



## The Planning Inspectorate

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Miss L Blatchford  
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Your Ref: 3/2012/0401  
Our Ref: APP/T2350/A/12/2184630/NWF  
Date: 4 December 2012

Dear Miss Blatchford

**Town and Country Planning Act 1990**  
**Appeal by Phillips Property Limited**  
**Site at 51-53 Knowsley Road, Wilpshire, Blackburn, BB1 9PN**



Thank you for your statement. I have sent a copy to the appellant's agent.

I enclose both a statement and third party representations relating to the above appeal. In view of the delay in forwarding the documents, I have extended the deadline for submission of final comments.

If you have any comments on the points raised, please send 2 copies to me no later than **19 December 2012**. You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

### Using e-mail and the internet

You can now use the internet to send us documents and check the information and the progress of this case at ([www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes)). If you send us your comments by e-mail, you only need to send us one copy of each. However, if you post your comments, please send us 2 copies of everything and put the full appeal reference number on each copy.

Comments submitted after the 19 December deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.



Yours sincerely

Nicholas Patch

211L(WR)

TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)

**APPEAL AGAINST FAILURE TO DETERMINE AN OUTLINE  
PLANNING PERMISSION FOR ERECTION OF 21 DWELLINGS  
ON  
LAND AT 51-53 KNOWSLEY ROAD, WILPSHIRE, LANCASHIRE**

**APPEAL STATEMENT ON BEHALF OF THE APPELANT**

Planning Inspectorate Reference:

**APP/T2350/A/12/2184630**

**November 2012**

**JWPC Ltd**

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## **1. Introduction**

- 1.1 This Appeal Statement is prepared by Paul Tunstall MRTPI of JWPC Ltd on behalf of Phillips Property Limited (The Appellants). It seeks to address the three reasons for refusal cited by the Ribble Valley Borough Council (The Council) as local planning authority in its Committee Report of 11 October 2012. That report states that had the application progressed to determination, it would have been refused for reasons relating to 1. Residential amenity; 2. Visual amenity and 3. Ecology.
- 1.2 This Statement should be read alongside the Planning, Design and Access Statement submitted with the planning application.
- 1.3 This appeal was lodged against the failure of The Council to determine an outline planning application within the 13 week period. However, far from appealing as soon as this period expired, the appellants sought to continue what they believed was a positive dialogue with officers of The Council and others in order to secure a positive recommendation to Committee and eventual approval. Indeed, the appellants waited almost 22 weeks before it became apparent that a resolution could not be found between the appellants and officers. What was particularly frustrating for the appellants was the fact that they had engaged in The Council's formal pre-application process, paid the requisite fee and met officers on site to discuss the proposals. They received support from officers to the layout (subject to minor alterations to the access for highway safety purposes) and make the planning application, encouraged by this support.
- 1.4 In the opinion of the appellants the officers of the Council were disproportionately swayed from their initial support for the scheme by a vocal and well orchestrated objection campaign by local residents of Wilpshire. This had led officers to move from their position of support to the proposal to one of objection and despite two subsequent meetings with officers and a revision to the submission, officers considered that they could not support the proposal. Given the conflicting messages and uncertainty surrounding the progression of the application, the appellants chose to appeal against non-determination.

1.5 Following the lodging of the appeal, the Council's Planning and Development Committee resolved that it would have refused planning permission for the proposal for the following reasons:

1. *The proposed development given its layout, scale and siting would have a detrimental impact on the adjacent residential amenity by virtue of overlooking and thus impacts on the privacy and as such be contrary to Policy G1 of the Districtwide Local Plan and guidance contained within the NPPF.*
2. *The proposed layout of the scheme is considered to be excessive in its density, it would create a cramped layout out of keeping with the locality and its approval would be an over-development of the site to the visual detriment of the locality and the streetscene. Approval of the scheme would be contrary to the guidance provided within paragraphs 53, 58, 60 and 64 of the NPPF, and Policy G1 of the Local Plan.*
3. *With regards to the protected species survey for both properties, as they do not comply with the guidance contained within the Bat Surveys Good Practise Guidelines 2nd edition, the application should be refused as approval of the proposal without the site being formally and appropriately assessed would be contrary to the provisions of the Conservation of Habitats and Species Regulations 2010.*

1.6 This Statement will build upon and examine in more detail the points made in the Planning Design and Access Statement which accompanied the Planning Application and consider three reasons for refusal in detail. It will also examine the proposal in the context of The Council's emerging Core Strategy.

