

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 13 JANUARY 2011  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF DEVELOPMENT SERVICES

### PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION NO: 3/2010/0775/P (GRID REF: SD 383295 446660)  
 PROPOSED APPLICATION FOR THE UTILISATION OF A PREVIOUSLY UNUSED AREA OF TODBER CARAVAN PARK TO ACCOMMODATE 11 TIMBER CLAD LODGE UNITS, WHILST MAINTAINING THE APPROVED MAXIMUM OF 306 ON THE SITE AT TODBER CARAVAN PARK, BURNLEY ROAD, GISBURN

PARISH COUNCIL: No comments received at time of report preparation.

ENVIRONMENT  
 DIRECTORATE  
 (COUNTY SURVEYOR): Has no objections subject to the introduction of appropriate highway conditions concerning the number of units permitted on site.

ADDITIONAL  
 REPRESENTATIONS: No comments received at time of report preparation.

### **Proposal**

Consent is sought to further rationalise and improve facilities and accommodation on Todber Caravan Site by allowing a previously underused section of the park to accommodate 11 timber clad lodges. It is still proposed to limit the total number of caravans permitted on the site to 306 (as permitted under a previous approval) and the owners have identified the 11 caravans from elsewhere within the site to be removed. A new track will branch off from that which serves the lodges to the east with each unit served by a single width parking bay. As amended, the site layout plan denotes planting to the north of the area (to the rear of traditional caravans on site set at a lower level) and an upland woodland mix to the south of the area of land concerned.

### **Site Location**

The caravan site is situated to the northeast of the A682 within land designated open countryside. The land subject to this application is within the overall established site area to the northeast of the clubhouse.

### **Relevant History**

Various applications dating from the 1960's and 1970's regarding the original layout and subsequent extension of the site with the most recent as follows:

3/2009/0960/P – Variation of condition 2 of planning consent 3/2006/0620/P to allow it to read “the chalets shall be used for the purpose of holiday accommodation only and not as a permanent residence”. Approved with conditions 21 December 2009.

3/2006/0620/P – Utilisation of a previously unused area to accommodate 22 timber clad twin units. Approved with conditions 14 September 2006.

3/2005/0289/P – Proposed extension to operating period to allow for use of the site for 10½ months each year, running from 1 March to 15 January. Approved with conditions 21 July 2005.

3/1999/0662/P – Change of use of part of the caravan park from touring caravans to static holiday homes. Approved with conditions 4 November 1999.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy RT1 - General Recreation and Tourism Policy.

Policy RT5 - New Static Caravan Sites and Extensions to Existing Sites.

RVBC Caravan Compendium – A Guide to Policy and Implementation.

DCLG – Good Practice Guide on Planning for Tourism.

### **Environmental, AONB, Human Rights and Other Issues**

Key matters for consideration in the determination of this application are the principle of the development, its likely visual impact and whether there would be any adverse impacts on highway safety as a result of the scheme's implementation.

In assessing the principle of the extension proposed, it is important to have regard to the fact that the land in question already forms part of the overall caravan site's ownership. It is presently grassed with the land falling away to the north towards the existing caravans on site. The applicants have stated that it is not the intention to increase the overall numbers on site but remove the equivalent number of any degraded or unsatisfactory caravans/pitches thereby reducing density on the existing developed parts of the site. They have provided details for the vans to be removed and thus should Committee be minded to approve the application an appropriately worded condition would need to ensure their removal at the relevant date to ensure the total number of units on site did not exceed the 306 threshold. Policy RT5 of the Districtwide Local Plan is generally supportive of proposals such as this subject to the caveat that the development would not be intrusive in the landscape. The proposal does incorporate a detailed planting scheme for the internal layout of this proposal but also an area of woodland planting to the south. The latter is at the request of the Council's Countryside Officer in order to provide a planting buffer on an area of the overall site where there is very limited tree cover. There is no denying that this scheme will have some visual impact but I am satisfied that the landform on approach from the south will limit potential views. From the north any cabins will be seen in conjunction with the remainder of the site as they are set immediately to the south of the more traditional vans on site. In my opinion the visual impact of the works proposed would not be so significantly detrimental as to warrant an unfavourable recommendation.

In terms of the highway safety implications of the development the County Survey has commented that providing conditions are imposed to limit the number of units on site at any one time to not more than 306 with no use of the site by touring caravans at any time, the application will have no material impact on the level of vehicular activity beyond that existing and permitted by previous consents.

I am also mindful of the need to control the occupancy of the timber lodges and Committee will note from the relevant history section of this report that there are two occupancy periods on the Todber site. The traditional caravan units are subject to the operating period conditioned under 3/2005/0289/P namely 1 March to 15 January with the more recently added 22 timber lodges to the east of where these lodges would be sited having a condition that permits year-round occupancy subject to certain provisions. The condition imposed on 3/2009/0960/P does not permit them to be occupied as a person's sole or main place of residence, specifies they are for holiday purposes only and requires the owners/operators to maintain an up date register of owners/occupiers, giving their main home address. That relaxation was allowed having regard to the Good Practice Guide on Planning for Tourism (2006) which recognises that the nature of holidays has become increasingly diverse. It refers to the use of seasonal occupancy conditions to protect the local environment eg protection of important species of birds during breeding seasons, not in particular to restrict permanent residential accommodation. Given the approach taken on the adjacent part of the overall site for the 22 timber cabins I consider occupancy of these 11 units should be conditioned in the same manner they have been.

Therefore having very carefully assessed all the above, I am of the opinion that the scheme accords with policy and recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity, nor would it have an adverse visual impact or be to the detriment of highway safety.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

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

2. This permission shall be implemented in accordance with the proposal as detailed on drawings SO/02 Dwg 01 Amendment A proposed site plan and SO/02 Dwg 02 Amendment A proposed site plan received on 9 December 2010 and SO-02 Dwg/02 site location plan.

REASON: For the avoidance of doubt to clarify which plans are relevant.

3. The terms of occupancy of the 11 chalets on the red edged approved plan shall be as follows:

(i) The chalets shall be occupied for holiday purposes only.

(ii) The chalets shall not be occupied as a person's sole or main place of residence.

(iii) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: In accordance with Policies G5 and RT5 of the Ribble Valley Districtwide Local Plan in order to ensure that the approved holiday accommodation is not used for unauthorised permanent residential accommodation. The register required in (iii) above shall normally be collected by the caravan site licence holder or his/her nominated person.

4. The total number of static caravans on the overall site shall not exceed 306 and under no circumstances whatsoever shall the area defined as playing field be used for the positioning of static caravans and there shall be no touring caravans whatsoever located within the site.

REASON: In accordance with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan in the interests of road safety and visual amenities of the area.

5. The vans so defined for removal on drawing S/02 Dwg 02 Amendment A shall be physically removed from the caravan site with their former pitches reinstated to grassland to the written satisfaction of the Local Planning Authority prior to any of the lodges being delivered to site.

REASON: In accordance with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan in the interests of road safety and visual amenities of the area.

6. Notwithstanding the details shown on drawing SO/02 Dwg 01 Amendment A received on 9 December 2010 the development hereby permitted shall not be commenced until further details of the planting to the south of the area for the lodges has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the total site area to be planted with an upland woodland mix, the types and number of trees and shrubs, their distribution on site and include any changes of level or landform.

The detailed scheme for the internal layout as shown on drawing SO/02 drawing 01 amendment A and subsequently submitted details in respect of the area of upland woodland planting shall be implemented in the first planting season following occupation or use of the development, whether in whole or part 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 originally planted.

