



RIBBLE VALLEY BOROUGH COUNCIL

please ask for: GRAEME THORPE
direct line: 01200 414520
e-mail: graeme.thorpe@ribblevalley.gov.uk
my ref: 3/2012/0401/P
your ref: APP/T2350/A/12/2184630/NWF
date: 22 NOVEMBER 2012

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

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www.ribblevalley.gov.uk

Dear Mr N. Patch,

RE – Appeal by Phillips Property Limited against the failure of this Council to determine the application within the appropriate period. Outline planning permission is sought for the proposed re-development of land for residential purposes at 51-53 Knowsley Road, Wilpshire, Lancashire, BB1 9PN.

Given the attached detailed report that was presented to Ribble Valley Borough Council's Planning and Development Committee, and attached to this letter as Appendix I, the Council do not wish to submit a full appeal statement. However, please accept this letter as support for the Council's case for dismissing this appeal as it highlights the Council's key views on the scheme.

A final letter to provide the Council's final comments on the appellant's statement and case will be sent in due course.

Support for the Council's failure to determine this application within the appropriate time period

1. This application was submitted and made valid on the 1st of May 2012, with the thirteen-week target period ending on the 31st of July 2012. It is standard practice to assess and aim to make recommendations on such applications within a 13-week time frame; however in this case there is a good reason why this was not achieved. The delay was due to on-going discussions with the Agent in respect of possible amendments to the scheme, and despite these on-going discussions, the applicant has sought to Appeal against Non-Determination of the Application.
2. The e-mails scanned and sent under the attached document Appendix II show that these ongoing discussions continued from July, through August and into September, at the request and agreement of the appellant, and as such indicate that the Council were willing to continue dialogue until a more suitable scheme could potentially be agreed before taking a formal recommendation to Committee.

The Council's Case for Dismissing this Appeal

1. With regards to the principle of developing this site for housing, the Council remain of the opinion that it is a sustainable location that would contribute to the supply of housing including affordable provision and market choice, and it would be consistent with the policies of NPPF to proactively drive and support economic growth. In

addition, the impact upon overall housing supply and development strategy would not be so significant to the overall provision to cause harm to the submission Core Strategy and consequently overall is not considered to either significantly or demonstrably outweigh the benefits listed above as a matter of principle. The development of the site in principle therefore remains in accordance with the presumption in favour of sustainable development and is consequently consistent with the provisions of NPPF which has relevant material consideration, given the view that relevant policies of the development plan are out of date.

2. One change to the information provided within my report to Committee however is that as at the 1 October 2012, Ribble Valley can now demonstrate a 6 year supply of housing, including a 10% allowance for slippage and 20% buffer for previous years under delivery but no detailed site adjustments for deliverability of the sites identified when measures against the previously adopted Regional Strategy figure. In terms of the five-year supply based on the emerging Core Strategy requirement, this is 5 years. However, this is not considered to change the view in respect of the principle of developing this site for housing.
3. The current layout of the site comprises two large detached dwellings within quite substantial grounds that add a sense of openness to this particular location on Knowsley Road. Indeed it is considered that relatively large dwellings on large plots typify the layout and density of this particular area of Knowsley Road. The scheme proposed is considered to over-develop the site, and as the document submitted under Appendix III shows (an adopted location plan with the proposed development superimposed onto the site and in relation to surrounding properties), whilst not to scale, this is considered to give a true reflection of the scale of the development in relation to its surroundings and the significant over development of the site that is being proposed.
4. The harm of the overcrowded proposal is two fold as the block of terraced properties in the centre of the site and the three storey block of apartments on the Knowsley Road frontage are not considered to accord with the locality and appear misplaced and out of keeping, with their approval also leading to conditions to the detriment of the amenity of the occupiers of adjacent dwellings. The overall scale of the proposed three storey apartments is also considered excessive, and due to its more prominent location positioned directly on the street frontage of Knowsley Road, would appear dominant within the streetscene thereby impacting on the character of the street scene at this location to its visual detriment.
5. With regards to the impact on the amenity of the occupiers of adjacent dwellings, the proposed first and second storey windows within the apartments would directly overlook the front garden areas of numbers 49 and 54 Knowsley Road, which are both clearly used for enjoyment. It is appreciated that the front-facing rooms and garden at no. 54 can already be seen to some extent from the road, however it is considered that the proposed development would result an unacceptable increase in actual and perceived loss of privacy at both properties. There is also some concern regarding the potential loss of privacy to the occupier of no. 45 Knowsley Road, however this is mitigated to some extent by existing boundary planting on their land. Landscaping would not overcome the harm, as suggested by the additional planting proposed, because any planting on the boundary high enough to screen first/second floor windows would be likely to block light to those windows and would therefore prejudice the living conditions of future occupiers of the development.
6. With regard to the block of terraced properties within the centre of the site, due to their position on site, the short distance between the most easterly positioned unit

and the corner of the apartment block, the small amenity areas to the rear of the buildings and the large number of private and shared parking spaces in front of the dwellings, these units appear cramped and ill-conceived. The spacing and density on site is particularly worsened by these units in particular as they require the access road and parking spaces to be tightly positioned to the boundaries and also reducing the openness for the two pairs of units at the rear of the site. This is clearly contrary to guidance within paragraph 58 of the NPPF.

7. This cramped design and reduced rear amenity areas also means that views from the rear elevation of the row of terraces in the centre of the site will have an unacceptable impact upon the occupiers of properties to the north, numbers 55 and 57. Recent appeal decisions have supported the Council's concern for developments causing a loss of privacy and in this case given the distance of 8.2m between the rear elevation of the most easterly positioned end terrace unit and the northern boundary of the site that borders the rear gardens of no. 55 and 57 Knowsley Road. It is considered that any rear facing bedroom windows in the proposed house would afford views into rear garden area of this property, with the potential also for views into habitable rooms, despite the orientation, leaving the occupiers with a strong sense of intrusion.
8. On this basis, and considering the advice within paragraph 53 of the NPPF that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area', whilst the site would comfortably house more units than the existing two in situ, the proposed scheme to erect nine dwellings plus 12 apartments on the site is considered to be excessive and would be an over-development of the site, contrary to the guidance provided within paragraphs 53, 58, 60 and 64 of the NPPF, and Policy G1 of the Local Plan, and its approval would be to the visual detriment of the locality and the streetscene, and would impact upon the privacy of the occupiers of adjacent properties.
9. Now that the Ribble Valley Borough Council Core Strategy Plan 2008 – 2028, is at Regulation 22 Submission Draft stage, this is also now a material consideration (the link on the e-mail to the Inspectorate takes you to this document). Policy DMG1 within this document continues the support of the current Local Plan Policy G1 noting advising that
'In determining planning applications, all developments must,
 - *Be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials,*
 - *Consider adequate day lighting and privacy distances, and*
 - *Not adversely affect the amenities of the surrounding area.*Clearly the scheme remains contrary to the emerging local policy guidance.
10. With regards to the protected species survey for both properties, whilst they do not record presence of bats, it highlights that an updated and more detailed survey will be required if any part of the development/demolition is delayed beyond September 2012, in order to eliminate possibility of mating/hibernation roost [In the instance of no 51 Knowsley road a dusk survey will be required]. On this basis, as the submitted reports do not comply with the guidance contained within the Bat Surveys Good Practice Guidelines 2nd edition, then it could be considered that the application should be refused as it does not comply with the Conservation of Habitats and Species Regulations 2010.