## **2. Appeal Background**

- 2.1 JWPC Ltd were approached by the appellants in Autumn 2011 to advise them on the possibility of redeveloping the application site. Number 53 Knowlsey Road has been vacant for some time following the death of the appellants' family member. In recent years the house itself had fallen into a state of semi-abandonment and water ingress and damp had began to permeate it. The house's configuration and orientation mean it is difficult to utilise as a family house. It has no rear garden as such as it is orientated north/south rather than addressing Knowlsey Road as other houses on the road do. Alternatives uses for the building including conversion to apartments were considered but dismissed on the grounds of economic viability. At the same time Number 51 Knowlsey Road was put on the market and an agreement was reached with the owner to develop the two sites together. Following a number of feasibility proposals, the appellants agreed on a proposal for the comprehensive redevelopment of both plots in order to provide 21 dwellings of varying form and size. The Council was duly engaged at this pre-application stage.
- 2.2 On 6<sup>th</sup> January 2012 the appellants wrote to The Council requesting a Pre-Application meeting and providing a number of proposed and existing documents and plans as well as a brief Planning Statement. A site meeting with an officer of the Council and a Highways Engineer of the Highways Authority (Lancashire County Council) along with representatives of the appellants took place on 2<sup>nd</sup> February 2012. Both officers agreed on site to the principle of the development and had no fundamental objections to the layout as proposed. Advice was given that the height of the boundary wall to the front of the site should be reduced to no more than 0.8m above ground level.
- 2.3 An outline planning application was duly prepared and submitted to The Council on 23<sup>rd</sup> April 2012. Matters of Access, Layout and Scale were submitted for determination whilst those of Appearance and Landscaping were reserved for future consideration. The application was confirmed as being valid as of that date by letter dated 21 May 2012. In addition to the requisite documents required to support the application, the appellants provided Planning, Design and Access Statement and a separate Design and Access Statement which provided surveyed elevations of the existing houses as well as a swatch of local materials and architectural styles. A draft

S106 Agreement was also submitted which demonstrated a commitment of the appellants to enter into an agreement to secure affordable housing on the site.

- 2.4 The application progressed and an amendment to the scheme was discussed with the case officer. This sought to more accurately portray the position of No 45 Knowsley Road which had been extended in recent times. The internal layout of the apartment building and the indicative positions of windows was also amended to reflect concerns of neighbours. An amended plan was subsequently submitted on 31<sup>st</sup> May. A response to this amendment was given by email on the 5<sup>th</sup> July 2012 (**Appendix 1**) - almost 12 weeks since the application was validated.
- 2.5 In light of the of the local interest in the application, the appellants agreed to attend a Parish Council meeting and address concerns and questions raised by residents. Subsequent to this they also met with the case officer on 17<sup>th</sup> July 2012 and some minor alterations were agreed to reduce the impact of the proposal upon 45 Knowsley Road in particular. On 19<sup>th</sup> July, the case officer's superior instructed him to reconsider the application (**Appendix 1**) and the same day the case officer requested that the appellants forwarded a revised Section 106 Agreement for consideration by the housing officer. A further meeting was held with the case officer on 31<sup>st</sup> July 2012 and following that a further informal sketch was submitted to the Council to resolve the outstanding matters. On 19<sup>th</sup> September the case officer emailed the appellants' agent to inform them of further concerns and states that the amendments would not 'negate the concerns of neighbours'. At this point, a decision was made to appeal against the failure of the Council to determine the application, and an appeal was lodged on 28<sup>th</sup> September 2012 – some 23 weeks after the application was submitted.

### **3. Site & Surroundings**

- 3.1 A full description of the Appeal Site is included within Chapter 2 of the Planning, Design & Access Statement submitted with the planning application and included within the Appeal Submission. However, given the reasons for refusal advanced by the Council, it is necessary to examine the site's surrounding in greater detail – specifically in terms of density, building scale and character.
- 3.2 The village of Wilpshire lies within the Ribble Valley Borough but immediately abuts the administrative boundary of Blackburn with Darwen. Indeed, the appeal site lies almost exactly 500m from this boundary. Shortly beyond the boundary (650m from the appeal site) lies Ramsgreave and Wilpshire Railway Station. This signifies the edge of the urban area of Blackburn. Whalley New Road in particular is a busy thoroughfare which accommodates a thriving commercial centre. Such uses include public houses, churches, shops, petrol filling station, GP surgery offices and employment sites. In addition to the railway station which has an hourly service to Clitheroe, Blackburn and Manchester; Whalley New Road is a main bus route which accommodates a service to Clitheroe and Blackburn every 20 minutes during the day. In terms of education, Salesbury Church of England Primary School lies a short walk away from the site (0.9km), whilst secondary schools are located in Billington (4.7km to the north-east) and at Rishton (4.1km to the east).
- 3.3 Given the proximity to Wilpshire of good community facilities, services and amenities, and its highly accessible public transport network, the site can be considered to be highly sustainable – allowing future residents to live and work without reliance upon the private car.
- 3.4 A photographic sample of the character of Wilpshire and the dwellings within it is included here at **Appendix 2**.

