

From: Contact Centre (CRM) <contact@ribblevalley.gov.uk>
Sent: 29 February 2024 16:43
To: Planning
Subject: Planning Application Comments - 3/2024/0090 FS-Case-591334606

Planning Application Reference No.: 3/2024/0090

Address of Development: Land at Eden Gardens (adj 5 Cherry Drive), Brockhall Village, Old Langho, BB6 8HJ

Comments: [REDACTED] has been instructed by [REDACTED] who are the [REDACTED] to review and draft a formal response to the above planning application that has been lodged with the Council.

Following a review of the submitted plans and the supporting documents with our clients, they have serious concerns with the application proposed and therefore OBJECTS to the application for reasons that will be detailed below.

The speculative development site is positioned to the [REDACTED] as illustrated below.

****Please refer to pdf version emailed to the Council on 29th February 2024 for important image****

Aerial view of application site

1.0 SUMMARY GROUNDS OF OBJECTION

The following is a summary of our clients' objection to this speculative proposal for one dwelling:

- i) This insensitive development will result in an adverse impact on the character and appearance of the area;
- ii) The proposal will inflict severe harm on the residential amenity [REDACTED] and neighbouring properties through an unacceptable increase in overlooking, overbearing impact, loss daylight/outlook, as well as an increase in noise and disturbance;
- iii) Adverse impact on highway and pedestrian safety;
- iv) The development will impact on biodiversity interests at the site; and

v) The effect on surface water and foul drainage.

3.0 PLANNING POLICY CONTEXT

In December 2023, the Government published the latest version of the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and sets out how they are expected to be applied. The NPPF took immediate effect.

Paragraph 2 of the NPPF states that "Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise."

Paragraphs 7 and 8 confirm that the purpose of the planning system is to contribute to the achievement of sustainable development, which comprises economic, social and environmental dimensions.

The NPPF retains a presumption in favour of sustainable development. Paragraph 11 reaffirms that "applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise."

The Courts have held that Central Government's policy is a material consideration that must be taken into account by the decision maker, as are relevant appeal decisions. The development plan consists of the Core Strategy. A summary of the relevant planning policies is produced at Appendix A.

4.0 DETAILED GROUNDS OF OBJECTION

i) Adverse Impact on Character and Appearance of the Area

The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Section 12 – Achieving well-designed places). Paragraph 128 highlights that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Notably, paragraph 40 of the National Design Guide stipulates that "well designed new development responds positively to the features of site itself and the surrounding context beyond the site boundary." Paragraph 49 goes on to say that the "identity or character of a place comes from the way buildings, streets, spaces, landscape and infrastructure combine together and how people experience them. In addition, paragraph 51 describes that local identity is made up of typical characteristics such as the pattern of housing, and special feature that are distinct from their surroundings. Paragraph 52 articulates that this includes considering the composition of street scenes, individual buildings and their elements and the height, scale, massing and relationships between buildings.

The above is echoed in local planning policies. Ultimately these policies highlight that new development should be of a high quality and be compatible with the surrounding pattern of

development.

The site makes a valuable contribution to the wider area and allows a degree of spaciousness that enhances the quality of the local environment. There was a reason this site was not developed for a house when the original scheme was designed. It is an important and valued gap at the entrance to the residential cul-de-sac of Eden Gardens.

The plans illustrate that the proposed development would completely fill the site. There would be a minimal separation off all boundaries. The provision of a dwelling, together with associated access and parking areas will dominate and subsume the area. Given these factors the proposal would result in a contrived and cramped form of development that is not in keeping with the surrounding pattern of housing. The design of the development, is completely at odds with the surrounding built form and will result in an unacceptable terracing effect.

Additionally, the dwelling with high levels of glazing at the front and rear also appears that it is squeezed into the site. Ultimately, the dwelling will appear as contrived and incongruous to the detriment of the character and appearance of this street scene.

The development will be extremely prominent from our clients' property, as well as all neighbouring properties. It will appear as visually oppressive and is a development, which is 'shoe horned' into the site. It will spread laterally and vertically through the site, which results in the proliferation of development with an important space within this local environment. The lack of separation between the proposed dwelling and the host property will result in an unacceptable loss of spaciousness.

As a result of the poor design and insensitive position of the development, it would appear as a dense form of development that has no appreciation for the surrounding form of development. It would appear as an alien. This harm is compounded as the development would have a limited separation distance with the boundary with the host properties. Along with the size, scale, height, associated access, hardstanding and parking areas the development would be extremely prominent and significantly harden the site.

Overall, this proposal will result in a development that will be hopelessly out of place in its surroundings and unacceptably harmful to the street scene and the character and appearance of the area. The dwelling will appear like it has been squeezed into the site. It would appear as an incongruous development, poorly related to the surrounding development, as well as a cramped form of development. Accordingly, the proposed development is therefore clearly contrary to the NPPF that seeks high quality design.

ii) Severe harm on Residential Amenity

The proposal will result in the construction of a dwelling that will present as three storey [REDACTED] [REDACTED] adjacent to other neighbouring properties. It will result in irreversible harm and blight [REDACTED]

In relation to the impact on the amenity of neighbouring properties, Paragraph 132 of the NPPF is particularly important and it states:

"Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (our emphasis); and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

Paragraph 132 (f) of the NPPF clearly describes that decisions should ensure that developments have a high standard of amenity for future or existing users. NPPF paragraph 188 decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. This principle is reflected in local planning policies.

This proposal would result in the provision of a significant development [REDACTED]

[REDACTED] The creation of a substantial dwelling, with associated access, access drive and parking area will lead to an intensification of development, which will inflict substantial harm. The proposal would have the following significant harmful effects:

- Increased sense of overlooking and loss of privacy.
- Overbearing impact.
- Loss of day light, outlook, extensive overshadowing; and
- Increase in noise and disturbance.

Loss of Privacy

As a result of the orientation of the new dwelling and the position of the windows, it will allow [REDACTED]

[REDACTED] The resulting relationship is clearly unacceptable [REDACTED] as well as other neighbouring properties will be totally overlooked by residential development. The proposal would demonstrably harm the enjoyment of [REDACTED] as they would be [REDACTED]

Overbearing Impact

The proposed three-storey dwelling would be due to its size and orientation, overshadow and have an oppressive impact upon adjacent dwellings.

As a result of the proximity of the dwelling close to the boundary and its overall, size, scale, mass and poor design, it will appear as an imposing and obtrusive structure from our clients' property that will clearly have an unacceptable overbearing impact. It is evident that the width of the dwelling and its overall height with a pitched roof will accentuate the dominance of the dwelling.

