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| A | APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS: | | | | | |
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| B | APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR APPROVAL: | | | | | |
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| E | APPLICATIONS IN 'OTHER' CATEGORIES: | | | | | |
| | | | | | 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 6

meeting date: THURSDAY, 27 JUNE 2019
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

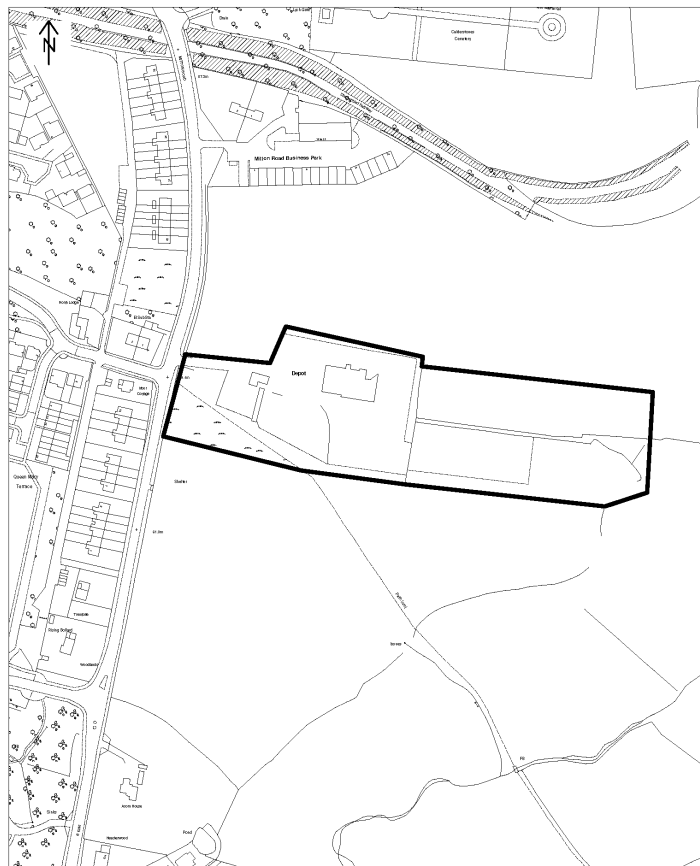
PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION REF: 3/2018/1133

GRID REF: SD 372727 437334

DEVELOPMENT DESCRIPTION:

CHANGE OF USE OF SITE FROM HAULAGE YARD (SUI GENERIS USE) TO AN AUCTION STORAGE AND DISTRIBUTION SITE (B8 USE) INCLUDING EXTENSION OF STORAGE USE INTO ADJACENT LAND AND CREATION OF ADDITIONAL HARDSTANDING AREAS, AND THE ERECTION OF A NEW STORAGE BUILDING FOLLOWING THE DEMOLITION OF AN EXISTING BUILDING ON SITE AT NEW GARAGE, MITTON ROAD, WHALLEY



3/2018/1133 New Garage, Mitton Road, Whalley BB7 9JU

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No comments received

LCC HIGHWAYS:

No objection subject to a swept path analysis demonstrating that a 6-axle Articulated Heavy goods Vehicle can enter and leave the site in both directions, potentially requiring the widening of the access point.

There is a public right of way running through a section of the site and details of how this is to be accommodated are required.

LCC RIGHTS OF WAY OFFICER:

No comments received

ENVIRONMENT AGENCY:

No objection subject to a condition requiring a remediation strategy be provided in respect of contaminated land on the site.

LEAD LOCAL FLOOD AUTHORITY:

No objection subject to conditions

UNITED UTILITIES:

No objection subject to conditions

ADDITIONAL REPRESENTATIONS:

No representations have been received.

1. **Site Description and Surrounding Area**

1.1 The application relates to a commercial site known as “New Garage” on Mitton Road, situated between the defined settlement boundaries of Whalley and Calderstones, therefore within the open countryside.

1.2 The site measures approximately 21,000sqm and has a long established commercial use, having previously been a haulage yard for the storage of vehicles, containers and a plant hire business (Sui Generis use). More recently, since approximately 2017, the site has been used by the applicant as a storage and distribution yard for an online auction company (B8 use). The applicant’s business is Gateway Auctions, which had previously operated at Gisburn Auction Mart, however the business outgrew this site and therefore re-located to the application site. The business operates as an online auctioneers, selling a wide range of items, although mainly large machinery/vehicles and equipment, hence the need for a large site. All auctions are online, however potential buyers may visit the site to view items prior to purchase, however sales are made to buyers across the

country, as well as internationally, and therefore visits to the site are not frequent. Once sold items are generally distributed to the buyer, as opposed to collected.

- 1.3 The site consists of a an office building set back approximately 50m from the highway of Mitton Road, and to the rear of this an industrial style building measuring 648sqm. The majority of the site is hardsurfaced, however there are some landscaped/grass areas, including trees and hedges.
- 1.4 To the north of the site is the Genus Industrial Site, which is currently being extended southward so that it will adjoin part of the northern boundary of the application site. To the south and east are open fields and to the west, on the opposite side of Mitton Road, are the residential properties fronting Mitton Road and beyond these is the Calderstones Estate.
- 1.5 The existing 700m perimeter of the site is defined by a 2m high palisade fence that was approved under planning application 3/2017/0329, as well as some natural screening provided by trees and hedging. A Public Right of Way (3-45-FP-9) runs through a section of the site and this is fenced on both sides so as to prevent unauthorised access into the storage yard from the right of way.

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

- 2.1 The application seeks consent to regularise the change of use of land from a haulage yard (Sui Generis) to an auction storage and distribution centre (B8). The storage and distribution use has been operating from this site since approximately 2017 and therefore this part of the development is retrospective.
- 2.2 The application also proposes to demolish the existing (648sqm) industrial building, and replace it with two larger industrial buildings. The proposed buildings would adjoin each other and have a total/cumulative floor area of 1620sqm. The buildings would be constructed as two units due to a slight variation in land levels meaning the finish floor level of one building would be 500mm higher than the finish floor level of the other. Both buildings would be identical in size and design, measuring 45m x 18m with a pitched roof design that measures 4.6m high to the eaves and 7.2m high to the ridge.
- 2.3 Internally, each building would be split in to two units (resulting in a total of four units), with one of this units having a mezzanine floor. Each of the four units would have two pedestrian and two larger industrial style roller shutter doors. In terms of external appearance the buildings would have a concrete block lower plinth with stained timber boarding above to replicate the adjacent units on the Genus Site, with a cement fibre sheet roof.
- 2.4 The proposed units would all be used in conjunction with the applicant's auction business and will be used to store good/equipment, as well as allowing some general maintenance works to be undertaken as/when required. As mentioned earlier the applicant's business auctions large goods (vehicles and machinery) and therefore the buildings are required to store items which should not be left outside.
- 2.5 The application also seeks consent to increase the external yard areas of the site. This would involve the hardsurfacing of existing areas within the application site, mainly at the front (west) and at the rear (east), as well as expanding into part of the adjacent field. The expansion into the part of the adjacent field would result in the application site increasing in area to approximately 28,000sqm (7,000sqm increase) and would involve

the repositioning of the boundary fence to enclose the new area of yard. The application is accompanied by a landscape plan showing the landscape areas (grass/trees) which are to be retained, as well as new planting in order to compensate for the new areas of hardsurfacing.

- 2.6 The submission states that the business seeks to operate the same hours as the adjacent Genus Industrial Site (08:00 – 18:00 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sunday and Bank Holidays).

3. **Relevant Planning History**

3/2017/0329- *Erection of 2m high palisade security fencing to perimeter of site - approved*

3/2012/0884 - *Additional use of commercial vehicle parking area for parking caravans and plant hire storage – approved*

3/2008/0243 - *Change of use of part of lorry park to coach depot, siting of portacabin and erection of containers to store vehicle washing equipment - approved*

4. Relevant Policies

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations
Key Statement EC1 – Business and Employment Development

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DME1 – Protecting Trees and Woodlands
Policy DME3 – Site and Species Protection and Conservation
Policy DMG3 – Transport & Mobility
Policy DME2 – Landscape & Townscape Protection
Policy DMB1 – Supporting Business Growth and Local Economy
Policy DMB5 – Footpaths and Bridleways

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

5. Assessment of Proposed Development

5.1 **Principle of development**

5.1.1 The application seeks to regularise the current use of the site as a storage and distribution centre for a auctioneers, extend the site to provide additional storage space, and erect a larger storage building on site to meet the growing needs of the business.

5.1.2 Whilst Core Strategy Key Statement EC1 seeks to direct employment development towards the main settlements of Clitheroe, Whalley and Longridge, it does also state that *“priority will be given to the use of appropriate Brownfield*

sites to deliver employment-generating uses including a preference for the re-use of existing employment sites before alternatives are considered.”

