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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | BT | **Date:** | 22/2/24 | **Manager:** | **LH** | **Date:** | **23/2/24** |
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| **Application Ref:** | 3/2023/0827 |  |
| **Date Inspected:** | 4/1/24 | **Site Notice:** | 4/1/24 |
| **Officer:** | BT |
| **DELEGATED ITEM FILE REPORT:**  | **APPROVAL** |
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| **Development Description:** | Proposed change of use from nursery to eight flats (C3) comprising three two-bedroom units and five one-bedroom units. |
| **Site Address/Location:** | Rossendale House, York Street, Clitheroe, BB7 2DL. |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| **Clitheroe Town Council:**  | Consulted 27/11/23 – no response. |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **LCC Highways:** | No objections subject to conditions.  |
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| **RVBC Environmental Health:** | No objections subject to conditions. |
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| **Lancashire Fire and Rescue Service:** | Require adherence with standing advice. |
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| **CONSULTATIONS:**  | **Additional Representations.** |
| Two objections have been received in relation to the proposal which are summarised as follows:* Impact of the proposal upon residential amenity
* Impact of the proposal upon visual amenity
* Impact of the proposal upon highway safety

One further objection has been received on behalf of Clitheroe Civic Society citing concerns about the lack of detail, shortfall of parking and provision of frontage parking.  |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement DS1: Development strategyKey Statement DS2: Presumption Favour Of Sustainable DevelopmentKey Statement EN5: Heritage AssetsKey Statement H1: Housing ProvisionKey Statement EC2: Development Of Retail, Shops And Community Facilities And ServicesKey Statement DMI2: Transport ConsiderationsPolicy DMG1: General ConsiderationsPolicy DMG2: Strategic ConsiderationsPolicy DMG3: Transport And MobilityPolicy DME3: Site And Species Protection And ConservationPolicy DME4: Protecting Heritage AssetsPolicy DME6: Water ManagementNational Planning Policy Framework (NPPF)  |
| **Relevant Planning History:****3/2023/0547:**Permission in principle application for change of use of children's nursery to self-contained flats. (4-9 residential units) (Approved)**3/2008/1008:**Proposed retractable awning, decking area, safety surfacing and safety grassgrow mat area (Approved)**3/2005/1075:**Variation of condition 4 of 97/0065 to increase the maximum number of children accommodated at the premises to 69 (Approved)**3/1997/0065:**Change of use from residential home to pre-school nursery (including retention of existing ground floor flat) (Approved) |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The application relates to a nursery school building in Clitheroe. The application premises comprises a detached three storey building with a basement component with the materiality of the building comprising stone, render, timber doors and windows and a mixed roof profile consisting of hipped and gabled elements detailed in slate. The application premises is estimated to have 19th century origins and has been subject to some alteration over the years with the most obvious of these being a lean-to extension on the building’s North-eastern side elevation and the addition of decking to the South-western elevation of the building. Pedestrian and vehicular access to the property and its surrounding grounds is from York Street with a detached garage / office building sited within the Southern corner of the application site with the topography of the site’s grounds descending from the North-west to the South-east. The application premises occupies a prominent location in the existing street scene on York street with the surrounding area comprising a mixture of shop fronts, residential properties and various other commercial establishments with the application site lying within the Clitheroe Conservation Area. |
| **Proposed Development for which consent is sought:**Planning consent is sought for a change of use of the application property from a nursery (Use Class E (f)) to eight residential flats comprising three two-bedroom units and five one-bedroom units (Use Class C3). Additional works proposed are as follows:* Closure of the site’s existing vehicular access and construction of new pedestrian access and cycle storage unit
* Removal of existing decking from South-western side elevation of building
* Conversion of detached garage including installation of a new door opening and two new window openings to form proposed flat 1
* Insertion of two new window openings to South-western elevation of the building’s basement level to serve proposed flat 2
