

# RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 7 FEBRUARY 2019** at the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you can be there.

Yours sincerely

CHIEF EXECUTIVE

To: Committee Members (copy for information to all other Members of the Council)  
Directors  
Press  
Parish Councils (copy for information)

## AGENDA

### Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. To approve the minutes of the meetings held on 10 January 2019 – copy enclosed.
3. Declarations of Pecuniary and Non-Pecuniary Interests (if any).
4. Public Participation (if any).

### DECISION ITEMS

- ✓ 5. Planning Applications – report of Director of Economic Development and Planning – copy enclosed.

### INFORMATION ITEMS

- ✓ 6. Listed Building at Risk – Dog Kennels, Gisburne Park – report of Director of Economic Development and Planning – copy enclosed.

- ✓ 7. Appeals:
  - i) 3/2018/0079 – Conversion of barn to 2 dwellings; creation of garages and gardens; installation of new sewage treatment plant at New Ings Farm, Hellifield Road, Bolton by Bowland – appeal allowed.
- 8. Reports from Representatives on Outside Bodies (if any).

Part II - items of business **not** to be discussed in public

DECISION ITEMS

- ✓ 9. Primrose/Mearley Lodge– Report of Director of Economic Development and Planning – copy enclosed.

INFORMATION ITEMS

- ✓ 10. Appeal Cost Awards – report of Director of Economic Development and Planning – copy enclosed.

**INDEX OF APPLICATIONS BEING CONSIDERED**  
**MEETING DATE: 7 FEBRUARY 2019**

<u>Application No:</u>	<u>Page:</u>	<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>
<b>A APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:</b>				
			NONE	
<b>B APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR APPROVAL:</b>				
<a href="#">3/2018/0181</a>	1	SK	AC	Land off Waddington Road Clitheroe
<a href="#">3/2018/0750</a>	12	HM	AC	Twitter Bridge Farm Waddington
<a href="#">3/2018/0907</a>	19	RB	AC	Holm Road Barrow
<a href="#">3/2018/0958</a>	24	JM	AC	Three Millstones West Bradford
<a href="#">3/2018/1040</a>	29	JM	AC	Holmes Mill Clitheroe
<a href="#">3/2018/1041</a>	37	JM	AC	Holmes Mill Clitheroe
<a href="#">3/2018/1065</a>	43	JM	AC	Johnson Matthey Clitheroe
<a href="#">3/2018/1130</a>	48	AB	AC	Dewhurst Farm Langho
<a href="#">3/2018/1139</a>	57	JM	AC	Calder Vale Park Simonstone
<a href="#">3/2018/0943</a>	66	AB	PERMISSION IN PRINCIPLE	Land off Chatburn Old Road Chatburn
<b>C APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:</b>				
<a href="#">3/2018/0951</a>	74	AB	R	2 The Dene Hurst Green
<a href="#">3/2018/0956</a>	80	JM	R	Three Millstones West Bradford
<b>D APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED</b>				
<a href="#">3/2018/0924</a>	84	RM	DEFER	Land South West of Barrow and West of Whalley Road Barrow
<b>E APPLICATIONS IN 'OTHER' CATEGORIES:</b>				
			NONE	

**LEGEND**

AC Approved Conditionally  
R Refused  
M/A Minded to Approve

AB Adam Birkett  
AD Adrian Dowd  
HM Harriet McCartney  
JM John Macholc

RB Rebecca Bowers  
RM Robert Major  
SK Stephen Kilmartin

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 7 FEBRUARY 2019  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF COMMUNITY SERVICES

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

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

**APPLICATION REF: 3/2018/0181**

GRID REF: SD 373905 442207

### DEVELOPMENT DESCRIPTION:

RESERVED MATTERS APPLICATION FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOLLOWING OUTLINE PLANNING PERMISSION 3/2014/0597 FOR UP TO 275 NEW DWELLINGS AND ACCESS. LAND OFF WADDINGTON ROAD CLITHEROE BB7 2JD



**CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

**CLITHEROE TOWN COUNCIL:**

No representations received.

**ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

The Highways Development Control Section have made a number of observations in respect of the proposed development, a number of which have been addressed through the receipt of revised information.

A further expedited consultation with the Highways authority is currently being undertaken following the receipt of further amended details.

**LAAS (LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE):**

The site of the proposed development was subject to a scheme of archaeological investigation by ARS Ltd in 2014 and it was concluded that the site had no significant archaeological potential as such no further archaeological work is considered necessary.

**UNITED UTILITIES:**

No response received in respect of the application.

**LLFA:**

The LLFA is currently unable to provide a substantive response as insufficient information has been submitted with this application. The LLFA requires the following in order to enable the LLFA to provide a substantive response:

- An indicative site drainage strategy, including:
- Preliminary sustainable drainage proposals and locations
- Existing and/or proposed sewers, drains and watercourses
- Surface water outfall locations

The LLFA further recognises that details of the surface water drainage scheme are required to be provided at a later stage as imposed under the requirements of condition 9 of the outline planning permission. However the LLFA consider that they need to be in receipt of an indicative surface water drainage strategy, at this stage, in order to assess and comment on the suitability of the proposed site layout.

**ENVIRONMENT AGENCY:**

No response received in respect of the application.

**ELECTRICITY NORTH WEST:**

We have considered the above planning application submitted on 13/03/2018 and find it could have an impact on our infrastructure.

The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the

applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

### **ADDITIONAL REPRESENTATIONS:**

Thirty-two letters of representation have been received objecting to the proposal on the following grounds:

- Insufficient information at the time of consultation
- Loss of privacy by virtue of elevated direct overlooking
- Drainage issues
- The proposed design is unimaginative and fails to respond to the character of Clitheroe
- Loss of view
- Proposal lacks architectural merit
- Presence of private infrastructure within the field to be developed
- Increase in traffic problems
- Inadequate open space
- Loss of habitat and impact upon ecology/biodiversity
- Inadequate infrastructure within the town to deal with additional housing
- Noise and disturbance during construction
- Inaccurate information submitted with application
- Inadequate buffers/offset distances
- Kirkmoor access inadequate and problematic
- Proposed design fails to take account of inspectors report

Members will note that a number of representations state that the proposed development contradicts the previous inspectors report and subsequent recommendations. It is important to clarify at this stage, whilst the inspectors report (3/2012/0913) remains a material consideration, the current application is a reserved matters application pursuant to the outline consent 3/2014/0597 granted by the authority on the 6<sup>th</sup> of March 2015.

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

- 1.1 The application relates to an area of land located towards the western extents of the main core of the settlement of Clitheroe. The site is currently a committed housing site (DS1 allocation), benefitting from an extant consent for the erection of up to 275 dwellings.
- 1.2 The site is bounded to the north by Waddington Road and properties fronting Brungerley Avenue, to the east by properties fronting Berkeley Square and Mayfair Close and to the south by Kirkmoor Close and Back Commons. The application site is approximately 9.2 Hectares in size, being greenfield in nature.

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

- 2.1 Reserved Matters consent is sought for the erection of 208 dwellings located off Waddington Road Clitheroe. Consent is sought for matters relating to appearance, landscaping, layout and scale.

- 2.2 The submitted details propose that primary and sole vehicular access will be provided off of Waddington Road with additional pedestrian/cycle access points being provided off Back Commons/ Kirkmoor Road.
- 2.3 It is proposed that the majority of the proposed dwellings will be two-storeys in height with twenty 2.5 storey dwellings being proposed in key locations and a grouping of seven bungalows being proposed at the south-eastern extents of the site orientated around a private dedicated parking court. The affordable housing provision on site meets with the 30% requirement housing provision as required by Key Statement H3.

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

3/2014/0597:

Outline application for up to 275 new dwellings and access. All other matters reserved. (Approved)

3/2014/0526:

Screening Opinion for proposed planning application at land off Waddington Road Clitheroe. (EIA not required)

3/2012/0913:

Outline application for a residential development and a creche. (Refused – appeal dismissed)

### 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 EN4 – Biodiversity and Geodiversity

Key Statement H2 – Housing Balance

Key Statement H3 – Affordable Housing

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME3 – Site and Species Conservation

Policy DMB4 – Open Space Provision

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

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

5.1.1 The principle of the development of the site for residential purposes (upper quantum 275 dwellings) has already been established as acceptable through the granting of outline consent 3/2014/0597. As such, notwithstanding other development management considerations, the principle of the application need

not be assessed for potential conflict with the development strategy for the borough.

## 5.2 Impact upon Residential Amenity:

- 5.2.1 The proposal site has a direct interface with the rear curtilages of residential properties fronting Brungerley Avenue, Berkeley Square, Mayfair Close and Kirkmoor Close. The proposed layout has been amended to ensure that back to back interface distances of 21m are maintained, and in some cases exceeded, between existing and proposed dwellings.
- 5.2.2 A number of proposed dwellings have been re-orientated so that they benefit from a perpendicular relationship with existing dwellings, in these cases the proposed side elevation to existing rear elevation interface distances are approximately 13m measured from existing ground floor rear elevation and approximately 17m measured from existing first floor rear elevation.
- 5.2.3 Taking into account the aforementioned spatial relationships and interface distances it is not considered that the proposal will have any undue negative impact upon existing or future residential amenity by virtue of an over-bearing impact, loss of light or direct loss of privacy.

## 5.3 Matters of Design/Visual Amenity:

- 5.3.1 The proposal has been subject to extensive pre-application negotiation and extensive engagement during the course of the determination of the application to ensure the development will contribute to and enhance the character, appearance and visual amenities of the area.
- 5.3.2 Fundamental revisions have been undertaken in respect of the proposed layout which has resulted in a significant reduction in the number of dwellings originally proposed at reserved matters stage (notwithstanding the outline consent for up to 275 dwellings) from that of 241 dwellings to that of 208 dwellings. The resultant reduction in the quantum of development has allowed the proposal to more accurately reflect and respond positively to the inherent pattern and densities of development commonly found within Clitheroe and the immediate surrounding area.
- 5.3.3 The submitted details propose that primary and sole vehicular access will be provided off Waddington Road with a singular internal spine road serving a number of cul-de-sac and private drive arrangements. The main body of the development is fragmented into smaller development parcels accommodating built-form, with green infrastructure both bounding and dividing a number of these parcels.
- 5.3.4 The existing route of the public right of way (FP 20) that runs east to west through the site will largely be respected albeit with the route being formalised through the provision of a formal footway.
- 5.3.5 Following engagement and negotiation with officers the proposal now benefits from the inclusion of a 10m wide landscaped green-buffer around the majority of the periphery of the site. To ensure the proposals compliance with Policy DMB4, which requires development proposal to provide adequate usable open space



that is multi-functional and designed to encourage walking and cycling opportunities, officers have suggested that the green-buffer also accommodate a circular network of walking routes and the inclusion of scattered trim-trail equipment to complement the aforementioned pedestrian routes.

- 5.3.6 In adopting this approach the authority considers that the resultant development, in concert with further/existing development, will result in the creation of a wider networks of informal usable green-spaces that encourage 'naturalistic play' for a range of demographic groups in-lieu of more formalised children-only play areas. Significant areas of informal usable green-space are also provided within the main body of the development, particularly adjacent the route of the public right of way.
- 5.3.7 It is also proposed that a number of pedestrian interfaces with Back Commons will be provided at the south eastern extents of the site, these will ensure the developments connectivity with public right of way FP 18 which subsequently adjoins FP19 that runs south west to north east adjacent the northern extents of site.
- 5.3.8 Following officer concerns and engagement, the applicant has been receptive to the adaptation of standard house-types to enable the development to better reflect the local vernacular and semi-rural character of the site. As a result the materials palette has been limited to that of solely reconstituted stone and render, with the dwellings also now employing additional window, kneeler, quoin and chimney detailing.
- 5.3.9 Having regard to the secured amendments it is considered that the proposal will result in a development of an appropriate scale, layout and external appearance that will aid in contributing to and enhancing the visual amenities and character of the area.

#### 5.4 Highway Safety and Accessibility:

- 5.4.1 The Highway Development Control section have made observations during the course of the application relating to the internal highways arrangement of the proposal. These observations have resulted in the submission of amended details to take into account and mitigate original concerns relating to the internal highways arrangement and the ability for vehicles to adequately manoeuvre.
- 5.4.2 Members will note that the original outline consent included the provision of a dedicated pedestrian and emergency vehicle/bus-link at the southern extents of the site located off of Kirkmoor Road/Back Commons. As part of the current application LCC highways have confirmed that the dedicated vehicular access for public transport/emergency vehicles is no longer required.
- 5.4.3 As such the southern vehicular access has been removed from the application, however members will note that a shared pedestrian/cycleway has been retained in this location to ensure permeability and adequate connectivity for residents of the development and wider community.

## 5.5 Landscape/Ecology:

- 5.5.1 Revised detailed landscaping proposals are currently being prepared by the applicant to reflect amendments that have been undertaken in respect of the overall layout of the development. As such it is requested that a condition is imposed requesting further details. However if this is secured before determination at Committee it would be necessary to amend the condition..
- 5.5.2 Notwithstanding the above, interim landscaping details indicate significant tree and shrub planting not only within the peripheral green-margin but also within and adjacent proposed open space within the main body of the proposal. Following officer negotiation, native hedging and the use of green-screens are also proposed to lessen the appearance of boundary treatments that directly front the public realm or areas of open space.
- 5.5.3 Areas of tree planting/landscaping have also been introduced in selected locations to mitigate and minimise the impact of the development upon existing neighbouring occupiers/receptors. Integral to the landscape mitigation is a five metre landscaped buffer strip the north-eastern extents of the site adjacent the properties that front Brungerley Avenue. It is proposed that the landscaped margin will fall outside of private residential curtilage and be managed and maintained by a third party. It is additionally proposed that a significant concentration of tree planting will be introduced at the south-eastern extents of the site adjacent Albion House to once again mitigate/minimise the impacts of the development.
- 5.5.4 Given the presence of significant linear landscape features adjacent and within the site, including well established hedgerow, it is considered likely that the site is utilised for foraging/feeding of bats/birds and potentially nesting/roosting. As a result, a condition will be imposed requiring the proposal to provide provision for building-integral nesting/roosting opportunities for bats/birds. This will not only assist in mitigating the impact of the development upon existing species population, but also allow for provisions to be brought forward to accommodate increases in local bat/bird population in compliance with Key Statement EN4 which requires a net enhancement in biodiversity.
- 5.5.5 Taking account of the interim landscaping details and the overall approach that has been adopted to inform the overall green-infrastructure strategy, it is considered that the proposal provides adequate areas of usable open space and subject to the receipt of further acceptable detailed landscaping proposals, consider that the proposal will result in an overall net enhancement in biodiversity.

## 5.6 Flood Risk and Drainage:

- 5.6.1 The Lead Local Flood Authority have stated that they are currently unable to provide a substantive response as insufficient information has been submitted in support of the application. However members will note that condition 9 of the outline consent requires the submission of such details prior to the commencement of development, not at reserved matters stage.
- 5.6.2 In this respect the LLFA recognises that details of the surface water drainage scheme are to be provided by the applicant as required by condition 9 of the

outline planning permission. However, the LLFA considers that they still need to be in receipt of an indicative surface water drainage strategy to assess and comment on the suitability of the proposed site layout.

5.6.3 In respect of the above matters, given the existence of a pre-imposed condition at outline stage, the authority considers it unreasonable and untenable to insist that such details be submitted at reserved matters stage. Notwithstanding this matter, the authority has requested that the applicant explore providing such information.

5.6.4 However, should the applicant be unable to provide the indicative drainage strategy within an adequate timeframe or refuse to provide such information at this stage, the authority considers that adequate controls are in place that would require such details to be submitted at a later stage in any case.

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

6.1 Taking account of the above matters and all material considerations it is considered that the proposal represents an appropriate form of development of an appropriate scale that responds positively to the inherent character of the area.

6.2 For the reasons outlined above the proposed development is considered to be in broad accordance with the aims and objectives of the adopted development plan and do not consider that there are any material overriding reasons that would warrant the refusal to grant planning permission.

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

### *Timings and Commencement*

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

DWH063/PL01: Planning Layout including Boundary Treatments A1 1:500 P8

DWH063/CL01: Coloured Planning Layout A1 1:500 P8

DWH063/ML01: Materials Layout Plan A1 1:500 A

DWH063/SS01: Street Scenes A0 1:100 Jan '19

DWH063/HT01: DWH House Type Range A3 1:100 Jan '19

DWH063/HT01: Barratt House Type Range A3 1:100 Jan '19

DWH063/DAS: Design & Access Statement (DAS) A3 NTS -

DWH063:12: Site Section and Suds Basin A0 1:100 -

DWH155/ 001: Main Drainage Schematic A0 1:500 E

FRA V2.0

2018-046: ERAP Ecology Report A4 NTS -

TEP AIA March '18

1110-LOC: Site Location Plan A1 1:1250 -

15930 1 of 4 Rev B: Landscape proposals

15930 2 of 4 Rev B: Landscape proposals

15930 3 of 4 Rev B: Landscape proposals

15930 4 of 4 Rev B: Landscape proposals

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

### *Matters of Design*

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

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality.

3. Notwithstanding the submitted details, elevational details including 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 prior to their installation.

For the avoidance of doubt the submitted details shall also 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 (including those within residential curtilages) to encourage terrestrial species movement.

The development shall be carried out in strict accordance with the approved details. The agreed wildlife corridors/gaps shall be retained in perpetuity and thereafter remain free from obstructions which would preclude their use by wildlife.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality.

### *Landscape and Ecology*

4. 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 indicate the type of provision to be provided and identify the actual wall and roof elevations into which the above provisions shall be incorporated and shall take account of the recommendations contained within the Extended Phase 1 Habitat Survey and Bat Report dated 12/04/2018 Ref: 13611e/DB.

The artificial bird/bat boxes shall be incorporated into those individual dwellings during the construction their 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 to reduce the impact of development.

5. Notwithstanding the submitted landscaping details further landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority before commencement of any building work on site. The scheme shall be implemented in the first planting season following occupation or use of the development 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.

REASON: To ensure the proposal is satisfactorily landscaped and appropriate to the locality.

6. Notwithstanding the submitted details, elevational details including the precise location of all play equipment/trim-trail equipment to be erected within the development shall have been submitted to and approved by the Local Planning Authority prior to their installation. 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.

7. Notwithstanding the submitted details, precise details including a long-term management plan and timings of planting of the landscape buffer margin at the north eastern extents of the site adjacent plots 29-35, 39, and 43-46 shall have been submitted to and approved by the Local Planning Authority prior to the construction of any of the aforementioned plot numbers.

For the avoidance of doubt the submitted details shall indicate that planting of this margin will commence in advance of any site preparation or construction works relating to plots 29-35, 39, and 43-46.

The development shall be carried out in strict accordance with the approved details/timings and the approved long-term management plan for the area shall be adhered to for the lifetime of the development.

Reason: To ensure the proposal is satisfactorily landscaped and appropriate to the locality and to ensure that adequate landscape mitigation is provided at an appropriate stage in development to successfully minimise the impacts of the development upon existing occupiers.

#### *Site Details / Other Matters*

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

For the avoidance of doubt the submitted information shall include existing and proposed sections through the site including details of the height and scale and location of the proposed housing in relation to adjacent existing development/built form (where applicable).

The details shall clearly show the eaves and ridge heights of the proposed building/dwelling(s) relative to the eaves and ridge heights of existing neighbouring development/built form. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that proposed development responds appropriately to the topography of the site and is appropriate to the locality.

9. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until full elevational details of the proposed pumping station and sub-station, including any associated boundary treatments, 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.

#### *Further Control Over Development*

- 11 The garage(s) hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability for their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

REASON: To ensure that adequate parking provision is retained on site that limits the visual impact of the parked motor-vehicle upon the street scene/area.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0181](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0181)

**APPLICATION REF: 3/2018/0750**

GRID REF: 372216 443262

**DEVELOPMENT DESCRIPTION:**

CHANGE OF USE OF REDUNDANT BARN TO FORM ONE UNIT OF RESIDENTIAL ACCOMMODATION AT TWITTER BRIDGE FARM, TWITTER LANE, WADDINGTON BB7 3LG



3/2018/0750 Twitter Bridge Farm Barn Twitter Bridge Farm Twitter Lane Waddington  
BB7 3LG

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

### **PARISH COUNCIL:**

Object to the development and consider the barn not to be redundant and is used for livestock purposes and would affect the existing farming business. The loss of the building and use of adjoining bridge as an access point would make it problematic for the existing farming enterprise and could lead to livestock along the highway to its detriment. Possible concerns of flooding and loss of habitat.

### **ENVIRONMENT AGENCY:**

Original objected due to lack of a Flood risk assessment. Following additional information further comments will be reported verbally.

### **LANCASHIRE COUNTY COUNCIL (LCC) HIGHWAYS:**

No objection on highway grounds.

Following re-consultation the Highway Engineer has advised that from a highway safety perspective the safest option would be to continue to move livestock through the fields. This would require an agreement between the land owner and the farmer. However if such agreement cannot be reached the Highway Engineer has confirmed that there is no reason why livestock cannot be moved along the highway.

As such the LCC Highways have concluded that the impact of the development on highway safety grounds would not warrant refusal.

### **LANCASHIRE COUNTY COUNCIL (AONB):**

Objects to the development on the basis the building is used for regular agricultural use and also the design changes would have an impact on the landscape character of the AONB.

### **ADDITIONAL REPRESENTATIONS:**

One additional representation has been received from members of the public and one from the River Ribble Trust. A rebuttal letter has been sent from the land agent. The objection raised concern the following issues:

- Inadequate information to assess the impact on flood risk and possible disturbance on habitat such as otters.
- Consider the description is wrong as the building is not redundant.
- Visual impact due to its isolated location and loss of an important landscape feature so contrary to DMH3.
- Impact on rural economy due to impact on existing farming business and as such contrary to DMH4
- Highway issues resulting from the development restricting practical access to the adjoining fields and the likely increase in vehicular movements on to the adjacent carriage way.

The supporting letter considers that the additional 100 acres should be disregarded and that existing buildings at Carter Fold are sufficient for livestock and machinery.



1. **Site Description and Surrounding Area**

- 1.1 The application relates to a conversion of a detached barn located in the open countryside and within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). Access to the site is from Twitter Lane and the building is located approximately 600m from the outskirts of Waddington. The surrounding land is predominantly agricultural land and devoid of buildings.

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

- 2.1 The application seeks detailed consent to convert the building into a 4 bedroom dwelling with garage space incorporated in the existing lean to building. The proposed curtilage is contained within an existing yard area and land to the rear bordered by a stream. A new boundary wall partly encloses the proposed curtilage.
- 2.2 The scheme has been amended with a reduction in the number of new openings and the retention of the timber wagon door. To overcome concerns from the Environmental Agency the floor levels have been raised which has resulted in minor design changes to the original scheme.

3. **Relevant Planning History**

None

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement EN2 – Landscape

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement EN5 – Heritage Assets

Key Statement EC1 – Business and Employment Development

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME3 – Site and Species Protection and Conservation

Policy DME4 – Protecting Heritage Assets

Policy DMB1 – Supporting Business Growth and Local Economy

Policy DMH3- Dwellings in Open countryside

Policy DMH4-Conversion of Barns and other buildings to dwellings

Policy DMH5- Residential and curtilage extensions

Policy DMG3 – Transport and Mobility

National Planning Policy Framework (NPPF) (July 2018)

National Planning Practice Guidance (NPPG)

Planning (Listed Building and Conservation Areas) Act 1990

5. **Assessment of Proposed Development**

Members will be aware that this application was deferred for further clarification with LCC Highways authority in relation to any traffic implications resulting from livestock

movement on the adjacent carriageway. Following re-consultation they confirm that they do not object.

#### 5.1 Principle of Development:

- 5.1.1 In relation to the principle regard needs to be given to Policy DMH3 Dwellings in Open countryside and Policy DMH4-Conversion of Barns and other buildings to dwellings. Consideration needs to be given to its location and an assessment on whether or not the building is isolated or within a group of buildings.
- 5.1.2 In this respect the application site is not located within an existing main settlement or village, and is approximately 600 m from the edge of the Waddington Settlement Boundary and therefore it can be argued that the site is fairly isolated with the exception of the adjacent farmhouse. However it is closely related to the highway and there are other agricultural buildings in the vicinity.
- 5.1.3 It is the opinion that on balance the building could be suitable for in accordance with the relevant “principle” sections of Policies, therefore the proposal is considered to be acceptable, subject to compliance with other policies of the Core Strategy.

#### 5.2 Visual impact on the surrounding area:

- 5.2.1 It is acknowledged that the representations received raises objection to the proposal in relation to visual impact of the proposal, the impact upon the surrounding area.
- 5.2.2 Paragraph 172 of the NPPF considers the potential impact of development within an AONB and notes that “great weight should be given to conserving and enhancing 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 these issues.
- 5.2.3 Key Statement EN2 (Landscape) states “The landscape and character of the Forrest 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. 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.”
- 5.2.4 Additionally, Policies DMG1, DMG2 and DMB3 of the Ribble Valley Core Strategy all seek to ensure development is in keeping with the character of the landscape and surrounding area by virtue of scale, siting, layout, design and materials.
- 5.2.5 The application site is surrounded by open fields and pasture land and also in close proximity to the adjoining dwelling. Although there is some visual impact due to new openings and external walling I do not consider this has a harmful impact on the visual quality.
- 5.2.6 Members must determine whether they consider there would be any significant adverse impact upon visual amenity, the character of the area or the AONB in relation to the proposal. Officer advice is that the surrounding area displays the

key landscape characteristics defined in the Forest of Bowland AONB Landscape Character Area Appraisal and these characteristics should be protected.

### 5.3 Impact Upon Residential Amenity:

5.3.1 The application site occupies open countryside within an isolated location, away from neighbouring residential properties.

5.3.2 It is important to consider whether the proposal is acceptable in terms of the impacts of the proposal upon residential amenity. The scheme has been designed to minimise any overlooking that would limit the impact upon the amenity of neighbouring land users. The proposal is considered to be acceptable and the proposal complies with Policy DMG1 of the Ribble Valley Core Strategy in relation impact upon residential amenity of neighbouring properties.

### 5.4 Highway Safety and Accessibility:

5.4.1 It is not considered that the creation of one additional dwelling within this location will have an adverse impact on highway safety or traffic generation.

