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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | **SK** | **Date:** | **28.11.23** | **Manager:** | **LH** | **Date:** | **29/11/23** |
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| **Application Ref:** | 2023/0634 |  |
| **Date Inspected:** | 04/09/23 | **Site Notice:** | 04/09/23 |
| **Officer:** | SK |
| **DELEGATED ITEM FILE REPORT:**  | **APPROVAL** |
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| **Development Description:** | Planning permission for proposed single-storey self-build dwelling with associated car port, parking and manoeuvring space, refuse storage, garden area, hard and soft landscaping, to be accessed via the Old Cotton Mill access following removal of a section of boundary wall. |
| **Site Address/Location:** | Primrose House Primrose Road Clitheroe BB7 1DR |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| Clitheroe Town Council have raised no objection to the proposal. |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **LCC PROW Team:** |  |
| Lancashire County Council Public Rights of Way team have raised no objections to the proposal. |
| **United Utilities:** |  |
| United utilities have raised no objection to the proposal requested that a condition be imposed requiring that, prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.  |
| **LCC Highways:** |  |
| Following the receipt of revised information, the Local Highways Authority have raised no objection to the proposal stating the following:*‘The Mill has an informal one-way system which allows the residents to drive through the Mill to access the western car park. The creation of the new access within the car park will result in the loss of 1 parking spaces marked 'V', which refers to 'visitor'. The Highway Authority supports the retention of the space marked '15' and we would raise no objection to the loss of the visitor parking space because visitor spaces are not necessary to provide within the parking standards.**The Highway Authority are satisfied that the applicant can gain access to the dwelling from the nearest adopted highway and that traffic generated by a single dwelling will not have a significant impact upon highway safety.****Refuse****Ribble Valley waste services have confirmed that they currently collect waste from the adjacent Mill from the roadside via a collection point adjacent to the roadside Woone Lane/Primrose Road. They will not enter the private road to collect waste from the new dwelling, therefore the residents will need to move their waste receptacles to the roadside on collection days and vice versa, this is noted as being a distance of 110 metres from Woone Lane which exceeds the national advice in Manual for Streets on waste collection.**We would request that a collection point is identified on the drawing and in a location which does not interfere with pedestrian movements.****Parking****The car parking for the new 3-bedroom dwelling is acceptable. Secure, covered cycle parking is required and an electric vehicle charging point. The driveway should be paved in a porous and bound material’.*The Local Highways Authority have further requested, that should consent be granted, that conditions be imposed requiring the submission of a Construction method Statement, that the site access, parking and turning areas be laid out and made available prior to first occupation of the dwelling and that cycle storage and a singular vehicle charging point be provided. |
| **CONSULTATIONS:**  | **Additional Representations.** |
| Six letters of representation have been received objecting to the proposal on the following grounds:* Impacts upon wildlife
* Loss of parking
* Impacts resultant from construction works
* Impact upon trees and tree loss
* Land ownership issues
* Unsafe highways arrangement
* No Owl survey has been undertaken
* Impacts upon bats including an existing roost
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement DS1: Development StrategyKey Statement DS2: Sustainable DevelopmentKey Statement EN3: Sustainable Development and Climate ChangeKey Statement EN4: Biodiversity and GeodiversityKey Statement EN5: Heritage AssetsKey Statement DMI2: Transport ConsiderationsPolicy DMG1: General ConsiderationsPolicy DMG2: Strategic ConsiderationsPolicy DMG3: Transport & MobilityPolicy DME1: Protecting Trees & WoodlandPolicy DME2: Landscape & Townscape ProtectionPolicy DME3: Site and Species Protection and ConservationPolicy DME4: Protecting Heritage AssetsPolicy DME5: Renewable EnergyPolicy DME6: Water ManagementPolicy DMB5: Footpaths and BridlewaysPlanning (Listed Buildings and Conservation Areas) ActNational Planning Policy Framework (NPPF) |
