

**APPEAL BY SMART PROPERTY INVESTMENT AND MANAGEMENT
AGAINST THE DECISION BY RIBBLE VALLEY BOROUGH COUNCIL TO
REFUSE PLANNING PERMISSION FOR DEMOLITION OF EXISTING
PROPERTY AND ASSOCIATED OUTBUILDINGS AND ERECTION OF SIX
DWELLINGS**

SITE AT : 32 HALL STREET, CLITHEROE. BB7 1HJ

STATEMENT OF CASE SUBMITTED ON BEHALF OF THE APPELLANT

LOCAL AUTHORITY REF : 3/2018/0435

OUR REF : GRAHA/01

DATE : October 2018

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1.0. INTRODUCTION.

- 1.1. This appeal is lodged against the refusal by Ribble Valley Borough Council to grant planning permission for the demolition of the existing property and its associated outbuildings and erection of six dwellings at the appeal site. The appeal application was lodged with the Council on 22 May 2018 and was refused by Notice dated 5 October 2018 (the 'Notice of Decision').
- 1.2. The Notice of Decision contains two stated reasons by the Council in opposing the appeal application. These are stated as follows:
- '1. The proposed development, by virtue of its design and density, would result in an unsympathetic and incongruous scheme of development that would be harmful to the character, setting and visual amenities of the wider built environment. This would be contrary to Policy DMG1 of the Ribble Valley Core Strategy.*
- 2. The proposed development, by virtue of its scale, design mass and proximity to the neighbouring properties, would result in a development that would have an overbearing impact resulting in loss of natural light and outlook. This would be detrimental to the residential amenity of the occupants of neighbouring properties and would be contrary to Policy DMG1 of the Ribble Valley Core Strategy.'*
- 1.3. The main issues for determination in this appeal therefore is the effect of the appeal proposals, if any, on the character and appearance of the area and the effect, if any, on the amenity of nearby residents. As we will show in this statement however, any harm caused from these material considerations must be balanced against the achievement of providing sustainable new housing development.
- 1.4. It is to be noted that the Council's refusal of permission is contrary to the advice of its professional officers. In such circumstances, whilst Planning Authorities are not bound to accept the advice of their officers, where such advice is not followed, as is the case here, the Authorities will need to show reasonable grounds for taking a contrary decision and produce evidence to substantiate each reason for refusal on appeal. What this statement will show is that the Planning Authority had no such reasonable grounds, particularly as the site is within a Principle Settlement in the Council's adopted development plan to where new residential development is directed and that accordingly the Council had no good reason to refuse the appeal application in these circumstances.
- 1.5. What this appeal statement will show is that the Council's decision to refuse the appeal application is not well founded and, in fact, amounts to unreasonable behaviour.

2.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 2.1.** The appeal site comprises an existing detached house which has three detached garages to the side and rear. These buildings currently form the frontage of the site onto Hall Street, which passes between the site and the end gable of the terraced house opposite, no.30 Hall Street, the road forming a 'U' shape at this point as it returns on itself to form a back street between Hall Street and Copperfield Close to the immediate south. The existing house sits gable onto the road but because of the u bend in the road there is road frontage for vehicular access to both sides of the house. The existing house is two storey with painted white cement render and a slate roof.
- 2.2.** The appeal site is situated approximately 800 metres to the south of Clitheroe town centre, in an established urban area that is predominantly older style terraced housing although there is more modern housing on Copperfield Close to the adjoining south. Clitheroe is the main administrative centre for Ribble Valley and that provides a full range of services as would be expected from the main town of the area.
- 2.3.** The appeal site has a frontage onto Hall Street of about 34 metres with the remaining boundaries fronting onto enclosed land, including a bowling green adjacent to the northern boundary. The site is level and is roughly rectangular in shape widening out at its Hall Street frontage. The site is mostly laid to lawn with peripheral hedge and garden tree planting but otherwise contains no features of interest.
- 2.4.** To the immediate north the appeal site is adjoined by a bowling green with a cricket club to the east. The west boundary fronts onto Hall Street and there is modern residential development to the south on Copperfield Close.
- 2.5.** This part of Clitheroe is not within a townscape, heritage or historic protected area and there is no other identified special protection area that would inhibit or prevent the development of the appeal site. There are no nearby listed buildings affected and there are no public rights of way across the site.

3.0. THE APPEAL PROPOSALS

3.1. The appeal is a full application for the erection of 6 three bedroomed houses and demolition of the existing house, 32 Hall Street, and its associated garage structures. The six houses of the proposed new build development are to be arranged in two groups of three., each group comprising one detached house and one pair of semi-detached houses. The first group, nearest to Hall Street, are orientated in an east-west direction so that they are gable onto Hall Street so that the gable of the first property faces the opposing gable at no. 30 Hall Street. The second group of three are orientated in a north-south direction so that the nearest property to those existing dwellings on Copperfield Close faces gable onto them. Only two properties of the first group of three are to be provided with garages, the remainder of the properties will have frontage parking. There is to be a single access point into the site from Hall Street via a new access road with a full turning head for vehicles provided within the site.