5.4.2 The concerns of the objectors on highway safety grounds, in particular the resultant impact of livestock movement along the highway, are noted. Whilst the Highway Engineer at LCC would prefer livestock to be moved through the fields he has commented that it is accepted practice at many locations for livestock to be moved along public highways and one to be expected in rural areas. Additionally it is understood that there is good practice guidance on how this should be undertaken.

5.4.3 In this regard and noting that this application is for the conversion of a barn into a dwelling it is not considered that the potential result of this barn being lost to agricultural use would warrant refusal on highway safety grounds.

### 5.5 Landscape/Ecology:

5.5.1 In relation to ecology concern has been expressed regarding the impact of local habitat. Notwithstanding the concerns expressed regarding otters it is considered that if required conditions could be imposed to mitigate any impact. It is considered that subject to the requested conditions in relation to bats that the proposal would not have significant adverse impact upon Landscape/Ecology. Therefore the proposal is considered to be in accordance with Policy DME3 of the Core Strategy.

### 5.6 Drainage and Flood Risk:

5.6.1 The consultation responses received from the LLFA and United Utilities raise no objection to the application subject to appropriate conditions being attached to any potential grant of planning permission.

5.6.2 Members must determine whether they consider there would be any significant impact upon drainage and flood risk in relation to the proposal. Officer advice is that subject to the requested condition, the proposal would not represent

unacceptable risk of flooding or exacerbate flooding elsewhere therefore it would accord with Policy DME6 of the Ribble Valley Core Strategy.

5.7 Other Matters:

5.7.1 Concern has been expressed regarding the impact the proposal would have on the existing farming enterprise as a result of the loss of a facility for livestock storage and access to the fields however this is not a material consideration in respect of the proposed development.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 Although the concerns expressed regarding the suggested impact on the existing agricultural enterprise as well as the observations of the AONB officer are noted it is considered that the scheme is acceptable in locational terms and the visual impact is limited and that permission should be granted.

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

1. The works to which this application relates shall be begun before the expiration of three years from the date of this consent.

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. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

Proposed Plans and Elevations 415/2/5 Rev C received on 5/11/18 and letter dated 5/11/18.

Proposed layout and curtilage plan 415/2/3 Rev B received on 5/11/18.

Structural report and plan reference 415/2/6 Rev A.

REASON: To ensure that the development as carried out does not vary from the approved plans.

3. Precise specifications of proposed windows, rooflights and doors including elevations cross – sections, glazing type, opening mechanism and surface finish shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. The approved windows shall be implemented within the development in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal safeguards the character of the building and in the interests of visual quality.

4. Precise specifications of proposed external boundary shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal safeguards the character of the building and in the interests of visual quality.

5. 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 dwelling 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 immediate area.

6. Prior to commencement of work on the building precise details of a scheme for the incorporation of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before occupation of the building and thereafter retained in perpetuity.

REASON: To the interest of safeguarding local habitat.

#### INFORMATIVE

The applicant is asked to work with the existing tenants to ensure that livestock can be moved across the site without the need for entering the adjacent highway.

#### BACKGROUND PAPERS

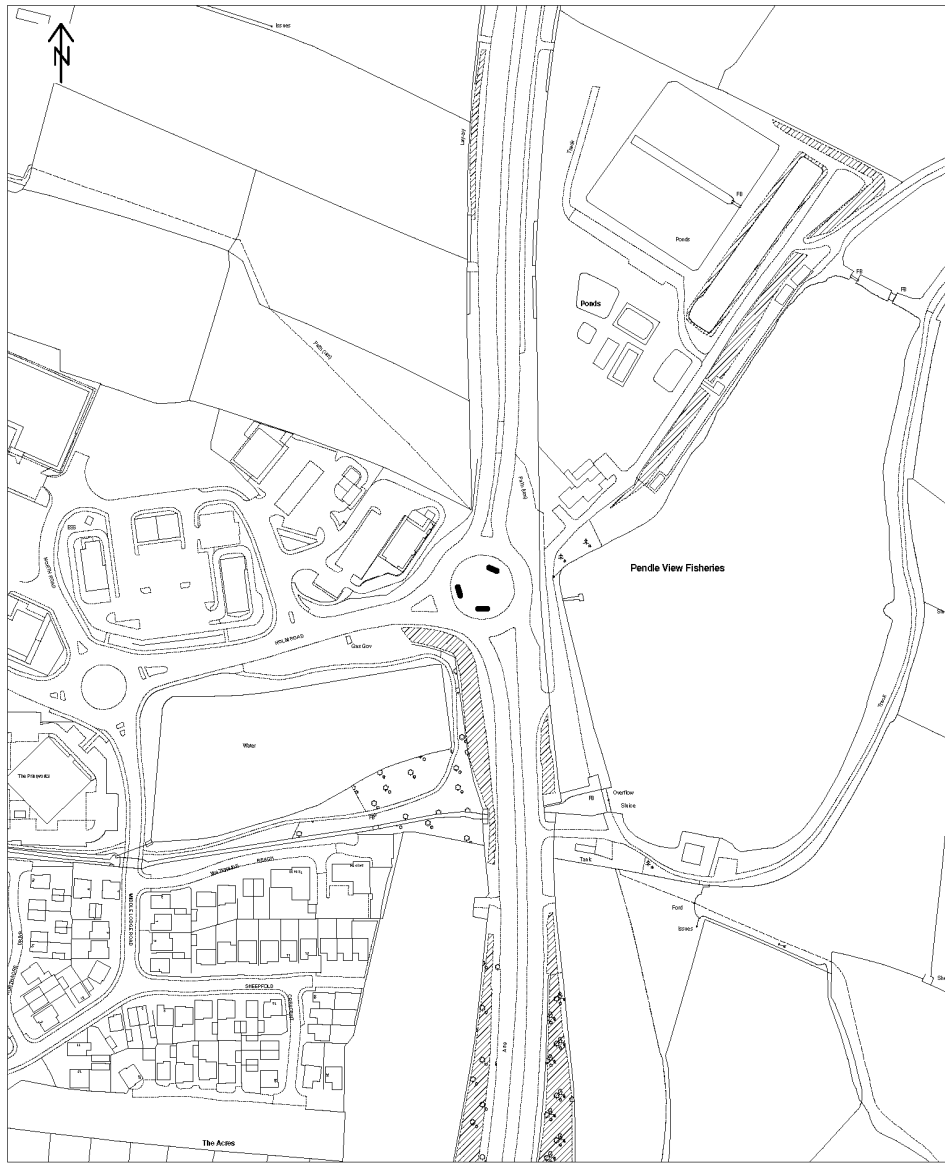
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0750](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0750)

**APPLICATION REF: 3/2018/0907**

GRID REF: SD 374147 438265

**DEVELOPMENT DESCRIPTION:**

THREE NON-ILLUMINATED ADVERTISING SIGNS 0.6 METRE HIGH (MAX) FROM GROUND LEVEL, SIGN BOARD 0.5 X 1.5 METRE AT ROUNDABOUT, HOLM ROAD, BARROW



3/2018/0907 Roundabout on A59 adj Holm Road Barrow BB7 9WF

Scale 1:2500

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

### **PARISH COUNCIL:**

The parish council raised the following objections

1. The speed limit on the approach to the roundabout is too high, causing overrunning. This is dangerous as the roundabout is the incorrect size for its setting.
2. The approaches are consistently overrunning, particularly the approach from Clitheroe.
3. There is already too much visual clutter on the roundabout, particularly on the McDonalds site.
4. The removal of fir trees from the Pendle Fisheries site means that there are increased distractions on the roundabout, with drivers viewing the Fisheries site and houses in Wiswell.
5. The roundabout should be kept as clear as possible, with visual clutter and advertising distractions kept to an absolute minimum.

### **LANCASHIRE COUNTY COUNCIL HIGHWAYS:**

The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway grounds.

### **ADDITIONAL REPRESENTATIONS:**

13 Letters of representation received with the following objections

- Signage will have an unacceptable impact on highway safety as they will be a distraction to road users
- Signage location is overlooked by the AONB and the open countryside
- Barrow is being spoilt by over development
- Approved signages would contribute to more unofficial signage.

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

- 1.1 The proposed site relates to the A59 roundabout situated at the entrance to the Barrow Services around 0.2 miles east of the settlement of Barrow.

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

- 2.1 This application seeks advertisement consent for the erection of a three non-illuminated signs each measuring 1.5m x 0.5m in size, on the roundabout intersection on the A59 Barrow Service Station. They will be erected on two stainless steel posts and will be set back from the roundabout edge by approx. 1m.

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

3/2009/0602 - Pole mounted non-illuminated sponsorship acknowledgement sign.-  
Refused

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

National Planning Policy Framework (NPPF).  
Policy DMG1- General Considerations  
Policy DMG2- Strategic Considerations  
Policy DMI2- Transport Considerations  
Policy DMB1 Supporting Business Growth and the Local Economy  
Policy

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

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

5.1.1 The proposed development is part of an existing sponsorship scheme run by Lancashire County Council and proposes three individual advertisement signs that will provide an opportunity for businesses to advertise for a minimum of one year by sponsoring the roundabout and in doing so would advertise their own business to the users of this intersection. Policy DMB1 of the Core Strategy states that proposals that are intended to support business growth and the local economy will be supported in principle. It is therefore considered that the proposed development is acceptable in principle.

##### 5.2 **Impact on Visual amenity**

5.2.1 The roundabout in question is situated on the entrance to Barrow Services. The roundabout itself has existing official highway signs and chevrons and is void from any other official advertisement signage. The surrounding area, in particular the Barrow Service Station, is a commercial site with the majority of the businesses having some form of advertisement signage. The McDonalds Restaurant visible from the A59 has multiple advertisement signage and banners visible on entrance to the Barrow Services with a banner and a brick built structure with an 'M' situated on top is visible from the intersection. This roundabout is also prone to unofficial advertisement signage for housing developments and other commercial businesses.

5.2.2 It is considered that as the signs are modest in size and relatively low, their siting in relation to the larger official highway signage would not appear as a prominent addition. The site is positioned close to commercial development such as the nearby McDonalds and Petrol Station, and it is therefore considered that the proposed signs would not be viewed in isolation as they would be seen in conjunction with other official highway signs and chevron panels on the roundabout, as well as other signage at nearby commercial uses.

5.2.3 In addition to the above it is not uncommon for adverts to be visible from public highways as the main purpose of an advertisement is to attract attention of passers-by. Furthermore such signs are relatively common features found on major junction roundabouts throughout the county.

5.2.4 A previous scheme was refused in 2009 ref 3/2009/0602. Although the signage proposed is similar there is now more built form in the vicinity and it is now considered that the commercial signage would now relate better to the existing commercial signage at this intersection and would therefore not appear as an alien and isolated feature.



### 5.3 Highways

5.3.1 The 13 letters of representation made objections relating to highway safety with the signs potentially causing a distraction to drivers. The Parish Council also raised concerns regarding highway safety at this roundabout. The LCC highways officer has assessed the proposed application and has considered that the signage does not raise any highway concerns and therefore has no objection to the application. The LPA are therefore satisfied that the proposed development would not have an unacceptable impact on highway safety.

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

6.1 It is considered that the proposed signage would share an acceptable relationship with the immediate commercial surroundings and would not have any undue impact upon highway safety. The quantity and scale of signage proposed is considered to be proportionate to the scale of the site and thus the proposed development is considered to be acceptable in accordance with the Ribble Valley Core Strategy.

RECOMMENDATION: That the Advertisement Consent be granted subject to the imposition of the following condition(s):

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

Site location Plan: Dwg no RV6

Example Sponsorship Sign:RLB Dwg no 1

Landscape Roundabout Sponsorship Sign Templates: RLB Dwg no 2

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

- 2 The approval is for a period not exceeding five years from the date of this consent.

REASON: In the interests of visual amenity

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

REASON: In the interests of visual amenity.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

REASON: In the interests of visual amenity.

5. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

REASON: In the interests of visual amenity.

6. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aids to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

REASON: In the interests of visual amenity.

#### BACKGROUND PAPERS

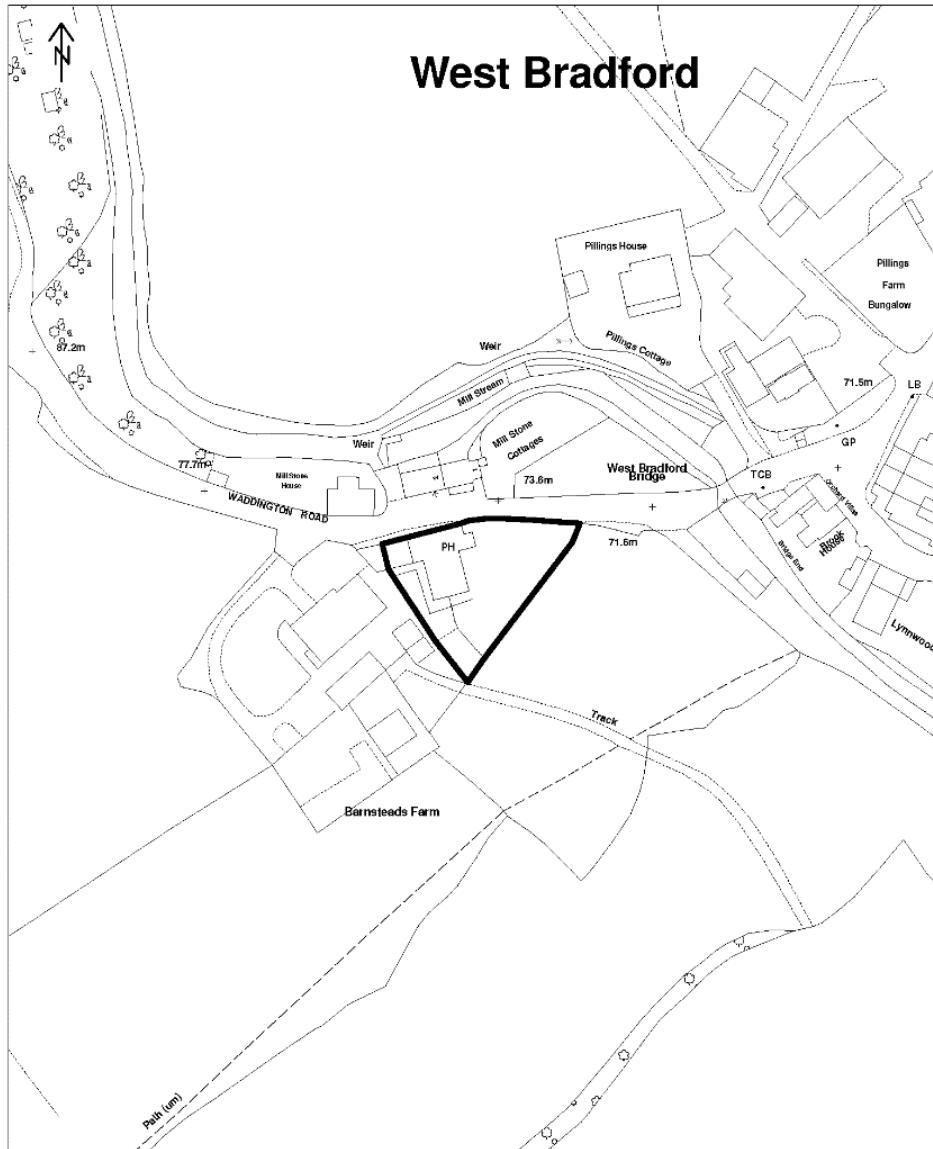
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0907](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0907)

**APPLICATION REF:** 3/2018/0958 (Listed Building Consent)

**GRID REF:** 374153 444412

**DEVELOPMENT DESCRIPTION:**

APPLICATION FOR RETENTION OF UNAUTHORISED ALTERATIONS AND NEW WORKS AT FIRST FLOOR TO CREATE FIVE GUEST BEDROOMS AT 3 MILLSTONES INN WADDINGTON ROAD, WEST BRADFORD BB7 4SX



3/2018/0958 Three Millstones Inn Waddington Road West Bradford BB7 4SX

Scale 1:1250

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

### **PARISH COUNCIL:**

No observations received.

### **LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE (LAAS):**

Originally raised concern but following additional information in a revised heritage statement accept the findings and consider the impact on the historic fabric to be minor and that no archaeological recording is required.

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

- 1.1 The site is within the settlement boundary of West Bradford and on the edge of boundary and a Grade II Listed Building. The building itself has a direct road frontage on to Waddington Road and it has car park at the rear and side. A new build holiday accommodation block is at the rear of the main public house.

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

- 2.1 The application seeks consent to utilise the first floor of the public house to create 5 letting rooms associated with the existing business as well as two new rooflights.
- 2.2 The proposal has been amended to reduce the impact on the historic fabric and plan form with the deletion of one ensuite facility and the creation of a family room with shared facilities. Other alterations include the reinstatement of two partitions, demolished without authorisation with one partition using lath and plaster. Two smaller existing rooflights are to be replaced by two larger rooflights in the same location. The proposal also involves the removal of internal walls to create additional accommodation and some internal doors.

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

3/2-014/0614 Erection of 2 Storey holiday let/hotel accommodation block comprising 5 ensuite bedrooms to the rear. Approved

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

Ribble Valley Core Strategy:  
Key Statement EN5 – Heritage Assets

Policy DMG1 – General Considerations  
Policy DME4 – Protecting Heritage Assets  
Policy DMB1 – Supporting Business Growth and Local Economy

National Planning Policy Framework (NPPF) (July 2018)  
National Planning Practice Guidance (NPPG)  
Planning (Listed Building and Conservation Areas) Act 1990

## 5. Assessment of Proposed Development

### 5.1 Historic impact

- 5.1.1 The applicant has also submitted an application for planning permission for the same proposed development. In support of both applications a Historic Building Impact Assessment and a Heritage Statement, have been submitted. The main issue for consideration as part of this application is the impact of the proposal on the designated heritage asset.
- 5.1.2 The application relates to a Grade II Listed Building and the proposal must therefore be assessed in relation to Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990. This section places a duty on the local planning authority in considering whether to grant permission for development that affects a listed building or its setting, to have special regard to the desirability of preserving the building and any features of special architectural or historic interest. 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 The NPPF states within paragraph 189 “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”
- 5.1.4 National guidance in the NPPF requires that local planning authorities take into account the particular significance of the heritage asset when considering the impact of a proposal to avoid or minimise conflict between the heritage asset and its conservation (paragraph 190).
- 5.1.5 Paragraph 192 indicates that when local planning authorities are determining planning applications, they should take account of:-
- *“The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - *The desirability of new development making a positive contribution to local character and distinctiveness.”*
- 5.1.6 Paragraph 193 of NPPF establishes 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. Significance can be harmed or lost through development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (paragraph 194).

- 5.1.7 The NPPF sets out that harm can either be ‘substantial’ or ‘less than substantial.’ Where a development proposal will lead to ‘less than substantial harm’ to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 196).
- 5.1.8 Case law has established that there can be degrees of less than substantial harm. There will also be cases where development affects heritage assets but from which no harm arises; in such cases as no harm has been identified, there is no requirement to assess this against any public benefits of the proposals.
- 5.1.9 The duties of the Listed Building and Conservation Area Act and the NPPF are also incorporated into the Ribble Valley Core Strategy.
- 5.1.10 Policy DMG1 sets out the general consideration which must be taken into account in the determination of all planning applications. Such considerations include the enhancement of heritage assets and their settings.
- 5.1.11 Key Statement EN5 states that there will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place; and to wider social, cultural and environmental benefits.
- 5.1.12 Policy DME4 states that alterations or extensions to listed buildings or development proposals on sites within their setting which cause harm to the significance of the heritage asset will not be supported. In addition, any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances exist.
- 5.1.13 Following the submission of additional information LAAS has no longer object to the proposal and consider the impact to be minor and do not require any planning conditions to be imposed. The Councils Principal Planning Officer Conservation confirms that the additional information is welcomed and that the harm to fabric is minor. The amendments include changes to the internal plan form which has reduced the impact.
- 5.1.14 In assessing any harm it is important to consider whether there is any public benefit. Information has been submitted from the applicant that the introduction of additional accommodation will support the viability of the business and assist in its long term business plan. It could be argued that the Public House and the tourism business is of public interest.

## 5.2 Other Matters:

- 5.2.1 It is considered that other than the matters discussed above in relation to the listed building the other areas of discussion such as highway safety are outside of the scope of a listed building consent application and therefore will be discussed and considered within the submitted full planning application reference 3/2018/0956.

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

- 6.1 Having regard to the above, the proposed development as amended is considered to be acceptable in terms of the impact on the historic and architectural interest of the listed building. The proposal is therefore considered to be compliant to Key Statement EN5, Policies DME4 and DMG1 of the Ribble Valley Core Strategy and the national guidance contained within the NPPF, NPPG and Listed Building Act 1990.

**RECOMMENDATION:** That the application be Listed Building Consent be granted subject to the following conditions:

1. The works to which this application relates shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

Proposed First Floor Plan PHA/3M/1000A received on 18/01/19

REASON: To ensure that the development as carried out does not vary from the approved plans.

3. Precise specifications of proposed rooflights, internal doors and partitions shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. The approved details shall be implemented within the development in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal safeguards the special architectural and historic interest of the listed buildings.

BACKGROUND PAPERS

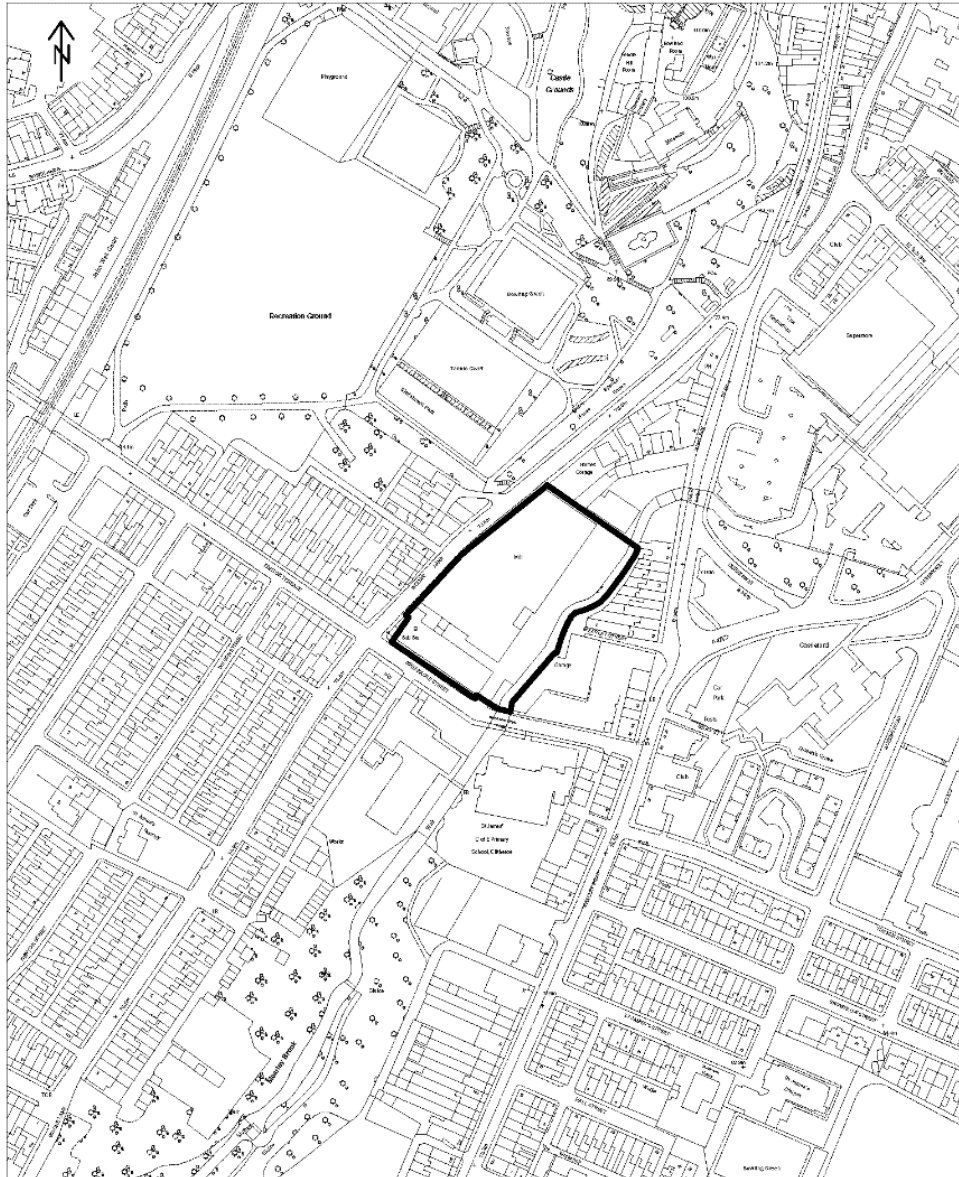
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0958](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0958)

**APPLICATION REF: 3/2018/1040**

GRID REF: SD 374128 441359

**DEVELOPMENT DESCRIPTION:**

VARIATION OF CONDITIONS FROM PLANNING PERMISSION 3/2017/0262 INCLUDING CONDITIONS 2 (SUBSTITUTION OF AMENDMENTS TO APPROVED PLANS), 3 (EXTERNAL EXTRACTION, AIR CONDITIONING AND VENTILATION), AND CHANGES TO INTERNAL LAYOUT FOR THE WEAVING SHED TO FACILITATE CINEMA USE AND OFFICE SPACE AT HOLMES MILL, GREENACRE STREET, CLITHEROE



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

Scale 1:2500

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

### **PARISH COUNCIL:**

No representations received.

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

Request more information to assess parking capacity and trip generation and initially concluded they would object to the proposal and recommend refusal. Any further comments will be reported verbally/ as a later update to the report

### **ENVIRONMENT AGENCY:**

No representation received.

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

No objection.

### **ADDITIONAL REPRESENTATIONS:**

None.