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

NOTE(S):

1. For clarity the vans identified for removal upon drawing SO/02 Dwg 02 Amendment A are plots 107, 121, B1, B6, A20, A21, E42, E43, K9, K11 and K13.

APPLICATION NO: 3/2010/0801/P (GRID REF: SD 375164 442615)  
PROPOSED RETROSPECTIVE APPLICATION FOR ASSOCIATED LIGHTING FOR  
PREVIOUSLY APPROVED ALL WEATHER PITCH AT CLITHEROE ROYAL GRAMMAR,  
CHATBURN ROAD, CLITHEROE.

PARISH COUNCIL: No objections.

- ENVIRONMENTAL HEALTH: No objections regarding the revised terms of usage.
- ADDITIONAL REPRESENTATIONS: Three letters of objection have been received. The main issues concern the following points:
1. Lighting – The provision of bright or poorly directed lights being on in periods of darkness will spill in to surrounding properties affecting the amenity of residents. No lighting should be allowed within this area of open countryside.
  2. Usage – As a result of the last application it was understood that the pitch would only be used during school hours. Would the pitch be used by outside users? If this is the case this would impact negatively on residential amenity.
  3. Noise – The residents already suffer from noise from the school during school hours which takes the form of very loud shouting and frequent use of bad language. The illumination would enable the pitch to be used all year round and late in to the evenings thus residents would lose the quiet enjoyment experienced in their gardens.
  4. It appears as though the school is trying to get this application through in inappropriate ways, as if this had been included with the original application it is likely that there would have been a lot more opposition.

### **Proposal**

Members will be aware that that the application for the all weather pitch with associated fencing was approved with conditions at the May 2010 Planning and Development Committee meeting. Permission is now sought to include six lighting columns in to the scheme. The lighting columns would be approximately 13 metres high with three positioned on either side of the all weather pitch. The proposed luminaries are flat glass and directional as illustrated on the Light Spillage Layout plan submitted with the application.

### **Site Location**

The pitch is located to the rear of the school which fronts onto Chatburn Road, Clitheroe. The pitch is approximately 115m from the rear gardens of Chatburn Park Drive, 80m from the rear gardens on Green Drive and 70m from the industrial area at the rear.

### **Relevant History**

3/2010/0241 – New build all weather pitch. Approved with conditions.

### **Relevant Policies**

Policy G1 – Development Control.  
Policy ENV13 – Landscape Protection.

## **Environmental, AONB, Human Rights and Other Issues**

Permission has already been granted for the all weather surface therefore the main issues to consider relate to the visual and residential amenity issues arising from the installation of flood lighting.

With regards to the first issue; the siting of the pitch is to the rear of the main school and the floodlights themselves will be affixed to the top of relatively slim 13m high galvanised steel posts. Within this school context I do not consider that six lighting columns would have any seriously detrimental effects upon visual amenity, subject to details of the external colour of the lights and their supporting columns being submitted for approval.

I note the objections raised regarding the increased usage of the pitch and potential light spillage affecting the residential amenity of surrounding residents. In terms of usage, although the application forms apply for opening hours from 08:30 to 21:00 hours, after discussions with the agents, the school has written to nearby residents suggesting the facility will be open from 8.30am to 6.30pm during term time on Mondays to Fridays and from 9.00am to 1.00pm on Saturdays. Dependent on the time of year the lighting may be switched on during these hours. The school intends to use the facility for after-school activities up to 6.30pm but it is not anticipated that this will be a daily occurrence. In the letter they state that they may also occasionally use the facility with their students out of term time on weekdays. A copy of this letter can be viewed in the main file.

The nearest dwellings are located on Green Drive and Chatburn Road which are in excess of 80 metres away from the pitch. Subject to conditions preventing the use of the floodlights before 8:30am or after 6:30pm, and requiring them to be adjusted so that they can only illuminate the playing surface, I do not consider that the proposal would have any seriously detrimental effects upon the amenity of any nearby residents. The Environmental Health Manager has viewed this letter along with the light spillage plan and report and has no objections to the proposed lighting and times of usage subject to appropriate conditions being issued to ensure that the light spillage would be minimal.

In relation to tree protection, the Council's Countryside Officer has inspected the site and the plan illustrating the duct runs for the lighting (Drawing No. A-05-301) and has no objection to the development but would require further plans and conditions relating to the protection of individual trees.

Overall, subject to appropriate conditions, I consider the proposal acceptable.

### **SUMMARY OF REASONS FOR APPROVAL**

The proposal has no significant detrimental impact on nearby residential amenity nor would it have a visual impact.

**RECOMMENDATION:** That planning permission be GRANTED subject to the following condition(s):

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

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

2. Prior to commencement of any site works, including delivery of building materials and excavations for foundations or services all trees identified on drawing no A-05-301 [T1/14 inclusive] shall be protected in accordance with the BS5837 [Trees in Relation to Construction] the details of which shall be agreed in writing.

A protection zone 12 x the DBH covering at least the entire branch spread of the tree/s, [the area of the root soil environment measured from the centre of the trunk to the edge of the branch spread] shall be physically protected and remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented with out prior written consent, which will only be granted when the local authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development and included in a Tree Preservation Order considered to be of visual amenity, historic or botanical value are afforded maximum physical protection from the adverse affects of development and to comply with planning policies G1 and ENV13 of the Districtwide Local Plan.

3. The floodlights hereby permitted shall not be used between the hours of 6.30pm and 8.30am on any days of the week.

REASON: In the interests of nearby residential amenity and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

4. Prior to the commencement of the development, details of the colour finish of the floodlight columns and lamps shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. This permission shall relate to drawing numbers A-05-010 Rev. C, A-05-112, A-05-111 Rev F, A-05-301 and PSD/CRG/101 and the 'Ultra Low Glare' Lighting Report submitted with this application.

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.

PROPOSED CHILDREN'S NURSERY AT HANSON'S GARDEN CENTRE, WHALLEY ROAD, BARROW

PARISH COUNCIL:

The majority had no objections but would ask Committee to consider the long term plans for the site be it retail, offices, housing and what would be the implications if the nursery were to be built but not a successful venture.

Two Barrow representatives are very concerned about the dangers of access onto Whalley Road with the additional number of vehicles.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Informally have raised no objections on highway safety grounds.

ADDITIONAL  
REPRESENTATIONS:

One letter has been received which raises the following points of concern:

1. Planning permission has been granted for nurseries at both Barkers, Clitheroe (55 places) and Barrow Brook (30 places) – both sites are in relative proximity to this.
2. This application would add 55 places on top of the existing approval for an extension to open at Barrow School in April 2011 (15 places) creating potentially a further 155 places in total which would not be sustainable in the local economy and thus the development is not essential to the local economy.
3. There are already a broad choice of day nursery/pre-school/play group etc premises across the area.

**Proposal**

This application details the erection of a children's nursery which will be a single storey building to accommodate up to 55 children. The scheme includes an outdoor play area and car parking for 16 vehicles, all of which are located to the rear (western extreme) of the Hanson's Garden Centre site. Vehicular access will be along the existing service access on the eastern side of the site with a separate pedestrian access from the main entrance to run through the centre of the site which will be defined by white markings or similar – the route through the centre of the garden centre is already a traffic free area.

The building is roughly 'L' shaped in appearance, having overall approximate dimensions of 24.5m x 17.8m. The proposed roof is a series of hips with maximum height of 6.25m. Construction materials would be rendered walls under a tiled roof. The outdoor play area will be surfaced in a mixture of tarmac and grass and be fenced by a 1.2m high metal fence and 1.8m high timber fence.