| **Relevant Planning History:**The site area to which the application relates does not benefit from any planning history directly relevant of the determination of the application. However, the site forms part of the wider Curtilage associated with Primrose House (Grade II Listed) with the wider site and designated heritage asset benefitting from the recent following planning history:**3/2015/0910:**Extension to provide living accommodation to the converted turbine house. 60m2 single storey building providing 2 bedrooms and bathroom. The building will be used for the extended family of the occupants of Primrose House. (Non-determination appeal allowed)**3/2012/0689:**Application to discharge condition no. 1(commencement of work) of planning permission 3/2010/0767P and listed building consent 3/2010/0768P, condition no. 2 (bat mitigation plan), condition no. 3 (amended plans), condition no.4 (method statement re. turbine house brick pillar), condition no. 5 (specifications of stainless-steel chimney), condition no. 6 (details of cleaning of brickwork), condition no. 7 (walling and roofing materials) and condition no. 8 (landscaping) of planning permission 3/2010/0767P. (Approved)**3/2012/0614:**Application to discharge condition no. 2 (removal of render), condition no. 3 (stucco samples) and condition no. 5 (control of dust) of listed building consent 3/2012/0221P. (Approved)**3/2012/0221:**Removal of inappropriate concrete render from the rear facade of the property. Replace with Stucco, haired, three coat work using NHL 3.5 wth NHL 5 to bottom one metre section (Listed Building Consent). (approved) |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The application relates to a raised area of land within and towards the northern extents of the curtilage (and setting) of a Grade II Listed Designated Heritage Asset - Primrose House. The Listing description for Primrose House reads as follows:*‘PRIMROSE ROAD 1. 5295 (South Side) Primrose House SD 74 SW 7/250 II 2. Built circa 1809 by the owner of the Primrose Mill. House of 2 storeys in stucco with moulded eaves cornice. Irregularly-spaced fenestration, hung sashes with glazing bars. A full-height bow has a single window above a window of 3 lights. A single window above the inset door of 6 fielded panels with radiating round-headed fanlight on console brackets. Right-hand wing of 1 storey is a bow with 3 windows. Later extension of 1 storey to left for services. Similar doorway to rear elevation.’*The site is located wholly within the defined settlement limits of Clitheroe. The site area is currently greenfield in nature, currently consisting of a raised area of land that accommodates a numbers of trees and areas of scrub/shrubbery. The application site also includes an existing lean-to ‘glass-house’ that was previously constructed off the stone wall that forms part of the eastern boundary of the site.The site is bounded to the north by Public Right of Way FP17, with the former Old Cotton Mill ‘Lodematic’ building, recently converted to that of residential apartments, being located to the east of the application site on the opposing side of the eastern boundary wall. With the boundary wall directly bounding areas dedicated parking provision to serve residents of the aforementioned residential apartments. |
| **Proposed Development for which consent is sought:**The application seeks consent for the erection of a single-storey three-bedrooms dwelling with associated access and parking arrangement. It is proposed that the primary vehicular and pedestrian access to the dwelling will be located at the eastern extents of the application site, utilising the hard-surfaced area associated with the ‘Lodematic’ building that will be accessed via the south-western extents of Woone Lane.The submitted details propose that the dwelling will provide for 3 bedrooms, ‘pool’, piano room lounge, kitchen/dining area and associated utility storage and home office. The dwelling will be of a largely linear footprint, benefitting from a contemporary modernist architectural language, expressed through a flat roof with overhanging roof elements supported, in parts, by colonnade columns. It is proposed that the dwelling will be faced in primarily a render finish with elements of intermediate timber cladding and ‘timber-screens’. The dwelling will benefit from an associated surrounding decked area incorporating linear water collection features. It is proposed that an array of solar panels will be erected/installed on the roof of the main body of the building towards its northern extents, with the panels being slightly raised to allow for them to benefit from a southerly orientation.  |
| **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. |
| **Impact upon Listed Building(s) and Setting:**The application site lies within the curtilage of a Grade II Designated Heritage Asset, as such regard must be given to the statutory duties imposed on the authority in respect of the preservation and enhancement of such assets. In this respect, at a local level, Key Statement EN5 and Policy DME4 are primarily, but not solely, engaged for the purposes of assessing likely impacts upon designated heritage assets resultant from the proposed development.In this respect Key Statement EN5 states that:*There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place; and to wider social, cultural and environmental benefits.**This will be achieved through:** *Recognising that the best way of ensuring the long term protection of heritage assets is to ensure a viable use that optimises opportunities for sustaining and enhancing its significance.*
* *Keeping Conservation Area Appraisals under review to ensure that any development proposals respect and safeguard the character, appearance and significance of the area.*
* *Considering any development proposals which may impact on a heritage asset or their setting through seeking benefits that conserve and enhance their significance and avoids any substantial harm to the heritage asset.*
* *Requiring all development proposals to make a positive contribution to local distinctiveness/sense of place.*
* *The consideration of Article 4 Directions to restrict permitted development rights where the exercise of such rights would harm the historic environment.*