- 5.1.3 Policy DMB1 of the Core Strategy specifically states *“Proposals that are intended to support business growth and the local economy will be supported in principle”* and allows for the expansion of established firms on land outside settlements provided that the development is essential to maintain the existing source of employment and can be assimilated within the local landscape.
- 5.1.4 The application relates to an existing industrial/commercial site and would result in the expansion of the site into land beyond its existing boundary, in addition to the regularisation of the change of use and erection of a new storage building. As detailed above, expansions to existing businesses are allowed by Policy DMB1, provided that the expansion is essential to the existing business and can be assimilated into the local landscape.
- 5.1.5 In respect of the need, the applicant previously operated from Gisburn Auction Mart and having outgrown that site required a larger premise, with room for further expansion. The applicant was/is keen to remain within the Ribble Valley and therefore moved onto this site in early 2017. The business is growing and therefore needs to expand further and as mentioned above the applicant is keen to remain within the Ribble Valley. The submission states that proposed development would increase employment on the site (two additional full time and five additional part-time workers) and thus would bring economic benefits through employment opportunities to the borough.
- 5.1.6 In terms of relocating to an alternative site, the applicant requires a large area of land to store the items for sale, and it is considered extremely unlikely that any existing sites of this scale would be available in the Ribble Valley, without the need for significant expansion. The majority of designated employment sites within the borough consist of a number of units/businesses sharing such sites, whereas the applicant requires a large industrial site for their own business, hence why there are considered to be no other suitable sites within the borough. Furthermore, whilst the site itself is not presently designated as an employment site, it is directly adjacent to the Genus Industrial Site, part of which is designated as an employment site on the proposals map, and thus the expansion of this business adjacent to a designated employment site is considered to be preferable to the expansion of an alternative employment site that is situated in an isolated location on the landscape. In respect of the visual impact of the proposal on the landscape, this is discussed later in the report.
- 5.1.7 In addition to local policies, the proposed development would continue the industrial/commercial use of the site and is therefore supported by paragraph 80 of the NPPF which states that decisions should *“...help create the conditions in which businesses can invest, expand and adapt. 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.”*
- 5.1.8 In view of the above, it is considered that the broad principle of extending the site into the neighbouring land, and the erection of a larger building on site, is supported by local and national policies, which both seek to encourage economic growth and prosperity, provided that the proposed developments comply with other relevant policies considered later in this report.

5.1.9 In respect of the change of use, the site has a long established commercial use as a haulage yard (Sui Generis) and the change of use for storage and distribution of auctioneers goods (B8 use) is considered to be in keeping with the established commercial/industrial use of the site.

5.2 Impact Upon Residential Amenity

Visual impact

5.2.1 The proposed building would be significantly larger in footprint than the existing building to be demolished, however the nearest neighbouring residential properties are located on the opposite side of Mitton Road, some 90m from the proposed building. Furthermore, whilst the replacement building is large in footprint, measuring 7.2m high to the ridge it is not excessive in height and would be similar in height to an average two storey dwelling. As a result of its height, and the separation distances, it is considered that the proposed new building would not have any undue impact upon neighbouring residential amenity by way of overshadowing, loss of daylight or outlook.

5.2.2 With regard to the expansion of the site into the neighbouring field, at the nearest point the extended part of the site would be more than 180m from the nearest residential property and therefore has no visual impact upon residential amenity.

Noise and disturbance

5.2.3 The site has a long established use as a haulage yard and the application seeks retrospective consent to regularise the sites use for the past two or so years as a storage and distribution centre for an auctioneers. It is considered that the activities associated with a storage and distribution centre would have less of an impact upon neighbouring land uses than a haulage yard and thus there is no objection to the proposed use from an amenity point of view. Additionally, as mentioned above the storage and distribution use has successfully operated from the site for approximately two years and the Council have not been made aware of any issues with nearby residents.

5.2.4 In terms of the new building and extended storage area, as detailed above these are located a significant distance from the nearest neighbouring residential property and would have no greater impact than the established use of the site (haulage yard), or the current activities that take place in conjunction with the storage and distribution use. Furthermore, the building will allow more vehicles to be stored, and repair works to take place, inside the building as opposed to outside, to the benefit of neighbouring uses.

5.2.5 The application does involve the hard surfacing of an area at the front of the site, closest to the dwellings on the opposite side of Mitton Road, however the applicant has stated that this area is to be used for the parking of vehicles (staff and visitors), as opposed to storage of goods.

5.2.6 Given the long established commercial use of the site there are currently details in respect of the existing hours of operation at this site. In order to regularise this the applicant has sought to regularise this by applying for the same operational hours as the adjacent Genus Industrial Site (08:00 – 18:00 Monday to Friday,

09:00 – 13:00 Saturday and not at all on Sunday and Bank Holidays). Given that these hours are the same as the adjacent employment site, no objection is raised to these proposed hours which have been secured by condition.

- 5.2.7 Considering all of the above, the application site has a long established industrial use and the proposed developments continue to share an acceptable relationship with neighbouring uses in accordance with the amenity requirements of Policy DMG1.

5.3 Visual Impact and design

- 5.3.1 As mentioned above the proposed new building has a large footprint, however its height (4.6m to eaves and 7.2m to ridge) is considered to be relatively modest for an industrial style building. It is accepted that the ridge height of the new building would be 0.9m height than the ridges of the units on the adjacent Genus Site, however the proposed unit would be set back 60m from Mitton Road and thus its visual impact is reduced in comparison to the neighbouring units which are to be situated nearer to Mitton Road. Notwithstanding this, the extra height is specifically required to accommodate the vehicles/equipment within the building and without this large/taller equipment would be stored outside and this would potentially have a greater visual impact than the building.
- 5.3.2 Being set back from the highway by more than 60m, the proposed building would not be highly prominent, and would be partially screened by the neighbouring units, as well as the new hedging to be planted along the perimeter of the site.
- 5.3.3 In terms of its design, the unit would be finished in timber boarding, with a fibre cement roof, to match the adjacent units on the Genus Site and such materials are considered to be appropriate.
- 5.3.4 With regard to the expansion of the site/storage yard into a section of the field directly to the north, this part of the proposal would “square-off” the site so that is a rectangular shape. Therefore whilst this expansion would significantly extend the yard area, it would not extend out beyond the extremities of the site to the north and east. Furthermore, at the nearest point the area to be incorporated into the site is situated more than 180m from the nearest public vantage point on Mitton Road and thus would not be highly noticeable or prominent, especially with the new hedging/trees that are to be planted along the northern boundary of the site to screen this area.
- 5.3.5 The application also involves the hardsurfacing of significant areas of the site to create additional yard space, but again these areas are at the rear (eastern end) of the site, would not be highly visible and would be screened by new planting along the boundaries. At the front the application does include the hardsurfacing of the area between the fence line and Mitton Road, to be used for car parking, and the LPA has sought to ensure that the front boundary with Mitton Road is screened by vegetation. As mentioned earlier the applicant has commented that this hardsurfaced area between the fence line and Mitton Road will generally be used for car parking, although some smaller goods may be stored in the area on occasions, it is considered unlikely as it is outside the fence line and therefore not secure. Nevertheless, in order to ensure that the visual character of the area is not compromised a condition has been attached to ensure that this new

hardsurfaced area to the west of the existing fence line is not to be used for the storage of goods over 2m in height.

5.4 Landscape and Ecology

5.4.1 The application is accompanied by an Arboricultural Survey and a Landscape Plan showing which areas/trees are to be retained and new areas of landscaping that are to be created to mitigate for the loss of the existing areas. The new landscaping involves the planting of new hedgerows along almost all of the perimeter of the site, as well as strategic planting at the front of the site to help with sustainable drainage and screening. The Council's Countryside Officer has been involved in this development since pre-application stage and has visited the site on a number of occasions. Provided that the landscaped areas are provided as shown on the submitted plans the Countryside Officer has raised no objection, however conditions have been attached to ensure that these landscaped areas are provided in accordance with a timetable that is to be agreed in writing with the LPA.

5.4.2 The application is accompanied by a detailed Ecological Appraisal which comments that protected species are known to exist within the local area, however no evidence of these species was found at the application site. Nevertheless the Ecology Report recommends a number of mitigation measures to be undertaken to ensure that the proposal does not impact upon protected species and this has been secured by condition.

5.4.3 Additionally, a condition has been attached stating that no vegetation clearance works can take place within bird breeding season, unless a further survey is undertaken, and a further condition requiring bat and bird boxes to be provided on the site to mitigate for any loss in habitat resultant from the development. In this case, due to the industrial/commercial nature of the use and the adjacent site, these bat/bird boxes could be positioned on the building, or within the trees/vegetation furthest from the most active parts of the site.

5.5 Highways

5.5.1 Access to the site would remain via the existing point off Mitton Road. This access has served the previous haulage yard use of the site, as well as the existing use as a storage and distribution yard for an auctioneer. Nevertheless, as part of this application the LCC Highway Officer requested that the existing access point be widened to allow better/safer access into, and out of, the application site. The applicant has provided an updated plan showing this access to be widened and the Highway Officer has raised no objection, subject to the works adjoining the highway to be carried out under a Section 278 agreement (an informative advising the applicant of this has been attached to the recommendation).

5.5.2 The application proposes to increase the level of car parking provision at the site, and there is considered to be sufficient space within this large site to enable vehicles to safely manoeuvre so as to ensure that they can enter and leave the adopted highway in forward gear.

5.5.3 The Highway Officer has referred to the Public Right of Way which passes through a section of the site, however this is not being altered as part of the

proposal – the Rights of Way officer has been consulted on this proposal but provided no comments. An informative has been attached to advise that the Right of Way must be left clear of obstruction during the construction process. During a recent site visit/meeting the applicant commented that informal discussions have taken place with LCC in respect of redirecting the Right of Way so that it is outside the applicant's site however this does not form part of this application.

5.6 Drainage

5.6.1 The application is accompanied by a Flood Risk Assessment and a drainage strategy. United Utilities and the LLFA have raised no objection subject to the imposition of pre-commencement drainage conditions and the EA have also raised no objection subject to a condition requiring a remediation strategy be provided in respect of contaminated land on the site.

6. Conclusion

6.1 The application site has an established industrial use and change of use of the site for storage and distribution (B8) is considered to be acceptable and the proposal would not have any greater impact upon neighbouring land uses than the existing situation on site. It is accepted that the proposed developments would have some impact on the visual character of the area, however this impact has been mitigated by the design of the proposed building and the landscaping proposed scheme. Furthermore, the proposal would clearly bring economic benefits by allowing a successful and local business to expand and remain within the borough, thus encouraging economic development in this area.

