

**FULL PLANNING APPLICATION
TO
RIBBLE VALLEY BOROUGH COUNCIL
BY
MR AND MRS J HERD
FOR
THE CHANGE OF USE OF A HAIRDRESSERS SHOP TO A ONE
BEDROOM GROUND FLOOR FLAT AT
16 SPRING GARDENS,
WADDINGTON,
CLITHEROE
LANCASHIRE.
BB7 3HH**

PLANNING STATEMENT

October 2014

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1. INTRODUCTION

- 1.1 This Planning Statement is in support of a full planning application submitted by Mr and Mrs J Herd to convert an existing hairdressers shop to a one bedroom ground floor flat.

2. THE PROPOSAL

- 2.1 The proposed flat will be solely on the ground floor of the building. Pedestrian access is through a covered passageway at the right hand side of the cottage which also provides access to the other cottages at Spring Gardens. The existing shop area is to become a living room and kitchen, whilst the existing internal store kitchen and toilet area will become a bedroom. There is currently no parking associated with the property nor is there any outdoor yard area or garden. No parking area is proposed. The wide passage at the side of the building is suitable to store bins and to dry clothes. There are no proposals to alter the exterior of the building.

3. APPLICATION SITE AND SURROUNDINGS

- 3.1 The application comprises the ground floor at 16 Spring Gardens and was used until recently as a hairdressers shop. Above the shop is a separate flat 16 A Spring Gardens. The application site and its neighbours form a close knit group of dwellings on the corner of Clitheroe Road and Waddow View. Pedestrian access to the rear of these properties is through the passage way which belongs to 16 Spring Gardens. The main elevation of the shop faces Clitheroe Road and has two domestic scale windows. There is no shop front and no shop signs. The door to the flat above and the window lighting the entrance to the flat are to the left hand side of the main elevation. Perpendicular to the road.
- 3.2 The hairdressers shop was run by the same lady for 42 years. Before she retired in March 2014 the shop was open half days on Tuesday, Wednesday Thursday and Friday. Her customers were from the local area. The interior of the shop is very basic and not at all up to date. A considerable amount of money would be needed to refurbish it to continue a shop business at the premises.

3.3 The site is within the village of Waddington which has several businesses and services. There are three public houses, a social club, a café, a Post Office with shop, and two churches all within about 300m of the site and Waddington and West Bradford Primary School is 1 km away. There are bus stops in the centre of the village the local bus service is hourly to Clitheroe or Nelson. The journey to Clitheroe Interchange take approximately 6 mins allowing connections other bus services and the train service to Blackburn and Manchester.

3.4 The site is within the settlement boundary of Waddington as defined on inset plan 28 in the adopted Ribble Valley Districtwide Local Plan 1998 (the Local Plan). The site is outside the Waddington Conservation Area. The site is shown to be with the flood risk area and in flood zone two and three on the Environment Agency Flood Map.

4. PLANNING HISTORY

4.1 There is not recent planning history relating to this site recorded on the Council's website.

5. THE DEVELOPMENT PLAN

5.1 The relevant part of the Development Plan for the purposes of this application is the saved policies of the Ribble Valley Local Plan (adopted in June 1998).

Ribble Valley Local Plan

5.2 The following saved policies of the adopted Ribble Valley Local Plan (which was adopted in June 1998 and written to plan for development over the period 1991-2006) are relevant to the proposal.

5.3 Policy G1: Development Control – all development proposals will be expected to provide a high standard of building design and landscape quality. The various detailed criteria to be applied in deciding planning applications are set out in the policy.

- 5.3 Policy G4: Settlement Strategy – within the villages including Waddington planning permission will be granted for infill sites not defined as essential open spaces and proposals which contribute to the solution of a particular local housing problem.
- 5.4 Policy ENV17 Conservation Area – applications within or affecting conservation areas should be accompanied by information including sketch elevation, means of access and landscaping details where appropriate.
- 5.5 Policy S6 Shops Change of use of ground floor commercial premises to residential accommodation within village boundaries will be approved providing it has been demonstrated that the change of use will not lead to adverse effects on the local rural economy.
- 5.5 Policy T1: Transport – a list is provided of criteria to which the Council will attach weight in deciding planning applications.
- 5.6 Policy T7: Parking Provision – requires all development proposals to provide adequate car parking and servicing space.

6. THE NATIONAL PLANNING POLICY FRAMEWORK

- 6.1 The relevant policies and provisions of the national Planning Policy Framework (NPPF), published in March 2012, are identified below.
- 6.2 The NPPF clearly states '*that the purpose of the planning system is to contribute to the achievement of sustainable development*' (paragraph 6). Paragraph 197 confirms that '*in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development*'. Paragraph 14 states that a presumption in favour of sustainable development is at the heart of the NPPF. It goes on to say that '*for decision-taking this means:*
- *Approving development proposals that accord with the development plan without delay; and*
 - *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or*
- *specific policies in this Framework indicate development should be restricted*.

