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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | | |
| **Signed:** | **Officer:** | **SK** | | | | **Date:** | | **02.02.24** | | **Manager:** | | **LH** | **Date:** | **2/2/24** |
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| **Application Ref:** | | | 3/2023/0272 | | | | | | | |  | | | |
| **Date Inspected:** | | | 28/4/22 | | | | Site Notice: | | 28/4/23 | |
| **Officer:** | | | SK | | | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | | | **REFUSAL** | | | |
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| **Development Description:** | | | | | Demolition of detached collapsed storage building and erection of one two-storey dwelling with private garden and parking areas. Erection of a two-storey outbuilding, providing garage and hobby room serving Twinbrook Barn. | | | | | | | | | |
| **Site Address/Location:** | | | | | Twinbrooks Barn Up Brooks Clitheroe BB7 2AG | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Parish/Town Council** | | | | | | | | | |
| Clitheroe Town Council raise no objection to the proposal but have expressed concerns in respect of the potential for the proposal to encroach upon a nearby Public Right of Way. | | | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | | |
| **United Utilities:** | | | | |  | | | | | | | | | |
| United Utilities have raised no objection to the proposal subject to the imposition of a condition requiring the submission of details relating sustainable surface and foul water drainage. Such details are to be submitted prior to the commencement of development, with the agreed details to be implemented and made available prior to first occupation. | | | | | | | | | | | | | | |
| **Environment Agency:** | | | | |  | | | | | | | | | |
| Following the receipt of revised information (Floodplain Storage Assessment 2023-07-05 and revised site sections/details) the Environment Agency have removed their original objection subject to the imposition of planning conditions that require the development be carried out in strict accordance with the approved details. | | | | | | | | | | | | | | |
| **LCC Highways:** | | | | |  | | | | | | | | | |
| The Local Highways Authority have raised no objection to the proposal subject to the imposition of conditions stating the following:  *Lancashire County Council acting as the Local Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site subject to the following conditions being stated on any approval.* | | | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | **Additional Representations.** | | | | | | | | | |
| Two letters of representation have been received raising the following concerns:   * Bin collection provision. * Lane to be kept free of debris during construction. * Refuse collection arrangements. | | | | | | | | | | | | | | |
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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 EN3: Sustainable Development and Climate Change  Key Statement EN4: Biodiversity and Geodiversity  Key Statement H1: Housing Provision  Key Statement H2: Housing Balance  Key Statement DMI2: Transport Considerations  Policy DMG1: General Considerations  Policy DMG2: Strategic Considerations  Policy DMG3: Transport & Mobility  Policy DME3: Site and Species Protection and Conservation  Policy DME5: Renewable Energy  Policy DME6: Water Management  Policy DMB5: Footpaths and Bridleways  National Planning Policy Framework (NPPF) | | | | | | | | | | | | | | |
| **Relevant Planning History:**  **3/2022/0107:**  Demolition of detached storage building and erection of three single-storey dwellinghouses with private gardens and parking areas. Vehicular and pedestrian access works off Twin Brook Road and private access drive. Erection of a two-car carport serving barn conversion and associated external works. Resubmission of 3/2021/1202. (Refused)  **3/2021/1202:**  Demolition of detached storage building and erection of three single-storey dwellinghouses with private gardens and parking areas. Vehicular and pedestrian access works off Twin Brook Road and private access drive. Erection of a two-car carport serving barn conversion and associated external works. (Withdrawn)  **3/2019/1103:**  Demolition of existing house and erection of two two-storey detached dwellings with attached garages. (Approved 05/03/21)  **3/2017/0494:**  Discharge of conditions 3 (materials) 4 (boundary treatment) 5 (landscaping scheme) 6 (conservation details) 10 (window frames) 16 (privacy screens) from planning permission 3/2016/0698. (Approved)  **3/2016/0698:**  Conversion and extension of agricultural barn into a single dwelling house. (Approved) | | | | | | | | | | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application relates to an area of residential curtilage associated with Twinbrooks Barn. The area is largely typified by industrial employment uses with a small number of dwellings, arranged in a linear pattern, fronting Upbrooks, also being located to the south of the application site.  The site is bounded to the west by a large car-parking area with industrial units being located directly to the east of the application site. | | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  The proposal seeks consent for the erection of a single detached residential dwelling and ‘replacement outbuilding’ within the residential curtilage of Twinbrooks Barn, Up Brooks, Clitheroe. The site lies within the defined settlement limits of Clitheroe with the surrounding land to the east and west benefitting from a DMB1 Designation (Existing Employment Area), it is further noted that the residential curtilage area to which the application relates also benefits from designated as such.  It is proposed that the new-dwelling will be part single-storey and part two-storey, being of a semi-contemporary architectural language employing traditional archetypes. The dwelling will be faced in a mixture of natural reclaimed stone, vertical ‘charred’ or ‘dark stained’ timber cladding with ‘standing seam’ metal roof covering. It is proposed that the dwelling will provide for the internal provision of 3 bedrooms with parking provision being provided ‘on-plot’. Vehicular access will be provided by way of a reconfigured driveway that will utilise the existing access point off Up Brooks.  The proposed replacement ‘outbuilding’ will be part two-storey with a single storey garden store and entrance stairwell being accommodated within a ‘mock catslide’ arrangement. At ground floor the building will accommodate a triple garage, with the first floor accommodating a ‘family hobby room’. It is proposed that the building will solely be utilised as incidental to the existing household ‘Twinbrooks Barn’. | | | | | | | | | | | | | | |