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

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

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004

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

Location Plan (scale 1:2500)
ML/DS/5706 (amended plan received 13/06/19)
ML/DS/5708
ML/DS/5709 (amended plan received 09/05/19)
MR18-005/101 Rev D (amended plan received 12/06/19)

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

3. The building hereby approved shall only be used for storage and for the repair of items (vehicles, plant and machinery) associated with the existing business at this site.

REASON: For the avoidance of doubt as the use of the building for other purposes and/or in association with another business could have a detrimental effect upon the amenity of the locality or highway safety.

Materials

4. The development hereby approved shall be carried out in complete accordance with the materials detailed within section 7 of the submitted application form.

REASON: In order to ensure that the materials to be used are appropriate to the locality.

Landscaping/Ecology

5. During the construction period, including delivery of building materials and excavations for foundations or services, all the existing/retained trees and hedging shown on drawing MR18-005/101 Rev D (amended plan received 12/06/19) shall have been 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.

6. Within three months of commencement of development on site, a timetable for the implementation of the approved landscaping areas, as shown on approved drawing MR18-005/101 Rev D (amended plan received 12/06/19) 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 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.

7. Any removal of vegetation, including trees and hedges, should be undertaken outside the nesting bird season (March to August) unless an up-dated pre-clearance check has been carried out by a licensed ecologist within the 24 hours prior to any removal and no nesting birds are found to be present. The up-dated pre-clearance check shall be submitted to the Local Planning Authority prior to the removal of any trees and/or hedges.

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.

8. The development hereby approved shall be carried out in complete accordance with the Mitigations/Recommendations detailed within Section 7 of the submitted Ecological Appraisal (Report Ref: 4470).

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

9. 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 building dependent bird/bat species site plan and include details of the numbers, types and locations of artificial bird nesting boxes and artificial bat roosting boxes.

The artificial bird/bat boxes shall be provided and be made available for use before the building is first brought into use 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.

Amenity

10. Details of any external air conditioning vents, extraction systems or any other external plant equipment shall have been submitted to and approved in writing by the Local Planning Authority prior to installation on the building/site. The submitted information shall include details of the design, positioning, specification, noise levels, fixing and finish of all external plant equipment and the development shall be carried out in complete accordance with the approved details.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance

11. The use of the premises in accordance with this permission shall be restricted to the hours 08:00 to 18:00 hours Monday to Friday inclusive and between 09:00 to 13:00 hours on Saturday and not at all on Sunday and Bank Holidays.

REASON: The use of the premises outside these hours could prove injurious to the character of the area and in order to safeguard residential amenity

12. No goods/items measuring in excess of 2m in height shall be stored within 50 metres of the western boundary of the site (Mitton Road).

REASON: To ensure that the development hereby permitted is not visually detrimental to the amenity of the surrounding area

13. No external lighting, other than that shown on the approved plans, shall be installed on the new unit, or elsewhere on the site, without the prior written approval of the Local Planning Authority. Details of any such lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The approved details shall thereafter be fully implemented.

REASON: In order to ensure a satisfactory appearance in the interests of visual amenity and to prevent nuisance arising.

Highways

14. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide 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 any security hoarding
 - Contact details for the site manager
 - Routes to be used by vehicles carrying plant and materials to and from the site
 - Details of wheel washing facilities and road sweeper (where necessary).

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.

15. Prior to the commencement of development, including any demolition works, the alterations to the site access onto the highway of Mitton Road ML/DS/5709 (amended plan received 09/05/19) shall have been constructed under a Section 278 Agreement of the 1980 Highways Act and shall be retained as such thereafter.

REASON: In order to provide a safe access into the site which is suitable for the types of vehicles that will use it.

REASON FOR PRE-COMMENCEMENT: The altered/improved site access needs to be provided before works can commence on site.

Contamination

16. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the local planning authority. This strategy shall include the following components:
- i) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 - ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

Drainage

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

REASON: To secure a satisfactory system of drainage and to prevent pollution of the water environment.

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

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

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

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

- 19. 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:

- a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);
- b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus an appropriate allowance for climate change. The calculations must also demonstrate that the post development surface water run-off rate shall not exceed the existing pre-development surface water run-off rate for the corresponding rainfall event.
- c) A final plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;

- d) A final plan showing all overland flow routes and flood water exceedance routes, both on and off site;
- e) Details of measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
- f) Details of an appropriate management and maintenance plan for the surface water drainage network for the lifetime of the development.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the 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, that there is no flood risk on or off the site resulting from the proposed development, that water quality is not detrimentally impacted by the development proposal and that appropriate maintenance mechanisms are put in place for the lifetime of the development.

20. 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 development thereafter shall be undertaken in accordance with the approved prevention measures.

REASON: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and 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.

REASONS FOR PRE-COMMENCEMENT CONDITIONS:

Drainage is not only a material consideration but an early and fundamental activity in the ground construction phase of any development and it is likely to be physically inaccessible at a later stage by being buried or built over. It is of concern to all flood risk management authorities that an agreed approach is approved before development commences to avoid putting existing and new communities at risk.

INFORMATIVE:

- The applicant is advised that the amended site access will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 Agreement".
- There is a public right of way through part of the site and the granting of planning permission does not entitle the developer/applicant to obstruct this right of way and any proposed stopping up or diversion of the right of way should be the subject of an Order under the appropriate Act.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F1133

CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

None received.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No objection to the proposals on highways grounds.

ADDITIONAL REPRESENTATIONS:

Letters of objection have been received from residents of seven neighbouring properties and raise the following concerns.

- The current holiday lets are causing issues around noise and sewage.
- Unacceptable noise levels during the evenings.
- Vast majority of guests to the current cottages are wedding parties.
- Little space for parking for existing guests is causing difficulty getting access along Mill Lane.
- Cottages are often occupied by the same group creating a party atmosphere and resulting in excessive noise.
- The proposed cottage would be excessive and intrusive, overlooking neighbouring properties and obstructing views.
- The development would inconvenience an already congested area.
- Tourism shouldn't create traffic or environmental problems for residents.
- The four extra spaces would require cars to reverse out onto the lane.
- Problem for emergency access.
- Confrontations and abuse from visitors when they've been asked to move vehicles.
- There should be someone on site to deal with any problems that occur.
- Foul drainage from the site causes smells suspected to be from poor or inadequate drainage.
- Loss of trees and nature.
- The site was previously a tip.
- Overdevelopment of the site.
- Overlooking of neighbours private amenity space.

1. Site Description and Surrounding Area

- 1.1 The application relates to a parcel of land that is in the ownership of the occupants of Mill Farm, Mill Lane, Waddington. Mill Lane adjoins Slaidburn Road around 1.5 miles north of the settlement of Waddington. Mill Lane serves a cluster of residential dwellings and holiday cottages that are located in the open countryside and Forest of Bowland Area of Outstanding Natural Beauty.
- 1.2 Mill Lane is a single track private road. Mill Farm, which faces onto Mill Lane, is around 200 metres from the junction with Slaidburn Road. Directly facing Mill Farm, on the opposite side of Mill Lane, are a pair of stone-built holiday cottages that were granted planning consent in 2011. The holiday cottages have been completed and have been fully operational since June 2017. They are owned and managed by the applicant who resides at Mill Farm. The majority of bookings have come from demand arising from nearby wedding venues with little accommodation themselves.

- 1.3 There are a number of other residential properties in the immediate vicinity including Tagglesmire Hall, Bow Tree House, Mill Cottage, Cuttock Clough Farm, Higher Mill Farm and Waddington Old Mill. The application site bounds the residential garden of Tagglesmire Hall along its southern and eastern boundaries.
- 1.4 The site measures approximately 280 square metres. As existing, a timber outbuilding is present and at the time of the planning officer's visit the site also contained a trailer, skip and other debris.

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

- 2.1 Consent is sought for the demolition of the existing timber building and the erection of a new stone built holiday cottage. The proposed holiday cottage would provide a kitchen /diner and lounge at ground floor and two double bedrooms with en-suites at first floor. The building would measure 9 metres by 6.4 metres with an eaves height of 4.5 metres and ridge height of 6.2 metres.
- 2.2 There would be space provided to the front of the building for up to four vehicles. This includes an element of overflow parking to serve the two existing holiday cottages.
- 2.3 In justifying the proposal the applicants have advised that they have been required to turn down bookings previously and that the two existing holiday cottages are already fully booked for the majority 2019 with summer dates for 2020 also fully booked. The applicant considers that there is additional demand for self-catering holiday accommodation.

3. **Relevant Planning History**

3/2011/0506 - Proposed demolition of existing residential outbuilding. Construction of replacement outbuilding to create two self-contained holiday cottages and a work from home office. Associated external works. Design amendments to approved scheme no. 3/2009/0062P. Approved with Conditions.

3/2009/0062 - Proposed demolition of existing residential outbuilding. Construction of replacement outbuilding to provide ancillary residential garage, storage and family hobby/study space and a self-contained holiday let. Associated external works. Approved with Conditions.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EC1 – Business and Employment Development

Key Statement EC3 – Visitor Economy

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME3 -- Site and Species Protection and Conservation

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3 – Recreation and Tourism Development

Other Material Considerations:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

5. Assessment of Proposed Development

5.1 The matters to be considered in the determination of this application relate to the principle of the development, the impact of the proposed development upon the visual appearance and character of the surrounding area, its effect on residential amenity, ecology and trees and highway safety.

