFORMATIVE

1. If any evidence of bats is found at any time during works then works should cease immediately and advice sought from Natural England or a suitably qualified bat worker.

### BACKGROUND PAPERS

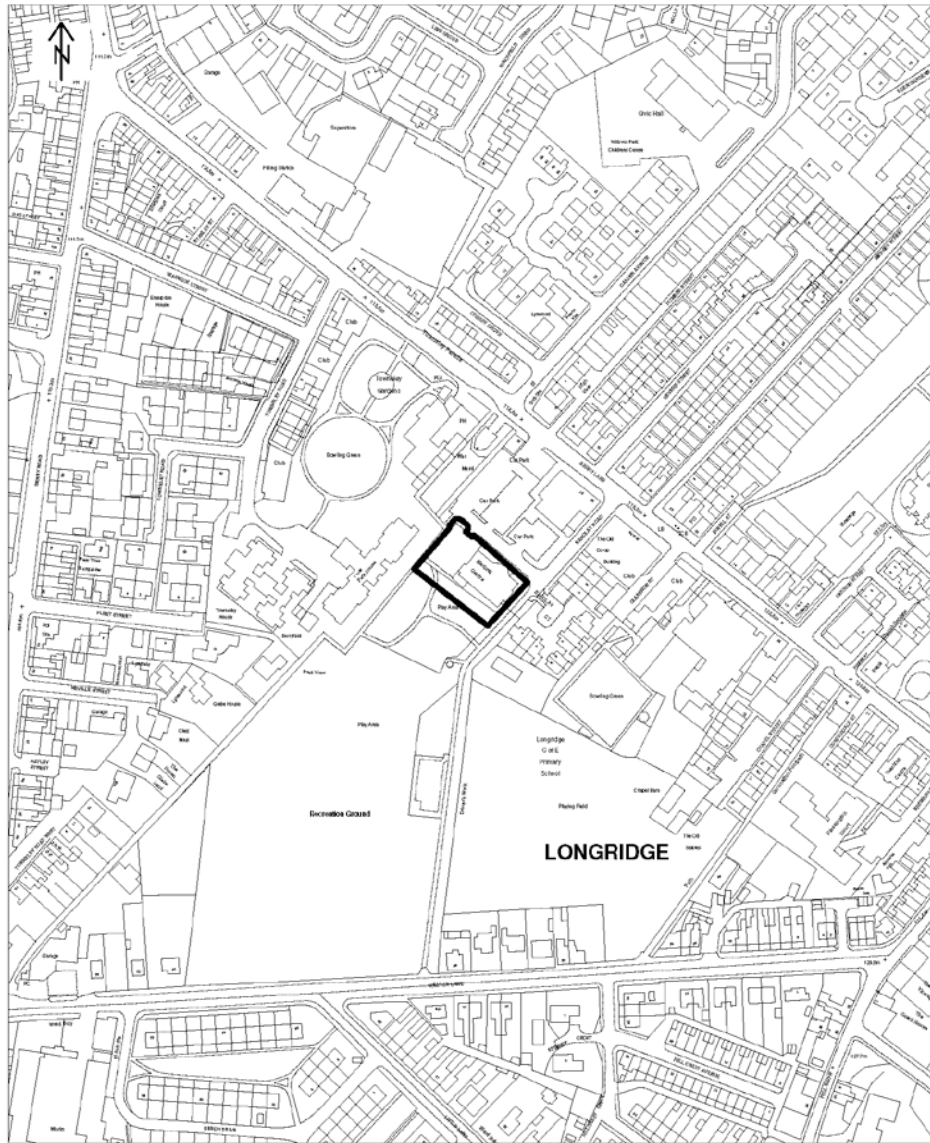
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2017%2F0504](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F0504)

APPLICATION REF: 3/2017/0620/P

GRID REF: SD 360374 437337

**DEVELOPMENT DESCRIPTION:**

CHANGE OF USE OF EXISTING RVBC PLAY AREA TO FORM PART SINGLE-STOREY, PART TWO-STOREY EXTENSION TO THE REAR OF THE EXISTING MEDICAL CENTRE AT **BERRY LANE MEDICAL CENTRE, BERRY LANE, LONGRIDGE PR3 3JJ**



3/2017/0620 Berry Lane Medical Centre Berry Lane Longridge PR3 3JJ

Scale 1:2500

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

**TOWN COUNCIL:** Object to the loss of recreational space(on land secured for the recreation of the people of Longridge).

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

Currently the existing medical centre has no patient parking provision. Patients are expected to park elsewhere within the town centre. There are nearby car parks both pay and display and customer / staff parking for the Coop. The site benefits from 18 on-site parking spaces (staff only) which is 3 short of the maximum provision stated in the County Parking Standards for a high accessibility site. Bearing this in mind, the proposed development will reduce the on-site parking by 4 spaces to 14 whilst increasing the number of consulting rooms from 7 to 14. (+ 2 treatment rooms existing / proposed) On this basis the development would attract a maximum parking provision of 60 spaces (3 spaces / consulting room). There will also be an increase in staff from 30 to 45. Bearing the above in mind I would have serious concerns that the proposed development would increase the parking demand in this area to an unsustainable level leading to road safety concerns and the loss of amenity for local residents and businesses. On this basis I would have to recommend that the application be refused due to the over intensification of the site and the lack of parking provision.

Following consultation with the submission of a draft Travel Plan still wish to retain their objection but advised that they should explore the use of contract permits to reduce any impact.

### **ADDITIONAL REPRESENTATIONS:**

Five letters of comment have been received, three in support and two opposing the development. The letters in support recognises the need for additional infrastructure of this nature and that there is space to relocate the play area with one stating it should only be approved if the existing play area is rebuilt. One letter of objection raises concerns about the loss of staff parking and the extra traffic generated by the proposal. The other letter makes reference to the loss of part of the memorial Playing Field which was purchased following the Armistice in 1918 for the people of Longridge in perpetuity. It is considered that the loss of land would create a precedent and should not be allowed. Also consideration should be given to alternatives to facilitate an extension such as extending above or using the adjacent car parks.

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

1.1 The building is located in the town centre of Longridge and within the Longridge Conservation Area. It is adjacent to the Berry Lane Car park and the land to the rear forms part of the Longridge Recreation Ground

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

2.1 This application seeks detailed consent for change of use of recreation land and the extension of the Berry Lane Medical Centre. The proposal would also involve the loss of some existing parking area used by the Centre. The extension itself is part single storey and part 2 storey and would be at the rear and side of the existing building. It would create an additional 535m<sup>2</sup> floorspace.

2.2 The extension would provide an additional 10 consulting rooms as well as further storage rooms, meeting rooms and office space. The proposal is designed to match the existing building to be of brick construction with a concrete tiled hipped roof. The two

storey extension has its roof punctuated with 8 rooflights. The maximum height from the finished floor level is approximately 7.2m. The staff parking area is reduced from 18 spaces to 12.

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

3/2005/0810 Single storey rear consultation room extension - 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 EN3 – Sustainable Development and Climate Change

Key Statement EN5 – Heritage Assets

Key Statement EC1 – Business and Employment Development

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 DMB4- Open Space Provision

Historic Environment Planning Practice Guidance (HEPPG)

National Planning Policy Framework

Technical Guidance to National Planning Policy Framework

National Planning Practice Guide

Longridge Conservation Area Appraisal and Management Guidance

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

#### 5.1 **Principle**

5.1.1 The principle of this development remains acceptable given its location within the key settlement of Longridge 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 and in this instance the loss of public open space.

#### 5.2 **Highway Safety and Accessibility**

5.2.1 The site is located within a central position of Longridge with close access to bus stops and is access to public car parks. However it is evident that the County Surveyor does object to the proposal due to the lack of parking to accommodate the existing facility and the extension.

- 5.2.2 The scheme provides for 12 car parking spaces for the staff. The adjacent public car park has provision for 29 permit holders, 18 pay and display and 4 disabled bays.
- 5.2.3 It is clear that the main concern relates to lack of parking and associated highway issues resulting from the development and I fully accept that this is substandard but I consider regard should be given to the community benefit and an assessment of spaces available for public use in the vicinity. A survey carried out by the Council in April indicated that the overall occupancy during a week in April ranged from 16% to 33% which would appear to indicate a significant degree of spare capacity.
- 5.2.4 The applicant has submitted a draft travel plan dated 11/08/17 and additional details in an attempt to overcome the concerns of the County Surveyor. As anticipated the Highway authority still objects to the development. However, having regard to all other considerations I am satisfied that this document , which includes details of ways in which staff and public will be encouraged to car share and use public transport is an attempt to reduce the impact but it would need to rigidly enforced and have objectives that are measurable.

### 5.3 Design

- 5.3.1 In relation to the design I am satisfied that the proposal is in keeping with the existing building and the immediate environment.

### 5.4 Heritage/Cultural

- 5.4.1 This proposal falls within the Longridge Conservation Area. The immediate car park on Berry Lane has been identified in the Longridge Conservation Character appraisal as weakness, and I do not consider the building itself is of any architectural value and I am of the opinion that the extension itself will not have any impact on the setting of the Conservation Area, as the bulk of the building and any built form when viewed from the Conservation area would be similar to the existing impact.

### 5.5 Residential Amenity/ Noise

- 5.5.1 The issues in relation to residential amenity are predominantly traffic issues and the impact on the loss of recreational facilities given the building would extend on to the Recreation Ground and would result in removal of some of the existing play area and associated equipment. The issue regarding loss of recreational facilities is dealt with in another section but is clear that the proposal would lead to the loss of some recreational area which is occupied with some play equipment.
- 5.5.2 The impact in relation to highway issues has been covered in a previous section but it is evident that the loss of parking spaces and the expansion of an existing facility would be likely to result in additional traffic movements and pressure for parking which may have a slight impact on the residents of Longridge. However, given the nature of the immediate residential properties and the availability of public parking and off street parking I do not consider this to be unduly harmful.

## 5.6 Recreational Facilities

5.6.1 It is clear that as result of the development there would be a loss of approximately 0.04 hectare (400m<sup>2</sup>) of recreational area which includes specific play equipment. This area of land is immediately to the rear of the Health Centre. I note the issue raised by Longridge Town council and the objection letter in relation to the purchase of the land with reference to the fact that the land has been gifted for such purpose and should not be lost. I recognise the concerns and their significance but this in itself is not a material consideration and substantial issue is in relation to loss of the facilities and its impact on residential amenities is the relevant issue.

5.6.2 It is evident that the play area is a useful facility used by the community but I am of the opinion that the land itself is not essential recreational land and there is sufficient land in the immediate vicinity to permit the relocation of appropriate play equipment. I consider that subject to agreement of a scheme for replacement facilities or a financial contribution to ensure adequate replacement facilities that the loss itself is not significant to warrant a refusal. Any loss would need to be balanced against the overall benefits which would include the provision of additional infrastructure facilities such as that envisaged in this proposal.

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

6.1 I recognise the concerns raised in relation to loss of recreational land and the traffic concerns but I am of the opinion that the proposal would secure improved infrastructure facilities with the resultant expansion of the Medical centre. I consider that this is a material consideration and subject to appropriate conditions to minimise the impact on the highway network and the loss of recreational facilities that a recommendation of approval is appropriate.

**RECOMMENDED: 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 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:

Location Plan	5703-FWP-01_01
Existing and Proposed Site Plan	5703-FWP-XX-XX-DR-A-01_03
Site Plan	5703-FWP-01_02
Existing and Proposed Elevations and Floor Plans	5703-FWP-XX-XX-DR-A-01_05REV P1

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

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. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted statement shall provide details of:
  - A. The location of parking of vehicles of site operatives and visitors
  - B. The location for the loading and unloading of plant and materials
  - C. The location of storage of plant and materials used in constructing the development
  - D. The locations of security hoarding
  - E. The location and nature of wheel washing facilities to prevent mud and stones/debris being carried onto the Highway (For the avoidance of doubt such facilities shall remain in place for the duration of the construction phase of the development) and the timings/frequencies of mechanical sweeping of the adjacent roads/highway
  - F. Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
  - G. The highway routes of plant and material deliveries to and from the site.
  - H. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
  - I. Days and hours of operation for all construction works.

The approved statement shall be adhered to throughout the construction period of the development.

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

5. 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.

6. Prior to occupation of the extension a car parking and traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. 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. Any Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority before commencement of the development and implemented within an agreed time frame.



REASON: In the interests of the amenities of the area and highway safety and to comply with Policies DMG1 of the Ribble Valley Core Strategy Adopted Version.