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

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

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

- 2.1 This application seeks to vary the original consent and amended consent with the introduction of a 4 screen cinema use to replace the previously approved swimming pool and additional office space on first floor to replace studios associated with the leisure use. Minor external changes such as extraction grills fronting both Woone Lane on the western elevation and the north elevation are also part of the application. The proposal includes a screened refuse store area and a small compound area for air cooled liquid chillers on the north elevation which faces towards Holmes cottage. The proposal also includes a satellite dish on the roof of the weaving shed.

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

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

3/2017/0262 and 3/2017/0268 Planning and Listed Building Consent Variation of conditions from planning permission 3/2015/0943 to allow approval of unauthorised

work, including conditions 2 (substitution of amendments to approved plans), 3 (external extraction, air conditioning and ventilation), 4 (external materials), 5 (storage and disposal of waste), 6 (servicing and deliveries) 8 (construction method statement), 9 (site access and highway improvement works), 11 (car parking), 12 (framework travel plan), 13 (personnel doors and service yard gates), 16 (contaminated land), 19 (noise mitigation), 20 (operational noise levels), 21 (lighting scheme), 22 (lighting in weaving shed) and 24 (glazing system and roof construction of weaving shed). Removal of conditions 17 and 18 from planning permission 3/2015/0943 (drainage scheme, maintenance and management plan) 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 EC3 – Visitor Economy

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME4 – Protecting Heritage Assets

Policy DME5 – Renewable Energy

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3 – Recreation and Tourism

Historic Environment Planning Practice Guidance (HEPPG)

National Planning Policy Framework

Technical Guidance to National Planning Policy Framework

National Planning Practice Guide

Clitheroe Conservation Area Appraisal and Management Guidance

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

- 5.1 Members will be aware that consent has been issued for the redevelopment of this site and work has commenced based on two previous permissions. The issues under consideration relate specifically to the proposed variation to conditions which include the detailed elevations and change in floor plan and use of building for cinema and additional office space.
- 5.2 This application is submitted under Section 73 of the Town and Country Planning Act which is a mechanism for addressing minor material amendments to the originally consented scheme. It is important to note that a cinema use and non-ancillary office space were not specifically cited within the original application at this site. However consent was granted for leisure and office uses at this site and as such, in this case, it is

possible to apply under Section 73 of the Act unless the changes proposed are considered material and not minor due to intensification or traffic implications.

### 5.3 Principle

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

### 5.4 Highway Safety and Accessibility

5.4.1 The site is located within a central position of Clitheroe and whereas there is access to public car parks it is evident that there is a significant lack of parking spaces being provided by the scheme. The County Surveyor has initially indicated concern and would object to the proposed increase in office space and cinema use.

5.4.2 Members may recall that when conversion of this building was originally considered in 2016 LCC Highways raised concerns in respect of the shortfall in the number of parking spaces. Notwithstanding these concerns the development was approved with 72 car parking spaces and 4 accessible spaces. The conversion with this level of on-site parking has been operating for some time now which enables the Highways Engineer to assess the actual impact of the development when considering the proposed cinema use.

5.4.3 It is evident that there are still some unresolved highway issues which include the service yard and personnel door arrangement on to Woone Lane. The applicant is aware of these issues and working with the County Surveyor on the matter.

5.4.4 The concerns of the Highway Authority are a material planning consideration which will be weighed within the planning balance.

### 5.5 Flood Risk and Drainage

5.5.1 In relation to Flood Risk and drainage no objection has been received from LLFA. It is also the case that following the submission of application 3/2019/0029 for the discharge of conditions relating to drainage and surface water the submitted plans are considered to be acceptable and the LLFA have recommended that the conditions are discharged subject to implementation of the drainage plan scheme.

### 5.6 Design

5.6.1 In relation to the design and based on the extant consent it is considered that the overall changes are not significant and would not detract from the character of the building or Conservation Area. There is some impact as a result of the erection of a satellite dish on the curved roof and additional ventilation structures and other ancillary structures but it is viewed that the impact is not harmful to the original design which is partly due to the fact that the roof itself is a new structure.

## 5.7 Heritage/Cultural

- 5.7.1 This proposal involves minor alterations to Historic Mill to accommodate the mixed use development.
- 5.7.2 The environmental objectives of the NPPF include the need to protecting and enhancing the built and historic environment. Indeed conserving heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations are a core planning principle. Significance derives not only from a heritage asset's physical presence, but also from its setting.
- 5.7.3 Holmes Mill is a Grade II Listed Building The building is also adjacent to the Clitheroe Conservation Area and the Historic Park and Garden of Clitheroe Castle.
- 5.7.4 In respect of the proposed physical alterations to the buildings and the impact of such works are examined in this report.
- 5.7.5 In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness. (para 131)
- 5.7.6 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 5.7.7 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use. (para 133 of the NPPF)

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

5.7.9 The listed building has already been converted as it was considered at the time that the harm was outweighed the benefit of bringing the site back into use. Whilst this application proposes further external alterations these are minor and the proposed uses will enable the optimal use of this listed building.

## 5.8 Residential Amenity/ Noise

5.8.1 The issues in relation to residential amenity are predominantly noise related and traffic issues. No objection has been received from the Council's Environmental Health Officer.

## 5.9 Planning Balance

5.9.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Adopted Core Strategy), unless material considerations indicate otherwise.

5.9.2 The development would have regeneration benefits that would include employment opportunities, increased visitor numbers with associated spend and an improvement to the night time economy in the Town. The site is located at the edge of the Town Centre within a highly sustainable location and whilst the lack of on-site parking would be contrary to Planning Policy it is considered that the benefits of the development outweighs the harm in this case.

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

6.1 Having regard to guidance contained with the National Planning Policy Framework and the development plan the proposed development is considered to be acceptable subject to the use of planning conditions.

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

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

Location Plan 14 59 Ex 0 Rev A  
Proposed Ventilation layout 18115-M-57 -  
Weaving Shed Proposed Elevations Plan 1459 PL3000 Rev G  
Weaving Shed Proposed Ground Floor Plan 1459 PL30 Rev E  
Weaving Shed Proposed First Floor Plan 1459 PL31 Rev E  
Proposed Roof Plan 1459 PL32 Rev D and emails dated 15/01/19 and 16/01/19.  
Proposed Drainage Plan 14/59 BR05 Rev B

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

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

3. The plans and particulars showing the provision to be made for the storage and disposal of refuse and recycling receptacles as approved under condition 1, shall be implemented concurrently with the development and thereafter retained. The approved provision shall be provided prior to the first use of the cinema.

REASON: In order that the Council may be satisfied that adequate provision for the storage and collection of waste will be provided on site.

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

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety.

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

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety.

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

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety.

7. The Framework Travel Plan (included within Croft Transport Solution's Transport Report dated March 2017) hereby approved shall be implemented in accordance with these agreed details

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety.

8. This permission does not give consent to the Woone Lane personnel doors and service yard gates and further details shall be submitted to and agreed in writing by the Local Planning Authority within 6 months of the date of this permission. The doors and gates shall thereafter be completed in accordance with the approved details.

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety.

9. Prior to the proposed development being brought into use, all remedial works to limit noise from the site shall be carried out, in accordance with the Noise Assessment by Miller Goodall dated January 2015.

REASON: To protect the amenities of occupiers of nearby properties from noise.

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

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

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

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

11. Only the approved external lighting details, included in Oldfield Lighting's report ref. 16.071.01 Rev B, may be used in the development.

REASON: To protect the amenities of occupiers of nearby properties from excessive light pollution and in the interest of visual amenity.

12. The drainage and surface water management system shall be implemented in accordance with the surface water management and maintenance plan dated July 2018 and Drainage plan 14/59 BR05 Rev B. Precise details of the Water butts shall be submitted to approved in writing by the Local Planning Authority within 1 month of the date of this permission and fully implemented within 3 months of this permission.

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.

## BACKGROUND PAPERS

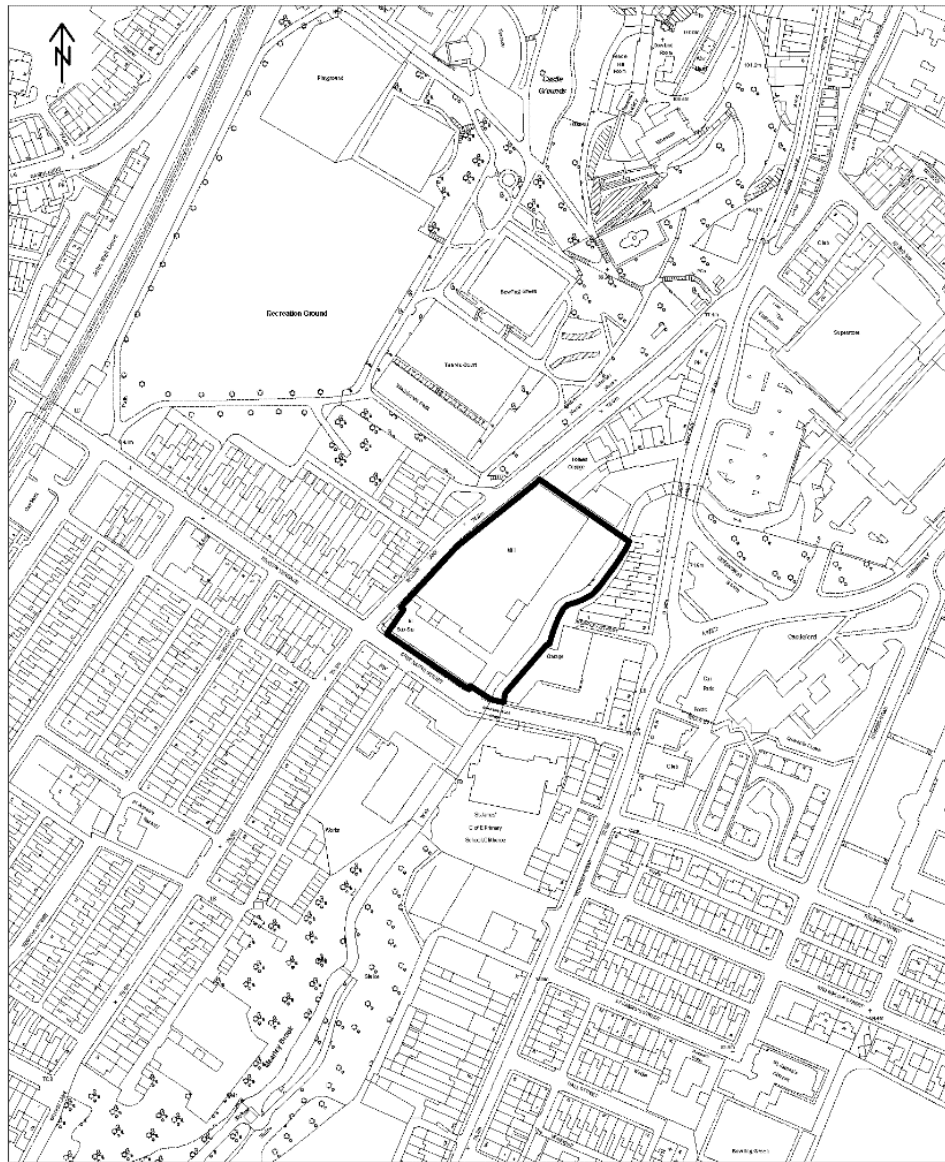
[https://www.ribbonvalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F1040](https://www.ribbonvalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F1040)

**APPLICATION REF: 3/2018/1041 LBC**

GRID REF: SD 374128 441359

**DEVELOPMENT DESCRIPTION:**

VARIATION OF CONDITIONS FROM PLANNING PERMISSION 3/2015/0944 INCLUDING CONDITIONS 2 (SUBSTITUTION OF AMENDMENTS TO APPROVED PLANS), 3 (EXTERNAL EXTRACTION, AIR CONDITIONING AND VENTILATION), AND CHANGES TO INTERNAL LAYOUT FOR THE WEAVING SHED TO FACILITATE CINEMA USE AND OFFICE SPACE AT HOLMES MILL, GREENACRE STREET, CLITHEROE



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

Scale 1:2500

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

### **PARISH COUNCIL:**

No representations received.

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

Request more information to assess parking capacity and trip generation and initially concluded they would object to the proposal and recommend refusal. Any further comments to be reported verbally on the update report.

### **ENVIRONMENT AGENCY:**

No representation received.

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

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

No objection.

### **ADDITIONAL REPRESENTATIONS:**

None.

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

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

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

- 2.1 This application seeks to vary the original consent and amended consent with internal and external changes resulting from the introduction of a 4 screen cinema use to replace the previously approved swimming pool and additional office space on first floor to replace studios associated with the leisure use. The external changes such as extraction grills fronting both Woone Lane on the western elevation and the north elevation are also part of the application. The proposal includes a screened refuse store area and a small compound area for air cooled liquid chillers on the north elevation which faces towards Holmes cottage. The proposal also includes a satellite dish on the roof of the weaving shed.

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

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

3/2017/0262 and 3/2017/0268 Planning and Listed Building Consent Variation of conditions from planning permission 3/2015/0943 to allow approval of unauthorised work, including conditions 2 (substitution of amendments to approved plans), 3 (external extraction, air conditioning and ventilation), 4 (external materials), 5 (storage and disposal of waste), 6 (servicing and deliveries) 8 (construction method statement), 9 (site access and highway improvement works), 11 (car parking), 12 (framework travel plan), 13 (personnel doors and service yard gates), 16 (contaminated land), 19 (noise mitigation), 20 (operational noise levels), 21 (lighting scheme), 22 (lighting in weaving shed) and 24 (glazing system and roof construction of weaving shed). Removal of conditions 17 and 18 from planning permission 3/2015/0943 (drainage scheme, maintenance and management plan) Approved

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

##### *Ribble Valley Core Strategy*

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN5 – Heritage Assets

Key Statement EC1 – Business and Employment Development

Key Statement EC3 – Visitor Economy

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME4 – Protecting Heritage Assets

Policy DME5 – Renewable Energy

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3 – Recreation and Tourism

Historic Environment Planning Practice Guidance (HEPPG)

National Planning Policy Framework

Technical Guidance to National Planning Policy Framework

National Planning Practice Guide

Clitheroe Conservation Area Appraisal and Management Guidance

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

5.1 Members will be aware that consent has been issued for the redevelopment of this site and work has commenced based on two previous permissions. The issues under consideration relate specifically to the proposed variation to conditions which include the detailed elevations and change in floor plan.

#### 5.2 **Principle**

5.2.1 Consideration of this application should only relate to the impact on the Listed Building and the Conservation Area.

### 5.3 Design

5.3.1 In relation to the design and based on the extant consent the overall changes are minor to facilitate the new uses. The impact on the listed buildings are considered further below.

### 5.4 Heritage/Cultural

5.4.1 This proposal involves minor alterations to the historic mill to accommodate the cinema and office use.

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

5.4.3 Holmes Mill is a Grade II Listed Building The building is also adjacent to the Clitheroe conservation and the Historic Park and Garden of Clitheroe Castle.

5.4.4 In respect of the proposed physical alterations to the buildings and the impact of such works are examined in this report.

5.4.5 In determining applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

5.4.6 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

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

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public

- ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

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

5.4.9 The listed building has already been converted as it was considered at the time that the harm was outweighed the benefit of bringing the site back into use. Whilst this application proposes further external alterations these are minor and the proposed uses will enable the optimal use of this listed building.

## 5.7 Benefits

5.7.1 It is clear that as result of the development the historic mill has been conserved and brought back into a viable use. The changes proposed as part of this application will expand the use of the building further enabling the retention of the listed building.

### **RECOMMENDED: That the Listed building consent be granted subject to the following conditions:**

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

Location Plan 1459 Ex0 Rev A  
 Proposed Ventilation layout 18115-M-57  
 Weaving Shed Proposed Elevations Plan 1459 PL3000 Rev G  
 Weaving Shed Proposed Ground Floor Plan 1459 PL30 Rev E  
 Weaving Shed Proposed First Floor Plan 1459 PL31 Rev E  
 Roof Proposed Plan 1459 PL32 Rev d and emails dated 15/01/19 and 16/01/19.

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

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

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.

4. The plans and particulars showing the provision to be made for the storage and disposal of refuse and recycling receptacles as approved under condition 2, shall be implemented concurrently with the development and thereafter retained. The approved provision shall be provided prior to the first use of the cinema..

REASON: In order that the Council may be satisfied that adequate provision for the storage and collection of waste will be provided on site.

6. This permission does not give consent to the Woone Lane personnel doors and service yard gates and further details shall be submitted to and agreed in writing by the Local Planning Authority {time frame needed} The doors and gates shall thereafter be completed in accordance with the approved details

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety.

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

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

#### NOTE

The applicant is advised that this permission should also be read in conjunction with 3/2015/0944 dated 19 April 2016 and 3/2017/0262

#### BACKGROUND PAPERS

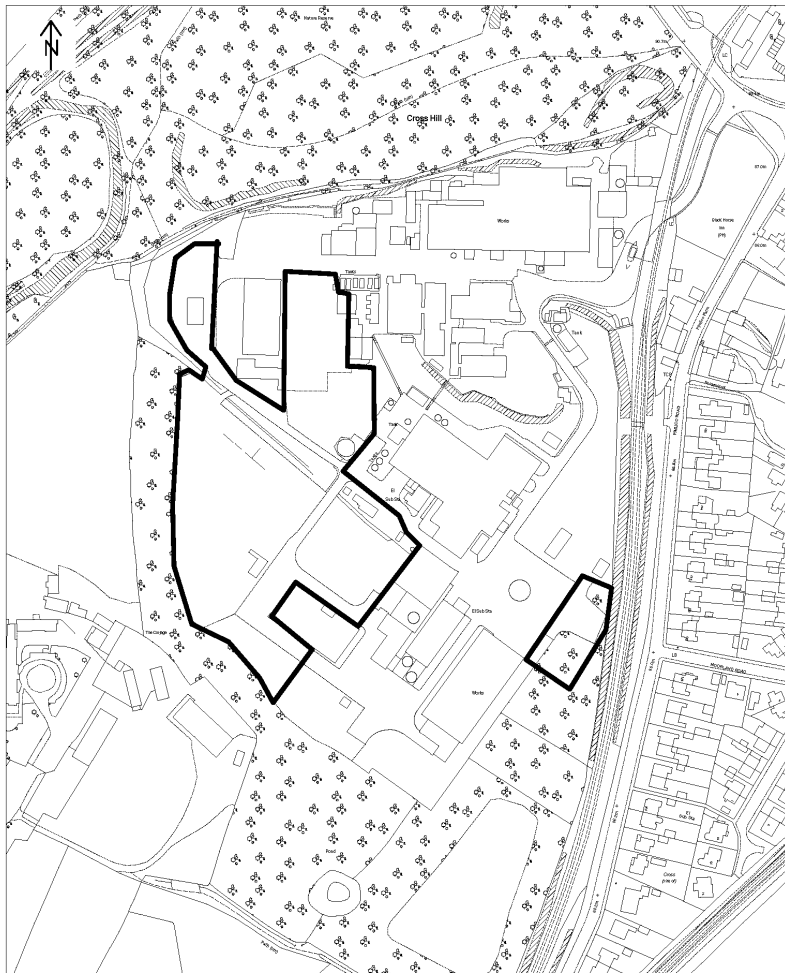
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F1041](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F1041)

**APPLICATION REF: 3/2018/1065**

GRID REF: SD 377564 442947

**DEVELOPMENT DESCRIPTION:**

ADVANCE INFRASTRUCTURE AND ENABLING WORKS TO FACILITATE FUTURE INDUSTRIAL DEVELOPMENT COMPRISING SITE CLEARANCE AND PREPARATION WORKS, GROUND INVESTIGATION AND REMEDIATION/REMOVAL OF ANY CONTAMINATED MATERIAL, IMPORT OF NEW MATERIALS, BULK EARTHWORKS AND SOIL STABILISATION, INSTALLATION, DIVERSION AND/OR DISCONNECTION OF BELOW-GROUND INFRASTRUCTURE INCLUDING DRAINAGE AND STATUTORY UTILITIES, INSTALLATION OF BUILDING FOUNDATIONS, PILES AND RETAINING WALLS, AND TEMPORARY WORKS INCLUDING PROVISION OF A CONTRACTOR'S COMPOUND, SECURITY FENCING AND HOARDING, MATERIAL SET-DOWN AREA, ACCESS ROAD, CAR PARKING AND OTHER STRUCTURES AND WORKS INCIDENTAL TO THE CONSTRUCTION PHASE OF DEVELOPMENT AT JOHNSON MATTHEY PIMLICO INDUSTRIAL AREA WEST BRADFORD ROAD CLITHEROE BB7 4QB



3/2018/1065 Johnson Matthey Pimlico Industrial Area West Bradford Road Clitheroe

Scale 1:2500

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

### **TOWN COUNCIL:**

Initially requested more details to assess nature of application. Following clarification confirm they have reservations regarding the potential scale and intrusiveness on the Clitheroe landscape of a subsequent development. The Council also do not want to lose the opportunity to potentially object to any subsequent development if they have not submitted any objections to the ground works. However, the Council would not want to object to a project that appears to relate to new technology and could provide a range of opportunities in the area.

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

No objections subject to an approval of a satisfactory Construction Method Statement.

### **HSE:**

Do not advise against the proposal.

### **ADDITIONAL REPRESENTATIONS:**

None

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

1.1 The proposal is within the existing industrial development contained within the Johnson Matthey Pimlico Industrial area. It is on the outskirts of Clitheroe and within the settlement boundary. Moorland school and playing fields are to the south west with Hansons Cement Works to the north and housing lies to the east. The development site itself comprises two areas of previously developed land, separated by an access roadway, within the Johnson Matthey chemical processing and manufacturing complex at Clitheroe. The majority of the site is vacant bare ground, or is temporarily / intermittently used to store portacabins / demountable accommodation and containers as well as limited informal car parking. The northern edge of the larger area contains a row of formal car parking spaces, and a number of small buildings and a hydrogenation unit are located along the northern edge of the smaller part of the site. The land is located on the western edge of the Johnson Matthey complex with industrial buildings, plant and machinery to the north, east and south. The western edge is marked by an earth bund around the perimeter of the site and a double avenue of trees running north to south along the boundary.

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

2.1 The application is for the ground works, infrastructure and foundations required for the eLNO<sup>®</sup> demonstration plant process building and associated plant and equipment area have been designed and are proposed be built in isolation of the future super-structure and above-ground development.

2.2 The proposed infrastructure and enabling construction work is as follows:

- i. Relocate porta-cabins / mobile offices and containers currently sited on the application site and demolish any associated structures / concrete bases;
- ii. Fence off / erect hoardings and demarcate the construction site area;

- iii. Form a contractor's compound, erect temporary construction site accommodation / welfare cabins (double stacked), set up a site surface water run-off management system, set up a wheel washing facility and set up an one-way internal transport route to service the site;
  - iv. Divert existing services outside the construction area;
  - v. Dismantle the hydrogenation unit on the north edge of the smaller part of the application site;
  - vi. Undertake cut and fill earthworks to level both parts of the application site and export unsuitable / surplus material off-site;
  - vii. Import 15,000m<sup>3</sup> of recycled crushed concrete hardcore aggregate ("6F2 material") and stone ("Type 1") and mechanically compact to form a 800 mm thick piling mat;
  - vii. Set up a temporary concrete mix storage area and a concrete pumping / batching plant;
  - ix. Set up and mobilise piling rigs (2 no. anticipated);
  - x. Install approximately 900 no. 6 to 10 metre deep-bored continuous flight augering (CFA) piles.
- 2.3 The proposal requires an area of cut and fill excavation to form a level surface across both parts of the application site. The proposed piling and foundation works will be installed entirely below-ground.

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

None specific to this part of the site.

### 4. **Relevant Policies**

Ribble Valley Core Strategy (Adopted Version)  
 Key Statement DS1 – Development Strategy  
 Key Statement EC1 – Business and Employment Development  
 Policy DMG1 – General Considerations  
 DMB1 – Supporting Business Growth and the Local Economy

National Planning Policy Framework  
 Technical Guidance to National Planning Policy Framework  
 National Planning Practice Guide

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

#### 5.1 **Principle**

5.1.1 The proposal is within the existing industrial compound so the principle of infrastructure enabling works is acceptable.

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

5.2.1 I do not consider that the extent of works would have a harmful impact on the highway network and subject to details contained in the Construction Management Plan it would not have any adverse impact on highway safety.



### 5.3 Design

5.3.1 As the majority of the work is either underground work or associated facilities such as compound areas and temporary portacabins there is no design implications.

### 5.4 Residential Amenity/ Noise

5.4.1 The main considerations relate to the activities associated with the ground works. No objections have been received from the Environmental Health Officer at the time of writing the report, however given the location of existing industrial buildings and the details contained in the Construction management plan it is considered that the impacts of the proposed development will be limited and would only be temporary.

### 5.5 Visual impact

5.5.1 Given the nature of the work and that it is contained within the industrial complex there is no visual impact as a result of the enabling works.

### 5.6 Landscape/Ecology

5.6.1 The application is accompanied by an Extended Phase I Habitat Survey Report and this confirms that the application site does not contain any ecological features requiring protection or species relocation. There are no designated nature conservation sites within or adjacent to the application site, and the nearest is Cross Hill Quarry Local Nature Reserve and Biological Heritage Site approximately 100m to the north. There is no direct habitat connectivity to this site however and no direct impacts and/or indirect disturbance effects are expected in terms of noise, lighting or other nuisance etc.

5.6.2 The majority of the application site is un-vegetated bare ground and where vegetation is present there are no notable plant species or habitats, or species diversity. Likewise the lack of vegetation and physical structures means the site has very limited functional value and potential to support any protected or notable animal species. As such it is considered that the proposed construction works will have no significant ecological impact and no mitigation is necessary

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

6.1 The proposal raises no other considerations.

**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.

## *Plans and Further Details*

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 and documents:

- Site location plan Jacobs - 16086-60-K44-7001 Rev 0B
  - Foundation layout plan Jacobs - 16086-60-K61-7002 Rev 0
  - Earthworks site plan Jacobs - 16086-60-K61-7502 Rev 0
  - Earthworks cross sections Jacobs - 16086-60-K61-7503 Rev 0
  - Construction establishment plan Jacobs - 16086-60-L32-7000 Rev 0
  - Piling method statement Jacobs - 16086-60-L31-7000
  - Excavation method statement Jacobs - 16086-60-L31-7001
  - Construction management plan Jacobs - 16086-60-L31-7002
- Extended phase 1 habitat survey Penny Anderson Associates August 2018

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

## *Amenity*

3 Notwithstanding the submitted construction management plan and piling method statement no development that involves piling or significant vehicular movements of extraction materials 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 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.
- B. Days and hours of operation for all construction works including a further breakdown of site activities. It should be noted that the standard permitted hours of operation expected in relation to all works and ancillary operations (including deliveries to and removal of plant, equipment, machinery and waste ), which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, are:
- Between 08.00 hours and 18:00 hours, Monday to Friday
  - Between 08.00 hours and 13:00 hours on Saturdays
  - At no time on Sundays, Bank and Public Holidays
- C. Measures for controlling and monitoring:
- Noise and vibration
  - Dust and air borne pollutants having regard to the location of nearby sensitive receptors and industry best practice.
- D. HGV delivery times and routing to / from the site.

