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| **Report to be read in conjunction with the Decision Notice.** | | | | | |
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| **Application Ref:** | 3/2020/1037 | | | |  |
| **Date Inspected:** | 07/12/2018 | | | |
| **Officer:** | AB | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | **REFUSAL** |
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| **Development Description:** | | | Proposed single storey building to be used as a holiday lodge and creation of new vehicular access off Malt Kiln Brow. | | |
| **Site Address/Location:** | | | Seed Hill (Land to the rear of Grove Square) Malt Kiln Brow Chipping PR3 2GP | | |
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| **CONSULTATIONS:** | | | **Parish/Town Council** | | |
| With respect to this application, Chipping Parish Council would like to raise the following objections:   1. We believe the application falls outside of the RVBC Core Strategy in that there is no requirement for new homes in Chipping, this has been more than fulfilled by the Fellside Development in Chipping, neither is it a redevelopment of an existing site. Whilst we note that the description says it is a holiday lodge, we understand that the Berry family perceive this as a family dwelling which may be let out occasionally to the general public when not used by family members. 2. We have serious concerns with regard to the proposed vehicular access onto Malt Kiln Brow and we completely endorse all the points noted in the response from Mr Phil Durnell, Director Highways and Transport, Lancashire County Council. 3. Mature members of our parish have advised us that there are tunnels underneath Seed Hill which were utilised during World War 2, and that these could present problems were construction to be permitted on the hill.   Bowland with Leagram PC state no objection to the plans or site itself, the area of concern was the access which looks very difficult. | | | | | |
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| **CONSULTATIONS:** | | | | **Highways/Water Authority/Other Bodies** | |
| **LCC Highways:** | | | |  | |
| Seed Hill is a classified road and any new access should be constructed in such a manor to allow a vehicle to enter and exit the site in a forward gear due to the lack of forward vision. It is not apparent from the plans provided that the required visibility splay 2.4m x 43m can be achieved and that the retaining wall and ground to the rear of the wall will be lowered to a height of less than 0.95m to enable the safe exit from the proposed access.  The access is to involve the removal of a section of highway retaining wall prior to any work commencing on site full construction of any works adjacent to the highway will be required including details of any structures required to retain the land adjacent  to the highway.  In order to progress the application further plans showing that a vehicle can enter and exit the site in a forward gear will need to be provided. A plan showing the visibility splay will also be required, this will also need to take into account the fall of Seed Hill a drawing showing the profile of the road would be expected. | | | | | |
| **RVBC Conservation:**  In my opinion, the proposed development will be unduly prominent, conspicuous and incongruous and have a harmful impact upon the character and appearance of Kirk Mill Conservation Area (the site is largely within the original conservation area boundary – subsequently extended to incorporate more of the natural ‘bowl’ in which the mill sits and the mill’s historic water-management system) and the setting of listed buildings (‘Kirk Mill and its associated mill ponds retaining walls, outflow and stone-built leat’, ‘Kirk House’ and ‘Grove House’ – the latter two buildings are the former mill owner’s house and mill manager’s house respectively and are intrinsic to the significance of the industrial hamlet). Grove Square has recently been re-modelled but retains features of its historic usage as part of the mill complex.  The proposed building will sit prominently on land above the mill complex and dominate and distract from the historic and architectural interest of the listed and other historic buildings (the SW elevation incorporates an expanse of reflective glazing). The engineered formation of a new access through the hillside opposite the mill pond is prominent, conspicuous, and overtly modern. This land is part of the natural ‘bowl’ and is intrinsic to maintaining the isolated character of the mill complex (including separation of the modern Mill Pond House from historic buildings).  ‘Making changes to heritage assets’ (Historic England, 2016, paragraph 41) identifies:  “The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, … height … use of materials … relationship with adjacent assets and definition of spaces and streets … and treatment of setting … It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting”.  NPPG ‘Historic Environment’ paragraph 13 is relevant (including cumulative change issues to the conservation area and the setting of listed buildings and the current vacancy of Kirk Mill) and identifies:  “The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as … our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.  The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.  When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset’s significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation”. | | | | | |
| **CONSULTATIONS:** | | | **Additional Representations.** | | |