5.2 Principle of Development

5.2.1 Core Strategy Key Statement EC3 relates specifically to the visitor economy stating that proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged. The proposed development would contribute to the tourism economy and accords with the general intentions of Key Statement EC3. Key Statement EC1 'Business and Employment Development states that *"Developments that contribute to farm diversification, strengthening of the wider rural and village economies or that promote town centre vitality and viability will be supported in principle"*.

5.2.2 The application site is not located within a defined settlement. Core Strategy Policy DMG2 requires development outside of defined settlement areas to meet at least one of six considerations one of which is the following:

4. The development is for small scale tourism or recreational developments appropriate to a rural area.

5.2.3 The proposal is for a small scale tourism development of a type that is appropriate to a rural area and the proposed development is compliant with Policy DMG2. Policy DMB3 relates specifically to recreation and tourism development. Tourism and visitor attractions are generally supported subject to the following criteria being met:

- 1. The proposal must not conflict with other policies of this plan;*
- 2. The proposal must be physically well related to an existing main settlement or village or to an existing group of buildings, except where the proposed facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available;*
- 3. The development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design;*
- 4. The proposals should be well related to the existing highway network. It should not generate additional traffic movements of a scale and type likely to cause undue problems or disturbance. Where possible the proposals should be well related to the public transport network;*
- 5. The site should be large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas; and*
- 6. The proposal must take into account any nature conservation impacts using suitable survey information and where possible seek to incorporate any important existing associations within the development. Failing this then adequate mitigation will be sought.*

5.2.4 In the Forest of Bowland AONB the following criteria also apply:

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

In the AONB it is important that development is not of a large scale. In the AONB and immediately adjacent areas proposals should contribute to the protection, conservation and enhancement of the natural beauty of the landscape. Within the open countryside proposals will be required to be in keeping with the character of the landscape area and should reflect the local vernacular, scale, style, features and building materials.

5.2.5 The proposed development is located within an existing group of buildings. The existing holiday cottages constructed by the applicant have been built to a high specification with natural stone walls, slate roof and timber window frames and doors. The building respects local vernacular and is seen as a positive addition to the group of buildings at Mill Lane. It is proposed to construct a new holiday cottage using similar materials. The design of the proposed new holiday cottage would also closely resemble the existing cottages and therefore it is considered that the proposals would not result in any harm to the visual amenity of the area.

5.2.6 The development site is located approximately 1.5 miles from the village of Waddington and 3.3 miles from Clitheroe which is one of the boroughs Principal Settlements having a wide range of services and facilities. The development would be reasonably well-related to the existing transport network and is located in close proximity to numerous wedding venues from which the majority of existing demand has arisen. The existing holiday cottages are advertised to cater for up to fifteen people. Taking account of the submitted floor plans, the proposed holiday cottage would accommodate an additional four people resulting in a maximum occupancy of nineteen. It is considered that the scale of development at the site is small-scale and would not result in an unacceptable increase in additional vehicle movements. The highways impact of the proposed development is considered in further detail below.

5.3 Effects upon the Landscape/Visual Amenity

5.3.1 Key Statement EN2 states *“The landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. Any development will need to contribute to the conservation of the natural beauty of the area...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”*. The NPPF (paragraph 115) attaches ‘great weight’ to conserving the landscape and scenic beauty of the AONB which is afforded the highest status of protection.

5.3.2 As stated above, the proposed development would be closely related to the existing group of buildings at Mill Lane which mainly consist of residential properties. There are public rights of way along Mill Lane which pass the development site and footpath users would have direct and close views of the proposed building. Even so, the proposed holiday accommodation would respect the size, scale and appearance of existing buildings in the group and would not be seen in isolation but rather in the context of the existing built form. It is

considered that the proposals would have no negative impact on the visual amenities of the area. There would be a requirement, should consent be granted, for details of boundary treatments and materials to be submitted to the Local Planning Authority for approval prior to their use in the development.

5.4 Impact on the amenity of neighbour occupants

- 5.4.1 It is important to consider whether the proposals would impact up on the residential amenity of neighbours. The neighbour most likely to be affected by the proposals would be the occupants of Tagglesmire Hall with the associated residential garden of this property bounding the application site. Tagglesmire Hall would be around 15 metres from the proposed building at its closest point and there is a considerable level change with Tagglesmire Hall located downhill of the application site. Tagglesmire Hall is positioned such that no elevation directly faces the application site and there would be no facing windows between the buildings. Due to the separation distance and design of the proposed holiday cottage, the proposed development would not result in any undue loss of privacy, light or outlook from within this neighbouring property.
- 5.4.2 The design of the proposed holiday cottage has been amended and first floor windows facing towards the garden of Tagglesmire Hall have been removed from the design. There would be no overlooking into the garden of Tagglesmire Hall from the proposed holiday cottage. The remaining consideration is whether the proposals would result in a sense of enclosure or have an overbearing impact on the occupants of Tagglesmire Hall such that it would unduly harm their ability to enjoy their private amenity space. The proposed building would be located 1 metre from the boundary with Tagglesmire Hall with the facing wall being 9 metres in length and 4.5 metres in height to the eaves. The plot associated with Tagglesmire Hall is generous in size and the proposed development would bound a section of garden which is some distance from the main house. Given that the proposals would bound the garden of Tagglesmire Hall for only a short length of its overall boundary it is deemed that the proposals would not result in an unacceptable adverse impact on this neighbour to warrant refusal of the planning application. The proposed development would not result in loss of light, outlook or privacy to any other properties in the area.
- 5.4.3 Concerns have been raised by residents relating to noise and disturbance arising from the existing holiday accommodation and there is a fear that the proposed development could exacerbate the existing situation as described by residents including late night noise from wedding parties. Holiday accommodation is not considered to generate high levels of noise to render it incompatible with unrestricted residential dwellinghouses given that both such uses fall with the same C3 use class of the Town and Country Planning (Use Classes) Order 1987 (as amended). It is thought that the proposed use, in itself, would not generate unacceptable levels of noise. It is acknowledged however that some holiday occupants may create noise particularly if they are part of a larger group or have hired the holiday cottages for special events such as overnight wedding accommodation. The noise generated may on occasion be more than would be experienced from the permanent occupation of an unrestricted residential dwelling although this would be entirely dependent on the behavior of individual(s) that occupied the property.

- 5.4.4 To accompany the planning application the applicant has submitted a copy of a letter which is presented to visitors on arrival. This refers visitors to the parking arrangements at the site and also asks them to be mindful of neighbouring residents. It advises that occupants be inside the building(s) by 10pm, to have the windows and door closed and music turned down low. It should also be acknowledged that the owners/operators of the holiday cottages reside in close proximity to the existing and proposed holiday accommodation and would themselves be subject to the impact of any noise generated. Taking into account the above, there is no justification to refuse the application due to the potential for noise and disturbance to occur. In the unlikely event that unacceptable levels of noise arise this would be investigated and dealt with by Environmental Health.
- 5.4.5 Notwithstanding the above, the applicant has provided a detailed Management Plan which set out the measures that the applicant would take to ensure that noise and disturbance is kept to a minimum.

5.5 Highway Safety

- 5.5.1 The County Surveyor (highways) has raised no objection to the proposed development. According to the information submitted the existing holiday cottages have 3/4 parking spaces in total. The applicant also has 6 parking spaces in front of their own home. Taking into account the development proposals, there would be a total of 13/14 parking spaces to serve 3no. holiday cottages and the applicants own dwelling.
- 5.5.2 The concerns raised by residents have been noted. This includes a lack of parking for visitors which results in the private road becoming blocked or the blocking of residents private driveways. The applicant is aware of this ongoing concern and has sought to provide four parking spaces within the application site to absorb some of the existing demand for parking. This is likely to result in an improvement when compared with the existing situation.
- 5.5.2 Furthermore, the applicant has sought to notify visitors that there is restricted parking capacity at the site and that there would be a maximum of three cars at each cottage at any one time. This requirement is embodied within the detailed Management Plan.

5.6 Consideration of Other Matters Raised

- 5.6.1 The application is supported by a Preliminary Bat Roost Assessment. A bat survey was carried out on 24 April 2019 to determine the roost potential of the existing timber building and its current usage by bats. No evidence was recorded to suggest bats were roosting within the building and the building is considered to be of negligible potential. However, the overall foraging potential of the area for bats is high and in accordance with Core Strategy DME3 the applicant has agreed to incorporate measures to enhance biodiversity.
- 5.6.2 As existing there are 3no. trees on neighbouring land close to the sites southern boundary. The proposed holiday cottage has been set away from this boundary by a distance of 4.4 metres and no hardstanding is proposed within the root protection area of the nearest tree. Following discussion with the Countryside Officer the offset distance is considered sufficient to ensure that there would be no harm to existing trees. The Countryside Officer has visited the site and does

not consider the trees in question to be of notable visual value to warrant protection by preservation order.

5.6.3 Drainage for the proposed development would be served by the existing sewage treatment plant which the applicant maintains has sufficient capacity. Specifications of the existing sewage treatment plant have been provided and demonstrate it has a capacity to serve up to 25 people. Taking into account the capacity of existing buildings it is considered that the existing drainage foul arrangement should have sufficient spare capacity to cater for the proposed development.

5.6.4 Neighbour objection letters have raised concerns relating to contamination at the site but the Contaminated Land Officer has confirmed there are no issues at the site.

6. **Conclusion**

6.1 Having regard to the above, it is considered that the proposed holiday let would not result in an unacceptable impact on the visual appearance and character of the immediate area. Accordingly it is recommended that the application be approved.

