


**Report to be read in conjunction with the Decision Notice.**

<b>Signed:</b>	<b>Officer:</b>	<b>SK</b>	<b>Date:</b>	<b>16.07.25</b>	<b>Manager:</b>	<b>LH</b>	<b>Date:</b>	<b>17.7.25</b>
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<b>Application Ref:</b>	2025/0295			 Ribble Valley Borough Council <a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a>
<b>Date Inspected:</b>	24.06.25	<b>Site Notice:</b>	24.06.25	
<b>Officer:</b>	Stephen Kilmartin			
<b>DELEGATED ITEM FILE REPORT:</b>				<b>REFUSAL</b>

<b>Development Description:</b>	Erection of one new single storey residential building adjacent to The Pentre. Construction of new boundary fence/wall separating the properties.
<b>Site Address/Location:</b>	The Pentre Pendle Road Clitheroe BB7 1JQ

<b>CONSULTATIONS:</b>	<b>Parish/Town Council</b>
No representations received in respect of the application.	

<b>CONSULTATIONS:</b>	<b>Highways/Water Authority/Other Bodies</b>
<b>LCC Highways:</b>	
The Local Highways Authority have raised no objection to the proposal subject to the imposition of conditions relating to the following matters:	
<ul style="list-style-type: none"> <li>• Provision of car-parking area</li> <li>• Submission of a Construction Management Plan</li> <li>• Cycle Storage provision</li> <li>• Details relating to the surfacing of the access point</li> <li>• Surface water drainage provision(s)</li> </ul>	

<b>CONSULTATIONS:</b>	<b>Additional Representations.</b>
No representations received in respect of the application.	

<b>RELEVANT POLICIES AND SITE PLANNING HISTORY:</b>
<p><b>Ribble Valley Core Strategy:</b></p> <p>Key Statement DS1: Development Strategy                  Key Statement DS2: Sustainable Development                  Key Statement EN3: Sustainable Development and Climate Change                  Key Statement DMI2: Transport Considerations</p> <p>Policy DMG1: General Considerations                  Policy DMG2: Strategic Considerations                  Policy DMG3: Transport &amp; Mobility                  Policy DME1: Protecting Trees &amp; Woodland                  Policy DME2: Landscape &amp; Townscape Protection                  Policy DME3: Site and Species Protection and Conservation                  Policy DME5: Renewable Energy                  Policy DME6: Water Management</p>

National Planning Policy Framework (NPPF)

**Relevant Planning History:**

**2011/1039:**

Erection of one new single storey residential building adjacent to The Pentre. Creation of new Crossover over Pendle Rd for The Pantre. Construction of new boundary fence/wall separating the properties. (Approved)

**ASSESSMENT OF PROPOSED DEVELOPMENT:**

**Site Description and Surrounding Area:**

The application relates to the southern extents of the garden area currently associated with residential dwelling known as 'The Pentre' located off Pendle Road Clitheroe. The application site lies within the defined settlement limits of Clitheroe, being located on the western side of Pendle Road.

The area is predominantly residential in character, with the application site currently accommodating significant areas of tree planting and hedgerow, with the garden area being relatively well screened on all sides by the existing planting contained within the site area.

**Proposed Development for which consent is sought:**

The application seeks consent for the erection of a single-storey 'courtyard' style dwelling within the garden area associated with The Pentre, Pendle Road, Clitheroe. The submitted details propose that the footprint of the dwelling will be of a semi-enclosed courtyard style with the southern extends being open in nature.

The dwelling will be flat-roofed in nature with the main body of the dwelling measuring 3.56m in height, with the eastern extents of the building measuring 4.34m in height. At its northern extents the footprint of the dwelling would measure approximately 31m in width, with the footprint extending southward by approximately 19m at its greatest extents. The submitted details the proposal will be faced in a 'buff-coloured' brick, with a colonnaded western elevation, with the inward facing elevations of the courtyard being predominantly glazed. Parking provision will be provided towards the eastern extents of the site, with the existing access point provided access to both that of the existing and proposed dwelling.