11. In conclusion, the application as proposed cannot be considered acceptable due to it being at variance with the relevant local and national planning policies and guidance, and it is respectfully requested that appeal be dismissed and the Planning Inspector endorse the following reasons for refusal.

1. The proposed development given its layout, scale and siting would have a detrimental impact on the adjacent residential amenity by virtue of overlooking and thus impacts on the privacy and as such be contrary to Policy G1 of the Districtwide Local Plan and guidance contained within the NPPF.
2. The proposed layout of the scheme is considered to be excessive in its density, it would create a cramped layout out of keeping with the locality and its approval would be an over-development of the site to the visual detriment of the locality and the streetscene. Approval of the scheme would be contrary to the guidance provided within paragraphs 53, 58, 60 and 64 of the NPPF, and Policy G1 of the Local Plan.
3. With regards to the protected species survey for both properties, as they do not comply with the guidance contained within the Bat Surveys Good Practise Guidelines 2nd edition, the application should be refused as approval of the proposal without the site being formally and appropriately assessed would be contrary to the provisions of the Conservation of Habitats and Species Regulations 2010.

Should the Inspectorate be minded to approve the application, please see the suggested Conditions within Appendix IV attached to this letter.

The Council look forward to receiving the Appellant's further comments, if they have any, in due course.

Yours sincerely,

GRAEME THORPE
SENIOR PLANNING OFFICER

Mr N. Patch,
The Planning Inspectorate,
3/06 Kite Wing,
Temple Quay House,
2 The Square,
BRISTOL BS1 6PN

Suggested Conditions for 3/2012/0401/P

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates.
 - (a) The expiration of three years from the date of this permission; or
 - (b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Detailed plans indicating the design and external appearance of the buildings and the proposed landscaping and boundary treatments, including a contoured site plan showing existing features and the proposed slab floor level and road level (called the reserved matters), shall be submitted to and approved by the Local Planning Authority before development commences.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and in order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.
3. This permission shall be read in accordance with the Section 106 Agreement dated...

REASON: For the avoidance of doubt as the permission is subject to an agreement in relation to the low cost/affordable housing approved.
4. The permission shall relate to the development as shown on Plan Drawing No's 4186-01, 4186-02, 4186-06 Rev.A, 4186-07 Rev.B and 4186-08 Rev.B.

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.
5. No development shall take place until updated protected species (dusk) surveys have been carried out during the optimum period of May to September prior to commencement of any part of development. The results of the updated survey shall be submitted to the Local Planning Authority Countryside Officer and Natural England. If such a use by a protected species of any part of the land or any buildings included in the planning permission granted is established, a mitigation scheme including appropriate protected species license details shall be submitted to and agreed in writing by Natural England & the Local Planning Authority Countryside Officer before any work commences on the approved Development.

REASON: To ensuring that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed, and to protect the bat population from damaging activities and reduce or remove the impact of development.
6. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the arboricultural survey (dated December 2011) shall be protected in accordance with the BS5837 2012 [Trees in Relation to Construction] the details of which shall be agreed in writing and implemented in full under the supervision of a qualified arboriculturalist. A tree protection-monitoring schedule shall be submitted to for approval by the local planning authority. The local planning authority shall inspect tree protection measures before any site works are begun.

The root protection/exclusion zone shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or

redistributed within the protection/exclusion zone, in addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented without prior written consent, which will only be granted when the local authority is satisfied that it is necessary in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any tree affected by development is afforded maximum physical protection from the adverse effects of development. In order to comply with Policies G1 and ENV13 of the District Wide Local Plan.

7. No development approved by this permission shall be commenced until a scheme for the provision and the Local Planning Authority has approved implementation of a surface water regulation system. The scheme shall be completed in accordance with the approved plans.

REASON: To reduce the increased risk of flooding associated with increasing the impermeable surface area of the site.

8. The car park shall be surfaced or paved in accordance with a scheme to be approved in writing by the local planning authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the development.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to allow for the effective use of the parking areas.

9. Prior to commencement of development a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of development and thereafter retained.

REASON: In order to encourage renewable energy and comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

10. Construction activities shall only be carried out between the hours of 07.00 to 17.00 on each day Monday-Friday, 08.00 to 13.00 Saturday and no activities on Sundays or Bank holidays. A scheme for the control of dust from construction activities shall be submitted for approval to the local planning authority prior to the commencement of any development including site clearance activities. Following approval the scheme shall be implemented as agreed.

REASON: The development has the potential to affect the amenity of the area during the construction phase of the development and in particular through the generation of noise, light and dust in contradiction to the national planning policy framework principles of conserving the natural environment and promoting healthy communities. As such measures are required to ensure the local environment and residential neighbours are protected and impacts on the local amenity are minimised.

11. No development shall take place until details of the provisions to be made for artificial bird [species] nesting sites/boxes have been submitted and approved by the LPA. The approved works shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the LPA.