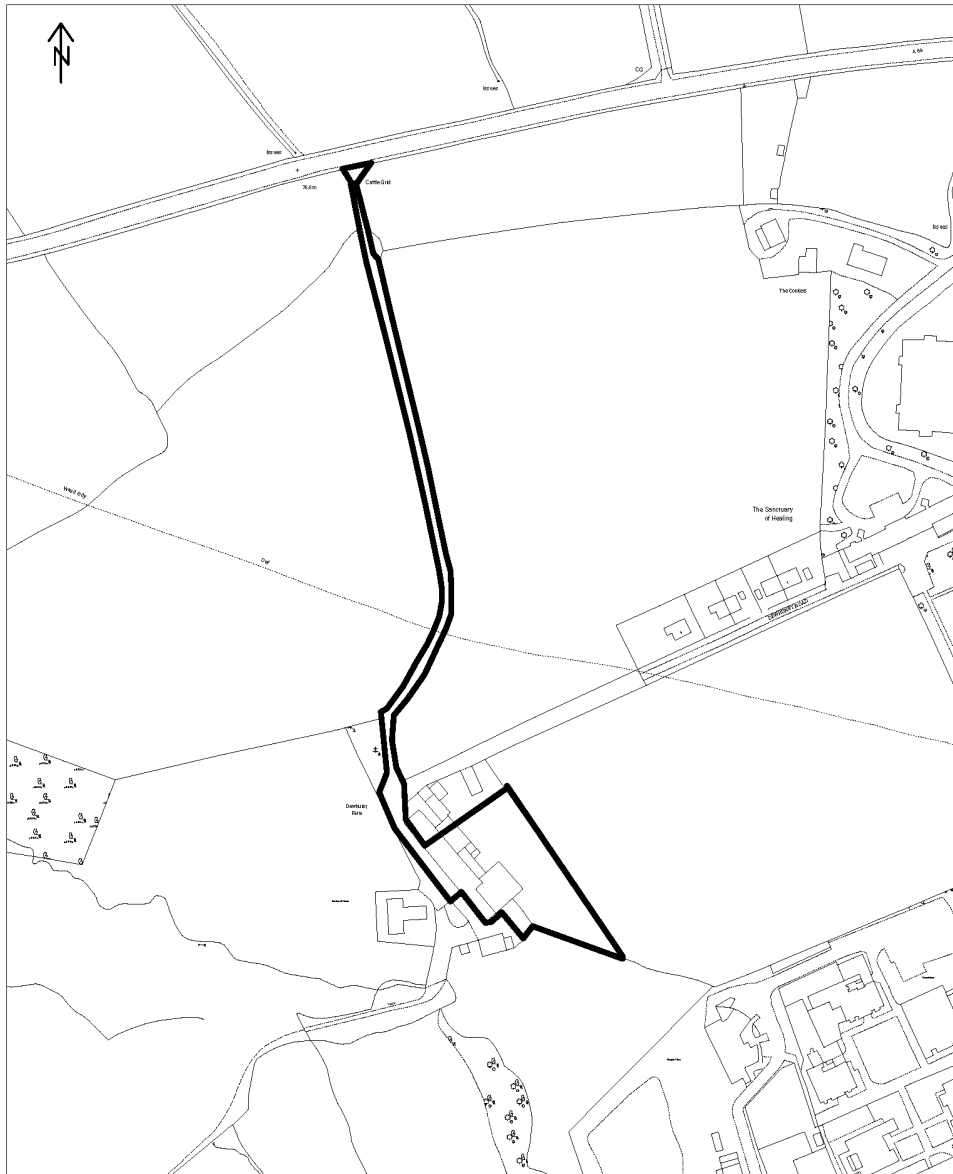
## BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F1065](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F1065)

**APPLICATION REF: 3/2018/1130**

**GRID REF: SD 368768 433979**

**CHANGE OF USE OF BARN TO FORM ONE DWELLING (MODIFICATIONS TO SCHEME APPROVED UNDER 3/2013/0713) (RESUBMISSION OF APPLICATION 3/2018/0027) AT DEWHURST FARM, LONGSIGHT ROAD, LANGHO, BB6 8AD**



3/2018/1130 Dewhurst Farm Longsight Road Langho BB6 8AD

Scale 1:2500

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

### **PARISH COUNCIL**

Wiltshire Parish Council feels that the large areas of high level glazing are not in character with the farm setting and that any energy saved by using more natural light as per the justification for the glazing will be more than offset by the extra needed to maintain indoor temperatures because of heat loss. The additional length to an already long building is also noted together with the proposed wooden cladding on the end elevation which it is felt is not in keeping with the character of the building.

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

No objection.

### **ADDITIONAL REPRESENTATIONS:**

None received.

#### **1. Proposal**

- 1.1 This application seeks consent for modifications to a barn conversion scheme approved under planning consent 3/2013/0713 which allowed for the conversion of a large stone barn into two dwellings. This application relates to the central two storey section and the single storey south-eastern section of the barn that was to form the larger of the two dwellings. The remaining section of the barn, which is in the process of being converted to a residential property is now in separate ownership, does not form part of this submission.
- 1.2 There is an extensive planning history for this site. Application 3/2010/0262/P sought permission for the conversion of the barn into two dwellings with attached garages and for alterations to the existing access from the A59, Longsight Road. A new ancillary leisure building was also approved to the rear of one of the approved dwellings to be built in place of modern agricultural buildings earmarked for demolition. No works were carried out to implement this permission.
- 1.3 Application 3/2013/0713 sought permission for the conversion of the building into two detached dwellings. This followed the approval of a demolition notification which granted the partial demolition of a section of the barn to enable its conversion into two separate buildings. Consent was granted and all pre-commencement conditions were discharged satisfactorily by application 3/2016/0252. A further application confirmed that a material start to development had been made.
- 1.4 A planning application, 3/2018/0027, was submitted in January 2018 and sought to amend the design of the larger of the two dwellings and extend the associated residential curtilage. This application was refused by virtue of its size, scale, design and elevational language and the visual impact of the extent of residential curtilage proposed. The planning application now before the Council is a re-submission of application 3/2018/0027 and proposes elevational changes and boundary curtilage alterations. The modifications to the scheme approved under application 3/2013/0713 are as follows:-

- An extension of the residential planning unit to the north-east (rear) garden boundary extending a further 24 metres onto adjacent agricultural land.
- Slight amended to the treatment of the barn door opening on the front (south-west) elevation (from three vertical glazing bars to two).
- Extension of the new build ancillary leisure accommodation, providing a swimming pool, gym, sauna and double garage, from 13 metres in width to 16.1 metres to provide an additional 'plant room'.
- Substitution of external walling materials to be used for construction of the ancillary leisure accommodation from timber cladding to a mix of timber and stone.
- Alterations to the rear elevation of the barn including the introduction large aluminium framed glazing panels to a 3m wide section of the rear wall and roof.
- Retention of existing stone outbuilding

## 2. **Site Location**

- 2.1 Dewhurst Farm is located at the end of an access track off the south side of the A59 Longsight Road within the Parish of Billington and Langho. The site is located in the open countryside and the building forms part of a complex of former farm buildings which have now been converted to residential use. A public footpath passes through the farm complex directly to the front of the application building.
- 2.2 There is a modern mental health care facility located around 100 metres to the south-east of the site and residential properties at The Rydings are around 250 metres away to the east at their closest point.

## 3. **Relevant History**

3/2018/0027 - Change of use of barn to form one dwelling (modifications to scheme under 3/2013/0713). Refused.

3/2016/0722 - The proposed development is the conversion of two traditional buildings and their extension as approved under application 3/2013/0713. The formation of one of the approved new window openings is presented as evidence of commencement. Approved

3/2016/0662 - Subdivision of an existing approved barn conversion for one dwelling in order to form two dwellings. Approved with conditions.

3/2013/0713 - Proposed conversion of traditional buildings and demolition and partial rebuilding of modern agricultural buildings to form two dwellings, to include partial demolition of single storey barn approved under prior notification. Approved.

3/2010/0262 - Proposed conversion of traditional buildings and demolition and partial rebuilding of modern agricultural buildings to form two dwellings. Approved.

## 4. **Relevant Policies**

Ribble Valley Core Strategy:

Policy DS1 – Development Strategy  
Policy DS2 – Sustainable Development  
Policy EN2 – Landscape  
Policy H1 – Housing Provision  
Policy DMG1 – General Considerations  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport and Mobility  
Policy DME3 – Site and Species Protection and Conservation  
Policy DMH3 – Dwellings in the Open Countryside and the AONB  
Policy DMH4 – The Conversion of Barns and Other Buildings to Dwellings

National Planning Policy Framework

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

- 5.1 Consent has already been granted for the conversion of the building to residential use and therefore the principle of development has been established in this case. Therefore, in determining this application consideration will be given to the visual impact arising from the proposed modifications and how the changes would affect the character of the application building and its setting, the structural condition of the building and the potential impact on protect species.
- 5.2 Firstly having regard to the proposed garden curtilage, this has been extended when compared with the previously approved scheme. Guidance document *Adapting Traditional Farm Buildings: Best Practice Guidelines for Adaptive Reuse* (Historic England, September 2017) states, “*Ideally the curtilage needs to be kept as minimal as possible. Any enclosed private areas need to be carefully sited and contained, particularly in relation to public views and the surrounding landscape*”.
- 5.3 In terms of the justification for a larger garden, the agent considers the size of the curtilage proposed to be more proportionate to the size of the dwelling, a large 5-bed property. According to the Planning Statement submitted with the application, the rear garden approved by planning application 3/2013/0713 extends to approximately 382sqm. The plans, as submitted, would result in a garden area of around 2,000sqm. Following discussions with the applicant, amended plans have been provided delineating a garden with an area of close to 1,500sqm. Whilst this is considered large for a converted agricultural building, and is odds with the general guidance, it is important to consider the characteristics of the site and its surroundings. The complex of farm buildings at Dewhurst Farm is not isolated in the landscape; it is seen within the context of modern built form including residential properties and contemporary hospital buildings. Development has been granted adjacent to the application building including conversion of a single storey barn to the north-west and, beyond that, the erection of a two-storey stone-built holiday cottage.
- 5.4 The result of the extension of residential garden boundary as proposed would be a continuous straight stone boundary wall which would delineate the now domestic use from agricultural fields to the north-east. Views of the rear of the application building and its gardens would be somewhat limited to the grounds of the hospital and the private access road which serves 1-5 Dewhurst Road. Taking account of the above, it is considered that the proposed residential curtilage would not result is sufficient visual harm to warrant refusal of the application nor would it establish a principle of acceptance for larger gardens associated with barn conversion schemes given the farm’s unique location. Should consent be granted, permitted development rights relating to the

erection of domestic outbuildings would be removed and there would be a requirement for the boundaries of the site to be treated with traditional stone walling in-keeping with the area.

- 5.5 Policy DMG1 of the Core Strategy requires development to be of a high standard of design and places particular emphasis on the visual appearance of development and its relationship to surroundings, including impact on landscape character. The accompanying text to Core Strategy Policy DMH4 *'The Conversion of Barn and Other Buildings to Dwellings'* sets out that conversion of buildings should be of a high standard and in keeping with local tradition. The impact of the development, including the creation of garden area and parking facilities (or other additions) should not harm the function of the area in which it is situated. The stone barn is depicted on the first edition OS 1:2,500 mapping of c.1890 and due to its age and local vernacular can be considered a non-designated heritage asset. Paragraph 197 of the NPPF states that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*.
- 5.6 The development approved by permission 3/2013/0713 is considered generous insofar that it permits the demolition and partial rebuilding of modern agricultural buildings to provide ancillary accommodation housing a swimming pool, gymnasium and double garage and allows for significant changes to the elevations of the original barn including new window and door openings and roof lights. The approved works of conversion would result in some harm to the simple nature of the stone barn and its character as a former agricultural building has been somewhat compromised. Nonetheless, the consent granted under application 3/2013/0713 remains extant and this is a fall-back position against which this current application must be considered.
- 5.7 This application seeks to retain a small existing store to the rear of the barn that was earmarked for demolition by the previous consent and this raises no concern. It is proposed to extend the ancillary leisure building, which would be attached to the main barn by a glazed link, to include a 'plant room'. The erection of the predominantly new outbuilding was justified previously by the removal of a number of modern agricultural buildings at the site resulting in a net reduction in built form. Proposals to further extend the leisure building by around 3m to the south-east would not result in any undue adverse harm that would warrant refusal of the application although it is judged that further elongation of the building would require careful consideration.
- 5.8 In terms of the design of the proposed extended ancillary building, it would largely reflect the fenestration and design details approved under 3/2013/0713. There is no concern regarding the substitution of the external timber cladding on the 'leisure building' with natural stone below eaves level – in fact this is considered to be an improvement.
- 5.9 Proposed minor amendments to the principle elevation of the original barn conversion scheme do not raise any concerns. The main concern arises from alterations to the rear of the barn. Historic England Guidance document *'Adapting Traditional Farm Buildings: Best Practice Guidelines for Adaptive Reuse'* (September 2017) says that *"Maximising the use of these existing openings by planning internal spaces around them and limiting the formation of new ones will help retain character. Where new openings are added or new windows inserted within existing door openings, great care needs to be given to their placing and design. In many cases it is probably best to follow existing patterns on the building or other similar farm buildings"*. In relation to new roof elements it states

that, *“One of the most sensitive issues with any farm building adaptation is the insertion of roof lights. Farm buildings rarely had any form of glazing at roof level, though sometimes glazed tiles or slates were used. Numerous new roof lights poorly positioned can have an intrusive impact”*. The proposals would result in a large area of domestic style glazing that is at odds with the character of this traditional stone farm building that was typified by a high solid to void ratio. Concerns regarding the ‘large areas of high level glazing’ have also been raised by Wilpshire Parish Council.

- 5.10 It is acknowledged that the style and size of the glazed elements proposed on the rear elevation of the barn would not generally be considered acceptable. However, consideration has been given to the extant consent at the site and the sites surroundings. Much of the barn’s inherent character has been compromised by the previously approved scheme of conversion and, combined with the sites location in close proximity to modern development and lack of public views of the rear elevation, a refusal cannot be justified. The applicants have agreed to amendments including the installation of sliding and fixed timber panels and have agreed to the imposition of a condition which requires the glazing panels in the roof to be dark tinted. Taking into account these amendments it is considered that the proposals would result in no greater harm to buildings character that the alterations that have already been approved.
- 5.11 Policy DMH4 requires the building to be converted to be structurally sound. The applicant has submitted an assessment of the structural condition of the barn and confirms the barn remains capable of conversion without any significant rebuilding. No additional rebuilding works are required beyond those which already have consent by virtue of the extant planning permission.
- 5.12 Previous applications at the site established the requirement for a protected species license from Natural England. A Bat Low Impact Class License has been issued by Natural England and a license return has been sent to Natural England to confirm that the day roosts at the site have now been destroyed. Low Impact Class Licenses do not require mitigation or compensation to be provided. However, given the previous use of the building by bats and nesting birds, it is considered reasonable to require the provision of bat roosting and bird nesting features within the development to maintain and enhance biodiversity in accordance with Policy DME3 of the Core Strategy.
- 5.13 With regards to highway safety, the previously approved development at the site was granted subject to access improvements and the provision of a passing place on the access track before first occupation of the new dwelling. There would remain a requirement for the access improvements and a single passing place to be provided before first occupation of the dwelling(s) at Dewhurst Farm.

## 6. **Conclusion**

- 6.1 The creation of residential gardens can have a significant impact upon visual amenity and patterns of land use. Ideally any residential curtilage needs to be kept as minimal as possible and any enclosed private areas need to be carefully sited and contained, particularly in relation to public views and the surrounding landscape. In this instance, it is considered that the proposals do not warrant refusal of the application for the reasons expressed above.
- 6.2 Furthermore, whilst the alterations proposed would fail to enhance the previously approved scheme of conversion it is deemed that the proposals would not result in



sufficient harm to the character of the building or surrounding area to justify refusal. Accordingly, the application is recommended for approval.

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

#### *Plans*

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

Proposed Plans and Elevations (Had/852/2573/02 A) received 23.01.2019

Existing and Proposed Site Plans/Location Plan (Had/852/2573/03 A) received 21.01.2019

Passing Place Plan (Had/852/2573/04 A) received 21.01.2019

Elevations of Outbuildings (Had/852/2573/05) received 23.01.2019

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

#### *Materials*

2. 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: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

3. Details of all new windows and doors (including section details of window/door reveals, proposed framing profiles and materials) shall have been submitted and agreed in writing by the Local Planning Authority prior to their use in the development. The development shall be carried out in strict accordance with the approved details; the approved details shall thereafter be retained in perpetuity.

REASON: To ensure a satisfactory standard of appearance in the interests of visual amenity.

4. All new and replacement door and window head and sills shall be natural stone to match existing.

REASON: To ensure a satisfactory standard of appearance in the interests of visual amenity.

5. All new and replacement gutters shall be cast iron or aluminium supported on 'drive in' galvanised gutter brackets.

REASON: To ensure a satisfactory standard of appearance in the interests of visual amenity.

6. All proposed roof lights shall be of the Conservation Type, recessed with a flush fitting, and retained as such in perpetuity.

REASON: In the interests of visual amenity in order to retain the character of the barn.

7. Full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details.

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

8. Prior to the extraction flue being first brought into use all external parts of the flue and cowl and associated fittings shall be coloured black/ a dark matt finish and retained as such at all times in the future.

REASON: To ensure a satisfactory appearance.

#### *Details*

9. The development shall be carried out in strict accordance with the Structural Appraisal by Foxx Limited dated 15 January 2018 that was submitted with the application. Any deviation from the survey, as submitted, may need to be the subject of a further planning application.

REASON: The application is for the conversion of the building only.

#### *Residential Amenity*

10. The proposed garages shall be for private and domestic purposes only and no trade or business whatsoever shall be carried out from within the building.

REASON: In order to safeguard nearby residential amenities.

#### *Ecology*

11. Details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites shall be submitted to, and approved in writing by the Local Planning Authority. The details shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of the numbers of artificial bird nesting boxes and artificial bat roosting sites on the barn. 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 the dwelling during the conversion works before the dwelling is first brought into use.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and protected species.

#### *Drainage*

12. The scheme for the disposal of foul and surface waters shall be constructed and completed in accordance the details approved by discharge of condition application 3/2016/0252.

REASON: To ensure a satisfactory means of drainage.

### *Permitted Development*

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Schedule 2 Part 1, Class A, B and D), or any Order revoking or re-enacting the Order, no external alterations or extensions shall be carried out to the dwelling hereby approved (other than those expressly authorised by this permission).

REASON: To ensure such development has due regard to the character and appearance of the building.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Schedule 2 Part 1, Class E and F), or any Order revoking or re-enacting the Order, no garage, shed or other outbuilding shall be erected or hard surface provided within the curtilage of the dwelling hereby approved (other than those expressly authorised by this permission).

REASON: To protect the appearance of the locality and to retain the open character of the area

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected on the land hereby permitted (other than those expressly authorised by this permission).

REASON: To protect the appearance of the locality and to retain the open character of the area.

### *Highways*

16. The access road improvements shown on submitted drawing no. Had/852/2573/04 shall have been fully completed prior to the first occupation of the dwelling hereby permitted. Thereafter, visibility splays of 2.4m by 200m in both directions shall be retained clear of any obstructions in perpetuity to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety.

### *External Lighting*

17. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

REASON: In the interests of the visual amenities of the area.

### BACKGROUND PAPERS

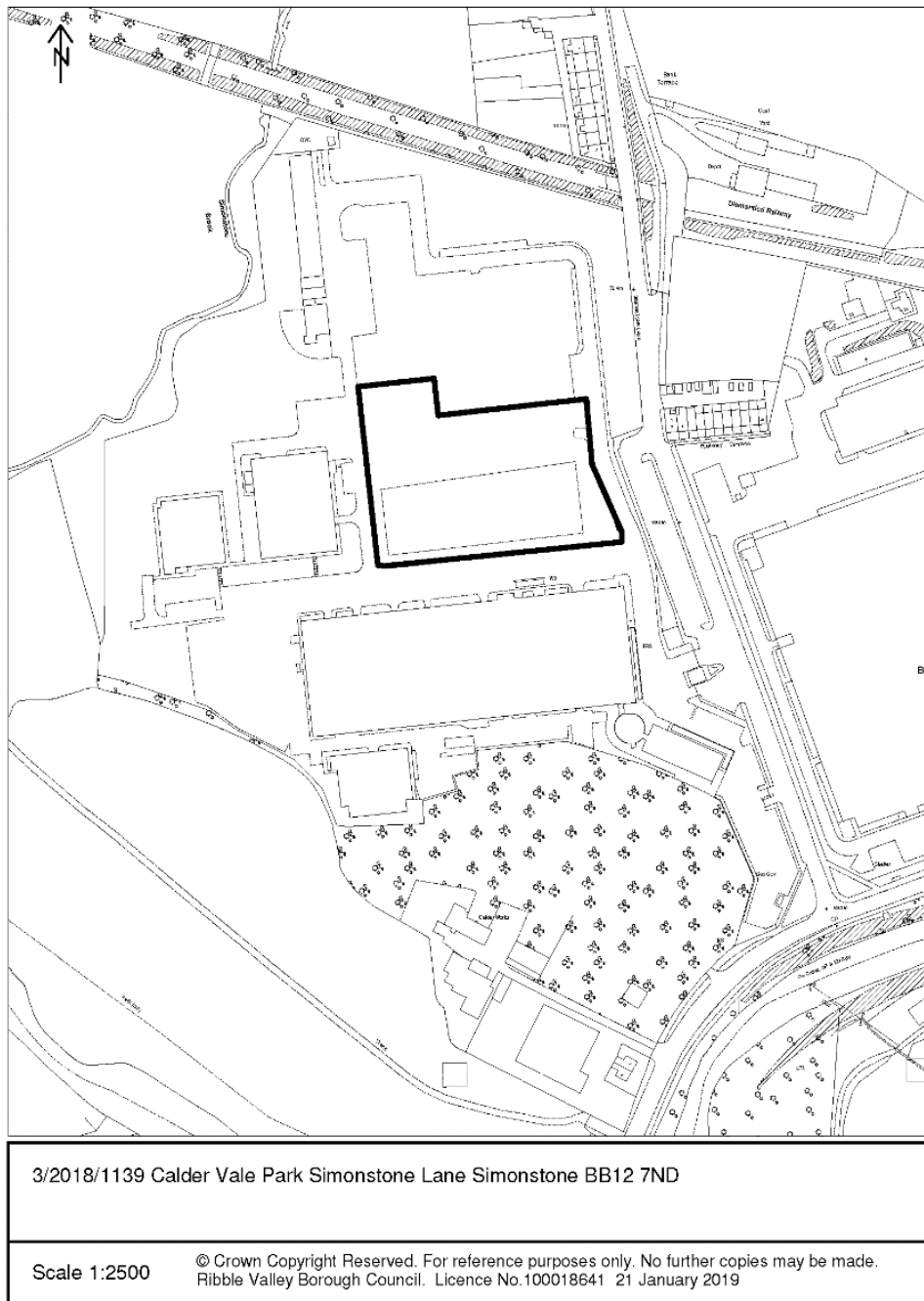
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F1130](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F1130)

**APPLICATION REF: 3/2018/1139**

GRID REF: SD 377450 433358

**DEVELOPMENT DESCRIPTION:**

PROPOSED ERECTION OF WAREHOUSE BUILDING AND SINGLE STOREY STAFF CAFETERIA WITH ASSOCIATED SERVICING AND LANDSCAPING AT CALDER VALE PARK, SIMONSTONE LANE, SIMONSTONE BB12 7ND



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

### **PARISH COUNCIL:**

No observations received at time of preparing the report.

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

Requested more details regarding traffic movements and a swept path analysis, following receipt of additional information raise no objections.

### **LLFA:**

No objections subject to conditions.

### **ADJACENT LPA'S:**

Burnley BC - No observations to make.

Hyndburn Borough council - No comments received at the time of preparing this report.

### **ADDITIONAL REPRESENTATIONS:**

None

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

1.1 The site lies in the centre of Calder Vale Park on its eastern half which fronts Simonstone Lane but is divorced from it by an internal car park and service road. There is a block of terraced dwellings on the opposite side of the carriageway as well as further industrial buildings. To the rear of the proposed industrial building is the recently constructed Sports building associated with Fort vale.

1.2 The existing application site consists of a lawned and banked area of grass which was levelled at its higher point following the demolition of the former Mullards buildings. The wider application area is the concrete pad of the former buildings on-site and has been used largely for external storage.

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

2.1 This full planning application seeks to secure permission for the erection of two buildings within the Calder Vale Park site for Fort Vale. The larger, building is the warehouse, which will sit immediately to the east of the recently completed investment casting foundry.

2.2 The warehouse will be a single-span structure with a floor area of 1,860m<sup>2</sup> rising to a height of 11.76m to its ridge, and 8.5 m to its haunch. It will be 30.88 m wide by 59.5m in length, and will be finished in a manner very similar to the adjacent foundry, consistent with the corporate appearance of all other buildings on-site. Windows are inserted on each corner of the building which replicates the corporate design and breaks up the mass of the building. Two roller-shutter doors are proposed on the north elevation for goods in and out.