**Impact upon Character of Area and Visual Amenities:**

The dwelling will be flat-roofed in nature with the main body of the dwelling measuring 3.56m in height, with the eastern extents of the building measuring 4.34m in height. At its northern extents the footprint of the dwelling would measure approximately 31m in width, with the footprint extending southward by approximately 19m at its greatest extents.

The submitted details the proposal will be faced in a 'buff-coloured' brick, with a colonnaded western elevation, with the inward facing elevations of the courtyard being predominantly glazed, the footprint of the dwelling will be of a semi-enclosed courtyard style with the southern extends being open in nature.

In respect of assessing any potential visual impacts upon the character or visual amenities of the area, Policy DMG1 is engaged insofar that the Policy sets out general Development Management considerations and provides an overarching series of considerations that the Local planning Authority will have regard to in ensuring and securing high-quality and appropriate forms of development.

In this respect the DMG1 states:

*In determining planning applications, all development must:*

#### **DESIGN**

- 1. Be of a high standard of building design which considers the 8 building in context principles (from the CABE/English Heritage building in context toolkit).*
- 2. Be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.*
- 3. Consider the density, layout and relationship between buildings, which is of major importance. 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.*
- 4. Use sustainable construction techniques where possible and provide evidence that energy efficiency, as described within policy DME5, has been incorporated into schemes where possible.*
- 5. the code for sustainable homes and lifetime homes, or any subsequent nationally recognised equivalent standards, should be incorporated into schemes.*

#### **ACCESS**

- 1. Consider the potential traffic and car parking implications.*
- 2. Ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated.*
- 3. Consider the protection and enhancement of public rights of way and access.*

#### **AMENITY**

- 1. Not adversely affect the amenities of the surrounding area.*
- 2. Provide adequate day lighting and privacy distances.*
- 3. Have regard to public safety and secured by design principles.*
- 4. Consider air quality and mitigate adverse impacts where possible.*

#### **ENVIRONMENT**

- 1. Consider the environmental implications such as SSSI's, county heritage sites, local nature reserves, biodiversity action plan (bap) habitats and species, special areas of conservation and special protected areas, protected species, green corridors and other sites of nature conservation.*
- 2. With regards to possible effects upon the natural environment, the council propose that the principles of the mitigation hierarchy be followed. this gives sequential preference to the following: 1) enhance the environment 2) avoid the impact 3) minimise the impact 4) restore the damage 5) compensate for the damage 6) offset the damage.*
- 3. All development must protect and enhance heritage assets and their settings.*
- 4. All new development proposals will be required to take into account the risks arising from former coal mining and, where necessary, incorporate suitable mitigation measures to address them.*
- 5. Achieve efficient land use and the reuse and remediation of previously developed sites where possible. previously developed sites should always be used instead of greenfield sites where possible*

#### **INFRASTRUCTURE**

- 1. Not result in the net loss of important open space, including public and private playing fields without a robust assessment that the sites are surplus to need. in assessing this, regard must be had to the level of provision and standard of public open space in the area, the importance of*

*playing fields and the need to protect school playing fields to meet future needs. regard will also be had to the landscape or townscape of an area and the importance the open space has on this.*

- 2. Have regard to the availability to key infrastructure with capacity. where key infrastructure with capacity is not available it may be necessary to phase development to allow infrastructure enhancements to take place.*
- 3. Consider the potential impact on social infrastructure provision.*

#### **OTHER**

- 1. Not prejudice future development which would provide significant environmental and amenity improvements.*

#### **Assessment of Visual Impacts:**

The immediate surrounding area is largely typified by existing dwellings of a scale and footprint that is largely commensurate with that of residential dwellings. In this respect, taking account of the overall scale of the footprint of the dwelling and its relationship to the inherent nearby pattern and scale of existing built-form. The footprint of the development and its configuration would be read as being both largely incongruous and discordant, failing to respond positively to or take account of the existing pattern of development.