- 7 Prior to occupation of the extension a plan and scheme showing details of replacement recreational equipment and its management shall be submitted to and approved in writing by the Local Planning Authority. 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 and to comply with Policies DMG1 of the Ribble Valley Core Strategy Adopted Version.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2017%2F0620](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F0620)

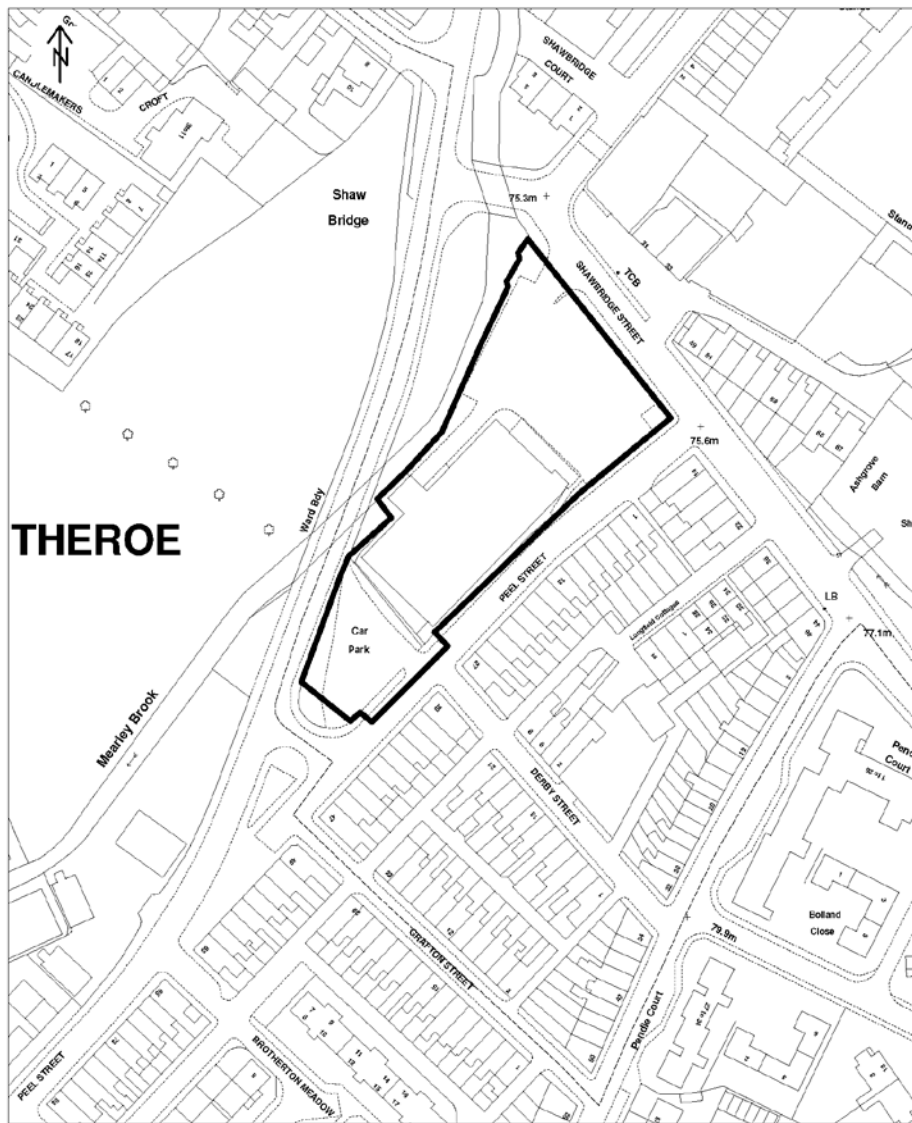
**C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL**

**APPLICATION REF: 3/2017/0610**

GRID REF: SD 374602 441669

**DEVELOPMENT DESCRIPTION:**

CHANGE OF USE OF EXISTING RVBC CAR PARK TO FORM EXTENSION TO EXISTING LIDL FOOD STORE INCLUDING 9 STAFF CAR PARKING PLACES



3/2017/0610 Lidl Shawbridge Street Clitheroe BB7 1LZ

Scale 1:1250

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

### **PARISH COUNCIL:**

No comments received at the time of preparing this report.

### **LCC HIGHWAYS:**

Raise an objection to the proposal on the grounds of the loss of public amenity parking causing additional parking demand on already congested residential streets to the detriment of highway safety and residential amenity.

The information submitted with the application and the additional Technical Note only deal with the parking demand currently generated on the site car park and the adjacent public car park. The information does not acknowledge the existing parking demands on the adjacent residential streets.

There is no doubt that the public car park is used by local residents and businesses both during the working day and also overnight and its loss would see these vehicles moving to the local streets which are already congested.

### **ENVIRONMENT AGENCY:**

No objection to the submitted Flood Risk Assessment.

### **ADDITIONAL REPRESENTATIONS:**

Letters of representation have been received from 30 residential properties, and an additional letter from Clitheroe Civic Society, objecting to the application on the following grounds:

- Loss of car parking from a well-used car park would be harmful and lead to increased demand for on-street parking;
- There is already a lack of parking provision in this area;
- The site was deemed suitable (large enough) for the LIDL store when it was built;
- Unacceptable to take a public facility for private enterprise gain;
- The applicant should pay for long stay parking passes for their staff;
- The extension would not increase jobs or attract more customers;
- There are already sufficient food retailers (and floor space) in Clitheroe;
- The submitted car parking survey lacks detail and was taken over a short period of time (2 days);
- Approval of this application would set a dangerous precedent;
- LIDL's car park is large enough to cope with the demand;
- Impact on highway safety;
- The proposed extension would create an eyesore;
- There are other areas of land nearby LIDL could purchase for staff parking;
- On-street parking in the area should be reserved for residents only;
- Loss of trees – both visual impact and also as the act as a noise screen from the road;
- Devaluation of nearby properties;
- Have the pre-sale discussion between the Council and applicant prejudiced the outcome of the planning application? There is a conflict of interest as the Council are also the Vendor.

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

- 1.1 The application relates to the LIDL retail food unit on Shawbridge Street, and more specifically the Council owned car park directly to the rear which is accessed off Peel Street. Both the retail store and car park are located on the edge of Clitheroe Town Centre, and outside of the Clitheroe Conservation Area.
- 1.2 The food store was granted planning permission in 2010 (3/2009/1071) and consists of the main retail building and a car park to the front (facing Shawbridge Street). This car park currently has 55 car parking spaces (including four disabled access and two parent and toddler bays).
- 1.3 The Peel Street car park contains 15 car parking spaces (including one disabled access bay) and is designated as a Long Stay Pay and Display Car Park. The Council sells Annual Car Parking Passes and within the terms the Pass Holders can use any of the Council's Long Stay Car Parks (including the Peel Street Car Park).
- 1.4 To the north of the application site runs Mearley Brook with the LIDL store being within Floodzone 3 and the Peel Street car park within Floodzone 2. Between the rear of the store and the car park is a row of semi-mature trees, however these are somewhat suppressed by their proximity to the building. To the south of the site is the highway of Peel Street and on the opposite side of this are the terraced properties facing the application site. This terrace row is primarily made up of residential properties although it does include a Physiotherapist and a Butcher (located at the corner with Shawbridge Street).

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

- 2.1 The application seeks consent to extend the existing food store over a section of the Peel Street car park, and then convert the rest of the car park into a LIDL staff parking area. The application would result in the complete loss of this car parking for the public, and the removal of all trees situated between the store and car park.
- 2.2 The proposed extension would extend a further 15.5m beyond the rear elevation of the existing store. The first 4.5m of the extension would be a continuation of the existing building and its pitched roof design measuring 4.2m high to the eaves and 9.8m to the ridge. Beyond this initial 4.5m the extension would then have a flat roof measuring 4.2m high. The extension reduces in height because of the angled nature of the northern boundary which requires the extension to be chamfered in line with this boundary, and hence it would not be possible to continue the pitched roof design at this point. The extension would be constructed in matching materials, consisting of artificial stone, white render, cladding and a tiled roof. With regard to use, the extension would provide a mixture of additional retail and "back of house" space.
- 2.3 The remainder of the car parking area would be used to provide nine car parking spaces for sole use by LIDL staff members. Access to the car park would still be off Peel Street, however it would need to be relocated 10m to the south west and the submitted plan show some new soft landscaping along the northern and western boundaries of the car park.

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

3/2009/1071 - Demolition of existing buildings and erection of a neighbourhood food retail unit with associated car parking – granted subject to conditions

3/2017/0163 - Variation of condition 5 (opening hours) of planning permission 3/2009/1071 to permit the store to trade between 07:00 and 22:00 Monday to Saturday and 10:00 to 17:00 on Sundays and for no restriction on delivery hours to be imposed – granted subject to conditions

### 4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement DMI2 – Transport Considerations

Key Statement EC1 – Business and Employment Development

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

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DME1 – Protecting Trees and Woodlands

Policy DMG3 – Transport & Mobility

Policy DME2 – Landscape & Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME6 – Water Management

Policy DMB1 – Supporting Business Growth and Local Economy

Policy DMR1 – Retail Development in Clitheroe

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

#### 5.1 **Principle of development**

5.1.1 The application seeks consent to extend an existing retail unit which is located within the Settlement Boundary of Clitheroe, but outside of the main shopping area of Clitheroe.

5.1.2 Policy DMR1 of the Core Strategy states that extensions to existing retail units, where the gross floor space is greater than 200m<sup>2</sup>, will be considered on a sequential basis. This sequential test requires the applicant to demonstrate that the proposal cannot be accommodated within the main shopping area, and then on the edge of the centre, and that the impact of the proposal would not seriously affect the vitality and viability of the town centre.

5.1.3 The proposed extension would have a floorspace of 365m<sup>2</sup>, however the majority of this would be “back of house” freezer and bakery areas. As such the increase

in additional sales area would be 98m<sup>2</sup> or a 9.8% increase on the existing floorspace.

- 5.1.4 In respect of alternative sites, the extension would be a continuation of the existing use and therefore could not operate from a separate smaller unit within the main shopping area. There are no suitably sized available units in the main shopping area that could accommodate the size of this LIDL store, and its extension, and thus the proposal meets the requirements of a sequential test. Furthermore the application site is located on the edge of the town centre, within the settlement boundary, and is therefore the preferred location for retail development outside of the main shopping area.
- 5.1.5 In respect of vitality and viability, as detailed above the proposed extension represents a modest increase in retail floorspace at an existing unit and it is not considered that such an increase would have a serious impact upon the vitality and viability of the town centre in accordance with Policy DMR1 of the Core Strategy.
- 5.1.6 In view of the above, the broad principle of a relatively modest extension to an already existing retail unit on the edge of the town centre, is considered to be acceptable, subject to compliance with other requirements detailed below.

## 5.2 Impact Upon Residential Amenity

- 5.2.1 The proposal would extend the existing unit by 15.5m at the rear, with the first 4.5m of the extension being a continuation of the existing building with its pitched roof design. The extension would then reduce in height to a flat roof measuring 4.2m high.
- 5.2.2 The proposed extension would not bring the side elevation of the building any closer to the existing properties on Peel Street and a separation distance of 13m from the front elevation of these residential properties to the side elevation of the food store would be retained, and such a distance complies with the Council's recommended separation distances.
- 5.2.3 In view of the above it is considered that the proposed extension would not adversely affect the amenity of nearby residents in terms of loss of outlook or daylight. Furthermore, the extended unit would not contain any windows and thus there would be no issue in respect of overlooking or loss of privacy.
- 5.2.4 The Council's Environmental Health Officer has raised no objection to the application, including the proposed lighting scheme, subject to a condition that requires details of any external plan/extraction equipment to be submitted for the written approval of the LPA prior to its installation on site.
- 5.2.5 Considering all of the above it is considered that the proposed development would share an acceptable relationship with neighbouring uses in accordance with the amenity requirements of Policy DMG1 (please note that the effect of the highway implications of the proposal on the nearby uses is considered within the Highways section of this report).

### 5.3 **Visual Impact and design**

5.3.1 The proposed extension has been designed to match the existing unit, in terms of its scale, appearance and materials used. The extension would be a continuation of the existing unit and would have no harmful impact upon the visual character of the area.

### 5.4 **Landscape and Ecology**

5.4.1 The application would result in the complete loss of a row of semi-mature trees situated between the building and the car park. The application is accompanied by an Arboricultural Impact Assessment which states that this row of Ash, Beech and Sycamore trees are category C trees of poor form.

5.4.2 The Council's Countryside Officer has visited the site and commented that whilst the trees are individually of no specific quality, as a group they do offer some amenity value to the area. However given that there are other more attractive trees in the surrounding area, it is not considered that these trees would be worthy of a Tree Preservation Order. The Countryside Officer therefore raises no objection to the loss of these trees, subject to the implementation of the landscaping scheme detailed on the approved plan along the edges of the car park.

### 5.5 **Highways**

5.5.1 The existing access point to the car park would be blocked by the extension and thus a new entrance point for the car park would be created approximately 10m to the south west.

5.5.2 The proposed application would result in the loss of the existing car park for public use, and nine spaces would be created for LIDL staff. A significant amount of objections have been received from people that use this car park and local residents. The objectors comment that not only is the car park frequently used, but the removal of this car park would result in an increase in demand for on-street parking, in an area that is already heavily congested with on-street parking.

5.5.3 The County Surveyor concurs with the objectors, and raises an objection to the application on the grounds that the loss of a public car park would cause additional demand on already congested residential streets to the detriment of highway safety and residential amenity. The County Surveyor has also commented that the submitted information with this application only consider parking demand generated on the application site and adjacent public car park, and does not acknowledge the existing demands on the adjacent residential streets.

5.5.4 The "Technical Note" submitted by the applicant in support of the application concludes that the proposed extension would not result in any increase in traffic generation and that there is sufficient car parking at the store to meet the needs of the extension. The "Technical Note" goes on to state that the acquisition of the Peel Street car park will allow for additional car parking to be provided for staff. The applicant has also commented that there will still be 442 public parking spaces in and round the town centre after these 15 spaces at Peel Street have been lost.