6.3 At paragraph 7, the three dimensions of sustainable development (economic, social and environmental) are outlined. An elaboration of the Government's view of what sustainable development means in practice for the planning system is detailed later in the NPPF. Relevant parts are referred to at paragraph 6.7 below.

6.4 The NPPF (paragraphs 2, 11, 12 and 196) confirms that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise, ie the development plan is the starting point for decision making.

6.5 The NPPF, published in March 2012, highlights the importance of development plans being kept up to date (paragraph 12). Decision taking in the absence of an up to date development plan is addressed at paragraph 14. At paragraph 215 it is confirmed that '*due weight should be given to relevant policies in existing plans according to the degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given)*'. Paragraph 49 provides further guidance on the matter. It states '*housing applications should be considered in the context of the presumption in favour of sustainable development*'.

6.6 Paragraphs 2, 8, 13, 196 and 212 confirm that the NPPF is a material consideration in planning decisions.

6.7 The main body of the NPPF addresses the components of sustainable development. Those most relevant to the appeal are:

- 'promoting sustainable transport' – decisions should take account of whether safe and suitable access to the site can be achieved for all people and

development should only be refused where the residual impacts of development are severe (paragraph 32);

- ‘delivering a wide choice of high quality homes’ – local planning authorities are expected to boost the supply of housing (paragraph 47). In this regard, local planning authorities should *‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements’*. Paragraph 47 goes on to require an additional ‘buffer’ of 5% to ensure choice and competition in the market for land. Local planning authorities should increase the ‘buffer’ to 20% where there has been a record of persistent under delivery of housing;
- ‘requiring good design’ – developments should add to the quality of the area, and reinforce local distinctiveness;
- ‘meeting the challenge of climate change, flooding and coastal change’ – it is expected that *‘inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk’* (paragraph 100) and that *‘when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere’* (paragraph 103); and
- ‘conserving and enhancing the natural environment’ – in deciding planning applications local planning authorities should aim to conserve and enhance biodiversity by applying various principles including resisting development resulting in the loss or deterioration of irreplaceable habitats (paragraph 118).

7. EMERGING LOCAL DEVELOPMENT FRAMEWORK

Ribble Valley Borough Council Core Strategy

7.1 In summary, the Core Strategy is currently at the submission stage. The Council has recently closed the consultation period for the proposed main modifications to the Core Strategy. These changes and the comments made on them have yet to be considered by the Inspector appointed to examine the soundness of the Core Strategy. We have made objections to the amendment to policy DS1.

7.2 The following policies of the submitted Core Strategy are relevant to consideration of the proposal:

DS1: Development strategy. This policy has been recently altered and has not yet been considered by the Planning Inspector. However the Council is currently using the policy in determining planning applications. This policy states that majority of new house building will be directed to the main settlements of Clitheroe Longridge and Whalley with the residual being housing development being focused towards nine tier 1 villages. Waddington is categorised as a tier two settlement. The policy states that:

“in the remaining 23 Tier 2 Village settlements, which are the less sustainable of the 32 defined settlements, development will need to meet proven local needs or deliver regeneration benefits.”

It goes on to say that;

“Development that has recognised regeneration benefits, is for identifies local needs or satisfies neighbourhood planning legislation, will be considered in all the borough’s settlements including small-scale development in the smaller settlements that are appropriate for consolidation and expansion or rounding-off of the built up area.”

Policy DS2: Presumption in favour of development states that the Council will take a positive approach that reflects the presumption in favour of development contained in the NPPF.

DMG1: General consideration amongst other criteria development should 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.

H3: Affordable Housing. Requires affordable housing provision on housing sites of 5 or more unit. No affordable housing is required for this site.

DMR3: Retail outside the main settlements requires evidence that there is no demand for the continued commercial use in all application for the change of use of ground floor commercial premises to residential accommodation.

EN5: Heritage Assets- Conservation Area Appraisals will be kept under review to ensure that any development proposals are in keeping with the historic character and architectural interest of the area.

DM12: Transport Considerations-new development should be located to minimise the need to travel. It should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need to travel by private car.

DMG3: Transport and Mobility- in assessing development proposals weight will be given to the availability and adequacy of public transport to serve those moving to and from the development.

DMB4: Open Space- on sites less than 1 hectare, the Council will seek to negotiate for provision on site or secure a contribution towards provision for sport and recreation facilities or public open space within the area where the overall level of supply is inadequate.

7.3 The Core Strategy development management statements and policies generally reaffirm those identified as relevant in the Local Plan.