In terms of breakdown of places, this would be as follows:

0 – 2 years	12 places
2 – 3 years	16 places
3 – 8 years	27 places

If the nursery was at full capacity this will require 14 full-time staff and 2 part-time staff with suggested opening hours of 0730 to 1800 hours Monday to Friday.

### **Site Location**

The site is located to the rear (western) extreme of Hanson's Garden Centre. The site lies outside any defined settlement limit within land designated open countryside. There is an existing hedgerow to its external boundaries with fields to either side and Clitheroe Golf Club to its rear.

### **Relevant History**

3/2003/1041/P – Alterations to existing building to form coffee shop and garden centre and access improvements. Approved with conditions 20 January 2004.

Various other applications relating to the operation of the garden centre.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy ENV13 - Landscape Protection.

### **Environmental, AONB, Human Rights and Other Issues**

The matters for consideration are the principle of development, visual amenity and highway safety. In respect of principle the site is outside any defined settlement limit and thus policy G5 of the Local Plan applies. This allows for small-scale developments which are essential to the local economy, needed for the purposes of agriculture, sites developed for local needs housing, tourism/recreational developments or other small-scales uses appropriate to a rural area which conform to the policies of the plan. I am of the opinion that the erection of a children's nursery on a brownfield site, already in employment use would fall within the latter. Thus in principle I am satisfied that the use proposed accords with policy and thus it is the amenity considerations of Policy G1 and visual impact assessed against ENV3 that warrant further consideration.

In terms of visual amenity, the building would be to the rear of the site and from the main road would be seen as a backdrop to the miscellany of garden centre buildings on the remainder of the overall site. It would be the tallest structure on site but given its design, I do not consider its scale and massing would appear over-dominant in long-range views. Thus I conclude there would be no detriment to visual amenity from the scheme's implementation.

In respect of highway safety the County Surveyor has informally expressed no objections to the development.

With regard to comments made about the availability of other nursery places within the locality, considerations of commercial competition are not planning matters. In terms of what should happen if the nursery were not to be successful then consideration would need to be given at that time to whatever alternative use was put forward and its relationship with saved planning policies and surrounding land uses.

Therefore having considered all the above, I am of the opinion that the scheme accords with policy and would not lead to significantly adverse effects on either visual amenity or highway safety. I thus recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity, nor would it have an adverse visual impact or be to the detriment of highway safety.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

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

2. This permission shall be implemented in accordance with the proposal as detailed on drawings TRI-0494 sheets 1-7.

REASON: For the avoidance of doubt to clarify which plans are relevant.

3. The development hereby permitted shall be used for a children's nursery and for no other purpose, including any use falling within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (As Amended).

REASON: The permission granted is for a specific use, and it is considered that other uses within the same Use Class may give rise to adverse effects on the locality, contrary to the provisions of Policy G1 of the Ribble Valley Districtwide Local Plan.

4. The use of the premises in accordance with this permission shall be restricted to the hours between 0730 to 1800 hours Monday to Friday.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan. The use of the premises outside these hours could prove injurious to the character of the area.

5. Prior to commencement of use, the car park shall be surfaced in accordance with the details submitted and parking areas and pedestrian route marked out in accordance with the approved plans to the written satisfaction of the Local Planning Authority and thereafter retained in perpetuity.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan to allow for safe use of the pedestrian link and effective use of the parking areas.

6. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

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 G1 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance – “Extensions and Alterations to Dwellings”.

## **C APPLICATIONS WHICH THE DIRECTOR OF DEVELOPMENT SERVICES RECOMMENDS FOR REFUSAL**

APPLICATION NO: 3/2010/0755/P (GRID REF: SD 373370 436079)  
PROPOSED DEMOLITION OF EXISTING DISUSED PUBLIC TOILET AND CLEARANCE OF THE SITE AT FORMER TOILET BLOCK OFF KING STREET, WHALLEY

PARISH COUNCIL:	No observations received at the time of preparing this report.
ENGLISH HERITAGE:	Offer no comments but state the application should be determined with national and local policy guidance and on the basis of your Conservation Officer's advice.
OTHER AMENITY SOCIETIES	No observations received at the time of preparing this report.
ADDITIONAL REPRESENTATIONS:	No representations received at the time of preparing this report.

### **Proposal**

This application seeks Conservation Area Consent to demolish a former toilet block which is located at the rear of the Whalley Medical Centre, King Street, Whalley. The submitted application does not indicate any proposals for its intended use and therefore the application needs to be considered purely for the demolition of a building in the Conservation Area. The building measures approximately 8m x 6m and is of a red brick and render construction with a glass lantern and a clay hole roof. It is of single storey construction. The building is identified as a Building of Townscape Merit.

### **Site Location**

The building is at the rear of Whalley Medical Group building which itself has a road frontage at King Street, Whalley. The toilet is accessed via King Street, Whalley. The building is situated adjacent to the car park area and in close proximity to the Village Hall.

### **Relevant History**

None.

### **Relevant Policies**

Policy G1 - Development Control.  
Policy ENV16 - Development Within Conservation Areas.  
Policy ENV18 - Retention of Important Buildings Within Conservation Areas.  
PPS5 – Planning for the Historic Environment  
Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Environmental, AONB, Human Rights and Other Issues**

The main issue to consider in this application for conservation area consent is the visual impact caused by the removal of a building, which is defined as architectural value and specifically

referred to in the Conservation Area Appraisal as a Building of Townscape Merit. It is also relevant to have regard to any potential community benefit but as little information has been provided in relation to this aspect with regards to potential after use other than safeguarded for the purposes of the Whalley Medical Centre, it is difficult to give significant weight to this issue as it is not possible to assess the overall community benefit.

The applicant has indicated that the building which was constructed around 1934, has been closed since 2009 since the construction of the new toilets located adjacent to the bus station at Whalley. The old toilets have been difficult to service and it has been expressed that it is becoming an eyesore.

In assessing the proposal, it is proper to have regard to Planning Policy Statement 5 which sets out government planning policies on the conservation of the historic environment. I recognise the desirability for the medical centre to utilise this building and that they consider it inappropriate to convert. It is inevitable that the demolition of a building of townscape merit would have an impact on the conservation area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area and PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets.

Whereas I acknowledge there is a subjective assessment to be made in relation to the buildings design character, the building has been identified as one of townscape merit in the Whalley Conservation Area and therefore regard should be given to its importance. It is also evident that the application has been submitted with little detail and no plans to show its subsequent use.

Notwithstanding this issue, I remain of the opinion that there is a duty to have special regard to the desirability of preserving the building; the demolition of the toilet block will be contrary to national guidance.

**RECOMMENDATION:** That Conservation Area Consent be REFUSED for the following reason(s):

1. The proposed demolition of the building without sufficient justification would lead to the detriment of the visual amenity of the Conservation Area and as such be contrary to advice contained in PPS5 and Policies G1, ENV16 and ENV18 of the Districtwide Local Plan.