- 5.5.5 In response to the “Technical Note”, as noted by the County Surveyor, the applicant does not appear to have taken into account the loss of 15 car parking spaces on the Peel Street Car Park, that are used by the public, and the impact the loss of these spaces will have on the surrounding highway network. Whilst the proposal would result in nine additional spaces for staff, it would also result in a loss of 15 car parking for the public. The loss of these public spaces undoubtedly result in an increase in demand for on-street parking in what is already a heavily congested area and it is considered that this increase in demand would have a detrimental impact upon both highway safety and residential amenity.
- 5.5.6 In respect of the other 442 car parking spaces within the town centre, whilst these could potentially be used by visitors to the town centre, it is considered unlikely that these will be used by people wanting to visit the facilities in the immediate vicinity of the application site, or by nearby residents, and thus the loss of the Peel Street Car Park would be more likely to result in an increase in on-street parking in the immediate vicinity, as opposed to users finding another car park elsewhere in the town.
- 5.5.7 In view of the above, it is considered that the loss of the public car park, to be replaced by an extension to the food store and a staff car parking area (with a reduction in overall car parking spaces) would result in a significant increase in demand for on-street parking to the detrimental of highway safety and residential amenity in this area and thus the application is considered to be contrary to Policy DMG1 of the Ribble Valley Core Strategy which requires all development to consider the potential traffic and car parking implications, and Policy DMG3 which requires all development to provide adequate car parking.

## 5.6 **Economic Benefits**

- 5.6.1 The submitted application has not demonstrated any specific economic benefits of the proposal, such as the increase in number of staff that would be employed as a result of the extension, or evidence that the proposed extension is required to maintain the viability of the existing store. However it is recognised that the extension may offer some economic benefits which would be difficult to quantify.
- 5.6.2 Nevertheless, the applicant has provided no evidence of any benefits that would outweigh the identified harm and any benefits of the proposal that the applicant could demonstrate would need to be substantial in order to outweigh the harm to highway safety and residential amenity.

## 5.7 **Other Issues**

- 5.7.1 The application was accompanied by a Flood Risk Assessment and this has been assessed by the Environment Agency who in turn raise no objection to the application.
- 5.7.2 An objector has commented that the building was deemed large enough for LIDL when the store was originally approved and therefore the building should not be extended. In response the applicant is within their rights to apply for an extension (as is any property owner in the borough) and it is for the Council to assess the impact of such a proposal and come to a decision.



5.7.3 An objector and the Clitheroe Civic Society have raised concerns in respect of the legitimacy of the Council determining this application as they are also the land owner. In response to this the Council considers a number of planning applications each year for proposed development on its own land, often applications submitted by the Council themselves, and each application is judged on its own planning merits. The Council being the land owner has had no impact on the Officer's Recommendation for this proposal.

## 6. **Conclusion**

6.1 The proposed development would result in the loss of a valuable public car park and this would consequently put additional demand on the requirement for on-street parking in an area which is already considered to be at capacity. The application is considered to be contrary to Policy DMG1 of the Ribble Valley Core Strategy which requires all development to consider the potential traffic and car parking implications, and Policy DMG3 which requires all development to provide adequate car parking.

**RECOMMENDATION:** That the application be REFUSED for the following reason:

1. The proposal would result in the loss of a public car park causing additional parking demand on already congested residential streets to the detriment of highway safety and residential amenity. The proposal is therefore contrary to Key Statement DMI2 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy, which require all developments to provide adequate car parking provision, and consider the potential traffic and car parking implications.

INFORMATIVE:

For the avoidance of doubt, this decision relates to the following plans:

Location Plan – AD 100  
Proposed Site Plan – AD 110  
Proposed Elevations – AD 113 – Rev A  
Proposed Building Plan – AD 111 – Rev A  
Landscape Details – R/1989/1  
Proposed Boundary Treatments – AD 114  
Proposed Lighting Layout – 0400028422 Rev A

BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2017%2F0610](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F0610)



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

### **PARISH COUNCIL:**

The application has been considered in detail. It is felt that the development has been planned to be in keeping with surrounding countryside, with sympathetic use of the site and materials. There is also potential for the development to support the local economy and other businesses and to provide interest to both locals and visitors to the area. Therefore the parish council strongly support this planning application.

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

The site is presently an Angling facility, it is understood that this use is to continue and the new nursery and shop are to be in addition to this. It is also noted from the design statement the planning permission for the fishing lakes was not correctly implemented and that the present access is approximately 50 east of the position that was permitted in 2002 but there have not been any concerns indicated as a result of this. As a result I have decided to look for a visibility splay (east of the entrances) of the absolute distance of 152m. I would ask for this situation to be checked by the client and drawings produced indicating viable visibility splays for the proposed access point. Such measurements need to be taken from a point 2.4 back from the edge of the carriageway.

If there are problems in attaining the correct visibility splays then there are two options. The client could have an automatic speed survey completed to establish the true speeds on the road then I could calculate the visibility splay based on the 85 percentile of the actually recorded speeds, noting that if this is below 60 mph then the visibility splay could be reduced or the client could pursue the application using the established access point.

If a suitable access can be established by either of the above lines of action then Highways do not raise any objections on highway grounds subject to the imposition of conditions.

### **LEAD LOCAL FLOOD AUTHORITY (LLFA):**

No comments

### **LCC AONB OFFICER:**

The proposed development site is an open, greenfield site within the Forest of Bowland AONB. The AONB Landscape Character Assessment (referenced in the applicant's LVIA) identifies the site as being within the landscape character type ***Undulating Lowland Farmland, E1 Whitechapel***, and adjacent to landscape character types ***Undulating Lowland Farmland with Parkland, G2 Little Bowland*** and ***Moorland Fringe, D11 Longridge***.

Consideration and analysis within the LVIA of the likely impact from views within the landscape character type, ***Moorland Fringe D11 Longridge*** is quite limited, despite there being strong intervisibility between the site and D11 Longridge. The assessment also identifies that D11 Longridge should be considered *'to have high landscape character sensitivity. Overall, the Moorland Fringe Landscape Character Type has limited to moderate capacity to accommodate change without compromising key characteristics.'*

Additionally, guidance for managing landscape change within D11 Longridge suggests that the AONB should seek to: *'Encourage a built form which respects the simple architecture of farmsteads and cottages and reflects the characteristic settlement pattern of small, isolated*

*clusters of dwellings and individual farmsteads;*'. The proposed building is not vernacular in design or materials and appears to have limited relationship within the local landscape with any local farm buildings similar to those proposed. All the neighbouring/adjacent properties appear to residential in nature.

The LVIA outlines the visual effects of the proposed development from the Up Bedlam road (looking west) should be considered as moderate, reducing over time with the maturing of the proposed tree and hedge screening. From this viewpoint, the building, car park and track will all be visible from the road, and these moderate effects are likely to impact on road users for a considerable time before the tree and hedge-screening has matured and will offer limited screening during months when these are not in full leaf.

For the above reasons, the AONB Partnership considers that the development as proposed is likely to erode the local landscape character and impact on the special qualities of this part of the AONB. For these reasons, the AONB Partnership considers the proposed development unacceptable in its current form.

### **ADDITIONAL REPRESENTATIONS:**

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

- Impact of development on the AONB
- Cumulative impact of proposed on the AONB, surrounding area and footpaths
- Visibility of proposal
- Adverse impact on current landscape
- Impact of lighting on the AONB
- Increase in volume of traffic
- Noise pollution/disturbance
- Doesn't create new employment is just the relocation of a business
- Impact on ecology of the area
- Existing business includes a restaurant/café the proposed relocation of these businesses would result in the suburbanisation of the area.
- Will lead to more development on the site
- Highway safety
- Setting of precedents for future applications
- No in-keeping with the local vernacular
- The introduction of signage in the area would impact upon AONB

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

- 1.1 The application site comprises an area of open land adjacent to Meadow Farm to the south of Up Bedlam Road, Thornley with Wheatley. It is located around 1.2 miles south of the settlement of Chipping and 2.2 miles north east of the settlement of Longridge.
- 1.2 The site is located within Forest Of Bowland Area of Outstanding Natural Beauty (AONB) on land defined as open countryside. Existing site features including boundary trees, hedgerows and ponds within the site. The site to which the application relates forms the northern portion of an area of land that currently accommodates Little Town Fishing Lakes. The waterbodies associated with the fisheries are located approximately 60m to the south of the application site.

1.3 To the north of the site immediately opposite the existing site access is two residential properties, to the east is Meadows Farm. The site is bounded to the south and west by agricultural fields which are typically open and rural in character, the aforementioned land is predominantly utilised as grazing land.

1.4 Little Town Fishing Lakes were formed following the granting of planning permission in 2002 (Application Ref: 3/2002/0247). The aforementioned consent has only been partially implemented consisting of a hard standing area, a storage container and a portable toilet in the north eastern corner of the site. The existing access serving the fisheries has been implemented in a differing location to that of which was originally consented with it being approximately 50m to the east of its intended and consented position.

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

2.1 Consent is sought for the change of use of the land to be used as part plant nursery and part retail. Given the predominant function will relate to the retail sale of plants and other horticultural goods the proposal will fall under use class A1 (garden centre). The submitted details propose the following:

- Erection of shop/retail building for sale of plants and goods
- Formation of hardstanding area to accommodate vehicular manoeuvring and customer parking with provision for the parking of 16 vehicles
- Erection of new site access gates
- Erection of Polytunnel to eastern extents of site
- 1.8m high green mesh fencing to be erected along the entirety of the southern and western extents of the site
- Installation of a number of lighting bollards and ground lit entry signage
- Area for land for the purposes of external storage/display and growing of plants

2.2 It is proposed to create a new access 47m west of the existing access. The new access will be in the position for which permission was granted as part of the original application regarding the fishing lakes as consented under the umbrella of planning application 3/2002/0247. The access will have a width of 5m and will be set back 6m from Up Bedlam Road. It is intended that the existing access will be removed and no longer be available for use by vehicles.

2.3 The nursery and shop will be accessed via a new vehicular access point off Up Bedlam Road. The proposed access will be 5m in width with a hardcore rolled stone base with a dark stone chipping finish. The access will open into a large turning area which will accommodate 11 parking bays. This will be formed with a hardcore sub base with a stone chipping surface with stone setts laid to delineate each parking bay. Each parking space will measure 4.8m x 2.4m.

2.4 An additional parking area is proposed directly adjacent to the proposed shop building which will accommodate 2 disabled parking bays and 3 standard parking bays. They will be located in front of 0.9m stone wall, which will have a 1.8m green mesh fence set behind it. The parking spaces will be finished in a block paviour surface which will continue in front of the proposed shop to aid in customer/patron wayfinding

- 2.5 The proposed polytunnel will be located in the north east corner of the application site, with the proposed plant display and nursery area being located adjacent to the extents of the site.
- 2.6 The proposed shop/retail building will have a width of 10.3m and a length of 14.6m. It will be of a gabled roof appearance with an eaves height of 2.284m and a ridge height of 3.841m. The building benefits from an overhanging canopy roof to the west elevation, which projects 2.2m from the front elevation of the building and will be supported on external columns. The western elevation of the building will be clad in a mixture of vertical timber boarding and natural reclaimed stone; it is proposed that four window openings will be located on this elevation.

To the east elevation it is proposed to insert a door opening and 6 rooflights and to the south elevation the main entrance and the insertion of a large expanse of glass to the whole elevation with a door opening which will lead into the plant display and nursery area. The proposed building will be clad with a natural stone base with vertical timber boarding above, profiled steel roof sheets, timber doors and aluminium window openings.

- 2.7 The proposed polytunnel is to be located 3.8m west of the shop, measuring 8, in width and 14m in length. The tunnel will be of a typical semi-circular form with a maximum height of 3m.
- 2.8 The submitted details propose a significant amount of visual mitigation landscaping to each of the site boundaries. It is stated that this will consist of trees; hedgerow and wild flowers. The applicant states that once fully matured the landscaping will screen the 1.8m green mesh fencing which is proposed to the boundaries of the site.
- 2.9 The proposal also includes the insertion of 8 light bollards to the turning area/car park and 2 light bollards to demark the access entrance.

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

**3/2014/0336:** Non-illuminated plastic coated aluminium sign height 1.9 metres x 1.38 metres wide. Pole mounted 0.13 metres from ground level (Refused).