With Policy DME4 stating, in respect of development within conservation areas or those affecting the listed buildings or their setting, that development will be assessed on the following basis:***1: CONSERVATION AREAS****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.**In the conservation areas there will be a presumption in favour of the conservation and enhancement of elements that make a positive contribution to the character or appearance of the conservation area.****2: LISTED BUILDINGS AND OTHER BUILDINGS OF SIGNIFICANT HERITAGE INTEREST****Alterations or extensions to listed buildings or 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. Any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances exist.*Policy DMG1 is also engaged in concert with Key Statement EN5 and Policy DME4 insofar that the policy sets out general Development Management considerations, with the policy having a number of inherent criterion that are relevant to the assessment of the current proposal, which state:*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 on 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.*

***AMENITY***1. *Not adversely affect the amenities of the surrounding area.*

***ENVIRONMENT***1. *All development must protect and enhance heritage assets and their settings.*

Given the application site lies within the curtilage of a Grade II Designated Heritage Asset, special regard must also be given to the statutory duties imposed on the authority, pursuant to national legislation, in respect of the preservation and enhancement of such assets. The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 (as amended by s.58B (1) of Levelling-up and Regeneration Act 2023) is to preserve or enhance the special character of heritage assets, including their setting. As such, in determining applications that affect designated heritage assets, the authority must consider the duties contained within the principle Act which states the following;**Listed Buildings – Section 66(1) (as amended by s.58B of Levelling-up and Regeneration Act 2023):** In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving or enhancing the building or its setting. Under s.58B (2) this includes preserving or enhancing any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset.**Listed buildings - Section 16 (2) (as amended by s.58B of Levelling-up and Regeneration Act 2023):**In considering whether to grant listed building consent for any works to a listed building the local planning authority shall have special regard to the desirability of preserving or enhancing the building. Under s.58B (2) this includes preserving or enhancing any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset.The submitted details propose the erection of a single storey dwelling to the northern extents of and within the grounds associated with Primrose House (Grade II Listed). It is proposed that the dwelling will be of a contemporary architectural language, faced primarily in render with intermediate timber cladding, ‘timber screens’ with associated decking and linear ‘water-feature’.The dwelling will be of a flat-roofed appearance possessing an architectural language that avoids any visual references to traditional architectural principles or archetypes. With the ‘low-lying’ overall linear form of the development responding to the topography of the plateau of land upon which it is to be sited. Given the proximity of the proposed dwelling to that of Primrose House, consideration must be given in regard to any direct-intervisibility between the existing asset and the proposed building. It is recognised that the proposed dwelling will be located on an area of land that is elevated above that of Primrose house, and as such, in this respect it could be argued that the proposed dwelling will therefore be afforded a higher level of ‘visual importance’ of that of the designated heritage asset. However, by virtue of extensive existing tree/shrub coverage on the gradient that leads upwards towards the application site area, in concert with the proposed landscape screening and mitigation that is proposed, the resultant inter-visibility between that of the proposed dwelling and Primrose House will be considered to be limited, with it being unlikely that both buildings will be read in conjunction with one another to any significant degree. It is recognised that the erection of the proposed dwelling will result in the loss of some of the ‘garden’ area within the grounds of Primrose House, however the area to which the application relates does not form part of the ‘formal gardens’ associated with Primrose House. With the ‘asset’ being located on a lower-lying area of land which benefits from a westerly aspect over the formal garden area(s). As such it is not considered that the introduction of development within the proposed location would cause significant measurable harm to the setting of the designated asset and as such, in this respect, is considered to result in less than substantial harm.The external appearance of the proposed dwelling is of a strident modern language that is counter to the traditional vernacular present on the Primrose House. In this respect the design of the proposed dwelling does not compete with nor diminish the architectural importance of the designated heritage asset, particularly insofar that it does not seek to ‘mimic’ the language present on the existing building nor does it attempt to engage in pastiche replication of archetypes found on buildings of a similar era to that of the existing