3.2. All of the proposed dwellings are two storey with concrete tile roofs. The front facades are to be of random stone with stone quoins and surrounds to the windows and doors with the rear elevations being of render, the exception being the gable to plot 4, which faces the rear of properties on Copperfield Close and which is to be provided with random stone. Each of the proposed dwellings is provided with its own private rear garden and provision for two car parking spaces.

4.0. THE DEVELOPMENT PLAN

4.1. The Development Plan for the area comprises the Ribble Valley Core Strategy, adopted in December 2014 (the 'CS').

4.2. In relation to the delivery of new housing over the plan period, the development strategy is

set out in Key Statement DS1. This seeks to guide development to the most appropriate locations through the identification of groupings of settlements in a hierarchy based on existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which the development can be accommodated within the local area. In that context, Clitheroe is identified as one of three principle settlements which are the highest order settlements within the hierarchy where the majority of new housing will be located.

- 4.3. Policy H1 of the CS sets out the number of dwellings to be delivered over the plan period, which is 5,600. The supporting text of Key Statement DS1 at paragraph 4.11 and appendix 2 show that the number of dwellings to be delivered in Clitheroe is 2,320 with a residual number of 240 to meet that figure.
- 4.4. The CS does not define up to date development boundaries as specific land allocations are to be provided through the preparation of a separate land allocations DPD document. The development boundaries currently used therefore are those identified in the preceding Ribble Valley Districtwide local plan. There is no dispute with the Council that the appeal site lies within the development boundary for Clitheroe.
- 4.5. Policy DS2 of the CS contains a presumption in favour of sustainable development whereby planning applications that accord with the policies of the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.6. Policy DMG1 of the CS relates to general considerations in the consideration of planning applications. These relate to design, access, amenity, environment and infrastructure and is, in effect, a general checklist of matters relating to environmental protection.

- 4.7. The emerging Ribble Valley Housing and Economic Development – Development Plan Document (HED-DPD) has been through the Examination in Public and is currently awaiting adoption, which is expected in early 2019. The HED DPD does not propose any changes to the underlying settlement strategy of the CS or have any land allocation's that directly affect the appeal site. Therefore, the emerging HED DPD does not influence or change the planning policy position for the appeal site as set out in the adopted CS.

5.0. PLANNING POLICY GUIDANCE

Government Guidance

- 5.1. This is contained in the National Planning Policy Framework (the 'framework'), issued in July 2018 and is a material consideration in the determination of appeals.
- 5.2. Paragraphs 7 & 8 of the framework set out that the objective of the planning system is the achievement of sustainable development. This is expressed as three overarching objectives : economic; social and environmental. Paragraph 11 sets out that a presumption in favour of sustainable development should be applied, for planning decisions this means approving development proposals that accord with an up to date development plan without delay.
- 5.3. Paragraph 12 of the framework makes it clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making and that local authorities may take decisions that depart from an up to date development plan but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.4. Section 11 of the framework relates to making effective use of land. Amongst other things, paragraph 118 asks that substantial weight is given to using suitable brownfield land within settlements and further at paragraph 123 the efficient development of land is supported.

- 5.5. Section 12 of the framework relates to achieving well-designed places. This sets out that good design is a key aspect of sustainable development and asks that plans set out clear design policies so that applicants have as much certainty as possible about what is likely to be acceptable. Paragraph 30 states that where the design of a development accords with clear expectations in plan policies, design should not to be used by the decision maker as a valid reason to object to development.

6.0. THE CASE FOR THE APPELLANT

- 6.1. The appeal application was refused by members of the Council's Planning and Development Committee contrary to the recommendation of its professional officers. The members decision to refuse the application is based on two main issues : the effect on the character and appearance of the area due to the '*unsympathetic and incongruous scheme*' and the effect on the amenity of existing neighbouring properties due to the '*overbearing impact*' resulting in *loss of natural light and outlook*'. Given these stated reasons, the appellant takes it that the Council's opposition to the appeal proposals relates to matters of detail rather than matters of principle. Given that the consideration of this appeal is limited to the reasons stated on the Council's Notice of Decision, the appellant takes it that the Council has no opposition to the principle of the development of the appeal site for new housing.

- 6.2. In the Council's opposition to the appeal proposals, there is no identified conflict with the development strategy of the adopted Core Strategy. The Council's reasons for refusal do not allege that the appeal proposals are not in accordance with the settlement strategy of the Core Strategy as set out in Key Statement DS1, which guides new residential development to the principle town of Clitheroe. This confirmed in the officer report to Committee which states at paragraph 5.2 under the heading: *Principle of Development* : '*The application site is located in the settlement of Clitheroe where residential development is acceptable in principle*' and '*.....the provision of six dwellings within the settlement of Clitheroe would not result in*

any harm to the development strategy nor would it result in any undue pressure on the services, facilities and infrastructure of the settlement itself to warrant refusal of the application.'

A copy of the officer report is attached at appendix 1.