**3/2002/0247:** Proposed lake, shop, toilet and tea brew accommodation. Fishing lake and fish farm (Resubmission). (Approved with Conditions)

**3/2001/0310:** Proposed fishing lake, dwelling, shop toilet and tea brew area for fishermen (Refused).

### 4. **Relevant Policies**

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

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement DMI2 – Transport Considerations

Key Statement EN2 – Landscape

Key Statement EC1 – Business and Employment Development

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

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

## 5.1 Principle of Development:

- 5.1.1 The application site lies within the AONB in a relatively isolated location being located a significant distance (1.2 miles) from the closest defined settlement of Chipping. The development Strategy for the Borough categorises Chipping as a tier 2 Settlement, which are the less sustainable of the 32 defined settlements in the borough. Policy DMG2 considers development within the AONB and states that ‘in protecting the designated Area of Outstanding Natural Beauty the Council will have regard to the economic and social well-being of the area’.
- 5.1.2 It is important to highlight, that in assessing this application, Policy DMG2 is explicit in that it states *‘the most important consideration in the assessment of any development proposals will be the protection, conservation and enhancement of the landscape and character of the area avoiding where possible habitat fragmentation.’*
- 5.1.3 Policy DMG2 further states *‘where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build.’*
- 5.1.4 In this instance the proposal consists of a new build development, rather than conversion of an existing building, and therefore would undoubtedly have an impact on the AONB through the introduction of built development on an area of land where none currently exists.
- 5.1.5 Policy DMG2 further states that *‘Development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the AONB by virtue of its size, design, use of material, landscaping and siting. The AONB management plan should be considered and will be used in determining planning applications’.*
- 5.1.6 The application comprises of the relocation an existing business within the borough. Policy DMB1 states that *‘the expansion of firms on land outside settlements will be allowed provided it is essential to maintain the existing source of employment and can be assimilated within the local landscape. There may be occasions where due to the scale of the proposals relocation to an alternative site is preferable.’*
- 5.1.7 Whilst the business in question is not intended to expand or create additional employment Policy DMB1 requires that the proposal should be able to *‘be assimilated within the local landscape’*. It is therefore considered that the

proposed development could not be adequately assimilated within the AONB and is therefore contrary to Policies DMB1 and DMG2.

5.1.8 Policy DMB3 of the adopted Core Strategy deals with Recreation and Tourism Development. The applicant states that they consider the policy to be relevant, though concede that it is not an “exact fit” for this particular application. The applicant states that the new location which is sited within the AONB would increase the role of the business as a visitor attraction.

5.1.9 However, to comply with policy DMB3:

- 1 *the proposal must not conflict with other policies of this plan,*
- 2 *the proposals must 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;*
- 3 *the development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design,*
- 4 *the proposals should be well related to the existing highway network. It should not generate additional traffic movements of a scale and type likely to cause undue problems or disturbance. Where possible the proposals should be well related to the public transport network*
- 5 *the site should be large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas, and*
- 6 *the proposal must take into account any nature conservation impacts using suitable survey information and where possible seek to incorporate any important existing association with the development.*

5.1.10 I consider that the proposal is in direct conflict with the requirements of Policy DMB3 in that the proposal is not well related to an existing main settlement and will undermine the character and visual amenities of the area by introducing built form to the currently open and undeveloped area of the AONB.

5.1.11 The creation of the turning area and car parking facilities would contribute to the urbanisation of the landscape and the proposal as a whole has the potential to increase traffic movements in this location.

5.1.12 Policy DMB3 also goes on to state that ‘*in the AONB the following criteria will also apply:*

- 1 *the proposal should display a high standard of design appropriate to the area*
- 2 *The site should not introduce built development into an area largely devoid of structures (other than those directly related to agriculture or forestry uses)...*

*...In the AONB and immediately adjacent areas proposals should contribute to the protection, conservation and enhancement of the natural beauty of the landscape.’*

5.1.13 It is considered that the proposal would be contrary to the criterion of Policy DMB3 in that it would introduce built development into an area largely devoid of structures and would not ‘*contribute to the protection, conservation and enhancement of the natural beauty of the landscape*’.



5.1.14 The Development Policy section of the Council are of the opinion that it is accepted that there would be an economic benefit to retaining an existing business within the borough however I do not consider that the sensitive AONB site location proposed by the applicant is suitable for the relocation of this business. Therefore in this instance the economic benefits do not outweigh the detrimental impacts upon the protected landscape and would not constitute sustainable development.

5.1.15 Therefore, in principles and notwithstanding other Development Management considerations, it is considered that the proposed development is contrary to Policies DMG2, DMB1 and DMB3 of the Ribble Valley Core Strategy and therefore the principle of the development cannot be supported

## 5.2 Proposed Use of the Site

5.2.1 There is no formal definition of what a Garden Centre is other than it falls within the general A1 retail categorisation, for land use planning purposes. The proposed development is considered to be a 'Garden Centre' as opposed to a working nursery as the predominant use of the site is retail A1 for the sales of plants and other goods associated with horticulture. The plants will be displayed in the plant display and nursery area before being taken to the shop for purchase.

5.2.2 There is a tendency for Garden Centres to sell a wide range of goods which are additional to the original purpose of the sale of horticultural and gardening goods

5.2.3 The applicant has stated that the business will be focussed on growing plant and direct retail together with other locally grown plant and related goods as well as welcoming group visits to the site and undertaking demonstrations.

5.2.4 If uncontrolled, this could lead to a wide variety of unrelated goods being sold which would compete with existing shops and stores in nearby villages and towns. Should consent be granted a condition will be attached to restrict the general retail use to that associated with horticulture or gardening. Garden centres in particular can become significant commercial operations, with an increasingly urban appearance resulting from the number and size of buildings, the extensive areas of open display and storage and also the large car parks. Such developments would generally be harmful to the AONB and open countryside.

5.2.5 Garden Centres can also generate high volumes of traffic and as such will be considered having regard to wider transport and sustainable development objectives. The proposal lies outside any defined settlement. Given the isolated nature of the location it is considered that there are no non-transport related facilities or services within adequate walking distance and there are no facilities that can be accessed on foot and it is therefore correct to assume that that this development would lead to an increased reliance on the private car to access services and facilities

## 5.3 Impact upon Residential Amenity:

5.3.1 Policy DMG1 of the Core Strategy states that development must not adversely affect the amenities of the surrounding area. The development is located in close

proximity to sensitive uses. Located directly adjacent to the site on the north side of Up Bedlam Road are two residential properties, Limekiln Gate Cottage and Limekiln Cottage. They are located at a distance of around 20m from the site boundary and a distance of around 50m from the proposed new access. Located adjacent to the west boundary of the site is Meadows farm.

- 5.3.2 It is considered that there is sufficient distance between the proposed development and the neighbouring properties to ensure that the development would not impact adversely on the residential amenity of the occupants of the aforementioned properties.
- 5.3.3. The application proposes a development comprising a use which falls within class A1 of the Use Classes Order 2015. Therefore, noise and disturbance from the proposed development must also be considered in the determination of the application.
- 5.3.4 It is also recognised that vehicular movements within the site have the potential to create noise and disturbance to neighbouring residential properties. It is recommended that, should consent be granted a condition will be attached to any permission restricting the hours of opening and the timings/frequency and nature of deliveries to the site.

#### 5.4 Visual Amenity/External Appearance:

- 5.4.1 In terms of landscape protection and conservation the site is within the open countryside and the AONB. Paragraph 115 of the National Planning Policy Framework (NPPF) states *“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”* Therefore, the Government considers conserving the landscape and scenic beauty of the AONB very important.
- 5.4.2 Key Statement EN2 (Landscape) primarily deals aims to protect the Forest of Bowland Area of Outstanding Natural Beauty. The property is located within the AONB on land designated as open countryside, Key Statement EN2 states:  
  
*‘The landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. Any development will need to contribute to the conservation of the natural beauty of the area.’* and *‘As a principle the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials’.*
- 5.4.3 This is reiterated in Policy DMG2 of the Ribble Valley Core Strategy requires that *‘development within the open countryside 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, landscaping and siting. Where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build.’*
- 5.4.4 Policy DMG1 is used in the determination of planning applications in terms of their general design and appearance. Policy DMG1 also requires development to be of a high standard of design and be sympathetic to existing and proposed

land uses in terms of size, intensity and nature, as well as scale, massing, features and style.

- 5.4.5 The appearance of the building has been considered to ensure that the elevation which faces the highway looks to be an agricultural building. The use of the stone wall with vertical timber boarding above and profiles steel roof sheets are typical of an agricultural building within the borough.
- 5.4.6 The openings proposed on the building would be overly domestic and harmful to the appearance and character of the building and the local rurality. It would reflect that of a contemporary building that fails to respond positively to the rural character of the area or reflect the rural setting/context. The introduction of these openings and the remainder of the external alterations would be considered to be wholly insensitive and would significantly detract from the character and appearance of the area
- 5.4.7 It is therefore considered, by virtue of the external appearance, design and materials of the proposal would result in the introduction of an incongruous form of development that would be of detriment to the character and appearance of the defined open countryside and AONB as it would fail to enhance the character of the wider.

Members will note that the applicant has proposed significant landscaping to mitigate the visual impact of the proposal. However, in support of the application the applicant has also provided a visibility splay drawing to demonstrate that the access will be both safe and operable. The visibility splays required by the Highways development Control Section match those as submitted by the applicant, however the splays are clearly in direct conflict with existing hedgerow and trees, realistically requiring their removal. Furthermore the visibility splays themselves are in a significant degree of conflict with the applicants own landscaping drawings insofar that it is clear that the visibility splays would preclude the ability for any of the proposed landscaping, to the east of the access or northern extents of the site to be implemented.

This would inevitably result in the building visually occupying a front of road location, without any visual mitigation or landscaping resulting in significant harm to the protected landscape and significantly undermining the character and visual amenities of the area.

- 5.4.8 It is considered that cumulatively the proposal will have an adverse impact upon the visual amenities of the application site, the surrounding area and the AONB. The creation of the turning area, car parking bays, the substantial access track and the insertion of light bollards along with the proposed retail building and polytunnel by virtue of the cumulative level of development would result in the introduction of uncharacteristic built form within an isolated location within the AONB. It is further considered that the proposal would result in introduction of an incongruous and unsympathetic form of development that would result in a suburbanising effect and represent an urban encroachment into the area, being of detriment of the character and visual amenities of the defined open countryside and the AONB contrary to Key Statement EN2 and Policies DMG1, DMG2 and DME2 of the Ribble Valley Core Strategy.

## 5.5 Landscape:

- 5.5.1 To mitigate the impact of the proposal the applicant has proposed a vast amount of planting to the boundaries of the site. This will screen the proposed development and reduce the impact it would have on the surrounding area and the AONB.
- 5.5.2 It is proposed to plant native hedge to the north, south and west extents of the site, this will consist of varying widths and the planting of wild flower meadows to the north and west extents of the site.
- 5.5.3 The proposal will include the retention of the trees in the north eastern corner of the application site. Should consent be granted a condition will be attached to this permission ensuring that details shall be submitted of specific root protection measures identified for all trees to be retained.
- 5.5.4 A vast amount of new tree planting is proposed to all elevations of the site. All new planting will be appropriate to the site area, using native species typical of the locality to visually integrate with the wider context and provide increased biodiversity value.
- 5.5.5 Members will note that the proposed landscaping east of the access and to the northern boundary of the site cannot be implemented due to the requirement identified by the Highways Officer regarding the visibility splays. As a result it is considered that the visual impact of the fencing, building and overall proposed development could not be adequately visually mitigated in this instance and it is considered that the hedge row and potential tree removal resultant to facilitate adequate visibility would be of clear detriment to the character and visual amenities of the area and result in negative impacts on the character and visual amenities of the protected landscape.

## 5.6 Ecology:

- 5.6.1 The application is accompanied by an Ecological Appraisal which has concluded that no conclusive evidence was found of any protected species regularly occurring on the site or the surrounding areas which would be negatively affected by the proposed development. Should consent be granted a condition will be attached to ensure that the mitigation methods identified shall be adhered to minimise & mitigate the impact of the proposed development.

## 5.7 Car Parking Provision

- 5.7.1 It was noted that as part of the 2002 planning permission which was granted for the fishing lakes and facilities that 17 parking spaces were proposed. This was considered acceptable due to the nature of the site and its use.
- 5.7.2 The current application proposes 14 parking spaces and 2 disabled spaces. These parking spaces will have a dual use, and will be utilised by those visiting the garden centre and those visiting the fishing ponds.
- 5.7.3 Members will note that the number of spaces to be provided has been reduced by the applicant and given the dual use of the site; it is my opinion that there is inadequate parking facilities proposed as part of this application.

5.7.4 Further comments were received from Highways regarding parking provisions:

*'It is difficult to be prescriptive about parking for garden centres because it is not included within the LCC parking standards. However looking at other authorities (Warwick) 1:50 does appear to be reasonable (external / internal sales area) which would equate to roughly 33 spaces (assuming the poly tunnel is a sales area not propagation). If some of the landscaped area was used for parking (ie the strip to the north of the access road then a further 13 spaces could be provided.'*

5.7.5 However, it is considered that the introduction of additional car park spaces would further exacerbate the introduction of an incongruous and unsympathetic form of development that would result in a suburbanising effect and represent an urban encroachment into the area.

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

- 6.1 In terms of benefits, there would be economic benefits arising from the development. However, it is considered that the economic benefits do not outweigh the detrimental impacts upon the Forest of Bowland AONB and the clear harm to the rural character and visual amenities of the area.
- 6.2 The application site has a high landscape value and contributes significantly to the visual appearance of the surrounding area. It is considered that the proposals would result in significant harm to the setting and character of the AONB and harm an important landscape contrary to Key Statement EN2 and Policy DME2
- 6.3 In this case, it is concluded that the adverse impacts of granting permission for this development proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Ribble Valley Core Strategy. As such, the proposal does not comprise sustainable development and would compromise the implementation of planning policies of the Council, contrary to the interests of the proper planning of the area. It is therefore recommended that planning permission be refused.