| **Principle of Development:**  The application site is located within the defined settlement limits of Clitheroe (principal settlement), as such the principle of the development of the site for residential purposes, notwithstanding other development management considerations, is considered to be in broad alignment with the development strategy for the borough in terms of the locational aspirations for new housing growth within the borough, as embodied within Key Statement DS1 and Policy DMG2 of the Ribble Valley core Strategy.  The application site is also located on land that benefits from being designated as an ‘Existing Employment Area’ with Policy DMB1 being engaged for the purposes of assessing the application. In respect of the site being allocated as an ‘Existing Employment Area’ Policy DMB1 states the following:  *Proposals for the development, redevelopment or conversion of sites with employment generating potential in the plan area for alternative uses will be assessed with regard to the following criteria:*   1. *The provisions of Policy DMG1, and* 2. *The compatibility of the proposal with other plan policies of the LDF, and* 3. *The environmental benefits to be gained by the community, and* 4. *The economic and social impact caused by loss of employment opportunities to the borough, and* 5. *Any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence (such as property agents details including periods of marketing and response) that the property/ business has been marketed for business use for a minimum period of six months or information that demonstrates to the council’s satisfaction that the current use is not viable for employment purposes.)*   Taking account of the requirements of Policy DMB1, given the proposal would result in the loss of a site with ‘*employment generating potential’* the applicant would normally be required to provide evidence that the site has been marketed unsuccessfully for a period of six months.  However, the site in question currently falls within an existing residential curtilage, as such it has been previously recognised that the site area had been designated as an ‘Existing Employment Area’ in error.  As such the applicant, in light of the above, is released from the requirements to meet the inherent criterion within Policy DMB1 and are not required to provide justified marketing evidence in this instance. Furthermore, given the applicant needs not satisfy the requirements of the policy (criterion 5), the proposal as submitted raises no significant direct conflict with criterion Policy DMB1. | | | | | | | | | | | | | | |
| **Impact Upon Residential Amenity:**  The application relates to an area of land that is currently utilised as residential garden area associated with Twinbrooks Barn. As such, consideration must be given in respect of the potential for the proposal to undermine the residential amenities of existing/future occupiers of the existing dwelling and as to whether the residential amenities of the future occupiers of the proposed new dwelling will be significantly compromised.  It is proposed that the single-storey element of the proposed new dwelling will be located 8m to the north of the north-facing primary elevation of Twinbrooks Barn, however it is not proposed that the single-storey element of the new-building will benefit from any southerly facing habitable room windows on this elevation, save that for a ‘wraparound’ balcony arrangement on the two-storey element of the building which will benefit from an offset distance of 15m from the north-facing elevation of the existing dwelling.  In this respect the proposed interface distances, when taking account of the addition of an intermediate 1.8m high fence between both dwellings, are considered adequate insofar that it is not considered that the future occupiers of the dwellings will be afforded a compromised level of privacy and that the residential amenities of the occupiers of Twinbrooks barn will be adequately safeguarded by the proposed arrangement.  In relation to the proposed ‘replacement outbuilding’, it is not proposed that the configuration will result in any potentially ‘habitable’ room windows benefiting from a significant outlook into the garden area associated with the new-dwelling, or towards the dwelling itself. As such it is not considered that the siting or configuration of the proposed outbuilding will result in any measurable impacts upon the residential amenities of future occupiers of the new dwelling.  Consideration must also be given in respect of extant planning consent 3/2019/1103 (Approved 05/03/21) which granted consent for partial demolition of the existing dwelling to which Twinbrooks Barn is attached. With the details pursuant to the consent granting permission for the erection of two two-storey detached dwellings with associated vehicular garaging in-lieu of the part of the building to be demolished.  In respect of the above, the approved details propose the erection of two detached dwellings wholly to the south of Twinbrook Barn with the previous consent having no direct interface with the proposed new-dwelling or its curtilage. The relationship with Twinbrook Barn, as a result of the current proposal, will remain unchanged from that of the previous consent and as such will not result in any additional material impacts over and above that which will be resultant from the implementation of 3/2019/1103.  In respect of the above matters, it is not considered that the proposal will result in any significant direct conflicts with the requirements, aims or objectives of Policy DMG1 in relation to detrimental impacts upon existing or future residential amenities. | | | | | | | | | | | | | | |