The presumption in favour of sustainable development

- 6.3. In accordance with the guidance set out at paragraph 11 of the framework, development plans are expected to allocate and promote sustainable forms of development. This has importance for decision making as a proposal that accords with the development plan is likely to represent sustainable development. Therefore, a development that accords with the development plan benefits from the positive presumption as described at paragraph 12 of the framework but also an additional presumption in favour of granting planning permission.
- 6.4. The appeal proposals accord with the settlement strategy of the development plan and therefore carry with them the positive presumption in favour of granting planning permission. We say that the proposals are in accordance with the development plan because Key Statement DS1 of the CS states that the majority of new housing development will be concentrated within an identified strategic site and three principal settlement, of which Clitheroe is one. There is no dispute that the appeal site is not within the defined settlement of Clitheroe. Therefore the development of the appeal site for housing is sustainable development that accords with the settlement strategy of the development plan.

Effect on the character of the area

- 6.5. This matter relates to reason no 1 of the Council's Notice of Decision. This refers to matters of design and density that result in harm to the character, setting and visual amenities of the wider built environment seeking support from policy DMG 1 of the CS. Policy DMG1 provides general

considerations for determining planning applications. It is subdivided into five parts relating to; design; access; amenity; environment and infrastructure and also 'other' which relates to prejudice to future development. The Council's stated reason is not specific as to what part of policy DMG1 the appeal proposals are in conflict with but the presumption is that it is that part under the heading 'design'. The 'design' part of policy DMG1 has five criterion to be met. The first of these criterion refers to considering the 8 building in context principles of the CABI/English heritage building in context toolkit. These 8 principles refer to the pattern of existing development, important views and the scale of the neighbourhood and materials, amongst others. Criteria 2 of policy DMG1 requires sympathy to existing land uses in terms of scale, massing, style and materials. All of these matters require a judgement as to whether what is proposed is visually acceptable. In that regard in relation to the appeal proposals, it is to be noted that there are no features of interest, historic buildings or townscape or any other protected or recognised features of value affected.

- 6.6** The locality of the appeal site is one of predominantly C19th two storey terraced housing that front onto the street, as experienced along Hall Street and Whalley Road, the A671. These display a mixture of brick, render and stone to the exteriors. Parking is typically on the street and virtually all have upvc windows and doors. This older form of development contrasts with that which is more modern on Copperfield Close. These are also predominantly two storey with some three storey with parking and driveways to the front. They are of artificial stone but nonetheless present a different street character to those properties on Hall Street. There is more open land to the east of the appeal site because of the presence of the bowling and cricket club but the appeal site is for the most part not seen in that context as it is cut off from that direction, the main approach being from Whalley Road and along Hall Street.

- 6.7.** The proposed dwellings are two storeys with stone and render elevations with stone detailing

typical of this locality. This form reflects the most part of the existing dwellings nearby, with the exception of those three storey dwellings on Copperfield Close to the immediate south of the site. Plots 1-3 of the proposed development carry on in line with the established row of properties on the south side of Hall Street so that they would be seen as a continuation of it.

- 6.8. The view that the appeal proposals would not cause harm to the character of the area is shared by the Council professional officers. At paragraph 5.3 of the officers report it states :

'In terms of size and scale of the proposed dwellings, they would reflect the surrounding buildings. ' and 'Whilst objections have been raised regarding the density of the site, it is considered to be in keeping with the urban grain of the area' and 'The immediate area is predominantly residential in nature and it is considered that the site's density would be in keeping with the character of the area.' These comments reinforce the appellants submissions that the appeal proposals will not result in an unsympathetic and incongruous development harmful to the character of the area as alleged in reason 1 of the Council's refusal.

The Impact on nearby residents.

- 6.9. The relates to the allegation in reason no 2 of the Council's refusal that the appeal proposals would have an overbearing impact to neighbouring properties leading to loss of light and outlook because of scale, mass and proximity.
- 6.10 The only existing residential properties that could be affected are those on Hall Street and Copperfield Close. The nearest property on Hall Street is no 30 and this faces gable onto the site and will be opposed by the blank gable of plot 1. There is therefore no effect to no 30 Hall Street. The properties that adjoin the appeal site on the southern boundary on Copperfield Close are three storey and have a rear garden depth onto the appeal site of about 11.2 metres. Plots 4-6 of the appeal proposals face gable onto those properties. The nearest plot, plot 4, is set back from the share boundary by some 1.8 metres. That means that the gable of plot 4 is some 13 metres from

the rear elevations of those nearest properties on Copperfield Close. The Council has not issued or adopted any design guidance in relation to the proximity of new dwellings to existing dwellings. Looking at other nearby existing houses, for example those on Hall Street, these are 11.2 metres facing each other (nos. 18 – no 9). The area generally is high density and close knit. The distances allowed for in the development to those properties on Copperfield Close is not such that their out look would be detrimental. The distance involved also mean that those existing properties will not suffer from an undue loss of natural light as there will remain ample space about the buildings. Plots 1-3 of the proposed development do face the existing properties on Copperfield Close but here the properties would be garden to garden with a separation distance of 21m between the facing elevations. There is no reason to assume that this is not an acceptable level of privacy distance between the two.

- 6.11** This view is shared by the Councils professional officers. Section 5.4 sets out the officers' views on impact on neighbours. Here it is stated :

'The development would maintain a 21m gap between facing windows on the rear elevations of 25-27 Copperfield Close and the proposed dwellings. This is the accepted distance at which point there is no significant adverse impact on privacy' and

'The proposed development would result in the two storey side gable elevation of plot 4 facing the rear elevations of 32-33 Copperfield Close. There would be a separation distance of around 13m which is considered as an acceptable distance from a blank two storey gable elevation to avoid any undue loss of light and outlook from facing habitable room windows.'