**D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF DEVELOPMENT SERVICES BEING SATISFACTORILY COMPLETED**

APPLICATION NO: 3/2010/0550/P (GRID REF: SD 374093 440847)  
OUTLINE APPLICATION FOR PERMISSION TO CONSTRUCT 30 APARTMENTS, TWO HOUSES AND A 40 BED NURSING HOME AT FORMER BARKERS GARDEN CENTRE, WHALLEY ROAD, CLITHEROE

TOWN COUNCIL: No objections to this application.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections to the application in principle on highway safety grounds but makes a number of comments as follows:

1. The front boundary wall to Whalley Road should be increased in height from 0.9m to 1.4m in order to ensure that the two gates within the wall are actually used.
2. The proposed improvement to the Littlemoor Road junction with Whalley Road and the improved footway provision will improve both the perception and operation of the existing junction.
3. Has some concerns about the tandem parking arrangements for the apartments as they will result in some intense manoeuvring.
4. The layout and number of parking spaces for the proposed nursing home are satisfactory, but more detail will be required of the accessibility of the delivery area and the size and frequency of service vehicles.
5. There is no direct access to the parking spaces for the pair of semi detached houses.
6. No request for cycle facilities is being made, but every effort should be made to improve the footway provision on Littlemoor Road, ideally, with the footpath continuing along the full frontage of the site.
7. The development should fund the upgrading of the two nearest bus stops on Whalley Road to LCC Quality Bus Standards including illuminated shelters to LCC specification, raised footway (160mm kerb height) and Bus Clearway Markings. The cost of provision is estimated at £20,000 plus £2000 commuted sum for future maintenance. The acceptance by the Borough Council for further maintenance of the shelters should be obtained as part of the process.

8. In order to secure the necessary highway works, the applicant will need to enter into a formal Section 278 Agreement.

LANCASHIRE COUNTY  
COUNCIL (PLANNING  
CONTRIBUTIONS):

In respect of transport contributions, there is a request for £20,000 towards bus stop improvements, plus a commuted sum of £2000 for future maintenance, as described above.

In respect of waste management, it is stated that the County Council makes vital major investments in waste management infrastructure for reasons for environmental protection and sustainability. Also, the necessity to secure the County Council's budget position as a waste disposal authority, through investing in an early switch away from landfilling, has become all the more apparent, since the recent announcement on the rise in landfill tax in this year's national budget. Every district in the County is being provided with advanced treatment facilities to treat waste prior to landfilling, either directly or via purpose designed transfer stations. Since each and every new house, wherever it is in the County, has to be provided with this basic service, and the County Council has to comply with significant new requirements relating to waste management, it is considered that the Council is justified in requesting a contribution towards waste management. Based upon the Policy Paper Methodology for Waste Management, the request is £15,360.

ENVIRONMENT AGENCY:

Has no objections in principle subject to a condition to ensure that surface water run-off from the site is restricted to existing rates in order that the proposed development does not contribute to an increased risk of flooding.

The Environment Agency also offers advice to the developer on the matter of Sustainable Drainage Systems. As the Environment Agency's letter was copied to the applicants/agent, this can be the subject of an advisory note in the event of outline planning permission being granted.

ADDITIONAL  
REPRESENTATIONS:

10 letters have been received from nearby residents who express objections to the development for reasons that are summarised below.

1. The following comments are made in respect of highway safety considerations:
  - Littlemoor narrows close to its junction with Whalley Road. Vehicles often have to stop to let other vehicles pass as the road is not wide enough to allow free flow of traffic.
  - The access point from the development on to a narrow part of Littlemoor (that is also close to a blind corner) will be a safety hazard.

- The domestic and commercial vehicle usage associated with this development will exacerbate existing highway safety problems.
- The proposed pavement does not go far enough along Littlemoor so that it is short of the existing pavement on the opposite side of the road, so that pedestrians will have to walk in the road, resulting in another highway safety problem.
- The volume of traffic associated with this development will make Whalley Road even more difficult to cross than it is now.
- When considering traffic issues, the other large developments in Clitheroe (Primrose Lodge, Woone Lane and Henthorn Road) should also be taken into account.
- The proposed widening of Littlemoor is inadequate.
- Parking provisions on site for the residential properties and also the nursing home appears to be inadequate. This will result in staff for the nursing home and possibly visitors to both the nursing home and residential properties parking on nearby side streets and Whalley Road.
- The recently refurbished and reopened Primrose Garage has already significantly increased the amount of traffic in the area.
- The development necessitates a mini roundabout at the Littlemoor/Whalley Road junction. There should also be a new bus stop layby.
- What provision has been made for the parking of contractors, vehicles during the development?
- It is essential that a further study looks into the transport infrastructure surrounding this new development as it is clear that the current transport proposals are inadequate.

2. The following comments are made in respect of visual amenity considerations:

- The proposal represents over development of the site that has been achieved by the blocks being sited too close to Whalley Road; by the use of tandem parking; the use of a centralised refuse arrangement; a low level of private outdoor amenity space; and by the development not adequately relating to the adjoining housing that includes bungalows and two storey properties.
- The apartment blocks are too high for the locality.
- Density should be lower on this edge of town development than in the centre of town.



- The development would detract from the semi rural character of the locality.
  - The proposal will be the first buildings that people see when approaching Clitheroe, and will be out of character with the town.
  - Removal of the tree lined and hedge bounded lane (Littlemoor) to be replaced by a stone wall would be detrimental to visual amenity.
3. The following comments are made in respect of the effects of the proposal on the amenities of nearby residents:
- The three storey apartment blocks will adversely affect the privacy of the properties on the opposite side of Whalley Road.
  - Holly Lodge on Littlemoor will suffer loss of light and privacy due to the proposed nursing home.
  - Nearby residents will suffer increased noise levels from traffic and general activity associated with the new development.
4. Loss of habitat for birds and other wildlife.

### **Proposal**

This application seeks outline planning permission for a development on the site of the former Barkers Garden Centre, that was closed in 2003. At this outline application stage, permission is sought only for the means of access and for the scale of the development.

The development comprises 30 apartments (of which 9 are being offered as affordable dwellings), two houses, and a 40 bed nursing home.

The access into the site is to be from Littlemoor and the proposal includes improvements to the length of Littlemoor between Whalley Road and that proposed new access point, including the provision of a 2m wide pavement.

Although the application is in outline, the applicants have submitted fairly detailed plans and elevational drawings in order to show how a scheme of this composition and density can be delivered on site.

The scheme comprises a three storey block containing 16 apartments facing Whalley Road (block A), a three storey block containing 14 apartments facing Littlemoor (block B), a 40 bedroom nursing home in a two storey building of irregular shape on the rear (eastern) part of the site (block C) and a semi detached pair of two storey houses close to the centre of the northern boundary of the site (block D).

As the scale of the development is a detail being considered at this stage, the heights of the various blocks are an important consideration. Block A facing Whalley Road, has a eaves height of 8.2m and a maximum height of 12.4m. Block B facing Littlemoor, as originally

submitted, had a general eaves height of 8m and a general ridge height of 12m, but with a tower of 11m eaves and 13.3m maximum height at its south western corner. The tower, however, was considered to be inappropriate and has been deleted from the proposal by amended illustrative drawings received on 21 December 2010. The semi-detached house has eaves/ridge heights of 5m/8.3m and the nursing home has eaves/ridge heights of approximately 6m/9m.

The illustrative plans show parking spaces, garages, and refuse/bicycle storage buildings for the residential units. They also show a refuse storage area, five staff parking spaces and 10 visitor parking spaces to the nursing home.

Although the drawings include details of possible external materials (principally natural stone and render and natural slate roofs) this is a matter to be considered at reserved matters application stage.

### **Site Location**

The site is the former Barkers Nursery site that has a frontage to Whalley Road of approximately 88m and to Littlemoor of approximately 103m and is within the settlement boundary of Clitheroe.

