

**Lower Clerk Hill,
Clerk Hill Road, Whalley,
BB7 9DR.**

Demolition of existing dwelling and erection of a
replacement dwelling and associated works.

PLANNING STATEMENT

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Report Control

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Client: Mr and Mrs McHugh

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Planning Statement

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1 INTRODUCTION

- 1.1 PWA Planning is retained by Mr and Mrs McHugh ('the Applicant') to progress a full planning application for the demolition of an existing dwelling and the erection of a replacement dwelling ('proposed development') at land associated with Lower Clerk Hill, Clerk Hill Road, Whalley, BB7 9DR ('Application Site'). This Planning Statement's purpose is to assess and conclude on the acceptability of the proposal in terms of relevant national and local planning policy, along with any material considerations.
- 1.2 The planning application is made to Ribble Valley Borough Council (the Local Planning Authority) as a full detailed application and relates to the red edge application site boundary defined by the Location Plan (drawing no. 2964_100_A). The dwelling is to be situated within the residential curtilage of the existing dwelling.
- 1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This Planning Statement will demonstrate that the proposals accord with the provisions of the relevant policies of the Development Plan, and moreover that there are other significant material considerations which indicate that planning permission ought to be granted. In addition, the statement will seek to demonstrate that there are no technical reasons which could hinder the grant of planning permission.
- 1.4 This Planning Statement, alongside a review of the site history and relevant policies, provides a description of the Proposed Development together with an appraisal of the planning merits of the scheme as a whole.
- 1.5 This statement should be read in conjunction with the submitted application package, which includes the following documents: -
- 1 APP form, relevant certificates and notices;
 - Drawn information: -
 - Location Plan (drawing no. 2964_100_A);
 - Existing Floor Plans (drawing no. 2964_001_A)
 - Existing Elevations (drawing no. 2964_002_A)
 - Existing Site Plan (drawing no. 2964_003_A);
 - Ground Floor Plan (drawing no. 2964_101_A);
 - First and Second Floors (drawing no. 2964_102_A);
 - Proposed Elevations – 1 (drawing no. 2964_103_A);
 - Proposed Elevations – 2 (drawing no. 2964_A)
 - Proposed Site Plan (drawing no. 2964_105_A)
 - Planning Statement (this document);
 - Bat + Owl Survey.
- 1.6 The aforementioned documentation reflects the validation requirements of Ribble Valley Borough Council.

1.7 The remainder of this report is structured as follows: -

- Section 2 - Site Description;
- Section 3 - Proposed Development;
- Section 4 - Planning Policy Assessment;
- Section 5 - Material considerations;
- Section 6 - Conclusions.

2 SITE DESCRIPTION

- 2.1 The application site comprises of land off Clerk Hill Road, with access to the land via a private access road. The land, as indicated on the Location Plan within the blue boundary comprises of a mixture of uses. These are generally residential and equestrian. The land surrounding the blue boundary is generally agricultural in nature. The site historically was a dairy farm, which over time has attained a residential use. Please see the images below illustrating both the residential and equestrian uses.



Aerial photos of the property from approximately 45 (left) and 30 (right) years ago

- 2.2 The site area is approximately 0.07ha. An existing site plan is provided with the supporting documents (drawing no. 2964_003_A). It generally slopes in a north to south direction. The site comprises a detached dwelling which benefits from a large garden, and is surrounded by a range of equestrian uses including a stables and paddock. An area of hardstanding to the north of the property is generally used for parking and has been included within the red line for this reason. The existing dwelling has a rural character which is also prevalent in adjacent agricultural buildings and other dwellings which exist in the wider locality.
- 2.3 The application site is not within an area defined as at risk from flooding according to the Environment Agency's Flood Risk Map. The site is located within Flood Risk Zone 1 which has a low probability of flooding.

