

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

REFUSAL

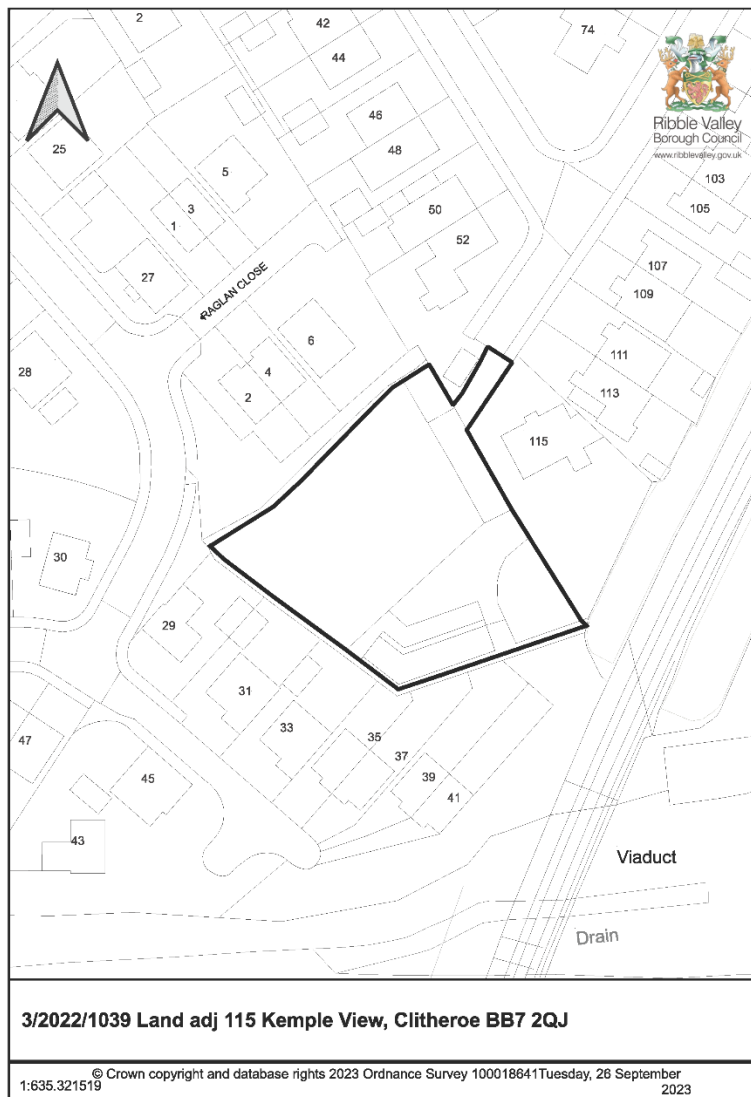
DATE: 19 October 2023
REF: SK
CHECKED BY: LH

APPLICATION REF: 3/2022/1039

GRID REF: SD 373384 440661

DEVELOPMENT DESCRIPTION:

PROPOSED CONSTRUCTION OF TWO NEW DETACHED DWELLINGS WITH ASSOCIATED ACCESS AND GARDEN AREAS. RESUBMISSION OF 3/2021/1263.
LAND ADJACENT TO 115 KEMPLE VIEW CLITHEROE BB7 2QJ.



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No representations received in respect of the application.

LANCASHIRE COUNTY COUNCIL (LOCAL HIGHWAYS AUTHORITY):

The level of car parking and turning areas are considered acceptable. There are no garages proposed. Each dwelling requires a secure, covered cycle store and electric vehicle charging point. The proposed highway drain diversion shown on drawing 'Site drainage diversion and proposed building outline' PHA/366-100 is acceptable.

Should consent be granted, the following conditions are requested:

- 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
- Prior to commencement of any building works, the drainage diversion works shown on drawing 'Site drainage diversion and proposed building outline' PHA/366-100 shall be completed in accordance with Lancashire County Council Specification under an appropriate agreement with access rights agreed thereafter.
- The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
- Prior to the first occupation of any dwelling, the car parking and turning areas shall be provided and maintained thereafter for the purposes of vehicle parking.
- Prior to the first occupation each dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.

