

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 11 JANUARY 2018
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF COMMUNITY SERVICES

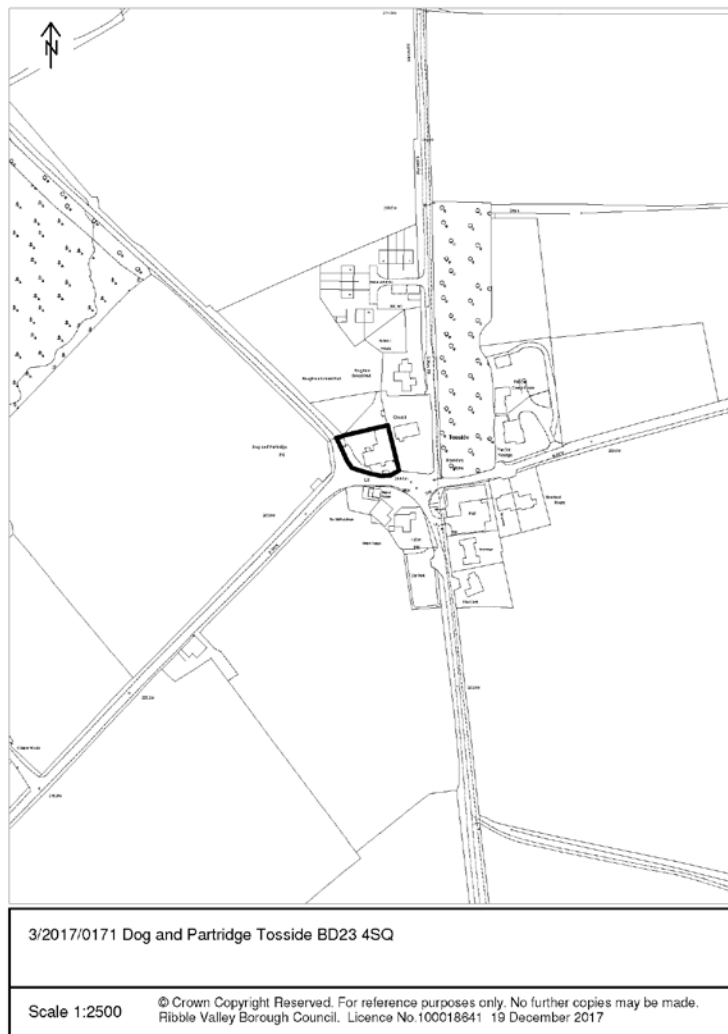
PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION REF: 3/2017/0171

GRID REF: SD 376895 456092

DEVELOPMENT DESCRIPTION:

CHANGE OF USE OF EXISTING TWO STOREY REAR EXTENSION FROM BED AND BREAKFAST GUEST ROOMS AND CAFE TO FORM ONE NEW DWELLING AT THE DOG AND PARTRIDGE, TOSSIDE



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Bolton by Bowland Parish Council:

The Dog & Partridge has been less than a viable business for some time and therefore the Parish Council wishes to support this application.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The LCC Highway Officer originally commented that the application did not include sufficient details of proposed parking and thus further information is required.

The applicant has provided an amended plan showing two car parking spaces for the proposed dwelling and ten spaces retained for the public house.

The Highway Officer has reviewed the updated plan and raises no objection to the proposal.

ADDITIONAL REPRESENTATIONS:

12 letters of representation have been received objecting to the submitted application. The points raised in the objections are summarised below:

- The application is an attempt to get round the previous refusals for change of use of the pub – if this application is approved a separate application to convert the pub to residential use will be submitted;
- The business has been deliberately run down in order to demonstrate it is no longer commercially viable;
- Whilst the application would retain the pub, the applicant has no intention of operating this business as such;
- The Dog & Partridge has been an essential amenity for the residents and is an important part of Tosside's history;
- The loss of the Dog & Partridge would impact on the visitor economy and impact on the character of the village;
- The property would be viable with the right management and attitude;
- The B & B offers much needed accommodation in the AONB;
- Impact upon viability of business;
- Loss of employment – the site has employed numerous part-time workers in the past;
- Unrealistic value for the buildings/site;
- No need for housing;
- The loss of the B & B would make the business even less viable for a future purchaser;
- Nearby businesses such as community hall, village café and Bowland Park are used to demonstrate that the business is not viable, however these local businesses show that food/drink establishments can successfully operate in this area;
- Both the Pub and the B & B are listed as Assets of Community Value;
- Effect on local businesses;
- Are there no other viable uses for the Public House other than residential?;

1. Site Description and Surrounding Area

- 1.1 The application relates to the Dog and Partridge, a Grade II Listed Public House within the hamlet of Tosside. This traditional country public house is an attractive late 18th Century building constructed in squared watershot sandstone with a stone slate roof.
- 1.2 To the rear, attached to the single storey sections of the public house is a two storey extension (built in 2005) with a glazed link connecting this extension to the first floor of the public house building. This two storey rear extension is currently utilised as a three bedroom bed and breakfast with lounge/dining areas provided at ground floor level. Existing openings at both ground and first floor level connect the bed and breakfast to the public house.
- 1.3 This application relates specifically to the more recently constructed bed and breakfast to the rear of the public house.
- 1.4 Externally an attractive stone boundary wall separates the site from Wigglesworth Road (B6478) and this continues around the western boundary of the site. Currently pedestrian access to the site is via an existing point directly off Wigglesworth Road, however the main vehicle access is via a track to the west of the buildings which leads to a hardsurfaced parking area to the side/rear of the building.
- 1.5 The site occupies a central and prominent location in Tosside, directly adjacent to the Grade II Listed Church, and close to the community centre and historic stone marker at the centre of the road junction.
- 1.6 The site is also located within the Forest of Bowland Area of Outstanding Natural Beauty and a Public Right of Way runs along the track directly to the west, offering views of the Public House and its surroundings. The Dog and Partridge Public House is also listed as an Asset of Community Value (as of November 2016).
- 1.7 The application site has been subject to a number of planning applications in the past (detailed within "Relevant Planning History" section of this report), with the most recent application for change of use of the Public House, Manager's accommodation and Bed & Breakfast into two dwellings (3/2016/0708) being refused and subsequently dismissed at appeal.

2. Proposed Development for which consent is sought

- 2.1 The application seeks to change the use of the existing two storey rear extension from a bed and breakfast (with dining facilities) to form one dwelling.
- 2.2 The proposed development would not require any external alterations to the building although in order to facilitate the conversion works three existing openings would be blocked up in the rear elevation of the existing public house (two at ground floor level and one at first floor level). The blocking up of these existing openings would ensure that the public house and proposed dwelling are separate units with no internal access between. The application also includes the installation of a partition wall to provide separate male and female toilets within the retained public house.
- 2.3 The proposed dwelling would contain three en-suite bedrooms at first floor level with kitchen, lounge, dining, study and utility rooms downstairs. The public house use within

the original section of the building at the front of the site would be retained, with Manager's accommodation above.

- 2.4 Externally the proposed dwelling would be provided with modest residential curtilage consisting of parking for two vehicles, whilst a separate parking area would be retained for the public house (providing 10 spaces). The submitted application states that if the conversion is granted permission the applicant would move into this new unit.
- 2.5 This application differs from the previous submissions for residential use at this site in that the proposal seeks to convert the bed and breakfast only, and retain the public house use within the original building at the front of the site.