Loss of day light, outlook, extensive overshadowing

Our clients' [REDACTED] application site. Given the substantial size of the development in respect [REDACTED] and the path of the sun, it is imperative that a Daylight and Sunlight Assessment is provided in support of the application to demonstrate that there will be no impact [REDACTED]

Daylight is the light received from the sun, which is diffused through the sky's clouds. Even on a cloudy day when the sun is not visible a room will continue to be lit with light from the sky. This is also known as 'diffuse light'. Any reduction in the total amount of daylight can be calculated by finding the 'Vertical Sky Component'.

The Vertical Sky Component (VSC) is the ratio of the direct skylight illuminance falling on a vertical face at a reference point (usually the centre of a window), to the simultaneous horizontal illuminance under an unobstructed sky.

The guidance states that the VSC will be adversely affected if after a development it is both less than 27% of the overall available diffuse light and less than 0.8 times its former value.

Therefore, if the VSC is more than 27% then enough light would still be reaching the window of the neighbouring building. However, if the VSC is less than 27% as well as less than 0.8 times its former value the occupants will notice the reduction in the amount of skylight.

The Council does not have any cogent evidence to demonstrate that there will be no unacceptable loss of light, outlook or excessive overshadowing [REDACTED] other neighbouring property.

Noise and Disturbance

Moreover, with a large aperture from the house; during the summer the sounds of daily living (tv, music etc) will be broadcast across a wider area with nothing to obstruct the noise emanating from the site. Further to this, the creation of an external patio at the rear will encourage a significant level of activity within an external environment until the early hours of the morning. The area will be used for entertaining that will result in an intolerable increase in noise and disturbance [REDACTED]
[REDACTED]

The development will result in a poor internal and external living environment [REDACTED] It will have a direct impact on [REDACTED] overall health and wellbeing.

Finally, the proposal will also fail to deliver a sufficient level of private amenity space for future occupants of the development, which again means that the site is not of a sufficient size to accommodate the dwelling.

Overall, the introduction of significant built form along the [REDACTED] would have a significant adverse effect on the level of amenity enjoyed through extensive overlooking, overshadowing, overbearing impact, as well as a loss of outlook/daylight. The proposal would infringe [REDACTED] and home under Article 8 of the Human Rights Act 1998. The proposal is contrary to the NPPF and local planning policy.

iii) Effect on Highway Safety

Paragraph 113 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

The increase in traffic entering and leaving the site will be incredibly dangerous and pose significant risk to all road users. The creation of an access serving an additional dwelling is going to be prejudicial to highway and pedestrian safety.

The proposed site plan is again ambiguous as it does not illustrate how vehicles, including delivery vehicles can access, park and turn safely within the site. No tracking plans or details of the access arrangements have been provided. It has not been demonstrated that suitable access to the development can be provided.

The proposal would increase the number of vehicles using this part of the highway network, thus increasing the conflict with pedestrians. Agreeing to this as laid out in the Planning Application would be disregarding legality as specified within The Road Safety Act. This would prejudice the safety and free flow of traffic on this part of the highway network to the detriment of highway and pedestrian safety.

Overall, the proposed development would have a severe residual impact on highway and pedestrian safety. Accordingly, the proposal is clearly contrary to the NPPF and Manual for Streets.

iv) Impact on Biodiversity

As part of the Natural Environment and Rural Communities Act 2006, all Local Planning Authorities have a duty to have regard to conserving biodiversity as part of its decision making.

It is noted that no ecological assessment has been carried out. Additionally, it is understood that a wide range of birds and other wildlife including bats, that use the site. The proposal will lead to the destruction of the local environment.

The “Habitats Directive” under Article 12 sets out legal protection for bats and their roosts. The Habitats Directive is translated into UK law by the Conservation of Habitats and Species Regulations 2017. It should be noted that all bat species are designated and protected as European protected species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017

It is an offence to:

- deliberately kill, injure, disturb or capture them.
- damage or destroy their breeding sites and resting places (even when bats are not present)
- possess, control or transport them (alive or dead)

It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly:

- disturb bats while they occupy a structure or place used for shelter or protection.
- obstruct access to a place of shelter or protection.

From the plans and information provided, it is not clear how the development will result in any biodiversity enhancements. Indeed, there will be a net loss of biodiversity.

An increase internal and external lighting will further impact on bats within and around the application site.

It is imperative to ensure that the Council satisfies its public duty in respect of the above Act. As it stands the proposal directly contravenes this Act and will lead to the destruction of the local environment and have a direct impact on protected species.

v) Foul and Surface Water Drainage

Given the nature of development proposed and the nature of the existing ground conditions, our client is concerned whether a sustainable drainage system can be adopted. Our client is also concerned about the connection to the main sewer to dispose of foul waste.

5.0 SUMMARY

There are compelling reasons why this application should be refused as the proposal comprises inappropriate development of this site. The following harm will result:

- Unacceptable impact on living condition at neighbouring properties – The proposal will have an adverse impact on neighbour amenity as a result of the significant size of the development and associated works. It will result in an unacceptable impact through loss of privacy, outlook, daylight, extensive shadowing, overbearing impact, and increase in noise and disturbance [REDACTED]
- Detrimental impact on character and appearance of area- The development is of a design not reflective of the local vernacular that will visually jar with the surrounding development and appear as incongruous. The proposal will appear as a cramped form of development, which is squeezed into the site.
- Severe harm to highway safety - The proposal will result in an unacceptable impact for all road users as a result of an increase in traffic (residents, visitors, servicing and delivery vehicles) on a sensitive part of the highway network;
- Destruction of the local environment - [REDACTED] concerned that the proposal will have an unacceptable impact on biodiversity.
- Lack of substance on drainage strategy for the site - Concerns whether the foul and surface water strategy for the site will work.

Due to important images contained it has not been possible to upload the full grounds of objection to this text box. A pdf version has been emailed to the Council that details the full grounds of objection. Please can the pdf version be uploaded to the Council's portal.

The proposal is contrary to both local and national planning policies and does not comprise sustainable development. Allowing this development could set a dangerous precedent within this street scene. It is respectfully requested that this planning application is again refused.

Yours faithfully

[REDACTED]

Appendix A – Relevant Planning Policies

The following policies in the Council's Borough Plan are considered relevant to this proposal:

Ribble Valley Core Strategy

- **Key Statement DS1 – Development Strategy**
- **Key Statement DS2 – Sustainable Development**
- **Key Statement DMI2 – Transport Considerations**
- **Policy DMG1 – General Considerations**
- **Policy DMG2 – Strategic Considerations**
- **Policy DMG3 – Transport & Mobility**
- **Policy DMH3 – Dwellings in the Open Countryside**
- **Policy EN2 – Landscape & Townscape Protection**
- **Policy DME1 – Protecting Trees & Woodland**
- **Policy DME2 – Landscape & Townscape Protection**



Ribble Valley Borough Council
Planning Department

29 February 2024


Dear Sir/Madam

Objection Letter – Planning Reference: 3/2024/0090

Proposal – Proposed construction of one three-storey dwelling and storage building with vehicular access taken from Eden Gardens.

