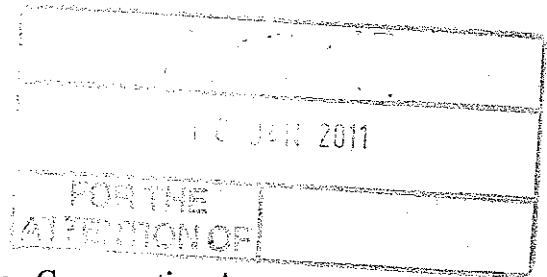


Application 3/2011/0580
Whalley Community Hydro



The site immediately adjoins the boundary of Whalley Conservation Area.

The Whalley Conservation Area Appraisal (The Conservation Studio consultants; adopted by the Borough Council following public consultation 3 April 2007) indicates:

- (i) the site to be within the fore ground of Important Views from the conservation area at Whalley bridge and the end of Calder Vale (see Townscape Appraisal Map and references below);
- (ii) *'Whalley is located on the river Calder ... although 20th century housing development has impinged somewhat to the north of the town, the river setting and the many fields and open green spaces of Whalley provide an attractive rural character to the conservation area'* (Summary of Special Interest);
- (iii) *'Whalley is notable for the following townscape features ... Riverside location, enclosed by hills on three sides; Long views across the river Calder and up to the surrounding hills'* (General Character and Plan Form);
- (iv) *'The close proximity of relatively wild moorland and open fields, mainly utilised for sheep and cattle grazing, provides a rural setting to the town, which gently intrudes down Nab hill as far as the banks of the river Calder'* (Landscape Setting: Topography, Geology, Relationship of CA to Surroundings);
- (v) *'The dramatic location of Whalley on the banks of the River Calder, and the close proximity of the surrounding hills, provide ample opportunities for stunning views into and out of the town. The most important are marked on the Townscape Appraisal map. Of special note is the significance of ... the river Calder (with particularly important views from the bridge)'* (Spatial Analysis: Spaces and Views);
- (vi) *'The Marjorie and Calder Cottage were both built in c.c1830 for John Taylor of Moreton Hall, possibly by Websters of Kendal. Both groups have Gothic windows'* (Definition of the Special Interest of the Conservation Area: Listed Buildings);
- (vii) *'Whalley is notable for its riverside location and for the steep hills which partially surround it. These are used for grazing or as woodland, providing an attractive setting of small fields, interspersed with trees and sub-divided by stone walls. The river Calder, which is relatively wide at this point, provides a dramatic foil to the steeply sloping hillside beyond, and to the urban form Whalley town, which lies to the north ... the most important open space in landscape terms therefore lies along the banks of the river Calder, although the land is all in private ownership. The large fields on the south which continue up to the top of the Nab hill are now proposed for inclusion within the Whalley Conservation Area, because they are so important in views into, and out of, the conservation area. Regrettably it is not possible to walk along the river at this point ... vantage point, at the end of Calder Vale, does provide some limited public access, with stunning views across the river to the weir and the Gothic*

- cottages on the southern bank*' (Definition of the Special Interest of the Conservation Area: Green Spaces, Trees, Hedges);
- (viii) The 'Whalley Bridge and the River' character zone has principle positive features of: Stunning views from Whalley Bridge and from the end of Calder Vale over the river and up to the Nab; The river and its weir; The former mill leat; Open green spaces with groups of trees; Gothic details on the listed buildings – The Marjorie and Calder Cottage;
 - (ix) The Whalley Conservation Area 'SWOT' analysis identifies the *strengths* of: Location on the banks of the river Calder; Stunning views from Whalley Bridge and from the end of Calder Vale over the river and up to the Nab.

LCC (Archaeology) advice *'whilst the weir may have early origins, its present construction is likely to relate to the Abbey Corn Mill of 1837, which was supplied by the sluice and race exiting from the northwest corner of the weir. This mill replaced one built in the mid 18th century (as shown on William Yates' map of 1786) which itself may have replaced the medieval monastic mill (although some people dispute this location for this earlier mill). It may also have originally fed the main abbey drain that is exposed in the ruins'* (Peter Iles, 11 April 2011).