7.4 The Council currently expresses that there is currently a 5.1 year supply of housing (Planning Committee Reports to the meeting of the 18th September 2014).

8. PLANNING ASSESSMENT

8.1 The main issues for consideration in assessing the development proposal are:

- The status of the adopted Ribble Valley Local Plan having regard to the NPPF;
- An assessment of adopted Local Plan policies relating to the application site;
- An assessment of emerging Core Strategy Policies relating to the application;
- An assessment in relation to NPPF;
- The relationship between the proposed development and surrounding housing on residential amenity
- The lack of demand for the commercial premises and the impact of closing the shop

- Highway safety
- Flood risk

Each of these issues is addressed in turn below.

Status of the adopted Ribble Valley Local Plan having regard to the NPPF

- 8.2 Given the age of the Local Plan greater weight should be given to the policies of the NPPF and its presumption in favour of sustainable development. Specifically, whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits associated with the development, in particular the delivery of additional and needed housing.
- 8.3 The Council is claiming that it has a 5.1 year housing supply. However it should be noted that there is no local or national planning policy basis upon which to resist development even if there is a five year supply of deliverable housing sites.

Assessment of adopted Local Plan policies relating to the application site

- 8.4 The site lies within the settlement boundary of Waddington. Local Plan policy G4 is relevant. Policy G4 allows the rehabilitation and re-use of rural buildings. National planning policy also needs to be considered in addition to the DWLP policy outlined above.
- 8.5 We will set out reasons why it is more appropriate to look beyond the specific Local Plan policies and these are set out below:
- the Local Plan only provided for development needs for the period up to 2006. That the Local Plan is 'out of date' has been confirmed by the Council. A report to the Council's Planning and Development Committee on 17 June 2010 acknowledged that there is '*very limited capacity (for development and growth) within existing tightly drawn settlement boundaries and (there are) no further (Local Plan) allocations of housing land in particular to be brought forward*'. The report also states that Core Strategy options developed so far would require the release of extensive areas of greenfield land;
 - circumstances have changed considerably since preparation of the Local Plan. The Local Plan was prepared in the context of the then current

Lancashire Structure Plan (1991-2006). That document has since been superseded with provision for higher levels of housing growth in the Borough; and

- on the basis of latest evidence, and for the purposes of its Core Strategy, the Council has adopted a still higher housing provision figure (250 dwellings per year which will need to be increased to 280 dwellings per year) than the 160 within the (now revoked) RSS and the 200 dwellings per year previously regarded as the Borough's annual housing requirement.

8.6 So, the appropriate planning test is compliance with the overall Local Plan development strategy. In this regard, the development is within a defined settlement and constitutes an appropriate level of development.

8.7 It is clear that the small scale and the location of the proposal within a defined settlement accords with the overall development / settlement strategy for the Borough as set out in the Local Plan.

Assessment of emerging Core Strategy policies relating to the application site

8.8 Policy DS1 states that in addition to the identified strategic site at Standen, in general, the scale of planned housing growth will be managed to reflect existing population size, the availability of, or opportunities to provide facilities to serve the development and the extent to which the development can be accommodated with the local area. No allocations have yet been made (except for Standen) and the Development Strategy is at the consultation stage.

8.9 Waddington is a defined settlement. There are six business and two churches within the settlement boundary and primary school just beyond the settlement boundary. Furthermore, there are a range of local employment opportunities 2km away in Clitheroe, which a main settlement and easily accessible by public transport.

8.10 The site is considered to be in a sustainable location, would contribute to the supply of housing. It would be consistent with the policies of NPPF to proactively drive and support economic growth. The development of the site to create one residential unit 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 and as such planning permission should be granted.

- 8.12 The consultation document “Development Strategy–Defining more sustainable settlement and patterns of housing development”, identifies 9 tier 1 settlements and 21 tier 2 settlements. It is clear from this document that Waddington has services and facilities, public transport and businesses in the village. See tables 1, 3 and the un-numbered table on businesses. It is not clear clearly why it has been excluded from the category of ‘more sustainable’, how the level of sustainability was calculated, or where the cut-off point between the two categories lies. The method of calculating the level of sustainability and the number of settlements included in tier 1 may change as a result of the consultation process. We have noticed inaccuracies in the Council’s data relating to Waddington. Only four business are recorded in Waddington but there are three the public houses a café and Post Office and a club. In any event it would be inappropriate to rely wholly on this draft document to determine this planning application.
- 8.13 Under Core Strategy policy DS1 new housing development will be resisted unless the development will meet a proven need or deliver regeneration benefits. We disagree that Waddington should be considered a tier 2 settlement; it should be a tier 1 settlement. However as the Council considers it to be a tier 2 settlement it is our opinion that the development satisfies the requirements of DS1 as it will deliver regeneration benefits. The shop is in a very poor condition internally having been occupied by the same tenant for 42 years and in the later years on a part time basis. The floor area of the shop is modest. There is no off-street parking for customers or an area for loading or unloading. The property is in need of significant restoration which planning permission to convert to a flat would be able to deliver. It is unlikely that a commercial use would warrant the investment required to bring this building back into use.
- 8.14 The development Policy DS2 of the Core Strategy states that the Council will take a positive approach that reflects the presumption in favour of sustainable