- 2.3 The proposed cafeteria will have a gross internal area of 515m<sup>2</sup> and measure 19.5m in depth by 21.5m in length, with an additional wing and covered entrance to the south. To the west there will be a terraced landscaped area and on its south-westerly corner a smaller covered terrace connecting to a set of stairs and a ramp which will provide pedestrian access from the main site. There is a small turning area and bin store adjacent to the internal service road.
- 2.4 The building has a linear design approach, with a flat roof and large glazed openings. The building will be finished in a mix of dark grey brick, light and dark grey stone cladding and some architectural mesh with glazed curtain walling.

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

3/2012/0719 Application for a non-material amendment to planning permission 3/2011/0662P, to allow 'Handing' of upper floor offices/meeting room to western elevation and small enlargement to provide ground floor - 31/8/2012 Approved with Conditions.

3/2013/1069 Variation of Condition 2 of planning permission 3/2011/0222 - 27/2/2014 Approved with Conditions.

3/2016/0040 Redevelopment of site of infilled lagoons with erection of new investment casting foundry and staff sports hall building, associated access, parking provision and landscaping - 26/2/2016 Approved with Conditions.

### 4. **Relevant Policies**

Ribble Valley Core Strategy (Adopted Version)  
Key Statement DS1 – Development Strategy  
Key Statement EC1 – Business and Employment Development  
Policy DMG1 – General Considerations  
DMB1 – Supporting Business Growth and the Local Economy

National Planning Policy Framework  
Technical Guidance to National Planning Policy Framework  
National Planning Practice Guide

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

#### 5.1 **Principle**

5.1.1 The starting point for considering any application is the designation within the Development Plan and any policies that pertain to it but some weight should also be given to the emerging Housing and Employment Development DPD. Whilst the site is not within the settlement boundary of Read and Simonstone it is clearly associated with it. The proposal is consistent with Key Statement DS1 of the Core Strategy which seeks to focus the majority of development within the Tier 1 villages which include Read and Simonstone. The proposal is also consistent with Policy DMB1 of the Core Strategy insofar as it is framed in a positive manner to support business growth and the local economy and it supports the expansion of existing firms within settlements or on land adjacent to their existing sites provided no significant environmental problems are caused and the development does not conflict with other Local Plan policies. Whilst the proposal

is for Class B8 warehousing and an ancillary cafeteria, it is important to consider that these buildings, whilst not directly employing significant numbers of staff, are integral to the future growth of FVEL by freeing up space within their existing buildings for additional production.

- 5.1.2. It is material that the proposal also accords with Chapter 6 of the NPPF. Specifically, national policy supports and requires the creation of conditions in which businesses can invest, expand and adapt. Importantly, it states that 'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'. The Calder Vale Park site is suitably located for access to the nearby motorway network and within close proximity to other similar industries and suppliers. As such, the proposal is consistent with Paragraph 82 of NPPF.

## 5.2 Highway Safety and Accessibility

- 5.2.1 As previously mentioned the development has suitable access to a good highway network and as such located in a sustainable area. The site provides for good vehicular access and adequate parking facilities. LCC has no objection in relation to highway matters.
- 5.2.2 It is not considered that the proposal would have a material impact upon the highway network. It would comply with Paragraph 109 of NPPF in that there would be no unacceptable impact on highway safety and would not have a residual, cumulative impact on the road network that would be severe.

## 5.3 Residential Amenity/ Noise

- 5.3.1 The proposed warehouse and cafeteria will not give rise to any issues of noise at the application site. At present the area upon which the warehouse will sit is used for ad hoc open storage with the attendant level of activity from forklifts and other vehicles to and from it. The proposed warehouse effectively internalises this process, albeit on a more intensive basis, but as a Class B8 use it will not be inherently noisy in operation. Goods and products will be transported to and from the site by way of the existing heavy goods vehicles which already visit the site, and with electric forklift trucks. These forklift trucks will not have beepers or 'white sound' reversing alarms as from a health and safety point of view they will not be operating in a public area. They will have a flashing beacon and project a blue beam in front of them to warn any members of staff of their approach, for example as they turn corners. It is not anticipated that there would be any additional heavy goods vehicle movements to facilitate the warehouse rather, existing deliveries are redirected to it.
- 5.3.2. The two roller-shutter doors on the northern elevation of the warehouse will be fitted with automatic closing devices which will operate via an induction loop on the floor both within and outside the building and will be supplemented with acoustic curtains. Such an approach has proved effective in mitigating any noise impact from the adjacent foundry building which is now operational. Indeed, the positioning of the warehouse has the ability to further mitigate any noise outbreak from the foundry as it will act as an effective acoustic barrier.

- 5.3.3. Members may recall that in September 2015, a noise survey was undertaken which measured background noise levels at three locations adjacent to the site (Railway Terrace, Bank Terrace and Riverbank Terrace, Burnley Road). In assessing the likely noise outbreak from the foundry, and applying the appropriate rating, it was considered that at both Railway Terrace and Riverbank Terrace, the impacts would be below existing background noise level. At Bank Terrace some adverse impacts were predicted but this was to be addressed through mitigation, which was agreed to be the automatic closing of roller doors and the use of an acoustic screen. This ensured that the foundry could operate within acceptable noise limits for residents and it is understood that since its operation, no complaints have been received from residents. Given the existing operations on the application site and the measures as described above, it is not anticipated that the proposed development will contribute to an increase in noise levels above existing background levels. No response has been received from the Councils Environmental Health Officer but given the existing operation and activities on site and the previous survey no objection is anticipated.
- 5.3.4. The cafeteria will serve hot and cold food for consumption on the premises and will therefore require a certain amount of plant to serve the kitchen. This will include air handling units and extraction equipment, filters etc. Within the context of this industrial site, it is not considered that apparatus for a small commercial kitchen would have a material impact in terms of noise or odour. Having regard to the proposal and its location within the site it is not considered that there will be any adverse residential impact.

#### 5.4 Visual impact

- 5.4.1 The warehouse will sit within the centre of Calder Vale Park and rise to a height of 11.76m at its ridge level. This compares to the foundry building which has a ridge height of 9.2m. Given its location away from any residential properties and viewed against the backdrop of existing large-scale commercial buildings, this warehouse is not considered to be inappropriate in design terms or in terms of scale and massing. The consistency in design lends a corporate feel to the site and by adopting the use of a brick plinth, overhanging canopy, contrasting cladding materials and fenestration to the corners, it will not appear unduly bulky or monolithic within its context.
- 5.4.2. In contrast to this, the cafeteria is a carefully considered departure from the industrial buildings on-site and its simple linear form is considered to be an elegant contrast, clearly demarcating it as something other than a manufacturing facility. Use of fin walls and extrusions beyond the main face of the building serve to break up its mass and provide architectural interest. Again, its position and low height will mean it appears as a discreet addition when seen from nearby residential properties and Simonstone Lane.

#### 5.5 Landscape/Ecology

- 5.5.1 There are no ecology issues as a result of this application. The proposal has some grass verges adjacent to the new buildings which offer a visual break between the buildings. An area of soft landscaping is proposed between the cafeteria building and the warehouse.



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

- 6.1 In conclusion, the proposed development would result in the creation of employment opportunities and would support the strategic objectives of the Core Strategy. The development site is within an existing employment site.
- 6.2 Although there are some residential properties in the vicinity the scheme would not result in any unacceptable harm to the residential amenities of the occupants of nearby dwellings.
- 6.3 Section 155 of the Housing and Planning Act 2016 places a duty on local authorities to consider the potential financial benefits of development proposals when considering whether to grant planning permission. The proposal would make a contribution to the provision of local employment opportunities for the area, and would support the economic aims of the Council towards promoting local employment opportunities.

**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.

*Plans and Further Details*

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 and documents:

Site Location Plan 18030\_PL100 RevA  
Proposed Master Plan 18030\_PL101 Rev A  
Proposed Sections Cafeteria 18029\_PL204 Rev A  
Proposed Site Plan Cafeteria 18029\_PL200 Rev A  
Proposed Roof Plan Cafeteria 18029\_PL202 Rev A  
Proposed Elevation Plan Cafeteria 18028\_PL203 Rev A  
Proposed Ground Floor Plan Cafeteria 18029\_PL201 Rev A  
Proposed Site Plan Warehouse 18030\_PL200 Rev A  
Proposed Elevation Plan Warehouse 18030\_PL203 Rev A  
Proposed Roof Plan Warehouse 18030\_PL202 Rev A

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings.

REASON: The proposed materials are appropriate to the locality..

### *Lighting*

4. Notwithstanding the submitted plans no building shall be occupied until details of all artificial lighting (including building mounted external lighting) has been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of application type, location of lighting, the light direction and intensity. The lighting thereafter shall be installed in accordance with the approved details.

REASON: In the interests of the amenities of the area, to minimise light pollution and to safeguard adjacent residential amenity.

### *Landscaping*

5. 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 occupation of the development and retained thereafter at all times.

REASON: To ensure the proposal is satisfactorily landscaped and in the interests of biodiversity and appropriate to the locality

### *Highways/ amenity*

6. 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 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
  - E. 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)
  - F. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
  - G. 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.

## Drainage

7. No development shall commence until final 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: 2
- 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 flood levels in AOD;
  - b) The drainage strategy should demonstrate that post development surface water run-off from the application site will not exceed 5l/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
  - c) A site plan showing any overland flow routes and flood water exceedance routes, both on and off site – these must be directed away from property and critical infrastructure;
  - d) A site plan showing any surface water catchment areas within the site (i.e. areas that will contribute to the proposed surface water drainage network).
  - e) A timetable for implementation, including phasing as applicable;
  - f) 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 buildings hereby approved, 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 ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development. To ensure that water quality is not detrimentally impacted by the development proposal

8. 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 or management and maintenance by a Private 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 caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

- c) Means of access for maintenance and easements where applicable.

The plan 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 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. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

#### *Surface water Construction Phase Plan*

9. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority. The approved prevention measures shall thereafter be adhered to throughout the construction phase.

REASON: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

#### *Noise and Odour*

10. Prior to occupation and use of the café building further details of noise and odour control shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved scheme.

REASON: To safeguard residential amenity.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F1139](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F1139)

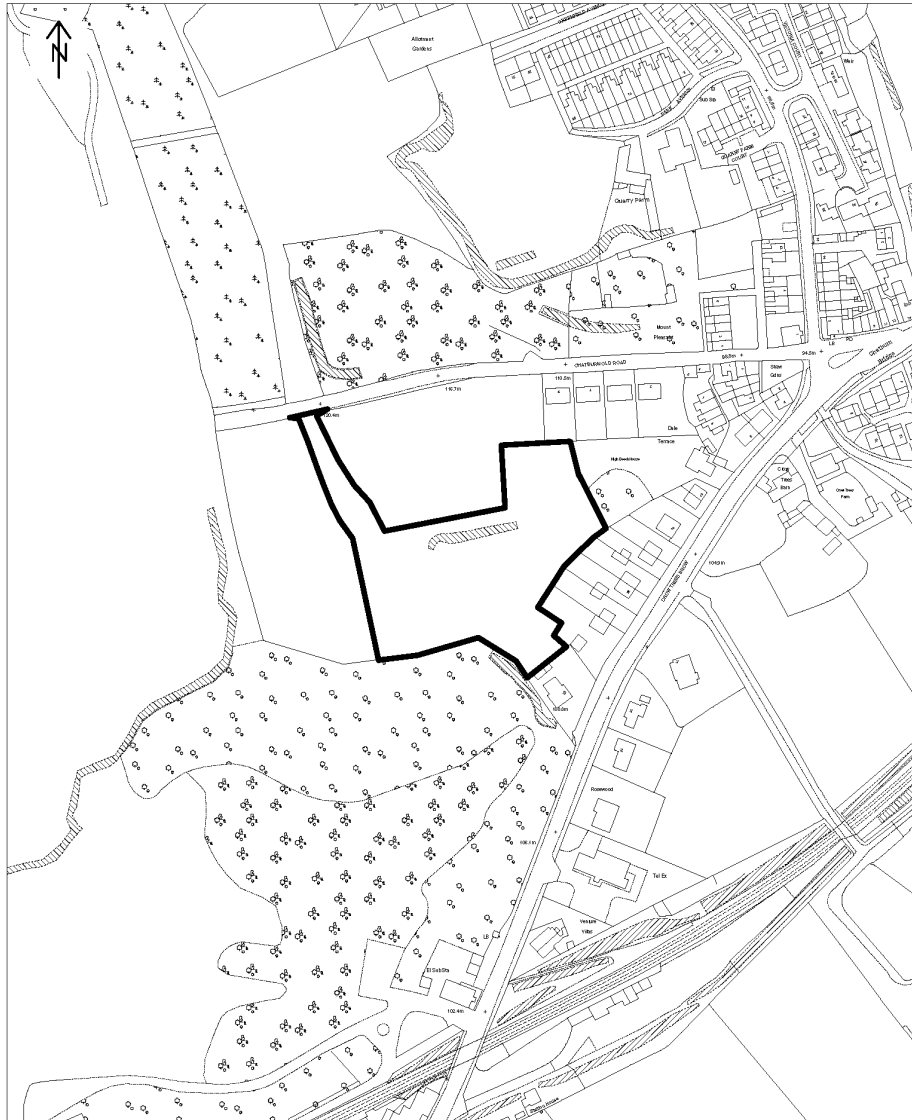
**APPLICATION - PERMISSION IN PRINCIPLE**

**APPLICATION REF: 3/2018/0943**

**GRID REF: SD 376631 443898**

**DEVELOPMENT DESCRIPTION:**

**RESIDENTIAL DEVELOPMENT OF UP TO NINE UNITS (RESUBMISSION OF APPLICATION 3/2018/0582) AT LAND TO THE SOUTH OF CHATBURN OLD ROAD, CHATBURN**



3/2018/0943 Land to the south of Chatburn Old Road Chatburn

Scale 1:2500

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

### **PARISH COUNCIL:**

Chatburn Parish Council has the following observations to make:

- The village infrastructure is already at crisis point and, as the target for building new houses in Chatburn (as identified in the Planning Authorities Core Strategy) has already been reached; the proposed development would have a detrimental impact.
- The proposed site is outside the village settlement boundary in open countryside and is a natural barrier between the village and the large industrial quarry. Filling in the land will be harmful to the character of the village resulting in environmental damage. In a previous appeal following the initial refusal of planning permission for a development on Old Road, the Inspector wrote "A lung of undulating grass land with rocky outcrops with some large trees...which in my view makes a significant visual and physical contribution to the character of the settlement."
- The site is in close proximity to a working quarry where blasting continues to be carried three times per week resulting in serious problems overdevelopment with the site.
- There are 16 terraced properties with no off road parking. The properties are accessed from Old Road and around 20 vehicles regularly park there. The width of the road is only 4.5 metres at its narrowest point. Four properties have direct access onto the road and there is no footpath outside two of these. Traffic generated by the present development results in additional pressure on the narrow exit junction to the congested Ribble Lane. Further development will cause severe problems for residents at the Old Road/Ribble Lane junctions and make it almost impossible for refuse lorries who now have to reverse up the lane. There is also concern for emergency services being able to access properties on Old Road.
- The proposed development will put more pressure on the drainage which has been a problem for the present development and will be exacerbated by any further building. Excess water on the present site does not soak into the limestone and additional water resulting in flooding down Old Road causing damage to businesses in the centre of the village. Due to the nature of the high ground levels there will be possible problems both with surface water and sewage disposal. The Environment Agency and United Utilities must consider this.

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

No objection. Further consideration will need to be given at the technical details stage.

### **LCC MINERALS AND WASTE:**

None received.

### **ADDITIONAL REPRESENTATIONS:**

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

- The development would spoil the character of the village.
- Road safety concerns.

- The application was refused unanimously several weeks ago.
- Previous appeal said no more housing on the old road.
- Dust, noise and disruption from the development.
- Several houses already for sale in Chatburn.
- Local school is oversubscribed.
- Impact on local wildlife.
- The proposal is contrary to Policies DMG2 and DMH3 of the RVBC Core Strategy.
- LCC Highway Officer does have concerns about highway safety at the junction with Old Road and Ribble Lane.
- Ecological issues at the site including enforcement action by LCC regarding the failure to restore calcareous grassland. The developer has not carried out an ecological survey.
- No pedestrian footway on the Old Road.
- Chatburn has reached its housing target.
- Over development of a small site.
- The possibility of between 1 and 9 dwellings is too wide a range to comment upon.
- Adjacent development is no closer to being completed.
- Issues associated with the current site including noise and vehicle movements.
- Site is not a sustainable location.
- Drainage (foul and surface water) issues with existing development.
- Housing on dominant and elevated site is an eyesore.
- Owls roosting on or near to the site and habitat to great crested newt.
- Development would overshadow existing properties.
- Parking restrictions at the Old Road and Ribble Lane junction would restrict parking for existing residents.
- Electricity cable crosses the site.
- Public footpath crosses the site.

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

- 1.1 The proposed development site is located to the south of Chatburn Old Road, Chatburn. This greenfield site slopes down in level towards the east and south and is mainly grassland with bushes and trees along its boundaries, some of which are protected by Tree Preservation Orders. To the west of the site is Lanehead Quarry.
- 1.2 The majority of the site is in the Open Countryside as defined on the emerging Proposals Map although a small section of the site is within the settlement boundary of Chatburn. The site is bound to the north-west by a residential development of 10 dwellings approved by planning consent 3/2011/0025 and then 3/2014/0618 (varied by planning consent 3/2016/0748) which is currently under construction.

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

- 2.1 This application seeks permission in principle for the erection of up to nine dwellings at land to the south of Chatburn Old Road, Chatburn. Members will note that a similar permission in principle application (ref: 3/2018/0582) at this site was refused in September 2018 for the following reason:

*The proposal is considered contrary Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of new dwellings in the open countryside without sufficient justification. The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals which would have an adverse impact on the implementation of the planning policies*

*of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.*

- 2.2 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 2.3 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission. It is not possible for conditions to be attached to a grant of permission in principle nor can planning obligations be secured and its terms may only include the site location, the type of development and amount of development.
- 2.4 The technical detail stage will provide the opportunity to assess the detailed design of the scheme to ensure that any impacts are appropriately mitigated and that the contributions to essential infrastructure, for example, are secured. If the technical details are not acceptable, the local authority can refuse the application.

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

3/2011/0025 - Outline planning application for residential development (ten dwellings). Allowed on appeal.

3/2014/0618 - Erection of 10 dwellings. Approved.

3/2016/0748 - Variation of Condition 02 (substitution of house types/designs for plots 1, 2, 3, 4, 5, 7, 8, 9 & 10, including repositioning of plots 3, 7, 9 & 10, and alteration to internal access road) and Removal of Condition 10 (un-associated condition) of planning permission 3/2014/0618 for the erection of ten dwellings. Approved.

3/2018/0582 - Residential development of up to nine units. Refused.

### 4. **Relevant Policies**

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

Key Statement DS1 – Development Strategy  
Key Statement DS2 – Sustainable Development  
Key Statement H1 – Housing Provision  
Key Statement H2 – Housing Balance  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport and Mobility

#### **National Planning Policy Framework**



## 5. Assessment of Proposed Development

- 5.1 The application proposes a residential development of between 1 and 9 dwellings. As stated above, the scope of permission in principle is limited to location, land use and amount of development; the detailed design of the scheme will be considered at technical detail stage. Whilst the objections raised by residents are noted these relate predominantly to matters that would be given full consideration at the technical detail stage.
- 5.2 As noted above, this is a re-submission of an earlier planning application which was refused by Planning and Development Committee on 6 September 2018 in accordance with officer recommendation. The application was refused on the basis that approval would lead to the creation of new dwellings in the open countryside without sufficient justification.
- 5.3 This application is supported by a Statement of Common Ground which sets out that the 'technical details' application(s) would be submitted within 6 months of a favourable decision. Furthermore, it states that the properties would be marketed to Ribble Valley residents only for the first 6 months and that the housing mix submitted at technical details stage would comprise 20% bungalows suitable for over 55s.
- 5.4 Principle of Development
- 5.4.1 The development plan for the Borough is the Ribble Valley Core Strategy which was formally adopted in December 2014. The Inspector for the Core Strategy, Simon Berkeley, concluded in his final report dated 25 November 2014 that the Ribble Valley Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.
- 5.4.2 The emerging Proposals Map for the Borough has yet to be formally adopted by the Local Planning Authority. Whilst the Examination in Public (EiP) into the Housing and Economic Development DPD (including Proposals Map) concluded week ending 25 January 2019 it may still be subject to change and therefore can only attract limited weight in the decision making process.
- 5.4.3 The Planning Statement submitted in support of the application challenges the Council's housing land supply position and considers that the Council cannot demonstrate a 5 year supply. Having regard to the October Housing Land Availability Survey (HLAS) (published 19 November 2018) it is considered that the Council can demonstrate a 6.1 year supply of housing land with a 5% buffer. The use of a 5% buffer is supported by the recently published revised NPPF. The relevant policies for the supply of housing contained in the adopted Core Strategy can be afforded full weight and the presumption in favour of sustainable development is not engaged.
- 5.4.4 Key Statement DS1 identifies Chatburn as a Tier 1 Village and therefore some development will be directed towards the settlement. Key Statement DS1 confirms that, *'the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area.'*

- 5.4.5 It is not disputed that in terms of proximity to services, the site could be deemed to be a sustainable location. The provision of up to 9 dwellings on the edge of the settlement of Chatburn would reflect the existing population size and would not result in any quantifiable or measurable harm to the Development Strategy presented by Key Statement DS1 of the Core Strategy, particularly given that it seeks to focus some new housing development towards the Tier 1 settlements. Therefore, it is confirmed that the proposal would not harm the settlement strategy.
- 5.4.6 In assessing this planning application, due regard has been given to the discussions held during the EiP into the Housing and Economic Development DPD which, during its siting from Tuesday 22<sup>nd</sup> January and Wednesday 23<sup>rd</sup> January 2019, considered the proposed housing allocations and housing matters within the Borough. During the course of the examination, which was attended by representatives of developers and private landowners as well as Council Officers, the Inspector focussed on the Council's housing land supply and the appliance of the Core Strategy housing policies in the determination of residential planning applications. There was debate on whether the Core Strategy Policies restricted windfall housing developments and the location of new housing. At the request of the Inspector, Council Officers were required to provide details of planning applications granted for residential development within sustainable locations but outside of the defined settlement boundaries when the Authority could demonstrate a 5 year housing land supply. This was sought to demonstrate how the housing policies in the Core Strategy, i.e. DMG2 and DMH3, are applied within the Borough.
- 5.4.7 Council Officers provided details of a number of sites that have been granted planning consent for residential development in such locations. It was made clear during discussions between the Inspector and those present at the EiP that the Council's housing policies must be applied to enable degree of flexibility to ensure that it meets the aims and objectives of the NPPF which seeks to '*significantly boost the supply of homes*'.
- 5.4.8 As such it must be recognised that following the EiP policies DMG2 and DMH3 of the Core Strategy should not be applied in isolation nor should those policies be interpreted in such a way that would entirely restrict development for all new open market dwellings in the open countryside.
- 5.4.9 Core Strategy Policy DMG2 states that "*Development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 Villages should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement*". In view of the Inspector's comments at the EiP, it is considered that this policy makes provision for development proposals in Principal and Tier 1 settlements that consolidate, expand or round-off development so that it is closely related to the main built up areas.
- 5.4.10 The application site adjoins an existing residential development site which extends from the main settlement area of Chatburn. This adjacent development site, which is under construction, has been included within the draft settlement boundary for Chatburn in the emerging Proposals Map. The application site is not bounded by consolidated development along more than two thirds of its perimeter and as such it is not considered to be 'rounding-off' as defined in the

glossary of the Core Strategy. However, the development is considered to comply with the definition of 'expansion', as expressed in the Core Strategy as *'limited growth of a settlement which is in scale and keeping with the existing urban area'*. The development site is particularly well-contained, being bordered by Lanehead Quarry to the west, protected trees which skirt the site to the west and south and existing development to the east. As such, on balance, and taking into account the Inspector's comments at the EiP into the Housing and Economic Development DPD, the proposed development, on the edge of a Tier 1 settlement, is considered to be acceptable in principle.

5.4.11 In addition the applicant has submitted a Statement of Common Ground which sets out an agreement that the 'technical details' application would be submitted within 6 months of a favourable decision and states that the properties would be marketed to Ribble Valley residents only for the first 6 months and the housing mix submitted at technical details stage would comprise 20% bungalows suitable for over 55s. It is anticipated that there would be a general need for bungalow accommodation in Chatburn (confirmation from the Council's Housing Officer to be presented verbally) and this would be considered a considerable benefit of the development.

5.4.12 Notwithstanding the above, there is no means for planning obligations to be secured against permission in principle. Should consent be granted, Council Officers would work with the applicant at technical details stage in an attempt to ensure that the mix of housing proposed is acceptable to the LPA and to seek to secure any affordable/over 55s housing or local occupancy requirements by legal agreement at that stage.

## 5.5 Other Considerations

5.5.1 In relation to the amount of development proposed, as stated above the provision of up to 9 dwellings on the edge of the settlement of Chatburn would not result in any quantifiable or measurable harm to the Development Strategy. The site is approximately 1 hectare in size and whilst there are constraints within and surrounding the site including its topography, protected trees, a public right of way and its proximity to the Lanehead Quarry, it is not considered that an upper threshold of 9 residential units is unreasonable. There would remain the requirement for a detailed site layout to be provided at technical details stage with this providing the appropriate interface distances between dwellings to ensure acceptable standards of privacy and a suitable internal road layout.

5.5.2 Concerns raised in relation to the capacity of Chatburn Old Road to absorb additional traffic that would be generated by the proposals are noted. Consideration was given to highway capacity and safety issues in the Inspectors report for the development of 10 dwellings at the adjacent site that was allowed on appeal. As a requirement of that consent, ref. 3/2011/0025, improvements were secured at the junction between Chatburn Old Road and Ribble Lane. In regard to that appeal scheme, the Highway Authority had no concerns in principle regarding on-street parking activity and the capacity of the highway to accommodate the additional traffic associated with the dwellings proposed.

5.5.3 It is acknowledged that more detailed consideration would need to be given to the impact of this proposed development on the local highway network at the technical details stage and the highways officer has indicated this may include

the provision of waiting restrictions close to the junction with Ribble Lane. The Highways Authority raises no objection in principle to the proposals. Whilst the County Surveyor recommends the imposition of conditions should consent be granted, as noted above there are no means of imposing planning conditions at the PiP stage.