I would concur with the Whalley Conservation Area Appraisal in respect to the quality and importance of the views from Whalley Bridge and the end of Calder Vale and of the stunning rural setting to the conservation area. The river and its weir are also important contributors to the dramatic setting of The Marjorie. Hole House Farm (modern bungalow) and the unsympathetic gable conservatory and garage additions to The Marjorie are unfortunate aberrations in this scene.

In my opinion, the proposal would be conspicuous, incongruous and visually intrusive because of its size (the study centre and fenced pedestrian area would appear unnecessary) and design (asymmetric roof covered in solar panels; the fencing, formal accessway and hardstanding would appear unnecessary). This would be unduly harmful to the character, appearance and significance of the settings to Whalley Conservation Area and The Marjorie (Grade II listed) and of the important views from Whalley Bridge and Calder Vale within Whalley Conservation Area to the countryside beyond. This would be contrary to Policies ENV16 and ENV19 of the Ribble Valley Districtwide Local Plan.

Whilst the proposal would have public benefit in the mitigation of climate change I do not consider that this outweighs the significant harm to designated heritage assets (RVBC DLP ENV24; PPS5 Policies HE1.3 and HE9.4; PPS22).

NB It is not clear from the application plans whether or not there is to be any works to the fabric of the historic weir.

Relevant legislation, policy and guidance

Policy ENV24 of the Ribble Valley Districtwide Local Plan is 'saved' and concerns renewable energy:

'In view of the general environmental benefits associated with harnessing renewable energy sources, the Borough Council will support the development of renewable energy schemes provided it can be shown that such developments would not cause unacceptable harm to interests of acknowledged importance in the local environment'.

Policy ENV16 of the Ribble Valley Districtwide Local Plan is 'saved' and concerns development proposals within conservation areas:

'Within conservation areas development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials. Trees, important open spaces and natural features will also be protected as appropriate. The desirability of preserving or enhancing the character or appearance of a conservation area will also be a material consideration in deciding development proposals outside the designated area which would affect its setting or views into or out of the area'.

Policy G1 of the Ribble Valley Districtwide Local Plan is a 'saved policy'. This states *'In determining planning applications the following criteria will be applied:*

- (a) Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature '.*

Policy ENV19 of the Ribble Valley Districtwide Local Plan states that *"development proposals on sites within the setting of buildings listed as being of special architectural or historic interest, which cause visual harm to the setting of the building, will be resisted. In assessing harm caused by any proposal the following factors will be taken into account:*

- (i) the desirability of preserving the setting of the building;*
- (ii) the effect of the proposed development on the character of the listed building;*
- (iii) any effect on the economic viability of the listed building;*
- (iv) the contribution which the listed building makes to the townscape or countryside;*
- (v) the extent to which the proposed works would bring substantial benefits to the community including economic benefits and enhancement of the environment".*

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

PPS22 'Renewable Energy' states at paragraph 11 'In sites with nationally recognised designations (Sites of Special Scientific Interest, National Nature Reserves, National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts, Scheduled Monuments, **Conservation Areas, Listed Buildings**, Registered Historic Battlefields and Registered Parks and Gardens) planning permission for **renewable energy projects should only be granted where it can be demonstrated that the objectives of designation of the area will not be compromised by the development, and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits**'.

Planning Policy Statement 5 – Planning for the Historic Environment (PPS5, March 2010) states at paragraph 7 that government objectives for planning for the historic environment include:

the delivery of 'sustainable development by ensuring that policies and decisions concerning the historic environment ...recognise that heritage assets are a non-renewable resource...';

and the conservation of 'England's heritage assets in a manner appropriate to their significance by ensuring that ... decisions are based on the nature, extent and level of that significance, investigated to a degree proportionate to the importance of the heritage asset'.