Relevant Planning History

- 2.4 A search of Ribble Valley Borough Council's planning register has been carried out to understand the planning history relevant to the site and the proposed development.
- Lawful Development Certificate (LDC) Application ref. 3/2017/0243: Proposed erection of single storey extension to rear and single storey extension to side. Withdrawn, 08/05/2017.
- 2.5 The LDC Application was largely similar to the design submitted for this planning application. However, through the planning process it became clear that historically the property prior to its use as a single dwelling operated as two separate dwellings and as such the side extension would no longer constitute permitted development. In this respect, following discussions with the Council it was agreed that in principle subject to some minor design changes, a replacement dwelling would likely be supported in this location. This application as such seeks to respond to these pre-

application discussions, but also to act as a precursor to a further planning submission that will seek to regularise other equestrian related development at the site as identified as needing planning permission by the Council's enforcement team. Whilst a planning submission will be made for the equestrian matters, it is maintained that the use for equestrian in that location is lawful, the planning submission will demonstrate this.

2.6 The key changes to the design following advice from the Council were:

- **Front Elevation:** the group of roof lights have been relocated to the lower portion of the roof.
- **Rear Glazed Balcony:** the proposed glazing has been reduced.
- **Curtilage:** the curtilage of the property has been reduced to reflect the size of the existing dwelling.

3 PROPOSED DEVELOPMENT

- 3.1 It is proposed to provide a new dwelling to replace that which is currently associated at Lower Clerk Hill. The existing dwelling at the site is of poor condition, and as such, following discussions with the Council, it was agreed that in this instance a replacement dwelling, as opposed to various extensions and other associated works would be an acceptable approach from a planning perspective. In respect to the siting of the proposed dwelling please refer to the Proposed Site Layout (drawing no. 2964_105_A), which is provided within the supporting documents associated to the application.

- 3.2 It is proposed that the new dwelling would predominantly be located within the existing footprint of the existing dwelling, though it will be located slightly further west to increase the separation between the proposed dwelling and the access to the stable block located to the south east of the dwelling. It is the applicant's intention to deliver a scheme which respects the vernacular and enhances the local sense of character, therefore the design of the property will seek to reflect the existing farmhouse both through design and choice of materials.

- 3.3 Great care has been given to design a scheme which works with the existing topography and built features in order to further minimise the impact of the development. The proposed development looks to utilise the existing curtilage to allow for the delivery of a dwelling which, in addition to being a more attractive home also provides a larger more logical garden space. In this sense it should be noted that the residential curtilage and in particular the garden area currently extends further west than that proposed. Similarly, the proposed garden area will now extend further south than existing. In both instances, please see the historical photos included within the previous section. As such it is considered that this change in curtilage is of an equivalent size to the existing, but squares the space off better in relation to the property. Furthermore, it allows the property to function well alongside the surrounding equestrian uses. It should also be noted, as clear from the Council's enforcement visit, that a 'ha ha' is currently being constructed in the rear garden. This replacement dwelling seeks to regularise this work. It is acknowledged at this time the exact topographical height of the 'ha ha' is unknown, however, this will either be provided shortly, or as part of a suitably worded planning condition. The curtilage also incorporates the retention of an outbuilding to the west where the electrics to the property are located and an outbuilding to the south east historically used in association with the rear garden for garden storage. Should these garden arrangements be of a concern, PWA Planning would be happy to discuss the matter with the Council further.

- 3.4 The replacement dwelling will also retain domestic parking in the area of hardstanding immediately to the front of the proposed dwelling which is included within the application boundary. The use of the existing points of access/parking have until this point proved to be safe and convenient with adequate visibility splays.

4 PLANNING POLICY ASSESSMENT

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

“where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.

5.2 In this instance, the Development Plan for the Application Site comprises of the Ribble Valley Borough Council Core Strategy 2008 – 2028 (2014). Additionally, key policy documents that comprise ‘material considerations’ include to the National Planning Policy Framework (NPPF) and any local supplementary planning guidance documents considered relevant to the proposal. These material considerations are set out at Section 6 of this statement.

5.3 The statutory development plan for the application site comprises the Ribble Valley Borough Council Core Strategy 2008 – 2028 (2014). Currently the proposal maps published within the now replaced Districtwide Local Plan remains adopted until a revised set of plans are produced as part of the Housing and Economic Development DPD become adopted.