5.5.4 In relation to the site's proximity to Lanehead Quarry, a thorough assessment of the potential implications of residential development in this location were undertaken as part of the determination of the planning application for housing on the adjacent site. The Inspector for application 3/2011/0025 noted at paragraph 43 of his report *'it is evident that if the appeal scheme were to be developed, with careful management it should be possible to commercially extract mineral on the eastern face of the quarry, while both meeting the relevant planning conditions regarding blasting vibration, and successfully addressing the potential for complaints to be made. As such, there would be no 'permanent in-direct sterilisation' of reserves in the quarry.'* Furthermore, it was considered that noise attenuation measures could be installed to ensure future occupants would enjoy an acceptable level of residential amenity. No comments have been received from the Minerals and Waste section at Lancashire County Council and taking the above into account there is no in-principle reasons for refusal of this application on highway safety or residential amenity grounds.

5.5.5 Concerns raised relating to the impact of the development on trees, ecology, foul and surface water drainage, noise and disturbance, highway safety, residential amenity and the amenity of the area would be considered at the technical details stage.

## 6. **Conclusion**

6.1 Having considered all of the above, in light of the recent discussions held at the EiP into the Housing and Economic Development DPD, the principle of development in this location is considered acceptable. Accordingly, it is recommended that Permission in Principle is granted.

**RECOMMENDATION:** That Permission in Principle be GRANTED subject to the following information notes:

1. This permission shall be read in accordance with the Statement of Common Ground dated 28th January 2019.
2. In addition to national information requirements as required by article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015, applications for the approval of technical details should be accompanied by an Arboricultural Impact Assessment, Ecology Survey, Drainage Strategy, Noise and Vibration Survey and draft Heads of Terms.

This aforementioned required information is not exhaustive and additional information may be required during the determination process.

## BACKGROUND PAPERS

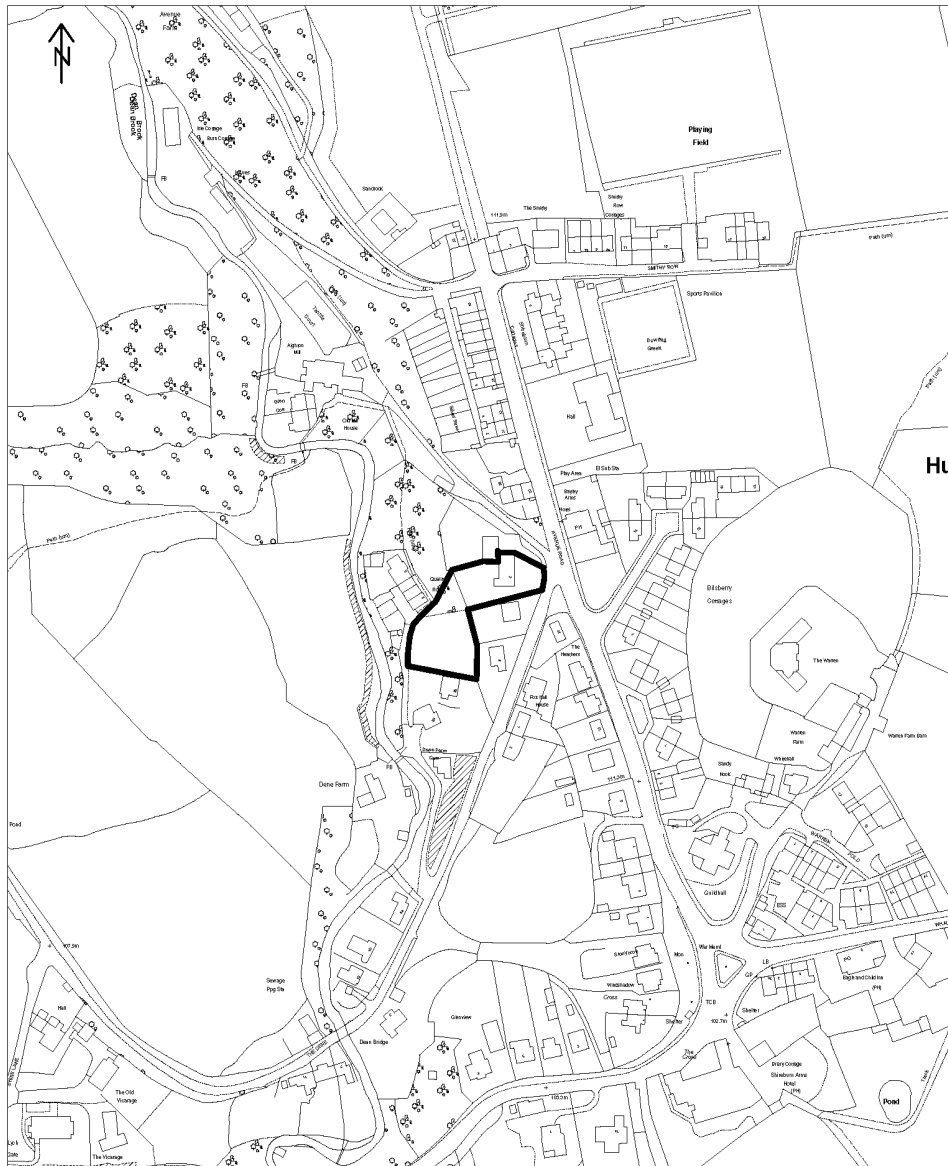
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0943](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0943)

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

**APPLICATION REF: 3/2018/0951**

**GRID REF: SD 368415 438123**

**RETENTION OF UNAUTHORISED DECKING AND STRUCTURE(S) ON LAND TO THE REAR OF 2 THE DENE, HURST GREEN, CLITHEROE BB7 9QF**



3/2018/0951 1 The Dene, Hurst Green BB7 9QF

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

### **PARISH COUNCIL:**

Aighton, Bailey and Chaigley Parish Council supports the objections to this application from local residents. The Parish Council are particularly concerned about the issue of privacy for adjoining properties, especially as the decking now overlooks a neighbouring property to a significant extent. The Council also note that the structures are within the Hurst Green Conservation Area and appear to have a significant impact on the visual amenity on this prominent bank above Quality Row and footpaths by the Dean Brook.

### **ADDITIONAL REPRESENTATIONS:**

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

- Until recently the land was a semi-wild woodland slope.
- What would have been the Council's reaction had the applicant applied beforehand
- The changes have extended the footprint of the previous decking quite considerably
- The development can be clearly seen from the cottages (Quality Row) and public footpath below due to its size and scale.
- The woodland has been fully cleared and the structure is massively disproportionate providing an ugly view from the footpath.
- Errors in the application include: section 6 of the application form which states that no hedge or trees have been removed. The structure could not have been built without significant clearance/felling of vegetation trees; section 9 that the development cannot be seen from any public footpath or road.
- The development is dominant, inappropriate and unsightly.
- Development is within the AONB and Conservation Area.
- Approval would certainly set a precedent for future structures to appear without first applying for permission.
- Overlooking of property causing loss of privacy and noise disturbance.
- The applicant is lacking and should not be valid.

#### **1. Proposal**

- 1.1 Consent is sought for a change of use of land and the retention of timber decking and summerhouse at land to the rear of 2 The Dene, Hurst Green. The land which is the subject of this application is located to the rear of properties 2, 4 and 6 The Dene and east of Dean Brook. The application proposes a change of use of a woodland area to residential use in association with 2 The Dene. Timber decking, including a raised walkway from the rear garden of 2 The Dene, has been erected at the highpoint of land which slopes steeply down to the Dean Brook. According to the details submitted with the application, the decking measures around 20m at its widest point and 8.7m in depth (approximately 120sqm in total) and is surrounded by a timber framed glazed balustrade. In addition, a timber summerhouse has been erected centrally within the decked area and has a footprint of approximately 4m x 4m.
- 1.2 In order to construct the raised platform the surrounding land has been cleared of trees and shrubs. Trees in a Conservation Area that are not protected by a Tree Preservation Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. In conservation areas, notice is required for works to trees that have a trunk diameter of more than 75mm when measured at 1.5m from ground level. In 2012 the land owners notified the Local Planning Authority (LPA) of their intention to fell 2 trees at

the site (application reference 3/2012/0805). The LPA raised no objection to the removal of 2 trees. In 2016 the land owners notified the LPA of their intention to fell 4 further trees at the site (application reference 3/2016/0836). The LPA raised no objection to the removal of 4 trees. For such notification the LPA is limited to consideration as to whether the trees warrant protection by a Tree Preservation Order which was not considered to be the case in this instance.

- 1.3 It is important to note that prior to the erection of the structures for which planning consent is sought, an unauthorised structure was already present on the application site. Aerial photos of the site (dated 2015) show a summerhouse or hut in a similar location to as present. An area of decking is also visible although this appears to be significantly smaller than the existing structure and is well-screened from views from the west by trees and shrubs.

## 2. **Site Location**

- 2.1 The application site is located on land to the rear of residential properties 2, 4 and 6 The Dene, Hurst Green. The rear boundary of the residential plots are delineated by a hedge beyond which is a parcel of land described formerly as woodland that slopes steeply down to the west towards Dean Brook and a row of cottages known as Quality Row. A public footpath passes the rear of Quality Row and along the base of the parcel of land. Most of the land is too steep to be built upon; the area of land to which this application relates is land immediately to the rear of the residential gardens of 2, 4 and 6 The Dene which slopes gently away before dropping sharply.
- 2.2 The site is located within the Hurst Green Conservation Area and is designated an Area of Outstanding Natural Beauty. The application is located outside, but on the edge of, the Hurst Green settlement boundary as denoted on the Districtwide Local Plan Proposals Map. The emerging Proposals Map, which is being progressed to adoption alongside the Housing and Economic Development DPD, proposes to extend the settlement boundary of Hurst Green to include the application site, bringing the boundary of Hurst Green in line with the Conservation Area boundaries.
- 2.3 To the west of the site, on the opposite side of Dean Brook, the land rises steeply. There is a public footpath which passes by the Old Mill House further north along Dean Brook.

## 3. **Relevant History**

No relevant planning history.

## 4. **Relevant Policies**

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

Key Statement EN2 – Landscape

Key Statement EN5 – Heritage Assets

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DME1 – Protecting Trees and Woodlands

Policy DME2 – Landscape and Townscape Protection

Policy DME4 - Protecting Heritage Assets

Policy DMH5 – Residential and Curtilage Extensions

Policy DMB5 – Footpaths and Bridleways

### **National Planning Policy Framework**

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

5.1 In the determination of this application it is important to firstly consider the principle of extending the residential garden of 2 The Dene onto adjacent land. As stated above, the existing settlement boundary for Hurst Green excludes the application site, however; the emerging Proposals Map, which has been subject to statutory consultation and Examination in Public (EiP) alongside the Housing and Economic Development DPD, includes the application within the settlement boundary.

5.2 Policy DMH5 of the Core Strategy states that proposals for the extension of curtilage will be approved if:

*“The site is within a settlement, or,*

*The site is on the edge of a settlement providing:*

- *The new curtilage boundary follows an easily identifiable feature such as a road, stream or hedgerow, or brings the boundary into line with existing adjacent properties.*
- *The extension will not cause visual harm to the landscape.*
- *The extension improves the visual quality of the site.”*

5.3 It is abundantly clear that if it was considered that the site lies outside of the Hurst Green settlement boundary it would fail to meet the requirements of Policy DMH5 insofar that the proposed extension of garden land would not follow an easily identifiable feature and would cause visual harm to the landscape and quality of the site. Even in the scenario that, given the advanced nature of the emerging Proposals Map, the site was considered to be within the settlement boundary, consideration needs to be given to the impact of the development on the visual amenity of the area and the character of the Conservation Area and its impact on neighbour amenity.

5.4 The applicant states that the previous decking and greenhouse were built prior to June 2005 and the area of land has been recognised by the applicant as part of the garden of 2 The Dene for the last 50 years including a gated access in the hedge to the rear of the property.

5.5 The applicant has provided an invoice relating to the purchase of a greenhouse dated June 2005 however there is no evidence that this is the greenhouse that was stationed on the land or when it was so positioned. According to aerial photos dated 2003, there is no evidence of residential use of this land or any associated structures at that time. By 2015, what appears to be a summerhouse and decking (albeit somewhat smaller than what has recently been erected) are present.

5.6 Representations submitted by neighbouring residents differ in account, stating that the summerhouse, or hut, was actually used in the keeping of hens on the land. Nevertheless, there is no indication on aerial photos of any domestic paraphernalia that would normally be associated with a residential garden i.e. play equipment, garden furniture, ornamental planting etc. There is therefore sufficient doubt as to whether this area of land has been used as a residential garden to conclude that it does not benefit from any immunity from enforcement action due to the passage of time.

5.7 The application site lies with the Forest of Bowland AONB which is afforded a high level of protection by local and national planning policy which seeks to protect, conserve and



enhance landscape character. The development cannot be seen from the public highway, The Dene, but views of the structure's western edge can be gained from the private road to Quality Row which is also a public right of way and is located at the base of a steep rise up to the application site. Longer distance views can also be gained from elevated points along PROW 58 around 100 metres north-west of the site.

- 5.8 It is important to assess the development in the context in which it can be seen. Whilst the development is viewed against the backdrop of residential properties the structure appears as a bulky, stark and prominent addition that results in significant harm to the visual appearance of the area. Moreover, consideration must be given to the impact of the development on the character and appearance of the Conservation Area. As contained within the Conservation Area Appraisal, the special interest that justifies designation of the Hurst Green Conservation Area derives from numerous features including Dean Brook and the well tree'd steep east bank views of which can be gained from local public footpaths. The development fails to harmonise with this character feature and would be contrary to Key Statement EN5 and Policy DME4 of the Core Strategy as it fails to conserve and enhance the significance of the Conservation Area.
- 5.9 A number of trees appear to have been removed to facilitate the development and the area is identified as an 'Important Tree Group' in the Conservation Area Appraisal document. The Council's Countryside Officer has confirmed that the trees which have been removed were not the subject of a Tree Preservation Order, but were protected by virtue of the fact that they are within a Conservation Area. Conservation Area consent is not based on an assessment of individual trees, but rather looks at the type and quantity of tree cover. In this instance the Council's Countryside Officer is satisfied that the removal of the trees formerly on the area of land has caused no detriment to the Conservation Area's wider treescape. In any event only those trees with a diameter of 3 inches or more would be subject to the prior notification process.
- 5.10 Consideration must be given to the impact of the development on neighbouring residents. Whilst the decking would be overlooked by 4 and 6 The Dene, there is no negative impact on the residential amenities of the occupants of those properties. Any impact arising from the development would be experienced by the occupants of 6B The Dene to the south and Quality Row to the north-west. There are bedroom windows on the elevation of 6B The Dene facing the development. There is a separation distance of approximately 17 metres and the raised platform is above the height of the windows in question. There is a small hedge located between the facing windows of 6B The Dene and the decking but this does not fully screen views into the rooms. Whilst there would be the option to erect a privacy screen to prevent loss of privacy for the occupants of 6B The Dene this would exacerbate the concerns expressed above concerning the developments size and bulk. As such, it is concluded that the development results in an undue loss of privacy for the occupants of 6B The Dene.
- 5.11 There is a similar separation distance between the decking and Quality Row to the north-west however there is a considerable difference in land levels with the decking located on significantly higher ground than these residential properties. There are no windows facing the development site though development does result in an unacceptable sense of overlooking when in the front gardens of Quality Row.
- 5.12 As such, it is considered that the development is contrary to Policy DMG1 of the Core Strategy insofar that it results in a loss of privacy for neighbouring residents.

## 6. **Conclusion**

- 6.1 Having regard to all of the above, it is deemed that the development results in significant detrimental harm to the visual amenity of the area and harm to the significance of the Hurst Green Conservation Area. Furthermore, the raised platform gives rise to an unacceptable loss of privacy for neighbouring residents and for these reasons it is recommended that the application be refused.

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

1. The development, by virtue of its design, scale and massing, results in an unsympathetic and incongruous form of development that fails to respond positively to or enhance the immediate context, being of detriment to the visual amenity of the Area of Outstanding Natural Beauty and character and appearance of the Hurst Green Conservation Area contrary to Key Statements EN2 and EN5 and policies DMG1, DME2 and DME4 of the Ribble Valley Core Strategy.
2. The raised platform, by virtue of its elevated position and exposed nature, would lead to overlooking of neighbouring habitable room windows and garden areas leading to a loss of privacy that would have a detrimental effect upon the residential amenities of adjoining neighbours. This is considered contrary to Policies DMG1 of the Ribble Valley Core Strategy.

## BACKGROUND PAPERS

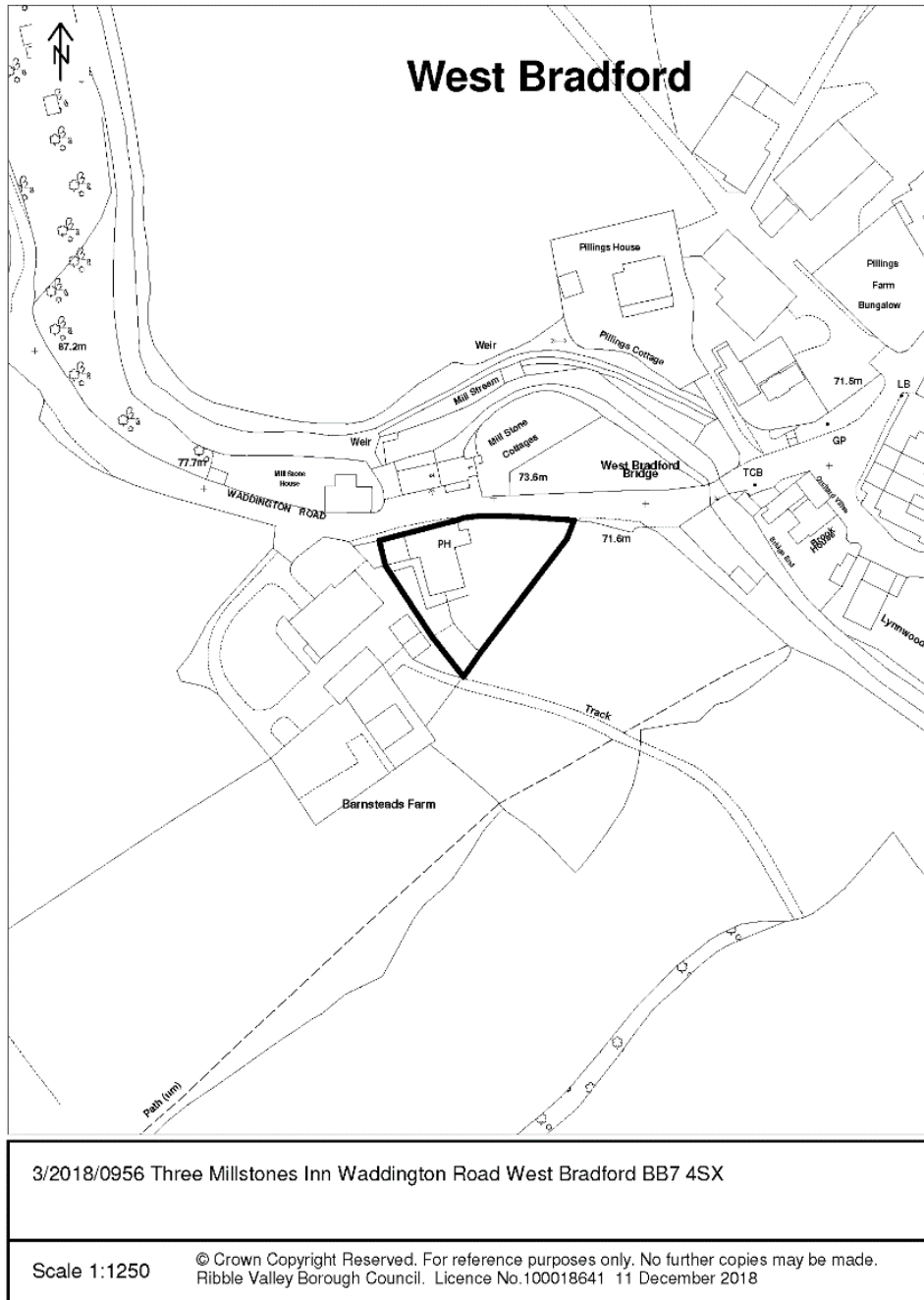
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0951](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0951)

APPLICATION REF: 3/2018/0956

GRID REF: 374153 444412

**DEVELOPMENT DESCRIPTION:**

APPLICATION FOR RETENTION OF UNAUTHORISED ALTERATIONS AND NEW WORKS AT FIRST FLOOR TO CREATE FIVE GUEST BEDROOMS AT 3 MILLSTONES INN WADDINGTON ROAD, WEST BRADFORD BB7 4SX.



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

### **PARISH COUNCIL:**

No observations received.

LCC Highways

Object on the basis of insufficient parking that would lead to reliance for on street parking to the detriment of highway safety and residential amenity. The proposal and existing use would require a minimum of 24 spaces.

### **LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE (LAAS):**

Originally raised concern but following additional information in a revised heritage statement accept the findings and consider the impact on the historic fabric to be minor and that no archaeological recording is required.

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

- 1.1 The site is within the settlement boundary of West Bradford and on the edge of boundary and a Grade II Listed Building. The building itself has a direct road frontage on to Waddington Road and it has car park at the rear and side. A new build holiday accommodation block is at the rear of the main public house.

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

- 2.1 The application seeks consent to utilise the first floor of the public house to create 5 letting rooms associated with the existing business as well as two new rooflights.

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

3/2-014/0614 Erection of 2 Storey holiday let/hotel accommodation block comprising 5 ensuite bedrooms to the rear. Approved

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

Ribble Valley Core Strategy:  
Key Statement EN5 – Heritage Assets

Policy DMG1 – General Considerations  
Policy DME4 – Protecting Heritage Assets  
Policy DMB1 – Supporting Business Growth and Local Economy

National Planning Policy Framework (NPPF) (July 2018)  
National Planning Practice Guidance (NPPG)  
Planning (Listed Building and Conservation Areas) Act 1990

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

##### **5.1 Principle**

5.1.1 It is considered that the principle of allowing an existing business in a location within the settlement boundary of a Tier 2 settlement such as West Bradford is acceptable and compliant with key Statements EC1 and EC3 which generally seek to support business growth and Policies DMB1 and DMB3 which support schemes that boost the local economy.

## 5.2 Visual

5.2.1 In relation to visual impact it is considered that the introduction of the new rooflights to replace the existing ones would not have a harmful impact to the building or the wider locality.

## 5.3 Highway

5.3.1 In considering the highway implications it is important to have regard to the observations of LCC as the Local Highway Authority. Following clarification it is evident that the proposal would result in a lack of dedicated off street parking spaces. The site provides for 17 spaces whereas the requirement should be 24 spaces.

5.3.2 Further clarification has been sought from LCC on this matter on the basis that this would be the only reason for refusal and it has been confirmed that the lack of off street parking would warrant refusal of the application in this case.

## 5.4 Amenity

5.4.1 The amenity issues to consider relate to the possible burden of on street parking in the locality and its impact on local residents. It is accepted that this may arise but it is more appropriately considered as a highway concern that would lead to driver frustration.

## 5.5 Other Matters:

5.5.1 It is acknowledged that it important to consider the economic benefits associated with the proposal. A supporting letter has been included with the application which suggests that the proposal may result in further employment at the site. It would also add to the range of tourism facilities to the borough and the resultant expenditure. Furthermore it would help retain the existing business and enable the Public House to retain open which is a challenge within rural areas.

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

6.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Adopted Core Strategy), unless material considerations indicate otherwise.

6.2 The development would have associated economic and tourism benefits however within this location the lack of on-site parking facilities the development would lead street parking on narrow streets within a village environment which is not considered acceptable from a highway safety perspective. As such the associated benefits of this scheme do not outweigh the relevant planning policies on this case.

**RECOMMENDATION:** That Planning permission be REFUSED for the following reason:

The proposal would result in on-street parking to the detriment of both highway safety and residential amenity and as such be contrary to Policy DMG1 of the Core Strategy.

