

Report to be read in conjunction with the Decision Notice.

Application Ref:	3/2015/0462	 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:		
Officer:	AB	
DELEGATED ITEM FILE REPORT:		REFUSAL

Development Description:	Demolition of industrial storage buildings to the rear of 19-21 King Street and regeneration of the site to provide three two-storey dwellings comprising one detached and one pair of semi-detached.
Site Address/Location:	19-21 King Street Whalley BB7 9SP

CONSULTATIONS:	Parish/Town Council
The Parish Council appreciate the potential improvement of this development but have reservations about access and parking problems.	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	

No objection to the proposal in principle. The vehicular access off King Street is narrow and unadopted and has no turning facilities and any deliveries etc. to the proposed properties would have to reverse along the back street which should not be encouraged. Therefore suggests that the 2 visitor parking spaces be deleted and this area converted into a turning head with appropriate signage prohibiting parking.

The demolition and construction phases will require planning to minimise the disruption to the adjacent premises / users etc. and will require conditions be attached to any permission that may be granted.

LCC Archaeology:	
There is potential for the proposals to encounter archaeological deposits associated with the development of the site, and to the particular use of the precinct in this area. LCAS would therefore recommend that the applicants be required to undertake an archaeological watching brief, and that such work be secured by means a condition, which should be attached to any planning permission which may be granted.	

RVBC Contaminated Land:	
Recommends contaminated land standard condition D.	

Environment Agency:
Originally objected to the application due to the absence of a Flood Risk Assessment (FRA). However, following submission of an FRA by the agent EA have withdrawn their original objection subject to conditions to ensure the proposed development meets the requirements of the National Planning Policy Framework.

CONSULTATIONS:	Additional Representations.
Two letters of objection have been received and raise the following objections: <ul style="list-style-type: none"> • Description of site is incorrect • Proposed drawings provide no contextual detail and lack description of materials • Plan arrangement seems strange • Overlooking of gardens including 7-15 King Street • Regular increased domestic traffic plus heavy construction traffic will damage the 	

surface of the access lane.

- Parking issues as any casual parking creates an obstruction along Back King Street
- Overdevelopment of the site
- Poor levels of amenity space

RELEVANT PLANNING HISTORY:

3/2011/0045 - Demolition of industrial and storage buildings to the rear of 19-21 King St and regeneration of the site to provide 3no. two-storey dwellings - (one detached and one pair of semi-detached). APPROVED

RELEVANT POLICIES:

Ribble Valley Core Strategy:

Policy DS1 – Development Strategy

Policy DS2 – Sustainable Development

Policy H1 – Housing Provision

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME1 – Protecting Trees and Woodlands

National Planning Policy Framework

ASSESSMENT OF PROPOSED DEVELOPMENT:

Proposed Development for which consent is sought:

This application seeks consent for the demolition of industrial storage buildings to the rear of 19-21 King Street and regeneration of the site to provide three two-storey dwellings comprising one detached and one pair of semi-detached dwellings. The application relates to the site of two former commercial buildings that are situated behind the applicant's own dwelling and hardware shop and other dwellings on the west side of King Street within Whalley village centre and within the Conservation Area. Access to the site is from Back King Street, a road that also gives vehicular access to a number of commercial premises and access to the rear of a number of dwellings. On the opposite side of Back King Street, there is the four storey high residential development of Corn Mill Mews. A similar scheme was approved in 2011 but this consent has now lapsed.

The application includes the removal of the two existing commercial units that have a combined floor area of approximately 340m². The smaller of the two buildings has a ridge height of around 5m and the larger building has a height of approximately 6m. The buildings were constructed in the 1970s and have a mixture of brick and blockwork walls with profiled sheet roofs. It is proposed to replace the demolished buildings with three dwellings in the form of a semi-detached pair and detached house. They are relatively small units with each having two bedrooms. The semi-detached pair would have overall dimensions of 11.5m x 8m and the detached unit would be 5.9m x 8m. Both buildings would have eaves/ridge heights of 4.7m/7.7m and would be of natural stone construction with natural slate roofs. Each unit would have two off street parking spaces at the front. On the opposite side of the access track, there is an area of land in the applicant's ownership that will be used to provide two visitor parking spaces and a bin storage area.