3. **Relevant Planning History**

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

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

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

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

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

3/2016/0708 – Planning Permission and 3/2017/0709 Listed building Consent – *Change of use from public house, owner's living accommodation and bed and breakfast facility to two dwellings* – Refused 11.11.16. Appeal Dismissed 04.10.17

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EC1 – Business and Employment Development

Key Statement EC3 – Visitor Economy

Key Statement EN5 – Heritage Assets

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 Local Economy

Policy DMB3 – Recreation and Tourism Development

Policy DMH3 – Dwellings in the Open Countryside & the AONB
Policy DMB5 – Footpaths and Bridleways

Planning (Listed Buildings and Conservation Areas) Act 1990

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

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The proposed development falls within the Draft Settlement Boundary of Tosside, which is designated as a 'Tier 2 Settlement' within the adopted Core Strategy. Policy DMG2 (Strategic Considerations) requires that development within the Tier 2 Settlements must meet at least one of the following considerations:

1. *The development should be essential to the local economy to social wellbeing of the area*
2. *The development is needed for the purposes of forestry or agriculture*
3. *The development is for local needs housing which meets an identified need and is secured as such*
4. *The development is for small scale tourism or recreational development appropriate to a rural area*
5. *The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated*
6. *The development is compatible with the enterprise zone designation.*

5.1.2 This is reiterated within Key Statement DS1 and at table 4.12 of the Core Strategy, which stipulates that the total number of houses to be located within Tier 2 Settlements over the plan period is 0. Therefore, only housing which meets an identified local need or where a clear benefit can be demonstrated will be acceptable in this location.

5.1.3 It is not considered that the proposed development would meet any of the considerations listed within Policy DMG2, however the application is accompanied by evidence to demonstrate the site has been unsuccessfully marketed for a considerable period of time and that the continued operation as a bed and breakfast is not financially viable in this location. Similar information was submitted with the previous application determined at appeal, and whilst the Inspector dismissed the appeal they did accept this information and agreed that the site had been adequately marketed and that the bed and breakfast use was not viable.

5.1.4 In accordance with Policy DMB1 of the Core Strategy, proposals for the redevelopment of sites with employment generating potential for alternative uses will be assessed with regard to the following criteria:

1. *The provisions of policy DMG1, and*
2. *The compatibility of the proposals with other plan policies of the LDF, and*
3. *The environmental benefits to be gained by the community, and*
4. *The economic and social impact caused by loss of employment opportunities to the borough, and*

5. *Any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence such as property agents details including periods of marketing and response) that the property/business has been marketed for business use for a minimum of six months or information that demonstrates to the Council's satisfaction that the current use is not viable for employment purposes.*
- 5.1.5 As mentioned above, the application is accompanied by information demonstrating that the existing use of the property is not viable and the site has been marketed for business use and this evidence was recently accepted by the Inspector. The submitted information has also been assessed by the Council's Regeneration Officer who agrees that the bed and breakfast use of the site is not viable. With regard to employment, the applicant has stated that due to the minimal takings/bookings employment opportunities within the bed and breakfast have been limited and the use does not even support one full time worker at present. As such, on the evidence submitted it is accepted that the loss of the bed and breakfast use would have a minimal impact upon employment provision. Furthermore the Council's Regeneration Officer is of the opinion that the proposal would result in regeneration benefits by replacing a failing and unviable business, with a residential dwelling. It is therefore considered that the proposal complies with the requirements of Policy DMB3.
- 5.1.6 In addition to the above, as the application site is located within the AONB, Policy DMH3 (Dwellings in the Open Countryside and AONB) is also relevant. This Policy allows for *"the appropriate conversion of buildings to dwellings provided they are suitably located and their form and general design are in keeping with their surroundings."* In respect of design, this is discussed later in the report, however in terms of *"suitably located"*, the site falls within the Draft Settlement Boundary for Tosside, would not be isolated from the village and thus is considered to be *"suitably located"* for the purposes of this policy.
- 5.1.7 Objections have been raised in respect of the loss of the public house, however this application relates solely to the bed and breakfast and does not seek to change the use of the public house. The applicant has commented that one of the purposes of the application is to separate the bed and breakfast from the public house in the hope that the public house would be a more lucrative proposition for a potential buyer on its own, rather than with the added expense of the bed and breakfast element. Residential accommodation for the manager would continue to be provided for any future owner/manager of the pub, and furthermore guest accommodation could still be potentially provided at first floor level should any future owner wish to do so.
- 5.1.8 Objectors have also commented that the applicant will use any potential approval to make a further application to convert the public house to residential use in the future. In response to this, the Council cannot refuse an application on the basis of what may potentially happen in the future, and should such an application come forward it would be considered on its own merits at such a time. In any case, the LPA has previously resisted applications to convert the public house to residential use, and successfully defended these at appeal.
- 5.1.9 In view of all of the above, the LPA consider that the principle of converting the bed and breakfast into a single dwelling, in the Tier 2 settlement of Tosside, is acceptable, subject to other considerations detailed below.

5.2 Design/appearance/Impact on listed building and AONB:

- 5.2.1 The Dog and Partridge PH is a Grade II Listed Building and thus the two storey rear extension (bed and breakfast) by way of being physically attached to the public house is also listed. However having been constructed in 2005 it is clear that the two storey extension (to which this application relates) is not worthy of listed status on its own merit and it has no historic or communal value. In view of the above it is not considered that the change of use of the bed and breakfast to a dwelling would have any significant impact upon this section of the listed building.
- 5.2.2 The Council must however consider the impact of the proposed development on the listed public house section of the building. A number of applications have in the past been submitted to convert the public house to a dwelling, and these have been refused by the Council, with the most recent being dismissed at appeal. These applications have been refused (and dismissed) on the grounds that the change of use would “*fail to preserve the special historic interest of the listed public house*”.
- 5.2.3 As previously mentioned in this report, the application does not seek to change the use of the public house, only the bed and breakfast, and thus the current proposal would not impact upon the “*special historic interest of the listed public house*”, which will remain as existing. The LPA accepts that the Public House is currently not in use and whilst the current proposal offers no guarantees that the public house will be reopened, it is considered that a potential buyer for the public house may be more likely to come forward without the associated bed and breakfast which is clearly unviable.
- 5.2.4 The proposal would not result in any alterations to the external appearance of the building, neither to the pub nor the bed and breakfast, although it is envisaged that the newly formed boundaries and residential curtilage would need to be defined by either a hedge or fence. Consequently a condition has been attached to the recommendation requiring details of how these new boundaries would be defined.
- 5.2.5 Internally the application involves the blocking up of three openings, two at ground floor and one at first floor, which currently provide access between the pub and the bed and breakfast. The proposal also includes the installation of a partition wall to provide separate male and female toilets within the public house. The blocking up of these openings, and addition of a partition wall, would not have any negative visual impact on the listed building, or its value as a heritage asset and thus comply with Policy DME4 (Protecting Heritage Assets) of the Ribble Valley Core Strategy.
- 5.2.6 In summary, it is considered that the change of use of the more recently built two storey rear extension, which is currently used as a bed and breakfast, to a single dwelling would not result in any harm to the significance of the designated heritage asset in accordance with both local and national policy.
- 5.2.7 With regard to the AONB, despite being within the settlement boundary, the building is situated at the edge of Tosside in a highly prominent position marking the transition between rural and settlement environments. The subdivision of the site into two separate uses would potentially lead to more clutter at the rear of the

site (proposed residential part of the site/building) however being at the rear such a visual impact is not as significant as it would be if the public house was to be converted at the front of the site. It is therefore considered that the conversion of the rear section of the building/site to residential use would not unduly impact upon the visual character of the AONB to an extent that would justify refusing this application on these grounds. Furthermore the proposed residential curtilage is very modest in size and conditions have been attached removing permitted development rights for external structures such as sheds etc... and as previously mentioned a condition has been attached requiring details of boundary treatments to be submitted for the written approval of the LPA.