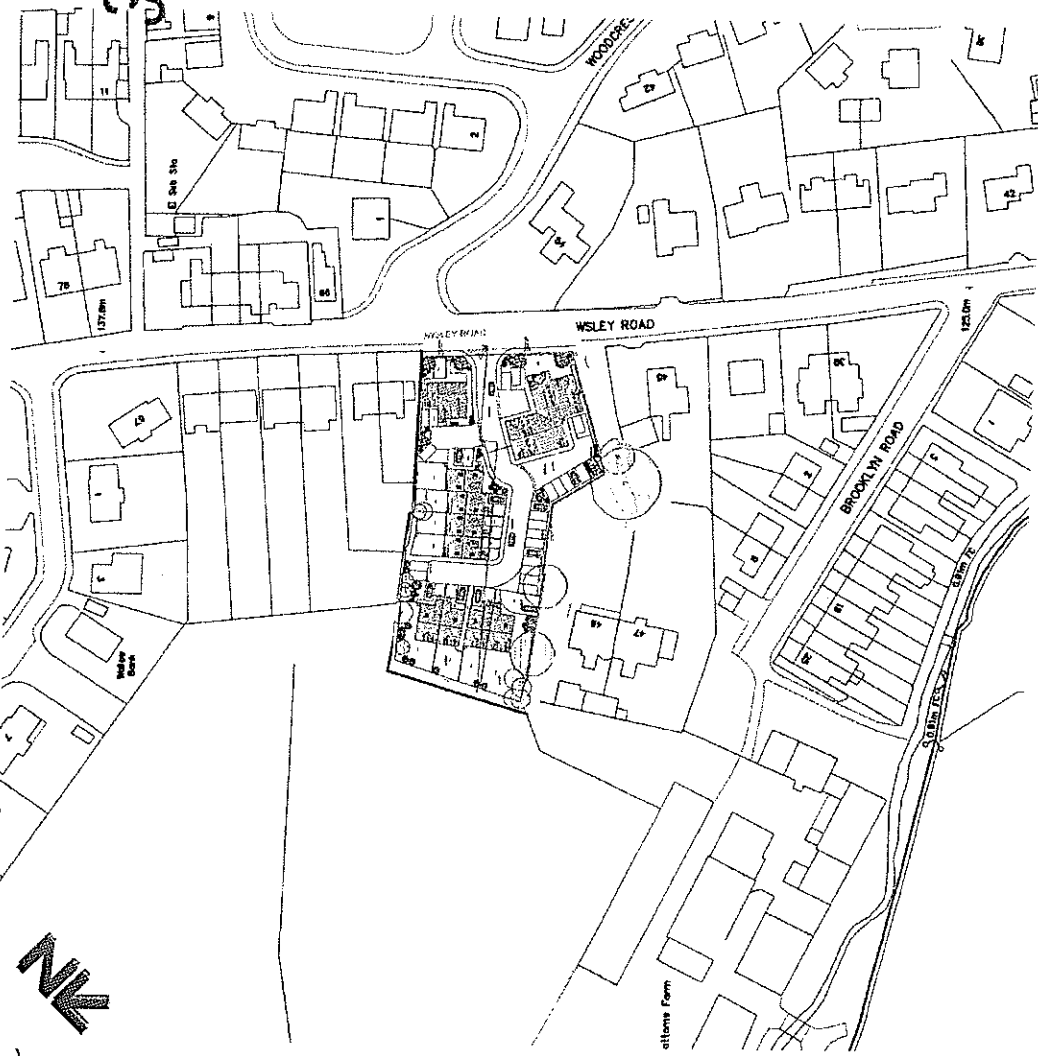
REASON: To ensure that bird species are protected and their habitat enhanced in, accordance with the Wildlife & Countryside Act 1981, as amended, and the Conservation [Natural Habitats &c] Regulations 1994.

INFORMATIVES

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.

Ribble Valley BC imposes a charge to the developer to cover the administration, and delivery costs in providing wheeled bins to each household within a new build property or conversion. Details of current charges are available from the RVBC Contact Centre on 01200 425111.

Not To Scale



320120401P

no.	by	chk.	revision	date
Client Phillips Property Limited 51 and 53 Knowsley Road Clayton Le Dale Wiltshire Blackburn				
Drawing Title Location Plan				
Scale	Date	Drawn		
1:1250 @ A3	Apr 2012	RM		
SPS SUNDERLAND PEACOCK ARCHITECTS SUNDOWN JAR PEACOCK ARCHITECTS LTD. HAVILHURST, HAVILHURST ROAD, CLAYTON LE DALE WILTSHIRE, BA12 9AG T: 01292 451111 E: info@spsarchitects.co.uk www.spsarchitects.co.uk				
4186-00				

Graeme

From: Paul Tunstall [mailto:ptunstall@jwpc.co.uk]
Sent: 16 July 2012 14:45
To: Graeme Thorpe
Cc: Richard Maudsley
Subject: Knowsley Road, Wliphshire

Dear Graeme,

Both Richard Maudsley (SPA) and myself can meet you tomorrow PM if this still suits. Would 3pm at SPA's officers be OK?

Regards

Paul

Paul Tunstall
Director

JWPC Limited
18 Waterview, White Cross, Lancaster, LA1 4XS

T 01524 599980
M 07776 222501

Also at Oxford and London



www.jwpc.co.uk

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22/11/2012

Graeme Thorpe

From: Graeme Thorpe
Sent: 16 July 2012 15:04
To: 'Paul Tunstall'
Cc: Richard Maudsley
Subject: RE: Knowsley Road, Wlipshire
2.30pm is fine.

See you then.

From: Paul Tunstall [mailto:ptunstall@jwpc.co.uk]
Sent: 16 July 2012 15:02
To: Graeme Thorpe
Cc: Richard Maudsley
Subject: RE: Knowsley Road, Wlipshire

Graeme,

2.30 better for you?

Paul

Paul Tunstall
Director

JWPC Limited
1B Waterview, White Cross, Lancaster, LA1 4XS

T 01524 599980
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From: Graeme Thorpe [mailto:Graeme.Thorpe@ribblevalley.gov.uk]
Sent: 16 July 2012 15:02
To: Paul Tunstall
Cc: Richard Maudsley
Subject: RE: Knowsley Road, Wlipshire

Hi Paul,

3pm is fine, but I need to leave at 4pm at the latest as it's my day for picking up from nursery.

22/11/2012

Graeme Thorpe

From: Graeme Thorpe
Sent: 30 July 2012 12:47
To: 'Paul Tunstall'
Subject: RE: Development of 51 & 53 Knowsley Road
Paul,

That will be fine.

See you in the morning.

Graeme

From: Paul Tunstall [mailto:ptunstall@jwpc.co.uk]
Sent: 30 July 2012 12:45
To: Graeme Thorpe
Subject: RE: Development of 51 & 53 Knowsley Road

Graeme,

It would be just you and I. Can we meet at your office?

Paul

Paul Tunstall
Director

JWPC Limited
1B Waterview, White Cross, Lancaster, LA1 4XS

T 01524 599980
M 07776 222501

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From: Graeme Thorpe [mailto:Graeme.Thorpe@ribblevalley.gov.uk]
Sent: 30 July 2012 11:06
To: Paul Tunstall
Subject: RE: Development of 51 & 53 Knowsley Road

Hi Paul,

22/11/2012

At a push yes. Where would you like to meet and who would be attending?

Regards,

Graeme Thorpe BA (Hons) Dip TP MRTPI |

Senior Planning Officer |

Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA

T: 01200 414520 |

F: 01200 414487 |

E: graeme.thorpe@ribblevalley.gov.uk |

W: www.ribblevalley.gov.uk |

From: Paul Tunstall [<mailto:ptunstall@jwpc.co.uk>]

Sent: 30 July 2012 11:02

To: Graeme Thorpe

Subject: RE: Development of 51 & 53 Knowsley Road

Graeme,

Is there any chance you can do 9am tomorrow?

Paul

Paul Tunstall

Director

JWPC Limited

1B Waterview, White Cross, Lancaster, LA1 4XS

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From: Graeme Thorpe [<mailto:Graeme.Thorpe@ribblevalley.gov.uk>]

Sent: 27 July 2012 13:20

To: Paul Tunstall

Subject: RE: Development of 51 & 53 Knowsley Road

Hello Paul,

I am free on Tuesday morning or Weds between 10am and 4pm.