Observations/Consideration of Matters Raised/Conclusion:

In determining the application it is important to consider the principle of the development, its impact on the visual appearance and character of the Conservation Area, its effect on the residential amenity of neighbouring occupiers and highway safety.

Principle of Development

In terms of assessing the principle of residential development in this location, it is important to have regard to the Development Plan unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004) and that in determining planning applications the presumption in favour of development should be applied (NPPF).

Paragraph 47 of the Framework requires LPA's to 'boost significantly the supply of housing and to maintain five years' worth of housing supply against their requirements'. Further, it states that 'the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'. The Council is currently in a position to identify a five year supply of housing sites in accordance with the annual figure of 280 dwellings per year set out in Policy H1 of the Core Strategy. The latest position is contained in the Council's Housing Land Availability Schedule April 2016 which states that on 31st March 2016 the Council was able to demonstrate a 5.36 year supply of housing land using the Sedgefield method of calculation. As such, the relevant policies for the supply of housing in the Core Strategy are applicable.

Policy DMG2 of the Core Strategy sets out the strategic considerations in relation to housing and states that development should be in accordance with the Core Strategy Development Strategy and should support the spatial vision. It further stipulates that development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the tier 1 villages should consolidate, expand or round off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.

The Development Strategy put forward in Key Statement DS1 seeks to direct the main focus of new house building to the Strategic Site, the Principal Settlements of Clitheroe, Longridge and Whalley and Tier 1 villages which are considered the more sustainable of the 32 defined settlements. Given the site is located wholly within the defined settlement boundary, is closely related to the built up area and is appropriate to the scale of the settlement it is considered, in principle, that the proposed development is broadly in accordance Key Statement DS1 and Policy DMG2 of the adopted Core Strategy.

Visual Impact

The existing buildings are in a poor state of repair, they are of no architectural merit or historical interest, and they certainly do not make any positive contribution to the appearance and character of the Conservation Area. The proposed dwellings, however, are similar in scale, design and external materials to the existing dwellings and business premises on King Street. In my opinion, the proposed development will improve visual amenity and would not result in any harm to the appearance and character of the Conservation Area.

Effect on Residential Amenity

In terms of the impact of the development on the residential amenity on neighbouring occupants, to the west of the proposed dwellings is a row of three storey townhouses served by Abbey Mews. The front elevations of the proposed dwellings would be located at a distance of around 22m from these townhouse properties. This distance is considered to be adequate to avoid any privacy issues for the occupiers of Abbey Mews and the future occupiers of the proposed dwellings.

Outlook from the rear windows of nos.15-23 King Street would be improved by the replacement of the existing buildings with three relatively small dwellings. However, there are serious concerns regarding the effect that the proposals would have on the privacy of neighbouring householders and the future occupiers of the proposed dwellings. There would be 12m to 14m between the rear elevations of the proposed dwellings and the rear elevations of nos.17, 19 and 23 King Street. The first floor windows of unit no.1 would provide unrestricted views into the rear garden of no.23 King Street from a distance of 3m and would be around 11.6m from the rear elevation of this property. Whilst it is noted that this property is in the same ownership as the application site, there is a requirement to maintain an acceptable standard of residential amenity for both present and future occupants and the occupants of no.23 would experience unacceptable harm to their residential amenity through loss of privacy.

Due to the location of windows and other built form, the proposals would not result in unacceptable overlooking of the rear gardens of nos. 17 and 19 King Street. Furthermore,

the rear first floor windows of these neighbouring properties are small and obscure glazed and as such they would not overlook the garden areas of units 2 and 3.

It is noted that the applicant has amended the layout of unit no.3 so as to remove the first floor habitable room window on the rear elevation and therefore overcome any overlooking and loss of privacy that would arise from its relationship with no.17 King Street. However, the bedroom window has been relocated to the side elevation of unit no.3 and would now directly overlook the rear garden of no.15 King Street resulting in significant harm to the residential amenity of these neighbouring occupants through overlooking and loss of privacy.