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| **Principle of Development:**Key Statement EC2 of the Ribble Valley Core Strategy states:*‘Proposals that have an adverse impact on existing community facilities would only be permitted as an exception where the proposed development would bring defined and demonstrable benefits.’*It is noted there is a set definition of ‘community facilities’ within the Core Strategy which are defined as *‘facilities which provide for the health and wellbeing, social education, spiritual, recreational, leisure and cultural needs of the community.’*Furthermore, Paragraph 97 of the National Planning Policy Framework aims to promote a healthy and safe community by positively planning for the provision and use of community facilities and ensuring an integrated approach to considering the location of such facilities. Whilst the NPPF offers no set definition of community facility, it does provide a number of non-exhaustive examples including health, education, cultural infrastructure, local shops, meeting places, sports venues, open space, cultural buildings, public housing, and places of worship amongst others. As such Officers consider that, in this sense, a children’s nursery could well be considered a ‘community facility’ in the sense that by providing for child care and early years education, it does provide a key public service toward the community, even though they are often private enterprises. Officers therefore consider that Key Statement EC2 is valid in this sense that this proposal should only be permitted where the proposed development would bring defined and demonstrable benefits. Key Statement DS1 states that the majority of new housing development will be within the principal settlements of Clitheroe, Longridge and Whalley. Furthermore, Policy DMG2 of the Core Strategy reinforces this by restricting development outside of these areas to a handful of specific categories, of which private housing is not one. The result is that new residential development within Clitheroe is to be heavily supported. It is therefore evident that these two policies are at odds, and a planning judgement must be made. The need to retain a high level (both in quantum and quality) of community facilities is evident within Key Statement EC2 and the NPPF. However, it is noted that Clitheroe – being the primary settlement within the Local Plan area – has a number of fully functioning nurseries. On review, it appears to be a minimum of 5 within Clitheroe itself (including the application site), an additional 4 in Whalley just 3.5 miles south and a further 3 approximately 2 miles north of Clitheroe. As such, the impact of 1 of these 12 nurseries changing their use is likely to be mitigated by the volume of alternative options available. The defined and demonstrable benefit in this case would be the net addition to the housing supply. This would be in-line with Local Plan policy, which seeks to encourage additional housing within Clitheroe and other principal settlements and is restrictive when considering housing outside of these boundaries. As such, given the mitigative factors and evident benefits that would arise from residential development in a sustainable principal settlement location, the principle of development is secured.  |
| **Impact upon Character/appearance of Conservations Area:**The application premises is situated within the Clitheroe Conservation Area and is noted as a Building Of Townscape Merit within the Clitheroe Conservation Area Appraisal. With reference to making decisions on applications for development in Conservation Areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: *“...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”* This guidance is reiterated in Key Statement EN5 of the Ribble Borough Valley Core Strategy which stipulates that all development proposals should respect and safeguard the character, appearance and significance of all Conservation Areas. The *Clitheroe* *Conservation Area Appraisal (2005)* identifies numerous elements as contributing to the Conservation Area’s special interest which include:* Clitheroe Castle
* Numerous historic and Listed Buildings
* Church Street
* The Market Place
* Traditional 19th century shopfronts

Views of Clitheroe Castle, St. Mary Magdalene’s Church, the Public Library and views towards Pendle Hill are noted as Key Views within the above appraisal. Threats to the Conservation Area are listed as the continuing loss of original architectural details and use of inappropriate modern materials or details. In this instance, the proposed change of use would involve minimal changes to the existing building and application site as a whole with these works amounting to the insertion of two new window openings and a door opening within the detached garage on site and the insertion of two modestly sized window openings within the main building. Furthermore, the new doors and windows proposed would match the materiality of the existing doors and windows in place whilst the removal of the existing modern decking from the South-western elevation of the premises would deliver a minor visual enhancement to the building and site as a whole. As such, it is not considered that the minor works proposed would in any way detract from the significance of the application premises as a Building Of Townscape Merit. Moreover, the aforementioned works to the main building and garage would not be read in concert with the surrounding Conservation Area by virtue of being set back into the application site. The double gated pedestrian access proposed would be publicly visible within the Conservation Area from York Street however it is not considered that creation of the access would detract from the historic significance of the area, subject to further details of the access being provided with respect to materials and design.Taking account of all of the above, it is not considered that the proposed development would detract from or result in any harm to the character and appearance of the Clitheroe Conservation Area. |