Graeme

22/11/2012

From: Paul Tunstall [<mailto:ptunstall@jwpc.co.uk>]
Sent: 27 July 2012 12:15
To: Graeme Thorpe
Subject: RE: Development of 51 & 53 Knowsley Road

Graeme,

When could you meet next week?

Paul

Paul Tunstall
Director

JWPC Limited
1B Waterview, White Cross, Lancaster, LA1 4XS

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From: Graeme Thorpe [<mailto:Graeme.Thorpe@ribblevalley.gov.uk>]
Sent: 24 July 2012 14:04
To: Paul Tunstall
Subject: RE: Development of 51 & 53 Knowsley Road

Hello Paul,

Having re-visited the site and discussed the proposal with colleagues, there is an issue relating to the intensification and density of the scheme proposed in relation to the surrounding area and other recent developments. I am happy to arrange another meeting to discuss a way forward with the scheme with a view to me trying to make a positive recommendation however as noted in my e-mail dated the 19th, the earliest committee this would be would be September.

With regards to the amended plans we have decided not to re-consult neighbours.

Please give me a ring if you want a quick chat.

Regards,

Graeme

From: Graeme Thorpe

22/11/2012

Sent: 19 July 2012 10:03
To: 'Paul Tunstall'
Subject: RE: Development of 51 & 53 Knowsley Road

Morning Paul,

I've just quickly discussed the proposal with John. There is still concern with regards to the block of flats at the corner of the site, and he has asked me to re-visit the site and surrounding area and reconsider the intensification and density of the scheme proposed in relation to the surrounding area and other recent developments. He has therefore left the decision with me to make a formal recommendation for the scheme to Committee, and then be there to support the proposal at the meeting; therein lies the problem. As Colin will be dealing with the August Committee and I am on leave, he has told me not to take it to that meeting as we would want me to be there to support a positive recommendation. This means that it would be going to the September meeting for a positive recommendation...assuming that is of course the recommendation.

I hope this rambling e-mail explains the current situation. We will be re-consulting in due course. Please give me a ring if you want a quick chat.

Kind regards,

Graeme Thorpe BA (Hons) Dip TP MRTPI |
Senior Planning Officer |
Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA
T: 01200 414520 |
F: 01200 414487 |
E: graeme.thorpe@ribblevalley.gov.uk |
W: www.ribblevalley.gov.uk |

From: Paul Tunstall [<mailto:ptunstall@jwpc.co.uk>]
Sent: 18 July 2012 17:11
To: Graeme Thorpe
Subject: FW: Development of 51 & 53 Knowsley Road

Dear Graeme,

Further to our meeting yesterday, I attach revised plans for the above development (Application Ref: 03/2012/0401) along with the further bat survey as per Dave Hewitt's request. I trust this will now enable you to reconsult neighbours with a view to presenting the application to Planning Committee on 16th August 2012.

Kind regards

Paul Tunstall
Director

JWPC Limited
18 Waterview, White Cross, Lancaster, LA1 4XS

T 01524 599980
M 07776 222501

Also at Oxford and London

22/11/2012



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From: Richard Maudsley [<mailto:Richard.Maudsley@sunderlandpeacock.com>]

Sent: 18 July 2012 15:37

To: Paul Tunstall; Phillips, John (UK, RAF Valley, Supply Chain Specialist)

Cc: Tom Phillips; Ian Cruse; Andrew Knowles

Subject: RE: Development of 51 & 53 Knowsley Road

Paul,

Further to our conversation please find attached all of the amended drawings and bat survey to forward on to the planners.

Should you require anything further please do not hesitate to contact me.

Kind regards

Richard Maudsley RIBA

sunderland peacock and associates ltd.

hazelmere pimlico road clitheroe lancashire BB7 2AG

t 01200 423178 f 01200 427328 w www.sunderlandpeacock.com

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22/11/2012

Graeme Thorpe

From: Paul Tunstall [ptunstall@jwpc.co.uk]

Sent: 07 September 2012 14:20

To: Graeme Thorpe

Subject: Knowsley Road, Wilpshire

Graeme,

Just a note to let you know that the architects are currently preparing an amended layout scheme on the back of your comments to me last month. This should be with you early next week for comment and hopefully we can fully revise the scheme shortly after your response.

Regards

Paul

Paul Tunstall

Director

JWPC Limited

1B Waterview, White Cross, Lancaster, LA1 4XS

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M 07776 222501

Also at Oxford and London



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22/11/2012

Graeme Thorpe

From: Graeme Thorpe
Sent: 18 September 2012 16:45
To: 'Paul Tunstall'
Subject: RE: Knowsley Road, Wilpshire

Dear Paul,

John and I have had a chance to have a quick look at the revised layout change and whilst it does offer some improvement on what is currently submitted, I wouldn't say it has made such a significant change to negate the concerns of the residents or indeed some of our views. Has a change to the floor layout of the block of flats been considered as well? A suggestion was made to try and square off this building to limit the impact on the street frontage. Perhaps the elevations changes may do it more justice than simply the block plan.

On another matter it has been suggested that in order to add more weight to the revised scheme and separate it from the original scheme, it should be submitted as a new application. I understand this depends on your clients timescales but given we will have to re-notify neighbours of the revised proposal, the time delays for committees will already be built in.

Should you wish to discuss the matter further, please do not hesitate to contact me on this direct e-mail address or on my direct number below. Please note my comments are made for your information and guidance only and without prejudice to any recommendation made on the current application or any subsequent application.

Regards,

Graeme Thorpe BA (Hons) Dip TP MRTPI |
Senior Planning Officer |
Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA
T: 01200 414520 |
F: 01200 414487 |
E: graeme.thorpe@ribblevalley.gov.uk |
W: www.ribblevalley.gov.uk |

From: Paul Tunstall [mailto:ptunstall@jwpc.co.uk]
Sent: 14 September 2012 10:50
To: Graeme Thorpe
Subject: Knowsley Road, Wilpshire

Dear Graeme,

Sorry it has taken a while but my client has authorised some amendments to the layout which I would like to run past you before we formally amend the application (see attached). We have sought to lose one of the 3 terraced units within the centre of the site and have removed the terrace altogether – instead creating a pair of semi-detached houses and one detached dwelling, given more garden and open space about these central dwellings. In addition, we have reduced the height of the southern-most block of apartments from 3 storey to 2 storey. Whilst we have not designed the elevation as yet, I believe this step down and general lessening of the bulk of the apartment block (together with the differing front elevation depth) offers a solution to your concerns.

I'd welcome you information thoughts on this revision before we amend the application.