Site – Land at Eden Gardens (adj 5 Cherry Drive), Brockhall Village, Old Langho, BB6 8HJ

 who are the
 to review and draft a formal response to
the above planning application that has been lodged with the Council.

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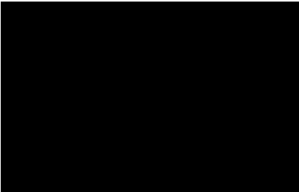
The speculative development site is positioned to the north east of our clients' property as illustrated below.



1.0 SUMMARY GROUNDS OF OBJECTION

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- iii) **Adverse impact on highway and pedestrian safety;**
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The above is echoed in local planning policies. Ultimately these policies highlight that new development should be of a high quality and be compatible with the surrounding pattern of development.


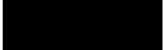
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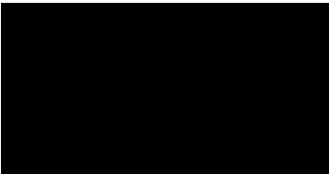
spaciousness that enhances the quality of the local environment. There was a reason this site was not developed for a house when the original scheme was designed. It is an important and valued gap at the entrance to the residential cul-de-sac of Eden Gardens.

The plans illustrate that the proposed development would completely fill the site. There would be a minimal separation off all boundaries. The provision of a dwelling, together with associated access and parking areas will dominate and subsume the area. Given these factors the proposal would result in a contrived and cramped form of development that is not in keeping with the surrounding pattern of housing. The design of the development, is completely at odds with the surrounding built form and will result in an unacceptable terracing effect.

Additionally, the dwelling with high levels of glazing at the front and rear also appears that it is squeezed into the site. Ultimately, the dwelling will appear as contrived and incongruous to the detriment of the character and appearance of this street scene.

The development will be extremely prominent   all neighbouring properties. It will appear as visually oppressive and is a development, which is 'shoe horned' into the site. It will spread laterally and vertically through the site, which results in the proliferation of development with an important space within this local environment. The lack of separation between the proposed dwelling and the host property will result in an unacceptable loss of spaciousness.

As a result of the poor design and insensitive position of the development, it would appear as a dense form of development that has no appreciation for the surrounding form of development. It would appear as an alien. This harm is compounded as the development would have a limited separation distance with the boundary with the host properties. Along with the size, scale, height, associated access, hardstanding and parking areas the development would be extremely prominent and significantly harden the site.



Overall, this proposal will result in a development that will be hopelessly out of place in its surroundings and unacceptably harmful to the street scene and the character and appearance of the area. The dwelling will appear like it has been squeezed into the site. It would appear as an incongruous development, poorly related to the surrounding development, as well as a cramped form of development. Accordingly, the proposed development is therefore clearly contrary to the NPPF that seeks high quality design.

ii) Severe harm on Residential Amenity

The proposal will result in the construction of a dwelling that will present as three storey, close to our clients' property and adjacent to other neighbouring properties. It will result in irreversible harm and blight our clients' property.

In relation to the impact on the amenity of neighbouring properties, Paragraph 132 of the NPPF is particularly important and it states:

"Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
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- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local*

[REDACTED]

facilities and transport networks; and

*f) create places that are safe, inclusive and accessible and which promote health and well-being, **with a high standard of amenity for existing and future users (our emphasis)**; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

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This proposal would result in the provision of a significant development [REDACTED]

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- Overbearing impact.
- Loss of day light, outlook, extensive overshadowing; and
- Increase in noise and disturbance.

Loss of Privacy

As a result of the orientation of the new dwelling and the position of the windows, it will allow

[REDACTED] The resulting relationship is [REDACTED] neighbouring properties will be totally overlooked by residential development. The proposal would demonstrably harm the enjoyment [REDACTED]



Overbearing Impact

The proposed three-storey dwelling would be due to its size and orientation, overshadow and have an oppressive impact upon adjacent dwellings.

As a result of the proximity of the dwelling [REDACTED] its overall, size, scale, mass and poor design, it will appear as an imposing and obtrusive structure [REDACTED]

[REDACTED] It is evident that the width of the dwelling and its overall height with a pitched roof will accentuate the dominance of the dwelling.


Loss of day light, outlook, extensive overshadowing

[REDACTED] application site. Given the substantial size of the development in respect [REDACTED] and the path of the sun, it is imperative that a Daylight and Sunlight Assessment is provided in support of the application to demonstrate that there will be no impact [REDACTED]



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Therefore, if the VSC is more than 27% then enough light would still be reaching the window of the neighbouring building. However, if the VSC is less than 27% as well as less than 0.8 times its former value the occupants will notice the reduction in the amount of skylight.



The Council does not have any cogent evidence to demonstrate that there will be no unacceptable loss of light, outlook or excessive overshadowing 
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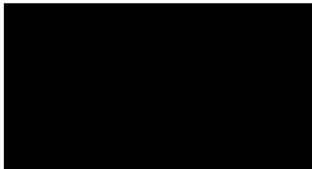
Noise and Disturbance

Moreover, with a large aperture from the house; during the summer the sounds of daily living (tv, music etc) will be broadcast across a wider area with nothing to obstruct the noise emanating from the site. Further to this, the creation of an external patio at the rear will encourage a significant level of activity within an external environment until the early hours of the morning. The area will be used for entertaining that will result in an intolerable increase in noise and disturbance. 

The development will result in a poor internal and external living environment 
It will have a direct impact on  overall health and wellbeing.

Finally, the proposal will also fail to deliver a sufficient level of private amenity space for future occupants of the development, which again means that the site is not of a sufficient size to accommodate the dwelling.

Overall, the introduction of significant built form 
would have a significant adverse effect on the level of amenity enjoyed through extensive overlooking, overshadowing, overbearing impact, as well as a loss of outlook/daylight. The proposal would infringe  under Article 8



of the Human Rights Act 1998. The proposal is contrary to the NPPF and local planning policy.

iii) Effect on Highway Safety

Paragraph 113 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

The increase in traffic entering and leaving the site will be incredibly dangerous and pose significant risk to all road users. The creation of an access serving an additional dwelling is going to be prejudicial to highway and pedestrian safety.

The proposed site plan is again ambiguous as it does not illustrate how vehicles, including delivery vehicles can access, park and turn safely within the site. No tracking plans or details of the access arrangements have been provided. It has not been demonstrated that suitable access to the development can be provided.

The proposal would increase the number of vehicles using this part of the highway network, thus increasing the conflict with pedestrians. Agreeing to this as laid out in the Planning Application would be disregarding legality as specified within The Road Safety Act. This would prejudice the safety and free flow of traffic on this part of the highway network to the detriment of highway and pedestrian safety.