PPS5 Policy HE1.1 states *'Local planning authorities should identify opportunities to mitigate, and adapt to, the effects of climate change when ...making decisions relating to heritage assets by seeking the reuse and, where appropriate, the modification of heritage assets so as to reduce carbon emissions and secure sustainable development...'*

PPS5 Policy HE1.2 states *'Where proposals that are promoted for their contribution to mitigating climate change have a potentially negative effect on heritage assets, local planning authorities should, prior to determination, and ideally during pre-application discussions, help the applicant to identify feasible solutions that deliver similar climate change mitigation but with less or no harm to the significance of the heritage asset and its setting'*

PPS5 HE1.3 states that *'Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets in accordance with the development management principles in this PPS and national planning policy on climate change'*.

PPS5 Policy HE7.1 states *"in decision making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal"*.

PPS5 Policy HE7.5 states *"Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use"*

PPS5 Policy HE10.1 states *"when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval"*.

PPS5 is accompanied by the Historic Environment Planning Practice Guide (HEPPG, March 2010). Paragraph 2, Introduction, of the HEPPG states that the practice guidance may be *"material to individual planning and heritage consent decisions"*.

Paragraph 114 and 116-117 of the HEPPG relate to setting.

"the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and by our understanding of the historic relationship between places..."(paragraph 114).

"the setting of a heritage asset can enhance its significance whether or not it was designed to do so"(paragraph 116).

"the contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting... Nevertheless, proper evaluation of the effect of change within the setting of a heritage asset will usually need to consider the implications, if any, for public appreciation of its significance"(paragraph 117).

Paragraph 78, Weighing up the proposals, of the HEPPG states *"local authorities are advised to take into account the likely longevity of any public benefits claimed for a proposed scheme. Speculative, ill-conceived or short-term projects will not compare so favourably when considering an irreversible harm to the significance of a heritage asset"*.

Paragraph 177 of the draft National Planning Policy Framework (July 2011) states *"the Government's objectives for planning for the historic environment are to: ... conserve heritage assets in a manner appropriate to their significance..."*.

Paragraph 183 of the draft NPPF states *"as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification..."*.

Paragraph 114 of the draft NPPF states *'the Government's objective for the planning system is to promote good design that ensures attractive, usable and durable places. This is a key element in achieving sustainable development'*.

The 'Setting of Heritage Assets: English Heritage Guidance' (EH, October 2011) states:

'the cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development' (4.5).

... arguments about the sensitivity of a setting to change should not be based on the numbers of people visiting it. This will not adequately take account of qualitative issues, such as the importance of quiet and tranquillity as an attribute of setting; constraints on the public to routinely gain access to a setting because of remoteness or challenging terrain, or the importance of the setting to a local community who may be few in number' (2.4).

'entire towns also have a setting which, in a few cases, has been explicitly recognised in green belt designations. A conservation area that includes the settings of a number of listed buildings, for example, will also have its own setting, as will the town in which it is situated. The numbers and proximity of heritage assets in urban areas means that setting is intimately linked to considerations of townscape and urban design' (2.2).

'The setting of some heritage assets may have remained relatively unaltered over a long period and closely resemble the setting in which the asset was constructed or first used. The likelihood of this original setting surviving unchanged tends to decline with age and, where this is the case, it is likely to make an important contribution to the heritage asset's significance

... the recognition of, and response to, the setting of heritage assets as an aspect of townscape character is an important aspect of the design process for new development, and will, at least in part, determine the quality of the final result' (2.5)

'Small Scale Solar Electric (Photovoltaics) Energy and Traditional Buildings' (EH, October 2010) states: *'It is generally not considered sympathetic to a building's appearance to have a solar panel or other equipment fixed to any of its main elevations, i.e. the face or faces seen from the principle viewpoint, towards which it is mainly viewed. Thus buildings with main elevations aligned in the direction of optimal solar radiation may present special installation problems with regards to visual impact'* (page 4).

A Dowd
6 January 2012