development contained within the Nation Planning Policy Framework. Policy DMG2: states that the Council will “always work proactively with applicants to jointly find solutions which means proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”. The proposed dwelling will provide modest accommodation of which there is very little in the village helping to provide a broader mixture of properties to the community. It will re-use and provide investment into an existing building bringing it back into use.

Assessment in relation to NPPF

- 8.15 Whilst the Local Plan is becoming dated and the Core Strategy has not yet been adopted the NPPF is central to the decision-making process and in particular the statement at paragraph 14 of NPPF. That is, the proposal should be considered against the presumption in favour of sustainable development and planning permission should be granted unless there are specific adverse impacts that outweigh the benefits or that specific policies in the NPPF indicate that the development should be restricted. The benefits of the development are considered in the following paragraph. Issues drawn from NPPF policies and relevant aspects of sustainable development, along with detailed considerations arising from Local Plan and submitted Core Strategy development management policies, are examined in the subsequent sections.
- 8.16 The proposal represents sustainable development and there are benefits associated with the development, as summarised below:
- economic – the conversion of the building to a flat would contribute to economic growth, during the construction phase and through the introduction of a new household to the area;
 - social – the proposal would contribute to the provision of housing, for which there is a need; and
 - environmental – the proposal provides an opportunity to provide new development and removal a potentially unneighbourly use.
- 8.17 Irrespective of the 5 year supply issue, some of the policies of the DWLP are considered out of date, therefore in establishing whether the development of this

parcel of land for residential purposes would in principle be acceptable, it is the requirements of NPPF that take precedence over the dated policies of the DWLP in respect of this site, i.e. a presumption in favour of sustainable development as outlined above and granting planning permission unless any adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits. The site lies within the existing village settlement boundary, as defined previously in the Districtwide Local Plan, and is within walking distance of bus stops and community and employment facilities. The bus service connects Waddington to key service centres. The site is in a sustainable location. We conclude that the development of this site for residential purposes in principle would be consistent with the National Policy Framework, and as the proposal is for one dwelling will be in line with the principles of the emerging Core Strategy.

The relationship between the proposed development and surrounding housing and on residential amenity

- 8.18 The current lawful use of the site is Class A1 Shop. It was previously occupied on a very part-time basis with very few customers and very short opening hours. Should someone wish to occupy this property on a commercial basis the level of activity would undoubtedly increase and this would adversely affect the residential amenity of neighbouring residents. Parking for customers and deliveries would have to take place on the road. Access into the shop is highly unusual being through a semi-private passageway which also gives access to the rear of the other properties in Spring Gardens. Longer opening hours and noise from people coming and going and deliveries, the increase security risk of additional people using the passageway would harm the residential amenity of these neighbouring residents. The proposed conversion to a flat would remove this potential for unneighbourly activity. There is no proposal to alter the external appearance of the building. The proposal complies with LP policy G1 and Core Strategy DMG1.

The lack of demand for the commercial premises and the impact of closing the shop

- 8.19 The property has been up for sale with a local estate agent for four years. Although there has been interest in the property this has not resulted in the sale of the property. The Estate Agent states that most people considering the purchase of the property have been interested in converting the ground floor to a flat. The Estate

Agent considers that the lack of demand for the retail unit is unsurprising since it is small in size and lacks a shop window. See letter dated 1 Oct 2014 Appendix 1

- 8.20 Until its closure the shop has only operated on a part-time basis as a hairdressers. The change of use of the 'shop' to a flat would not be a significant loss to the community particularly as there is another shop in the village which is also the post-office.

Highway safety

- 8.21 The level of traffic and demand for parking for the proposed use will be much less when compared to the existing use and can be considered to be an improvement. The proposal complies with LP policies G1 T1 and T7 and CS policy DMG1 and DM12.

Flood Risk

- 8.22 A flood risk assessment has been carried out which concludes that the proposed development can be constructed safely and sustainably to meet the requirements of the NPPF.

9 CONCLUSION

- 9.1 The proposed development is within the existing settlement boundary of Waddington. The proposed development is in a sustainable location. The proposal will provide a modest level of accommodation and it will have clear regeneration benefits. The proposal complies with the policies of the NPPF, Local Plan and emerging policies in the Core Strategy.

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Appendices

1. Estate Agent Letter 1st October 2014
2. Flood risk assessment 24th October 2014.