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

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

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

A100 PROPOSED PLANS & ELEVATIONS (amended 12/06/2019)

A200 PROPOSED SITE PLAN (amended 12/06/2019)

A300 LOCATION PLAN (amended 22/05/2019)

A400 EXISTING PLANS & ELEVATIONS

A500 EXISTING SITE PLAN

A600 PARKING PLAN

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

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

REASON: To ensure that the materials to be used are appropriate to the locality.

4. Details of the alignment, height, and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation.

Before the development hereby permitted becomes operative all boundary treatments shown in the approved details to bound the site shall be erected.

REASON: To ensure a visually satisfactory form of development.

5. The siting and details of the construction and design of external refuse recycling/bin stores shall be submitted to and approved in writing by the Local Planning Authority. The duly approved facilities shall be made available for use before the development hereby approved is first occupied and retained thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and in the interest of visual amenity.

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

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

7. All windows and doors shall be constructed in timber, of which the elevational and section details 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: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

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

REASON: For the avoidance of doubt, and to avoid an over-intensive use and to ensure that the development remains compatible with the character of the area and the intensity and frequency of usage remains proportionate to the use hereby approved.

9. The proposed holiday cottage shall be restricted to short-term holiday purposes only. No cottage on the site shall be occupied at any time as permanent residential accommodation or as a person's main place of residence.

The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of the cottage, and of their main home addresses, and shall make this information available, on request, to the Local Planning Authority.

REASON: To prevent the permanent residential occupation of the site in a location where new residential development is unacceptable in principle and to define the scope of the permission hereby approved.

10. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the holiday cottage hereby permitted shall not be

altered or extended, no new windows shall be inserted (including rooflights) and no additional buildings or structures shall be erected within its external area unless planning permission has first been granted by the Local Planning Authority.

REASON: In the interests of the amenity of the area

11. The car parking and manoeuvring areas shall be laid out in accordance with the approved plan before the holiday cottage hereby approved are first brought into use and shall be permanently maintained as such thereafter.

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

12. Site contractors and site project managers shall be made aware of the legal protection afforded all species of bats in the UK. The building contractors shall take additional care when removing fascia boards, verge tiles, ridge tiles & lead flashing.

In the event that any bats are found or disturbed during any part of the development, all work shall cease until further advice has been sought from a licensed ecologist.

Bat access slates, as denoted on approved drawing A100, shall be incorporated into the building during the construction works before the holiday cottage is first brought into use.

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

13. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

14. The holiday cottage hereby approved shall be operated in strict accordance with the Site Management Plan (dated June 2019) at all times.

REASON: To ensure the satisfactory management of the site in the interests of general amenity of the area and to safeguard where appropriate neighbouring residential amenity.

15. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard.

REASON: In order to ensure that trees growing within influencing distance of the development are given maximum physical protection from the potential adverse effect of the development.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0293

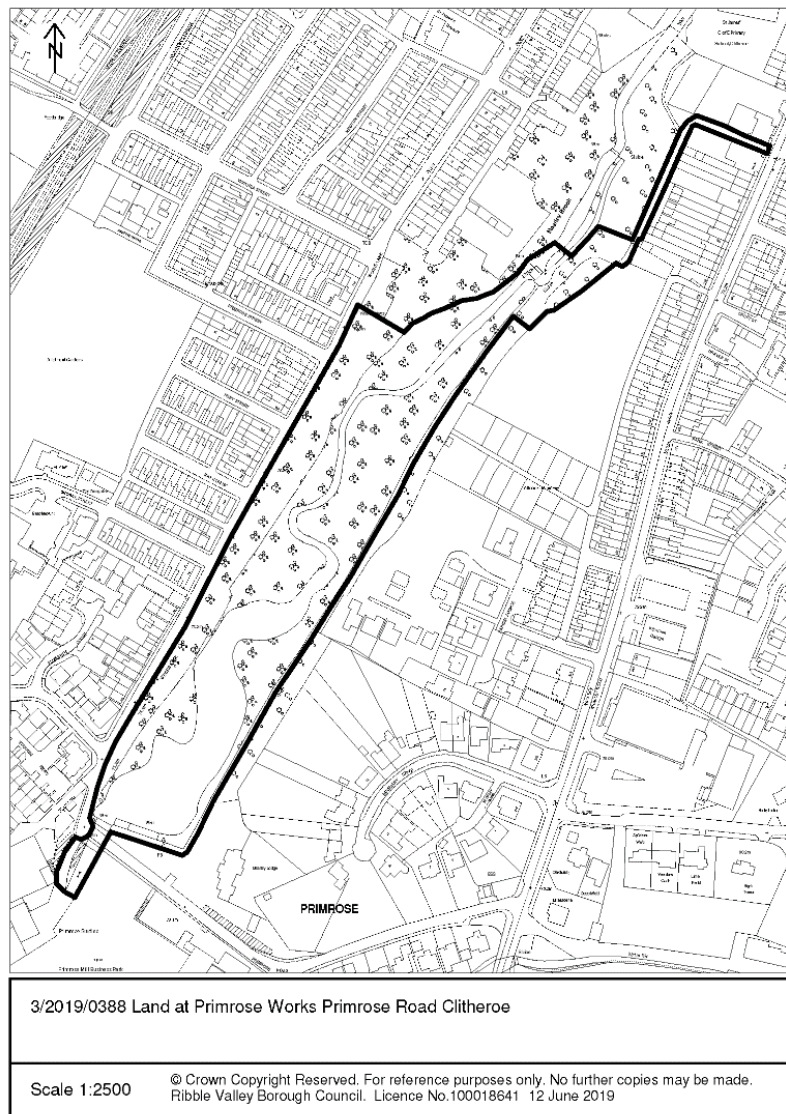
D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED

APPLICATION REF: 3/2019/0388

GRID REF: SD 373753 440773

DEVELOPMENT DESCRIPTION:

RESTORATION AND ENHANCEMENT OF PRIMROSE LODGE TO CHANGE THE FORMER MILL LODGE INTO A PUBLIC OPEN SPACE. TO INCLUDE DE-SILTING 3000 SQUARE METRES OF THE LODGE TO CREATE PERMANENT OPEN WATER HABITAT WITH VARYING DEPTHS, PLANTING THE MARGINS WITH SUITABLE MARGINAL POND VEGETATION; CONSTRUCTION OF AN ALASKAN A FISH PASS AND CREATION OF A FOOTPATH THROUGH THE SITE AT PRIMROSE LODGE WOONE LANE CLITHEROE



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

TOWN COUNCIL:

No objections but the Town Council would wish it to be a condition of the application being granted that heritage items are preserved in situ and boundary stones identified and displayed. It was suggested that a survey of the site be undertaken with a view to identifying items of historical significance to be maintained.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No formal comments but initially raised concerns regarding the need for more information in a traffic management plan and details of pedestrian access on to Woone Lane. Any further observations to be reported verbally.

LANCASHIRE ARCHAEOLOGICAL SERVICE:

Give a historical account of the Lodge, have no objection to the partial de-silting but consider that further information is required in relation to the design of the Fish pass. Recommend that a Level 1 recording of the site is inadequate and recommend that that a Level 2 recording is necessary.

LLFA:

No objections

ENVIRONMENT AGENCY:

No objection noting the following comments:

- The applicant must ensure the habitats and species of principle importance are retained and protected throughout the proposed works.
- The recommendations from the Bowland Ecology report should be implemented in full.
- It is essential precautions are taken to minimise the risk of fine sediment transport downstream during, and on completion of the works.
- Request a condition that prior to the installation of the fish pass details proving that flood risk to upstream areas is not increased shall be provided.

ADDITIONAL REPRESENTATIONS:

One letter of representation which raises concerns about the viewing platform which may result in noise and light disruption to local residents. Also consider lack of parking and additional traffic may lead to highway issues.

1. Site Description and Surrounding Area

- 1.1 Primrose Mill Lodge lies between Whalley Road and Woone Lane in Clitheroe. Primrose Lodge comprises a former mill lodge, Mearley Brook and semi-natural broadleaved woodland situated south of Clitheroe town centre. Within the surrounding landscape, built up urban areas are located adjacent to the site boundaries and extending west and north-east of the site. To the south, open agricultural land features pockets of woodland and hedgerows along field boundaries.

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

2.1 The proposal consists of 4 main elements:

- De-silting of a redundant mill lodge
- 1 Fish Pass
- Installation of footpath, board walk, foot bridge and information boards
- Removal of some tree and vegetation to facilitate access and construction of footpaths as well as planting of emergent and marginal vegetation associated with the de-silting project.

2.2 In relation to the desilting of the lodge this includes 3000m² of the lodge. No spoil is to be removed from the site and it will be used to re-landscape certain areas where it is deemed appropriate. From a geomorphology perspective the Environment Agency are supportive of the project which aims to restore a more natural sediment transport system throughout this reach of Mearley Brook.

2.3 The proposed Fish Pass submitted with this application is to be subject of a further planning condition requiring further information to demonstrate that it would not lead to possible issues upstream.

2.4 The proposed footpath traverses the site from Woone Lane towards Whalley Road and includes a 1.5m bitmac path parallel to Woone Lane with a pedestrian fence on the lodge side of the path, a 65m elevated section using plastic boardwalk with pedestrian fencing on either side and a footbridge of approximately 25m spanning Mearley Brook.