Overall, the proposed development would have a severe residual impact on highway and pedestrian safety. Accordingly, the proposal is clearly contrary to the NPPF and Manual for Streets.



iv) Impact on Biodiversity

As part of the Natural Environment and Rural Communities Act 2006, all Local Planning Authorities have a duty to have regard to conserving biodiversity as part of its decision making.

It is noted that no ecological assessment has been carried out. Additionally, it is understood that a wide range of birds and other wildlife including bats, that use the site. The proposal will lead to the destruction of the local environment.

The “Habitats Directive” under Article 12 sets out legal protection for bats and their roosts. The Habitats Directive is translated into UK law by the Conservation of Habitats and Species Regulations 2017. It should be noted that all bat species are designated and protected as European protected species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017

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- deliberately kill, injure, disturb or capture them.
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From the plans and information provided, it is not clear how the development will result in any biodiversity enhancements. Indeed, there will be a net loss of biodiversity.

An increase in internal and external lighting will further impact on bats within and around the application site.





It is imperative to ensure that the Council satisfies its public duty in respect of the above Act. As it stands the proposal directly contravenes this Act and will lead to the destruction of the local environment and have a direct impact on protected species.

v) Foul and Surface Water Drainage

Given the nature of development proposed and the nature of the existing ground conditions,  concerned whether a sustainable drainage system can be adopted.  is also concerned about the connection to the main sewer to dispose of foul waste.

5.0 SUMMARY

There are compelling reasons why this application should be refused as the proposal comprises inappropriate development of this site. The following harm will result:

- **Unacceptable impact on living condition at neighbouring properties** – The proposal will have an adverse impact on neighbour amenity as a result of the significant size of the development and associated works. It will result in an unacceptable impact through loss of privacy, outlook, daylight, extensive shadowing, overbearing impact, and increase in noise and disturbance 
- **Detrimental impact on character and appearance of area-** The development is of a design not reflective of the local vernacular that will visually jar with the surrounding development and appear as incongruous. The proposal will appear as a cramped form of development, which is squeezed into the site.
- **Severe harm to highway safety** - The proposal will result in an unacceptable impact for all road users as a result of an increase in traffic (residents, visitors, servicing and delivery vehicles) on a sensitive part of the highway network;
- **Destruction of the local environment** -  are concerned that the proposal

will have an unacceptable impact on biodiversity.

- **Lack of substance on drainage strategy for the site** - Concerns whether the foul and surface water strategy for the site will work.

The proposal is contrary to both local and national planning policies and does not comprise sustainable development. Allowing this development could set a dangerous precedent within this street scene. It is respectfully requested that this planning application is again refused.

Yours faithfully



Appendix A – Relevant Planning Policies

The following policies in the Council's Borough Plan are considered relevant to this proposal:

Ribble Valley Core Strategy

- Key Statement DS1 – Development Strategy
- Key Statement DS2 – Sustainable Development
- Key Statement DMI2 – Transport Considerations
- Policy DMG1 – General Considerations
- Policy DMG2 – Strategic Considerations
- Policy DMG3 – Transport & Mobility
- Policy DMH3 – Dwellings in the Open Countryside
- Policy EN2 – Landscape & Townscape Protection
- Policy DME1 – Protecting Trees & Woodland
- Policy DME2 – Landscape & Townscape Protection

From: Contact Centre (CRM) <contact@ribblevalley.gov.uk>
Sent: 05 March 2024 12:57
To: Planning
Subject: Planning Application Comments - 3/2024/0090 FS-Case-592691340

Planning Application Reference No.: 3/2024/0090

Address of Development: Land at Eden Gardens (adj 5 Cherry Drive) Brockhall Village Old Langho
BB6 8HJ

Comments: Dear sirs,

I have received no details of the application despite the planning application saying neighbours have been notified.

I have only found out about this application due to the Lancashire Telegraph. I feel like the the applicants are trying to pull a fast one.

Please could all details be sent to the current neighbours so all planning can be assessed.

Regards.

[REDACTED]

From: Contact Centre (CRM) <contact@ribblevalley.gov.uk>
Sent: 01 March 2024 15:07
To: Planning
Subject: Planning Application Comments - 3/2024/0090 FS-Case-591640200

[REDACTED]

Planning Application Reference No.: 3/2024/0090

Address of Development: Land at Eden Gardens (adj 5 Cherry Drive) Brockhall Village BB68HT

Comments: 1. I am surprised to see that this property is scheduled to be built and have a rear wall so close to the side wall of the adjoining property (5 Cherry Drive) and therefore obstruct light significantly from the 2 windows and door of that property.
2. The fact that the build is scheduled for 3 storeys is out of character for other properties on that development.
3. The property extremely closely overlooks the rear garden of 5 Cherry Drive and would appear to afford a view directly in to rooms and importantly a bedroom of that property.
4. There does not appear to be any footpath to the front of the proposed property for pedestrians and little provision for outside parking. Parking space is at a premium here with visitors often having to double park to get near their friends homes. There is already ill feeling in this regard.

General point: As a point of historic interest [REDACTED] build a 3 storey property for [REDACTED] on a plot at Eden Gardens. This would have overlooked the large grassed mound area at the top of Eden Gardens` and not directly a neighbours home, garden and windows.
Plans were drawn up by [REDACTED] and discussed with yourselves. We were told unofficially that they would most likely not be passed as the height of a 3 storey building would be out of character - despite the 3 storey apartments on Masefield Close, Dickens Court and 3 storey town houses on Dickens Court being in the immediate vicinity [REDACTED] did not progress the application in view of your guidelines. Perhaps time have changed that view?

From: Contact Centre (CRM) <contact@ribblevalley.gov.uk>
Sent: 06 March 2024 10:46
To: Planning
Subject: Planning Application Comments - 3/2024/0090 FS-Case-593023798

Planning Application Reference No.: 3/2024/0090

Address of Development: Land at end (adj 5 Cherry Drive, Brockhall
Village, BB6 8HJ

Comments: After comments and objections are sent in, how long does it take to be uploaded on to the application site?

[REDACTED]

From: [REDACTED]
Sent: 05 March 2024 09:17
To: Planning
Subject: Objection to Planning Application 3/2024/0090
Attachments: Objection to Application 3_2024_0090.docx; Attachments 3-204_0090.pptx



This email originated from outside Ribble Valley Borough Council. Do **NOT** click links or open attachments unless you recognize the sender and are sure the content within this email is safe.