| **Visual Amenity/External Appearance:**  Policy DMG1 requires that all development *‘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’* further stating that development should *‘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’.*  Given the largely commercial surrounding context it could be considered that the siting of a new dwelling in this location could result in an incongruous and anomalous introduction into the area. However, given the site is afforded limited inter-visibility from Twin Brook Road by virtue of an existing 2m high fence and taking account of the neighbouring extant consent (3/2019/1103), it is not considered that the new dwelling, nor proposed replacement outbuilding will result in any significant detrimental impact upon the character nor visual amenities of the area.  In considering the cumulative potential pattern of development resultant from the development, consideration must be given in respect of the proposed site arrangement as consented by 3/2019/1103. In this respect the neighbouring consent arguably already compromises the inherent character of the existing pairing that consisted of Twinbrooks Barn and Twinbrook Farm by virtue of the permission having granted consent for the demolition of Twinbrook Farm, leaving Twinbrooks Barn intact as a standalone structure. In this respect it is not considered that the overall immediate and wider pattern of development resultant from the proposal will result in any additional harm over and above that resultant from the extant neighbouring related consent. | | | | | | | | | | | | | | |
| **Highways and Parking:**  The local Highways Authority have raised no objection to the proposal subject to the imposition of the following condition(s):   1. *No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.* 2. *No building or use hereby permitted shall be occupied or use commenced until the footway (and/or verge) has been reinstated to full kerb height, where any vehicle crossovers are redundant, in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.* 3. *The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with SPA drawing number 5765-16 Rev C. Thereafter the onsite parking provision shall be so maintained in perpetuity.* 4. *Prior to the first occupation the dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.* 5. *No building or use hereby permitted shall be occupied or the use commenced until a cycle storage plan for the residential unit has been 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.* | | | | | | | | | | | | | | |
| **Landscape/Ecology:**  Given the application proposes the demolition of an existing building, the application has been accompanied by a bat survey. The survey concludes that:  *Some deterioration of the lean-to section of the building was noted since the 2021 survey. The space remains a sub optimal habitat for Bats being draughty and damp. The condition of the two-storey section has not significantly deteriorated since the previous survey, a full examination was carried out and as before no evidence of bat presence was not found.*  *Due to the previous lack of Bat activity in this location. No mitigation or further scoping survey effort is required however due to the high level of forage and roost potential near the location, roost enhancement should be Included on the new House and Outbuilding by fixing Kent bat boxes to the walls.*  Further to the above, the submitted details accompanying the application propose the installation of 1 x ‘Kent Bat Box’ and 1 x ‘House Martin Nesting Cup’ on the east facing elevation of the proposed new dwelling with similar provision being incorporated on the west facing elevation of the ‘proposed ‘replacement outbuilding’.  In respect of the above matters the proposed development is considered to satisfy the requirements of Key Statement EN4 (Biodiversity and Geodiversity) which requires, as a principle, ‘net enhancement of biodiversity’. | | | | | | | | | | | | | | |
| **Other Matters:**  Areas of the application site including the footprint of the proposed dwelling lie within both Flood Zones 2 and 3, as such the NPPF requires a sequential test to be undertaken to explore as to whether there are any other more appropriate ‘lower flood risk’ sites that could accommodate the development proposed. The NPPF or NPPG is not explicit on how to define the search area of the test.  Initially the applicants agent provided a brief statement confirming that given the application site lies within the applicants ownership and within their existing curtilage, as such there are no other ‘available’ preferable sites, in lower flood risk areas, that could potentially accommodate the development proposed.  However, it is generally recognised that the test should not be constrained by landownership, particularly in the case of proposals for open market dwellings, and given that planning for housing and meeting housing needs is a district-wide issue the area of search is reasonable to define as the district boundary. As such the applicant was advised that the area of search for alternative sites should be the Ribble Valley area.  The applicant duly submitted a sequential test in November 2023. This identified various sites across the borough with planning permission for similar development (typically 1 or 2 dwellings but in some cases up to 4 dwellings) with reasons as to why those sites aren’t considered suitable or available. However some of the reasons given for discounting sites are not supported e.g. not available due to subsequent permissions, not in agreed range, outside flood zone and single storey development consented. In addition there are other permitted sites for similar development which have not been considered, including (but not limited to) 3/2022/1039 – Land adjacent to 115 Kemple View, Clitheroe. It is therefore considered that the applicant has been unable to successfully pass the sequential test.  Whilst it is acknowledged that the Environment Agency have no objection, their comments relate to the adequacy of the flood risk assessment which falls under the exceptions test, and the NPPF is clear that the sequential test has to be passed before considering the exceptions test. As the application is not considered to pass the sequential test then the development cannot be supported on Flood Risk grounds. | | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  It is for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal. | | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | | |  | | | | | | | | | | |
| That planning permission be refused. | | | | | | | | | | | | | | |