#### **4. Planning Policy**

- 4.1 A detailed appraisal of Planning Policies which are relevant to this proposal and site is included within Chapter 4 of the Planning, Design & Access Statement.
- 4.2 Since the Planning, Design and Access Statement was written the Council has advanced its Core Strategy. The Proposed Changes to the Submission Draft consultation (Regulation 22) is currently pending. These changes have been incorporated into a new version of the Core Strategy, the Submission Version, which was submitted to the Secretary of State on the 28 September in preparation to an Examination in Public.
- 4.3 The Proposed Changes do not result in a fundamental change to Key Statement DS1 (Paragraph 4.2) which was referred to in the Planning, Design and Access Statement.
- 4.4 Whilst the Core Strategy has yet to be heard through Examination, NPPF makes it clear (at Paragraph 215) that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
- 4.5 The Council's Report to Planning Committee states (Page 6) that the settlement strategy in the Districtwide Local Plan '*as a principle is considered out of date*' and that the Council's current position is reflected in the submission Core Strategy. The Report does not however put forward an argument as to why the settlement strategy in the Local Plan is considered out of date, and makes no assessment of it against the NPPF, as is required by paragraph 215.
- 4.6 In considering whether the Core Strategy represents the Council's 'current position' its material weight must be assessed. However, Identified Change 84 of the Core Strategy and subsequent correspondence between the Council and the Planning Inspectorate (Letter to Council 15<sup>th</sup> October & Response from Council 29<sup>th</sup> October 2012) confirms that the Council has proposed to include a list of the other settlements within the spatial strategy of the Core Strategy (outside of Clitheroe, Longridge and Whalley) where new housing development will be permitted. These settlements are derived from the list of identified settlements in the Districtwide Local Plan, but make no distinction between them in the proposed strategy.

- 4.7 In this correspondence (Paragraph 12 of Letter to Council) the Inspector raises the issue that the settlement strategy of 2008 had difficulty in distinguishing those settlements which could act as more local service centres, and that more detailed analysis would be required. The Council confirmed in their response to this query that detailed analysis had not been undertaken at this stage, but that this was envisaged as part of the work to support allocation of development in a subsequent DPD. The Council, in effect, acknowledges that the spatial strategy proposed in the Core Strategy does not go far enough to justify treating the other settlements differently from one another, as the evidence base has not yet been prepared.
- 4.8 As this is a concern raised by the Inspector, the weight that can be given to this element of the Core Strategy is therefore limited. Significant weight however can be given to the existing Local Plan settlement strategy, as it is largely consistent with the NPPF.

## **5. Amplification of the Grounds of Appeal**

- 5.1 This Chapter will consider in detail the Reason for Refusal advanced by the Council following the submission of the appeal. It will consider the appeal proposal in light of contemporary and existing planning policy. Specifically, it will demonstrate that residential amenities of neighbours will not be unduly harmed – referencing the Council's own Supplementary Planning Guidance in particular. It will go on to consider the character of the area and the buildings in and around Wilpshire and how the appeal proposal was not be visually harmful to the amenities of the area. Finally, it will consider why the application why the appellants submissions in respect of protected species were adequate and why the submission would not run contrary to the Conservation of Habitat and Species Regulations 2010.
- 5.2 The Council does not dispute with the Committee Report or the proposed Reasons for refusal that the appeal site is inappropriate for residential redevelopment. The site falls within the settlement boundary as identified within the Proposals Map of the adopted Districtwide Local Plan and complies with Policy G2 of that plan. Whilst guidance within NPPF certainly tempers the amount of weight that should be attributed to that policy, it remains the relevant adopted policy in lieu of a new settlement strategy or policies (within the Core Strategy) that have been adequately tested for soundness.
- 5.3 The Districtwide Local Plan settlement strategy (Policies G2 to G5) identifies Wilpshire (under Policy G2) as one of the 'main settlements' alongside Clitheroe, Longridge, Billington and Whalley. Part i.) of that policy supports development of sites within the settlement boundary and outside the Green Belt. Considerable weight should be afforded to this policy and the appeal proposals compliance with it.
- 5.4 Notwithstanding the above, it clearly falls for the proposal to be considered against NPPF. The appellants do not disagree with the reference to NPPF within the first two paragraphs on Page 7 of the Council's Committee Report. The presumption in favour of sustainable development is a significant material planning consideration in the appeals favour.
- 5.5 The first reason for refusal advanced by the Council relates to the impact of the proposal upon the residential amenities of neighbours. However, it is material that this is an outline planning application with matters of appearance and landscaping

reserved for future consideration. In other words, whilst the elevational drawings were prepared and submitted with the application in order to assist the local community in particular in understanding the proposal, these elevations are only indicative and will require an approval of a Reserved Matters application before the positions of windows etc are fixed. For example, the full length glazed doors on the roadside elevation of Units 19-21 are only indicative and may not be considered appropriate by the Council at Reserved Matters stage.