| Five representations have been received and object to the proposals on the following grounds:   * the proposed modern single storey building on the land to the rear of Grove Square would be harmful to the character and appearance of the Kirk Mill Conservation Area and the setting of Kirk Mill (and its mill pond), Grove House and Kirk House listed buildings which lie within a designated Area of Outstanding Natural Beauty (AONB). * The proposed holiday lodge siting lies within the Kirk Mill Conservation Area and we think the proposed modern materials (timber clad façade and highly reflective and conspicuous expanse of full height glazing) to the front of the proposed split-portioned holiday lodge would be unduly prominent and incongruous. Its proposed position, sat on the very top of the natural bowl, overlooking Grove Square and the Mill Pond, would detract from the historic value which the existing Grade II Listed buildings bring to the Kirk Mill Conservation Area. * The proposed modern timber clad building with full height glazing would be a stark contrast to the charming industrial heritage buildings closely nestled within the industrial hamlet, and would not positively contribute to local distinctiveness. * The proposal to reverse out of a single-track parking area onto Malt Kiln Lane (the main road running through the village of chipping) in its proposed location seems very dangerous. * does not provide any details on the provisions for construction vehicles. * the proposed ‘benefits’ created by the offer to open up the family owned holiday lodge to “limited tourism” would not counteract the impact this modern structure would have on its setting and surrounding heritage assets. * The plans do not show a safe and convenient approach up the steep gradient of the hill, from the parking space to the proposed holiday lodge for everyone, including older and disabled people and some wheelchair users. * Impact on wildlife. * the application site is severely constrained and the negative impacts of the proposals would significantly outweigh any associated benefits. * major issues with the proposals conflicting with national and local policy on road safety and heritage protection   Five letters of support have been received stating that:   * The development as a whole is well thought out and will have a very low visual impact due to the well designed and positioned cabin structure. * It will be a high-quality addition to the accommodation available in the village and, albeit on a small scale, bring additional economic activity to our community.’ * It will enhance available accommodation in Chipping | | | | | |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | |
| **Ribble Valley Core Strategy**  Key Statement DS1 – Development Strategy  Key Statement DS2 – Sustainable Development  Key Statement EN2 - Landscape  Key Statement EC3 – Visitor Economy  Key Statement EN5 – Heritage Assets  Key Statement DMI2 – Transport Considerations  Policy DMG1 – General Considerations  Policy DMG2 – Strategic Considerations  Policy DMG3 – Transport and Mobility  Policy DMB1 – Supporting Business Growth and the Local Economy  Policy DME1 – Protecting Trees and Woodland  Policy DME2 – Landscape and Townscape Protection  Policy DME3 – Site and Species Protection and Conservation  Policy DME4 – Protecting Heritage Assets  Policy DMB3 – Recreation and Rural Tourism  **National Planning Policy Framework** | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | |
| **Site Description and Surrounding Area:**  The application site comprises a parcel of undeveloped land located within the Forest of Bowland AONB and Kirk Mill Conservation Area. The site lies to the north of Grove Square on land raised above the natural bowl of Kirk Mill hamlet. Within Kirk Mill are listed buildings Grove House, Kirk Mill (including associated Mill Pond) and Kirk House, all grade II listed.  The site is to the north-east of Malt Kiln Brow. A boundary retaining wall defines the site’s boundary with the highway and rises steeply from it. The site is mainly grassland although there are a number of trees and hedgerows present. | | | | | |
| **Proposed Development for which consent is sought:**  The application seeks permission for the erection of lodge building on the land. The application form refers to a ‘holiday lodge’. However, it should be noted that pre-application advice was sought for a similar development for personal use in 2019. The submitted Design, Access and Heritage Statement states that, “it was initially thought that the lodge would just be used for family and friends and not tourism. However, after reflecting on Pre-Application advice it has become clear that opening up the lodge for some limited tourism would provide additional benefit to the area…”  Taking the above into account, the proposal does not seek permission for a lodge solely for holiday letting purposes given that it would only be offered for ‘limited tourism’.  The proposed building would be sited to the north-east of the site on elevated land. The building would be supported partly on stilts and would be around 5.8 metres high when viewed from the front (south-west). The building would comprise two structures with gable roofs joined by a single storey flat roof glazed link. The gable roof elements would each measure 6.4m x 5.2m with a slate roof and green larch wall cladding. The front elevation would face towards Malt Kiln Brow and the Mill Pond to the south-west and would have large glazed openings. Internally, the building(s) would provide two bedrooms and bathroom and a shared living/dining/kitchen space at ground floor. A mezzanine would be provided as additional sleep deck/storage.  Access to the site would be taken from Malt Kiln Brow and would require the removal of a section of wall and hedge and trees. As proposed, the access is a single-track requiring vehicles to reverse out of the site. A mown grass path would be provided from the parking area to the lodge building. | | | | | |