- 5.2.8 In summary, the proposed change of use would not have a negative impact upon the character of the Listed Building, including its historic use as a public house and the proposal would not have any significant visual impact on the character and quality of the site and its surrounding area given that no external alterations are proposed to the building(s).

5.3 Impact upon Residential Amenity:

- 5.3.1 Directly to the east of the development site is Grade II Listed Church and to the west is the access track with open fields beyond. The nearest neighbouring residential properties are the dwellings to the north east at Houghton School Hall and School House, some 25m from the rear elevation of the building to be converted. Such a distance is sufficient to ensure there is no overlooking and loss of amenity and the proposed change of use would therefore share an acceptable relationship with the nearest residential dwellings.
- 5.3.2 As part of this application the Council must also consider the relationship between the existing public house and the proposed dwelling. In terms of residential amenity for future occupiers of the dwelling, the layout has been designed to ensure that there are no habitable rooms along the shared walls to safeguard potential residents from any disturbance from the activities within the Pub. The Council's Environmental Health Officer did originally request a noise assessment be undertaken in order to evaluate the relationship between the pub and the proposed dwelling, however the pub is not currently operational (and has not been for a considerable period of time) and hence a noise assessment would not provide any relevant data for analysis. Additionally, it is not uncommon for residential uses to adjoin public houses and in this case potential occupiers of the proposed dwelling will be fully aware that the property adjoins a public house when moving into the dwelling.
- 5.3.3 In terms of the future use of the public house, whilst the property is currently closed, for similar reasons to those mentioned directly above it is considered that the residential use as a dwelling would not prevent the pub from functioning should it be brought back into use. Furthermore, as detailed elsewhere in the report it is hoped that by separating the pub from the bed and breakfast, a potential buyer will see this as a more realistic business opportunity as the applicant has provided evidence with this application (and the previous application) that the business is not viable as both a public house and a bed and breakfast. Therefore, whilst this application in no way guarantees that the pub will be re-opened, it has been closed and marketed without success for a significant period of time and therefore a change of approach may improve the chances of the public house being re-opened in the future.

5.3.4 In view of the above, it is considered that the proposed development would share an acceptable relationship with surrounding land uses, and vice versa, in accordance with Policy DMG1.

5.4 Highways

5.4.1 The Highway Officer originally requested that more information be provided in terms of the proposed parking area for the dwelling and the existing parking to be retained for the public house.

5.4.2 The applicant has provided a more detailed plan showing the proposed parking areas and the Highway Officer has commented that whilst the existing parking provision is less than what would normally be considered acceptable for a public house of this size, because the proposal would result in the loss of the bed and breakfast demand for space within the existing car park would be reduced as a result of the proposal. The Highway Officer is therefore satisfied that the revised plan showing ten parking spaces for the retained pub, and two designated spaces for the proposed residential use is now acceptable.

5.4.3 A condition has been attached which requires these spaces to be made available for use prior to the dwelling being first occupied.

5.5 Other issues and recent Inspectorate Decision:

5.5.1 Objectors have commented that the bed and breakfast is important to the visitor economy, the bed and breakfast offers much needed accommodation in the AONB and the applicant's asking price for the site/buildings is unrealistic. The applicant has provided evidence to the LPA, as part of this application and the recent application dismissed at appeal, to show that the business is not viable and that appropriate marketing has taken place to sell the site/buildings.

5.5.2 These issues and this evidence was discussed in great detail at the recent Planning Appeal Hearing and in their decision the Inspector accepted that the asking price for the site/building was acceptable and that other nearby businesses and uses (such as the Gisburn Forest Café, Tosside Community Centre and the Old Vicarage) have had a significant impact on the viability of the application site. Thus the Inspector accepted that the pub and bed and breakfast use of the site was not currently viable. In summing up these issues the Inspector concluded the following "*...I am satisfied that no viable use for the for the building has been found through appropriate marketing...*".

5.5.3 In respect of the rural economy the Inspector noted that there has been a marked decline in the economic potential of Tosside with permissions previously being granted for the re-development of the Smithy Garage and the conversion of the former Post Office. The Inspector also commented that the loss of a three bedroom bed and breakfast "*...would not have any significant effect on the wider tourist economy nor would there be any job losses given the absence of salaried staff involved in the business...I conclude that the change of use would not have a negative impact on the existing or future rural economy and vitality of the local area*".

5.5.4 In summary of the recent Inspector's decision, it was accepted that the existing uses on the site (bed and breakfast, and public house) were not financially viable and their loss would have no significant impact upon the rural economy. However the main reason why the Inspector dismissed the appeal was on the grounds that the change of use of the public house section of the building to a dwelling would be harmful to the historic and communal value of the building and consequently the proposal failed to preserve the special interest of the listed building. As previously mentioned this current application does not seek to change the use of the historic section of the building (public house) and therefore would not be harmful to the historic and communal value of the building as per the previous Inspector's decision.

5.5.5 The objectors have also referred to the building being designated as an Asset of Community Value, and as required the applicant has marketed the building in accordance with the Localism Act 2011. The LPA understands that the communities "right to bid" under this legislation has come to an end on 24th November 2017, nevertheless the designation of this property as an Asset of Community Value does not alter the determination or consideration of this planning application.

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

6.1 In summary, the applicant has demonstrated to the LPA's satisfaction that the bed and breakfast is not a viable use in this location and that the site has been marketed for an acceptable period of time without success. As such, in this particular case it is considered that the principle of converting the bed and breakfast to a residential dwelling within the settlement boundary of Tosside is acceptable and would bring some regeneration benefits.

6.2 The proposed change of use would share an acceptable relationship with surrounding land uses and would not have a negative impact upon the character of the Listed Building, including its historic use as a public house. The proposal would not have any significant visual impact on the character and quality of the site and its surrounding area, and as such the application is recommended for approval.

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

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

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

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

Gri/754/2228/01 Rev A (amended plan received 07/12/17).

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

3. Notwithstanding the requirements of condition 2 of this approval, prior to the dwelling hereby approved being brought into use, full details of the siting, height, design, materials, finish and mechanism for fixing to any parts of the listed building, of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before either of the dwellings hereby approved are first occupied and shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to safeguard the appearance of the surrounding area and the significance of Listed Building in accordance with Key Statement EN2 and Policies DME4, DMG1 and DMH3 of the Ribble Valley Core Strategy.

4. Notwithstanding the details shown on the approved plans and the requirements of condition 2 of this permission, prior to the dwelling hereby approved being brought into use 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 trees and shrubs. The duly approved landscaping scheme shall be carried out within 12 months of the converted dwelling 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 safeguard the appearance of the surrounding area and the significance of Listed Building in accordance with Key Statement EN2 and Policies DME4, DMG1 and DMH3 of the Ribble Valley Core Strategy.

5. Notwithstanding the submitted information, details of the provisions to be made for building dependent species of conservation concern, artificial bat/bird roosting boxes, shall be 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 boxes/artificial roosting sites and the locations(s) or wall and roof elevations into which the above provisions shall be incorporated.

The artificial bat/bird boxes shall be 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 to reduce the impact of development in accordance with Key Statement EN4 and Policies DME2 and DME3 of the Ribble Valley Core Strategy.

6. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be

erected within the curtilages 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 listed building and surrounding area in accordance with Key Statement EN2 and Policies DME4, DMG1 and DMH3 of the Ribble Valley Core Strategy.