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

1. The proposal, by virtue of the cumulative level of development proposed, including the erection of a sales building, polytunnel, extent of hard-surfacing/car parking areas and unsympathetic perimeter fencing, would result in significant harm to the protected AONB landscape. It is further considered that the proposal result in the introduction of an alien, anomalous and discordant form of development that would result in a significant visual urbanising effect upon the landscape being of detriment of the character and visual amenities of the area contrary to Key Statement EN2 and Policies DMG1, DMG2 and DME2 of the Ribble Valley Core Strategy.
2. The Local Planning Authority cannot be assured that the proposed visibility splays and adequate landscaping mitigation can be archived/provided in tandem due to significant direct conflicts within the submitted information. It is therefore likely that the proposal, if approved, would be of significant detriment to the character and visual amenities of the area and safe operation of the immediate highway contrary to Key Statement EN2 and Policies DMG1, DMG2, DMG3 and DME2 of the Ribble Valley Core Strategy.

3. The proposal has failed to provide adequate space for the parking of vehicles within the site which would be to the detriment of highway safety. The proposal is therefore contrary to Key Statement DMI2 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy

#### BACKGROUND PAPERS

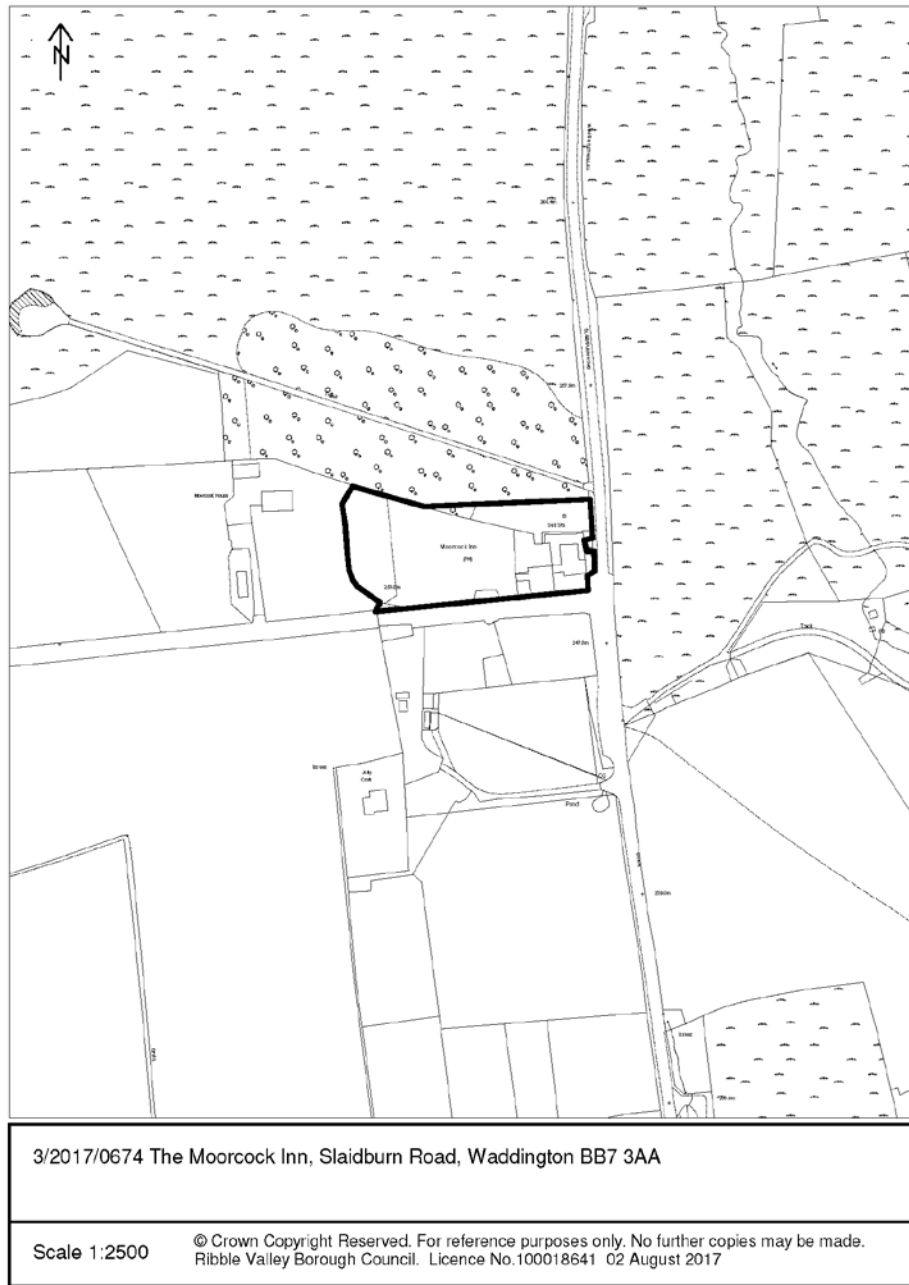
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2017%2F0664](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F0664)

**APPLICATION NO: 3/2017/0674/P**

GRID REF: SD 371966 446630

**DEVELOPMENT DESCRIPTION:**

DEMOLITION OF THE MOORCOCK INN AND ERECTION OF FOUR DWELLINGS INCLUDING ASSOCIATED DRIVES, GARDENS AND EXTERNAL LANDSCAPING WORKS. CREATION OF WORK FROM HOME OFFICE/STUDIO SPACE AT THE MOORCOCK INN, SLAIDBURN ROAD, WADDINGTON BB7 3AA



## **PARISH COUNCIL:**

Parish Council position remains the same and supports the redevelopment and understands that the two borough Councils' representatives also support the scheme. However, they query why it was refused last time when there is so much pressure for the Council to build new homes.

It is an eyesore and this reason alone should be enough to warrant consent.

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

The Highway Development Control Section does not have any objections regarding the proposed demolition of The Moorcock Inn and erection of four dwellings and are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

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

The access road to the site is a private road and is not subject to any future adoption agreement. The applicant should check with their solicitor that they have rights over this road to access the site.

From or mapping system "Mapzone", the proposed development does not affect any public rights of way.

The sight lines of 2.0 x 17m to be provided in both directions from the centre of each drive onto the private access road. The site line requirement is based on table 7.1 from Manual for Streets and an estimated wet road 85<sup>th</sup> percentile speed of 15mph.

The applicant should provide accurate details of the required sight line requirement, before determining the application, ensuring the entire sight line requirement is fully over land within the applicants control and to fully show all works which would be required to provide the sight lines. The sight line splays will require walls, fences, trees, hedges, shrubs, ground growth, structures etc. to have a maximum height of 1.0m above the height at the centre line of the adjacent carriageway.

The Highway Development Control Section recommends the following conditions as part of the formal planning decision: -

1. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the back edge of the verge. The gates shall open away from the highway. Reason: To permit vehicles to pull clear of the carriageway when entering and exiting the site.
2. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter. Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.



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

**LAAS:**

No representation but previously advised that the 1<sup>st</sup> Edition Ordnance Survey (Yorkshire Sheet 182) surveyed in 1847 shows the site to comprise two much smaller buildings adjacent to the main road in the southeast corner of the site. Buildings of this date, if well preserved, might be considered to be of some limited archaeological interest where the preservation by record (building recording to English Heritage Level 2) would be appropriate. However in this instance, information contained in the Heritage Statement makes reference to the building having been badly damaged by fire in the 1970's and subsequently been rebuilt, and that little or no original features survived. Consequently LCAS has no objection to the proposed demolition nor does it consider it necessary to require the applicant to undertake any archaeological recording of the buildings.

**PRINCIPAL AONB OFFICER:**

No comments but previously advised in relation to the 7 residential dwellings that are built to reflect the local building scale and stone vernacular. In order to facilitate the proposed development, the existing building and its car park would be removed – actions which, on their own, would have significant beneficial effects for the local landscape character. The building is relatively large scale, appearance, large car park in close proximity to Slaidburn Road emphasise its presence in the landscape and combined to create significant unacceptable landscape character impacts.

By virtue of the domestic building scale, simple building design using materials and a style which mimics that of the area, alongside mitigation planting, the AONB Officer is satisfied that there would be no significant adverse effects on the landscape character of the AONB. In fact, removal of the Moorcock Inn and its car park, together with the reinstatement of previously lost landscape fabric are clear positive outcomes of the proposed scheme. The AONB Officer stated that two detailed aspects of the landscaping elements of the proposal needed to be amended. (Those points have been satisfactorily addressed on an amended landscaping scheme submitted to address the points made by the AONB Officer.)

With those changes having been made, the AONB Officer is of the opinion that the likely landscape and visual effects of the proposed scheme would be acceptable in landscape terms and that the purposes of AONB designation would not be compromised.

**UNITED UTILITIES:**

No representation received but previously raised no objection

**ADDITIONAL REPRESENTATIONS:**

One letter of objections which whilst raising no objection to conversion or one large dwelling raises the following concerns and also asks for building to be made secure:

- Precedent and greenlight for people to buy rural buildings, demolish and then build dwellings.
- Concern regarding traffic and highway safety.

- Not sustainable.
- Visual detriment to the AONB and Waddington Fell.
- Still consider no change since previous refusal and dismissed appeal.

## 1. **Proposal**

- 1.1 The application seeks full planning permission for the demolition of the existing building and the redevelopment of the site (including the car park) to provide 4 detached dwellings with home studio office space, associated landscaping and garages.
- 1.2 The existing vehicular access will be used to gain access to the new dwellings with each unit having a separated gated entrance. One unit has an integral double garage and a first floor work unit with the others having double garages set into embankment which have grass flat roofs.
- 1.3 The buildings are two storey 5 bedroom units with 2 of the dwellings having the gable end fronting the site. One plot has a cat slide roof arrangement and another has a small 2 storey gable treatment at the front of the building. The maximum height of the buildings would be 10 m which allows for bedroom accommodation in the roof space.
- 1.4 The proposed external materials comprise a mixture of appearance and details including reclaimed natural stone for walls and new dressed stone for quoins and surrounds. Roofs would be finished with natural slate with grass roofs for the detached garages.

## 2. **Site Location**

- 2.1 The application relates to the former Moorcock Inn Public House and Hotel that is located on the northwest side of Slaidburn Road within the Area of Outstanding Natural Beauty approximately 2 miles north of Waddington Village. The buildings have not been in use since the business was ceased in the summer of 2010. The application site comprises the area upon which the buildings stand plus the large car park which, together, give a total area of approximately 1.8 acres. There are two dwellings relatively close to the application site, one to the west and one to the south west, otherwise there are few other buildings or properties within approximately 500m of the site.

## 3. **Relevant History**

3/2012/0356/P – Proposed conversion and redevelopment of the public house and hotel to form three private residential properties. Approved with conditions.

3/2012/0819/P – Proposed demolition of the redundant public house and hotel and the erection of three detached dwellings, three detached garages with annex accommodation over and the creation of garden and landscaped areas. Refused.

3/2013/0394/P – Proposed demolition of the redundant public house and hotel and the erection of three detached dwellings with three detached double garages with annex accommodation over and the creation of garden and landscaped areas (resubmission of 3/2012/0819/P). Withdrawn.

3/2014/0592 - Proposed demolition of the Moorcock Inn and the erection of 7 no. dwelling houses including associated drives, gardens and external landscaping works refused and dismissed on appeal

3/2014/1119 - Proposed demolition of The Moorcock Inn and the erection of one dwelling house including associated drive, garden and external landscaping works. Approved with conditions.

3/2016/0587- Proposed demolition of the Moorcock Inn and the erection of 4 no. dwelling houses including associated drives, gardens and external landscaping works creation of work from home office/studio space at **the Moorcock Inn, Slaidburn Road** Refused.

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

Ribble Valley Core Strategy (Adopted Version)

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement H1 – Housing Provision

Key Statement H2 – Housing Balance

Key Statement H3 – Affordable Housing

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 DMH3 – Dwellings in the Open Countryside and AONB.

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

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

5.1.1 In the determination of this application I consider it appropriate to look briefly at the recent planning history of the site and in particular the recent appeal decision and then to consider whether the proposal is acceptable in principle in relation to the sustainability requirements of NPPF and whether or not there is an exception policy.

5.1.2 The main issue is the effect of the proposal on the character and appearance of the open countryside, bearing in mind the need to conserve the landscape and scenic beauty of the Forest of Bowland Area of Outstanding Natural Beauty and whether or not it is contrary to sustainable development given its location outside of any main settlement. In assessing its impact it is right to consider the existing negative impact as well as the impact of any new development.

5.1.3 In protecting the designated Area of Outstanding Natural Beauty the Council will have regard to the economic and social well-being of the area. However the most important consideration in the assessment of any development proposals will be the protection, conservation and enhancement of the landscape and

character of the area avoiding where possible habitat fragmentation. Where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build. Development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the AONB by virtue of its size, design, use of material, landscaping and siting. The AONB Management Plan should be considered and will be used by the Council in determining planning applications.