| **Principle of Development:**  Core Strategy Key Statement EC3 relates specifically to the visitor economy stating that proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged. Key Statement EC1 ‘Business and Employment Development states that “Developments that contribute to farm diversification, strengthening of the wider rural and village economies or that promote town centre vitality and viability will be supported in principle”.  The application site is located in the Forest of Bowland. Core Strategy Policy DMG2 requires development outside of defined settlement areas to meet at least one of six considerations one of which is the following:  4. The development is for small scale tourism or recreational developments appropriate to a rural area.  Policy DMB3 relates specifically to recreation and tourism development. Tourism and visitor attractions are generally supported subject to the following criteria being met:  1. The proposal must not conflict with other policies of this plan;  2. The proposal must be physically well related to an existing main settlement or village or to an existing group of buildings, except where the proposed facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available;  3. The development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design;  4. The proposals should be well related to the existing highway network. It should not generate additional traffic movements of a scale and type likely to cause undue problems or disturbance. Where possible the proposals should be well related to the public transport network;  5. The site should be large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas; and  6. The proposal must take into account any nature conservation impacts using suitable survey information and where possible seek to incorporate any important existing associations within the development. Failing this then adequate mitigation will be sought.  In the Forest of Bowland AONB additional criteria apply as follows: -  1. The proposal should display a high standard of design appropriate to the area.  2. The site should not introduce built development into an area largely devoid of structures (other than those directly related to agriculture or forestry uses).  Consideration must be given to the fact that any tourism use of the building would be ‘limited’, with the main use of the building presumably by family and friends of the applicant, in accordance with the previously submitted pre-application enquiry proposals. Private use of the building would not generate the same economic benefits associated with commercial tourism and would not accord with the requirements of the Core Strategy policies. The policies do not allow for the erection of private holiday homes or second homes in the open countryside, both of which would be assessed against the relevant housing policies (DMG2 and DMH3) in the Core Strategy.  If the building was proposed solely for commercial tourism it would be considered to be small-scale development as required by Policy DMG2. It would be physically well-related to the Kirk Mill hamlet and would not introduce built development into an area largely devoid of structures. However, further consideration would need to be given to the impact of the proposals on the character, quality and visual amenities of the area, specifically the impact on Kirk Mill Conservation Area and the listed buildings in the immediate area. | | | | | |
| **Impact on Visual Amenity and Heritage Assets:**  The application site is located within Kirk Mill Conservation Area and in close proximity to listed buildings. It is also located within the Forest of Bowland AONB.  Consideration must be given to the impact of the proposals on the significance of the Conservation Area. With regards to visual impact, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes the general duty on LPAs for ‘special attention to be paid….to the desirability of preserving or enhancing the character or appearance of a conservation area’.  Policy DME4 of the Core Strategy states that ‘proposals within, or affecting views into and out of, or affecting the setting of a conservation area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance. This should include considerations as to whether it conserves and enhances the special architectural and historic character of the area as set out in the relevant conservation area appraisal. Development which makes a positive contribution and conserves and enhances the character, appearance and significance of the area in terms of its location, scale, size, design and materials and existing buildings, structures, trees and open spaces will be supported’.  Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: “In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.  In relation to listed buildings, Policy DME4 states, ‘alterations or extensions to listed buildings of local heritage interest, or development proposals on sites within their setting which cause harm to the significance of the heritage asset will not be supported’.  Paragraph 193 of the NPPF notes that ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.’  The submitted Design, Access and Heritage Statement states that there would be a ‘high degree of visual separation between the proposed site and the buildings of significant heritage’. However, the distances between buildings, existing and proposed, and views of the site indicate that the proposed development would be experienced alongside designated and non-designated heritage assets in Kirk Mill Conservation Area. The proposed building is generously sized and would be constructed from a mix of natural and modern materials, none of which respect the inherent character of the Conservation Area. This view is supported by the Conservation Officer’s observations which refer to the development proposals as ‘unduly prominent, conspicuous and incongruous’.  