7. Notwithstanding the provisions of Classes A-I of Schedule 2 Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no renewable energy sources shall be attached to the building or placed within the curtilage of any dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the listed building and surrounding area in accordance with Key Statement EN2 and Policies DME4, DMG1 and DMH3 of the Ribble Valley Core Strategy.

8. The car parking and manoeuvring areas for the dwelling (and retained public house) shall be provided as shown on Drawing Number Gri/754/2228/01 Rev A (amended plan received 07/12/17) prior to the first occupation of the dwellinghouse hereby permitted, and shall be permanently maintained thereafter clear of any obstruction to their designated purpose.

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

9. Prior to installation on site, full details of the design, material and finishes of any replacement windows or doors shall have been submitted to and approved in writing with the Local Planning Authority. The windows and doors shall be installed in accordance with the agreed details and retained as such thereafter.

REASON: In order to safeguard the appearance of the surrounding area and the significance of Listed Building in accordance with Key Statement EN2 and Policies DME4, DMG1 and DMH3 of the Ribble Valley Core Strategy.

10. The residential curtilage for the dwelling hereby approved shall be restricted to that shown on approved Drawing Gri/754/2228/01 Rev A (amended plan received 07/12/17).

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 Key Statement EN2 and Policy DMG1 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

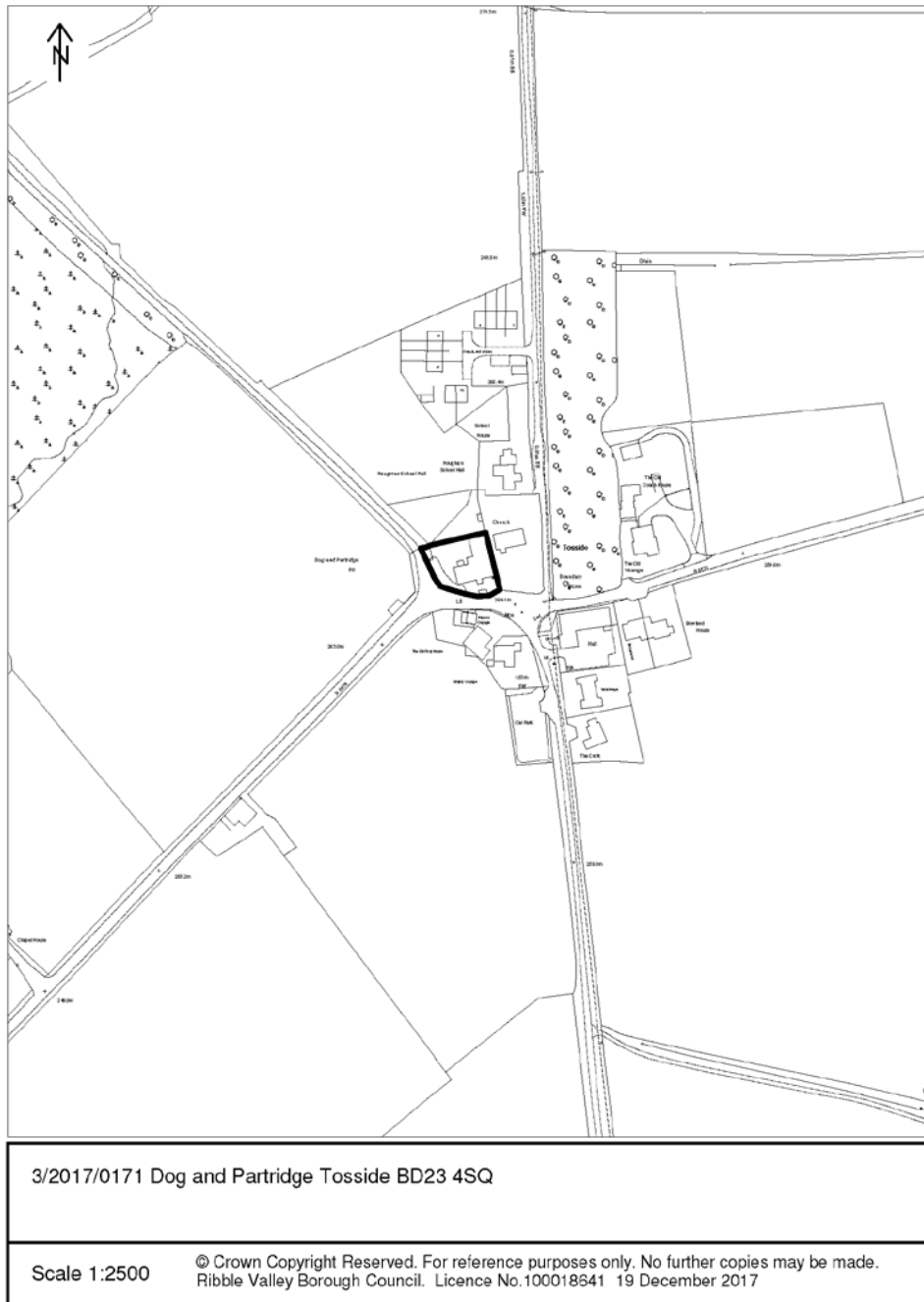
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F0171

APPLICATION REF: 3/2017/0173

GRID REF: SD 376895 456092

DEVELOPMENT DESCRIPTION:

LISTED BUILDING CONSENT FOR CHANGE OF USE OF EXISTING TWO STOREY REAR EXTENSION FROM BED AND BREAKFAST GUEST ROOMS AND CAFE TO FORM ONE NEW DWELLING AT THE DOG AND PARTRIDGE, TOSSIDE.



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Bolton by Bowland Parish Council:

The Dog & Partridge has been less than a viable business for some time and therefore the Parish Council wishes to support this application.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The LCC Highway Officer originally commented that the application did not include sufficient details of proposed parking and thus further information is required.

The applicant has provided an amended plan showing two car parking spaces for the proposed dwelling and ten spaces retained for the public house.

The Highway Officer has reviewed the updated plan and raises no objection to the proposal.

ADDITIONAL REPRESENTATIONS:

Three letters of representation have been received objecting to the listed building consent application. The points raised in the objections are summarised below:

- The application is an attempt to get round the previous refusals for change of use of the pub – if this application is approved a separate application to convert the pub to residential use will be submitted;
- Whilst the application would retain the pub, the applicant has no intention of operating this business as such;
- Impact upon viability of business;
- No need for housing;
- The loss of the Dog & Partridge would impact on the visitor economy and impact on the character of the village;
- Loss of employment – the site has employed numerous part-time workers in the past;
- Unrealistic value for the buildings/site;
- Both the Pub and the B & B are listed as Assets of Community Value;
- Effect on local businesses;

1. Site Description and Surrounding Area

- 1.1 The application relates to the Dog and Partridge, a Grade II Listed Public House within the hamlet of Tosside. This traditional country public house is an attractive late 18th Century building constructed in squared watershot sandstone with a stone slate roof.
- 1.2 To the rear, attached to the single storey sections of the public house is a two storey extension (built in 2005) with a glazed link connecting this extension to the first floor of the public house building. This two storey rear extension is currently utilised as a three bedroom bed and breakfast with lounge/dining areas provided at ground floor level. Existing openings at both ground and first floor level connect the bed and breakfast to the public house.
- 1.3 This application relates specifically to the more recently constructed bed and breakfast to the rear of the public house.