designated heritage be asset. As such it is considered that the proposed dwelling, in terms of architectural language, is representative of a progression of the architectural timeline, with the design of the dwelling considered to be both well-considered and a positive response to the immediate site characteristics.In this respect it is not considered that the external appearance, design or proximity of the proposed dwelling will result in any significant measurable adverse impact(s) upon the existing Grade II designated heritage asset nor its setting, with the introduction of the dwelling resulting in less than substantial harm.As such, it is not considered that the proposed development raises any significant direct conflict(s) with Key Statement EN5 or Policy DME4 of the Ribble valley Core Strategy, nor any significant measurable conflicts with the aims and objectives of the Planning (Listed Building and Conservation Areas) Act 1990 or Paragraphs 130, 134, 200 and 201 of the National Planning Policy Framework. |
| **Impact Upon Residential Amenity:**Given the absence of nearby residential receptors, save that for Primrose House, it is not considered that the proposal will result in any significant measurable detrimental impact(s) upon existing residential amenities located outwith the site area.However, given the proposed dwelling is to be located within the residential curtilage of Primrose House, consideration must be given in respect of the resultant relationship between that of the existing and that of the proposed dwelling, and as to whether the relationship between both is likely to give rise adverse impacts upon existing or future occupiers of both residential planning units.The proposed dwelling will be sited on a significantly elevated plateau of land directly to the north of Primrose House, which could give rise to views, from an elevated position, being afforded into the private residential curtilage/garden area of the existing dwelling from that of the proposed. However, the embankment leading up to the application site area benefits from significant existing tree/shrubbery cover. Which in concert with proposed landscape mitigation planting, which includes the provision of a 2m high hedgerow, will provide significant screening that will significantly limit the intervisibility between the proposed dwelling and the remainder of the grounds/garden area of Primrose House.As such, subject to adequate landscape mitigation planting and taking account of the topography of the site in relation to the lower-level garden area(s) associated with Primrose House - it is not considered that the proposed dwelling will result in a significant measurable detrimental impact upon the residential amenities of the occupiers of Primrose House, by virtue of direct-overlooking or loss of privacy, that would warrant the refusal to grant planning permission on these grounds. |
| **Visual Amenity/External Appearance:**Notwithstanding the considerations in respect of the statutory duties imposed on the authority in relation to the preservation and enhancement of such designated heritage assets, consideration must also be afforded in respect of the visual impact of the proposal and as to whether the proposal will result in any significant measurable harm upon the character or visual amenities if the immediate and wider area.The proposed dwelling will not be afforded any significant level of visibility from the immediate public realm nor any significant level of visibility from wider viewpoints, as such the introduction of a structure in this location is unlikely to result in any measurable harm to the character of the immediate area.In respect of the contemporary modernist language of the proposed dwelling, including the buildings inherent scale and siting, it is not considered that the dwelling will have any adverse visual impacts upon the wider area by virtue of its external appearance nor configuration insofar that the dwelling will be largely contained within a visually inaccessible area of land. |
| **Highways and Parking:**It is proposed that vehicular and pedestrian access to the proposed dwelling will be formed by way of the demolition of an existing lean-to at the north-eastern extents of the site, with an opening also being formed in an existing stone wall that forms the eastern boundary of the site area which will be infilled by a double ‘timber boarded gate’. It is noted that the access point to be formed currently conflicts with a ‘visitor’ parking bay that is currently marked out to serve the Old Cotton Mill residential conversion to the east (granted consent pursuant to application 3/2019/0954 – subsequently amended by S.73 consent 3/2021/0710). However, the visitor parking-bay affected and to be lost as a result of the current proposal was created without the benefit of planning permission and was not integral to either of the consents pursuant to the residential conversion of the Old Cotton Mill. As such the loss of the bay raises no conflict with the earlier consents nor does it diminish parking provision for the Old Cotton Mill to a level whereby adequate parking provision would not be provided on site to serve both visitors and residents of the existing apartments. As such, taking account of the above and in the absence of any objections being raised by the Local Highways Authority, it is not considered that the proposed development will result in any measurable detrimental impacts upon the safe operation of the immediate or wider highways network. |