| **Impact Upon Residential Amenity:**Paragraph 135 (f) of the National Planning Policy Framework states:*‘Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users’.*Policy DMG1 of the Core Strategy provides general guidance with respect to the impact of proposals for development upon existing amenities with a stipulation that all development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature.In this instance, the proposed development would introduce a residential use into the existing street scene on York Street however as previously stated the application building is sited within a mixed use area largely characterised by residential development interspersed with numerous commercial premises, with residential properties lying directly adjacent to the application site (York House, Albion House and No. 38 York Street). Furthermore, historic planning records show that the application building was previously in residential use prior to its current use a nursery school. As such, the residential use proposed is considered to be compatible with the mixed use character of the area.Furthermore, use of the application premises as residential accommodation would largely involve utilisation of the building’s existing window openings whilst the creation of new window openings for proposed flats 1 and 2 would solely provide views into the grounds of the site. As such, it is not considered that the proposed change of use of the building would unduly compromise the privacy of any neighbouring residential receptors. Moreover, analysis shows that each of the rooms within the application building proposed for use as residential flats would receive an adequate provision of natural light and outlook through the building’s existing window and door openings. Concerns were previously conveyed to the applicant with respect to the lack of adequate natural light and outlook provision for the kitchen and living room components within proposed flat 2 however an amended scheme has since been provided to address these concerns which includes the removal of the existing decking area above proposed flat 2 along with the proposed installation two new window openings to serve the kitchen and living room components of the aforementioned unit. Consequently, future users of the building would receive adequate levels of natural light and outlook for the residential use proposed. Taking account of the above, it is not considered that the proposed development would be harmful to the amenity of any neighbouring residents or future users of the building. The proposal would therefore satisfy the requirements of Paragraph 135 (f) of the NPPF and Policy DMG1 of the Core Strategy. |
| **Visual Amenity/External Appearance:**Paragraph 135 (c) of the NPPF states:*‘Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting’.*In addition, Policy DMG1 of the Ribble Valley Core Strategy states:*‘All* *development must* *be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing and style…particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character.’*As previously stated, the proposed change of use would largely be facilitated through the use of the existing building with the operational development proposed being limited to the insertion of four new window openings and a door opening, the removal of existing decking and the creation of a double gated pedestrian access. The new windows to be utilised as part of the creation of proposed flats 1 and 2 would comprise a timber based design detailed in white paint with the new door proposed for flat 1 also comprising a timber based design with a glass vision panel, all of which would be largely in keeping with the white detailing and materiality of the existing windows and door frames within the main building and detached garage. Furthermore, the removal of the modern decking to the South-western side of the premises would offer a minor visual enhancement to the main building. Moreover, as previously conveyed, the aforementioned door and window openings proposed would not be viewable within the public realm due to being set back within the application site. The double gated pedestrian access proposed comprises the most visually prominent aspect of the proposed development in as much that this feature would be publicly visible in the existing street scene on York Street however as previously conveyed, it is not considered that creation of the access would have any undue impact upon the character of the site or visual amenities of the area, subject to further details of the access being provided with respect to materials and design. Taking account of the above, it is not considered that the proposed development would be harmful to the character of the application property or visual amenities of the area. The proposed development would therefore satisfy the requirements of Paragraph 135 (c) of the NPPF and Policy DMG1 of the Core Strategy. |
| **Highways and Parking:**The proposed development has been reviewed by Lancashire County Council Highways who initially made requests for further information and amendments with respect to refuse storage, swept path analysis for service vehicles and the omission of two off street parking areas and an additional vehicle access originally proposed. Following the receipt of further information, additional requests were made with respect to further amendments to the layout of the application site to accommodate one of two options in the form of either a widened access to provide adequate manoeuvring space for service vehicles or the closure of the site’s existing access and the creation of a new pedestrian access and on site cycle storage. Following further informal correspondence with the LHA, the applicant has undertaken the latter option with the pedestrian