Many thanks

Paul

22/11/2012

Paul Tunstall
Director

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22/11/2012

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 11 OCTOBER 2012
 title: NON-DETERMINATION APPEAL IN RELATION TO OUTLINE APPLICATION
 FOR 21 DWELLINGS ON LAND AT 51-53 KNOWSLEY ROAD, WILPSHIRE
 submitted by: DIRECTOR OF COMMUNITY SERVICES
 principal author: GRAEME THORPE – SENIOR PLANNING OFFICER

1 PURPOSE

- 1.1 To advise Committee in relation to the recently received Non-determination Appeal, and request guidance on the issues relating to the Council's reasons for refusal.

2 BACKGROUND

- 2.1 This application was submitted and made valid on the 1 May 2012, with the thirteen-week target period ending on the 31 July 2012. After this time period, applicants do have the opportunity to appeal for non-determination however it is rare that this happens. It is standard practice to assess and aim to make recommendations on applications within 8 and 13-week periods, however in this case there is a good reason why this was not achieved.
- 2.2 No formal decision has yet been made in relation to this application, with the delay due to on-going discussions with the Agent in respect of possible amendments to the scheme. Despite these on-going discussions, the applicant has sought to Appeal against Non-Determination of the Application, therefore the purpose of this report is to gain Council and Planning and Development Committee support/approval for the following reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case.
- 2.3 The Appeal for non-determination was received on the 28 September 2012, and upon receipt no further work will be carried out in relation to dealing with the Planning Application. Once the Appeal has been formally recognised by the Planning Inspectorate, all those persons who were notified or consulted about the Application, and any other interested persons who made representations regarding the Application will be written to and advised that the Appeal has been made.
- 2.4 The Appellant has requested that the Appeal be considered under the written representations procedure. I am of the opinion that having regard to the nature of this application and despite the level of objections that this would still be an appropriate method of dealing with this particular application. It should be noted that an appeal under written representations would not only involve less officer time due to the additional work required in preparing for a Hearing but also a speedier decision. In addition, the reasons for refusal are not considered to require expert deliberation through a Hearing procedure.
- 2.5 It is important to emphasise that objectors are still allowed sufficient time to respond formally to the Inspectorate, and as such any comments received will form part of the appointed Inspectors deliberations. All existing objections will be sent to the Inspectorate.

- 2.6 The Planning Inspectorate would make the ultimate decision on the how the appeal is dealt with, but it is my opinion that a written representation method is appropriate.

3 ISSUES

- 3.1 In cases on Non-determination Appeals, it is important to gauge the views of the Planning and Development Committee in order that Committee Members are satisfied with the Officers Report. The Report will partially form the basis of the Council's Statement of Case in regards to the Appeal.
- 3.2 To advise Committee a report has been quickly produced and appended to this Report giving details of the representations received and the issues arising. As Committee will note, there has been a great deal of public interest with this proposal.
- 3.3 On the basis of the merits of the case, it is considered that should a formal recommendation have been made to Planning and Development Committee, it would have been one of refusal for the following reasons:
1. The proposed development given its layout, scale and siting would have a detrimental impact on the adjacent residential amenity by virtue of overlooking and thus impacts on the privacy and as such be contrary to Policy G1 of the Districtwide Local Plan and guidance contained within the NPPF.
 2. The proposed layout of the scheme is considered to be excessive in its density, it would create a cramped layout out of keeping with the locality and its approval would be an over-development of the site to the visual detriment of the locality and the streetscene. Approval of the scheme would be contrary to the guidance provided within paragraphs 53, 58, 60 and 64 of the NPFF, and Policy G1 of the Local Plan.
 3. With regards to the protected species survey for both properties, as they do not comply with the guidance contained within the Bat Surveys Good Practise Guidelines 2nd edition, the application should be refused as approval of the proposal without the site being formally and appropriately assessed would be contrary to the provisions of the Conservation of Habitats and Species Regulations 2010.

4 RECOMMEND THAT COMMITTEE

- 4.1 Advise that they would have been minded to refuse the Application for the above reasons.
- 4.2 Advise the Inspectorate that the Council have no objections to the Written Representations procedure in connection within this Appeal.

GRAEME THORPE
SENIOR PLANNING OFFICER

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

Application Reference Number 3/2012/0401/P

For further information please ask for Graeme Thorpe, extension 4520.

REF: GT/PLANNING & DEVELOPMENT/11 OCTOBER 2012

APPENDIX

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

MINDED TO REFUSE

DATE: 11 OCTOBER 2011

REF: GT

CHECKED BY:

APPLICATION NO: 3/2012/0401/P

(GRID REF: SD 368515 432290)

OUTLINE APPLICATION FOR THE PROPOSED RE-DEVELOPMENT OF THE SITE FOR RESIDENTIAL PURPOSES AT LAND AT 51-53 KNOWSLEY ROAD, WILPSHIRE, LANCASHIRE, BB1 9PN

WILPSHIRE PARISH
COUNCIL:

Wilpshire Parish Council OBJECT to this application for the following reasons:

1. 3 storey development is totally out of character in Wilpshire,
2. Inappropriate development for the site,
3. Over development of the site,
4. Increased volume of traffic onto Knowsley Road, and
5. Parking issues.

They also believe there is Japanese Knotweed on the site.

BLACKBURN WITH
DARWEN BOROUGH
COUNCIL:

No comments to make on the application.

ENVIRONMENT AGENCY:

No comments to make on the application.

LCC PLANNING
CONTRIBUTIONS:

No formal request for contributions at the time of the applications submission.

LCC ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Whilst no formal comments have been received at the time of the reports submission, I am aware that the LCC Highways Officer raises no objection to the principle of development on the site and he is satisfied that suitable access and parking arrangements can be achieved without causing any highway safety or capacity issues.

ADDITIONAL
REPRESENTATIONS:

Ninety six (96) letters/e-mails have been received in relation to this application all sent in objection to the proposal. The letters sent all strongly object to this proposal, however due to the vast number of letters, the points of objection have been simplified as follows:

1. The site will be forever changed from a two beautiful family dwellings to a concrete jungle,
2. The apartment block will dominate the streetscene,
3. Surely a scheme for bungalows would be more in keeping with this location in Wilpshire,

4. Serious impact on highway safety,
5. Serious over-development of the site/density proposed is excessive,
6. Three storey development is out of keeping,
7. Loss of light to neighbouring properties,
8. Impact on amenity of occupiers of neighbouring properties/Loss of privacy,
9. Over-bearing development that would be to the visual detriment of the street scene,
10. Surely a transport assessment should have been carried out before submitting the scheme,
11. Design of the scheme is entirely out of character with the area,
12. Submitted plans are inaccurate,
13. Loss of a heritage asset from the site,
14. No. 53 should be Listed,
15. Surely 53 could be converted into flats?
16. Insufficient notification has been sent out in relation to the proposed application,
17. Contrary to National and Local Planning Policies,
18. Bulk, massing, detailing and materials are all out of keeping with the locality,
19. Noise impact,
20. Increase in congestion on Knowsley Road,
21. No open/recreational space provided,
22. The developer has not consulted with the community prior to the application being submitted,
23. Infrastructure here is unsuitable for more dwellings,
24. The modern design of the proposals is unsuitable,
25. Loss of trees on site,
26. Detrimental to pedestrian safety,
27. No demand for two bed apartments in Wilpshire,
28. Construction process presents potential hazards,
29. Insufficient parking proposed for the site,
30. Knowsley Road is used as a 'rat run' and thanks to its recent refurbishment is now a speeding death trap,
31. The new entrance will be too close to the vehicular access to no's 47 and 49,
32. Will the affordable houses ACTUALLY be affordable?
33. The newly laid Knowsley Road would need to be dug up causing further disruption,
34. The bat survey indicates that the roofs were not properly inspected so surely a further survey is required before being approved?
35. No ecological survey provided for the site,
36. Loss of habitats, and
37. Impact on school places.