- 1.4 Externally an attractive stone boundary wall separates the site from Wigglesworth Road (B6478) and this continues around the western boundary of the site. Currently pedestrian access to the site is via an existing point directly off Wigglesworth Road, however the main vehicle access is via a track to the west of the buildings which leads to a hardsurfaced parking area to the side/rear of the building.
- 1.5 The site occupies a central and prominent location in Tosside, directly adjacent to the Grade II Listed Church, and close to the community centre and historic stone marker at the centre of the road junction.
- 1.6 The site is also located within the Forest of Bowland Area of Outstanding Natural Beauty and a Public Right of Way runs along the track directly to the west, offering views of the Public House and its surroundings. The Dog and Partridge Public House is also listed as an Asset of Community Value (as of November 2016).
- 1.7 The application site has been subject to a number of planning applications in the past (detailed within “Relevant Planning History” section of this report), with the most recent application for change of use of the Public House, Manager’s accommodation and Bed & Breakfast into two dwellings (3/2016/0708) being refused and subsequently dismissed at appeal.

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

- 2.1 The application seeks listed building consent to change the use of the existing two storey rear extension from a bed and breakfast (with dining facilities) to form one dwelling.
- 2.2 The proposed development would not require any external alterations to the building although in order to facilitate the conversion works three existing openings would be blocked up in the rear elevation of the existing public house (two at ground floor level and one at first floor level). The blocking up of these existing openings would ensure that the public house and proposed dwelling are separate units with no internal access between. The application also includes the installation of a partition wall to provide separate male and female toilets within the retained public house.
- 2.3 The proposed dwelling would contain three en-suite bedrooms at first floor level with kitchen, lounge, dining, study and utility rooms downstairs. The public house use within the original section of the building at the front of the site would be retained, with Manager’s accommodation above.
- 2.4 This application differs from the previous submissions for residential use at this site in that the proposal seeks to convert the bed and breakfast only, and retain the public house use within the original building at the front of the site.

3. **Relevant Planning History**

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

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

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

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

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

3/2016/0708 – Planning Permission and 3/2017/0709 Listed building Consent – *Change of use from public house, owner's living accommodation and bed and breakfast facility to two dwellings* – Refused 11.11.6. Appeal Dismissed 04.10.17

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement EN5 – Heritage Assets

Policy DMG1 – General Considerations

Policy DME4 – Protecting Heritage Assets

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Listed Building Consent:**

5.1.1 The principle of the development, its relationship with surrounding land uses and the surrounding area in general, along with other issues such as highway safety, are all considered as part of the full planning application for change of use (3/2017/0171). This application seeks to obtain Listed Building Consent and thus the only issues to consider in the determination of this application are the impacts of the proposal on the Listed Building itself.

5.1.2 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, the Court of Appeal has held that decision-makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.

5.1.3 Similarly, Policy DME4 of the Ribble Valley Core Strategy does not support development that would cause harm to the significance of a heritage asset, in this case the Listed Building of the Dog and Partridge.

- 5.1.4 Paragraph 129 of the NPPF states that “*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.*”
- 5.1.5 Paragraph 133 of the NPPF states that “*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be.*”
- 5.1.6 The application is accompanied by a heritage statement which comments that the Evidential Value of the building is within the physical evidence of the building as a traditional public house, which illustrates local styles and methods of construction. However this application relates solely to the more recently built rear extension, which contributes nothing to the evidential value of the listed building.
- 5.1.7 The Historic and Communal Value of the listed building is within its historic and long established use as a public house and this was a very important factor in the Inspector’s recent decision to refuse planning permission, and listed building consent, to convert both the pub and bed and breakfast into two dwellings. This application however does not seek to change the use of the pub, only the bed and breakfast element of the business. The bed and breakfast is a much more recent part of the site/building and hence does not form part of the historic or communal value of the listed building and its loss would therefore not be harmful to the buildings historic or communal value as a pub. Objectors have commented that if this application is approved the applicant will then seek to change the use of the pub to a dwelling, however the LPA cannot determine the current application on the grounds that a separate application for the pub may come forward in the future. In any case, the applicant has previously applied to convert the pub to residential use and these application have been refused by the LPA with some dismissed at appeal by the Inspectorate.
- 5.1.8 The aesthetic value is evident in the attractive, traditional and simple design of the original pub section of the building fronting the roadside. This application relates to the modern rear extension and thus would not impact upon traditional section of the listed building.
- 5.1.9 In view of the above it is clear that the significance value of the listed building is within the public house section of the building and the rear extension subject to this application, having been constructed in 2005, is not worthy of listed status on its own merit and it has no significance value from a heritage perspective. As such the change of use of the bed and breakfast to a dwelling would not have any significant impact upon this section of the listed building.
- 5.1.10 It is accepted that a number of applications have in the past been submitted to convert the public house to a dwelling, and these have been refused by the Council, with the most recent being dismissed at appeal. These applications were refused (and dismissed) on the grounds that the change of use would “*fail to preserve the special historic interest of the listed public house*”. As previously

mentioned, the application does not seek to change the use of the public house, only the bed and breakfast, and thus the current proposal would not impact upon the “*special historic interest of the listed public house*”, which will remain as existing.

5.1.11 The proposal would not result in any alterations to the external appearance of the building, neither to the pub nor the bed and breakfast, although it is envisaged that the newly formed boundaries and residential curtilage would need to be defined by either a hedge or fence. Consequently a condition has been attached to the recommendation requiring details of how these new boundaries would be defined.

5.1.12 Internally the application involves the blocking up of three openings, two at ground floor and one at first floor, which currently provide access between the pub and the bed and breakfast. The proposal also includes the installation of a partition wall to provide separate male and female toilets within the public house. The blocking up of these openings, and addition of a partition wall, would not have any negative visual impact on the listed building, or its value as a heritage asset and thus comply with Policy DME4 (Protecting Heritage Assets) of the Ribble Valley Core Strategy.

6. **Conclusion**

6.1 In summary, it is considered that the change of use of the more recently built two storey rear extension, which is currently used as a bed and breakfast, to a single dwelling would not result in any harm to the significance of the designated heritage asset in accordance with both local and national policies.

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

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

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

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

Gri/754/2228/01 Rev A (amended plan received 07/12/17).

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

3. Notwithstanding the requirements of condition 2 of this approval, prior to the dwelling hereby approved being brought into use, full details of the siting, height, design, materials, finish and mechanism for fixing to any parts of the listed building, of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before either of the dwellings hereby approved are

first occupied and shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to safeguard the appearance of the surrounding area and the significance of Listed Building in accordance with Key Statement EN2 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy.

4. Notwithstanding the details shown on the approved plans and the requirements of condition 2 of this permission, prior to the dwelling hereby approved being brought into use 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 trees and shrubs. The duly approved landscaping scheme shall be carried out within 12 months of the converted dwelling 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 safeguard the appearance of the surrounding area and the significance of Listed Building in accordance with Key Statement EN2 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy.

5. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilages 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 listed building and surrounding area in accordance with Key Statement EN2 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy.

6. Notwithstanding the provisions of Classes A-I of Schedule 2 Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no renewable energy sources shall be attached to the building or placed within the curtilage of any dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the listed building and surrounding area in accordance with Key Statement EN2 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy.

7. Prior to installation on site, full details of the design, material and finishes of any replacement windows or doors shall have been submitted to and approved in writing with the Local Planning Authority. The windows and doors shall be installed in accordance with the agreed details and retained as such thereafter.