access now comprising a double gated access point of 3 metres in width and with the proposed cycle storage unit set further into the site in order to avoid conflict with the double gate access. The second response from the LHA acknowledges the absence of parking within the application site following the requested removal of the on-site parking originally proposed however the LHA have deemed the shortfall in parking to be acceptable on the basis of the application site being located in a sustainable location in close proximity to public transport services and within walking distance of the town centre where key local amenities are found. The LHA further acknowledge that the existing use of the premises would likely have generated more demand for parking than the proposed use. No other concerns have been raised by the LHA however a request has been made for conditions to be imposed with respect to construction management, cycle storage, closure of the existing access and alterations to an existing Traffic Regulation Order pertaining to the frontage of the application site. Notwithstanding this, it is not considered that the proposed development would have any undue impact highway safety.  |
| **Landscape/Ecology:**A bat survey carried out at the application premises on 16/11/23 found no evidence of any bat related activity. The application building was deemed to hold negligible roosting potential for bats with connectivity to the wider landscape assessed as being generally poor and foraging potential for bats being deemed as low. As such, no further survey work has been recommended. Nesting birds were also observed to be absent on site. Recommendations for biodiversity enhancement in the form of bat box installation have been made with additional mitigation measures specified to allow for any accidental exposure of bats. Adherence with these recommendations and measures has been secured through the imposition of a planning condition. No other ecological constraints were identified in relation to the proposal. |
| **Other Matters:**Flood RiskThe application site lies partially lies within Flood Zones 2 and 3. National planning legislation requires the provision of a Flood Risk Assessment for all development within Flood Zones 2 and 3, with sequential tests required for developments within Flood Zones 2 & 3 which do not fall within the following categories:* domestic extensions with a footprint of less than 250 square metres
* non-domestic extensions with a footprint of less than 250 square metres
* change of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)

The proposed development comprises a change of use of the application building to residential accommodation not related to any of the use types listed above therefore application of the sequential test is not required in this instance. Environment Agency Guidance for minor extensions in Flood Zones 2 and 3 requires applicants to specify one of two mitigation measures with respect to instances of flooding, namely that;* Floor levels within the proposed development will be set no lower than existing levels AND, flood proofing of the proposed development has been incorporated where appropriate (requires applicant to specify details of flood proofing / resilience and resistance techniques)

Or;* Floor levels within the extension will be set 300mm above the known or modelled 1 in 100 annual probability river flood (1%) or 1 in 200 annual probability sea flood (0.5%) in any year (to be demonstrated by a plan that shows finished floor levels relative to the known or modelled flood level)

In this instance, comparative analysis between the existing and proposed floor plans submitted in support of the application indicate that the existing floor and site levels within the application building and surrounding grounds are to remain unchanged as part of the proposed change of use. In addition, a flood risk mitigation statement has been provided in support of the application which proposes a range of flood mitigation measures including:* Barriers on lower ground floor doors
* Door-sets with watertight rubber seals
* New airbricks to be set 150mm above DPC level
* Lime plaster to internal walls, or use of Standard Gypsum Plasterboard up to 600mm [min] above ground floor slab level with a dado rail above this level to separate the plasterboard above for ease of replacement in the event of a flood
* Electrical wiring to sockets, switches and fittings to be routed down walls from high level, and all electrical sockets, switches and fittings to be set at 600mm [min] above ground floor level

The above mitigation measures specified are considered appropriate for the development proposed therefore no concerns are raised with respect to flood risk.  |
| **Observations/Consideration of Matters Raised/Conclusion:**The proposed change of use would result in the loss of an existing community facility however this loss would be mitigated through the provision of additional housing within a sustainable principal settlement location with community facilities comparable to the existing use to be superseded also being readily accessible within the immediate locality. Furthermore, it is not considered that the development proposed would have any undue impacts upon neighbouring amenity or the visual amenities of the area and the development as proposed does not raise any concerns with respect to highway safety, ecology, flood risk or its impact upon the historic character of the application building or surrounding Clitheroe Conservation Area.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. |