- 5.6 It is unreasonable to make assumptions and advance a reason for refusal based upon an indicative elevational drawing. Nonetheless, it is reasonable to conclude that most elevations will include windows – for example the appellants do not dispute that the rear elevations of Units 2-5 will have windows at first floor. However, whether these are habitable or not has not been determined. Certainly, Units 2 and 5 in particular could quite easily have no habitable room windows at first floor facing north.
- 5.7 Notwithstanding the above, the Council rightly demonstrates in the Committee Report that its own SPG requires spacing between habitable room windows of proposed and neighbouring houses of 21m. It does note that there are exceptions depending upon site circumstances and it should be borne in mind that this SPG is now over 12 years old and several revisions of PPG/S1 and PPG/S3 have taken place since then as well as the publication of NPPF. Whilst the SPG offers a 'rule of thumb' in relation to spacing it should be afforded anything more than very limited weight – particularly as it addresses house extensions not new residential developments.
- 5.8 The Council (top of Page 9 of Committee Report) states that there are two areas of concern in respect of residential amenity: the rear elevation of Units 2-5 and the apartment building (Units 10-21). In respect of the SPG the Council's Committee Report states that '*the SPG advises that...first floor habitable room windows should not be positioned to allow unrestricted views into garden areas*'. However, this is not the case. The SPG (Page 8) does state that:

*'Windows to habitable rooms at ground floor level should not allow unrestricted views into neighbouring gardens or into the ground floor window of any other house.'* (appellant's emphasis)

- 5.9 Whilst it is naturally preferable not to permit first floor windows to overlook neighbouring gardens, this is rarely practicable – particularly if the policies and requirements of NPPF in terms of the efficient use of land, are to be applied. Indeed, the following paragraph (third bullet point of Page 8 of the SPG) acknowledges a degree of pragmatism is required:

*'It is important to position windows in such a way that direct overlooking of neighbouring gardens is avoided. The degree of harm caused by this will need to be assessed having regard to the individual site. For example, windows at oblique angles may be acceptable, and in other cases trees etc, may give protection.'*

- 5.10 In the case of Units 2-5 the site characteristics have not been adequately considered by the Council. The land falls from North to South (as seen on Drawing 4186-01) and it is estimated that the change in levels between the rear elevations of Units 2-5 and the garden areas of 55 and 57 would be at least 2m. Units 2-5 would span the existing boundary of 51 and 53 Knowsley Road which there is a fall of around 1m and so it is assumed that through a ground levelling exercise, the mean of the two ground levels would be the appropriate Finished Floor Level of the houses. Given that the gardens to the north (bound by a retaining wall) are higher than the ground level to the south of the boundary wall with Number 55 Knowsley Road, then a difference of at least 2 metres is not unrealistic. A new 1.8m high timber fence would be proposed for this boundary at Reserved Matters stage or as a requirement of a specific condition. In addition, existing trees would be retained along part of this boundary. Together, the topography of the site, the boundary treatment and existing trees would serve to ameliorate any harm that neighbours using their rear gardens would otherwise experience. It should not be forgotten that there are two existing dwellings already on this site and a small degree of overlooking is already possible – albeit very limited. The Council is incorrect to conclude that neighbours would experience a 'strong sense of intrusion' and has failed to adequately assess the relationship between these two sites.
- 5.11 Units 10-21 take the form of a three-storey apartment block which is 6.7m high to eaves level and 9.5m to ridge (notwithstanding this is a sloping site). Its front elevation is staggered so that Units 16-19 lie closest to Knowsley Road with 19-21 set further back to the south and Units 10-15 much further back within the main

body of the site. The nearest neighbouring dwelling is 54 Knowlsey Road which is an elevated bungalow built into the side of the hill which falls north-south. As such it lies several metres higher than the proposed ground floor of the apartment building. It is reasonable therefore to assume that the increase in height between the habitable room windows of 54 and those of the top floor of the apartment building is the equivalent to one storey (rather than two if the land was flat). Therefore a normal spacing distance of 21m would be reasonable. In this instance the smallest gap between the windows of Units 16-19 and the front 'bow' window of Number 54 and the window on the return (south) elevation would be 27 metres – far in excess of the Council's SPG rule of thumb.

- 5.12 As mentioned above, the position and sizes of windows on any elevation has yet to be formally proposed by the appellants. Notwithstanding this, the appellants firmly contest that the proposal would not cause any loss of privacy to what are front windows facing Knowlsey Road. It has an open aspect with wide views from the highway and footpath to those front windows. Moreover, whilst the front garden is clearly well tended and used, it remains an open area of greenspace to the front of the dwelling. Number 54 also benefits from a very private rear garden and any loss of amenity to the front is ameliorated by the provision of a private space to the rear.
- 5.13 Whilst the situation is slightly different in respect of the front garden of 49 Knowlsey Road, the proposed apartment building would be 12.6m from the communal boundary and around 40m from the front elevation of the house. A drive lies on the northern side of the garden i.e. nearest the apartments and the lawn is otherwise well screened by mature trees. Given the size and layout of the garden, the landscaping and the fact the house also has a rear garden, it is unreasonable of the Council to assert that the residential amenity of those occupants of 49 Knowlsey Road would be unacceptably harmed. What is particularly frustrating for the appellants is that officers of the Council had previously reassured them that the scheme was acceptable in residential amenity terms. Whilst a non-determination appeal has clearly required the Council to issue the reasons for refusal, it appears to have advanced this first reason under the undue influence of a number of local residents and has become distracted from the material planning considerations and its own adopted policies.