3. **Relevant Planning History**

3.1 The development of Primrose Lodge has been an objective of the Council for over 20 years.

3.2 In March 2010 Beck Developments Ltd were granted outline planning permission (ref: 3/2008/0526) for the regeneration of sites around and including Primrose Mill. The permission incorporated residential development including improved site access, highways improvements and the provision of public open space. As part of the consideration of the planning application it was agreed that the applicants would pay an open space contribution in lieu of providing open space on the site to be used towards the cost of the future restoration, remediation and regeneration of Primrose Lodge. Further Section 106 contributions have been secured for the restoration of the lodge to provide an area of public open space within this part of the Borough.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement EN3- Sustainable Development and Climate change

Key Statement EN4-Biodiversity and Geodiversity

Key Statement EN5-Heritage Assets

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

5. **Assessment of Proposed Development**

5.1 Principle of Development:

5.1.1 It is considered that given the nature of the project and the fact that the site has been identified as a key site for restoration and improvements highlighted in previous local plans, policies and strategies the principle of the development is acceptable.

5.2 Impact upon Residential Amenity:

5.2.1 It is acknowledged that the proposed development will introduce public access to an existing piece of inaccessible land in relatively close proximity to residential dwellings which may result in limited disturbance due to visitors of the site.

5.2.2 There is always the need to balance the public benefit and environmental benefits of a scheme against any harm to residential amenity and in this case it is important to note that this piece of land was identified as the open space associated with the surrounding residential development.

5.2.3 The concern regarding possible noise and light disturbance is noted however taking into account the existing background noise in this part of the Town and the fact that the proposed development will bring significant environmental and public benefits (by virtue of opening up the land to the public) outweighs any harm created.

5.3 Visual Amenity/External Appearance:

5.3.1 The visual impact of the proposed development is contained within the site and subject, to details of the footpath, boardwalks and associated retaining structures, will enhance the visual appearance of the existing piece of vacant land. Additionally the work to enable public access to the land and the refurbishment of the sluice gates will enhance the site and the local environment.

5.4 Highway Safety and Accessibility:

5.4.1 It is viewed that subject to imposition of appropriate conditions regarding a traffic management plan during the construction works that the proposal would not have an adverse impact on highway safety. The proposal includes 2 public access points, one from Woone Lane and one from Whalley Road. Further details of the extent of wall to be removed for the Woone Lane access will need to be submitted and agreed before use of this access.

5.5 Landscape/ Arboricultural/ Ecological issues:

5.5.1 An arboricultural and ecological assessment has been submitted with the application. It is considered that the proposed improvements at the Primrose Lodge will benefit a wide range of fauna and species. The limited amount of coppicing to facilitate the footpath and general maintenance of the site would not have an adverse impact on the landscape or ecology. The proposed planting

outlined in the planting and species specification document would also support the improvement in the ecological function of the Lodge. The aim of the proposed development is to have a positive contribution to ecology and biodiversity matters.

5.5.2 In order to enhance the area the recommendations of the Bowland Ecology report dated April 2019 need to be implemented. The report advises additional bat boxes to be located on existing mature trees, this will be secured by condition.

5.6 Heritage issues:

5.6.1 LCC's archaeological advisor has commented that the recording of the historic structures on site should be to Level 2 rather than the suggested Level 1. Whilst these comments are noted it is important to note that at a national level the Framework advises that the level of detail required should be proportionate to the assets' importance.

5.6.2 A Level 2 assessment will add additional costs to the project, which could place the project at risk (from a timing and cost perspective), and the applicants have commented that this request could be physically infeasible with the elements necessary for such a survey, in this case, placing the surveyors at significant risk.

5.6.3 The applicants acknowledge the historical importance of the weir and spillway and will undertake a record of the structures in line with 'Understanding Historic Buildings'. This will ensure that sufficient safeguards are secured to safeguard the historic records whilst ensuring that the project is not put in jeopardy.

5.7 Drainage:

5.7.1 A Flood Risk Assessment has been submitted with the application and neither the Lead Local Flood Authority or the Environment Agency have raised any concerns in relation to drainage or flooding issues resulting from the development.

6 Observations/Consideration of Matters Raised/Conclusion

6.1 Considering all of the above and having regard to all material considerations the proposal 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 the satisfactory consultation response from LCC Highways 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:

Time

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

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

Plan related

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:

| Title | Reference |
|---|--------------------|
| Footpath and access plan | DPLAC01 Revision D |
| Fish Passage Details | DPLFP01 Revision H |
| General Arrangement and Specification Plan | DPLDG01 Revision F |
| Planting and Species specification document | 2/13/2019 |

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

Materials

3. Notwithstanding the submitted information full details of the materials including any retaining walls for the footpaths and level details, fencing and footbridge shall have been submitted to and approved in writing by the Local Planning Authority prior to their use on site. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

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

Highways

4. Prior to the commencement of works on the internal footpath details of any pedestrian access on to Woone Land shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the pedestrian access shall be implemented in accordance with the approved details and retained in perpetuity thereafter

REASON: In the interest of highway safety and to ensure suitable pedestrian access is achieved as part of the development

Drainage

5. Prior to the commencement of the construction of the fish pass (ref: drawing DPLF01, Rev H, 16 Apr 19) full details of the installation of the fish pass shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that flood risk to upstream areas is not increased and shall include timings/ phasing arrangements for its installation and the future maintenance proposals.

The fish pass thereafter shall be installed and maintained in accordance with the submitted details.

REASON: To ensure that there are no detrimental impacts to flood storage or flood flow routes and to reduce the risk of flooding to the proposed development and future users.

Highways

6. 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.

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 for:
 - the parking of vehicles of site operatives and visitors;
 - the loading and unloading of plant and material;
 - the storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding;
 - routes to be used by vehicles carrying all plant and materials to and from the site;
 - contact details for the site manager.

REASON: To protect existing road users in the interest of highway safety.

8. Demolition or construction works shall not take place outside 08:00 hours to 17:00 hours Mondays to Fridays nor at any time on Saturdays, Sundays or Bank Holidays.

REASON: To protect the amenities of the nearby residents.

Biodiversity

9. This proposal shall be in accordance with the recommendations of the Bowland Ecology report dated April 2019.

Prior to public access to the site the location of the additional bat boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be erected in accordance with the approved details prior to public access to the site.

REASON: To encourage and promote biodiversity.

Archaeology

10. No works shall take place until the applicant, or their agent or successors in title, have secured the implementation of a programme of site recording and analysis works. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works shall include the creation of a record of the elements of the site which will be affected by the fish pass to Level 1, as set out in 'Understanding Historic

Buildings' (Historic England 2016). Upon completion of the programme of recording and analysis it shall be submitted to the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historic importance associated with the approved fish pass.

INFORMATIVES:

Environmental permit - advice to applicant for flood risk activities

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Environmental permit - advice to applicant for waste activities

Any development using waste or other material for engineering works may require an environmental Permit, unless it is exempt from the need for a permit. If a permit is required, it must be obtained prior to commencing the activity and the applicant should allow three months for the determination of a standard rules permit and four months for the determination of a bespoke permit. Waste transported to and from the development must only be carried by a registered waste carrier.

If planning permission is granted, the applicant should arrange a meeting with the Environment Agency to discuss the permitting implications. For information, the applicant will have to agree a waste recovery plan with the Environment Agency for any activity involving the recovery of waste on land as part of End 3 the Environmental Permit (unless the activity is exempt from the need for a permit).

Please contact our National Customer Call Centre (Tel: 03708 506 506) for advice prior to commencing work. General waste advice is available at:
<https://www.gov.uk/topic/environmental-management/waste>

The public register is available at:

<https://www.gov.uk/guidance/access-the-public-register-for-environmental-information>

BACKGROUND PAPERS

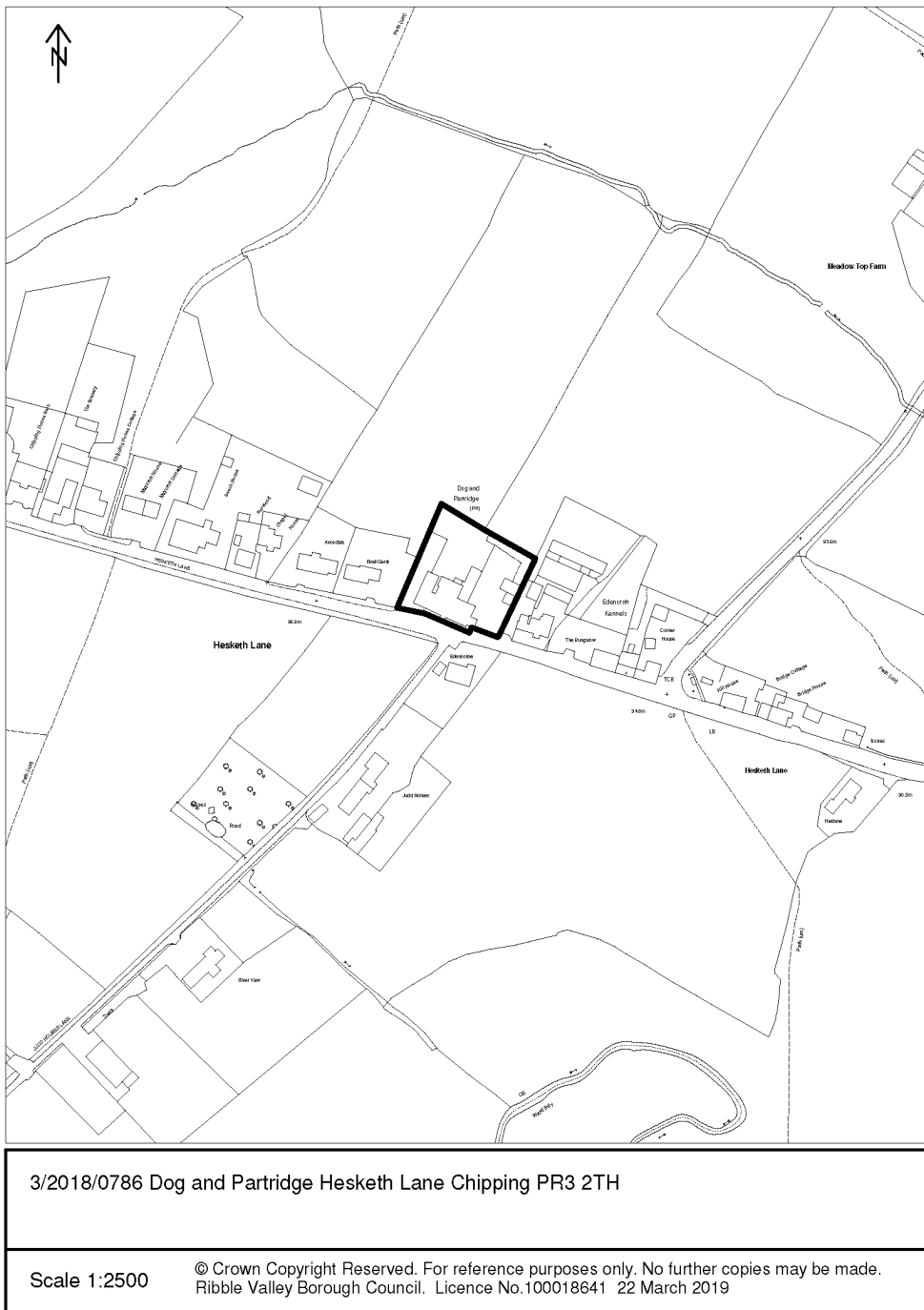
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0388