UNITED UTILITIES (UU):

United Utilities have identified that a number of assets (public sewers) cross the site. Following review of the proposed site layout, along with the CCTV investigations of the sewer and the topographical survey, it appears that our required access to the public sewers are provided. Request that the submitted drainage easement, drainage diversion and building outline plans are listed as approved documents on any subsequent Decision Notice.

Further site-specific investigations would be needed to determine the precise location of United Utilities assets. Should consent be granted, UU have requested the following condition(s):

1. *No construction shall commence until details of the means of ensuring the sewers that are laid within the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the sewers that cross the site and identify mitigation measures to protect and prevent any damage to the pipelines both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.*

2. *Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:*

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;*
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);*
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;*
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and*
- (v) Foul and surface water shall drain on separate systems.*

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

ADDITIONAL REPRESENTATIONS:

Six letters of representation have been received objecting to the application on the following grounds:

- Scale of the proposed dwellings are too large and not in character with the area
- Impacts upon drainage/flooding
- Noise impacts
- Loss of privacy by virtue of direct overlooking
- Overbearing impact
- Lack of amenity space for proposed dwellings

1. Site Description and Surrounding Area

- 1.1 The application relates to a 0.18 Ha area of land at the eastern extents of Kemple View, Clitheroe. The land currently accommodates a disused stable building and a sand paddock that historically was used for private domestic purposes ancillary to the property no 115 Kemple View. The private equestrian use of this piece of land was established through the granting of planning consent 3/1989/0360. The immediate area is largely residential in character with the site also being located within the defined settlement boundary of Clitheroe.
- 1.2 The site historically benefits from an outline planning consent for the erection of three dwellings reference 3/2018/0740 (granted 11th December 2018), however the outline consent is no longer considered extant having expired on 11th December 2021. The site is bounded to the south by a newly constructed housing development and to the north-

east by 115 Kemple View. A number of dwellings fronting Raglan Close bound the site to the north-west.

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

- 2.1 The application seeks consent for the erection of two detached dwellings, one being located towards the eastern extents of the site (Building 2) with the remaining dwelling being located to the southern extents of the site (Building 1). Both dwellings are part single-storey, part two-storey with the upper floors, for the most part being accommodated within the roof-space save that for a full two-storey gable on the north-east facing elevation of 'Building 1' and the south-west and north facing elevation of 'Building 2'. To facilitate the provision of habitable accommodation within the roof-space a number of the elevations of the dwellings benefit from 'elevated' eaves heights to create usable floorspace at first-floor.
- 2.2 the submitted details propose that the dwellings will be faced in 'stone facings and render' to be agreed with roofs faced in primarily a slate finish. The submitted details also propose the gating-off of the entrance, however at this stage no details have been provided in respect of the proposed gate or associated boundary treatment to the site frontage. Parking provision for both dwellings would be accommodated within each respective residential curtilage with a bin storage area being located to the northern extents of the site.

3. **Relevant Planning History**

3/2021/1263: Proposed construction of two new detached dwellings. (Refused)

3/2020/0390: Proposed two detached dwellings. (Withdrawn)

3/2018/0740: Application for outline planning permission for three dwellings, access and parking. (Approved)

3/2014/0461: Outline application for three dwellings, access and parking. (Approved)

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport & Mobility

Policy DME1 – Protecting Trees & Woodland

Policy DME2 – Landscape & Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

National Planning Policy Framework (NPPF)

Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The principle of the development of the site for residential purposes has historically been established as acceptable through the granting of outline consents 3/2014/0461 and 3/2018/0740, however members should note that both outline consents have since expired.