- 6.12** These comments support the appellant's submissions that the proposed development does not result in loss of light privacy to existing residents as alleged in reason no 2 of the Council's refusal.

7.0. CONCLUDING REMARKS

7.1. What this statement has shown is that the appeal proposals are in compliance with the development plan. In that context, planning permission should be approved without delay as set out at policy DS2 of the Council's Core Strategy and as set out in the framework. The Council's decision to refuse the appeal application does not follow this advice of the framework, which is a material consideration in the determination of a planning application. Further the Council's decision to refuse the appeal application was contrary to the advice of its professional officers and whilst reference in the Notice of Decision to policy DMG1 of the adopted Core Strategy may lead to an impression that the Council's decision was in accordance with the development plan, this does not bear up to scrutiny. That is because there is no identifiable harm to the character of this area from these proposals. The area does not contain any environmental protection and does not have any architectural features that may be affected. The proposed dwellings are of a design that mirrors the style of properties around. Neither can it be reasonably conclude that existing properties would suffer from loss of light or privacy. Both of these matters are plain to any casual observer on inspection of the site. The Council therefore had no good reason to refuse the appeal application contrary to the advice of its professional officers.

7.2 The matter goes further in that the members of the planning committee had very clear and specific advice on these matters in the written report before them. The reasons for refusal do not offer any explanation as to why that written advice was not followed. Accordingly and subject to receipt of the Council's written statement, the appellants gives notice to the Council of their intention to make an application for the full costs of the appeal.

APPENDIX 1.

APPLICATION REF: 3/2018/0435

GRID REF: SD 374247 441101

DEVELOPMENT DESCRIPTION:

**DEMOLITION OF EXISTING PROPERTY AND ASSOCIATED OUTBUILDINGS AND
ERECTION OF SIX DWELLINGS AT 32 HALL STREET, CLITHEROE, BB7 1HJ**



18 0435 32 Hall Street Clitheroe BB7 1HJ

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Clitheroe Town Council objects on the grounds of over-intensive development of the location. Access along Hall Street is already considered difficult. The proposed layout would result in new properties up against the gardens of Copperfield Close and 30 Hall Street could lose access to the garage at the rear of the property.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

With respect to this application the County Surveyor does not wish to raise any objections. There are however a number of concerns regarding the development. These can be allayed by way of further submissions prior to planning permission being granted or the can be suitably conditioned. There are concerns regarding:-

- The access from Hall Street, this should be widened to allow 2 cars to pass through the opened gate and beyond for a distance of at least two car park space lengths (9.6m).
- There appears to have been no provision made for pedestrians or cyclists to access the development without opening the main gate across the carriageway
- Nor does there appear to be any provision for pedestrians within the development.
- There is no provision for access to the rear of the plot at the gable of 30 Hall Street without passing through the dwelling.
- Nor has there been any indication regarding the provision of any street lighting or surface water drainage.
- A swept path analysis should be undertaken to ensure that a refuse collection vehicle can enter and exit the development in a forward gear.
- With the exception of the plot with the garage, suitable covered and secure storage should be provided for at least 2 cycles per dwelling.

Following consideration of this application at Planning and Development Committee in August the plans have been amended to address some of the concerns raised by LCC Highways this is addressed within the body of the report.

LEAD LOCAL FLOOD AUTHORITY:

No comments.

CLITHEROE CIVIC SOCIETY:

Though somewhat outside the general remit of our Society, we do have concerns about the implications of further residential development within the Civil Parish of Clitheroe. The proposed redevelopment of 32 Hall Street, with six new dwellings, is above and beyond the most recent approved targets for residential development in accordance with the conditions of the Adopted Core Strategy.

Further residential development approval beyond that approved in the adopted Core Strategy and its revised targets, and the potential for 12 additional vehicles which could be associated with the development, will inevitably have further adverse effects on the historic town centre and the conservation areas which it contains. For this reason this application should be refused in our opinion.

ADDITIONAL REPRESENTATIONS:

Neighbouring residents have been notified of the application on three separate occasions following the submission of amended plans. A total of 32 letters of objection have been received including objections from 17 separate residential properties. The comments received are summarised as follows:

- Over-development of the site with high density housing contrary to NPPF and DMG1.
- Scale, mass and proximity to the boundary with neighbouring properties would have an adverse impact on residential amenity of neighbours; loss of light, loss of privacy, noise and disturbance.
- Overbearing impact and sense of enclosure within rear gardens of properties on Copperfield Close.
- Gardens on Copperfield Close are north-facing but all benefit from a good deal of morning sunlight. This would be lost and the gardens overshadowed.
- The proposals would not provide sufficient parking – there is no visitor parking which would make parking on Hall Street or Whalley Road worse.
- As existing, already unacceptable parking of vehicles on public footway.
- Additional traffic would increase congestion.
- Adverse impact on natural local environment – bat foraging in the area is high.
- A number of trees have been felled prior to the tree survey.
- Only the fronts of the proposed buildings are of stone/stone brick with the gable ends and rears being of render.
- No mention of drainage is mentioned in the application.
- The proposals would restrict access to the rear garage of 30 Hall Street.
- No pedestrian or cycle access is provided.
- Disruption to residents during building phase.
- Drains from the bowling green must not be compromised.
- Leyland Cypress tree is causing damage to the bowling shelter and needs to be removed.
- Height of the development would cast shadows on the bowling green.
- Previous applications have been refused on Hall Street due to highways concerns.
- Emergency services struggle to gain access.
- Refuse wagons only come a short distance into Hall Street and bins have to be wheeled down to them by residents.