Please see attached, planning objection to:

Land at Eden Gardens (adjacent to 5 Cherry Drive, Brockhall Village, Old Langho BB6 8HJ

3/2024/0090

Regards

[REDACTED]

Comments on Application no 3/2024/0090

Development Address:

Land at Eden Gardens (adjacent to 5 Cherry Drive) Brockhall Village, Old Langho, BB6 8HJ

We formally object to the following planning application, due to the following reasons:

Please note we have done a lot of research into RBC policies, planning history and other planning aspects, I apologise in advance if we have interpreted some aspects incorrectly

1. The title of the development address, above, states "adjacent to 5 Cherry Drive", while the individual plans and the "Design and Access Statement" that have been submitted to RBC states "land adjacent to Eden Gardens" the development address title is more pertinent, as the proposed development is a [REDACTED] whilst we assume this to be legally acceptable, it has the following implications...
2. The current open aspect [REDACTED] will be totally lost, please see attached pictures.
3. [REDACTED] has for [REDACTED] experienced uninterrupted enjoyment of light and as a result of the proposed 2 and half storey dwelling, it will suffer significant loss of natural light [REDACTED] (a habitable room), a bathroom and a utility room. The distance to the boundary from [REDACTED] the distance [REDACTED] the proposed dwelling [REDACTED] to the proposed dwelling which is considerably less than the recommended distance of [REDACTED] for windows to habitable room facing non habitable windows.

The proposal shows roof windows to the second floor to the roof slope [REDACTED]

In addition, the landing window while shown as obscure glass if opened [REDACTED] [REDACTED] While not a planning consideration this window appears to contravene Building Regulations approved document B (fire safety) as it is less than [REDACTED] the boundary and does not comply with the unprotected area requirements.
4. The loss of natural light will have an impact of our energy efficiency as the westerly aspects provide natural warmth, especially in the spring and autumn seasons, as well as reducing the carbon footprint.

5. Also, [REDACTED] we are concerned that the loss of natural light could have an effect on [REDACTED] health and wellbeing.

6. The plans include first floor bedrooms with full size Juliette style balcony windows which will [REDACTED] and as such, will result in a significant privacy loss and loss of natural light. In addition, the full height Juliette style balcony window to bedroom 2 leading [REDACTED] [REDACTED] Owing to the very limited garden area to the proposed dwelling this flat roof has potential to be used as an outdoor sitting area which [REDACTED]
[REDACTED]

Note The elevation drawings appear to be denoted wrongly, they show 2 elevations as South West with no South East elevation noted

7. The proposed parking spaces, [REDACTED] will result in more noise.

8. The current proposed plan seems to indicate there will be no footpath in front of the house.

9. The "Design and Access Statement" states *"the site is a narrow plot"* and *"has been designed to nestle into the existing streetscape"*. These are contradictory statements.

a. The scale, appearance and design of the proposed property will not be in keeping with the 3 existing properties on Cherry Drive, namely numbers 1, 3, 5, These properties are similar dimension and style, the above application will look totally different, in all aspects.

b. The width of these existing properties on Cherry Drive are over 13 metres, while the proposed property will be 6.2 meters, but the same height.

c. Also, the finish on the proposed dwelling will be of *smooth synthetic render/coursed natural stone and coloured white/beige* (the statement does not state the specific colour), this is in stark contrast the properties on Cherry Drive, which all have a variation of red brick.

d. The proposal also shows a large flat roof dormer construction at 2nd floor level facing the side [REDACTED] along with a single storey flat roof structure to the snug facing onto Cherry, Drive both of which are out of character for the area

e. We continually refer to Cherry Drive in this objection, as does the Design and Access Statement, as does the project description, this is because the proposed dwelling will be seen as a continuation of the current houses on Cherry Drive.

f. We have referred to RBC, Policy DMG1 of the Ribble Valley Core Strategy states: *'All development 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 material...particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character, as well as the effects of development on existing amenities.'

The current proposal appears to be contrary to the above policy.

10. The development includes for a 1.5m high composite fence and hedge screening along the Cherry Drive frontage and part way along the Eden Gardens frontage. This 1.5m high fence will reduce the visibility splay for vehicles exiting Eden Gardens onto Cherry Drive causing the potential for accidents.
11. There is no construction method statement submitted with the application. Due to the confines of the site, where are the site welfare facilities, cabins, site compound, storage, operatives parking, plant and equipment all to be located. We would ask that this information is requested by the applicant with a plan showing the proposed site compound.
12. The proposal is for a 2.5 storey property [REDACTED] with a large eaves overhang, while not directly a planning issue, how is the property going to be built with very little space for adequate scaffolding. In addition, while scaffolding is erected on the boundary [REDACTED] [REDACTED] site operatives are working on the proposed property.
13. Due to the [REDACTED] of the dwelling, [REDACTED]
14. The "Design and Access Statement" states there will be a biodiversity net gain and that at present it is a scrubland, the description of scrubland is slightly exaggerated, it is a piece of flat land, [REDACTED] convert the land into a garden area, it is not destined to be a "scrubland" in the future.
15. On the "Application for Planning Permission" it states the proposed development will not be adding parking spaces, but in the "Design and Access Statement" it states there will be 2 spaces. We believe two spaces to be insufficient for a 4-car family.
16. The application form lodged with the planning documents for the original site plan of Eden Gardens, was only for 6 plots in 2 phases, please see attached site plan from September 2015.

In our opinion it is obvious why no building plot was identified at the time; it is because the plot is too narrow (as per the "Design and Access Statement") and not in keeping with neighbouring plots on Eden Gardens and existing houses.

The proposed dwelling is being "shoehorned" to a narrow piece of land, which in turn (naturally) makes the proposed property have an adverse effect on the surrounding area.

Indeed, the original developer/builder envisaged that the plot of the proposed dwelling, to be originally a turning area (please see attached plan), because at the end of Eden Gardens the road transforms to a narrow funnel, making it impossible to turn round.

Some vehicles currently do use the land as a turning area, but some use the private driveways of the existing residences, this will increase with the proposed new development,

17. It is understood that there is a restrictive covenant on Eden Gardens which restricts that no more than 6 houses can be built.

Item 13.3.1 states that not to use or permit the property or any building on the property for the carrying on of any trade or business whatsoever and not to use the same for any purpose **other than as development of 6 detached live / work dwelling houses with ancillary garages each for the use and occupation of one family only**, as 6 houses are already built on Eden Gardens, this covenant would restrict the building of a 7th property.

18. We are aware of current house building on Cherry Drive, namely under planning permission 3/2023/0044, but this being undertaken on a long-standing approved building plot.

19. We are also aware application 3/2022/0725 was refused, the primary reason given was:

The proposal is considered contrary to Key Statements DS1, and Policy DMG2 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of a new residential dwelling within a Tier 2 settlement, without sufficient justification insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need.