Furthermore, the proposed dwelling, notwithstanding the inner courtyard area, would represent and result in a cramped form of development, exacerbated by the proposals overall scale and proximity to the northern and southern boundaries its associated proposed residential curtilage. In this respect the proposal would be considered to be in significant direct conflict with Policy DMG1 of the Ribble Valley Core Strategy in that it would be of significant detriment to the character and visual amenities of the area.

As such and taking account of the above matters, the proposal is considered to result in significant direct conflict with Policy DMG1 of the Ribble Valley Core Strategy which seeks to protect against development that would result in measurable harm to the character or visual amenities of the area. Particularly insofar that approval would result in a form of development that fails to respond positively to the inherent pattern, configuration and scale of nearby surrounding development, with the proposal also resulting in a cramped form of development, exacerbated by the proposals overall scale and proximity to the northern and southern boundaries its associated proposed residential curtilage

#### **Impact Upon Residential Amenity:**

Given the proposal relates to the garden area of an existing dwelling, with the application site also being in close proximity to other residential receptors, consideration must be given in respect of the potential for the proposal to result in undue impacts upon existing nearby residential amenities.

In respect of impacts upon the existing dwelling on site 'The Pentre', the northern elevation of the proposed dwelling would be located within close proximity to the southern elevation of the existing dwelling, also being located within close proximity to the shared boundary that will delineate the curtilages of both dwellings. The northern elevation of the building would measure 31m in width, being predominantly 3.56m in height with the eastern extents of the building measuring approximately 4.3m in height, with the elevation being devoid of any openings, save that for a bathroom window. In this respect the north elevation would be largely austere in nature, failing to benefit from any depth, visual relief or animation.

Taking account of the above and taking account of the footprint and height(s) of the proposed dwelling, in concert with the close- proximity to the Pentre and shared boundary - It is considered that the proposal is likely to result in a significant unsympathetic overbearing impact upon the residential amenities of the

occupiers of The Pentre. With the proposal, by virtue of the length of its northern footprint, height and proximity to the shared boundary, also resulting in a measurable loss of light to a significant area of the garden towards the southern extents of the existing dwelling, further exacerbating the overbearing impact of the proposal.

As such the proposal is in direct conflict with Policy DMG1 of the Ribble Valley Core strategy which seeks to ensure of adequate standards of residential amenity and protect against development(s) that would result in measurable detrimental impact(s) upon nearby affected existing residential amenities. Particularly insofar that the proposal would result in an unsympathetic overbearing impact upon existing nearby affected residential amenities.

### **Landscape and Ecology:**

Given the proposal would involve the clearance of a significant number of trees, the application has been accompanied by a Tree Survey and Arboricultural Impact Assessment. The submitted report states that 'a total of 27 individual trees, 2 groups, 1 woodland and 2 hedges were recorded during the survey. The majority of the trees are mature, with most specimens found to be in fair overall condition and likely to contribute to the landscape for a further 10–20+ years'.

With the key observations in relation to the site being as follows:

- *Category B trees dominate the site, comprising species such as Sycamore, Beech, Elm, Ash, Birch, Spruce and Hornbeam. These are generally of moderate quality with good future potential and a reasonable contribution to the site's character.*
- *Several trees were recorded off-site or within dense undergrowth, limiting access and requiring estimated dimensions (e.g. T1, T4, T5, T6, T11).*
- *Category C features include lower quality or younger specimens such as Privet hedges (H1, H2) and mixed groups of natural regeneration (e.g. G1, W1), which offer limited arboricultural merit but some local screening and biodiversity value.*
- *One tree (T19 – Horse Chestnut) was found to be dead and has been classified as Category U with a recommendation for removal on safety grounds.*
- *Woodland W1 was noted as having a very dense understorey and limited access, with the mix of species including Ash, Sycamore, Sweet Gum, Holly, and Apple contributing to ecological value despite lower quality classification.*

In relation to the proposed impact(s) resultant from the proposal upon existing trees and hedgerow on site, the report states:

*The proposals will result in the removal of 13 individual trees, one tree group, one hedge, and a large section of Category C woodland. The majority of trees to be removed are moderate quality Category B specimens. While not high quality, their collective loss will diminish the site's arboricultural and screening value in the short term. The remaining trees will continue to provide some level of amenity and boundary structure.*

In relation to proposed mitigation and compensation for the loss of the trees and hedgerow outlined above, the report states the following:

*To help address the level of tree loss, compensatory planting will be required. A replacement ratio of 2:1 is suggested to support the long-term re-establishment of tree cover on site. This could be informed by:*

- *A landscape plan identifying suitable species, planting sizes, and indicative locations*
- *The use of native or climate-resilient species that reflect the site's setting and future conditions*
- *Inclusion of mixed-age planting stock to encourage structural diversity and resilience.*

However, in respect of the above matters, no landscaping proposals have been provided that demonstrate adequate mitigation and compensation for the trees, scrub and hedgerow to be lost. Furthermore, taking account of the footprint of the proposed dwelling and the remaining undeveloped site area, the authority does not consider that such mitigation and enhancement could reasonably be achieved on site.

As such the proposal is considered to be in direct conflict with the aims and objectives of Key Statement EN4 and Policies DME1, DME2 and DME3 of the Ribble Valley Coire Strategy. Which collectively seek to ensure the protection of trees, hedgerow and woodland of high landscape amenity value and seek to ensure that that proposal will result in a net enhancement in biodiversity.

Further to the above matters, the applicant has stated that the dwelling will be 'self-build' for the purposes of the Self-build and Custom Housebuilding Act 2015. As such the proposal would be exempt from the mandatory requirements in respect of Biodiversity Net Gain as imposed pursuant to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

However, the applicant has not submitted a signed unilateral undertaking that would secure the dwelling as such. In this respect it cannot be considered that the proposal would benefit from the exemptions afforded by The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

As such and taking account of the above, the proposals results in significant direct conflict with Key Statement EN4 and Policies DME1, DME2 and DME3 of the Ribble Valley Coire Strategy. Particularly insofar that it has not been adequately demonstrated that the proposal will result in an overall net enhancement in biodiversity, nor has it been demonstrated that the proposed loss of trees, hedgerow and habitat can be adequately compensated for on- site.

It is further considered that the applicant has failed to demonstrate that the proposal would be exempt from the mandatory Biodiversity Requirements imposed pursuant to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) insofar that no appropriate legal mechanism has been submitted to ensure that the dwelling would be for that of 'self-build' housing for the purposes of the Self-build and Custom Housebuilding Act 2015.

## **Highways:**

The Local Highways Authority have raised no objection to the proposal stating the following:

### ***Introduction***

*The Local Highway Authority (LHA) are in receipt of an application for the proposed erection of one new single storey residential building adjacent to The Pentre. Construction of new boundary fence/wall separating the properties at The Pentre Pendle Road Clitheroe, BB7 1JQ.*

### ***Site Access***

*The site will be accessed via an amended existing access on to Pendle Road, which is classified as the C553 with a speed limit of 30 mph fronting the site access.*

*The LHA have reviewed the proposed site plan drawing number 2002AA1003 Revision E and note that the proposed amendment will result in an access which is 5.5m wide, which will support two-way movement. Widening the access will also improve the visibility at the access and the LHA would recommend that the existing vegetation to the north of the access is cut back, which will further improve visibility*

*The access shall be appropriately paved in a hardstanding material from the back of the footway for the first 5m into the site and the extended vehicle crossing within the adopted highway will need to be constructed under a section 171 agreement of the Highways Act 1980.*

**Internal Layout**

The LHA have reviewed the proposed site plan drawing number 2002AA1003 Revision E and are aware that the existing dwelling and the proposed dwelling comply with the LHAs parking standards as defined in the Joint Lancashire Structure Plan. There are also turning provisions within the site to allow for ingress and egress in a forward gear. Therefore, the LHA have no objection to the proposal.