With regards the level of residential amenity provided by the proposed dwellings, the rear elevations of dwelling nos. 1 and 2 would be located at a distance of around 3.5m from the gable of an existing blank two storey outrigger that extends from the rear of no.21 King Street. As a guide, there should be at least 12m between the windows of habitable rooms and any two storey blank gable. This arrangement would give rise to an unacceptable and oppressive outlook from the rear living room and bedroom windows of dwelling nos. 1 and 2 and would lead to the overshadowing of a substantial proportion of the rear garden area and rear windows for a large part of the day resulting in an undesirable level of daylight and sunlight. This arrangement would be simply unacceptable.

Highway Safety

The County Surveyor is largely satisfied with the proposed parking provision and has no objection to the proposal in principle. However, it is suggested that the 2 visitor parking spaces proposed on a separate parcel of land in the applicant's ownership be deleted and this area converted to a turning head to allow any deliveries etc. to the proposed properties to enter the back street in forward gear and avoid reversing down the narrow street.

Should consent be granted it would be subject to planning conditions requiring the submission of a Construction Method Plan and the completion of a joint condition survey of the back street between the developer and the local authority. Subject to the appropriate conditions it is considered that the proposed development would not result in a significant adverse impact on highway safety.

Other matters

Core Strategy Policy DME6 states that 'development will not be permitted where the proposal would be at an unacceptable risk of flooding or exacerbate flooding elsewhere'. The application site lies within flood zone 2 and EA initially objected to the proposals due to the absence of a FRA. The agent has subsequently submitted an FRA and Flood Risk Sequential Test to enable EA to withdraw their original objection and contains details of appropriate mitigation measures to reduce the risk of flooding.

In summary, the principle of developing the site for housing is acceptable. However, whilst the proposals would lead to an improvement in the outlook to the rear of nos.15-23 King Street, it would prove detrimental to the residential amenities of the occupiers of adjacent dwellings due to loss of privacy through overlooking of rear windows and rear gardens which arise by virtue of insufficient separation distances and the cramped nature of the site. In addition, the proposed dwellings would offer an unacceptable standard of residential amenity for future occupiers given that the rear elevation of the proposed pair of semi-detached dwellings would be within 3.5m of a two storey blank gable elevation resulting in an inadequate outlook, sense of enclosure and overshadowing.

I am mindful of the fact that the application site has previously benefitted from full planning consent for a residential development of three dwellings which has now lapsed. This application was determined in accordance with the policies contained in the Ribble Valley Districtwide Local Plan which was replaced by the Ribble Valley Core Strategy in December 2014 and the policies contained within the Core Strategy now provide the basis for decision making throughout the borough. The previous consent was also granted prior to publication of the NPPF on 27th March 2012 and whilst Core Strategy Policy DMG1 remains similar to

Policy G1 of the Ribble Valley Districtwide Local Plan which it replaced, I consider that the introduction of new local and national policy amounts to a significant change in circumstances. The lapsed permission can therefore be afforded only limited weight in the determination of this application and there is the opportunity to take into account the full impact of the development on residential amenity of future and existing occupiers. Accordingly, it is recommended that the application is refused on the basis of its unacceptable harm to the residential amenity of existing occupiers of nearby dwellings and the poor level of residential amenity that would be afforded to future occupiers of the new dwellings.

RECOMMENDATION:	That planning consent be refused for the following reason(s)
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| 01 | The proposal would result in the creation of a poor standard of residential accommodation that would be of detriment to the living standards and amenities of future occupiers by virtue of its limited privacy, outlook and natural light, contrary to Policy DMG1 of the Ribble Valley Core Strategy. |
| 02 | The proposal, by virtue of its layout and design, would lead to overlooking of neighbouring rear windows and garden areas leading to a loss of privacy that would have a severely detrimental effect upon the residential amenities of adjoining neighbours. This is considered contrary to Policies DMG1 of the Ribble Valley Core Strategy. |