In response to amended plans, the following observations have been made:

- Revised plans move the gable end of the development closer to the properties at 32-35 Copperfield Close and the distance between the gable and the properties is very small resulting in an overbearing impact
- Overlooking from the dormer windows that have been moved to the rear
- No provision for visitor parking within the site
- The bin store has been removed
- Swept path analysis for refuse collection not acceptable
- No indication of lighting within the site
- Cosmetic alterations do not address concerns
- Will result in the development of a greenfield site.
- Concerns over additional vehicles exiting Hall Street onto Whalley Road.
- Oblique overlooking from proposed windows.
- No opportunity for permanent screening of the black gable wall of plot 4.

- This could be a potential development for Houses of Multiple Occupancy making the parking inadequate.
- Noise, car fumes and light pollution from vehicle movements.
- The tight nature of the site and access from Hall Street will create vehicular movement and parking issues- access issues for emergency vehicles.
- Gates will cause obstructions and access issues.
- The gates will create a social divide.
- Conflict of interest in respect of the sellers of the site
- Previous refusal at the site on the grounds of increase in traffic
- The development is greedy and unnecessary
- Parking already does and will overflow onto Hall Street.

1. **Site Description and Surrounding Area**

- 1.1 The development site is located within the settlement of Clitheroe in an established residential area. The site is accessed via Hall Street which adjoins the east side of Whalley Road, Clitheroe. As existing, the application site comprises a single detached residential property and its associated gardens and outbuildings.
- 1.2 The site adjoins Ribblesdale Wanderers Cricket and Bowling Club to the north. To the south are residential properties along Copperfield Close which have their rear elevations and gardens facing the application site.

2. **Proposed Development for which consent is sought**

- 2.1 The application proposes the demolition of the existing buildings and the erection of 6.no three-bedroomed houses. The proposed dwellings would be arranged in two blocks of three each comprising a detached and two semi-detached dwellings. The properties would have an eaves height of 4.8m and a ridge height of 7.9m. The front façade of the buildings would be constructed using random natural stone with stone detailing. The side and rear elevations would have a render finish, with the exception of the south-facing gable end of unit 4 which would be faced with stone. The dwellings would provide a kitchen and lounge at ground floor, two bedrooms and family bathroom at first floor and a master bedroom with en-suite would be provided in the roof space. In order to accommodate the master bedroom the scheme, as submitted, included dormers windows. These have now been removed completely from the development.
- 2.2 The site would be accessed from the eastern end of Hall Street. Parking space would be provided within the site to accommodate 2no. vehicles per dwelling. Each property would benefit from rear gardens which would be bounded by 1.8m high close boarded timber fencing. There are a number of low quality trees on site some of which would require removal should the site be developed as proposed.

3. **Relevant Planning History**

3/2013/0913 - Outline application for nine dwellings including three affordable units following demolition of existing dwelling. Withdrawn.

4. **Relevant Policies**

Ribble Valley Core Strategy
Key Statement DS1 – Development Strategy

Key Statement DS2 –Sustainable Development
 Key Statement EN2 – Landscape
 Key Statement H1 – Housing Provision
 Key Statement H2 – Housing Balance
 Policy DMG1 – General Considerations
 Policy DMG2 – Strategic Considerations
 Policy DMG3 – Transport and Mobility
 Policy DME1 – Protecting Trees and Woodland
 Policy DME2 – Landscape and Townscape Protection
 Policy DME3 - Site and Species Protection and Conservation

Other Material Considerations:

National Planning Policy Framework (NPPF)
 Technical Guidance to the National Planning Policy Framework
 Planning Practice Guidance (PPG)

5. Assessment of Proposed Development

- 5.1 In determining this application the main considerations are the principle of development, its visual appearance, its effect on the residential amenities of neighbouring occupiers and its impact on highway safety, trees and ecology.

5.2 Principle of Development

5.2.1 The Development Strategy put forward in Key Statement DS1 of the Core Strategy seeks to direct the main focus of new house building to the Strategic Site, the Principal Settlements of Clitheroe, Longridge and Whalley. The application site is located in the settlement of Clitheroe where residential development is acceptable in principle.

5.2.2 It is considered that the provision of six dwellings within the settlement of Clitheroe would not result in any harm to the development strategy nor would it result in any undue pressure on the services, facilities and infrastructure of the settlement itself to warrant refusal of the application. It is considered therefore that the proposal would contribute to the Council's supply of housing land and would be acceptable in principle subject to other development management considerations.