APPLICATION REF: 3/2018/0786

GRID REF: 361865 441312

DEVELOPMENT DESCRIPTION:

CONVERSION OF EXISTING RESTAURANT TO CREATE 12 APARTMENTS AND SITING OF FOUR HOLIDAY LETS AT DOG AND PARTRIDGE, HESKETH LANE, CHIPPING PR3 2TH



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

The Parish Council considers that the application has not been adequately marketed. As submitted no details have been shown relating to affordable housing and have concerns the conversion scheme would generate a greater number of vehicular movements.

In relation to new holiday lets, consider they will have a visual impact and stress the importance of retaining the units as holiday lets and comment whether there is sufficient demand for new units.

LANCASHIRE LOCAL LEAD FLOOD AUTHORITY:

The Lead Local Flood Authority (LLFA) originally unable to comment due to lack of information. Following re-consultation raise no objection subject to conditions regarding implementation of an appropriate surface water sustainable drainage scheme prior to occupation and a pre-commencement condition in relation to a surface water management plan.

UNITED UTILITIES:

Advise that there are no foul and surface water assets in the local area and that historically foul water has entered the adjacent watercourse.

LANCASHIRE COUNTY COUNCIL (LCC) HIGHWAYS:

Based on the amended plan no objection to the proposal subject to suitable conditions

LANCASHIRE COUNTY COUNCIL (LCC) EDUCATION:

No requirement for an education contribution

ADDITIONAL REPRESENTATIONS:

Seven representations have been received from members of the public which raise the following issues. Following re-consultation additional comments have been received from some of the original objectors.

- Inadequate marketing of the property.
- Insufficient demand for this type of housing and it is in the wrong location.
- There is a surplus of existing holiday let accommodation in the borough and vicinity.
- Insufficient parking.
- Inadequate and incorrect drainage information submitted with the application and that the existing capacity is insufficient.
- Noise disturbance caused by the development and possible conflict to adjoin commercial kennel and cattery business.
- Over intensive form of development and out of character to the local environment.
- Noise survey carried out whilst the Kennel was closed so it is not appropriate.
- Contrary to Policies contained in the Core Strategy DMB1 and Key statement DMI2

It should be noted that following formal reconsultation some of the points raised have been reiterated.

1. **Site Description and Surrounding Area**

- 1.1 The site is located off Hesketh Lane, approximately 1.6 miles South of Chipping Village. The site itself consists of the former Dog and Partridge Restaurant & Bar which includes the main stone restaurant building, a modern rear extension, car park and rear garden area.
- 1.2 The site is situated in the Area of Outstanding Natural Beauty and has a road side frontage and vehicular access from Hesketh Lane.

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

- 2.1 The proposal seeks alterations to the former Dog and Partridge Public House to accommodate 12 flats, including 5 two bedroom units and 7 one bedroom units. The scheme also includes a terrace block of 4 two storey stone constructed holiday units at the rear of the site. Parking provision for both elements are on the existing car parking area associated with the public house.
- 2.2 The changes to the main building include the introduction of new windows, enlarging existing windows, replacing doors with windows and the introduction of additional external steps to access some of the units. It is considered that these changes do not adversely affect the character of the building.

3. **Relevant Planning History**

None

4. **Relevant Policies**

Ribble Valley Core Strategy:
Key Statement DS2 – Sustainable Development
Key Statement EN2 – Landscape
Key Statement EN4 – Biodiversity and Geodiversity
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 DME3 – Site and Species Protection and Conservation
Policy DMB1 – Supporting Business Growth and Local Economy
Policy DMB3 – Recreation and Tourism Development
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**

- 5.1 **Principle of Development:**

- 5.1.1 In relation to the principle Core Strategy Policy DMG2 states that development proposals outside the defined settlement boundary must meet at least one of six considerations. Of these considerations the development is compliant in that it seeks to convert an existing building with the new build element being a tourism use.
- 5.1.2 Additionally, Core Strategy Policy DMB1 generally seeks to support business growth and the local economy, and Policy DMB3 relates specifically to recreation and tourism uses. Policy DMB3 requires new tourism development to be physically well related to an existing main settlement or village; or to an existing group of buildings, except where the proposed facilities are required in conjunction with a particular countryside attraction.
- 5.1.3 In this respect the application site is not located within an existing main settlement or village but it is not considered to be visually isolated due to the ribbon development on Hesketh lane.
- 5.1.4 It is considered that the site is suitable for a tourism use in accordance with the relevant “principle” sections of Policies DMG2, DMB1 and DMB3 and therefore the proposal is viewed 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 and the considered over-development of the site.
- 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. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.” It should be noted that this site is adjacent to the AONB and not within it.
- 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.” The proposed new build holiday cottages are in natural stone, slate roofing and timber framed windows all of which are in keeping with the locality.
- 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 Members must determine whether they consider there would be any significant adverse impact upon visual amenity, the character of the area or the ANOB in relation to the proposal. The main visual impact is caused by the erection of the 4 two storey holiday lets located at the rear of the existing building. It is considered that as the buildings are located within the existing confines of the original garden area and would be seen against the backcloth of the main building it would not detract from the general visual amenity or have an adverse impact on the AoNB.

5.2.6 The changes to the main building include the introduction of new windows, enlarging existing windows, replacing doors with windows and the introduction of additional external steps to access some of the units. It is considered that these changes do not adversely affect the character of the building.

5.3 Impact Upon Residential Amenity:

5.3.1 The proposal, although in the open countryside, is adjacent to existing residential properties as well as a commercial Kennels and cattery business. Concern has been expressed that the noise associated from residential and holiday let activities could impact on the adjacent kennels and cattery business. Following concerns about the timing of the first noise survey a further survey was commissioned and based on the findings of the survey the Council's EHO raised no concerns.

5.3.2 Members must determine whether the proposal is acceptable in terms of the impacts of the proposal upon residential amenity. Due to its location the development would not have any undue 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 Affordable Housing:

5.4.1 The proposal makes provision for both on site and off site affordable housing. This would include one unit to have Discounted Sale and a financial contribution to assist in the delivery of affordable housing. On the basis that this has been agreed by the Council's Housing Officer, the proposal would be compliant with the objectives of the affordable housing policy. The applicant has agreed a financial contribution of £105,200 which has been a figure accepted by the Department.

5.5 Highway Safety and Accessibility:

5.5.1 It is now evident based on the changes and the additional information that there are no longer any concerns in relation to highway matters. The proposal provides a total of 22 parking spaces as well as adequate cycle provision. The scheme also includes alteration to the access points with the blocking up of the northern access point for vehicular purposes.

5.6 Landscape/Ecology:

5.6.1 The proposal would result in further built form on a garden area and as such there would be no biodiversity gain. However, in order to accommodate such

issues it is considered that a condition should be imposed on the new build and existing buildings in relation to the need to accommodate bird and an d bat boxes.

5.6.2 Members must determine whether they consider there would be any significant impact upon landscape and ecology in relation to the proposal with specific reference the protected species. It is considered that subject to the requested conditions in relation to bats and bird boxes 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.

5.7 Drainage and Flood Risk:

5.7.1 It is evident that many of the objections raised from local residents concern drainage issues and as a result additional information has been submitted .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.

5.7.2 Members must determine whether they consider there would be any significant impact upon drainage and flood risk in relation to the proposal. It is considered that subject to the appropriate conditions 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.

5.8 Off Site Recreation Facilities:

5.8.1 The Draft S106 includes a financial contribution of £3925 which is in accordance with the Council's Open Space and Developer contribution document it is envisaged that this sum which would be used in connection with facilities in Chipping.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 It is noted that some concerns have been raised regarding the length and method of marketing the property for commercial uses. In this instance the marketing carried out via commercial agents but with no signage on site. Details have been provided and it is now the view of the Head of Regeneration that the marketing exercise has been sufficient to address the policy requirements. On this basis and given there are no material objections a recommendation of approval is considered appropriate.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval subject to the satisfactory completion of a Legal Agreement, within 3 months from the date of this Committee meeting or delegated to the Director of 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:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchasing Act 2004.