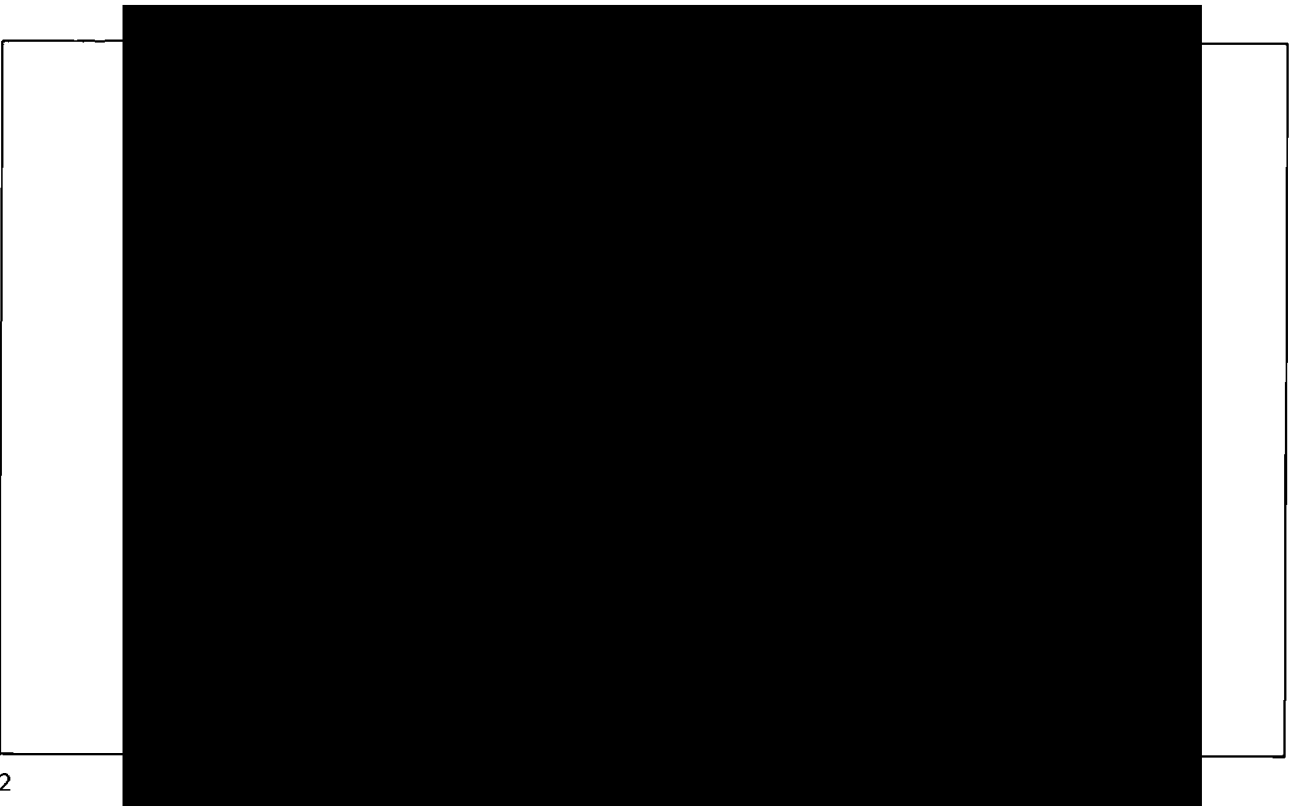
As we interpret the above Policy, development within the Tier 2 villages, and outside the defined settlement areas, requires developments to meet at least one of the following considerations:

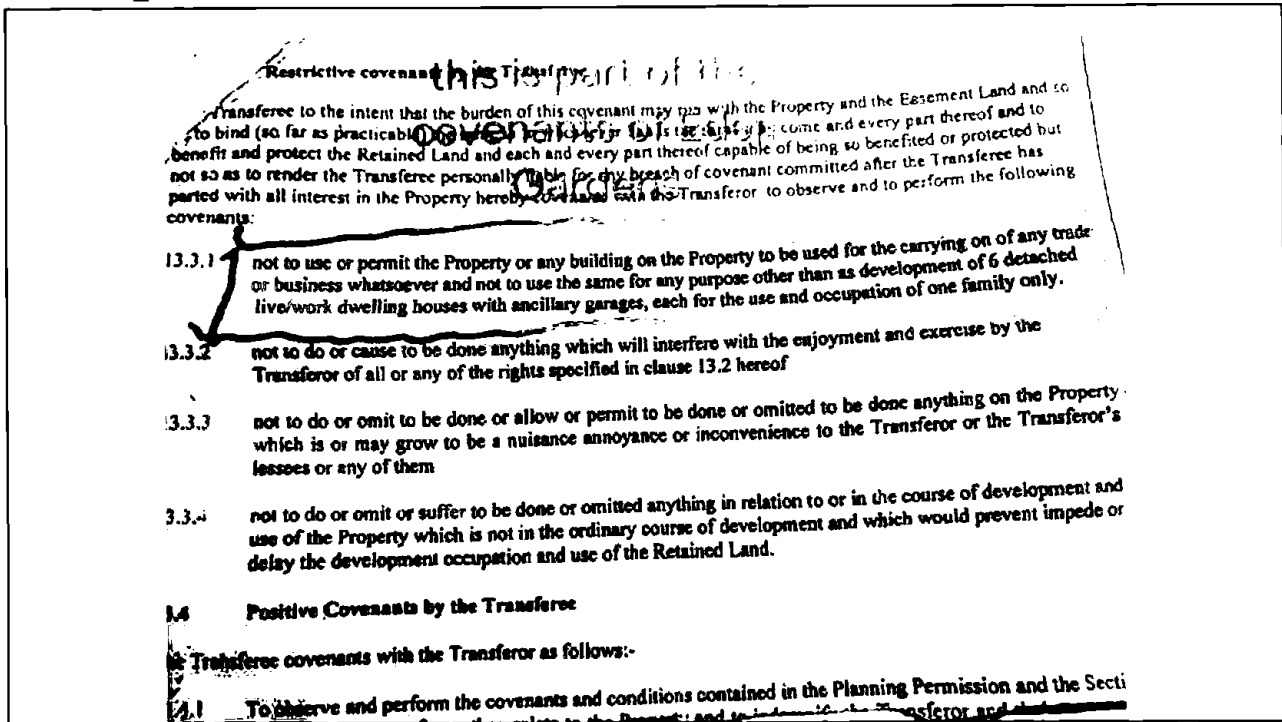
1. Should be essential to the local economy or social wellbeing of the area.
2. Should be needed for purposes of forestry or agriculture.
3. Should be for local needs housing meeting an identified need and would be secured as such.
4. Development for small-scale tourism or recreation purposes that are appropriate to a rural area.
5. Small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.
6. The development is compatible with the Enterprise Zone designation