Ribble Valley Borough Council - Core Strategy 2008 – 2028

5.4 The Ribble Valley Borough Council Core Strategy 2008 – 2028 was adopted in December 2014 and therefore can broadly be regarded as containing relevant and up to date policies in the consideration of this application. Furthermore, the following policies are considered to be relevant to the determination of the application, however they will be afforded weight in accordance with their consistency with the NPPF and this is discussed further in the Material Considerations section of the statement: -

- *Key Statement DS1: Development Strategy*
- *Key Statement DS2: Sustainable Development*
- *Key Statement EN2: Landscape*
- *Key Statement EN4: Biodiversity and Geodiversity*
- *Policy DMG1: General Considerations*
- *Policy DMG2: Strategic Considerations*
- *Policy DME2: Landscape and Townscape Protection*
- *Policy DME3: Site and Species Protection and Conservation*
- *Policy DMH3: Dwellings in Open Countryside and AONB*

5.5 **Key Statement DS1** seeks to outline briefly the locations in which growth will be focused. Whilst the statement refers to strategic sites already allocated for development, it does also infer that all other development will be focused around principal settlements. The Proposed Development site sits outside a defined settlement and therefore is not located within the locations detailed. However, the policy does also outline the following:

“In general the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area.”

- 5.6 Based on the above exert the policy would allow for a replacement dwelling providing it remains at a scale which is not out of context with existing development. The site's location takes advantage of existing residential development to ensure the proposed dwelling is sufficiently provided for by way of necessary space and facilities. It would not lead to a net increase in new buildings and would not lead to any intensified use of the site.
- 5.7 **Key Statement DS2:** Sustainable Development looks to mirror Paragraph 14 of the NPPF which details the sustainable development principle that seeks to guide both authorities and developers. Further to that it places emphasis on the council to develop proactive relationships with applicants to ensure that where possible applications are approved unless material considerations indicate otherwise. The proposals at hand are both well considered and respectful to the surrounding vernacular and as such the development is not thought to generate any adverse impacts. Based on this and the more extensive guidance outlined in the NPPF it is concluded the proposals constitute sustainable development and therefore adhere to this key statement.
- 5.8 **Key Statement EN2:** Landscape, mainly focuses on protection of the Forest of Bowland AONB through ensuring development contributes to the conservation of the area by enhancing and protecting the landscape and character. The statement does offer more general coverage by linking the policy to the protection of all landscapes outlining that the council expects all development to be in-keeping with the character of the landscape.
- 5.9 In the council's justification for the policy they state that:
- "The Council considers that it is important to ensure development proposals do not serve to undermine the inherent quality of the landscape. Particular regard, consistent with the designation as AONB, will be given to matters of design and impact with an expectation that the highest standards of design will be required. The Council will also seek to ensure that the open countryside is protected from inappropriate development. Developers should adopt a non-standardised approach to design which recognises and enhances local distinctiveness, landscape character, the quality of the built fabric, historic patterns and landscape tranquility."*
- 5.10 As previously outlined the proposal would seek to use materials that are sympathetic to surrounding development and representative of that of the existing dwelling. The proposed layout and associated elevation drawings, detail the intention to redevelop the site in a logical manner which sits well within the existing parameters of the site. The replacement dwelling would not be of detriment to the AONB and is arguably an enhancement of the existing arrangement. On that basis, in the context of policy Key Statement EN2 Landscape, the proposed replacement dwelling is seemingly not in conflict with the development plan and therefore this policy would not represent justification to refuse this application.
- 5.11 **Key Statement EN4:** Biodiversity and Geodiversity and **Policy DME3:** Site and Species Protection and Conservation both look to provide protection for, amongst other things, features of ecological importance. The policies are in place mainly to add further protection to designated sites of environmental and ecological importance, of which the site is not. However, the overriding theme

is that development should be able to mitigate any perceived negative impacts. The undertaken pre-app discussion inferred that in relation to this proposal that extended to the potential for the existing dwellings to accommodate bats. Subsequently a bat survey was undertaken which concluded as follows:

“The surveyor does not consider the proposed development and change of use is likely to result in a breach of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) therefore the proposed development does not require an EPS Licence (EPSL) to proceed lawfully.”

5.12 It is therefore concluded that the proposal can be delivered in a manner which is not at conflict with Key Statement EN4 or indeed Policy DME3.

5.13 **Policy DMG1:** General Considerations assists in ensuring that development proposals are in line with numerous broad considerations by providing a series of overarching considerations regarding the quality of developments. The policy categorises the criteria under 6 headings which are as follows:

- Design;
- Access;
- Amenity;
- Environment;
- Infrastructure;
- Other.