- 5.1.4 This policy assists the interpretation of the development strategy and underpins the settlement hierarchy for the purposes of delivering sustainable development. In establishing broad constraints to development the Council will secure the overall vision of the Core Strategy.
- 5.1.5 This proposal does not comply with the basic intentions of policy DMG2 of the Core Strategy.
- 5.1.6 In addition, paragraph 55 of the National Planning Policy Framework (NPPF) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 5.1.7 It also states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Whilst one of these circumstances is “where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting” these proposals would see the complete demolition of the existing inn with no retention (whereas the extant permission retained the best part of the building). Therefore, this proposal does not appear to be in compliance with the sustainability intentions of NPPF and the Core Strategy Development Strategy (policy DS1).
- 5.1.8 It is clear from the appeal decision in relation to 7 units that the Inspector considered there to be both visual harm to the AONB and that given its location considered the site to be in an unsustainable location. Although there is an introduction of a small work element I am firmly of the opinion that this reason for refusal remains. Furthermore the locational issues and sustainability concerns has recently been supported in an appeal for a single unit within Newton.
- 5.1.9 In relation to visual impact I recognise there has been some improvement since the appeal decision with an increase in the amount of open space and views of the AONB from within the site but no details have been changed since the latest refusal by Committee on the 22/08/16. In relation to national guidance I do not consider there to be any change in circumstances.

## 5.2 Highway Safety and Accessibility

- 5.2.1 It is evident that there is no objection from a highway safety perspective on this application and advice is given regarding the required visibility splay.

## 5.3 Landscape, Tree and Visual Impact

- 5.3.1 In relation to visual impact the intention of this application has been to create high quality development that would be appropriate to its AONB location. Having regard to the existing use and previous consents I am satisfied that the design and layout of the development is considered to be acceptable and that subject to appropriate landscaping would not have a harmful impact on the AONB.

Previously the Countryside Officer considered the proposed landscaping to be appropriate and to a high standard; and the AONB Officer confirmed that he considers the proposal to be acceptable in relation to its landscape and visual effects.

#### 5.4 Flood Risk and Drainage

5.4.1 No formal response has been received in relation to this matter but previously there were no issues with regards to any drainage or flood issues.

#### 5.5 Residential Amenity

5.5.1 I note the previous comments of the objectors but do not consider there to be any harmful impact on residential amenity.

#### 5.6 Affordable Housing

5.6.1 In relation to affordable Housing requirements no response has been received at the time of preparing this report. However, having regard to the number of dwellings and their gross floor space, the gross floorspace of the building to be demolished and the Vacant Building Credit I do not anticipate there to be any requirement in this instance.

#### 5.7 Other issues

5.7.1 A comment has been received in relation to waste provision and bin carry distance advising that there should be a turning point at Plot 1 or a designated communal collection point.

### 6. Conclusion

6.1 I am mindful of all other considerations including issues regarding the viability of the previously approved schemes, dereliction of the existing building and previous consents but conclude that due to its location it would result in appropriate unsustainable development contrary to the settlement strategy of the Core Strategy.

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

1. The proposed development is contrary to Key Statement DS1 and Policy DMG2 and DMH3 of the Ribble Valley Core Strategy as it would involve the construction of 4 dwellings in an isolated open countryside location that do not meet an identified local need. As such, the proposal would cause harm to the Development Strategy for the Borough as set out in the Core Strategy leading to unsustainable development.
2. Permission for the proposed development would create a harmful precedent for the acceptance of other similar proposals without sufficient justification which would have an adverse impact on the implementation of the Core Strategy of the Council contrary to the interests of the proper planning of the area in accordance with the core principles and policies of the NPPF.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2017%2F0674](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F0674)

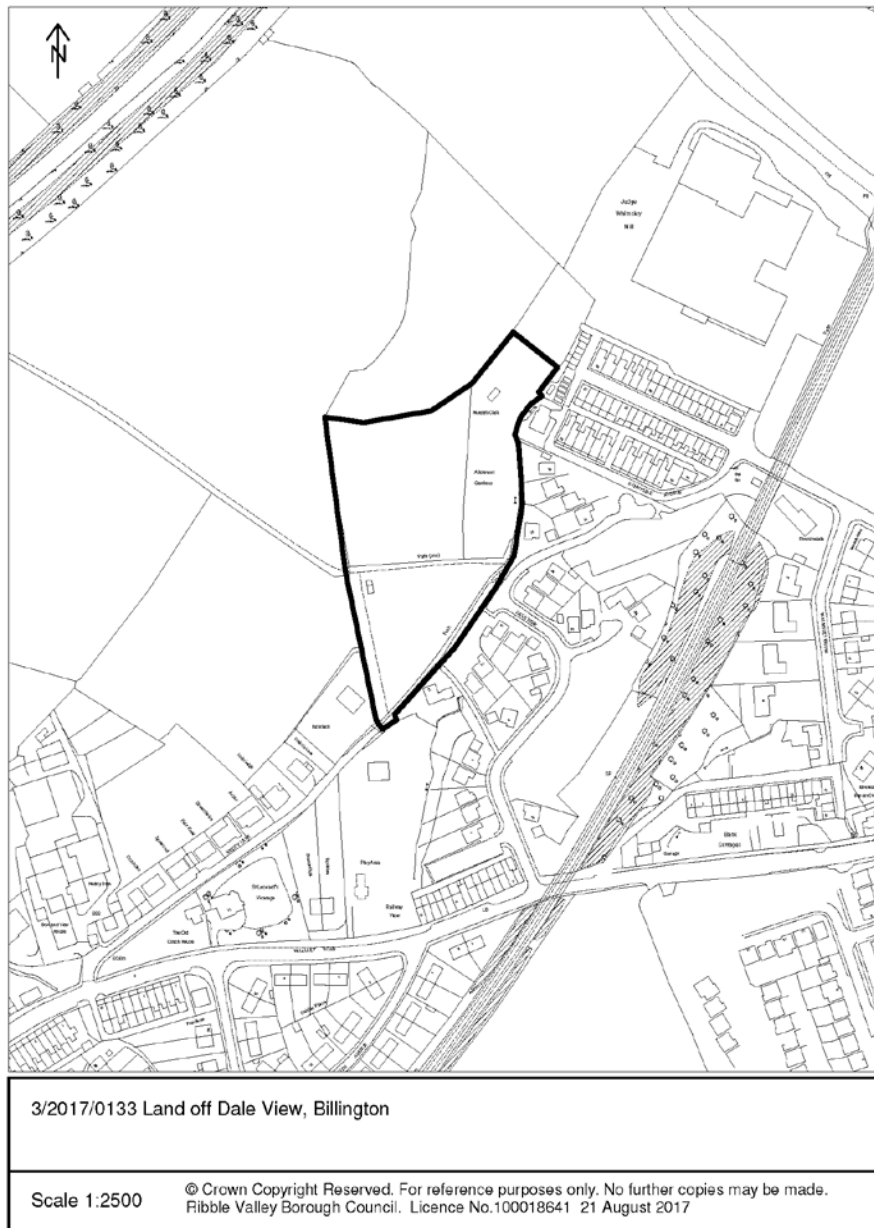
**D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED**

**APPLICATION NO: 3/2017/0133P**

GRID REF: SD 372502 435950

**DEVELOPMENT DESCRIPTION:**

THE ERECTION OF 41 DWELLINGS AND ASSOCIATED WORKS AT LAND OFF DALE VIEW, BILLINGTON.



## **PARISH/TOWN COUNCIL:**

The Parish Council made the following comments:

- The application falls outside the area designated as 'Billington' on the Districtwide Local Plan map within the RVBC Core Strategy. Therefore the allowance for house construction in this area is zero.
- Even if the application were deemed to fall within 'Billington', then the application exceeds the number of dwellings allotted to Billington in RVBC's own Core Strategy
- Flood plain development – parts of the development fall within the Flood Zone 2 area as deemed by the Environment Agency.
- Traffic, especially exiting onto Whalley Road
- No assistance had been sought from planning authority prior to this application
- Lack of school places and potential educational expansion within existing sites

Loss of allotment site – and no other available in the Parish of Billington and Langho

## **HIGHWAYS (LCC):**

The County Surveyor raises no objection in principle to the proposal on highway grounds. There are a number of issues arising from the Transport Statement and site layout but it is considered that should these be resolved satisfactorily the application should be approved subject to appropriate planning conditions. There is no commitment to improve the pedestrian / cycle routes into the development and whilst no plans are available a S106 contribution of £20,000 would help in promoting these routes (signing, surfacing design etc).

## **LANCASHIRE CONSTABULARY:**

No objection. Recommend measures to reduce the risk of crime.

## **EDUCATION (LCC):**

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 5 secondary school places. However, LCC will not be seeking a contribution for primary school places.

## **UNITED UTILITIES:**

The proposals are acceptable in principle to United Utilities subject to conditions.

## **LEAD LOCAL FLOOD AUTHORITY:**

The LLFA objects to the development proposal as follows:

- The FRA indicates that land measures can be incorporated in to the design of the upper part of the site to act as cut off drains and to prevent water passing in to the site. The submitted drawings show a new cut off drain/watercourse outside of the west side of the

development. If the land is not within the ownership of the applicant, then a legal agreement would be required to ensure access rights and to ensure maintenance can be achieved for the lifetime of the development. Also in order to construct a surface water cut off drain, legal rights to the land either via direct ownership or legal agreement would be required. Evidence of all legal agreements need to be provided. These will all need to be in place prior to planning approval and the surface water cut off drain would need to be constructed at the start of any development taking place.

- The LLFA is concerned that the discharge point is outside of the development boundary. If the land is not within the ownership of the applicant, then a legal agreement would be required to ensure access rights and to ensure maintenance can be achieved for the lifetime of the development. Also in order to construct a surface water drain/connection, legal rights to the land either via direct ownership or legal agreement would be required. Evidence of all legal agreements need to be provided. Evidence of all agreements with United Utilities (U.U.) regarding permission to connect the discharge point to the existing U.U. manhole and adoption of the proposed surface water drain need to be provided. These will all need to be in place prior to planning approval and the surface water drain/connection would need to be built prior to any other development taking place.
- The indicative drainage layout provided is insufficient for a full planning application. It fails to include pipe dimensions for the proposed surface water drain that are required to safely.

#### **ENVIRONMENT AGENCY:**

A small part of the development site is located within Flood Zone 2 (medium probability of flooding). As such, any issues relating to flood risk should be considered by the local planning authority using Flood Risk Standing Advice.

The applicant will need to do a sequential test if both of the following apply:

- the development is in flood zone 2 or 3
- a sequential test hasn't already been done for a development of the type proposed on the site

It is for the Local Planning Authority to determine whether or not the proposals satisfy the Sequential Test as defined in paragraph 101 of the NPPF and, where necessary, the requirements of the Exception Test as set out in paragraph 102.

#### **ADDITIONAL REPRESENTATIONS:**

Ten letters of objection have been received and relate to the following:

- Poorly designed and incongruous form of development.
- Does not incorporate adequate on-site parking.
- The proposal would allow for little space for landscaping and would be an overdevelopment of the site.
- Devalue property.
- Harm to private views and impact on privacy of existing residents.
- Affordable housing units confined to one corner of the development site.
- Development traffic would damage unadopted road.
- Noise levels from development would disturb residents.
- Increase in vehicles entering and leaving the estate.



- The proposal utilises Green Belt land.
- Increased risk of flooding around Dale View with last flooding event in 2015. Drainage system on Dale View has been overcome with additional volume of water.
- Errors within the application form.
- Development would divert surface water and result in flooding of properties elsewhere.

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

- 1.1 The application relates to the development of land off Dale View, Billington. The application as submitted sought planning consent for the erection of 48 dwellings on an area of land totalling 1.8 hectares. Following discussion with officers the proposed development has been amended and the site area reduced to 1.35 hectares so as to be entirely within the Billington Draft Settlement Boundary. The development site is irregular in shape with a relatively level topography. The site is located immediately adjacent to existing residential development. The site currently forms agricultural land with a strip of land within the western boundary that has historically been used as private allotments. Two Public Rights of Way cross the application site. Some of the site boundaries comprise hedgerows and there are a number of small trees within the site. A pumping station is also located within the site boundary.
- 1.2 The site is located predominantly in Flood Zone 1 although a small part of the land at the very north of the site is in Flood Zone 2. It is bound to the north by agricultural land before it is enclosed by the River Calder and the A59. The site is bound to the east by a number of two storey residential properties. Dwellings on the adjacent Dale View estate are predominantly detached properties although there are rows of terraced dwellings at Longworth Road and Sunnyside. Three separate consents have been previously granted at the application site totalling 40 dwellings. In November 2013 outline planning permission was approved for 10 (ref. 3/2012/0738) and 12 (ref. 3/2012/0065) dwellings on two separate parcels. In September 2015 outline planning permission was approved for 18 dwellings on an adjoining parcel of land. Two of these outline consents have now lapsed by virtue of the refusal of reserved matters applications (ref. 3/2016/0980 and 3/2016/0999) as a result of unacceptable design and layout.

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

- 2.1 The application seeks full planning permission for the erection of 41 dwellings and associated works at Land off Dale View, Billington. The development comprises a mix of single and two storey residential accommodation. A new access point would be created from Dale View. The development would provide a range of accommodation from one-bed flats to six-bed dwellings. The development would also provide an offer of affordable and older peoples housing in line with the Council affordable housing policies.

