

ADDENDUM TO PLANNING COMMITTEE REPORT 07/2017/0621/FUL

OBJECTIONS RAISED BY CHARTERED SURVEYOR ACTING ON BEHALF OF OWNERS OF CUERDALE HEY FARM AND REBUTTAL COMMENTS FROM APPLICANT

NOTE: COMMENTS MADE ON BEHALF OF OBJECTORS ARE IN BLACK AND COMMENTS MADE IN REBUTTAL BY APPLICANT ARE IN RED

Dear Chris,

I write further to our email correspondence and to *(agent's name redacted)* the agent's email sent 18th May 2017 addressing issues that I raised within my Statement of Objection on behalf of Mr and Mrs Nickson of Hey Barn Cattery and Kennels, Fox Lane, Coupe Green.

Landscaping Along the Northern Boundary

I strongly refute *(agent's name redacted)* the Applicant's comments about the landscaping buffer along the Northern boundary. He states that new residents will not want to maintain and manage a landscaped bund to the rear of their properties and questions who will manage the bund facing the right of way. This will be presumably managed by the same owner/management company of the footpath to the North East of the site which is being enclosed by residential garden fences. It is not for the planning department to concern themselves with maintenance or management of future land parcels, only to ensure proposed development design mitigates as far as possible negative impact on existing residential and business enterprise. There is no need to remove trees/hedgerows or interfere with the existing ditch in order to satisfactorily produce bunding and landscaping to provide a physical barrier between the proposed development and our client's existing business. Additional landscaping is absolutely essential to the continued success of our clients cattery and kennel business.

We reiterate our position re the inclusion of a landscape bund for the reasons previously raised in that a bund would either have to be included within the rear gardens – reducing the practical amenity space and saleability of the units or excluded from the curtilage of the plot which would significantly impact on the deliverability of the scheme by reducing the site by approx. 2-3 metres. Also in either case a bund or barrier will reduce any natural surveillance along the footpath and subject to design may have an impact on the retention of the existing hedgerow and trees along the northern boundary. Re the point that a landscape bund/barrier is essential to the continued success of the cattery and kennel business I fail to understand the issue as the visual screening of the development will have limited impact on noise mitigation between the uses and in any case there is no evidence to suggest there is excessive noise decremental to residential use generated by the cattery and kennels.

An enhanced landscaping scheme (there is currently no landscaping plans along this boundary) should be put in place along the Northern boundary in order to minimise potential disruption to our client's cattery and kennel business. Future residential occupiers of adjoining proposed properties will potentially disrupt dogs housed at the existing kennels which in turn will lead to complaints to the planning department and environmental health about dogs barking in the vicinity. When our clients originally set up the business over 15 years ago, there were no adjoining residential properties, only the public footpath used sporadically by members of the public in the local area. At the time of their planning application our clients had to submit evidence from a sound engineer to prove the nearest residential properties would not be disrupted from sound coming from

the kennels. That sound test did not take account of residential properties adjoining the site as there were no proposals then. As our client's business has now been well established for a substantial amount of time, the onus is on the current applicants to prove that the proposed residential accommodation and footpath link will not disrupt our client's business and lead to a series of complaints about the noise issue. At present, I see no evidence from the applicant's to prove there will not be a noise issue nor any efforts to come up with additional landscaping to minimise any future disruption. They have used the easiest route out, to bat the comments away.

In its present form, this application has the potential to destroy our client's business as complaints received from adjoining residents may lead to the cattery and kennels being shut down by environmental health. This is not an exaggeration, it is a reality. They were there first and should be treated as such in this planning process.

On the above points the issue of potential disruption to dogs housed in the kennels and complaints to the planning department is purely conjecture with no proof or evidence to suggest any impact whatsoever. Re the issue of noise from the kennels impacting on the new residential development we have accepted Condition 8 re the need for a noise survey to determine any likely impact and need for mitigation and so this will be discharged prior to the commencement of any works on the site. The site has been allocated for development under Policy B2 of the current adopted plan and Policy D9 of the South Ribble Local Plan 2000 which has allowed for housing for over 17 years and therefore the impact on the cattery and kennels will have been taken into account in allocating the site in the 2000 Local Plan, Saved Policies in 2007 and 2015 Local Plan.

Links to the Public Right of Way

The applicant has again completely disregarded the impact the link to the public right of way opposite and adjoining our clients kitchen window. Our clients entitlement to quiet enjoyment will be affected as a result of the proposals. The applicant has not attempted to accommodate our clients property in any way. In fact ,it looks like the design of the footpath link has been put in a position that has the severest impact on our clients property as users of the new link will face the ground floor windows. Users of the current public footpath walk parallel to the existing house wall, meaning they are not facing the main rooms of the house as they walk along the footpath. Our clients strongly object to the comment that the issue of amenity is not merely created by this proposed development. Not only will users of the proposed development use the footpath that will look directly into our client's kitchen window but also all the existing residential estate users will also use it. This public footpath link has a potential to seriously increase the number of users of the public footpath and those who are looking directly into our client's property. I strongly propose and request on behalf of our clients that Committee members visit site and walk the line of the proposed link path. It is only then they will truly realise how adversely the proposed link will have on the amenity and quiet enjoyment of our client's adjoining property. Such a large increase in users of the public footpath will have the potential to significantly impact on disruption to our clients Cattery and Kennel business as the dogs get upset at increased activity.

The cul-de-sac and footpath link were included following our pre-application discussion with South Ribble Council to provide a more open setting to the existing farm house and to avoid any issue re distance between habitable rooms. The issue of users of the footpath being able to look into the kitchen window is an issue that already exists for users of the footpath. Some tree planting has been included at the end of the cul-de-sac to provide a landscape buffer between the development and the farm house. The existing public right of way is part of a rural network that connects the site to the wider countryside to the north and by the objectors own admission is not very well used. However we do accept that as a consequence of the development there is likely to be an increase in use

over the base conditions but again given the nature of the public right of way and end destinations this is not likely to be excessive.

I note the applicant is now proposing a second link to the public footpath at the end of our client's private right of way access road. Consideration has not been given to highway safety concerns as children and families using this link will cut through to the local primary school and other amenities in the area. It is a blind corner at this point and our clients feel this has not been considered in detail. Farm vehicles and machinery regularly use this track. People entering at this point have a higher risk of an accident at this blind bend.

The inclusion of a link to the public right of way to the north of the site was at the behest of the Highways Authority and will connect the site via a short stretch of a shared public right of way and farm access road to the adopted highway on Fox Lane. Despite the concerns of the objectors the suggested connection provides a more direct route to the primary school and wider area and through signage and a duty of care should offer a safe route for pedestrians.

The Lancashire Constabulary Crime Impact Statement produced 13th March 2017 specifies that interconnecting and hidden footpaths compromises the security of housing developments. The reason given is that linked footpaths provide an offender with easy and fast access onto and off site, it goes on to say that cul-de-sac arrangements with one vehicular entrance in and out are recommended. Our clients strongly recommend that this guidance and comment are followed to increase the safety of the site. It is the public footpath link path from the proposed development to the existing footpath that causes a surveillance and safety concern, not the fact a footpath already exists on the property.

The scheme includes a number of cul-de-sacs within the layout as per the referenced guidance. Any security issue re access to and adjacency to the existing public right of way will be mitigated through appropriate boundary treatment as per the submitted landscape plan and natural surveillance from the rear of the properties. The inclusion of a landscape bund as per the suggestion of the objector would only serve to erode the effectiveness of any natural surveillance from the rear of the properties that back onto the footpath

I look forward to a further response at your earlier convenience.

Kind Regards,

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