- 5.14 The second reason for refusal appears to have two elements. Firstly it states that the proposal represents a '*cramped*' form of development and secondly, that it '*would be out of keeping with the locality*' to the detriment of the streetscene in particular. This Statement shall address each point in turn.
- 5.15 The unusual and inefficient layout of the appeal site has largely been dictated by the orientation of 53 Knowsley Road. Unlike almost every other house on the street, it does not address the road but faces due south. This has rendered the southern part of the site undevelopable whilst land to the west has subsequently been developed (Number 51 Knowsley Road) with a large bungalow in more recent times. As a consequence of this, the appeal site is not typical of Knowsley Road or Wilpshire as a whole. Knowsley Road appears to have been developed initially with a number of terraced houses and larger detached and semi-detached 'villa' type properties of a greater scale and mass. Following this, a number of 'closes' or cul-de-sacs were developed off Knowsley Road (particularly the area between the road and Whalley New Road) in the mid to late Twentieth Century whilst Knowsley Road West was a significant extension to the west of the village. The housing stock in the village is varied to say the least and **Appendix 2** provides a flavour of this diversity.
- 5.16 The appellants assert that the appeal proposal is not out of keeping with the wider character of the area. The appeal site is unique in some respects and it would be inappropriate to redevelop it at such a low density. Indeed, such a proposal would be entirely contrary to NPPF (Paragraph 17). The proposed development of the site for 21 dwellings consists of four distinct elements, of which two are considered by the Council to be 'misplaced and out of keeping'. These are 1.) Units 2-5 and 2.) the apartment building (10-21).
- 5.17 Whilst the appellant accept that the run of 4 terraced houses is a high density element to the scheme and requires a thoughtful layout to ensure adequate parking, servicing and amenity space, it is not intrinsically harmful or out of place. Nor can it be described as cramped. In the appellants' view, the size of the dwellings and the plots in which they sit are entirely commensurate with the requirements of the housing market in this area.
- 5.18 There are many other examples of terraced properties along Knowsley Road (see **Appendix 2**). From Knowsley Road only the gable of Unit 2 will be visible. Indeed the juxtaposition of this feature and the different house types and sizes of dwelling

adds interest to views into the site from the public domain. In this context the proposals serves to reinforce rather than compromise 'local distinctiveness'. The use of architectural details and vernacular materials will contribute to this.

- 5.19 The Council states in the Committee Report that the scale of the apartments building is 'not too dissimilar to the scale of the existing property on site' (presumably 53 Knowsley Road). However, it should be made clear that the apartment building would be less tall than 53 Knowsley Road (see Drawing 4186 -08 Rev B which shows the outline of the existing house on the proposed elevation) whilst the two forward-most elements of the apartment building would be almost exactly the same width (combined) as the existing house.
- 5.20 Whilst the apartment building would sit forward in the plot compared to Number 53 Knowsley Road, its staggered front elevation is consistent with the building line along the western edge of Knowsley Road. The building would be sufficiently set back to ensure that it would not appear intrusive within the streetscene. Whilst there are no other examples of new build apartments on Knowsley Road itself, there are other examples of apartments within converted buildings of a similar scale to those proposed in this appeal. Moreover, the Council accepts that other 3 storey dwellings (Units 6-9) are acceptable. In this context, coupled with the fact that this building would sit at a lower level within the site, the appellants contend that the impact of the apartment building would not be unduly prominent within the streetscene.
- 5.21 The access road and the requisite number of parking spaces can be adequately provided within the development without compromising the character of the area or appearing cramped. Wilshire is characterised to a large degree by small estate roads and private drives (many clearly un-adopted) off the main thoroughfares and in that respect the appeal proposal is entirely consistent. The applicants, with the advice of officers of the Council, sought to create a less formal layout within the site rather than adhere rigidly to highway engineering protocol. The appeal proposal therefore reinforces the local distinctiveness of the locality.
- 5.22 The appellants are disappointed that the third reason for refusal has been attached the proposed decision as this matter has never been raised a potential issue by Council officers. Both dwellings were surveyed on 11<sup>th</sup> April 2012 and it was concluded that in respect of 51, the house is not accessible by bats and therefore the probability of the house being used is low. In respect of Number 53, it was

concluded that the outbuilding was not used by bats but there was a small possibility that the roof space of the main house could be appropriate for bats and it be resurveyed in the late spring/summer (dusk emergence survey). Such a survey was carried out on 14<sup>th</sup> June and that concluded that whilst there were possible points of entry into the roof for bats, there was no evidence of the presence of bats such as dropping or staining. No emergence from the house was witnessed during the survey. In light of both surveys, these are not medium or high risk buildings and it is highly unlikely that the proposal would result in the loss of habitat of European protected species.