REASON: In order to safeguard the appearance of the surrounding area and the significance of Listed Building in accordance with Key Statement EN2 and Policies DME4, DMG1 and DMH3 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F0173

C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL

APPLICATION REF: 3/2016/0927

GRID REF: SD 371930 435481

DEVELOPMENT DESCRIPTION:

OUTLINE APPLICATION FOR THE DEVELOPMENT OF A CLASS C2 CONTINUING CARE RETIREMENT COMMUNITY AT LAND OFF ELKER LANE, BILLINGTON



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

The Parish Council wish to object to application on the following grounds:

The Parish Council objects as they are worried about the additional volume of traffic that would be using Elker Lane. This road is already heavily congested during school hours and the number of vehicles that park on the road result in the road becoming single track. This development would result in a much higher volume of traffic which would only add to the problems already being caused for local residents. In addition the development would lead to a loss of green field sites.

The application is a much bigger development than the Parish Council were lead to believe would be developed at a meeting between the Parish Council and Avalon Town Planning Limited The Parish Council feels there should be provision within the plan for the development of infrastructure such as a bus turning area, and the provision on a bus route through the site.

LOCAL LEAD FLOOD AUTHORITY (LLFA)

Following the receipt of revised information the LLFA wish to withdraw their objection to the proposal subject to the imposition of conditions relating to surface water drainage.

UNITED UTILITIES:

United Utilities have no objection to the proposal subject to the imposition of conditions relating to foul and surface water drainage.

LCC HIGHWAYS:

The proposal is for a continuing care facility and since the initial submission I have had a meeting with the applicant to discuss the site in detail and the revised plan (EL-04 dwg3 rev B) encompasses and deals with all the issues raised at the meeting. Bearing this in mind I would raise no objection to the proposal on highway grounds.

Also, since this type of development and the services that it offers is relatively rare in the County, the meeting also provided details on how the residents would achieve eligibility to be part of the scheme and I am satisfied that the business model that will be employed will ensure that the prerequisite for residents will be that they will be receiving some form of care delivered by staff and that any sales or lettings will not be without this prerequisite or placed on the open market.

This will ensure that the development will exhibit a care home travel pattern and will not lead to an excess of additional traffic entering the road network at peak travel periods. I would however suggest that during the course of construction the developer should take account of the nature of Elker Lane and the proximity of the school and where possible avoid scheduling site deliveries at the start and finish of the school day

ADDITIONAL REPRESENTATIONS:

No letters of representation have been received in respect of the application

1. **Site Description and Surrounding Area**

- 1.1 The application relates to a greenfield area of land 2.54 Hectares in size that is currently used for agricultural purposes. The site is located to the west of and outwith the defined settlement boundary of Billington, being located in the designated open countryside.
- 1.2 The southern extents of the application site is approximately 165m outside and to the northwest of the settlement boundary for Billington when measured at its closest point.
- 1.3 The site is bounded to the north by an area of open land which directly bounds the A59, with the site being bounded to the east by St. Vincent over 55's accommodation, with the adjacent site to the south east being greenfield in nature but benefitting from an extant consent for the erection of a 120 place childrens day nursery with associated car-parking and landscaping.
- 1.4 To the south of the site is Higher Elker Lodge with the land to the east of the site being agricultural greenfield land of a typically open character.

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

- 2.1 Outline consent (Matters of access only) is sought for the construction of a Continuing Care Retirement Community. Whilst the application is made in outline only, the supporting information provides an insight into the quantum of development proposed as follows:
- 2.2 A core building (Village Centre) containing 50 care bedrooms and communal facilities comprising of:
 - foyer
 - meeting rooms
 - café
 - social gathering areas including library
 - fitness suite
 - pool/sauna area
 - small shop and hairdresser
 - associated administrative and service areas
- 2.3 The core building will be two-storey in height and be approximately 4000 Sqm in floor area and adopt an 'H' shaped footprint. The building will be complimented by an associated dementia garden, garden court, croquet lawn and rooftop garden. It is further proposed that the building will benefit from dedicated parking provision (approximately 38 spaces) and be located towards the northern extents of the site.
- 2.4 The proposal also seeks consent for the erection of 60 assisted living 2 bedroom apartment units. These will be of generally 2 storeys in height, with each of the apartments/units being approximately 74-90 Sqm in floor area. The submitted indicative masterplan proposes that the assisted living units will be located to the south and west of the 'Village Centre' and will consist of the following:
 - 5 x two storey 6 unit blocks
 - 5 x two storey 4 unit blocks
 - 5 x two storey 2 unit blocks

- 2.5 The submitted masterplan proposes that the blocks will benefit from dedicated car parking courts and be complimented by communal garden areas and amenity landscaping.
- 2.6 The primary vehicular and pedestrian access to the site will be formed through a direct interface with the existing access road serving the adjacent St. Vincent's housing development and consented day nursery (not yet constructed).
- 2.7 The applicant has submitted supporting information within which they consider that the accommodation on site will be of C2 (Residential Institutions) use and should not be considered as C3 (Dwellings). Members will note that this matter is discussed in detail later within this report.
- 2.8 The application has been accompanied by a privately commissioned Care Needs assessment which seeks to assess the current and future demand for care services for the elderly, both within the specified catchment area and the wider administrative area. The report takes account of the existing provision of both residential-care establishments and extra-care housing, and then goes on to further estimate the mix of accommodation which will be required to meet the future care needs of residents within the Borough.
- 2.9 The report concludes that by applying national estimates of care need the estimated number of older people likely to require some form of residential or extra-care facility will total 147 by 2026 and 174 by 2036. Within the catchment area of the report, there is currently residential/nursing home capacity for 26 residents. Based on this provision, there would appear to be a current shortfall in provision of 176 units of accommodation. If the care home capacity is viewed in terms of en-suite bedrooms for single occupancy, the capacity is reduced by 20 spaces, thereby increasing this shortfall to 196. On this same basis, the shortfall in total provision will rise to 233 places by 2026 and 278 by 2036.

3. **Relevant Planning History**

The site to which the application relates has no notable planning history that is relevant to the determination of the application.

However the adjacent land to the east and north east benefits from a number of planning consents as follows:

3/2016/0106:

Discharge of Condition(s) 10 (car parking layout), condition 11 (cycling facilities for over 55's), condition 12 (motorbike facilities), 13 (travel plan), and 14 (acoustic barriers) of planning permission 3/2014/0801. (Approved)

3/2015/0429:

Non material amendment to planning permission 3/2014/0801: Alteration to communal walkway facing courtyard. (Approved)

3/2015/0374:

Discharge of condition 20 (materials) on planning permission 3/2014/0801. (Approved)

3/2015/0286:

Discharge of condition 6 (tree protection) of planning permission 3/2014/0801. (Approved)

3/2014/0801:

Construction of 19 2-bed apartments for the over 55s and a 120 place childrens day nursery, associated car parking and landscaping. (Approved)

3/2014/0541:

Construction of 19 2-bed apartments for the over 55s and a 104 place childrens day nursery, associated car parking and landscaping. (Withdrawn)

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN2 - Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement DMI2 – Transport Considerations

Policy DMB4 – Open Space Provision

Policy DME1 – Protecting Trees and Woodland

Policy DME2 – landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME6 – Water Management

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Use Class Definition**

5.1.1 The proposal seeks consent for the creation of a Continuing Care Retirement Community consisting of a mixed form of accommodation with varying levels or degrees of 'care'. It is also proposed that qualifying persons who will be eligible to reside within the 'community' will be required to be aged either 65 years or more.