Proposal

This is an Outline Application for the proposed re-development of a site currently home to two dwellings for residential purposes. The application proposes the demolition of these two large dwellings in order to erect 21 dwellings. These will take the form of one detached four bedroom dwelling; 4 no. three bedroom dwellings in a short terrace; 2 no. pairs of three bedroom semi-

detached dwellings; and 12 two bedroom apartments in the form of two three storey blocks linked together. The reserved matters for which approval are sought are the 'Access, Layout and Scale', and the plans highlight the proposed layout and access point to be created/used from Knowsley Road.

Site Location

The application concerns the re-development of a site that extends to approximately 0.35 hectares, that is largely rectangular in shape and that is currently home to two large residential properties. The site lies within an established residential area, with houses to either side and on the opposite side of Knowsley Road. The site slopes from the northern boundary of the site southwards at a steady fall, with a difference in land levels being approximately 3.7m from the northern boundary to the southern most part of the site. The site lies wholly within the old Local Plan settlement boundary of Wilpshire, and is bounded by Green Belt to the western boundary edge.

Relevant History

3/2003/0936/P – Extension and refurbishment of existing dwelling – Granted Conditionally.

Relevant Policies

Policy G1 - Development Control.
Policy G2 – Settlement Strategy.
Policy H10 - Residential Extensions.
Policy T1 – Development Proposals – Transport Implications.
Policy T7 - Parking Provision.
Policy ENV7 – Species Protection.
Policy ENV13 – Landscape Protection.
SPG 'Extensions and Alterations to Dwellings'.
Policy L4 of the Regional Spatial Strategy (RSS).
Policy L5 of the Regional Spatial Strategy (RSS).
National Planning Policy Framework.
Conservation of Habitats and Species Regulations 2010.
Bat Surveys Good Practise Guidelines 2nd Ed

Environmental, AONB, Human Rights and Other Issues

This application was submitted and made valid on the 1 May 2012, with the thirteen-week target period ending on the 31 July 2012. No formal decision has yet been made in relation to this application, with the delay due to on-going discussions with the Agent in respect of possible amendments to the scheme. Despite these on-going discussions, the applicant has sought to Appeal against Non-Determination of the Application, therefore the purpose of this report is to gain Council and Planning and Development Committee support/approval for the following reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case.

This is an Outline Application for the proposed re-development of a site currently home to two dwellings for residential purposes. The reserved matters for which approval are sought are the 'Access, Layout and Scale'. The application proposes the demolition of these two large dwellings in order to erect 21 dwellings. These will take the form of one detached four bedroom dwelling; 4 no. three bedroom dwellings in a short terrace; 2 no. pairs of three bedroom semi-detached dwellings; and 12 two bedroom apartments in the form of two three storey blocks linked together. The application site lies within an established residential area, with houses to

either side and on the opposite side of Knowsley Road. The site lies wholly within the old Local Plan settlement boundary of Wilpshire, and is bounded by Green Belt to the western boundary edge.

The scale parameters for each of the different residential unit types are as follows:

- Unit 1: Four bed detached house.
 - Height to eaves 5.8m. Height to ridge 8.8m.
- Units 2-5: Four no. three bedroom townhouses.
 - Height to eaves 5.3m. Height to ridge 9m.
- Units 6-9: Two pairs of three bedroom semi-detached dwellings.
 - Height to eaves 6.1m. Height to ridge 9.6m.
- Units 10-21: Twelve no. two bedroom apartments.
 - Height to eaves 7.1m. Height to ridge 10.1m.

PRINCIPLE OF DEVELOPMENT

The starting point in relation to policy principles is the development plan. This has two elements, the Regional Spatial Strategy (whilst soon to be abolished remains extant) and the Districtwide Local Plan – Saved Policies. The policies of the recently published NPPF must then be considered with a judgement being made in relation to the weight of the key material considerations. The RSS provides a position in relation to the housing requirements, affordable housing and the broad focus of development. Primarily, Policy L4 and L5 are significant policies in this case.

For decision-making purposes, the Council has adopted the RSS housing requirement pending its review through the preparation of the Core Strategy. The RSS requirements plans for some 161 units per year against which the Council can demonstrate a 5.82 year supply at present. The Core Strategy seeks to plan for 200 units per year, however the scale of requirement has been subject to significant and extensive objections that remain to be resolved through the examination process and at this time, the Council attaches less weight to this element of the Core Strategy. Whilst the Council cannot demonstrate a five-year supply against this requirement, it should be borne in mind that whilst a five-year supply can be demonstrated against the RSS requirement, this is not a maximum or ceiling and development needs to be considered against the principles established in NPPF around the presumption in favour of sustainable development.

In terms of the saved Local Plan policies, in general terms the proposal site is within the existing settlement boundary and is located in a settlement where development would be directed. In that regard, it is consistent with the Local Plan.

Similarly, the settlement strategy in the Districtwide Local Plan as a principle is considered out of date in relation to both settlement boundaries and the development constraints that are set out. This is because that plan which was formed in the early 1990s and premised upon the relevant Lancashire Structure Plan policies applicable at that time, was established to control development, including housing growth against the strategic framework existing at that time. The adopted Local Plan (adopted 1990) had its strategic basis superseded by the Regional Strategy in 2008 and has been the subject to a review process as a consequence of the Core Strategy and with the Council's current position reflected in the submission Core Strategy. For these reasons I consider that the development principles must be considered out of date. That is not to say that the consideration of the impact of the development upon visual amenity and the character of the area should not be considered. However, I do consider that the underlying principle of development falls now to be determined against the NPPF.

NPPF emphasises the need to base decisions on the development plan, unless material considerations indicate otherwise. The NPPF is clearly a material consideration as up to date national planning policy. The most significant material consideration is that of the presumption in favour of sustainable development, with paragraph 49 of the NPPF highlighting that housing applications should be considered in the context of that presumption. The presumption confirms that where the relevant policies of a development plan is considered out of date, permission be granted unless:

- Any adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits when assessed against the policies of the framework.