- 5.23 The appellant understands that the Council must discharge its duties with regard to the EC Habitats Directive and that the appeal proposal must meet the requirements of Article 16 of that Directive before it can be allowed. However, the evidence that the appellants were able to gather at the time of the application demonstrates that there was not a reasonable likelihood of European Protected Species being present.
- 5.24 The appellants are shocked and disappointed that this had been advanced as a reason for refusal. Indeed, the Appeal Questionnaire documentation reveals that the consultation response from the Council's Countryside Officer was only written on 1 October 2012 – after the appeal against non-determination was made and, in the opinion of the appellants, only proffered in order to bolster the intended refusal. Had the application been determined in a timely and proper fashion with consultation responses received within the requisite time period of 21 or 28 days then this matter may not have arisen.
- 5.25 Given the unfortunate timing of the surveys, application and subsequent appeal, the appellants must now undertake a further survey to each dwelling and this will be forwarded at the Final Comments stage.
- 5.26 The Planning Inspectorate 'Case Law and Practice Guide 4 - Biodiversity' states at Paragraph 81 that:

*'Where satisfactory surveys have been undertaken and found no evidence of protected species, and the Inspector's observations at the site additionally lead him/her to conclude that protected species are unlikely to be present and affected, there is no need to take the matter any further'.*

- 5.27 The submitted surveys and the forthcoming work will allow the Inspector to assess whether there is any reasonable likelihood of a protected species being affected by this proposal.

## **6. Summary and Conclusions**

- 6.1 This Statement has sought to demonstrate that the appeal proposal is consistent with both the policies of the Development Plan and NPPF. Whilst Development Plan policies remain in a state of flux, primary weight should be afforded to those saved policies of the adopted Ribble Valley Districtwide Local Plan. Policy G2 in particular directs the majority of development to the main settlements of which Wilpshire is one. The emerging Core Strategy – whilst only attracting very limited weight at present – also permits a degree of new residential development in Wilpshire. The scheme also complies with NPPF in proposing a deliverable scheme that will offer a mix of house types and tenure. Indeed, the appellants will submit a S106 Agreement at the Final Comments stage which will secure the provision of 30% of the additional units as affordable. This is a significant material planning consideration in the appeal proposals favour.
- 6.2 It is regretful that the Council was not able to reach a decision on this application in 22 weeks. Had it been considered by officers to be inappropriate it would have been refused within the target period of 13 weeks. It was not. Negotiations continued with officers to resolve detailed matters which were eminently surmountable. However, strong local opposition to the proposal coloured the opinion of officers who were unable to reconcile the two divergent views. The reasons for refusal reflect this hesitancy and uncertainty. The application should have been approved.
- 6.3 The proposal represents a sustainable development capable of being assimilated into the locality without harm to residential amenity or visual amenity in terms of streetscene or the wider character of Wilpshire. Evidence gathered points to their being no reasonable likelihood of protected species being harmed by this proposal and a further survey will clarify this as far as possible.
- 6.4 In short, there are no material considerations that run against the presumption in favour of this sustainable development and moreover, Development Plan policies encourage this development in this location. In accordance with Section 38(6) of the 2004 Act and in light of this Appeal Statement the Inspector is respectfully requested to allow this appeal.

*JWPC Ltd*

November 2012

## Paul Tunstall

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**From:** Graeme Thorpe [Graeme.Thorpe@ribblevalley.gov.uk]  
**Sent:** 28 June 2012 08:54  
**To:** Paul Tunstall  
**Subject:** FW: Knowsley Rd Wilpshire

Good morning Paul,

Below is the response from the Council's Housing Officer, Rachael Stott, in relation to the submitted S106 for the above application. If you would like to speak to her regarding the required amendments her direct number is 01200 414567. If you could e-mail me the revised S106 this would be helpful.

Could we also have a colour copy of the Tree Survey report? David and myself went out yesterday to assess the impact on the remaining trees but without the colour version it is difficult.

I am still waiting for other statutory consultee responses in relation to this application, and John has asked to visit the site himself due to the high public response. On this basis, the earliest Committee it will be presented to will be the August one.

Kind regards,

**Graeme Thorpe BA (Hons) Dip TP MRTPI |**  
**Senior Planning Officer |**  
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**From:** Rachael Stott  
**Sent:** 27 June 2012 17:04  
**To:** Graeme Thorpe  
**Subject:** Knowsley Rd Wilpshire

Hi Graeme,

I have reviewed the draft provided and there are a number of areas that need to be addressed.

- Local connection definition needs to be included which would include a initial priority to Wilpshire and then after 2 months Ramsgraeve , Billington, Salesbury and Clayton le Dale parishes would have priority and finally after a further 2 months the connection would be borough wide.