The proposed development satisfies none of the above criteria

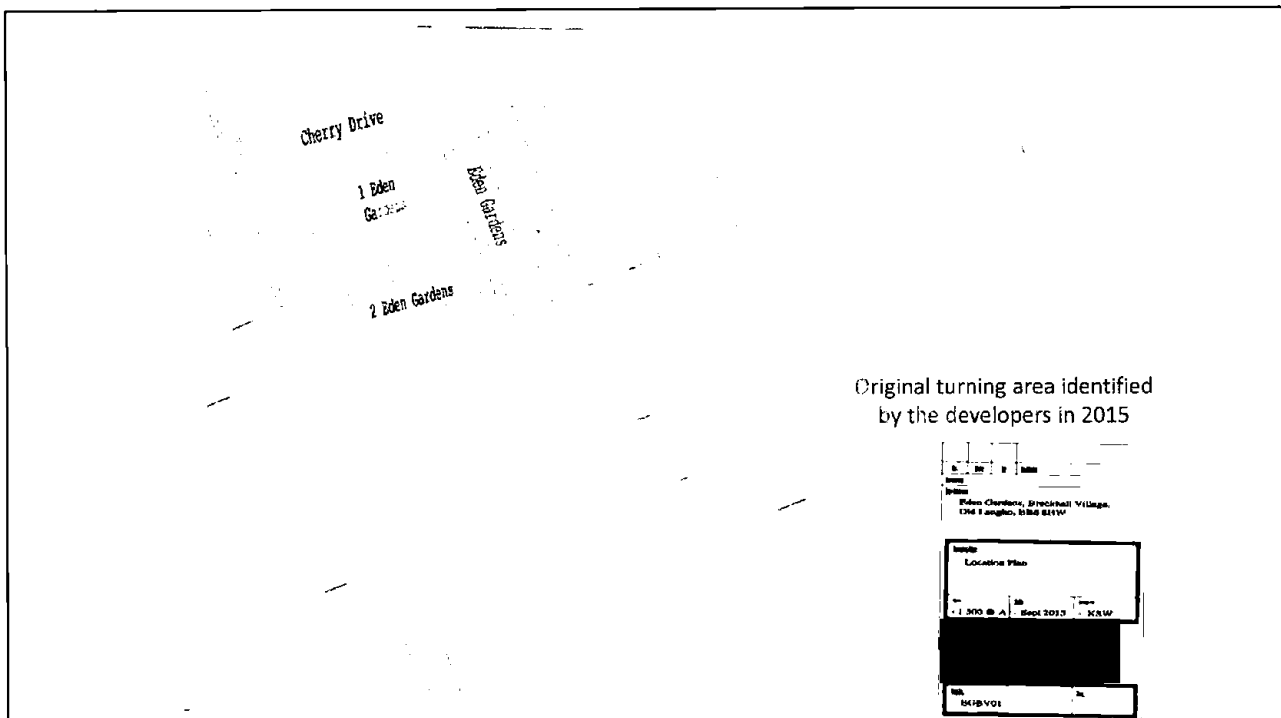
20. If granted, the proposal will see further increases of residents in the village, (already oversubscribed), which in turn will put increased pressure on already stretched local services, namely, medical, school and transport.

In summary, this proposal is a clear case of over development in a settlement 2 village and has a number of material considerations that have negative implications, including scale, appearance and design, that in turn significantly impacts on our light and privacy.