There are residential properties on the opposite side of Whalley Road; a pair of semi detached houses adjoining the site on the same side of Whalley Road; to the rear of this existing semi detached pair, there is open land to the north of the site; there is a residential property (Holly Lodge) to the rear (east) of the site; and residential properties (including two new large detached houses) on the opposite side of Littlemoor to the south of the site.

There are three mature trees close to the Whalley Road frontage of the site and other trees close to the north eastern and south eastern corners of the site, all of which are to be retained.

### **Relevant History**

3/03/0289/P – Erection of 38 residential units, new access improvements to Littlemoor and engineering works. Withdrawn.

3/03/0595/P – Proposed erection of 33 residential units, new access, garage courtyard and improvements to Littlemoor and associated engineering works. Refused and appeal dismissed.

3/10/0236/P – Erection of children's day nursery, laying out of parking, new access to Littlemoor Road and associated engineering works. Approved with conditions.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy ENV7 - Species Protection.

Policy ENV13 - Landscape Protection.

Policy H19 - Affordable Housing - Large Developments and Main Settlements.

Policy H21 - Affordable Housing - Information Needed.

Policy RT8 - Open Space Provision.

Policy T1 – Development Proposals, transport implications.

Policy G7 – Parking provision.

Policy DP1 – Spatial Principles – North West of England Regional Spatial Strategy to 2021.

Policy L4 – Regional Housing Provision - North West of England Regional Spatial Strategy to 2021.

Policy L5 – Affordable - North West of England Regional Spatial Strategy to 2021.

Policy DP7 – Environmental Quality - North West of England Regional Spatial Strategy to 2021.

Affordable Housing Memorandum of Understanding.

PPS3: Housing.

PPS1: Delivering Sustainable Development.

### **Environmental, AONB, Human Rights and Other Issues**

Matters for consideration in the determination of this application are the principle of development; affordable housing; highway safety, access and accessibility; impact upon visual amenity, and upon the amenities of nearby residents, which will each be discussed below under appropriate sub headings.

#### Establishing Whether the Principle of this Mixed Use Development is Acceptable on this Site/Prematurity/Applicability of RSS Housing Figures

The policy basis against which the residential element of this scheme should be appraised is set out in the context of National, Regional and Local Development Plan policies.

At National level, Planning Policy Statement 3 – Housing confirms that Local Planning Authorities must identify a 5 year housing land supply and where they cannot, residential developments should be favourably considered taking account of policies in PPS3 and in particular paragraph 69 which specifically refers to:

- achieving high quality housing;
- ensuring a good mix of housing;
- the suitability of the site for housing;
- using land effectively and efficiently;
- ensuring the proposal is in line with planning for housing objectives;

Notwithstanding the outcome of the recent High Court ruling against the Secretary of State, the Council in accord with Government Guidance determined to continue to apply the Regional Strategy housing requirements for the purpose of determining a 5-year land supply. The housing requirement for the borough is established in the Regional Plan that has recently been confirmed as being extant which the Council must have regard to.

Recent monitoring demonstrates that the Council is unable to identify a 5-year supply, and consequently the provisions of PPS3 are applicable until the point at which a 5-year supply is available. We currently have 3 years supply measured against our requirements.

To help to determine the suitability of any site against the requirements of PPS3, it necessary to refer to the saved policies of the Districtwide Local Plan. As a brownfield site within a settlement boundary of the main settlement of Clitheroe, housing development is considered to be acceptable in principle.

In this particular case, the acceptability of the site for housing development in principle is also confirmed by previous application 3/2003/0595/P for 33 residential units on this site. Although that application was refused and a subsequent appeal was dismissed, the sole reason for refusal was that “the proposal is considered to be contrary to Policy 12 of the Emerging Lancashire Structure Plan and the Council’s SPG on Housing in that approval would add to the significant over supply of residential development within the Borough which would cause harm to the urban concentration strategy as set out in the emerging Structure Plan”. No other reasons for refusal were given by the Council and, in dismissing the appeal, the Inspector did not add any other reasons for refusal.

As circumstances have now changed to a situation in which the Council does not have an identified five-year supply of deliverable housing sites, a residential development on this site within one of the borough’s main settlements is considered to be acceptable in principle.

With regards to the principle of the nursing home, the relevant Policy of the Local Plan (H11) has not been saved. That Policy, however, required any new nursing homes to be accessible to community facilities and to provide adequate parking and garden/amenity areas for residents; and also to comply with the general development control requirements of Policy G1. Overall, as this site is within the settlement boundary of the Borough’s largest settlement, and as the requirements for parking and amenity space can be satisfied, I consider the nursing home to be a development that is acceptable in principle for this site.

#### Highway Safety, Access and Accessibility

A Transport Statement submitted with the application contained the following conclusions:

1. That the proposed development is well located for a non-car access in accordance with local and national policy guidance. The town centre can easily be accessed from the site by walking, cycling and bus modes, with a key bus corridor passing immediately adjacent to this site.
2. That the likely trip generation from the site can easily be accommodated on the local network without detriment to its operation.
3. That there are therefore no transport related issues which should prevent the development from proceeding.

The County Surveyor did not dispute those conclusions and expressed no objections in principle to the improvements to Littlemoor and to the access and parking elements of the application, subject to appropriate conditions. The highway improvements are based on those that were proposed and considered to be acceptable for previous application 3/2003/0595/P.

In addition to conditions, the County Surveyor also asked that a developer contribution be sought of £22,000 towards the improvement of bus stops adjoining the site, plus £2000 towards their future maintenance. The applicants agents, however, question whether that request is in accordance with the advice set out in Annex B of Circular 05/2005 that ‘planning obligations’ (or ‘S106 Agreements’) are private agreements negotiated, usually in the context of planning applications between Local Planning Authorities and persons with an interest in a piece of land (or developers) and intended to make acceptable development which would otherwise be unacceptable in planning terms.

In response to this, the County Council has commented as follows.

As part of LCC's Planning Obligations Policy the County Council recommend contribution to sustainable transport measures. It is a regular recommendation that new developments fund the upgrading of adjacent bus stops facilities, in line with recommendations from the Draft Inclusive Accessibility Guidelines. This practice has been used widely throughout the county to provide improved accessibility at bus stops including raised kerbing and Bus Clearway markings at bus stops ensuring that buses can pull in to the kerb at bus stops. These measures positively assist passengers boarding/alighting at a bus stop in line with DDA requirements as recommended in the Draft Inclusive Mobility Guidelines.

*The County Council does not accept that their recommendations are in conflict with Circular 05/2005 as:*

- *The proposed upgrading of bus stops are directly related to development. The agent's letter acknowledges that the bus stops are within 50m walking distance of the site.*
- *The scale of contribution would have been based on the Planning Obligations Policy and it is considered that the contribution is reasonable in relation to the scale of the development.*
- *The County Council does not believe that the request is unreasonable and, as noted above, it follows practice used throughout Lancashire.*

In turn, the applicants agent, responded as follows:

The LCC Planning Obligations Policy is not a statutory or formal planning policy and must, therefore, carry very limited weight as a material consideration. The LCC Planning Obligations Policy has not been adopted by Ribble Valley Borough Council. The Policy in Circular 05/2005 represents formal government policy which is a highly material consideration. It is difficult to accept that the County Council's request is consistent with the Circular. The request is only necessary and reasonable if the development would otherwise be unacceptable without the contributions. The County Council's response confirms that they regularly recommend that new developments fund the upgrade of adjacent bus stop facilities, clearly suggesting that this is done as a matter of practice and custom without any regard as to whether such requests are necessary or justified. Paragraph B9 of the Circular is absolutely clear that 'planning obligations should not be used solely to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives that are not necessary to allow consent to be given for a particular development'. What is being put forward by the County Council is merely a recommendation.