In assessing this site, it is considered to be in a sustainable location, would contribute to the supply of housing including affordable provision and market choice, and it would be consistent with the policies of NPPF to proactively drive and support economic growth. In addition, the impact upon overall housing supply and development strategy would not be so significant to the overall provision to cause harm to the submission Core Strategy and consequently overall is not considered to either significantly or demonstrably outweigh the benefits listed above as a matter of principle. The development of the site in principle would therefore accord with the presumption in favour of sustainable development and is consequently consistent with the provisions of NPPF which has relevant material consideration, given the view that relevant policies of the development plan are out of date. However, there are of course other detailed development management considerations such as access, visual impact and such like that would need to be satisfied in relation to the application as a whole.

LAYOUT/VISUAL IMPACT/SCALE

The current layout of the site comprises two large detached dwellings within quite substantial grounds that add a sense of openness to this particular location on Knowsley Road. Indeed it is considered that relatively large dwellings on large plots typify the layout and density of this particular area of Knowsley Road. The scheme submitted is to demolish these two dwellings, create one single access point from Knowsley Road and erect nine dwellings plus 12 apartments on the site, a net gain of 19 new residential units on this area of land.

There are two elements of the scheme that are considered appropriate and acceptable, namely the pair of semi-detached units at the rear (to the west) of the site and the new-detached property on the Knowsley Road frontage. These two elements are considered suitably located and to an appropriate scale that they would have no significant impact on the occupiers of neighbouring dwellings.

The other two blocks of housing, namely the block of terraced properties in the centre of the site and the three storey block of apartments on the Knowsley Road frontage, do not accord with the locality and appear misplaced and out of keeping. The overall scale of the proposed three storey apartments, whilst not too dissimilar to the scale of the existing property on this site (no. 53), is considered excessive, and due to its prominent location on the street frontage of Knowsley Road, would impact on the character of the street scene to its visual detriment. With specific regard to the block of terraced properties within the centre of the site, due to their position on site, the short distance between the most easterly positioned unit and the corner of the apartment block, the small amenity areas to the rear of the buildings and the large number of private and shared parking spaces in front of the dwellings, these units appear cramped and ill-conceived. The spacing and density on site is particularly worsened by these units in particular as they require the access road and parking spaces to be tightly positioned to the boundaries and also reducing the openness for the two pairs of units at the rear of the site.

Paragraph 58 of the NPPF notes that 'Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments (amongst other things):

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 60 provides further guidance on assessing schemes noting that 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.' Paragraph 64 continues such advice stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

On this basis, and considering the advice within paragraph 53 of the NPPF that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area', whilst the site would comfortably house more units than the existing two in situ, the proposed scheme to erect nine dwellings plus 12 apartments on the site is considered to be excessive and would be an over-development of the site. Its approval would be contrary to the guidance provided within paragraphs 53, 58, 60 and 64 of the NPPF, and Policy G1 of the Local Plan, and it would be to the visual detriment of the locality and the streetscene.

ACCESS

Whilst no formal comments have been received at the time of the reports submission, I am aware that the LCC Highways Officer raises no objection to the principle of development on the site and he is satisfied that suitable access and parking arrangements can be achieved without causing any highway safety or capacity issues. A more detailed response will be presented to Committee on the night.

IMPACT ON RESIDENTIAL AMENITY/LOSS OF PRIVACY

Policy G1 of the Districtwide Local Plan advises that 'Developments should provide adequate daylight and privacy' and that 'Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature'. This is also supported by paragraph 53 of the NPPF. With regards to appropriate spacing distances, the SPG 'Extensions and Alterations to Dwellings' advises that a distance of 21m (direct) should be adhered to between habitable room windows, and that first floor habitable room windows should not be positioned to allow unrestricted views into neighbouring gardens.

There are two elements of the scheme that provide most concern, namely the views from the rear elevation of the row of terraces in the centre of the site, and the views from the three-storey apartment block. Recent appeal decisions have supported the Council's concern for developments causing a loss of privacy and in this case given the distance of 8.2m between the rear elevation of the most easterly positioned end terrace unit and the northern boundary of the site that borders the rear garden of no. 55 Knowsley Road. It is considered that any rear facing bedroom windows in the proposed house would afford views into rear garden area of this property, with the potential also for views into habitable rooms, despite the orientation, leaving the occupiers with a strong sense of intrusion. The views from the three-storey apartment block also raise concern despite the building being over 21m from the front elevations of numbers 49 and 54 Knowsley Road. The proposed first and second storey windows within the apartments would directly overlook the front garden areas of these properties, which are both, clearly used for enjoyment. It is appreciated that the front-facing rooms and garden at no. 54 can already be seen to some extent from the road, however it is considered that the proposed development would result in an unacceptable increase in actual and perceived loss of privacy at both properties. Landscaping would not overcome the harm, because any planting on the boundary high enough to screen first/second floor windows would be likely to block light to those windows and would therefore prejudice the living conditions of future occupiers of the development.

On this basis, it is considered that the development would have an unacceptable impact on the amenity of the occupiers of the adjacent dwellings.

LOSS OF NO. 53

A number of letters of objection concern the loss of no. 53 Knowsley Road, mainly due to its age and considerations regarding its character. Having considered the age of the property (it appears on the 1940s aerial views on the LLC Mapzone website) the building could be considered a non-designated heritage asset. Paragraph 135 in the NPPF advise that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' Having visited the site and having assessed the building, I do not consider that the significance of the non-designated heritage asset is sufficient enough to outweigh its retention on site as part of any redevelopment on this site. Whilst having an attractive streetscene frontage, the northern and western elevations of the building have been altered so significantly that the building has very little of its original character remaining. I would therefore not recommend the refusal of this scheme on the basis of the loss of this building.

IMPACT ON ECOLOGY/TREES

Having discussed the scheme with the Council's Countryside Officer, he notes that the majority of the trees within the red edge and identified in the tree survey details are classified as category C2 trees. These are trees that are considered to be of low quality and value with limited conservation or other cultural benefits, and as such are not usually retained where they would impose a significant restraint on development. There are also 6 trees identified that are growing outside the red edge but that are within influencing distance of the proposed development, of these it is recommended that one, a Norway maple should be removed due to its condition. For the remaining trees it is recommended that some remedial pruning is carried out but there is a question mark over ownership and some aspects of the proposed development does encroach into the Root Protection Area by around 30% [20% is the recommended max for open grown trees], which technically the ones in question are not.

He notes that the previously felled trees on site were probably of most visual amenity value and as such the trees within the red edge to be lost may not have a significant impact on the visual amenity value of the wider treescape. However, the loss of trees outside the red edge will have more of an impact and therefore in order to ensure their longer-term survivability it is important to ensure that they are afforded maximum physical protection. He notes that this is not made clear on the proposed plans and that this should be confirmed before any formal decision is made.