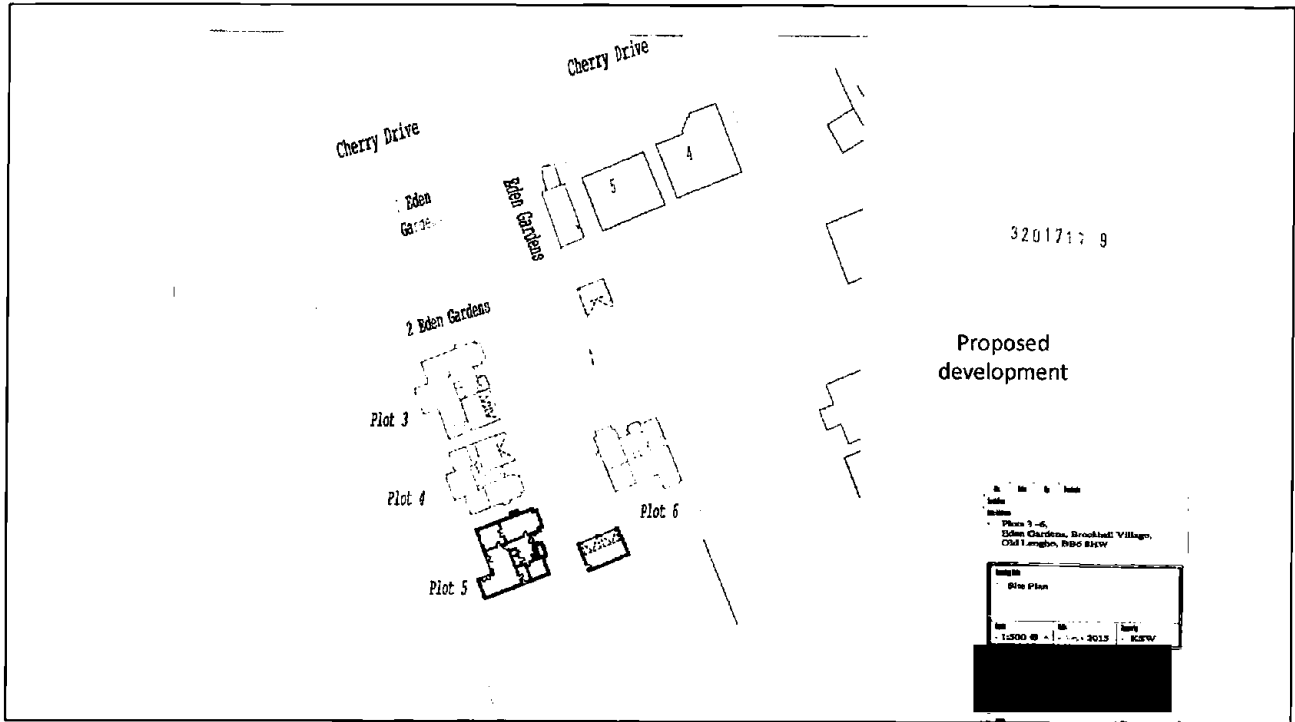




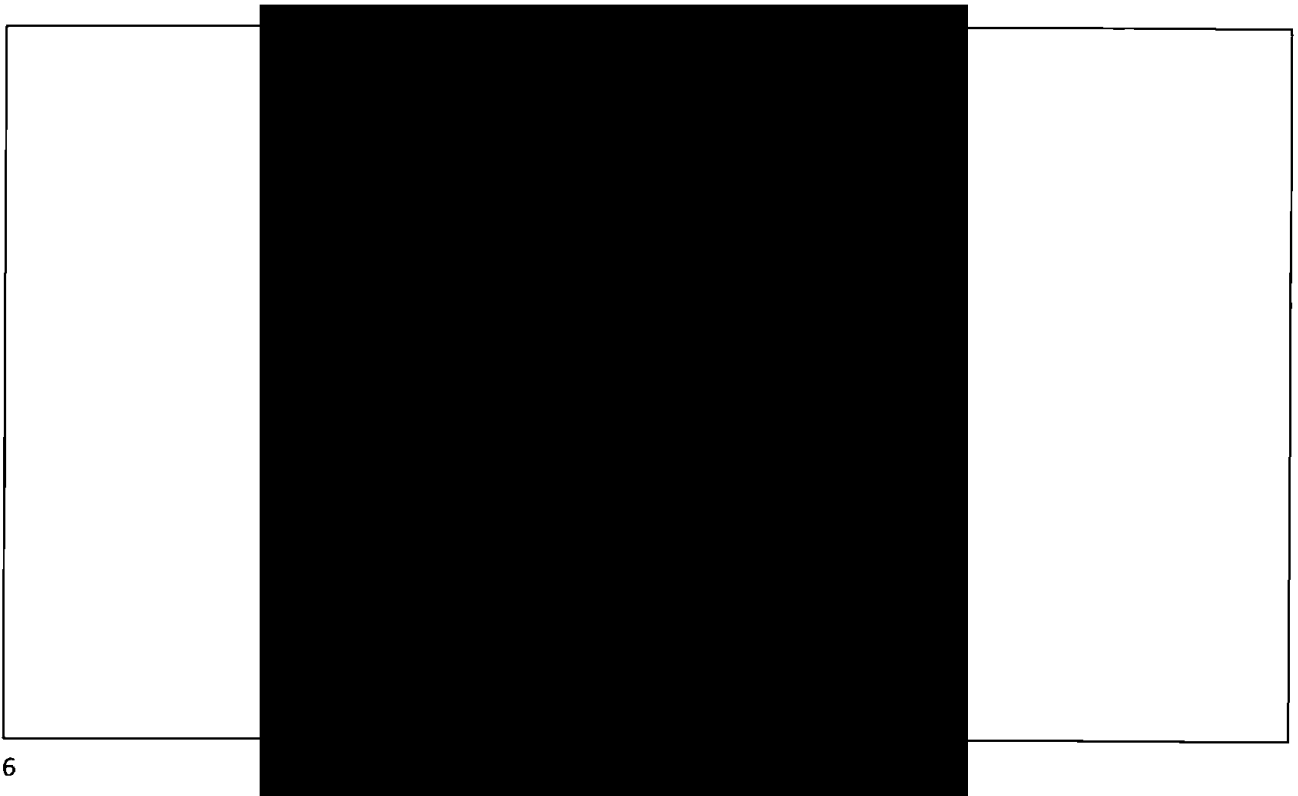
3



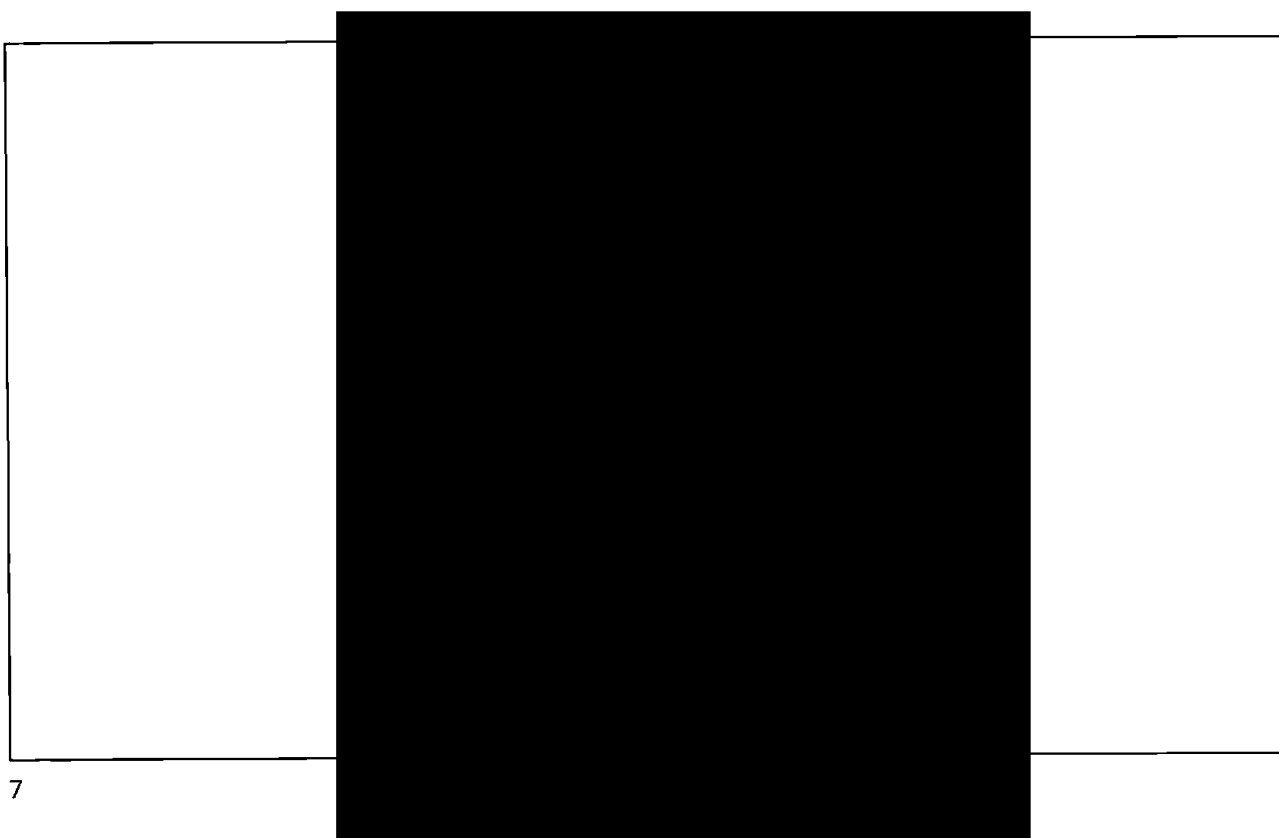
4



5



6



From: Contact Centre (CRM) <contact@ribblevalley.gov.uk>
Sent: 06 March 2024 20:26
To: Planning
Subject: Planning Application Comments - 3/2024/0090 FS-Case-593247103

Planning Application Reference No.: 3/2024/0090

Address of Development: Eden gardens(adj5 Cherry Drive)Brockhall Village, old langho Bb6 8Hj

Comments: No footpath either side of Eden gardens, dangerous for children living on Eden gardens. Will not match the existing houses. Land for too small for building, will look odd. no parking spaces. No room or space for construction materials. Restrictive covenant on Eden Gardens which restricts no more than 6 houses can be built.. no room for this new dwelling,, home will look an eyesore & devalue property in the surrounding area.