## 3. **Relevant History**

3/2012/0065 - Outline application for a new residential housing development comprising 12no. houses (3no. terraced and 9no. detached) (4no. affordable and 8no market housing) including accessway and turning head to LCC criteria. New access to new foul water pumping station (existing pumping station to be demolished). Approved subject to legal agreement.

3/2012/0738 - Proposed residential development on land off Dale View. 10no Properties (7no. open market and 3no. affordable). The proposed development will include the

construction of an access road and turning head to LCC criteria and the construction of garages and creation of garden areas. Approved subject to legal agreement.

3/2013/0665 - Proposed development of thirty three dwellings to include ten affordable units and twenty three open market dwellings, together with associated access roads, garages and gardens. Refused.

3/2014/0779 - Proposed development of eighteen dwellings to include five affordable units and thirteen open market dwellings, together with associated access roads, garages and gardens. Approved subject to legal agreement.

3/2016/0980 - Reserved matters (appearance, landscaping, layout and scale) for 10 two-storey houses in the form of a terrace of four, a semi-detached pair and four detached houses. Three of the detached houses (plots 2, 3 and 4) will be affordable units. Outline permission 3/2012/0738. Refused.

3/2016/0999 - Application for reserved matters for erection of twelve dwellings (appearance, landscaping, layout and scale) following outline planning permission 3/2012/0065. Refused.

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

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

Key Statement DS1 - Development Strategy

Key Statement DS2 - Sustainable Development

Key Statement EN2 - Landscape

Key Statement EN3 - Sustainable Development and Climate Change

Key Statement EN4 - Biodiversity and Geodiversity

Key Statement H1 – Housing Provision

Key Statement H2 - Housing Balance

Key Statement H3 – Affordable Housing

Key Statement DMI1 - Planning Obligations

Key Statement DMI2 - Transport Considerations

Policy DMG1 - General Considerations

Policy DMG2 - Strategic Considerations

Policy DMG3 - Transport and Mobility

Policy DME2 - Landscape and Townscape Protection

Policy DME3 - Site and Species Protection and Conservation

Policy DME6 - Water Management

Policy DMH1 – Affordable Housing Criteria

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

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Practice Guidance (PPG)

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

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

## 5.2 Principle of Development

- 5.2.1 In terms of assessing the principle of residential development in this location, it is important to have regard to the Development Plan unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004). Draft Settlement Boundaries which formed part of the Housing and Economic DPD Regulation 18 stage consultation have now been adopted for Development Management Purposes (as of Dec 2016). The application site (as amended) lies wholly within the Billington Draft Settlement Boundary.
- 5.2.2 The Development Strategy put forward in Key Statement DS1 of the Core Strategy seeks to direct the main focus of new house building to the Strategic Site, the Principal Settlements of Clitheroe, Longridge and Whalley and Tier 1 villages which are considered the more sustainable of the 32 defined settlements. Key Statement DS1 identifies Billington as a Tier 1 settlement and identifies a need for a further 18 dwellings in the plan period. The granting of permission for 18 dwellings on part of the application site in September 2015 (ref: 3/2014/0779) addressed this residual requirement.
- 5.2.3 The proposed development would result in a level of oversupply when measured against the residual housing need for Billington. It is clear, however, that the overall housing requirements referred to in the Core Strategy are a minimum and that the NPPF seeks to boost the supply of housing. In this case, it is important to consider that the development site has previously benefitted from planning consent for a residential scheme of up to 40 dwellings. In the course of determining previous applications development of the site has been found to represent sustainable development as contained in the NPPF and Core Strategy Key Statement DS2. It is considered that no measurable and quantifiable harm would arise from this development given that it is sustainably located and appropriate to the scale of the settlement. Furthermore, the site lies wholly within the Draft Settlement Boundary of Billington and in principle it is considered that the development would accord with the development strategy for the borough.
- 5.2.4 Core Strategy Policy DMB4 advises that development that would result in the loss of public open space will be refused. It is noted that the very northern part of the site is currently privately owned allotments. No policy concerns have been raised with regard to the loss of this small area of allotment land. This area of land is not denoted as open space on the Draft Proposals Map and it is considered that the landowner could revert this land back to agricultural use without express consent from the Council as allotment use falls within the sec.336 definition of agriculture. It would therefore be unreasonable to refuse the application on the grounds of loss of open space.

## 5.3 Landscape/Visual Impact

- 5.3.1 The application site lies within the Billington settlement boundary. Open countryside bounds the site to the north and east and the transition from agricultural land to urban residential areas must be carefully considered. Core Strategy Policy DMG1 requires development to be sympathetic to existing and proposed land use in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.

- 5.3.2 The proposed development would be visible from the A59 to the north of the site. There are public footpaths through the site that would be retained as part of the scheme. The development would be seen against the backdrop of the existing residential areas of Billington. The site is relatively flat and there are no features that could be considered to contribute significantly to the character of the landscape. The existing residential estate is clearly visible from the A59 with limited landscape screening to provide a visual buffer between urban and rural areas.
- 5.3.3 The size and scale of the proposed dwellings would be commensurate with those in the immediate area with a maximum building height of around 9.2m. It is proposed to create a 7m wide landscape buffer along the north-west edge of the site to offer a sympathetic transition from the domestic gardens of the proposed dwellings to agricultural land. This landscape buffer zone lies outside the application site and its delivery would be enshrined within a s106 legal agreement. This would, in the opinion of the planning officer, result in a visual enhancement when compared with the existing arrangement.

#### 5.4 Layout and Urban Design

- 5.4.1 The area surrounding the development site contains a mix of house types with a range of styles and materials including terraced houses and the relatively modern Dale View development. It is proposed to erect 25 houses, 4 bungalows and 12 flats on land extending to 1.35 hectares resulting in a housing density of 30 dwelling per hectare. This would result in a higher density development than the adjacent Dale View estate but would not appear out of keeping with the general area particularly given the close proximity of terraced rows at Longworth Road and Sunnyside Avenue.
- 5.4.2 The position of underground foul sewage is a significant factor in determining the street pattern. The development includes a range of house types including split-levels, large 6-bed detached dwellings, smaller detached houses, bungalows and 1-bed flats. In terms of materials, the dwellings would be faced with a palette of materials informed by those used in the surrounding area. The range of materials and house types would ensure the scheme provides some variation in the streetscene.
- 5.4.3 Residential parking is provided predominantly within internal garages or via forecourt parking. In some cases extensive forecourt parking can dominate the streetscene resulting in harm to the visual appearance of development. In this case the scheme aims to break up forecourt parking with amenity landscaping and it is considered that the parking arrangements proposed would not result in significant visual harm to justify refusal of the application.
- 5.4.5 The scheme incorporates areas of informal amenity space which softens the linear form of the development. The appearance of boundary treatments and retaining walls fronting the public realm would require a bespoke approach. Should consent be granted, details of boundary treatments including walls, fences and retaining structures would be submitted and agreed by the Council prior to their use in the development.

## 5.5 Ecology and Trees

5.5.1 The Ecology Assessment submitted with the application is dated August 2016. The assessment notes that the plants recorded at the site are all common in the local area and of considered of low ecological value. The poor quality habitat suggests a low potential for breeding bird species of interest and has a very low potential for use by bats. It is not considered there would be significant degradation of foraging habitat as a result of the proposal so long as the hedgerows and trees are retained or their loss is compensated for in any landscaping scheme. In addition, it is recommended that artificial bird nesting boxes and artificial bat roosting sites be provided within the development to enhance nesting/roosting opportunities for species of conservation concern.

5.5.2 The trees on the perimeter and within the site are considered to be a low quality and do not contribute significantly to the visual amenity of the area. The loss of trees could be adequately compensated through a landscaping scheme which would include a landscape buffer zone on the north-west boundary of the site. Furthermore, it is recommended that existing boundary hedges should be retained and improved and new hedging planted, further details of which would be submitted prior to commencement of development.

## 5.6 Impact on Residential Amenity

5.6.1 The proposed development would not result in any unacceptable harm to the residential amenity of existing or future residents. The distances between first and second floor habitable room windows meet the recommended interface distances to protect privacy and prevent overlooking. Concern has been raised by the occupiers of nos. 18 and 19 Dale View regarding loss of privacy. In order to avoid an unacceptable impact on these neighbouring residents the layout has been amended and the rear first floor habitable room windows on plot 34 have been relocated to the side elevation.

## 5.7 Highway Safety and Accessibility

5.7.1 The County Highways Officer considers the development to be acceptable in principle and does not consider the proposal would adversely impact on highway safety at the junction between Dale View and Whalley Road. However, the officer highlights a number of minor issues relating to the internal layout of the site which need to be addressed including parking provision, turning heads, crossing points and sight lines. It is considered that the issues raised could be satisfied by the submission of an amended layout.

5.7.2 As part of the development the applicant has agreed to fund an upgrade of four bus stops at Calder Avenue and Valley View through a section 278 agreement. The two public rights of way (PROW) through the site would be retained.

## 5.8 Flooding and Drainage

5.8.1 Flooding occurred in the surrounding areas of the site during December 2015, although the periphery of the site itself experienced only minor flooding. The Environment Agency (EA) indicative flood maps have been updated to account for the historic flooding event, with the Flood Zone 2 boundary being expanded. The application site lies predominantly with Flood Zone 1 – a very small section

of the northern periphery of the site is located within Flood Zone 2 as having greater than a 1 in 1000-year but less than a 1 in 100-year annual probability of flooding within any one year. Part of the footprint of plots 23 to 34 (ground and first floor 1-bed flats) would be located within Flood Zone 2.

- 5.8.2 The Environment Agency (EA) have raised no objection to the application and advised the Local Planning Authority apply Flood Risk Standing Advice. Residential development is categorised as 'vulnerable development' in the National Planning Guidance. According to Flood Risk Standing Advice the development is considered 'appropriate' in Flood Zone 2 subject to the application of the sequential test.
- 5.8.3 The application is supported by a sequential test the purpose of which is to demonstrate that the proposed development cannot be accommodated on any sequentially preferable sites in Billington or other accessible nearby settlements. National Planning Policy Guidance stipulates that for the purposes of decision taking, local planning authorities should apply the sequential test to steer development to areas with the lowest probability of flooding. Where development needs to be in locations where there is a risk of flooding as alternative sites are not available, local planning authorities and developers should ensure development is appropriately flood resilient and resistant for its lifetime and will not increase flood risk overall.
- 5.8.4 The NPPF sets out that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The submitted sequential test considers sites identified within the Council's Strategic Housing Land Availability Assessment 2013 and finds that whilst there are two sites that are appropriate for the development, neither is reasonably available. The Council's Planning Policy Section have confirmed that there are no further sites which ought to have been considered; it is considered therefore that sequential test considerations have been satisfied.
- 5.8.5 The NPPF paragraph 103 requires that local planning authorities when determining planning applications, should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
  - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 5.8.6 The layout of the site is influenced by the position of underground foul sewage, by the requirement to provide or maintain acceptable levels of residential amenity for future and existing occupants and to ensure an acceptable internal road layout. As a result of these requirements, the footprint of units 23 to 34 would be partially located within Flood Zone 2. However, the sole and primary access to

these flats and the route to the site entrance lie wholly outside of Flood Zone 2. Included within the FRA is the proposal that all new units would be set a minimum of 300mm above the Flood Zone 2 level.

5.8.7 Regarding surface water drainage, to alleviate the risk of any overland flows passing into the site, a surface water cut off drain would be placed along the western boundary as detailed in the Drainage Strategy. This would collect all flows and direct them in a northerly direction where they would outfall into an existing ditch that ultimately outfalls to the River Calder. The Drainage Strategy submitted with the application states that the development would mimic storm water flow rates and so would not increase the risk of flooding to adjacent properties or increase existing rates of discharge. Surface SuDs methods have been assessed and some have been found to be suitable for the site including water butts, permeable surfacing, geocellular storage and large diameter pipes. Foul water would be discharged to the foul water public sewers running through the site.

5.8.8 The LLFA has raised an objection based on concerns that the cut-off drain and discharge points are located on land outside of the developer's control and outside of the development boundary (red edge). This would require the developer to enter into a formal legal agreement with the land owner to ensure that this can be accepted as part of the proposed drainage strategy. As these flood risk mitigation measures are considered essential to manage the flood risk to and from the new development the LLFA would expect the developer to have these agreements in place prior to any planning approval being issued.

In this instance the owner of the land that is the subject of the planning application and the land that would be used for drainage purposes are one and the same. The developer and landowner are both fully aware of the need to enter into legal agreements with regard to both the cut off drain and the discharge point and are happy to see this incorporated into the proposed Section 106 Agreement and in due course formalised by an easement agreement with United Utilities.

5.8.9 As members will be aware, it is common practice for section 106 legal agreements to be finalised once the principle of the development has been approved. It is considered that the correct procedure in this instance, should the application be recommended for approval, would be for the application to be approved subject to a s106 legal agreement that would include the off-site drainage works required as well as other issues including affordable housing, education contributions, leisure/recreation contributions and landscape buffer provision. It is therefore considered that the LLFA's objection can be fully satisfied.

## 5.9 Developer Contributions

5.9.1 The application proposes the erection of 41 dwellinghouses and therefore there is a requirement for the development to provide affordable housing in accordance with the Council's affordable housing policies contained the Core Strategy. Key Statement H3 of the Core Strategy requires 30% of dwellings to be affordable units. Providing for older people is a priority for the Council within the Housing Strategy and 15% of units would need to provide for older people in accordance with the Council definition of over 55s accommodation which includes accordance with the specifications and requirements of category 2 housing as

defined in M4(2) of Approved Document M (volume 1 2015) of The Building regulations 201.