With regards to the protected species survey for both properties, whilst they do not record presence of bats an updated and more detailed survey will be required if any part of the development/demolition is delayed beyond September 2012, in order to eliminate possibility of mating/hibernation roost [In the instance of no 51 Knowsley road a dusk survey will be required]. On this basis, as the submitted reports do not comply with the guidance contained within the Bat Surveys Good Practise Guidelines 2nd edition, then it could be considered that the application should be refused as it does not comply with the Conservation of Habitats and Species Regulations 2010.

As the land is residential curtilage for the existing dwellings on site, there was considered to be no requirement for a Phase One Ecological Survey to be carried out on this site prior to the determination of this Outline Application.

CONCLUSION

In conclusion, on the basis of the above, the application as proposed cannot be considered acceptable due to it being at variance with the relevant local and national planning policies and guidance, and it is respectfully requested that Members of the Planning Committee endorse the following reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case in the forthcoming Appeal relating to this proposal.

RECOMMENDATION: That Committee endorse the reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case.

1. The proposed development given its layout, scale and siting would have a detrimental impact on the adjacent residential amenity by virtue of overlooking and thus impacts on the privacy and as such be contrary to Policy G1 of the Districtwide Local Plan and guidance contained within the NPPF.
2. The proposed layout of the scheme is considered to be excessive in its density, it would create a cramped layout out of keeping with the locality and its approval would be an over-development of the site to the visual detriment of the locality and the streetscene. Approval of the scheme would be contrary to the guidance provided within paragraphs 53, 58, 60 and 64 of the NPPF, and Policy G1 of the Local Plan.
3. With regards to the protected species survey for both properties, as they do not comply with the guidance contained within the Bat Surveys Good Practise Guidelines 2nd edition, the application should be refused as approval of the proposal without the site being formally and appropriately assessed would be contrary to the provisions of the Conservation of Habitats and Species Regulations 2010.



The Planning Inspectorate

3/06 Kite Wing
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2 The Square
Bristol, BS1 6PN

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Miss L Blatchford
Ribble Valley Borough Council
Development Department
Council Offices
Church Walk
Clitheroe
Lancs
BB7 2RA

Your Ref: 3/2011/0991
Our Ref: APP/T2350/A/12/2188270/NWF
Date: 5 December 2012

Dear Miss Blatchford

Town and Country Planning Act 1990
Appeal by Sunderland Peacock & Associates
Site at Land To The Rear Of Hazelmere, Pimlico Road, Clitheroe, BB7 2AG

I have received appeal forms and documents for this site. I am the case officer, if you have any questions, please contact me.

I have checked the papers and confirm that the appeal is valid. If I later find out that this is not the case, I will write to you again.

The procedure and starting date

The appellant has requested the written representations procedure. We have applied the criteria and considered all representations received, including the appellant's preferred choice. We consider that the written representations procedure is suitable and we intend to determine this appeal by this procedure.

The date of this letter is the **starting date** for the appeal.

Sending documents to us and looking at the appeal

If you post your documents, please:

- send one copy of the questionnaire and its supporting documents;
- send two copies of other documents as specified below;
- put the full appeal reference number on each copy.

If you email them to the email address above please quote the full appeal reference number. Guidance on communicating with us electronically can be found in GPA Note 06, which is available from:

www.planningportal.gov.uk/planning/appeals/planningappeals.



You can look at this case using the Planning Casework Service www.pcs.planningportal.gov.uk/pcsportal/casearch.asp by typing in the appeal reference number and clicking on "Search for Cases".

Keeping to the timetable

You must keep to the timetable set out below and make sure that you send us the relevant documents within these deadlines. This will mean that we can deal with this appeal promptly and fairly. If you do not send us the relevant documents in time, the Inspector will not normally look at them and we will return them to you unless there are exceptional reasons for accepting them. Inspectors will not accept any documents from you or discuss the appeal at the site visit. Also, Inspectors will not delay their decision to wait for any such documents. You must note the details of the following timetable because we will not send any reminders.

The following documents must be sent within this timetable.

By 19 December 2012

You must notify any person who was notified or consulted about the application in accordance with the Act or a development order and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them:-

- i) that any comments they made at application stage will be sent to me and the appellant and will be considered by the Inspector (unless they withdraw them within the 6 week deadline). If they want to make any additional comments they must submit 3 copies within 6 weeks of the starting date, **by 16 January 2013**. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned;
- ii) when and where the appeal documents will be available for inspection;
- iii) that the Planning Inspectorate will not acknowledge representations. We will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeal;
- iv) that they can get a copy of our booklet 'Guide to taking part in planning appeals proceeding by written representations' either free of charge from you or on your website, or on the Planning Portal (www.planningportal.gov.uk); and
- v) that the decision will be published on the Planning Portal.

You must send a copy of a completed appeal questionnaire and supporting documents, including relevant development plan policies, a copy of your notification letter and a list of those notified to the appellant and me. You have the opportunity to state your preferred choice of procedure by answering Question 1 of the appeal questionnaire.

By 16 January 2013

Please send me 2 copies of your statement if the appeal questionnaire does not give full details of your case. The appellant must send 2 copies of any statement to me if they need to add details to the case made in their grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send you and the appellant a copy of any comments sent by interested people or organisations.

By 6 February 2013

You and the appellant must submit 2 copies of any final comments you and they have on each other's statement and on any comments from interested persons or organisations. You must not send your final comments instead of, or to add to your statement. No new evidence is allowed at this stage. I will send you a copy of the appellant's final comments at the appropriate time.

Site visit

We will arrange for one of our Inspectors to visit the appeal site. If it is decided that the Inspector should be accompanied by the main parties, we will send you details of these arrangements nearer the time. If, however, an unaccompanied site visit can be made you will **not** be informed in advance and the Inspector should not be approached should you happen to observe him/her whilst he/she is conducting the site visit. If you were to do so the Inspector would of course identify him or herself but would not be able to engage in conversation with you at that time.

Withdrawing the appeal

If you hear that the appeal is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant, I will write to you.

Costs

The appellant has been directed to our advice pamphlet '*Costs awards in planning appeals*'. You should also be aware that costs may be awarded to either party.

Planning obligations - section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land' or a legally binding undertaking signed unilaterally by a person 'interested in the land'. If you intend to submit a planning obligation you must read the guidance provided in GPA Note 16, which is available from:

www.planningportal.gov.uk/planning/appeals/planningappeals. A certified copy must be submitted to me no later than 9 weeks from the date of this letter.

Further information

Further information about the appeals process can be found in our Good Practice Advice Notes. These notes can be accessed at: www.planningportal.gov.uk/pcs or you can contact me if you want a hard copy of any of the notes. Advice on producing statements is in GPA Note 07. I recommend that you read the relevant guidance.

Yours sincerely

Nicholas Patch