5.3 Design and appearance

5.3.1 The area is characterised by a mix of house types and a palette of materials including stone and render. The terraced housing on Hall Street is faced predominantly with stone, as are the dwellings on Copperfield Close. There have been some objections raised in relation to the proposed use of render on the side and rear elevations of the dwellings. However, it must be noted that the existing building at the site is finished with render as are other properties in the local area including buildings on Hall Street, St James' Street and Brownlow Street. As such, the use of render on the side and rear of the dwellings does not raise any concern.

5.3.2 In terms of the size and scale of the proposed dwellings, they would reflect the surrounding buildings. The three dwellings closest to the east of the gable elevation of no.30 Hall Street would be set back from the established building line

of the existing terraced row. Boundary treatments to the site as existing comprise evergreen hedgerows, close boarded fencing and a high stone wall along the sites boundary with St James's House. The stone wall is considered to be a traditional feature that is worthy of retention in accordance with Core Strategy Policy DME2.

- 5.3.3 Whilst objections have been raised regarding the density of the site, it is considered to be in keeping with the urban grain of the area. The proposed development will be served off Hall Street and 'read' as part of the residential development along this street. Whilst there are open spaces to the north and east of the site in the form of the bowling green and Cricket Ground the residential development to the south and west is high density terraced and semi-detached housing. The immediate area is predominantly residential in nature and it is considered that the site's density would be in keeping with the character of the area. Taking account of all of the above, the proposals would not result in any adverse harm to the visual appearance of the area and would comply with Key Statement H2 and policies DMG1, DME2.

5.4 Impact on neighbouring residents

- 5.4.1 The application site is bound by existing houses along its southern and western boundaries. The rear elevations of 25-35 Copperfield Close face the application site with the rear gardens of these properties ranging in length from 8.5m to 11.5m. It is important to ensure that the privacy, outlook and light enjoyed by the occupants of these dwellings is not unduly affected by the proposed development.
- 5.4.2 The development would maintain a 21m gap between facing windows on the rear elevations of 25-27 Copperfield Close and the proposed dwellings. This is the accepted interface distance at which point there is no significant adverse impact on privacy. There is a ground floor extension at the rear of no.27 Copperfield Close but the proposed boundary treatment of 1.8m high close boarded fencing would ensure privacy is maintained and the proposed site plan also denotes boundary planting will be undertaken. The dormer windows originally proposed on the new dwellings, whilst not considered to be of detriment to neighbour amenity, have been removed on amended plans and this would improve privacy levels for existing residents. It is noted that there would be some overlooking of the rear gardens of the proposed dwellings from first and second floor windows of 25-27 Copperfield Close due to the short rear gardens of these existing properties but this would not in my opinion justify refusal of the application given it would be no different to the current arrangement insofar that the rear windows of Copperfield Close already facilitate some overlooking of the private garden of 32 Hall Street.
- 5.4.3 The proposed development would result in the two-storey gable elevation of plot no4 facing the rear elevations of 32-33 Copperfield Close. There would be a separation distance of around 13m which is considered as an acceptable distance from a blank two storey gable elevation to avoid any undue loss of light and outlook from facing habitable room windows. It is noted that the rear windows of properties along Copperfield Close currently provide views over the garden of no.32 Hall Street towards the bowling green and St James Church. However, the loss of a private view is not a material planning consideration.

of the existing terraced row. Boundary treatments to the site as existing comprise evergreen hedgerows, close boarded fencing and a high stone wall along the sites boundary with St James's House. The stone wall is considered to be a traditional feature that is worthy of retention in accordance with Core Strategy Policy DME2.

- 5.3.3 Whilst objections have been raised regarding the density of the site, it is considered to be in keeping with the urban grain of the area. The proposed development will be served off Hall Street and 'read' as part of the residential development along this street. Whilst there are open spaces to the north and east of the site in the form of the bowling green and Cricket Ground the residential development to the south and west is high density terraced and semi-detached housing. The immediate area is predominantly residential in nature and it is considered that the site's density would be in keeping with the character of the area. Taking account of all of the above, the proposals would not result in any adverse harm to the visual appearance of the area and would comply with Key Statement H2 and policies DMG1, DME2.

5.4 Impact on neighbouring residents

- 5.4.1 The application site is bound by existing houses along its southern and western boundaries. The rear elevations of 25-35 Copperfield Close face the application site with the rear gardens of these properties ranging in length from 8.5m to 11.5m. It is important to ensure that the privacy, outlook and light enjoyed by the occupants of these dwellings is not unduly affected by the proposed development.
- 5.4.2 The development would maintain a 21m gap between facing windows on the rear elevations of 25-27 Copperfield Close and the proposed dwellings. This is the accepted interface distance at which point there is no significant adverse impact on privacy. There is a ground floor extension at the rear of no.27 Copperfield Close but the proposed boundary treatment of 1.8m high close boarded fencing would ensure privacy is maintained and the proposed site plan also denotes boundary planting will be undertaken. The dormer windows originally proposed on the new dwellings, whilst not considered to be of detriment to neighbour amenity, have been removed on amended plans and this would improve privacy levels for existing residents. It is noted that there would be some overlooking of the rear gardens of the proposed dwellings from first and second floor windows of 25-27 Copperfield Close due to the short rear gardens of these existing properties but this would not in my opinion justify refusal of the application given it would be no different to the current arrangement insofar that the rear windows of Copperfield Close already facilitate some overlooking of the private garden of 32 Hall Street.
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would be required to be submitted to the Council which must take into account any key flight lines identified. Taking into account the requirements of the NPPF and Policy DME3 of the Core Strategy, in order to conserve and enhance biodiversity it is recommended that bat roosting features be incorporated into the dwellings and maintained thereafter.