Informative: This refusal relates to Plan references PHA/3M/1000A received 18/01/19 and Location Plan submitted with the application.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0958](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0958)

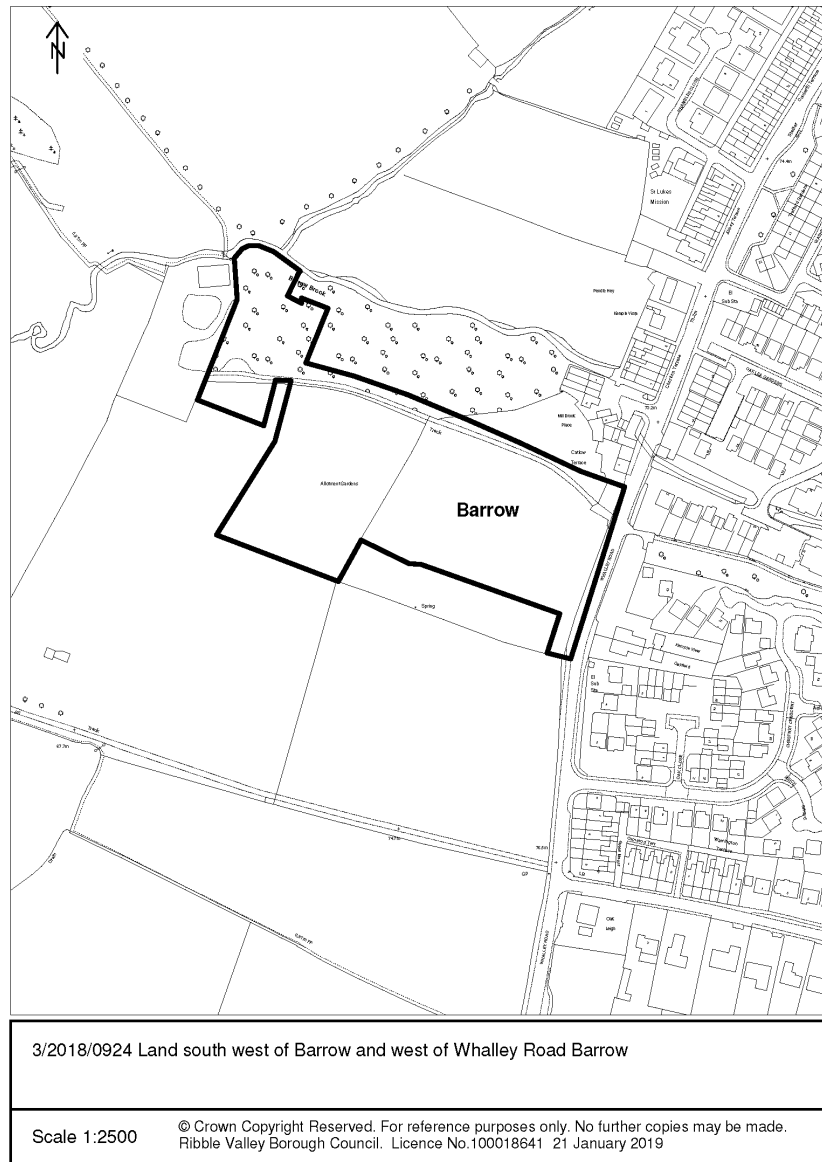
**D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED**

**APPLICATION REF:** 3/2018/0924

**GRID REF:** SD 373648 438230

**DEVELOPMENT DESCRIPTION:**

ERECTION OF 35 DWELLINGS ON THE SITE OF FORMER ALLOTMENTS AND THE RE-PLAN OF PART OF THE DEVELOPMENT APPROVED UNDER THE RESERVED MATTERS REFERENCE 3/2017/0064, INCLUDING AN ADDITIONAL 4 DWELLINGS (RESULTING IN A TOTAL OF 39 ADDITIONAL DWELLINGS) ON LAND SOUTH WEST OF BARROW AND WEST OF WHALLEY ROAD, BARROW



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

### **BARROW PARISH COUNCIL:**

Object to the application on the following grounds:

- The increase in housing numbers in Barrow in recent years is not sustainable. The extra houses above what has already been agreed will add pressure on local services and roads. Before this estate has even been built local children have been unable to access school places in Barrow Primary School and are having to go to other villages;
- It was hoped that the allotment site would be used to provide an area of open space for children and families;
- Impact on car parking spaces for residents of Catlow Terrace;
- The applicant should be required to provide funding for traffic lights to be installed at the junction of Whalley Road with the A671;

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

The Highway implications of the residential development of this site have already been considered and accepted. The internal layout is generally acceptable subject to some minor amendments which are being discussed with the applicant.

The Highway Officer therefore raises no objection subject to conditions.

### **LCC EDUCATION:**

No requirement for a financial contribution in respect of primary school places, however a financial contribution of £71,211.84 is required in respect three secondary school education places.

### **UNITED UTILITIES:**

The submitted drainage strategy is acceptable and thus no objection is raised, subject to conditions.

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

Require the applicant to provide further information as to how potential flood water will be managed within the application site and a plan showing overland flow routes / flood water exceedance routes (both on and off site). Furthermore, a plan showing the on-site surface water catchment areas is required, along with clarification over how the surface water drainage system will be managed and maintained over lifetime of the development. Should the applicant be unable to provide this information prior to determination than it may be possible to secure this information by use of pre-commencement conditions.

The LLFA and the applicant's drainage consultants are in discussion and any additional comments received from the LLFA will be reported verbally to Members.

### **ENVIRONMENT AGENCY:**

Satisfied that the Flood Risk Assessment demonstrates that the proposed development will not be at an unacceptable risk to flooding; nor would it exacerbate flood risk elsewhere.



Although the EA requested conditions on the original outline application, these issues are now dealt with via the LLFA.

## **ADDITIONAL REPRESENTATIONS:**

One letter of objection has been received, raising the following concerns:

- The loss of the allotments is a loss to the community – allotments are a valuable and rare asset;
- Tenants of the allotments were evicted in 2017 by the land owners;
- When an application was made to have the allotments designated as an Asset of Community Value the developers stated that the allotment area was needed as a depot and it was unsafe for allotment holders to remain;
- Alternative land should be provided for the allotments;

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

- 1.1 The application relates to a plot within the residential development site commonly known as “Barrowlands” to the west of Whalley Road in Barrow. The application plot forms part of this large development site that was granted outline planning consent at appeal, before being approved by the Secretary of State, for the erection of up to 504 dwellings (3/2012/0630). This large development site has been split into two sections/parcels and it is an area within the northern parcel to which this application relates.
- 1.2 The northern section/parcel was granted reserved matters consent in 2017 for the erection of 183 dwellings (3/2017/0064) and work has commenced on site with a number of properties fully built and approximately 12 now occupied.
- 1.3 Within the northern section of the “Barrowlands” development was a privately owned allotment and this allotment did not form part of the planning application/approval for residential development. The allotment use of this land has now ceased and this application specifically relates to this former allotment site, as well as a section of the land which currently has consent for 183 dwellings.
- 1.4 To the north of the site runs Barrow Brook and beyond are a couple of fields, to the north east are the dwellings at Mill Brook Place and Catlow Terrace and to the east runs the highway of Whalley Road. Directly to the north west is a plot of land which appears to be used for storage purposes and beyond this, to the west of the site, are open fields leading to the railway line. To the south is the remainder of the large development site.
- 1.5 The application site is located within the draft settlement of Barrow and whilst on the original draft proposals map the allotment site was identified as public open space (DMB4), as the allotment use has ceased and there is no public access to this land this designation has been removed from the most recent plan which was considered at the Examination In Public (EIP) for the Housing and Economic Development Plan Document (HED DPD).

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

- 2.1 This application seeks full planning permission to erect 35 dwellings on the former allotment site, requiring a re-plan of a section of the previously approved northern section of the Barrowlands site. This re-plan has resulting in an additional four dwellings

and the slight repositioning of a number of properties, as well as swapping a number of house types.

- 2.2 In total this application covers 77 units, of which 39 are new/additional units and 38 form part of the re-plan. The addition of the 39 units takes the total number of dwellings proposed on the northern section of the Barrowlands site to 222 units.
- 2.3 The 77 dwellings that form part of this application would provide the following housing mix (however only 39 of these are additional units upon what has previously been approved on this site):
- 2 x 1-bed bungalows
  - 6 x 2-bed bungalows
  - 22 x 2-bed dwellings
  - 28 x 3-bed dwellings
  - 19 x 4-bed dwellings
- 2.4 In respect of affordable units, as a result of the re-plan this application cannot be looked out in isolation and therefore the affordable provision on the northern part of the Barrowlands must be assessed as a whole. With this in mind, the previous approvals allow for 183 dwellings on the northern section, and the additional 39 units proposed by this application result in 222 units being proposed. As such the applicant has provided an affordable housing plan for the whole of the site (222 units). This plan shows 67 units (30%) would be affordable and this includes the following housing mix:
- 16 x 2-bed bungalows
  - 12 x 1-bed apartments
  - 39 x 2-bed dwellings
- 2.5 In terms of older person's accommodation, Council Policies require 15% of the 39 additional units to be specifically for over 55s. The application includes six additional bungalows (above what has previously been approved on this site) and therefore meets this requirement.
- 2.6 With regard to the layout, the proposed dwellings on the former allotment site would be accessed off the most northern of the three previously approved roads serving the whole of the site and the proposed re-plan of the dwellings involves slight repositioning of plots and swapping of house types, generally resulting in the provision of more three-bedroom properties as opposed to larger detached four bedroom properties on the previous/outstanding approval. The general street layout of the site however remains very similar to the previous approval and the house types/designs are largely unaltered.
- 2.7 As a result of the additional dwellings proposed by this application the applicant has proposed a larger children's play area in the north west corner of the site, increasing its size from 350sqm to 420sqm.

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

*3/2012/0630 - Outline application for the provision of up to 504 residential units (falling within use class C3), including affordable housing, with three new vehicular and pedestrian accesses onto Whalley Road, on-site landscaping, formal and informal open*

*space and associated infrastructure works including a new foul water pumping station – appeal allowed*

*3/2013/0099 - Outline application for the provision of up to 190 residential units (falling within use class C3), including affordable housing, with two new vehicular and pedestrian accesses onto Whalley Road, on-site landscaping, formal and informal open space and associated infrastructure works including a new foul water pumping station – appeal allowed*

*3/2015/0718 - Application for reserved matters following outline planning permission 3/2012/0630 for a foul water pumping station to relieve existing trunk sewer and enable new development – approved with conditions*

*3/2016/0820 - Application to vary conditions 5 (Phasing Scheme), 8 (Masterplan), 10 (Drainage Strategy), 13 (Water Treatment Works), 16 (Travel Plan), 19 (Renewable Energy) and 22 (Landscape and Habitat Management Plan), and remove condition 20 (Code for Sustainable Homes) from planning permission 3/2012/0630 – approved*

*3/2017/0050 (southern parcel) - Application for approval of Reserved Matters for details of the layout, scale and appearance of the buildings and landscaping of a residential development of 225 dwellings and associated works on the southern part (Parcel B) of the overall site following planning permissions 3/2012/0630 & 3/2016/0820 – approved subject to conditions*

*3/2017/0064 (northern parcel) – Approval of Reserved Matters for details of the layout, scale and appearance of the buildings and landscaping for a residential development of 183 dwellings and associated works on the northern part (Parcel A) of the overall site following planning permissions 3/2012/0630 and 3/2016/0820 – granted subject to conditions*

*3/2019/0012 (southern parcel) - Full planning application for details of the layout, scale and appearance of the buildings and landscaping of a residential development of 233 dwellings and associated works – currently under consideration*

#### 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 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 DMH1 – Affordable Housing Criteria

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DMB4 – Open Space Provision  
Policy DME3 – Site and Species Protection and Conservation  
Policy DME6 – Water Management

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

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

### 5.1 **Principle of Development**

- 5.1.1 This is a full planning application for the erection of 35 dwellings on the former allotment site and a re-plan of a section of the site that currently has an extant consent for the erection of 183 dwellings, including an additional four dwellings as part of this re-plan (resulting in an addition of 39 dwellings in total). The principal of the re-plan, by way of swapping house types and repositioning of a number of properties from the previously approved scheme is considered acceptable and therefore the main consideration in respect of the principle of this development is whether it is acceptable for the former allotment site to be developed and the resultant increase in housing numbers.
- 5.1.2 With regard to the former allotment site, as mentioned earlier in this report, the allotment site did not form part of the original outline planning application for 504 dwellings on the whole of the site in 2012, and therefore could not form part of the subsequent reserved matters application for 183 dwellings on the northern section, as it was still in use at outline stage. As the allotment did not form part of the original outline consent, and because it was in use as an allotment, the site was identified as “Public Open Space” (Policy DMB4) on the original Draft Proposals Map.
- 5.1.3 However, since this time its use as an allotment has ceased and being in private ownership there is no longer any public access to the site/land, thus its designation as “Public Open Space” can no longer be sustained and therefore this designation has been removed from the most recent plan which was considered at the Examination In Public (EIP) for the HED DPD.
- 5.1.4 In addition to the above, since the original outline scheme, under the Localism Act 2011 an attempt was made by Barrow Parish Council to have the former allotment site designated as an Asset of Community Value. This designation was appealed by the land owner and in March 2017 the Court allowed the appeal mainly on the grounds that it was highly unlikely/unrealistic that the site would ever be reinstated as an allotment - para 27 of the Judge’s decision concluded that “...any re-establishment of allotments on the listed land (at best) highly unrealistic”.
- 5.1.5 In summary, the former allotment site is in private ownership and as per the Judge’s findings, it is considered “highly unrealistic” that the site would be reinstated as allotments, and as such its designation as “Public Open Space” can no longer be justified.
- 5.1.6 In view of the above, in the consideration of whether the former allotment site can be developed for housing, given that it is located within the defined settlement boundary of Barrow and as a result of the previously approved development

would be completely surrounded and enclosed by residential development, the broad principle of its residential development accords with Core Strategy Key Statement DS1 which states that as a part of the overall apportionment of future housing development in the Borough, Barrow is regarded as a Tier 1 Settlement.

- 5.1.7 Both Key Statement DS1 and DMG2 of the Core Strategy, when taken together, permit development proposals in the Tier 1 Settlements, including Barrow, which accord with the development strategy and consolidate, expand or round-off development so that it is closely related to the main built up area. Being located within the draft Settlement Boundary, and surrounded by an approved development which is currently under construction, the site is considered to be a sustainable location.
- 5.1.8 Furthermore, the original outline approval granted consent for a total of 504 houses on the Barrowlands site. Currently there are extant reserved matters approvals for 183 dwellings on the northern section and 225 dwellings on the southern section. This totals 408 dwellings that have been approved and the addition of 39 units proposed by this application would result in a total of 447 dwellings which is still significantly below the 504 approved on the Barrowlands site (notwithstanding that the former allotment site did not form part of the site approved for 504 dwellings).
- 5.1.9 Given that the total number of houses approved on this site would be below the figure allowed at outline stage, it is not considered that the proposal would result in harm to the development strategy.
- 5.1.10 The Parish Council have objected on the grounds of impact on the highway network, requesting that traffic lights be funded at the junction of Whalley Road and the A671, however the Highway Officer has raised no objection to the proposed housing numbers, commenting that the highway implications for 504 dwellings to be erected on the Barrowlands site have previously been considered, and even with the additional housing proposed the number of approved dwellings would still be below this figure.
- 5.1.11 The Parish Council have also commented on a lack of school places, however LCC Education have confirmed that there are sufficient primary school places in the catchment area, although a financial contribution of £71,211.84 is required in respect of three secondary school places.
- 5.1.12 In view of the above, it is considered that the principle of residential development of the former allotment site, within the settlement boundary of Barrow and surrounded by approved residential dwellings, accords with development strategy. Furthermore, the addition of 39 dwellings would take the total number of units approved on the Barrowlands site up to 447, which remains below the 504 approved by the outline consent. The proposal would not have a significant impact upon local services and facilities, and therefore represents sustainable development, and consequently the principle of this development in this location is considered to be acceptable.

## 5.2 Impact upon Residential Amenity

- 5.2.1 The former allotment site is located relatively centrally within the northern parcel, which currently has consent for 183 dwellings, and thus the dwellings within the

former allotment would not have any impact upon the residential amenity of properties outside of the development site. Similarly the additional four dwellings that form part of the re-plan would be sited well within the development site and the proposed alterations to the layout and house types would not bring the development significantly closer to properties outside of the development site. As such it is considered that the proposal would have no greater impact upon the amenity of existing residential properties in comparison to what was approved as part of application 3/2017/0064 (183 dwellings).

5.2.2 In terms of the internal relationship between the proposed dwellings within the development site, the LPA seek to ensure that a separation distance of 21m is provided between principal elevations and 13m between principal and secondary elevations. In the majority of cases the proposed dwellings achieve these separation distances (often greater distances) however it is noted that in some cases a separation distance of 19m is provided between principal elevations and 12m between principal and secondary elevations, particularly in relation to the mews/terrace properties. It is not considered that the development has significantly breached the recommended distances, and in any case these are recommendations and not strict guidelines. Furthermore, future residents will be aware of the separation distances when purchasing the properties and there are examples elsewhere in Barrow of properties not achieving the recommended separation distances (particularly on terraceD properties) and thus the layout and separation distances are is considered to be indicative of the area and acceptable.

5.2.3 In view of the above it is considered that the proposed development shares an acceptable relationship with neighbouring land uses, as well as providing an acceptable level of amenity for future occupiers, in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

### 5.3 Density/Visual Amenity/External Appearance

#### Layout

5.3.1 The layout of the northern section has already been established by reserved matters approval 3/2017/0064 and as mentioned elsewhere in this report the proposal very much follows the previously approved layout with the exception of some minor alterations, including the replacement and swapping of house types. The proposed dwellings will still be predominately served via the two access points off Whalley Road, with these new access roads then branching off into residential streets/cul-de-sacs to serve the dwellings, including the former allotment site. Whilst the majority of dwellings would be accessed directly from these roads, some would be accessed via separate private roads serving a small number of properties. These shorter private roads would be surfaced in an alternative material to delineate them from the main roads throughout site. All roads would be complete with adjoining footways and cycle ways to provide pedestrian access around the site.

5.3.2 The proposed dwellings would be aligned so as to front onto the main highways both within the site and also the main highway of Whalley Road to the east. Across the whole of the northern parcel (222 units) the predominant house type remains detached dwellings, with some apartments, bungalows and mews, however the re-plan has provided some additional 3-bed semi-detached units.

The layout also provides a good mix of house types throughout the site, rather than focusing each individual house type in specific locations.

### Scale

- 5.3.3 The scale of the development proposed is largely two storey, with the exception of bungalows. The surrounding area is characterised by two storey housing and the scale and size of the dwellings proposed would reflect the existing characteristics of the vicinity.

### Appearance

- 5.3.4 The 77 dwellings that form part of this application consists of 13 different house types/designs, with additional house types across the whole of the northern parcel, and each design is considered to be acceptable and in keeping with the surrounding area – the house types are almost identical to those previously approved under 3/2017/0064. As part of the negotiation on the previously application the LPA requested that the proposal include some stone properties in prominent locations to provide a more traditional design and this has been replicated in the current application.

### Landscaping

- 5.3.5 The submitted application includes detailed landscape proposals for the site and this is very much in keeping with the landscaping scheme on the previous approval. The new landscaping scheme details how as much of the existing hedge will be retained along Whalley Road, however where sections of this hedge are to be removed for highway visibility and utility work, replacement hedging will be planted. The Countryside Officer is satisfied with the level of tree planting proposed as part of this development, as well as the species mix.
- 5.3.6 The extent of the proposed landscaping, particularly within the streetscape and on the boundaries, will aid in the proposal responding to the site context, provide significant mitigation in respect of visual impact of the development and aid in contributing to overall biodiversity enhancement.
- 5.3.7 In terms of the wider area, at the nearest point the application site is located circa 1.5km from the AONB and the settlement of Barrow, including the application site, is visible from raised vantage points in the AONB. The principle, level and design of the development on this site has already been established and it is considered that the scale and appearance of this development, in particular the two-storey nature of the dwellings would not have any undue impact upon the visual quality of the area, as the application site would be viewed in context of the surrounding development in Barrow.

## 5.4 Highways

- 5.4.1 The Highway Officer has recommended some minor alterations to the internal layout and updated plans have been provided by the applicant. As mentioned earlier the wider highway implications of the proposal have already been considered as part of the previously approvals and thus the Highway Officer raises no objection to this application subject to the imposition of conditions.

## 5.5 Landscape/Ecology/Trees

5.5.1 As detailed above the application is accompanied by a detailed landscape plan showing the trees to be retained and new planting throughout the site. The Countryside Officer is satisfied with the detail submitted as they are very similar to what has previously been approved.

5.5.2 In respect of bat/bird boxes, a condition has been attached requiring details of these to be submitted prior any above ground works, similarly a condition has been attached to ensure all boundary treatments allow for habitat connectivity around the site.

## 5.6 Flood Risk and Drainage

5.6.1 United Utilities have raised no objection to this proposal subject to conditions, however the Lead Local Flood Authority have asked for additional information in respect of the proposed drainage scheme. Additional information has been provided and passed onto the LLFA. At the time of writing this report further comments have not yet been provided by the LLFA and any comments received will be reported verbally to Members at Committee. Notwithstanding this the LLFA have also confirmed that the additional information requested could be conditioned if it cannot be provided at this application stage.

## 5.7 Developer Contributions

5.7.1 As detailed earlier LCC Education have requested a financial contribution of £71,211.84 is required in respect of three secondary school places and the application includes an on-site play area, the details of which have been secured by condition.

## 5.8 Affordable Housing

5.8.1 In accordance with Policy DMH1, a development of this size would require 30% of the dwellings to be affordable and as this proposal is to be read in conjunction with the whole of the northern parcel it has been confirmed that 67 of the 222 units (30%) would be affordable. The type/size of affordable properties is detailed earlier in this report but the housing mix (discount sales/affordable rent etc..) will be secured as part of the legal agreement.

## 6. Conclusion

6.1 The application site is considered to be sustainable location, within the Draft Settlement Boundary of Barrow and surrounded by approved residential dwellings, thus the principle of residential development on this site is considered to be acceptable. Furthermore, the addition of 39 dwellings would take the total number of units approved on the Barrowlands site up to 447, which remains below the 504 approved by the outline consent.

6.2 The proposal will contribute towards the supply of housing within the borough, including affordable housing and over 55s accommodation. Statutory consultees have raised no objection to this application and it is considered that the layout/design would share an acceptable relationship with surrounding land uses.



- 6.3 As such, in accordance with paragraph 11 of the NPPF, which states that planning permission should be granted unless the adverse impacts of this proposal would significantly and demonstrably outweigh the benefits, the application for residential development on this allocated housing site is considered to be acceptable.

**RECOMMENDATION:** That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval subject to minor amendments to the wording of the conditions, no objection being received from the LLFA and the satisfactory completion of a Legal Agreement. This shall be within 3 months from the date of this Committee meeting or delegated to the Director of Economic Development and Planning 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:

*Details*

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 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:

4387/15/04/01 (amended plan received 18/01/19)  
4387/15/04/02 (amended plan received 18/01/19)  
4387/15/04/03 (amended plan received 18/01/19)  
4387/15/04/04 (amended plan received 18/01/19)  
4387/15/04/05 (amended plan received 18/01/19)  
4387/15/04/06 (amended plan received 18/01/19)  
4387/SPA/001 (amended plan received 18/01/19)  
4387\_RHM-LA\_001 Rev C (amended plan received 18/01/19)  
180901\_RHM\_GA\_001 Rev E (amended plan received 18/01/19)  
4384/ENG/110 Rev C (amended plan received 18/01/19)  
ENG111 (amended plan received 18/01/19)  
ENG001-4 Rev B  
4387/15/04/07  
4387/H/001 Rev A  
RH.AB.06\_3 Rev G  
ENG022-1 Rev F  
5374.08 Rev B (amended plan received 22/01/19)  
5374.09 Rev B (amended plan received 22/01/19)  
5374.11

**House Types (amended booklet received 18/01/19):**

The Holly (Rev EF\_HLLY\_DM.1.0)  
The Rowan  
The Chestnut  
The Lime

The Birch (Rev EF\_BIRC\_DM.1.0)  
The Pine (Rev EF\_PINE\_SM.1.0)  
The Cherry  
The Cherry & Hornbeam  
The Ledbury & Ledbury3  
The Ledbury 4  
Bungalow 2 Semi  
B1 & B2 Bungalow  
B2 Bungalow

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

### *Materials*

3. Notwithstanding the submitted details and the requirements of condition 2 of this approval, precise specifications or samples of all external materials including, door/window surrounds and framing materials, fascia/barge boards and roofing/ridge materials including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality

### *Residential Amenity*

4. 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 and land uses

5. No heavy goods vehicles (exceeding a gross vehicle weight of 7.5T) shall enter or leave the site, as edged in red on the submitted Site Boundary Plan in connection with the construction of the development hereby permitted between the hours of 0830 and 0930, and 1500 and 1600 hours, Monday to Friday inclusive except during school holidays.

REASON: In order to prevent conflict with existing road users during peak hours.

6. Notwithstanding the requirements of condition 2 of this approval, the following windows 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:

- First floor bathroom window in the side elevation of the Holly;
- First floor bathroom window in the side elevation of the Rowan;
- First floor en-suite window in the side elevation of the Birch;
- First floor landing window in the side elevation of the Pine;

The duly installed window shall be retained as such thereafter.

REASON: To ensure satisfactory levels of amenity for future residents of the proposed development

### *Highways*

7. No development shall take place 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 details in respect of:

- Timing of delivery of all off site highway works
- 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
- Contact details for the site manager
- 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)
- Routes to be used by vehicles carrying plant and materials to and from the site
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

REASON: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings and to ensure the development would not be of detriment to the safe operation of the immediate highway during the construction of the development

REASON FOR PRE-COMMENCEMENT: This information needs to be provided and agreed before any workman or machinery enter the site to ensure the safety of surrounding road users.

8. 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

9. The garage(s) hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order, shall be undertaken to alter or convert the space into living or other accommodation.

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the dwelling

10. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development

takes place within the site and shall be further extended before any construction of foundation commences fronting the new access road.

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

11. No part of the development shall be commenced until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be first submitted to and approved 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 and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

REASON FOR PRE-COMMENCEMENT: The off-site highway works need to be agreed and provided before works can commence on site.

12. Prior to the start of the development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of Whalley Road. A similar survey shall be carried out every six months and the final inspection within one month of the completion of the last house, and the developer shall make good any damage to Whalley Road to return it to the pre-construction situation as required.

REASON: To maintain the construction of Whalley Road in the interest of highway safety in accordance.

REASON FOR PRE-COMMENCEMENT: The existing state of the road needs to be assessed prior to work commencing on site.

13. The layout of the development shall include provisions to enable both construction vehicles and residential vehicles, to enter and leave the highway of Whalley Road 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 any development commences and maintained thereafter.

REASON: To prevent vehicles reversing to and from the highway of Whalley Road in the interest of highway safety.

14. All car parking and manoeuvring areas, shown on the approved plans, shall be marked out and made available for use before each dwelling, to be served by such areas, is brought into use. The approved parking and manoeuvring areas shall be permanently maintained as approved thereafter.

REASON: To allow for the effective use of the parking areas.

15. Within three months of commencement of development on site, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been

entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

REASON: In the interest of highway safety, to ensure a satisfactory appearance to the highways infrastructure serving the approved development and to safeguard the visual amenities of the locality.

16. Within three months of commencement of development an estate street phasing and completion plan shall be submitted to and approved in writing by the Local Planning Authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed. The development thereafter shall be completed in accordance with the approved plan

REASON: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety. To ensure a satisfactory appearance to the highways infrastructure serving the development and to safeguard the visual amenities of the locality and users of the highway, in accordance with the development plan.

17. No dwelling shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.

REASON: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with the Development Plan.

18. Within three months of commencement of development, full engineering, drainage, street lighting and constructional details of the streets proposed for adoption shall be submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details and retained as such thereafter.

REASON: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with the Development Plan.