5.14 The design of the proposed dwelling is thought to be well-considered and of a high standard that both provides a quality addition to the local housing mix whilst being reflective and sympathetic to local character and the existing dwelling which is to be replaced. The design has ensured the dwelling is of acceptable scale in the context of surrounding development and would not compromise the operation of the adjoining farming operation. The policy summarises that regarding access the any proposals be safe, suitable and consider the potential traffic implications. Such matters were of course considered prior to the submission of the application and it was concluded that the proposals don't constitute any deviation from the existing arrangement which has proved acceptable and safe until now.

5.15 The Proposed Development is contained within the existing dwellings curtilage's which, in addition to the acceptable scale of the proposed building, ensure the proposal won't be any more detrimental to local amenity than that of the existing dwelling. Furthermore, the local undulating landscape suggests further that development in this location would be low impact, providing the design is acceptable. In relation to the section of the policy which refers to environmental considerations the site does not sit within any local or national landscape/ecological designation. The application is supported by a bat survey which considers the impact the proposal will have on protected species and concludes on the acceptability of the proposal.

5.16 **Policy DMG2** outlines further strategic considerations. The policy assists in the interpretation of the development strategy and underpins the settlement hierarchy for the purposes of delivering sustainable development. Furthermore, development will be required to be in keeping with the

character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. As mentioned previously it is anticipated this has been achieved within the proposal at hand.

5.17 **Policy DME2:** Landscape and Townscape Protection states that proposals which induce significant harm to important landscape or landscape features will not be supported. Such features are outlined as including:

1. *“Traditional Stone Walls.*
2. *Ponds.*
3. *Characteristic Herb Rich Meadows and Pastures.*
4. *Woodlands.*
5. *Copses.*
6. *Hedgerows and Individual Trees*
7. *Townscape Elements such as the Scale, Form, and Materials that Contribute to the Characteristic Townscapes of the Area.*
8. *Upland Landscapes and Associated Habitats Such as Blanket Bog.*
9. *Botanically Rich Roadside Verges (That are Worthy of Protection).”*

5.18 As with previous policies, its considered that the supporting information details sufficient detail as to qualify the proposals impact as acceptable. Effort has been made as to ensure disruption to existing features is minimal and the development sits well within the existing setting.

5.19 **Policy DMH3:** Dwellings in the Open Countryside and the AONB is generally supportive of the proposal. The policy outlines the following criteria relating to replacement dwellings, all of which the proposed dwelling is thought to adhere to:

- *“The residential use of the property should not have been abandoned.*
- *There being no adverse impact on the landscape in relation to the new dwelling.*
- *The need to extend an existing curtilage.”*

6 MATERIAL CONSIDERATIONS

National Planning Policy Framework (2012)

- 6.1 The NPPF is a material consideration in planning decisions as per Paragraph 2 of the Framework and Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 6.2 The NPPF sets out Government planning policies for England and how these are expected to be applied. The golden thread running throughout the NPPF is the Government's presumption in favour of sustainable development (Paragraph 14) whereby proposed developments which correctly balance the requirements of economic, social and environmental issues should be granted planning permission unless there are strong reasons that permission should not be granted. The NPPF also strongly supports economic and housing development.
- 6.3 Sustainable development is broadly defined in Paragraph 7 of the Framework as having three dimensions; namely economic, social and environmental. Paragraph 17 sets out the core planning principles which include the need to:
- *“Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs...*
 - *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...*
 - *Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable...”*
- 6.4 In terms of economic benefits, the construction of proposal would offer the opportunity to provide support for existing businesses and suppliers in the area during construction, contributing to the local economy.
- 6.5 The social aspect of sustainability is met, in that the proposal will result in the creation of a high-quality environment, and comprises a compatible use in keeping with the current site use and neighbouring uses in the immediate surrounds of the site. The principle of residential development on the site has been long since established and as outlined earlier in this statement the site offers a location which permits for efficient operation of the existing farming enterprise and thus the proposal will only strengthen the rural community and indeed economy.
- 6.6 Turning to the environmental aspect of sustainability, the site is not subject to any statutory ecological designations, Tree Preservation Orders, Heritage assets or protected species. It is not within an area at risk of flooding as defined by the Environment Agency. It is considered that the proposed development will result in an overall improvement in the visual aspect of the site from the surrounding viewpoints and from the highway, and that there are no significant adverse environmental impacts which arise from the Proposed Development.