5.1.2. Notwithstanding the above matter, the proposal site is located within the defined settlement of Clitheroe (Principal Settlement) and as such it is considered that the principle of the development of the site for residential purposes, notwithstanding other development management considerations, remains compatible with the adopted development strategy for the borough as embodied within Policy DMG2 of the Ribble Valley Core Strategy in relation to the locational aspirations for housing growth within the borough.

5.2 **Impact upon Residential Amenity:**

5.2.1 Given the proposal site is bounded on three-side by residential development, considerations must be given in respect of the potential for the proposal to have undue impacts upon existing residential amenity.

5.2.2 Building 2 is located within close proximity to the shared boundary with 115 Kemple View. Taking account of the solar orientation of the site in concert with the overall scale of building 2 and the extent of the footprint located adjacent the shared boundary, in concert with the elevated eaves height of the proposed dwelling, it is considered that building 2 is likely to result in a significant overbearing impact upon 115 Kemple View and its associated residential curtilage area, including a measurable loss of light, not only to the dwelling but also the private garden area of number 115.

5.2.3 In respect of the adjacent housing development to the south of the application site, the application site benefits from land-levels that are significantly above (approximately 1.4m) that of the garden levels and finished floor-levels of the existing dwellings. Taking account of the difference in site levels, whilst taking account of the scale and proximity of building 1 to the shared boundary with the properties to the south, it is likely that the proposed dwelling will result in a significant overbearing relationship with the affected dwellings and as such will significantly compromise the residential amenities enjoyed by the existing and future occupiers of the dwellings.

5.2.4 Taking account of the above it is considered that the proposed development would result in conflict with Policy DMG1 of the Ribble Valley Core Strategy insofar that the proximity, scale and orientation of 'Building 2' would significantly undermine and compromise the residential amenities of the occupiers of 115 Kemple View by virtue of a direct unsympathetic overbearing relationship.

5.2.5 It is further considered that the proximity, scale and orientation of 'Building 1' would significantly undermine and compromise the residential amenities of the occupiers residential dwellings to the south-west by virtue of an overbearing relationship,

exacerbated by the differing topographies between that of the application site and garden areas/land-levels associated with the existing affected dwellings, thereby resulting in further conflict with Policy DMG1 which seeks to protect existing and future residential amenities from undue detrimental impacts.

5.3 Visual Amenity/External Appearance

- 5.3.1 Both dwellings are of a differing configuration with both consisting of single-storey and two-storey elements. The architectural language of both dwellings is largely similar, being of a largely simplistic austere appearance. The footprint and overall cumulative scale of the proposed dwellings is significantly in excess of that of any of the nearby or adjacent residential properties, with the proposed building footprints being in excess of double of that of nearby adjacent built-form which establish the pattern and scale of development within the immediate vicinity.
- 5.3.2 Further to the above, the overall site configuration/building orientation(s) in parallel with the lack of usable amenity green garden-space for 'Building 1' and excessive area of driveway/gravel parking area, results in the building appearing cramped within its respective plot curtilage further exacerbating the anomalous and discordant appearance of the building in respect of the defining characteristics of the immediate area.
- 5.3.3 As such it is considered the resultant built-form would result in the introduction of an anomalous and discordant form of development that that by virtue of its scale and site configuration , would fail to respond positively to the inherent pattern and scale of adjacent built-form, being of significant detriment to the character and visual amenities of the area, also being in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy which requires that development 'be sympathetic to existing and proposed land uses in terms of size intensity, nature as well as scale and massing'.

5.4 Landscape and Ecology:

- 5.4.1 The application has been accompanied by a Preliminary Bat Roost Assessment, which at the time of being undertaken identifies that no evidence was recorded to suggest bats were roosting within the building, no bats were observed or recorded using the building for roosting and that the building is considered to be of negligible potential for roosting bats. Enhancement in the form of new bat and bird roosting habitats could be secured by condition. The proposal is therefore considered to satisfy Policy DME3 of the Ribble Valley Core Strategy in terms of biodiversity conservation and enhancement.
- 5.4.2 The site is bounded by a number of trees, with a grouping being located directly to the north of the existing access point, and with a substantial grouping being located at the south-eastern extents of the site. Based on the submitted information it appears that the tree's adjacent the access point lie outside the site extents. In respect of the grouping at the south-eastern extents of the site, the submitted details are not clear in respect of whether these fall within the site extents, however no tree removal has been proposed associated with the submitted details therefore the proposal is considered to satisfy Policy DME2 of the Ribble Valley Core Strategy in terms of landscape protection.