19. All garage facilities shall have facility of an electrical supply suitable for charging an electric motor vehicle.

REASON: In order to promote sustainable transport as a travel option and reduce thereby carbon emissions.

#### *Play area*

20. Prior to occupation of any dwelling hereby approved, a play space management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for the play area (measuring 420sqm) shall be submitted to and approved in writing by the Local Planning

Authority. The play space management plan shall also provide precise details of all play equipment to be installed (including any associated benches or seating areas), its future maintenance and indicate a timescale when the play spaces shall be provided and made available for use. The play space management plan shall be carried out in accordance with the details so approved and retained as approved thereafter.

REASON: To provide adequate and usable areas of public open space

### *Ecology and trees*

21. The development hereby approved shall be carried out in complete accordance with the recommendations and ecological enhancement measures detailed within the submitted Ecological Survey and Assessment (Ref: 2018-314 September 2018 - ERAP Ltd).

REASON: In the interests of biodiversity and to enhance opportunities for species of conservation concern and reduce the impact of development

22. Notwithstanding the submitted details and requirements of condition 21, no above ground level 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 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 (there shall be at least 1 nest brick/bat tile per dwelling) 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.

23. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird breeding season (March - August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird breeding season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities and reduce or remove the impact.

24. Notwithstanding the submitted details, a scheme for any external building or ground mounted lighting/illumination, shall have been submitted to and approved in writing by the Local Planning Authority prior to its installation on site.

For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

The lighting scheme(s) shall be implemented in accordance with the approved details and retained as approved

REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area and to minimise/mitigate the potential impacts upon protected species resultant from the development

25. Notwithstanding the submitted details or the requirements of condition 2, prior to any dwelling being occupied, details at a scale of not less than 1:20 of the proposed boundary walling, gates and fencing shall have been submitted to and approved in writing by the Local Planning Authority and these details shall identify the measures to be taken to encourage habitat connectivity throughout the site. 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 and to enhance biodiversity.

26. Within three months of commencement of development on site, a scheme of phasing for the approved landscaping areas shall have been submitted for the written approval of the Local Planning Authority. The development shall be carried out in strict accordance with the duly approved timings and phasing's 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 five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

REASON: To ensure the proposed landscaped areas are provided on a phase by phase basis

27. Prior to occupation of the first dwelling, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas referred to in condition 26 (other than within curtilages of buildings), shall be submitted to and approved in writing by the Local Planning Authority. The site thereafter shall be managed and maintained in accordance with the approved plan.

REASON: To ensure the proper long-term management and maintenance of the landscaped areas in the interests of visual amenity and biodiversity enhancement.

28. All trees identified to be retained within the approved landscaping plans and as detailed within the updated Tree Survey Report and Arboricultural Impact Assessment and Method Statement (Revised September 2018) shall be enclosed with temporary protective fencing in accordance with BS5837:2012 [Trees in Relation to Demolition, Design & Construction]. 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 ensure that existing trees are adequately protected during construction in the interests of the visual amenity of the area.

#### *Contamination*

29. The development hereby approved shall be carried out in accordance with the conclusion and recommendation measures detailed within the submitted Phase 1 Geo-Environmental Desk Study (Jan 2012).

REASON: To prevent land contamination and to ensure that the land is suitable for residential use.

#### *Drainage*

30. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Strategy Statement- Dated October 8th 2018 which was prepared by REDROW. For the avoidance of doubt, surface water must drain to watercourse and no surface water will be permitted to drain directly or indirectly into the public sewer. 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.

**Further drainage conditions likely from LLFA.**

#### **INFORMATIVES:**

- There is a United Utilities easement crossing the proposed development site and the easement dated 30/10/2012 UU Ref: 120/01279 has restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and to comply to the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access.
- United Utilities has a right of Way access to Barrow Brook WWTW reference 60/00037 which appears to be affected by the proposal. United Utilities must have unrestricted 24 hour access to the works and nothing should occur that removes this right of access where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

#### **BACKGROUND PAPERS:**

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0924](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0924)



## SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2018/0500	Land to East Clitheroe Road Barrow	1/11/18 4/10/18	10	With Legal
3/2018/0844	Land off Longsight Road Langho	10/1/19	42	With Applicant

<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>
3/2018/0910	Sheepfold Crescent Barrow	29/11/18	7 weeks	26	Decision 14/1/19

## APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2016/0526	Residential development comprising land to south of 17 bungalows, 12 houses, 20 apartments and 26 sheltered apartments together with access roads, car park, landscaping, open space and flood compensation storage area	Land to south of Accrington Road and west of Woodfield View Whalley
3/2018/0451	Erection of one A1 (retail) unit and one A3/A5 (restaurant/hot food takeaway) unit	Myercough Smithy Road Mellor Brook
3/2018/0640	Variation of conditions 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 from planning permission 3/2015/0024	Ribble Valley Remembrance Park Mitton Road, Whalley
3/2018/0715	Variation of condition 14 (the holiday units shall not be let for a combined total period exceeding 90 days in one calendar year and shall not be used as a permanent accommodation or as a sole place of residence) from planning permission 3/2017/0756	Land adjacent to Black Hall Barn Garstang Road Chipping
3/2018/0828	Change of use of land and provision of shepherds hut for holiday rental use	Springside Farm Knotts Lane, Tosside
3/2018/0830	Alteration of existing roof, erection of new single storey extension to rear. Alterations to external openings. Erection of new single storey garage	9 Greenside Ribchester
3/2018/0845	Full application for change of use of garage/ancillary residential building to one new dwelling and replacement of the indoor swimming pool with another new dwelling	Newfield Edge Hall Farm Burnley Road Gisburn
3/2018/0846	Listed building consent for change of use of garage/ancillary residential building to one new dwelling and replacement of the indoor swimming pool with another new dwelling	Newfield Edge Hall Farm Burnley Road Gisburn

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2018/0953	Proposed change of use of part of Maureen Cookson building from A1 to Ad/A4 for flexible planning use	1 George Street Whalley
3/2018/0966	Extension to previously approved workshop/garage facility	Little Mill Mill Lane, Chipping
3/2018/0971	Demolition of existing conservatory and construction of new single storey extension to rear	Highfield Snodworth Road Langho
3/2018/0972	Change of use of existing hairdressing salon (use class A1) to drinking establishment (use class A4) and associated external works to provide level access forecourt and footpath adjustment to suit certificate of lawfulness	9 Mardale Road Longridge
3/2018/1011	Change of use of agricultural land to garden to form extension of domestic curtilage	The Coach House Clitheroe Road, Waddington
3/2018/1012	Proposed repairs to existing stonework and removal and replacement of windows, stone cills and mullions following removal of existing render on Grade II listed building	Crabtree Cottage Back Lane Wiswell
3/2018/1072	Single storey extension to rear 7.8m long, 2.6m high (max), 2.35m to eaves	38 The Rydings Langho
3/2018/1083	Demolition of existing garage and construction of replacement garage structure; two storey infill extension between house and new garage; single storey infill extension to rear and external remodelling improvements to existing roof	Lower Hudd Lee Farm Longridge Road Hurst Green
3/2018/1084	Demolition of an existing outbuilding and erection of a single storey extension. Formation of beer garden and extension of car park into adjacent land	Red Pump Hotel Clitheroe Road Bashall Eaves
3/2018/1093 (LBC)	Demolition of an existing outbuilding and erection of a single storey extension. Formation of beer garden and extension of car park into adjacent land	Red Pump Hotel Clitheroe Road Bashall Eaves

#### APPEALS UPDATE

<b><u>Application No and reason for appeal</u></b>	<b><u>Date Received/ Appeal Start Date</u></b>	<b><u>Site Address</u></b>	<b><u>Type of Appeal Procedure</u></b>	<b><u>Date of Inquiry/Hearing if applicable</u></b>	<b><u>Progress</u></b>
3/2017/0961 R (Variation of S106 Ag)	Awaiting start date from PINS	Land at Chapel Hill Longridge	Hearing (to be confirmed by PINS)		
3/2017/0962 R	03/10/18	land off Sheepfold Crescent, Barrow	Hearing	Wed 16/01/2018 Cttee Rm 1 booked	Withdrawn 15/01/19

<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>
3/2018/0079 R	23/07/18	New Ings Farm Hellifield Road Bolton by Bowland	WR		Appeal Allowed 21/12/2018
3/2018/0480 R	12/11/18	The Tythe Barn Station Road Rimington	WR		Awaiting Decision
3/2018/0474 R	Awaiting start date from PINS	Great Mitton Hall Mitton Road, Mitton	HH appeal procedure Hearing requested (to be confirmed by PINS)		
3/2018/0468 R	Awaiting start date from PINS	Great Mitton Hall Mitton Road, Mitton	LB Hearing (to be confirmed by PINS)		
3/2018/0447 R	27/11/2018	Eatoughs Barn Fleet Street Lane Ribchester	WR		Awaiting Decision
3/2018/0435 R	10/12/2018	32 Hall Street Clitheroe	WR		Awaiting Decision
3/2018/0816 R	22/01/2019	39 Castle View Clitheroe	HH		Notification and preparation of Questionnaire underway
3/2018/1020 R	Awaiting start date from PINS	Calding Bank Cottage, Whalley Old Road, Billington	WR (to be confirmed)		

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 7 FEBRUARY 2019  
 title: LISTED BUILDING AT RISK – DOG KENNELS, GISBURNE PARK  
 submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING  
 principal author: ADRIAN DOWD – PRINCIPAL PLANNING OFFICER

### 1 PURPOSE

- 1.1 To inform Members of proposals to address the urgent need for repair works to the 18<sup>th</sup> century Grade II listed Dog Kennels within Gisburne Park Historic Park and Garden (Grade II) and the setting of Gisburne Park House (Grade I).
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – To conserve our countryside, the natural beauty of the area and enhance our built environment.
  - Corporate Priorities – To protect and enhance the existing environmental quality of our area.
  - Other Considerations – None.

### 2 BACKGROUND

- 2.1 The 'Dog Kennels by River Ribble, approximately 90m north east of Gisburne Bridge, Gisburn Park' was listed by the Secretary of State on 30 January 1981. The list description identifies it as '*probably late 18<sup>th</sup> century. Limestone rubble with sandstone dressings and brick inner walls. A sham castle with two round towers, flanking a lower central section of square plan*'. At the date of listing the historic building was described as 'derelict' and some roof coverings were missing.
- 2.2 In February 1996 planning permission (3/95/0631) and listed building consent (3/95/0632) was granted for 'restoration and conversion to domestic use'. As part of the applications officers noted that '*the building is now in an advanced state of dereliction. Areas of stone work have collapsed and large amounts of vegetation are growing out of the structure. Portions of the roof and the castellations around the turrets have disappeared altogether*'.
- 2.3 In 2010 the 'Gisburne Historic Landscape Management Plan' (Parklands Consortium Limited, October 2010) identified its condition to be '*Derelict: a ruin or badly damaged/incomplete*' and concluded that the '**Dog kennels ... require consolidation before they are lost**' (page 119).
- 2.4 In December 2011 the importance of the park and its buildings was further recognised when 'Gisburne Park, north of Gisburn' was added to English Heritage's Register of Parks and Gardens of Special Historic Interest in England at Grade II. The description includes:

*“... A set of dog kennels (listed Grade II), in the form of a mock castle with two round towers, is situated above the River Ribble to the north-west of the walled garden”.*

- 2.5 The Principal Planning Officer (Design and Conservation) wrote to the owner of the Dog Kennels in October 2013 in concern to their deteriorating state. In April 2014, ongoing concerns were reported to Planning and Development Committee. The Historic England Structural Engineer undertook an assessment in April 2015 and reported *“The building is currently in a ruinous and significantly deteriorated condition with a risk of further imminent collapse of sections of masonry. Remedial work should be urgently undertaken, as a minimum to make the building safe and to secure the remaining structural fabric”.*
- 2.6 A listed building consent application (3/2018/0652) was submitted in August 2018 in part to “stabilise and retain the existing building”. However, insufficient information supports the application to enable the extent and impact of works on the special interest and significance of the listed building to be fully assessed.

### 3 WAY FORWARD

- 3.1 There are serious concerns for the further deterioration of the building over the winter months and there is an urgent need to stabilise the building and prevent further decay. In this regard, given that the requested information has not been forthcoming from the property owner and/or their agent, the Local Planning Authority has decided to issue an Urgent Works Notice.
- 3.2 Although the owners of listed buildings are under no legal obligation to maintain their property in a good state of repair; even though it is in their interests to do so, local authorities have a range of statutory enforcement powers at their disposal, including Urgent Works Notices, to secure the future of historic buildings
- 3.3 An urgent works notice is a direct way of securing repairs urgently necessary for the preservation of a building. An Urgent Works Notice should generally be restricted to urgent repairs to keep a building wind and weather-proof and safe from collapse, or action to prevent vandalism or theft. The cost of carrying out the works may be recovered by the local authority or Historic England (as appropriate) from the owner. Such cost may include the continuing expense of providing temporary support or shelter of the building.
- 3.4 Given the extent that the building has deteriorated such a notice is considered essential for this building. In this regard three quotations have been requested from conservation surveyors and architects to provide a schedule of works to form the content of the Urgent Works Notice. However subsequently the Council has appointed a Surveying Assistant who has experience in such conservation matters, so the schedule of required works will be done in house. As the structure is deemed to be unsafe it may be necessary to appoint a Conservation accredited Structural Engineer to clarify the essential making safe work. This will be clarified and quotations sought if deemed necessary.
- 3.5 Following the serving of the Notice Council officers will provide all necessary support and advice to the building owner in achieving the optimum viable use of the building.

## 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – The cost of carrying out works within an Urgent Works Notice will be borne by the Local Authority however may be recovered by the local authority from the building owner.
- Technical, Environmental and Legal - No implications identified.
- Political – No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

## 5 CONCLUSION

5.1 Members are asked to note the intention to serve an Urgent Works Notice at the Dog Kennels within Gisburne Park.

ADRIAN DOWD  
PRINCIPAL PLANNING OFFICER

NICOLA HOPKINS  
DIRECTOR OF ECONOMIC  
DEVELOPMENT & PLANNING

### BACKGROUND PAPERS

Urgent works to Listed Buildings and Conservation Areas (Historic England website)  
Stopping the Rot: A Guide to Enforcement Action to Save Historic Buildings (Historic England, 2016)

For further information please ask for Adrian Dowd, extension 4513.



## Appeal Decision

Site visit made on 18 September 2018

**by Felicity Thompson BA(Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 December 2018**

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**Appeal Ref: APP/T2350/W/18/3202661**

**New Ings Farm, Hellifield Road, Bolton by Bowland, BB7 4LU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs M Alexander against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2018/0079, dated 24 January 2018, was refused by notice dated 19 March 2018.
  - The development proposed is conversion of barn to two dwellings creation of garages and gardens installation of new sewage treatment plant.
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### Decision

1. The appeal is allowed. Planning permission is granted for conversion of barn to two dwellings creation of garages and gardens installation of new sewage treatment plant at New Ings Farm, Hellifield Road, Bolton by Bowland, BB7 4LU in accordance with the terms of the application, Ref: 3/2018/0079, dated 24 January 2018, subject to the conditions in the attached schedule.

### Procedural Matter

2. Since the appeal was submitted the revised National Planning Policy Framework (the Framework) has been published. Both main parties were invited to submit comments on the relevance of the revised Framework to this case. I have taken any comments received into consideration and assessed this appeal in light of the revised Framework.

### Main Issues

3. The main issues are:
  - Whether the building would be suitable for conversion to housing having regard to its location and the effect upon the character and appearance of the area, including the Forest of Bowland Area of Outstanding Natural Beauty; and
  - The effect on highway safety with particular regard to the provision of passing places.

## Reasons

### *Location*

4. The appeal site is located in the open countryside within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and consists of a relatively large two storey traditional stone barn with a modern single storey lean-to and a detached single storey outbuilding of traditional construction, also with an attached modern addition.
5. Policy DMH3 of the Ribble Valley Borough Council Core Strategy 2008-2028 A Local Plan for Ribble Valley (Core Strategy) seeks to protect the open countryside and designated landscapes from sporadic or visually harmful development in order to deliver sustainable patterns of development. Policy DMH3 sets out the circumstances under which planning permission for new development in the open countryside or AONB will be granted including, amongst others, the appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. Policy DMH4 of the Core Strategy relates to the conversion of barns and other buildings to dwellings and sets out criteria which must be met, including amongst others, that the building is not isolated in the landscape, i.e. it is within a defined settlement or forms part of an already group of buildings and there would be no materially damaging effect on the landscape qualities of the area.
6. The appeal property is located in a rural landscape which is characterised predominantly by pasture land enclosed by hedgerows and interspersed with farmsteads. The site is located at the end of a private lane, about 1km in length which serves four dwellings and is about 1.5km away from the nearest settlement of Bolton by Bowland. The barn and outbuilding are located around 70m away from the house, New Ing Farm. The appeal buildings and New Ing Farm were once historically and functionally connected and whilst they are physically separate from one another this is not an uncommon arrangement. Moreover, despite the relatively short distance between them when in and around the site the buildings and New Ing Farm have a close visual relationship and appear as a group of buildings. Consequently, in my opinion the appeal buildings form part of an already group of buildings and as such are not isolated in the landscape in accordance with Policies DHM3 and DHM4 of the Core Strategy.
7. Paragraph 79 of the Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It states that isolated new homes in the countryside should be avoided unless there are certain circumstances, including where the development would re-use redundant or disused buildings and enhance its immediate setting. The statutory purpose of AONBs' is to conserve and enhance their natural beauty. Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs' which have the highest status of protection in relation to these issues.
8. Wider public views of the barn are mainly restricted to relatively distant and glimpsed views from the Settle Road. Any such glimpses would be limited further, for part of the year, because of the intervening trees. Based on my site



observations, including viewing the site from the Settle Road, I consider that the site is not prominent in wider public views.

9. There is no dispute between the parties that the buildings are considered to be a non-designated heritage asset, the significance of which arises from the evidential, historical and aesthetic value of the buildings and their setting, typical of farmsteads in this part of Bowland and therefore are worthy of retention. The submitted Conversion Assessment found that the main barn and outbuilding are in sound condition and suitable for conversion without any major rebuilding.
10. The proposal includes reusing original openings, with four new windows on the east elevation and one on the west elevation. The 20<sup>th</sup> century lean-to would be altered and replaced with an extension with five large part glazed, recessed openings, of regular size and spacing, built from materials to match the barn. The works to the outbuilding include alterations and an extension to facilitate use as domestic outbuildings. The extent of domestic curtilage would be relatively tightly drawn and would not unacceptably encroach into the surrounding agricultural land. Overall, the alterations to the buildings themselves, despite the relatively large extension to the west elevation, would be sympathetic and would not cause material harm to the character and appearance of the buildings or their significance as a non-designated heritage asset, in accordance with the design and heritage protection aims of policies DMG1 and DME4 of the Core Strategy.
11. Furthermore, the proposed development would secure the long term retention of the building as a non-designated heritage asset, together with the removal of the 20<sup>th</sup> century additions to the buildings and the return of a wrapped silage bale storage area to grass. Overall, I find that the development would enhance the immediate setting of the buildings in accordance with national policy in the Framework.
12. Consequently, I conclude that the barn would be suitable for conversion and the proposed development would not cause material harm to the character and appearance of the area, thereby conserving the landscape and scenic beauty of the Forest of Bowland AONB in accordance with Policies DMH3, DMH4 and Key Statement EN2 of the Core Strategy and the Framework.

#### *Highway safety*

13. The lane is, in places, only wide enough for one vehicle. I noted at my site visit and as the appellant points out, there are a number of places along the lane, about eight, where two vehicles could pass, including one that is close to the junction with the public highway.
14. In my judgement vehicles travelling along this lane are likely to do so at low speeds because of its narrow winding nature, with the majority of trips being made by those who are familiar with the lane. Given the small number of properties it serves, which are spread out along the lane and having regard to the number of existing passing places, I consider that two additional dwellings and the likely vehicle movements associated with them, would not lead to conditions which would be detrimental to highway safety. The proposal would therefore be in accordance with policy DMG1 of the Core Strategy which requires development to ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated.

15. The Council has referred to policy DMG3 of the Core Strategy. However, this relates to the availability and adequacy of public transport and associated infrastructure and is not relevant to the reason for refusal.
16. I have noted the response from Lancashire County Council in their email to the Council, which refers to the location of the site, specifically their conclusion that the site is regarded as having poor sustainability because of the reliance on the use of the private car. However, the Council have not relied on this in refusing the application.

### **Other matters**

17. The Council has drawn my attention to and provided a copy of a recent appeal decision for a barn conversion elsewhere in the Borough. In that case the Inspector found that the barn was not in a defined settlement and did not form part of an already group of buildings and also identified landscape harm arising to the landscape character of the AONB by way of prominence and harm to highway safety. On this basis it seems that the circumstances are not comparable and as such I attach only limited weight to the other appeal decision and I am thus not bound by the findings of a previous Inspector. In relation to the main issues in this case I have determined this appeal based on its individual merits.
18. The appeal site is located close to the New Ing Meadow Site of Special Scientific Interest (SSSI) which is an important example of one of the few remaining herb-rich hay meadows typical of this part of Lancashire. There is no evidence to show that the proposed development would harm the SSSI.

### **Conditions**

19. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance (PPG). As a result I have undertaken some editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity and omitted others. I have also limited the number of pre-commencement clauses to those cases where this is essential for the condition to achieve its purpose and those have been agreed by the appellant.
20. I have imposed conditions limiting the life of the planning permission and specified the approved plans, for certainty. In order to ensure a satisfactory appearance I have included conditions requiring the submission of samples of the materials to be used, a condition requiring the windows and doors to be of timber construction, the rooflights to be conservation type and the flues to be painted/coloured a dark matt finish.
21. I have imposed a condition in respect of hard and soft landscaping and another in respect of retained trees on the site. These need to be pre-commencement due to the nature of the works involved and they are necessary to protect the character and appearance of the area.
22. To ensure and safeguard the recording of matters of archaeological/historical importance associated with the building I have imposed a condition requiring a programme of archaeological investigation and recording works, pre-commencement due to the nature of the works involved.

23. I have imposed a condition in respect of foul and surface water drainage being on separate systems in the interests of ensuring a satisfactory means of drainage.
24. In the interests of highway safety I have imposed a condition concerning the parking areas.
25. I have imposed a condition requiring the development to be carried out in accordance with the mitigation measures contained in the Bat, Barn Owl and Nesting Bird Survey in the interests of safeguarding protected species.
26. The Council have also recommended a condition requiring the development to be carried out in accordance with the submitted Conversion Assessment and the submission of a schedule of works including a sequence of operations for the scheme of conversion. No reason has been given and therefore I have imposed a condition requiring the development to be carried out in accordance with the Conversion Assessment. However, in the absence of evidence I consider that it is not necessary to require a schedule of works.
27. The Council have recommended a condition specifying the extent of the curtilage. However, this is not necessary as the curtilage is identified on the approved plans and I have specified a condition requiring compliance with the plans.
28. Three conditions with the effect of removing permitted development rights for external alterations, extension, curtilage buildings, lighting and micro-regeneration equipment have been recommended by the Council. PPG advises that conditions restricting permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. Given the status of the building as a non-designated heritage asset and its location in an AONB I consider that it is reasonable to remove permitted development rights for external alterations, extensions and curtilage buildings, external lighting and micro-regeneration equipment in the interests of preserving the historic character of the building and its landscape setting.

### **Conclusion**

29. For the reasons given above, and having had regard to all other matters raised, the appeal is allowed and planning permission granted subject to the conditions in the attached schedule.

*Felicity Thompson*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (1:2500), 5340-05B, 5340-06A, 5340-07D, 5340-08, 5340-09B.
- 3) Notwithstanding the submitted details, specifications or samples of external walling, door/window surrounds, rainwater goods, roofing/ridge materials and outdoor surfacing, shall have been submitted to and approved in writing by the local planning authority before their use in the development. The development shall be carried out using the approved materials.
- 4) All doors and windows shall be constructed of timber and retained as such in perpetuity.
- 5) Notwithstanding the details shown on the approved plans, the proposed roof lights shall be of conservation type, recessed with a flush fitting, and shall be retained as such in perpetuity.
- 6) Prior to the extraction flues being first brought into use all external parts of the flue and cowl and associated fitments shall be coloured black or a dark matt finish and retained as such in perpetuity unless otherwise first agreed in writing by the local planning authority.
- 7) No 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 has been first submitted to and approved in writing by the local planning authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs to be planted, 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 and boundary treatments (where applicable).

The approved soft landscaping scheme shall be implemented in the first planting season following occupation of the development unless otherwise required by the scheme above, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years. 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.

- 8) The development shall be carried out in strict accordance with the submitted Arboricultural Impact Appraisal Report dated October 2017. During the construction period all trees identified for retention in that report shall be protected with a root protection area in accordance with BS5837 [Trees in Relation to Construction].

Prior to commencement of development a method statement for the construction of a Cellweb TRP cellular confinement root protection system within the root protection area of T3 shall be submitted to and approved

in writing by the local planning authority the details of which shall include the time of the year that the work will be undertaken, details of all materials including the final surfacing and site supervision/monitoring and final inspection. The system shall be installed in accordance with the approved details.

- 9) No development, demolition or site preparation works shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological investigation and recording works. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the local planning authority. This should comprise the creation of a level 2/3 record of the pre-1893 buildings as set out in 'Understanding Historic Buildings' (Historic England 2016). It should be undertaken by an appropriately experienced and qualified professional contractor to the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA).
- 10) Foul and surface water shall be drained on separate systems.
- 11) The parking and manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved and made available in accordance with the approved plans prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose.
- 12) The development shall be carried out in accordance with the submitted Conversion Assessment dated 4 July 2017.
- 13) The development shall be carried out in strict accordance with the mitigation measures contained in the submitted Bat, Barn Owl and Nesting Bird Survey.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and re-enacting this Order with or without modification), no development other than that expressly authorised by this permission shall take place which would otherwise be permitted under Schedule 2 Part 1 of the Order.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and re-enacting this Order with or without modification), no development shall take place which would otherwise be permitted under Schedule 2 Part 14 of the Order.
- 16) No external or building mounted lighting shall be erected or placed anywhere within the site to which this permission relates without the written consent of the local planning authority.