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

Location Plan Reference GA3147-LP-01
Landscaping Plan Reference Dog and Partridge
Proposed Block Plan Reference BP-01A dated 18/10/18
Proposed Floor Plan and Elevations GA3147-PL01
Proposed Floor Plan and Elevations GA3147-PL02

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

3. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

4. The proposed holiday cottages shall be restricted to short-term holiday purposes only. No cottage on the site shall be occupied at any time as permanent residential accommodation or as a person's main place of residence.

The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of the individual lodges on the site, and of their main home addresses, and shall make this information available, on request, to the Local Planning Authority.

REASON: To prevent the permanent residential occupation of the site in a location where new residential development is unacceptable in principle and to define the scope of the permission hereby approved.

5. Prior to work on any of the buildings 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.

The artificial bird/bat boxes shall be incorporated into those buildings during the construction and be made available for use before each flat or holiday let 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.

6. Notwithstanding the submitted details, details or specifications of all materials to be used on the external surfaces, including details of external stairways, of the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. The approved materials shall be implemented within the development in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality and respond positively to the inherent character of the area.

Noise

7. The residential development hereby permitted shall be designed in full compliance with the revised acoustic report dated 28/1/19 and incorporate the glazing, ventilation and acoustic specifications detailed in the report prior to occupation of any of the units.

REASON: To protect and safeguard residential amenity.

8. Prior to occupation of any of the units details of any external lighting scheme to the development hereby permitted shall be submitted to and approved in writing by the LPA and be implemented in accordance with the submitted scheme.

REASON: To protect and safeguard residential amenity.

9. The permitted hours of operation in relation to all construction works and ancillary operations (including deliveries and removal of plant, equipment, machinery and waste) shall be 08.00 to 18:00, Monday to Friday, 08.00 to 13:00 hours on Saturdays, and at no time on Sundays and Bank Holidays.

REASON: To protect and safeguard residential amenity.

10. 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:

- a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);
- b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus an appropriate allowance for climate change and urban creep. The calculations must also demonstrate that the post development surface water run-off rate shall not exceed 5l/s;
- c) A final plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;
- d) A final plan showing all overland flow routes and flood water exceedance routes, both on and off site;
- e) Details of measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
- f) Details of an appropriate management and maintenance plan for the surface water drainage network for the lifetime of the development.

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

REASON: To ensure that the proposed development can be adequately drained and that there is no flood risk on or off the site resulting from the proposed development. Also to ensure that water quality is not detrimentally impacted by the development proposal and that appropriate maintenance mechanisms are put in place for the lifetime of the development

11. 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.

REASON: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and 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.

12. Prior to occupation of any of the units further details of a scheme showing the alterations to the access point including the blocking up of one of the access points shall be submitted to and approved in writing by the LPA. The scheme shall thereafter be implemented and retained in that manner in perpetuity.

REASON: In the interest of highway safety.

13. Prior to occupation of any of the units precise details of location and details of cycle provision and bin storage areas shall be submitted and approved in writing by the LPA. The facilities shall be made available before occupation of the individual units.

REASON: In order to encourage sustainable travel and general amenity issues

14. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours which shall be in accordance with Condition 9 of this consent.
- ix) Routing of delivery vehicles to/from site

REASON: in the interest of highway safety and residential amenity.

- 15. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking and re-enacting that Order, the holiday cottage hereby permitted shall not be altered or extended and no additional buildings or structures shall be erected within its external area unless planning permission has been previously approved by the LPA.

REASON: In the interest of the amenity of the area.

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

REASON: To prevent the permanent residential occupation of the site in a location where new residential development is unacceptable in principle and to define the scope of the permission hereby approved.

INFORMATIVE

- 1. The applicant is advised that the new site access will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".
- 2. The developer should be aware that the any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.
- 3. In accordance with Condition 7 the noise levels at each dwelling should not exceed the following levels as assessed in accordance with British Standard 8233 (2014) and World Health Organisation guidelines (or any subsequent replacement national standards/guidance):

- LAEq 50 dB 16 hours – gardens and outside living areas, daytime (07.00-23.00)
- LAEq 35 dB 16 hours – indoors, daytime (07.00-23.00)
- LAEq 30 dB 8 hours – indoors, night-time (23.00-07.00)
- LAFmax 45 dB 8 hours – indoors, night-time (23.00-07.00)
- LAFmax 45 dB 4 hours – indoors, evening (19.00-23.00)*
- LAFmax 60 dB 8 hours - façade level, night time (23.00-07.00)
- LAFmax 60 dB 4 hours - façade level, evening (19.00-23.00)*

Alternative levels and monitoring locations may be used subject to the prior written approval of the Local Planning Authority. The evening standard LAFmax will only apply when the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour. In relation to Condition 7 the LAF max marked with an* the evening standard LAFmax will only apply

when the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.

- 4 In relation to condition 8 it shall be designed so that light intrusion into the windows of the nearest sensitive premises will not exceed 5 Lux before 23.00, and 1 lux after 23.00 (Environmental Zone E2), as described by The Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or any subsequent replacement guidance).

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0786

SECTION 106 APPLICATIONS

| <u>Plan No</u> | <u>Location</u> | <u>Date to Committee</u> | <u>Number of Dwellings</u> | <u>Progress</u> |
|----------------|---|--------------------------|----------------------------|---------------------------|
| 3/2018/0924 | Land South West of Barrow & West of Whalley Road Barrow | 7/2/19 | 39 | With Applicants Solicitor |
| 3/2018/0914 | Land off Clitheroe Road (Lawsonsteads Phase 2) Whalley | 14/3/19 | 188 | With Applicants Solicitor |
| 3/2018/1037 | Land off Pimlico Link Road Clitheroe | 11/4/19 | 19 | With Legal |
| 3/2019/0012 | Land South West of Barrow & West of Whalley Road Barrow | 30/5/19 | 233 | 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> |
|----------------|---------------------------------|--------------------------|---|----------------------------|-----------------|
| 3/2018/0844 | Land off Longsight Road, Langho | 10/1/19 | 21 weeks | 42 | Decision 5/6/19 |

APPEALS UPDATE

| <u>Application No and reason for appeal</u> | <u>Date Received/ Appeal Start Date</u> | <u>Site Address</u> | <u>Type of Appeal Procedure</u> | <u>Costs application received</u> | <u>Date of Inquiry or Hearing if applicable</u> | <u>Progress</u> |
|---|---|--|---|-----------------------------------|---|-----------------------------------|
| 3/2017/0961 R (Variation of S106 Ag) | 25/04/2019 | Land at Chapel Hill Longridge | Hearing | | 18/06/2019 | Withdrawn by Appellant 29/05/2019 |
| 3/2018/0474 R of pp | Awaiting start date from PINS | Great Mitton Hall Mitton Road Mitton BB7 9PQ | HH appeal procedure Hearing requested (to be confirmed by PINS) | | | |
| 3/2018/0468 R of LBC | Awaiting start date from PINS | Great Mitton Hall Mitton Road Mitton BB7 9PQ | LB Hearing (to be confirmed by PINS) | | | |
| 3/2018/1020 R of pp | Awaiting start date from PINS | Calding Bank Cottage Whalley Old Rd Billington BB7 9JE | WR (to be confirmed) | | | |
| 3/2018/0915 R of outline pp | 19/02/19 | Daniels Farm Preston Road Alston PR3 3BL | WR | | | Appeal Dismissed 16/05/2019 |

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|---|-------------------------------------|--|------------------------------------|--|--|-----------------------------------|
| 3/2018/0688 R of outline pp | 04/02/19 | land off Henthorn Road Clitheroe | Inquiry | | 08/05/2019 09/05/2019 10/05/2019 | Awaiting Decision |
| 3/2018/1025 R of prior notification | 05/02/2019 | Low Laithe Barn Gisburn Road Newsholme | WR | | | Awaiting Decision |
| 3/2018/0651 R of pp | 01/03/2019 | Land adj Glenetta Parsonage Rd Wilpshire BB1 4AG | WR | | | Appeal Dismissed 12/06/2019 |
| 3/2018/0582 R of permission in principle | 21/05/2019 | Land to the south of Chatburn Old Rd Chatburn | WR | | | Statement Due 25/06/2019 |
| 3/2018/0768 R of pp | 27/03/2019 | Land at Osbaldeston Ln Osbaldeston | WR | | | Awaiting Decision |
| 3/2018/0479 R of pp | 03/06/2019 | 74 Church St Ribchester | HH | | | Awaiting Decision |
| 3/2018/1076 R of pp | Awaiting start date from PINS | Sabden House Wesley Street Sabden | HH (to be confirmed by PINS) | | | |
| 3/2018/1006 R of LBC | Awaiting start date from PINS | Sabden House Wesley Street Sabden | WR (to be confirmed by PINS) | | | |
| 3/2018/1148 R of pp | 10/06/2019 | Wolfen Lodge Fish House Ln Chipping | HH | | | Awaiting Decision |
| 3/2019/0057 R of pp | 21/05/2019 | Seven Acre Bungalow Forty Acre Lane Longridge | WR | | | Statement Due 25/06/2019 |
| 3/2019/0117 R to discharge condition | Awaiting start date from PINS | Susie Cottage Rimington Lane Rimington | WR (to be confirmed by PINS) | | | |
| 3/2019/0241 R of pp | Awaiting start date from PINS | 23 Church Street Clitheroe | HH (to be confirmed by PINS) | | | |
| 3/2019/0242 R of LBC | Awaiting start date from PINS | 23 Church Street Clitheroe | WR (to be confirmed by PINS) | | | |