- The number and tenure type of affordable units would need to be specified .Which we would request as 7 affordable units a minimum of 4 affordable rent and the remainder shared ownership units .In the type of 2 and 3 bed properties.

- Financial eligibility would also need to be included.

-The standard mortgagee in possession clause would need to be included.

The preference would be for the Registered Provider to be secured as soon as possible so the property lay out and build standards meet the RP requirements.

Please advise the agent to contact me if they wish to discuss any of the above or for contact details of RP's.

Regards Rachael

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## **Paul Tunstall**

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**From:** Graeme Thorpe [Graeme.Thorpe@ribblevalley.gov.uk]  
**Sent:** 05 July 2012 16:27  
**To:** Paul Tunstall  
**Cc:** Ian Cruse; Richard Maudsley  
**Subject:** RE: Knowsley Road Development for Phillips Property Ltd  
**Attachments:** KNOWSLEY RD.pdf

Dear Paul,

Having looked at the plan attached to the your e-mail dated 31st of May I have the following comments.

Whilst the omission of the lounge window and dormer on the south elevation do reduce the impact on the adjacent neighbour at no. 45, I do not think that moving this part of the building forward would be a good idea. The neighbour opposite has already made objections based on the proximity of the apartment block so to move it closer would not be ideal.

With regards to the submitted plans reflecting the extensions at no. 45, I have attached an amended version of them that more closely resemble the street scene and site layout view.

John and I will be re-visiting the site shortly and I will advise you of our view shortly.

Regards,

**Graeme Thorpe BA (Hons) Dip TP MRTPI |**  
**Senior Planning Officer |**  
***Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA***  
**T: 01200 414520 |**  
**F: 01200 414487 |**  
**E: [graeme.thorpe@ribblevalley.gov.uk](mailto:graeme.thorpe@ribblevalley.gov.uk) |**  
**W: [www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk) |**

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**From:** Paul Tunstall [mailto:ptunstall@jwpc.co.uk]  
**Sent:** 31 May 2012 12:45  
**To:** Graeme Thorpe  
**Cc:** Ian Cruse; Richard Maudsley  
**Subject:** FW: Knowsley Road Development for Phillips Property Ltd

Graeme,

Further to our conversation this morning, I attach a loose sketch proposal for your comment. Note that we propose to omit the lounge window and dormer on the south elevation and bring this part of the building forward slightly to improve the aspect from the middle bedroom windows.

I'd welcome your comments on this matter and any other layout matters before we formally amend the application.

Regards

Paul

***Paul Tunstall***  
Director

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**From:** Richard Maudsley [mailto:Richard.Maudsley@sunderlandpeacock.com]  
**Sent:** 31 May 2012 12:34  
**To:** Paul Tunstall  
**Cc:** Ian Cruse; Tom Phillips; Andrew Knowles  
**Subject:** RE: Knowsley Road Development for Phillips Property Ltd

Paul,

Further to our discussions and your email please find attached the sketch layout amendment to the ground floor.

I hope this is satisfactory for your discussions with Graeme but should you require anything further you know where I am.

Please let me know regarding the outcome and I shall amend the formal drawing.

Kind regards

Richard Maudsley RIBA  
sunderland peacock and associates ltd.  
hazelmere pimlico road clitheroe lancashire BB7 2AG  
t 01200 423178 f 01200 427328 w [www.sunderlandpeacock.com](http://www.sunderlandpeacock.com)

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## Paul Tunstall

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**From:** Graeme Thorpe [Graeme.Thorpe@ribblevalley.gov.uk]  
**Sent:** 19 July 2012 10:03  
**To:** Paul Tunstall  
**Subject:** RE: Development of 51 & 53 Knowsley Road

Morning Paul,

I've just quickly discussed the proposal with John. There is still concern with regards to the block of flats at the corner of the site, and he has asked me to re-visit the site and surrounding area and reconsider the intensification and density of the scheme proposed in relation to the surrounding area and other recent developments. He has therefore left the decision with me to make a formal recommendation for the scheme to Committee, and then be there to support the proposal at the meeting; therein lies the problem. As Colin will be dealing with the August Committee and I am on leave, he has told me not to take it to that meeting as we would want me to be there to support a positive recommendation. This means that it would be going to the September meeting for a positive recommendation...assuming that is of course the recommendation.

I hope this rambling e-mail explains the current situation. We will be re-consulting in due course. Please give me a ring if you want a quick chat.

Kind regards,

**Graeme Thorpe** BA (Hons) Dip TP MRTPI |  
Senior Planning Officer |  
*Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA*  
T: 01200 414520 |  
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E: [graeme.thorpe@ribblevalley.gov.uk](mailto:graeme.thorpe@ribblevalley.gov.uk) |  
W: [www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk) |

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**From:** Paul Tunstall [mailto:[ptunstall@jwpc.co.uk](mailto:ptunstall@jwpc.co.uk)]  
**Sent:** 18 July 2012 17:11  
**To:** Graeme Thorpe  
**Subject:** FW: Development of 51 & 53 Knowsley Road

Dear Graeme,

Further to our meeting yesterday, I attach revised plans for the above development (Application Ref: 03/2012/0401) along with the further bat survey as per Dave Hewitt's request. I trust this will now enable you to reconsult neighbours with a view to presenting the application to Planning Committee on 16<sup>th</sup> August 2012.