**Drainage**

Whilst works to widen the access take place, the applicant shall include surface water drainage at the access point, which should be drained into an internal outfall.

**Sustainability**

The site is within close proximity to bus stops on Pendle Road, with hourly services running between Clitheroe, Chipping, Burnley and Accrington. The site shall further increase its sustainable transport options to encourage and promote sustainable transport use.

Therefore, the development shall include covered secure cycle storage to ensure the provision and availability of adequate cycle parking for each resident and the promotion of sustainable forms of transport. Additionally, due to the nature of the application, it is expected that a charging point for electric vehicles is included in the development to promote sustainable modes of transport. The DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings states charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

**Conditions:**

1. The development hereby permitted shall not be occupied or brought into use until the car parking and turning areas shown on the approved plan(s) have been provided in full and are available for use. The car parking and turning areas shall thereafter be kept available for the parking and manoeuvring of vehicles at all times.

Reason: To ensure the provision of adequate car parking on site and in the interests of highway safety.

2. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number
- Details of the parking of vehicles of site operatives and visitors
- Details of loading and unloading of plant and materials
- Arrangements for turning of vehicles within the site
- Measures to protect vulnerable road users (pedestrians and cyclists).
- Facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site
- Provision to sweep the surrounding highway network by mechanical means shall be available, and the roads adjacent to the site shall be mechanically swept as required during the full construction period.
- Measures to control the emission of dust and dirt during construction.
- Delivery, demolition, and construction working hours.

3. Prior to first occupation cycle storage provisions for the residential unit shall be submitted to the Local Planning Authority, in consultation with the Local Highway Authority. These cycle facilities

*shall thereafter be kept free of obstruction and available for the parking of bicycles only at all times.*

*Reason: To promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions.*

- 4. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviments, or other hard material to be approved by the Local Planning Authority.*

*Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.*

- 5. The surface water from the approved access should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.*

*Reason: In the interest of highway safety to prevent water from discharging onto the public highway.*

As such, taking account of the above matters, it is not considered that the proposal will result in any measurable conflict(s) with Key Statement DMI2 or Policy DMG3 which seek to ensure the continued safe operation of the highways network and to ensure adequate pedestrian infrastructure and vehicular parking provision is brought forward to accommodate development.

**Observations/Consideration of Matters Raised/Conclusion:**

As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal.

**RECOMMENDATION:**

That the application be refused for the following reason(s):

<p><b>01:</b></p>	<p>The proposal is considered to result in significant direct conflict with Policy DMG1 of the Ribble Valley Core Strategy which seeks to protect against development that would result in measurable harm to the character or visual amenities of the area. Particularly insofar that approval would result in a form of development that fails to respond positively to the inherent pattern, configuration and scale of nearby surrounding development - with the proposal also resulting in a cramped form of development, exacerbated by the proposals overall scale and proximity to the northern and southern boundaries of its associated proposed residential curtilage.</p>
<p><b>02:</b></p>	<p>The proposal is considered to be in direct conflict with Policy DMG1 of the Ribble Valley Core strategy which seeks to ensure of adequate standards of residential amenity and protect against development(s) that would result in measurable detrimental impact(s) upon nearby affected existing residential amenities. Particularly insofar that the proposal would result in an unsympathetic overbearing impact and loss of light upon the residential amenities of the occupiers of The Pentre.</p>

**03:**

The proposals would result in significant direct conflict with Key Statement EN4 and Policies DME1, DME2 and DME3 of the Ribble Valley Core Strategy. Particularly insofar that it has not been adequately demonstrated that the proposal will result in an overall net enhancement in biodiversity, nor has it been demonstrated that the proposed loss of trees, hedgerow and habitat can be adequately compensated for on-site.

It is further considered that the applicant has failed to demonstrate that the proposal would be exempt from the mandatory Biodiversity Requirements imposed pursuant to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) insofar that no appropriate legal mechanism has been submitted to ensure that the dwelling would be for that of 'self-build' housing for the purposes of the Self-build and Custom Housebuilding Act 2015.