Fundamentally, the proposal is acceptable and desirable in terms of assisting in the delivery of new homes. The site is sustainable in planning terms and is accessible by public transport. The upgrades sought by the County Council are not required to make the development acceptable. In our view, the measures sought fall into the type described in paragraph 9 of the circular and are, therefore, unreasonable and unnecessary.

*I accept the County Council's assurance that this request is in accordance with their current practice. I can also see merit, however in the agent's counter-argument that this development would not be unacceptable (and could not therefore be legitimately refused) if the upgrades to the existing bus stops were not carried out at the developer's expense. An indication would therefore be appreciated from Committee about whether the full £22,000 should be sought in the Section 106 Agreement, or a lesser amount, or no contribution at all.*

*Subject to a clause in the Section 106 Agreement (or not, as the case may be) and appropriate conditions, the development is considered to be acceptable with regards to highway related matters.*

### Affordable Housing

*Within the main settlement of Clitheroe, the need for affordable housing is expressed on a borough wide basis. A draft Section 106 Agreement has been submitted with the application which states:*

- that the owner covenants with the Council to submit an affordable housing scheme for 9 affordable units to be delivered as either low cost market units or shared ownership units; or for an alternative mix of affordable units to be agreed with the Council;
- the owner to finance, build and sell the affordable housing as low cost market units with the Council having the same nomination rights as if they had been transferred to a Registered Social Landlord;
- to provide the Council with such information concerning negotiation between the owner and an RSL in respect of the affordable housing proposed to be transferred to the RSL as the Council or its agents may reasonably request;
- to dispose of the affordable units to an RSL approved by the Council on or before completion of the construction of the affordable units and to notify the Council in writing accordingly;
- not to allow the occupation of any affordable housing unit except by a person/household satisfying the criteria for affordable housing as agreed with the Council;
- to construct the affordable housing in accordance with the approved affordable housing scheme and the scheme for development standards and to provide satisfactory evidence of the same to the Council;
- not more than 90% of the market dwellings shall be occupied until the affordable units have been built for immediate occupation and are capable of being transferred;
- that from the date on which the Council approve the affordable housing scheme, that the land upon which the affordable housing is to be provided shall not be used for any other purpose other than affordable housing;
- that the low cost market units are offered for sale at a discount of 35% to the open market value; and shall remain affordable at the initial discounted rate in perpetuity;
- that on completion of the affordable housing units (for shared ownership) or as soon as possible thereafter, the RSL shall dispose of the affordable units intended for shared ownership:
  - a) at open market value on a shared ownership basis with the rental element being discounted by the RSL;

- b) to an approved person who shall purchase the affordable housing units for occupation by the approved person and in accordance with the requirements of this agreement;
- c) in consultation with the Council and having first obtained the Council's consent for the disposal to the approved person.

The Council's Housing Strategy Officer has made the following comments in relation to the draft Section 106 Agreement:

- The Agreement sets out the provision of 9 affordable units as either discounted sale units or shared ownership. The provision of shared ownership is the preferred tenure for the Council and this should be made clear within the Agreement.
- To ensure that the Agreement states that a bid for grants will be submitted to the Homes and Communities Agency, and if not successful, then the affordable units will be delivered as discounted sale.
- Within the definitions 'of low cost market units' the Agreement states that the units will be sold as the Council's nominees at 35% discount. In the sale of homes, the Council would not nominate households but would approve the sale to households that meet the eligibility criteria.
- Should the affordable units be delivered as shared ownership, to ensure the units remain affordable in perpetuity, I request that a clause is introduced that gives the RSL first option to buy back the property where an occupant has acquired 100% ownership.
- Within the schedule, paragraph 1.5 describes the phasing of affordable housing delivery. I request that the percentage of occupied market dwellings is reduced from 90% to 50% before the affordable units are ready for occupation.

Subject to the contents of the Section 16 Agreement taking account of the Housing Strategy Officer's comments, the proposal is considered to be acceptable and in accordance with the relevant policies and guidance relating to affordable housing provision.

#### Effects Upon Visual Amenity

A number of nearby residents have expressed the opinion that the three storey units are not appropriate to the site. The Council's Conservation and Design Officer shares this view and has commented that "the immediate townscape is still largely defined by the historic weavers terraced houses (long rows of identical two/three storey units on Whalley Road), the domestically scaled listed properties at Littlemoor and Primrose Mill (low lying in views because of topography). The scale and mass of the proposed building will result in a development which is incongruous in the immediate street scene as well as ill fitting in the wider context of Clitheroe. With the exception of some mills, Clitheroe's town centre (like most historic market towns) has been the location for buildings of this scale". The Conservation and Design Officer also comments that paragraph 69 of PPS3 requires developments to achieve a high quality of design, even when there is not a five year supply of deliverable sites.

In the Design and Access Statement submitted with the application, the agents say that the site is situated at the point where the character of Whalley Road changes from large detached houses, to higher density terraced houses and semi-detached dwellings; and that the proposal

draws from the long elevations of the terraces and uses the topography of the site to its advantage. It is stated that the long elevations of the existing terraced houses on Whalley Road have influenced the elevations and massing of the apartment block facing Whalley Road.

I also consider it important to compare this (outline) application to the scheme for which permission was refused only because, at the time of its consideration, the housing moratorium was in place. That scheme involved apartment blocks facing Whalley Road and Littlemoor that were both 3 storeys high, with maximum heights of 12m. The applicants have submitted an illustrative street scene drawing of the Whalley Road frontage that shows the current proposal overlaid on the outline of the apartment blocks in application 3/2003/0595/P. This shows the eaves and ridge heights being very similar in both schemes, but with a much larger gap between the two blocks in the current proposal than in the previous scheme.

The current proposal is in outline with only the scale being considered. In relation to the height of the buildings, and the density of the built development on the site, there is little difference between the illustrative proposal in this application and the scheme in the previous 'full' application that was considered to be acceptable in relation to visual amenity considerations.

I consider therefore that it would be difficult to sustain a reason for refusal of this application based on the scale of the development when a similar height/scale development was considered to be acceptable in the previous proposal by both the Local Planning Authority and an Appeal Inspector.

Subject to conditions restricting the footprint of the development and the eaves/ridge heights of the buildings to what is indicated on the submitted illustrative drawings, I consider the scale of the development to be appropriate for the site and acceptable. Precise design features and external materials to further make the proposal compatible with the locality will be considered at reserved matters application stage.

As originally submitted, the buildings were sited too close to the trees on Whalley Road frontage of the site. Through discussions and negotiations involving the Countryside Officer, however, the buildings have been re-sited so that they are outside the required root protection area of the trees. The trees will therefore be retained and appropriately protected by conditions in order that the visual amenity be protected.

#### Effects Upon the Amenities of Nearby Residents

The separation distances between the two apartment blocks and the nursing home and the dwellings on the opposite sides of Whalley Road and Littlemoor ranges from approximately 26m to approximately 38m. It is considered that these distances are sufficient and that the privacy and general residential amenities of those properties will not be seriously adversely affected by the proposed development.

The property to the east of the site, Holly Lodge, is orientated on its plot so that its rear elevation does not look directly towards the application site. It is considered that the nursing home is sufficiently distant from that property that its amenities will not be severely adversely affected. Matters such as the position of windows in the nursing home and the location of kitchens and the servicing area etc will be considered at reserved matters application stage, when the amenities of Holly Lodge will be fully taken into account. Overall, I consider the proposal to be acceptable with regards to its effects upon the amenities of nearby residents.