- 5.5.3 In relation to trees, those existing on site are low quality with limited amenity value. Objections indicate that tree felling has taken place prior to the submission of this planning application. None of the trees that are alleged to have been removed were protected by tree preservation orders nor are they located within a Conservation Area and, as such, the LPA cannot prevent their removal. The Bowling Club have asked that T1 (Leyland Cypress) be removed as it is causing damage to the bowling shelter. The removal of T1 is not relevant to the development, however; the applicant has agreed to its removal. Should consent be granted, a scheme of hard and soft landscaping would be required to ensure the provision of a satisfactory re-planting and enhancement of visual appearance. This would include the planting of replacement trees and shrubs.

5.6 Highways Safety

- 5.6.1 The proposed site plan indicates the provision of two parking spaces for each dwelling as required by Lancashire County Council parking standards. Residents have raised concerns in relation to the restricted amount of on-street parking available on Hall Street and at the junction with Whalley Road, including cars parked illegally. In relation to alleged illegal parking, the Highway Authority can impose parking restrictions to improve the safety of road users using a Traffic Regulations Order if considered necessary.
- 5.6.2 The development will provide sufficient vehicular parking to serve the proposed dwellings and the County Surveyor has raised no concerns in relation to its impact on parking availability along Hall Street and Whalley Road. However, the County Highways Surveyor did raise some concerns relating to the lack of accessibility of the garage provided for plot no1 and the proximity of the parking space to the front door of plot no2.
- 5.6.3 Following consideration of the application at the 2nd August 2018 Planning and Development Committee meeting the site layout has been amended to seek to address the concerns raised. An amended plan was submitted on 21st September in this regard (please note that neighbours have not been formally re-notified of the proposed amendments as it is not considered that the amendments would have a greater impact on the neighbours when compared to the previous scheme). The amended scheme results in the removal of the garage to Plot 1 gaining access to the back street, removal of the forecourt parking to Plots 1 and 2 and the replacement with garaging and parking spaces accessed from the internal turning head to the scheme.
- 5.6.4 This amended plan has been reviewed by the County Surveyor who still raises no objection to the proposed development. He has commented as follows:

This plan provides for garages for Plots 1-2, and the removal of the parking spaces to the front of the properties. All of the proposed garages are sufficiently large enough to be counted as parking spaces and should remain as such for the perpetuity of the development.

The parking space in front of plots 4-6 have also been altered from the initial submission access, although it is expected that they will still function.

- 5.6.5 LCC Highways have raised concerns about the lack of indication of water drainage, street lighting and to include the alternative direction of the swept path analysis however such concerns can be addressed by suitable worded conditions.
- 5.6.6 The site layout does include the provision of a turning head within the development site which could accommodate a refuse wagon; there is no turning area available at the end of Hall Street at present and this would enable a refuse vehicle to enter and leave the site in a forward gear. The amended layout also includes the provision of a pedestrian footway into the development. The applicant would be required to enter into an appropriate legal agreement to provide off-site highway works including a new pedestrian dropped kerb at the gable of no.30 Hall Street to allow prams etc. to cross to the new dwellings.
- 5.6.7 The County Surveyor has stated that the layout of the development would not be to an adoptable standard and there would a conditional requirement for the submission of details confirming funding, management and maintenance regimes to ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential and highway safety.
- 5.6.8 The NPPF states that paragraph 109 that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'* The County Surveyor has raised no objection to the proposed development and subject to planning conditions, it is considered that the development complies with the transport related policies of the Core Strategy, Key Statement DMI2 and Policy DMG3, insofar that is it in a highly sustainable location close to Clitheroe town centre and provision has been made for access to the development by pedestrians.

5.7 Drainage

- 5.7.1 Concerns have been raised about drainage and the impact of the development on the adjacent gardens. United Utilities have been consulted on the proposals and raised no objection to the proposed development. They have commented that in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. This is addressed via condition to ensure that the development does not adversely impact on surface water in the area.

6. Conclusion

- 6.1 Taking into account the above, the proposed development is in a highly sustainable location and would contribute to housing land supply in the Borough. No objection has been raised from the Highways Authority in relation to highway safety and it is considered that the proposals would not have an undue adverse impact on the

appearance of the area or the residential amenity of neighbouring occupants. As such it is recommended that the application is approved subject to conditions.

RECOMMENDATION: That the application be approved subject to the following conditions:

Timings and Commencement

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

PROPOSED SITE PLAN GRAHA/01 Dwg 01C received 21.09.2018

PROPOSED PLANS AND ELEVATIONS FOR PLOT 1-3 GRAHA/01 Dwg 02C received 30.08.2018

PROPOSED PLANS AND ELEVATIONS GRAHA/01 Dwg 03

LOCATION PLAN GRAHA/01 Dwg 04

PROPOSED PLANS AND ELEVATIONS FOR PLOT 4-6 GRAHA/01 Dwg 07C received 05.09.2018

PROPOSED DOUBLE GARAGE PLANS AND ELEVATIONS GRAHA/01 Dwg 10 received 20.09.2018

REASON: For the avoidance of doubt since the proposal was the subject of agreed design improvements/amendments and to clarify which plans are relevant to the consent.