| **Landscape/Ecology:**The application has been accompanied by an Arboricultural Impact Assessment (AIA) and Preliminary Ecological Appraisal due to the presence of trees that will be affected by the development and existing structures on-site that will be required to be demolished to facilitate the development.The Submitted AIA proposes the removal of 6 x ‘Category C’ trees and 5 x ‘Category C’ tree-groupings to facilitate the proposed development. Category ‘B’ trees within influencing distance/close proximity of the development will be afforded protection throughout the construction phase of the development with formative pruning being proposed to T27 (Silver Birch). The south-western extents of the application site extents into a grouping of trees that are afforded protection by virtue of TPO 7/19/3/30 (1975). However, no removal of trees is proposed within the area of the TPO.In respect of the Preliminary Ecological Appraisal the report states that *‘The proposed development site is within the formalised gardens of Primrose House. The area subject to survey was once a rose garden, however over recent years has been used as a plant nursery for the formalised garden (information provided by homeowner Richard Stephenson). The area is currently under low maintenance and as such the has become overgrown in areas. Nevertheless, the site and habitats present derive from a managed garden base. A review of aerial imagery confirms the area was very formalised until around 2018, when the area becomes more naturalised’.*The report further states that *‘The current site comprises predominantly modified grassland (g4), with lines of trees and individual trees. There are areas of introduced shrubs within the centre of the site and along the steep bank which falls away from the site to the south. Areas of more established trees and woodland are located along the steep bank in the southern section of the site. A small, ornamental pond is located within the site. The pond is overgrown within an area of Leyland cypress and is unmanaged, holding very little water. The species composition throughout the site includes a mix of horticultural plant species as well as native plant species’.*In respect of protected species or species of conservation concern, the report concludes that *‘one building is located within the site. This is a single storey conservatory building which is to be demolished. The building is primarily glass panelling and has a corrugated plastic roof. The conservatory has no obvious gaps. The building is considered to be highly unsuitable for bats as there is no internal roof void and the temperatures within the structure are likely to fluctuate considerably (bats requiring relatively cool, stable temperatures within a roost). There is an adjoining part brick / part breeze-block building with a stone slab roof. This building is 1.8m in height and within cluttered surrounds. Both buildings are considered to possess ‘negligible’ bat roost potential’.*The report further states that *‘most trees on site will be retained. The trees which will be removed are young to early mature and generally in good condition. Subsequently there are no obvious cavities suitable for use by bats. All existing trees on site are considered to possess bat roost potential’.**With the remainder of the site, in respect of bats, being considered as follows ‘the site is small but provides excellent bat foraging habitat. The site is surrounded by optimal terrestrial habitat with Primrose House gardens and mill buildings to the south providing excellent foraging opportunities. The site is also connected to suitable foraging and commuting habitat in the wider area, in particular Primrose Lodge to the east and the Pendleton Brook riparian corridor to the south which links to the River Ribble. The site and wider connected habitats are considered to be of high suitability for bats’.*In respect of mitigation and ecological enhancement, the Preliminary Ecological Appraisal recommends that *‘at least three artificial roosts are incorporated into the scheme design. Two bat boxes will be erected on mature, retained trees and positioned on south or east aspects. An integrated Habitat Box should be included within the building. 2No. Schwegler 1FF Flat Bat Boxes (or similar) should be provided. 1no. Integrated Habibat Box. Located on the southern elevation of the building’.*The proposal has also been accompanied by a proposed landscaping scheme which proposes the planting of 13 trees (various species), a number of mixed shrubs, grasses and herbaceous perennials with wildflower areas and hedgerow planting also being proposed to mitigate the loss of vegetation/trees resultant from the development.Taking account of the above matters and taking account of the proposed mitigation/enhancement it is not considered that the proposed development will have any measurable negative impacts upon protected species with the proposed mitigation considered to result in net enhancement in biodiversity as required by Key Statement EN4 of the Ribble Valley Core Strategy.Should consent be granted, conditions will be imposed in respect of the proposed tree protection and retention along with the proposed provisions for roosting/nesting features as recommended within the submitted Preliminary Ecological Appraisal. |
| **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 approval. |
| **RECOMMENDATION**: |  |
| That planning consent be granted subject to the imposition of conditions. |