## Content of Section 106 Agreement

In the event that Committee is minded to grant outline permission, a Section 106 Agreement will be necessary. In relation to the provision of affordable housing, the content of the Agreement will reflect the submitted draft Agreement subject to the alterations required by the Housing Strategy Officer, as detailed previously in the report.

In relation to financial contributions, the Committee's decision is required in relation to the County Council request for £22,000 towards bus stop improvements.

In relation to waste management, the County Council has requested a contribution of £15,360. This request is in accordance with the County Council Policy Paper on Planning Obligations in Lancashire which has not been formally adopted by the Council. A report presented to Planning and Development Committee on 18 December 2008 identified priorities for this Council when seeking contributions – namely, affordable housing, transport safety, open space and education. It is not therefore proposed to include the request for the contribution towards waste management.

In this case, the County Council has not made any request for a contribution towards education.

## Conclusion

Given the precedent set by the precise nature of the decision in relation to application 3/2003/0595/P, and the current housing situation in the borough, I consider the proposed development to be acceptable in principle. The application seeks approval only for the access (which the County Surveyor considers to be acceptable) and the scale of the development (that is similar to the scale of development in application 3/2003/0595/P). The footprint and height of the buildings shown in the illustrative plans should be conditioned to be maximums in any resultant reserved matters application. Within these limits, the detailed design and external materials of the buildings can be required to reflect the appearance and character of the three storey terraced houses on Whalley Road closer to the town centre. With appropriate care at the reserved matters stage, I consider that the proposal will provide an appropriate and attractive development on this site on one of the main approaches into the town.

## SUMMARY OF REASONS FOR APPROVAL

The proposed access details are satisfactory from the highway safety point of view and the scale of the development is considered to be appropriate for the site and such that it would not have any seriously detrimental effect upon visual amenity or the amenities of nearby residents.

**RECOMMENDATION:** That the application be DEFERRED AND DELEGATED to the Director of Development Services for approval following the satisfactory completion of a Section 106 Agreement and subject to the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
  - (a) the expiration of 3 years from the date of this permission; or

- (b) the expiration of 2 years from final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

2. Detailed plans indicating the design and external appearance of the buildings, landscape and boundary treatment, parking and manoeuvring arrangements of vehicles, including a contoured site plan showing existing features, the proposed slab floor level and road level (called the reserved matters) shall be submitted to and approved by the Local Planning Authority before development commences.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and in order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.

3. This outline planning permission shall be read in conjunction with the Section 106 Agreement dated ...

REASON: For the avoidance of doubt as the application is subject of an agreement.

4. Prior to commencement of development a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of the development and thereafter retained.

REASON: In order to encourage renewable energy and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Development shall not begin until a scheme for surface water drainage and attenuation for the site, based on sustainable drainage principles and assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. Details of the maintenance and management of the scheme after completion shall be included. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan in order to prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure future maintenance of the surface water drainage system.

6. Prior to commencement of development a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings) shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall also provide precise details of all play equipment and its maintenance and indicate a timescale when the play space shall be provided and made available for use. The landscape management plan shall be carried out in accordance with the details so approved.

REASON: In the interests of residential and visual amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. The plans and particulars submitted in accordance with condition 2 above shall include an Arboricultural Method Statement and Tree Protection Plan (including a tree protection monitoring schedule) detailing special mitigation construction issues in accordance with BS5837. The development shall thereafter be carried out in strict accordance with the procedures, working methods and protection measures so identified and approved unless agreed otherwise in writing by the Local Planning Authority.

REASON: In order to ensure that any trees affected by development and included in a Tree Preservation Order/considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse effects of development in accordance with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan.

8. The new estate road/access between the site and Littlemoor 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 comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

9. Prior to commencement of development, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site, the wheel cleaning facilities shall be retained throughout the life of the development.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

10. This permission, insofar as it relates to the improvements to the highway of Littlemoor and the formation of the access into the site from Littlemoor, shall be implemented in accordance with the drawing No 1549-010 REV.D.

REASON: For the avoidance of doubt to clarify which plans are relevant.

11. The submission of reserved matters in respect of layout, appearance and landscaping and implementation of development shall be carried out in accordance with illustrative drawing no's 1549-010 REV.D, 1549-101, 1549-102 REV.B, 1549-105, 1549-106 and 1549-110/P1. In particular, the footprint of the buildings and the ridge and maximum heights of the buildings shall not exceed what is shown on these drawings.

REASON: For the avoidance of doubt to define the scope of this permission.

NOTE(S):

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 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 access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.

2. In consideration of condition 4 on renewables the Council would have some regard to energy efficient measures used on buildings.
3. Any works to the watercourse within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal consent of the Environment Agency under Section 23 of the Land Drainage Act 1991. Culverting other than for access purposes is unlikely to receive consent, without full mitigation of loss of flood storage and habitats.
4. The applicant is advised to pay regard to the advice relating to Sustainable Drainage Systems contained in the letter dated 28 July 2010 from the Environment Agency.
5. The applicant is advised that, in order to secure the necessary highway works, it will be necessary to enter into a formal Section 278 Agreement with Lancashire County Council (Highways).

APPLICATION NO: 3/2010/0751/P (GRID REF: SD 372719 435670)  
OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF 39 DWELLINGS ON  
LAND OFF WHALLEY NEW ROAD, BILLINGTON

PARISH COUNCIL: Objects to the application due to the increased amount of traffic that would be joining an already busy road; and is also worried about the effect of such a large development on the local infrastructure such as schools and doctors.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): Has no objections to this application on highway safety grounds subject to appropriate conditions. The County Surveyor, however, makes a number of comments in explanation and amplification of his expression of 'no objections' as summarised below:

- The sight line to the west of the proposed access takes a very precise line across the trunk of an existing tree. There is some scope to remove extraneous growth from around the trunk, with no detriment to the tree and this could assist in achieving an acceptable sight line.

- The bay to the west of the site (that is presently used by the car sales business on the opposite side of Whalley New Road) is within the applicant's control. The applicant has stated that this use will cease as part of the development. This is essential as this area is within the required sight line.
- The gradients to and from the site are compliant with Lancashire County Council standards.
- There is no objection to the five properties accessing directly on to Whalley Old Road (Painterwood) as the additional vehicular movements involved would have minimal impact on the volume of traffic using this road.
- The gradient, alignment and dimension of the carriageway at the Painterwood/Whalley New Road junction make use of the junction difficult for all motorists. Whilst some traffic management measures have recently been introduced, further measures to benefit highway safety at this location should be funded by the developer as follows:
  1. The remarking of the centre warning lines along Whalley New Road will be required as a result of the junction build-out extension at the entrance to the development.
  2. The introduction of interactive signing on Whalley New Road would reinforce compliance with the 30mph speed limit.
 

There are a relatively small number of turning locations and driveways between Whalley and Billington and the introduction of a new access to this significant residential development will bring a new focus for such movements.
  3. There are no scheduled bus stops within a 250m radius of the site. It would be appropriate to consider improving this provision through the introduction of new stops on Whalley New Road. This could include items such as street furniture and the provision of suitable pedestrian links.
- The construction of the build-out for the advanced give way at the site access and the other physical measures will require a Section 278 Agreement as will the proposed lengths of footway fronting the highway and the drop kerbs opposite.