Matters of Design

3. Notwithstanding the submitted details, precise specifications or samples of all external surfaces, including surfacing materials and their extents, of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground development. The materials shall be implemented within the development in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

4. Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

REASON: In the interests of the amenity of the area and to ensure that the adopted highway is not obstructed. To comply with Policy DMG1 of the Ribble Valley Core Strategy.

5. The existing stone wall on the northern boundary of the site to St James House shall not at any time be demolished in whole or in part, nor shall it be altered in any way.

REASON: In order to ensure the protection of this historic feature of the locality, in the interests of visual amenity and the amenities of existing nearby residents and in order to comply with Policies DMG1 and DME2 of the Ribble Valley Core Strategy (Adopted Version).

6. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that Order, the dwellings hereby permitted shall not be altered or extended and no buildings or structures shall be erected within the curtilage of the new dwellings unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and residential amenity in accordance with Policies DMG1 and DME2 of the Ribble Valley Core Strategy.

Landscape and Ecology

7. Notwithstanding the submitted details, prior to the commencement of the development, full details of the proposed landscaping shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the landscaping details shall indicate all trees and hedgerows identified to be retained or how those adjacent to the proposed development and/or application area/boundary will be adequately protected during construction, in accordance with BS5837; 2012 'Trees in relation to design, demolition and construction' equivalent unless otherwise agreed. The agreed protection measures shall be put in place and maintained during the construction period of the development.

The approved landscaping scheme shall be implemented in the first planting season following first occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those original planted.

REASON: To protect trees and hedges on and adjacent to the site and to ensure the proposal is satisfactorily landscaped and appropriate to the locality in accordance with Policies DME1 and DME3 of the Ribble Valley Core Strategy.

8. No development shall take place until details of the provisions to be made for artificial bat roosting (in the form of bricks/tiles/boxes) have been submitted, and approved in writing by the Local Planning Authority. The details shall identify the actual wall and roof elevations into which the above provisions shall be incorporated. These shall be incorporated into the building during the actual construction and before the development is first brought into use and shall be permanently maintained and retained at all times thereafter.

REASON: To safeguard the favourable conservation status of the bat population in accordance with Policy DME3 of the Ribble Valley Core Strategy

Drainage and Flooding

9. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

10. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Highways

11. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall, thereafter, be constructed in accordance with the approved details.

REASON: In the interest of highway safety and to ensure a satisfactory appearance to the highways infrastructure serving the approved development in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

12. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

REASON: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/ highway safety and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

13. No part of the development hereby approved shall commence until a scheme for the off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

14. The parking and garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the site in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

15. The garages hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the households and shall not be used for any use that would preclude the ability for their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

REASON: To ensure that adequate parking provision is retained on site in accordance with the Core Strategy Policy DMG3.

Further Control over Development

16. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway during the construction phase of the development in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

17. Unless otherwise agreed in writing by the Local Planning Authority, no building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and between 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.

REASON: In order to protect the amenities of existing residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

INFORMATIVES

1. This consent requires the construction, improvement or alteration of an access to the public highway and other of site works such as street lighting improvements. Under the Highways Act 1980 Section 278, the County Council as Highway Authority must specify the works to be carried out, Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any works can start you must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings. For multiple vehicular crossings please ring 0300 123 6780 and ask for a bespoke quotation.
2. The developer should be aware that the any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433
3. The applicant is advised that to discharge condition 12 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

UPDATE FOLLOWING 2 AUGUST 2018 PLANNING AND DEVELOPMENT COMMITTEE MEETING:

Committee resolved on the 2nd August 2018 to be minded to refuse the application and was deferred to the Director of Community Services for appropriate refusal reasons relating to matters of residential and visual amenity and highway safety and parking. Further advice has been sought from the highway authority and they are unable to support a refusal reason relating to highway safety and/or parking. It should be noted that following the meeting on 2nd August 2018 the applicant submitted amended plans. The officer's report above has been amended to take into account the revised details and the recommendation remains that the application should be approved subject to conditions.

Should Committee be minded to refuse the application it is suggested that the application be refused for the following reasons:

1. The proposed development, by virtue of its design and density, would result in an unsympathetic and incongruous scheme of development that would be harmful to the character, setting and visual amenities of the wider built environment. This would be contrary to Policy DMG1 of the Ribble Valley Core Strategy.
2. The proposed development, by virtue of its scale, design, mass and proximity to the neighbouring properties, would result in a development that would have an overbearing impact resulting in loss of natural light and outlook. This would be detrimental to the residential amenity of the occupants of neighbouring properties and would be contrary to Policy DMG1 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0435

APPENDIX 2.



St James's St

St James's St

St James C Of E Church

Hall St

Hall St

Hall St

Ribblesdale Wanderers
Cricket and Bowling Club

A little bit of Soul

Croft St

Clitheroe Business Centre

Craven St

Copperfield Cl

Mitonia Company

Clitheroe RUFC

Copperfield Cl