- 6.7 Paragraph 28 regarding 'Supporting a prosperous rural economy' outlines that planning policies should support economic growth in rural areas. It outlines that this can be done through the approval of well-designed new buildings.
- 6.8 Chapter 4 of the Framework, Promoting Sustainable Transport, at Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is clear that this is not the case with the proposal now before the council.
- 6.9 Paragraph 56, in relation to design, states that good design is a key aspect of sustainable development. This considers the design principles in detail, ensuring that the Proposed Development is compliant with the requirements of the Framework in contributing positively to making places and landscape better for people.
- 6.10 Paragraph 61 infers that whilst visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.11 Chapter 10 of the Framework considers climate change, flooding and coastal change. Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 103 states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere. The Application Site is located entirely within Flood Zone 1 and therefore it is not considered the proposal poses any additional risk to flooding in the local area.
- 6.12 Paragraph 187 of the Framework states that Local Planning Authorities should look for solutions rather than problems, and that decision takers at every level should seek to approve application for sustainable development where possible.
- 6.13 Paragraph 197 states that in assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development.
- 6.14 Paragraph 215 states that due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the Framework, in that the closer the policies in the plan are to the policies in the Framework, the greater the weight that should be afforded.
- 6.15 This statement and supporting documents have demonstrated that this application is consistent with the above statement, in that the development will not generate significant adverse impacts and should therefore be subsequently approved.

Other Relevant Local Guidance

Strategic Housing Market Assessment report (2013)

- 6.16 Whilst this proposal won't result in a net gain in dwellings the above document remains relevant in that it looks to assess the suitability and effectiveness of the relevant housing policy which this proposal is to be assessed against.

- 6.17 This report was produced as an update to the adopted 2008 assessment. The report summarises that the most common type of homes in the region are detached, only 8% were flats which is over 14% lower than the national average. Additionally, the Private Rented Sector is thought to have grown 60% between 2001-2011, with the proportion of homes in the sector supported by Housing Benefit/Local Housing Allowance being 5% lower than the national average. The average house price within the area (£246,519), was shown to be higher than the average for the North West and England.
- 6.18 Whilst the annual homes target has been increased since the assessment was produced, from 250 to 280 per annum, the report is still broadly applicable as to the regions housing market. The SHMA (2013) acknowledges the rise in larger homes, noting it to be the fastest growing housing type within the region based on census data. Furthermore, the document notes that 57% new market accommodation required in Ribble Valley over the next 15 year will need to be 3 or more bedrooms (Table 6.4).

7 CONCLUSION

- 7.1 PWA Planning is retained by Mr and Mrs McHugh to prepare and submit a full planning application for the erection of a replacement dwelling at land associated at Lower Clerk Hill, Clerk Hill Road, Whalley, BB7 9DR.
- 7.2 The works would result in a number of key benefits which are deemed relevant to the determination of the application, namely: -
- The enhancement of local character and distinctiveness through the implementation of a well-designed and considered dwelling which sits well within the existing curtilage;
 - Support for existing businesses and suppliers in the area during construction, contributing to the local economy.
- 7.3 This statement has shown the proposal to be acceptable when considered alongside the development plan policies. The application represents acceptable development in the Open Countryside by virtue of the principle of residential development on the site being long since established. Furthermore, the application has undertaken the necessary steps to obtain the thoughts of the determining authority through informal pre-application discussions and as such the acceptability of the proposal has already been established in principle. The proposal is considered to be wholly compliant with the adopted development plan and is additionally acceptable when assessed against the NPPF.
- 7.4 The scheme is supported by the necessary technical report and other evidence which clearly demonstrate that there would be no harmful impacts resulting from the proposed development and hence no reason that planning permission ought not to be granted. In addition to that, there are other material considerations which support the granting of planning permission and which should be afforded significant weight in the determination of the application.
- 7.5 For the reasons identified within this statement, it is considered that detailed planning permission for the development should be granted and the application is commended to the authority.