Kind regards

**Paul Tunstall**  
Director

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**From:** Richard Maudsley [mailto:Richard.Maudsley@sunderlandpeacock.com]  
**Sent:** 18 July 2012 15:37  
**To:** Paul Tunstall; Phillips, John (UK, RAF Valley, Supply Chain Specialist)  
**Cc:** Tom Phillips; Ian Cruse; Andrew Knowles  
**Subject:** RE: Development of 51 & 53 Knowsley Road

Paul,

Further to our conversation please find attached all of the amended drawings and bat survey to forward on to the planners.

Should you require anything further please do not hesitate to contact me.

Kind regards

Richard Maudsley RIBA  
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t 01200 423178 f 01200 427328 w [www.sunderlandpeacock.com](http://www.sunderlandpeacock.com)

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**From:** Paul Tunstall [mailto:ptunstall@jwpc.co.uk]  
**Sent:** 18 July 2012 14:56  
**To:** Phillips, John (UK, RAF Valley, Supply Chain Specialist)  
**Cc:** Tom Phillips; 'Ian Cruse'; Richard Maudsley; Andrew Knowles  
**Subject:** RE: Development of 51 & 53 Knowsley Road

Dear all,

Following our meeting yesterday with Graeme Thorpe, I write to advise you of what was discussed and next steps.

1. GT did not waver from his initial view that this is a good housing site. He is fully aware of the objections, has had 'discussions' with residents and discussed the proposal with his manager, John Macholc. He agreed there was nothing fundamentally wrong with the scheme but that the 3 storey apartment block was the main area of concern for officers.

2. We discussed how the impact of the three storey building could be reduced. The logical solution is to lower the roofline and introduce hipped roofs. See Richard's drawings emailed this morning. I understand this reduces the ridge height by 600mm which GT was happy with.
3. We looked at the possibility of setting the front portion of the apartment block back a little to pacify neighbours and to address comments from John Macholc. However, without losing bedrooms this is not feasible as there is a pinchpoint to the rear which cannot be reduced as it would compromise the ability to park cars etc. GT agreed we would leave it as it is.
4. GT was very relaxed about the objections regarding overlooking/overshadowing etc. He has tested the proposal against residential amenity policies and standards and he is happy it works.
5. We agreed we would show 4 x semi-mature trees on the street frontage to break up the mass a little but it was just as important to reiterate the point to GT that the streetscene elevation is slightly misleading as nearly half the apartment block is set back by 10m from the roadside elevation.
6. We talked about the highways and it appears the LCC office Mark Hornby is very relaxed about the proposal and has not requested any additional measures or expressed concerns regarding traffic speeds or 'congestion'.
7. These amendments will be incorporated into a revised set of plans, along with highway's request for a better radii.
8. The bat survey will also be forwarded today.

GT said the application 'had a chance' of Committee in August but would not commit further. We agreed to get amended plans to his asap and I emphasised the importance of getting the application on that agenda and not September. Submitting the plans today or tomorrow will ensure the 14 days consultation runs before GT has to finalise his committee report for 16 August.

Richard, I will call you about the plans shortly.

Regards

Paul

**Paul Tunstall**  
Director

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**From:** Phillips, John (UK, RAF Valley, Supply Chain Specialist) [<mailto:John.Phillips@baesystems.com>]  
**Sent:** 17 July 2012 10:27  
**To:** Paul Tunstall

**Cc:** Tom Phillips; 'Ian Cruse'  
**Subject:** Development of 51 & 53 Knowsley Road

Good morning Paul,

Firstly, many thanks for your efforts last Monday, greatly appreciated!

I spoke to Tom at length over the weekend and he has kept me abreast of recent developments. Could you possibly forward me the email traffic please?

I am also keen to receive feedback from your meeting with the planners this week. Could you possibly copy me in on this please?

Many thanks,

John

John Phillips,  
Hawk IOS Team,  
Supply Chain Specialist,  
RAF Valley, Holyhead,  
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51-53 Knowsley Road, Wiltshire

APP/T2350/A/12/2184630/NWF

a. Examples of larger properties in Wiltshire









- b. A typical streetscene showing the diversity of house types, sizes, design and materials on Knowsley Road



c. Knowsley Road West



- d. Houses on Woodcrest in foreground and larger properties on Ribchester Road sitting on a higher level, beyond. NB. Compromised spacing between dwellings and a high density.



- e. Typical changes in levels between residential curtilages.



f. Higher density 'infill' development



g. View up to 54 Knowsley Road from road level.



- h. Modern residential development at The Grange, off Hollowhead Road. Both 3 storey residential properties and apartments.