5.5 Highway Safety and Accessibility:

5.5.1 The Local Highways Authority have raised no objection to the proposal subject to the imposition of conditions. As such and in this respect it is not considered that the proposal raises any significant direct conflict with Policy DMG3 of the Ribble Valley Core Strategy which requires that all development proposals 'provide adequate car parking and servicing' and the NPPF (Paragraph 111) which requires development to have an acceptable impact on highway safety. To encourage sustainable travel conditions could be imposed requiring cycle storage provision and electric vehicle charging points.

5.6 Flood Risk and Drainage

5.6.1 The site lies within Flood Zone 1 (lowest risk of flooding) therefore it is not necessary to apply the flood risk sequential or exception tests. No details of surface water drainage have been forthcoming therefore a detailed scheme would need to be secured by condition. Whilst it is acknowledged that public sewers cross the site, the proposed site plan illustrates that the building footprint would not interfere with these assets and no objection is raised by United Utilities subject to the imposition of conditions. Therefore, the proposal is considered to satisfy Policy DME6 of the Ribble Valley Core Strategy in terms of water management.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 For the reasons outlined above the proposed development is considered to be in significant direct conflict with Policy DMG1 of the Ribble Valley Core Strategy insofar that approval would result in a form of development that will significantly undermine and compromise the residential amenities of adjacent nearby neighbouring residential occupiers by virtue of an unacceptable overbearing impact.

6.2 It is further considered that the proposed development would result in the introduction of an incongruous and discordant form of development, insofar that the overall scale and footprint of the proposed dwellings fails to respond positively to inherent scale of nearby build-form or the inherent character of the area, being in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework

RECOMMENDATION: That the application be REFUSED for the following reason(s):

1. The proposal is considered contrary to Policy DMG1 of the Ribble Valley Core Strategy insofar that the proximity, scale and orientation of 'Building 2' would significantly undermine and compromise the residential amenities of the occupiers of 115 Kemple View by virtue of a direct unsympathetic overbearing relationship.
2. The proposal is considered contrary to Policy DMG1 of the Ribble Valley Core Strategy in that the proximity, scale and orientation of 'Building 1' would significantly undermine and compromise the residential amenities of the occupiers of residential dwellings to the south-west by virtue of an overbearing relationship, exacerbated by the differing topographies between that of the application site and garden areas/land-levels associated with the existing affected dwellings.

3. The proposal is considered contrary to Policy DMG1 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework insofar that approval of the proposal would result in the introduction of an anomalous and discordant pattern and form of development, that by virtue of the scale of the proposed dwellings, their inherent footprints and site configuration, would fail to respond positively to the inherent pattern and scale of adjacent built-form being of significant detriment to the character and visual amenities of the area.
7. **Update Following Planning and Development Committee Meeting of the 1 June 2023**
 - 7.1 Following the Planning and Development Committee of the 1 June 2023, Members were minded to approve the proposed development, contrary to officer recommendation.
 - 7.2 Members will note that subsequent to the meeting of the 1 June 2023, the authority became aware of anomalies with the submitted details insofar that the submitted drainage easement plan failed to correspond with the submitted proposed site plan in relation to dwelling footprint(s), their location, siting and orientation.
 - 7.3 This matter has subsequently been addressed through the submission of a revised and updated site drainage plan which now corresponds with the proposed site plan. United Utilities have been reconsulted on the revised details, with a response still awaited. Should the response be received prior to the Planning and Development Committee meeting, details of the nature of the response will be reported to the Committee on the Late Items Sheet. In the event that a response is not forthcoming then the Committee are being asked to determine the application and defer and delegate this matter to the Director of Economic Development and Planning to resolve before issuing the final decision.
 - 7.4 In this respect the application is being brought back before the Committee for redetermination with suggested conditions should Committee still be minded to motion approval of the proposal(s). As such, should the Committee remain minded to approve, the proposal should be motioned for approval on the following basis:

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval subject to no objections being raised by United Utilities and subject to the following conditions:

1. 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:
 - A102: Proposed Floor Plans and elevations Building 1
 - A202: Proposed Floor Plans and Elevations Building 2
 - A302: Proposed Site Plan
 - A303: Site Plan Boundary Dimensions
 - A400: Sections
 - A401: Location Plan
 - PH/366 Revision A (received 7/09/23): Site Drainage Diversion (TBC)
2. Notwithstanding the submitted details, details or specifications of all materials to be used on the external surfaces of the development hereby approved shall have been submitted

to and approved in writing by the Local Planning Authority before their use in the proposed development. The approved 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 and respond positively to the inherent character of the area.

3. Details of the alignment, height, and appearance of all walling, retaining wall structures and gates to be erected within the development shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure a satisfactory standard of appearance in the interests of the visual amenities of the area.

4. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site unless and until a scheme for protective fencing for trees and hedgerow within and adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall be in accordance with BS5837 (2012): 'Trees in Relation to Construction'. The agreed fencing/protection shall be erected in its entirety prior to any other operations taking place on the site and shall not be breached nor removed during development. Furthermore, within the areas so fenced the existing ground level shall be neither raised nor lowered and there shall be no development or development-related activity of any description including the deposit of spoil or the storage of materials unless expressly agreed by the Local Planning Authority.

For the avoidance of doubt all trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

REASON: To ensure the proposal is satisfactorily landscaped and trees/hedgerow of landscape/visual amenity value are retained as part of the development.

5. The flat roof/ roofed area(s) of the dwellings hereby approved shall not be used as a balcony, roof garden, terrace or similar amenity area.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm nearby residential amenity.

6. 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 of the development hereby approved. For the avoidance of doubt the submitted details shall include the following:

- 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: To minimise disruption during the construction phase of the development hereby approved.

7. Prior to commencement of any building works, the drainage diversion works shown on drawing 'Site drainage diversion and proposed building outline' PHA/366-100 Revision A shall be completed in accordance with Lancashire County Council Specification under an appropriate agreement with access rights agreed thereafter.

REASON: To ensure the appropriate provision(s) of drainage infrastructure to be installed/diverted.

8. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

REASON: To ensure that satisfactory access is provided to the site before any other construction work is carried out.

9. Prior to the first occupation of any dwelling hereby approved, the car parking and turning areas shall be provided and made available for use. Such areas thereafter shall solely be maintained for the purposes of vehicle parking.

REASON: To ensure adequate dedicated parking provision is made available on site to accommodate the development hereby approved.

10. Prior to first occupation of each of the dwellings hereby approved, each dwelling shall be afforded the provision of an electric vehicle charging point. For the avoidance of doubt the installed charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of current electric vehicle.

REASON: To encourage sustainable methods of transport and to reduce carbon emissions associated with the dwellings(s) hereby approved.

11. The development hereby approved shall be carried out in accordance with the Preliminary Bat Roost Assessment Report dated 2nd December 2021. In particular:

- Prior to commencement of development above slab level a Greenwoods Ecohabitats Two Chamber Bat Box or Kent Bat Box shall be installed within the site to provide roosting potential for the local bat population. Thereafter the bat box shall be retained on site in perpetuity.

REASON: To ensure the continued protection of bats as part of the development and in the interests of biodiversity enhancement.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the dwellings shall not be altered or extended, nor shall any building, structure or enclosure be erected within the curtilage of the dwellings without planning permission.

REASON: To ensure that the Local Planning Authority have control over any future development of the dwellings in the interests of the residential amenity of occupants / neighbours.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F1039