- 5.9.2 The development scheme proposes to provide the appropriate number of affordable and older person units to accord with the Council's affordable housing policies. The Local Planning Authority would require that a commitment to provide such provision be enshrined within the S.106 agreement for the site. The mix of rental, shared ownership and other tenure would be agreed through further negotiation and would be enshrined within a legal agreement.
- 5.9.3 The proposal would place pressure on existing sports and open space infrastructure in the Borough. Contributions would be necessary to mitigate the impact of the development. Whilst the proposal would provide small areas of informal open space on-site there would remain a requirement for an off-site contribution towards recreational/leisure facilities in the locality. The contribution sought will be based on the following occupancy ratios at a rate of £216.90 cost per person:
- 1 bed unit - 1.3 people
  - 2 bed unit - 1.8 people
  - 3 bed unit - 2.5 people
  - 4 bed unit - 3.1 people
  - 5 + bed unit - 3.5 people

This would give a total occupancy rate of 106.3 people for this development.

106.3 (people) x £216.90 (cost per person) = £23,056 (total contribution required).

- 5.9.4 Lancashire County Council (education) have confirmed that an education contribution is required in regards to this development. No financial contribution is sought in respect of primary school places but a contribution for secondary school places of £107,116 would be included within a s106 legal agreement.
- 5.9.5 As mentioned previously in this report, there would be a requirement to include within any section 106 legal agreement details of the provision and maintenance of a 7m wide landscape buffer along the north-west edge of the site and off-site drainage works.
- 5.9.6 A contribution of £20,000 has also been requested in relation to improvements to pedestrian and cycle routes.

## **6. Conclusion**

- 6.1 Taking into account the above and for the reasons outlined, the proposed development is considered to be acceptable subject to completion of a Legal Agreement.

**RECOMMENDATION:** That the application be DEFERRED and DELEGATED to the Director of Community Services for approval subject to the satisfactory completion of a Legal Agreement, within 3 months from the date of this Committee meeting or delegated to the Director of Community Services in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 3 months and 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:

Location Plan

2414.SK18-01B Proposed Site Layout (F) (received 8 August 2017)

2414-01-06 H1 – Split Level Detached Houses (Type 1) (Plans)

2414-01-07 H1 – Split Level Detached Houses (Type 1) (elevations & section)

2414-01-08 H2a – Extra Large Detached Houses (Type 2) (Ground Floor Plan)

2414-01-09 H2a – Extra Large Detached Houses (Type 2) (First & Second Floor Plans)

2414-01-10 H2a – Extra Large Detached Houses (Type 2) (elevations & section)

2414-01-11 H2b – Large Detached Houses (Type 3) (Ground Floor Plan)

2414-01-12 H2b – Large Detached Houses (Type 3) (First & Second Floor Plans)

2414-01-13 H2b – Large Detached Houses (Type 3) (elevations & section)

2414-01-16 B - Bungalows (Type 7) (Plans)

2414-01-17 B - Bungalows (Type 7)) (elevations & section)

2414.SK19-02 Type 4 – House

2414.SK19-03 Type 5 – House

2414.SK19-04 Type 6 – House

2414.SK19-05 Type 8 – Flat

2414.SK19-06 Type 8 – Flat nos. 24-27

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

3. Notwithstanding the details shown on plan reference 2414.SK18-01B (Proposed Site Layout (F)), prior to the commencement of development a revised site layout plan satisfying the points raised in the email from David Bloomer dated 21 August 2017 shall be submitted to the Local Planning Authority for approval. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

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

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

5. 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 details of the alignment, height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the

development shall have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt the submitted details shall include the precise nature and location for the provision of measures to maintain and enhance wildlife movement within and around the site by virtue of the inclusion of suitable sized gaps/corridors at ground level. The development shall be carried out in strict accordance with the approved details.

REASON: To comply with Key Statement EN4 and Policies DMG1, DME3 of the Ribble Valley Core Strategy, to ensure a satisfactory standard of appearance in the interests of the visual amenities of the area and to minimise the potential impacts of the development through the inclusion of measures to retain and enhance habitat connectivity for species of importance.

6. Prior to the commencement of development 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 agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure a satisfactory form of development in the interest of visual and residential amenities and in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

7. Prior to the commencement of the development details of refuse/enclosed cycle storage provision for plots 22-33 shall have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented as part of the development and be made available for use prior to the aforementioned plots being first occupied.

REASON: In order that the Local Planning Authority may ensure that the development provides adequate provision for the storage of domestic waste and encourages the use of sustainable means of transport in accordance with Key Statement DMI1 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, the dwellings hereby permitted shall not be altered or extended, no new windows shall be inserted, no alterations to the roof shall be undertaken and no buildings or structures shall be erected within the curtilage of the dwellings hereby approved unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality in accordance with Policies DMG1 and DME2 of the Ribble Valley Core Strategy and could increase the rate of surface water run-off from the development.

9. Prior to the commencement of the development details of the design and position of the external meter boxes shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the details shall indicate that no meter boxes will be located on the primary elevations of the proposed dwellings or on locations that that are afforded a high level of visibility upon the streetscene. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and results in acceptable standard of appearance in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

10. Each dwelling, with the exception of those with communal parking facilities, shall incorporate provision to charge electric vehicles and a scheme to provide these facilities shall be submitted to the local planning authority for approval prior to any building work commencing on site. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that provision is made for electric powered cars and to support sustainable methods of travel in accordance with Key Statement DMI2 and Policy DMG3 of the Core Strategy.

11. 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.

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

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

13. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

14. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 13 has been constructed and completed in accordance with the scheme details.

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

15. The parking and garaging 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 turning facilities to serve the site in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

16. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2015, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.

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

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:
- a) The parking of vehicles of site operatives and visitors
  - b) The loading and unloading of plant and materials
  - c) The storage of plant and materials used in constructing the development
  - d) The erection and maintenance of security hoarding
  - e) Details of working hours
  - f) HGV delivery times and routeing to / from the site
  - g) Contact details for the site manager

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway during the construction phase of the development in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

18. 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 a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate the recommendations of the Ecological Appraisal dated 15 August 2017 and shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and specifications of all retaining structures (where applicable).

The approved soft landscaping scheme shall be implemented in the first planting season following occupation or use of the development unless otherwise required by the reports above, whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

The hard landscaping shall be implemented in accordance with the approved details prior to the first occupation of the development and retained thereafter at all times.

REASON: To ensure the proposal is satisfactorily landscaped and appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

19. 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 a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper long-term management and maintenance of the landscaped areas in the interests of visual amenity and biodiversity enhancement, in accordance with Key Policy DMG1 and DME3 of the Ribble Valley Core Strategy.

20. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees to be retained within the site shall be protected in accordance with the BS5837:2012 [Trees in Relation to Demolition, Design & Construction].

The protection zone must cover the entire branch spread of the trees, [the area of the root soil environment from the trunk to the edge of the branch spread] and shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection/exclusion zone, in addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented 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: 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.

21. The development shall be carried out in strict accordance with the recommendations outlined in the submitted Ecological Appraisal dated 15 August 2017. The actions, methods & timings included in the mitigation measures identified shall be fully implemented.

REASON: To minimise the impact on ecology in accordance with Policies DMG1 and DME3 of the Core Strategy.

22. 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 details of the provisions to be made for building dependent

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

For the avoidance of doubt the details shall be submitted on a dwelling/building dependent bird/bat species site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into those individual dwellings during construction and be made available for use before each such dwelling is 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 protected species in accordance with Section 9 of the NPPF, and Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

23. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment Ref No. 3073 (rev.5) dated August 2017 which was prepared by Scott Hughes. No surface water will be permitted to drain directly or indirectly into the public foul or combined sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

24. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity 1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, 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, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) 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);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;

- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to reduce the risk of flooding to the proposed development, elsewhere and to future users and; to ensure that water quality is not detrimentally impacted by the development proposal.

25. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The 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:
  - i. on-going inspections relating to performance and asset condition assessments
  - ii. operation costs for regular maintenance, remedial works and irregular maintenance 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.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

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.

NOTES:

- 1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
- 2. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by telephoning the Developer Support Section (Area East) on 0300 123 6780

3. United Utilities owns a parcel of land which is affected by the proposed development and a formal easement under UU Ref Z4432 dated 7/10/15 which has been granted in perpetuity. Under no circumstances should anything be planted or erected or any materials stored over the easements nor should anything occur that would affect the integrity of the pipe or United Utilities right to 24hr access.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and we recommend the applicant contact our Property Searches Team at [Property.Searches@uuplc.co.uk](mailto:Property.Searches@uuplc.co.uk) to obtain maps of the site.

4. Sustainable drainage systems under the adoptable highway will only be considered acceptable where they are adopted by United Utilities or they only retain highway surface water.

The applicant is also advised that the adoptable highway surface water drainage system must not be used for the attenuation of any flood waters from the adoptable United Utility surface water system or any private surface water drainage system etc.

The applicant is advised to begin early discussions between the section 38 officers at Lancashire County Council, the Lead Local Flood Authority at Lancashire County Council and United Utilities as advised in the Department of Transport Advice Note "Highway Adoptions" "The adoption of roads into the public highway (1980 Highways Act)", published in April 2017.

5. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>.

## BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2017%2F0133](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F0133)



## 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 of Preston Road Longridge	16/2/17	275	With Planning

## APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2015/0289	Application for outline planning permission for the erection of one detached dwelling including access and layout	Land off Bentlea Road Gisburn
3/2015/0902	Demolition of existing lean-to porch and construction of new porch to front of house. Single storey extension to rear	Hillcrest Cottage 21 Abbott Brow Mellor, BB2 7HT
3/2016/0753	Variation of condition 2 (approved drawing numbers) of planning permission 3/2016/0040 to allow change of main entrance to sliding doors and relocate to south elevation with a cantilevered canopy above, repositioning of two areas of glazing to the west elevation, introduction of pressed-metal capping to the heads of the brickwork walls	Fort Vale Engineering Ltd Calder Vale Park Simonstone BB12 7ND
3/2017/0052	Lift existing flat floor in front room. Remove 220mm depth of soil and install sublime limecrete floor to manufacturers specification	22 King Street Whalley BB7 9SL
3/2017/0190	Amend to application 3/2013/0851 for development of The Whins. The amendment is for full planning approval for the addition of 2 semi-detached buildings consisting of 4, 3 bed houses (of these 1 is a replacement of 1 approved 5 bed detached house currently listed as Plot 8)	Plot 8 The Whins Whins Lane Read BB12 7QY
3/2017/0292	Conversion of brick barn to one dwelling, creation of curtilage with access and parking and installation of package treatment plant	Barn 1 Wheatley Farm Four Acre Lane Longridge, PR3 2TD
3/2017/0534	Variation of condition 2 (to include a roof terrace) of planning permission 3/2014/1018 for demolition of existing buildings and erection of 33 units of retirement living housing (Category II type accommodation) communal facilities, landscaping and car parking	Barnacre Road Longridge PR3 2PD
3/2017/0598	Removal of conditions 12 (letting restrictions and register), 13 (restriction to holiday use) and 14 (restriction of business to Keepers Cottage) from planning permission 3/2016/1294	Keepers Cottage Northcote Road Langho BB6 8BD

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
3/2017/0088 R	03/07/17	1 & 2 Abbeycroft The Sands, Whalley	WR		Awaiting Decision
3/2017/0039 R	07/08/17	18 Netherwood Gdns Brockhall Village Langho	HH		Awaiting Decision
3/2017/0272 R	08/06/17	Ribble View Barn Alston Lane Longridge	WR		Awaiting Decision
3/2016/1196 R	03/07/17	Lower Standen Fm Whalley Road Pendleton	WR		Awaiting Decision
3/2016/0708 R	10/07/17	The Dog & Partridge Tosside	Hearing	05/09/17	Statement due 14/08/17
3/2016/0709 R	10/07/17	The Dog & Partridge Tosside	Hearing	05/09/17	Statement due 14/08/17
3/2017/0029 R	24/07/17	Field at Hellifield Road, Gisburn	WR		Statement due 28/08/17
3/2017/0045 R	Awaiting start date from PINS	Newton Hall Newton in Bowland	WR (to be confirmed)		
3/2016/1202 R	17/08/17	Barn within the grounds of Greengore Farm	WR		Statement due 21/09/17
3/2017/0192 R	19/07/17	Countess Hey Elmridge Lane Chipping	WR		Statement due 23/08/17
3/2017/0308 R	10/08/17	Fields Farm Barn Back Lane Chipping	HH		Awaiting Decision
3/2017/0220 R	07/08/17	2a Whittingham Rd Longridge	WR		Statement due 11/09/17
Enforcement	Awaiting start date from PINS	Demesne Farm Newsholme Gisburn	Hearing (to be confirmed)		
3/2017/0441 R	Awaiting start date from PINS	19 Woodfield View Whalley	WR (to be confirmed)		
3/2017/0595 R	Awaiting start date from PINS	St Mary's Community Centre Church Street Clitheroe	WR (to be confirmed)		