Due to its prominent and elevated position overlooking the hamlet, and its design and materials, including the proposed new access that would require the removal of sections of the roadside wall, the proposed development would be a harmful and incongruous addition that would result in harm to the appearance and character of the Kirk Mill Conservation Area and the setting of listed buildings.  Great weight is given to the protection of heritage assets. The proposals would neither protect nor enhance the Conservation Area and would be seen as an unsympathetic addition resulting in ‘less than substantial harm’ to Kirk Mill Conservation Area and the setting of grade II listed Grove House, Kirk Mill (including associated Mill Pond) and Kirk House. Any economic benefits resulting from the development would not outweigh the harm to designated heritage assets.  Regarding the impact on the AONB, designated for its landscape and scenic beauty, it is not considered that the proposed development would conserve or protect the visual appearance or landscape character of the area. Whilst the development proposals would be seen alongside existing built form, the proposed lodge would be located in an elevated position in the landscape and would not reflect the traditional appearance of development within Kirk Mill hamlet which is predominantly of stone construction. | | | | | |
| **Other Considerations:**  It is not considered that the development would impact negatively on nearby residents through loss of light, privacy or outlook.  Considering the tree constraints plan, the proposals would result in the removal of two non-native trees close to the front of the site, T1 and T2. There would be a requirement to remove a section of stone wall and hedgerow along the site frontage to create the new access. The length of wall and hedgerow to be removed is unclear given the proposed visibility splays which may require further hedgerow removal and/or removal or lowering of the stone retaining wall along the site frontage. Whilst there is no objection to the removal of two non-native species trees and their replacement with native trees, their removal would make the development site more open to views from the adjacent highway when passing the site, exacerbating concerns highlighted above regarding visual impacts.  The Preliminary Ecological Appraisal submitted with the application indicates that there would be no impact on EPS although recommends native species plants, trees and wildflower be planted as biodiversity enhancement measures and the installation of bird/bat boxes on any new building(s) or elsewhere within the site.  Regarding highway safety, the proposed access does not allow a vehicle to enter and exit the site in a forward gear due. It is not apparent from the plans provided that the required visibility splay 2.4m x 43m can be achieved and that the retaining wall and ground to the rear of the wall will be lowered to a height of less than 0.95m to enable the safe exit from the proposed access. Having regard to the above, guests would be required to exit the site by reversing out onto Malt Kiln Brow.  The County Surveyor has confirmed verbally that, as submitted, the proposals are unacceptable and would require guests to undertake dangerous reversing manoeuvres onto the highway. This is considered to be detrimental to highway safety contrary to Core Strategy Policy DMG1 which requires that all development should ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated. | | | | | |
| **Conclusion:**  Taking account of the above, it is considered that the proposed development would be contrary to policies DMG2 and DMB3 of the Core Strategy as the building(s) would only be used for limited tourism use.  The development would also result in harm to the character and visual amenities of the Kirk Mill Conservation Area and the setting of grade II listed Grove House, Kirk Mill (including associated Mill Pond) and Kirk House contrary to Key Statement EN5 and Policy DME4 of the Core Strategy and Section 16 of the Framework and fail to conserve and protect the visual appearance and landscape character of the AONB contrary to Core Strategy Policies EN2 and DMG1 and paragraph 172 of the NPPF.  It is also recommended that the application be refused due to highway safety reasons. | | | | | |
| **RECOMMENDATION**: | | That planning consent be refused for the following reasons: | | | |
| 1. The proposed development would be contrary to policies DMG2 and DMB3 of the Core Strategy as the building(s) would be used for limited tourism use only such that it would not generate any demonstrable economic benefits. 2. The proposed development, as a result of its siting, appearance and design, would result in harm to the character and appearance of the Kirk Mill Conservation Area and the setting of grade II listed Grove House, Kirk Mill (including associated Mill Pond) and Kirk House contrary to Key Statement EN5 and Policy DME4 of the Core Strategy and Section 16 of the Framework, and would fail to conserve and protect the visual appearance and landscape character of the AONB contrary to Core Strategy Policies EN2 and DMG1 and paragraph 172 of the NPPF. 3. The proposed development is contrary to Policy DMG1 of the Ribble Valley Core Strategy insofar that the site layout does not provide adequate turning facilities to enable vehicles to enter and leave the site in forward gear and the applicant has failed to demonstrate that the proposed new site access from Malt Kiln Brow would provide satisfactory visibility to the detriment of highway safety. | | | | | |