5.1.2 In this respect it is clear that the Care Home or 'Village Centre' provides accommodation that would fall under a C2 use class which is defined as '*Hospitals, nursing homes, residential education and training centres. Use for the provision of residential accommodation and care to people in need of care.*'

5.1.3 However the remainder of the proposal (assisted living units) will be brought forward in a form of self-contained accommodation which would afford residents/occupiers a high level or degree of independent living, in a form that is akin to that of a normal dwelling (use Class C3). The applicant has provided supporting information in which they consider that the aforementioned units still

fall within use class C2 by virtue of residents having to purchase a 'minimum care package'. This supporting information is supplemented with a Unilateral Undertaking which defines the minimum standard of care to be provided to the qualifying persons which shall include:

- The availability of a 24 hour response;
- Security;
- Initial assessment and periodic review of the occupiers need for personal care;
- The provision of at least 4 hours personal care per week.

5.1.4 The Unilateral Undertaking goes on to further define 'Personal Care' as the four main types of personal care which are stated in the Department of Health publication 'Supporting Housing and Care Homes Guidance on Regulation' which are :-

- assistance with bodily functions such as feeding, bathing, and toileting;
- care which falls just short of assistance with bodily functions, but still involving physical and intimate touching, including activities such as helping a person get out of a bath and helping them to get dressed;
- non-physical care, such as advice, encouragement and supervision relating to the foregoing, such as prompting a person to take a bath and supervising them during this;
- emotional and psychological support, including the promotion of social functioning, behaviour management, and assistance with cognitive functions

5.1.5 The undertaking also states that the personal care will be delivered through a comprehensive and flexible network of services that responds to the need of the individual encompassing a flexible network of services that responds to the needs of individuals encompassing:

- domiciliary care;
- reception and administration;
- village transport services;
- laundry services;
- social activities and programmes.

5.1.6 In relation to the assisted living units (ALU) it is imperative to consider whether such units would truly fall under use Class C2 or be classed as those which would fall under class C3(b) to which there are most certainly direct parallels. The Use Classes Order 1987 (as amended) defines Class C3(b) as follows:

C3(b)-Up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.

5.1.7 The definition clearly therefore allows for accommodation whose residents are 'receiving care' and living 'as a single household' to be classed as C3(b). Members will note that should it be considered that the ALU element of the proposal does indeed fall under class C3(b) then there would be a requirement for the proposal to meet the requirements of Key Statement H3 (Affordable Housing) by providing 30% affordable housing provision on site. In such

circumstances a number of other development plan policies related to residential development may also become engaged.

- 5.1.8 Furthermore, should it be considered that the ALU be C3(b) Policy DMH3 would be invoked which precludes the creation of open market housing within the defined open countryside unless it can be demonstrated such housing is solely for that which meets an Identified Local Need, given no such provision is proposed this would result in further conflict with the requirements of the adopted development plan.
- 5.1.9 Case Law and precedent varies in respect of the above matter with a number of Inspectors decisions and High Court rulings finding that ALU accommodation can, in some cases fall within use class C2. Similarly there are appeal decisions which have found that due to the extent of independent living afforded to the residents whilst taking account of the presence of a required 'care package' (receiving care), that such accommodation would fall within the definition of C3(b). As such it is clear that extra care housing or the assisted living model is not a singular simple concept with a clear statutory definition, with each case largely being defined by its own unique characteristics including care package requirements, the nature and form of accommodation provided and proposed occupancy restrictions.
- 5.1.10 In respect of this matter the Local Planning Authority is currently seeking Counsels opinion as to whether the 'assisted living' element of the proposal would fall within use class C2 or C3(b). The outcome of such advice shall be reported to members who are therefore respectfully requested to note that should the advice find that the Assisted Living Units are indeed classed as C3(b), there may be the need to add to or revise the refusal reasons provided by officers within this report.
- 5.1.11 Notwithstanding the classification of the Assisted Living Units, should it be considered that the 'retirement care community' as a whole falls under use class C2, there would still remain direct and fundamental conflicts with the Development Plan for the Borough in respect of the locational aspects and likely visual impact of the development.

5.2 Principle of Development:

- 5.2.1 The application site benefits from a significant degree of separation from the defined Settlement Boundary for Billington. A fundamental component of Key Statement DS1 is to guide the majority of new development towards the principal settlements within the Borough and in addition to these locations development will be focused towards the Tier 1 settlements, one of which being Billington.
- 5.2.2 In respect of these locational matters the Local Authorities Strategic Planning Team have offered observations in relation to the principle of the development when considered against the overarching Development Strategy for the Borough. Key Statement DMG2 states that "development should be in accordance with the Core Strategy Development Strategy and should support the spatial vision". It goes on to state that outside the defined settlement areas, development must meet at least one of the specified criteria, one of which is:

“development is for local needs housing which meets an identified need and is secured as such”.

A scheme for C2 use would not meet this criterion or the provisions of DMH3 which refers to “dwellings in the open countryside” i.e. C3 uses.

- 5.2.3 The Core Strategy defines local needs housing as: “... the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment.” Members will note that there is no specific reference in the Core Strategy to extra care housing or nursing home care provision. However the provision of accommodation for the elderly is a priority for the council. Thus a fundamental consideration is whether there is an identified need for the type of accommodation proposed in the parish or surrounding parishes.
- 5.2.4 In respect of local need, the views of the Strategic Housing Team have been sought. The Strategic Housing Officer has advised that In terms of addressing housing needs of the Parish and surrounding Parish of Billington, the scheme currently already constructed on Elker Lane (St. Vincent’s) will deliver 19 assisted living units built to higher than Lifetime Homes standards, the HAPPI standards (Housing our Ageing Population Panel for Innovation). The Housing Officer has further added that the development will accommodate levels of affordability as the scheme offers both affordable rent and affordable home ownership on site with an additional service charge. This scheme will meet any need for older persons assisted type living accommodation in the Parish and surrounding Parishes.
- 5.2.5 The Strategic Housing Officer concludes that that even if there was a demonstrated exceptional need for this type of accommodation, it cannot be considered in isolation from the development strategy which does not identify this as a suitable location. Such provision/need would be more appropriately located in close proximity to a range of services and public transport options i.e. within/adjacent to a principle settlement.
- 5.2.6 In addition to the above observations the Head of Regeneration and Housing has offered additional observations stating that that there is, and will continue to be a need for extra care provision in the borough and by definition some of that need will be generated from differing parts of the borough. However In terms of meeting local housing needs as described by the Core Strategy, the Head of regeneration and Housing is of the view that the recently completed Happi. homes scheme at Elker Lane has addressed the local affordable needs in that context and that there would be no further immediate affordable need to be addressed. However, the proposal does not seek to deliver any affordable units and therefore any local exception in relation to local needs housing does not exist.
- 5.2.7 The Head of Regeneration and Housing concludes that the scheme does offer a market based scheme. It is of a scale to justify the investment in the care package provision and it will address the growing need for extra care, and provide employment. However, it is not considered that this in itself is sufficient to enable a scheme of this scale and tenure to be treated as an exception at this location when measured against the Council’s Development Plan policies read

as a whole, and which represents the Council's statement of what constitutes sustainable development. There is a need for extra care provision in the borough. However, such a scale of provision, as proposed with this development, would be best met in other locations that more closely reflect the Council's development framework.

- 5.2.8 In taking account of the above matters and all material considerations it is accepted and identified that there is a need for such care provision within the Borough, however it is clear that the locational aspects of the proposal are in direct conflict with the spatial vision for the Borough as reflected within the adopted Development Strategy. It is also considered that the provision to be brought forward would not meet the definition of or be considered as an exception to the strategy in terms of 'local needs housing'.
- 5.2.9 Furthermore, by virtue of its location it is unlikely that residents of the 'community', in particular the residents of the assisted living units, who will be afforded a high level of independence, would benefit from a full and wide range of services within a walkable distances, likely resulting in further reliance upon the private motor-vehicle. This reliance upon private transport is clearly contrary to the presumption in favour of sustainable development. Such reliance would also be in direct conflict with Policy DMG3 which seeks to encourage development in areas which maintain and improve choice for people to walk, cycle or utilise public transport rather than utilise the private motor-vehicle for trips between their homes/residences and frequently visited facilities.
- 5.2.10 It is therefore considered, in principle, that the proposal is contrary to Key Statements DS1, DS2 and Policy DMG2 of the Ribble Valley Core Strategy in that it would lead to a pattern of development in a location which is found to be in direct conflict with the Development Strategy for the Borough which seeks to critically establish the pattern, location and intended scale of development within the Borough to ensure appropriate and sustainable patterns of development and growth.

5.3 Impact upon Visual Amenity:

- 5.3.1 The proposal is sited approximately 165m to the northwest and outside of the settlement boundary for Billington, being located within the defined open countryside. As such it will be significantly visually and physically unrelated to the main body of the settlement. The proposal is located to the west of the St. Vincent's over 55's housing provision however the illustrative site-plan indicates that the proposed 'village centre' will be located approximately 75m to the west of the main built form associated with the aforementioned existing housing giving it a further sense of visual separation or disconnect with adjacent built form.
- 5.3.2 The proposal would represent a significant north-westerly encroachment of built form into the open countryside that would be largely discordant when taking into account the existing fabric and pattern of development, not only adjacent the site, but also in relation to the pattern of development associated with the main body and periphery of the settlement to which it relates.
- 5.3.3 The proposal would result in the introduction of 15 two-storey blocks accommodating 60 assisted living units and a large scale complex-style building

accommodating 50 care bedrooms with associated parking and ancillary communal areas.

5.3.4 Whilst it is accepted that a number of areas of the site will be dedicated to green infrastructure, it is undeniable that the quantum of development proposed is significant, particularly when taking account of the patterns and densities of adjacent development and the semi-rural characteristics of the site. Whilst areas of open communal and usable space will afford a degree of separation between the proposed built-form it is unlikely to afford significant visual mitigation.

5.4.5 Furthermore, the usable open areas are likely to accommodate domestic paraphernalia, which when read in concert with large areas accommodating the parked motor-vehicle, is likely to result in a significant suburbanising effect upon the landscape.

5.3.6 Taking into account the above matters, it is considered that the proposal would represent a significant encroachment into the defined open countryside that by virtue of its location, density, scale and quantum, is likely to be read as an incongruous and discordant incursion into the landscape that fails to respond positively to the pattern and density of nearby development or positively reflect the semi-rural character of the area, being of significant detriment to the character and visual amenities of the defined open countryside contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

5.4 Impact upon Residential Amenity:

5.4.1 As the application is made in outline with matters of layout and appearance being reserved for consideration at a later date no definitive assessment can be made in respect of the potential impacts upon residential amenity resultant from the proposal. However taking into account the illustrative layout and offset distances from nearby existing dwellings it is not considered that the proposal would have any significant undue impact upon residential amenity.

5.5 Highway Safety and Accessibility:

5.5.1 The Highways development Control section have raised no objection to the proposal subject to the imposition of conditions relating to construction methodology, site access details and a requirement that all agreed highways works be undertaken and complete prior to first occupation of the development.

5.6 Landscape/Ecology:

5.6.1 The applicant has submitted a Phase 1 Habitat Survey in support of the application. The report finds that the site is largely composed of improved grassland currently used for sheep grazing with the site also accommodating two streamlets.

5.6.2 The report concludes that the development is unlikely to result in the disruption or disturbance of any protected habitats not will there be any significant detrimental impacts upon protected species. The report finds that no further habitat surveys or investigative works are required and should works proceed that measures to minimise the impacts upon nesting birds be required through the imposition of condition.

5.7 Flood Risk and Drainage:

5.7.1 At the time of writing this report no objections have been received from United Utilities of the LLFA subject to the imposition of conditions relating to surface and foul water drainage.

6 Observations/Consideration of Matters Raised/Conclusion

6.1 For the reasons outlined above the proposed development is considered to be in direct conflict with the adopted Development Plan insofar that approval would lead to the introduction of a significant quantum of development within the defined open countryside, of a scale and form that would be of significant detriment to the character, context and visual amenities of the area.

6.2 It is further considered that the proposal would be in direct conflict with the adopted Development Plan which seeks to establish patterns and locations for sustainable growth and development within the Borough by virtue of its location within the defined open countryside and its significant degree of detachment and separation from the defined settlement boundary for Billington.

RECOMMENDATION: That the application be REFUSED for the following reasons:

1. The proposal is considered contrary to Key Statements DS1, DS2 and Policy DMG2 of the Ribble Valley Core Strategy in that the approval would lead to a significant level of development in the defined open countryside, located outside of a defined settlement boundary, without sufficient or adequate justification, undermining the spatial vision for sustainable patterns of development and growth within the borough as embodied within the adopted Development Strategy.
2. The proposal is considered contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy in that it would result in a significant level of built-form encroaching into the defined open countryside, resulting in a development, that by virtue of its quantum location, density and scale, will be read as an anomalous, incongruous and discordant incursion into the landscape that fails to respond positively to the pattern and densities of nearby development or the landscape character of the area, being of significant detriment to the character and visual amenities of the defined open countryside.
3. By virtue of the high degree and level of independence of those occupying the assisted living units, it is considered that the approval of this application would lead to an unsustainable pattern of development in a location that does not benefit from adequate walkable access to a full complement or range of local services or facilities - placing further reliance on the private motor-vehicle, contrary to the aims and objectives of Policy DMG3 of the adopted Core Strategy and the NPPF presumption in favour of sustainable development.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0927

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2017/0573	Land off Union Street Clitheroe	26/10/17	36	With LCC
3/2017/0616	Former Clitheroe Hospital Chatburn Road, Clitheroe	26/10/17	60	With Solicitor
3/2017/0433	Land at Henthorn Road Clitheroe	30/11/17	24	With LCC Applicants

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Time from First Going to Committee to Decision</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2017/0133	Land off Dale View Billington	31/8/17	13 weeks	41	Decision 30/11/17

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>
3/2017/0029 R	24/07/17	Field at Hellifield Road, Gisburn	Hearing	30/01/2018	Awaiting Hearing
3/2017/0192 R	19/07/17	Countess Hey Elmridge Lane Chipping	WR		Awaiting Decision
3/2017/0220 R	07/08/17	2a Whittingham Road, Longridge	WR		Appeal Allowed 14/12/2017
Enforcement	17/11/17	Demesne Farm Newsholm Gisburn	Hearing	10/04/18	Statement and suggested conditions due 29/12/2017
3/2017/0441 R	Awaiting start date from PINS	19 Woodfield View Whalley	WR (to be confirmed)		
3/2016/0999 R	24/10/17	Land at Dale View Billington	WR		Appeal Withdrawn 01/12/2017
3/2016/0980 R	24/10/17	Land off Dale View Billington	WR		Appeal Withdrawn 01/12/2017

<u>Application No and reason for appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Date of Inquiry/Hearing if applicable</u>	<u>Progress</u>
3/2016/1192 R	16/11/17	Hammond Ground Whalley Road Read	Inquiry	1, 2, 3, 9,10 May 2018	Bespoke timetable Statement due 2 January 2018 Statement due 04/01/18
3/3016/1082 R	30/11/2017	74 Higher Road Longridge and land to the rear.	WR		Statement due 17/01/18
3/2017/0751 R	13/12/2017	The Ridge Highcliffe Greaves Grindleton	WR		Statement due 17/01/18