- In terms of possible highway contributions, the applicant has assessed the Residential Development Accessibility Score for the site to be 24. On this basis, a sum of £1600 was identified for each three bedroomed unit and £2130 for each four bedroomed unit. Therefore, for the 39 properties a highway contribution of £65,050 would be sought.
- Therefore, there are no objections in principle to the development, subject to the highway improvements being introduced as shown on the updated plans and following agreement in respect of the proposed Section 278 works.

LANCASHIRE COUNTY  
COUNCIL PLANNING  
CONTRIBUTIONS:

Consultation response outlines the planning contribution request for Lancashire County Council's Services based on the Policy Paper 'Planning Obligations in Lancashire' as follows:

Transport

The request is for £65,050 as described in the consultation response from the County Surveyor (see above).

Education

Using the LCC planning obligations policy paper, a yield of 0.35 primary and 0.25 secondary pupils per house has been used. Therefore, there is a possible yield of 14 primary and 10 secondary aged pupils.

Primary School Places

There are currently 18 places in the local primary schools, there is a forecast to be a shortage of places in the next five years, even without the impact from this development. As the development would therefore create a further need for additional school places, a contribution from the developer in respect of the full potential yield of this development (ie 14 pupils) will be sought. Using the DCSF cost multiplier (£12,257 x 0.9) x 1.0733 per place = £165,759.

Should the Borough Council be unable to secure this contribution from the developer, the County Council is unable to guarantee that the pupils in this area will be able to secure a school place within a reasonable distance from their home.

Secondary School Places

No contribution is sought because it is calculated that there would be 15 available spaces at the local secondary school (St Augustine's) when the anticipated yield from this development is 10 pupils.

## Waste Management

The County Council makes vital major investments in waste management infrastructure for reasons of environmental protection and sustainability. Also the necessity to secure the County Council's budget position as a waste disposal authority, for investing in an early switch away from land filling, has become all the more apparent, since the recent announcement on the rise in landfill tax in this year's National Budget. Every district in the county is being provided with advanced treatment facilities to treat waste prior to land filling, either directly or via purpose designed transfer stations. Since every new house in

the county has to be provided with this basic service, and the Council has to comply with significant new requirements relating to the management of waste, it is considered that the Council is justified in requesting a contribution towards waste management. Based upon the policy paper methodology for waste management, the request is £18,720.

- ENVIRONMENT AGENCY: Has no objections in principle subject to a condition requiring the submission for approval of a scheme of surface water drainage and attenuation for the site based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The Environment Agency also offers guidance to the developer on issues such as sustainable drainage systems, and advises that Environment Agency Consent would be required for any works involving alterations to a watercourse. As the Environment Agency's letter was copied to the applicants/agents, this can be referred to in an advisory note on the decision notice in the event of planning permission being granted.
- UNITED UTILITIES: Has no objections to the proposal subject to strict adherence to the land drainage details contained in the flood risk assessment submitted with the application.
- LANCASHIRE COUNTY:  
COUNCIL (FOOTPATHS); Comments that Public Footpath no 32 that abuts the site must not be obstructed during the proposed development.
- ADDITIONAL  
REPRESENTATIONS: 13 letters have been received from nearby residents in which concerns and objections are expressed as summarised below:
1. The proposal would increase the use of the already dangerous junction of Painterwood with Whalley New Road. Some terraced houses on Painterwood do not have garages and their occupiers have to park on the road, and there is no footpath on Painterwood. Painterwood is used at rush hour times by people wishing to get from the Clitheroe and Whalley area to Blackburn quickly. Due to restricted parking at Bank

Cottages, some residents have to park on Whalley New Road outside the proposed development. The proposed development does not appear to have sufficient parking which will result in further parking on Whalley Road. For all of these reasons, the proposed development would be detrimental to highway safety.

2. Harm to the privacy of houses in Painterwood and Bank Cottages.
3. This development, when added to other proposed housing developments in the area will result in traffic congestion in Whalley and put a strain on already stretched infrastructure, and will exacerbate existing parking problems in the village.
4. Over-shadowing of Bank Cottages and their rear gardens.
5. The dwellings will not be in keeping with the stone built properties in the area and will therefore be detrimental to the appearance of the locality.
6. The proposal will exacerbate existing drainage and flooding problems in the area. It would appear that water from the development is to be routed into a culvert which runs down the back of Bank Cottages and into a drain down the side of the cottages. This drain is damaged, unmaintained and blocked and already causes flooding to the back of Bank Cottages. We have been informed by the Environment Agency that the hydraulic capacity of the existing culvert cannot accommodate the additional surface water run-off from this proposed development. We have also been told on numerous occasions by the Council that this is private land and that the drain should be maintained by the residents. If this is the case, it would appear that the developers have no right to drain into it. If this drain is used to serve the development, then it should be repaired and maintained by the Council or the developers.
7. The site is in the greenbelt and should not be built upon as suitable brownfield sites should be sought.
8. This development of 39 houses when added to the 17 that are to be built on the adjoining Wilkinson's site would swamp the Painterwood area as these sites are only separated by a public footpath.



9. Policy ENV5 is a saved policy in the Local Plan, and the Local Development Framework is not yet in place. The development should therefore be refused in accordance with Policy ENV5. The site is outside the settlement boundary of Billington but, even if it was inside, it would be too large a development to be considered as “rounding off” and would still therefore be unacceptable.
10. No further permissions should be granted in Ribble Valley for five bedroomed detached houses.
11. There is no need for a development of this size. The only justification is affordable houses, but this is only 30%, and all houses would soon be out of the reach of most locals in need of affordable housing. A housing association development would be more appropriate.
12. Loss of habitat for wildlife.
13. Concerns raised about who will be responsible for hedges on the existing boundaries of the site if the development takes place.
14. If this site, and the adjoining Wilkinson’s site are to be developed, the opportunities should be taken to run a road from Painterwood to Whalley New Road in order to make the hairpin bend junction either one way or totally closed.
15. Noise during construction works and also by the occupiers of the new dwellings and as a result of increased vehicle noise would be detrimental to the amenities of nearby residents especially those living in the cottages on Painterwood that are right on the road edge.

### **Proposal**

This is an outline application for a residential development of 39 dwellings. Approval is sought at this stage only for the means of access into the site.

The proposed means of access comprises an estate road gaining access from Whalley New Road passing between two existing mature trees on the northern boundary of the site. This road would serve 34 of the dwellings with the other five being detached houses with individual accesses, driveways and turning facilities from Painterwood.

An illustrative layout has been submitted which shows that the 39 dwellings comprise six detached, 16 semi detached, and 17 terraced houses. The dwellings would be arranged in four rows following the site contours and matching the general orientation of existing housing in the immediate vicinity.

In total there are four large trees on the site frontage to Whalley New Road, all of which would be retained.

11 of the dwellings (representing 30% of the total) are to be affordable. It is proposed that five units would be made available on a shared ownership basis and the other six on a social rented basis, with the units to be delivered through a housing association.

An area of public open space with an equipped children's play area is proposed within the development.

New tree planting is proposed to help soften views into the site.

The existing public footpath along the eastern boundary of the site is to be retained and it is proposed that a link would be formed from the footpath into the development.

### **Site Location**

The site is just outside the settlement boundary of Billington such that the northern and eastern site boundaries actually follow the line of the settlement boundary. The site is approximately 750m to the south west of the centre of Whalley.

The site comprises approximately 1.5 hectares of grassland that slopes downwards from south (Painterwood) to north (Whalley New Road).

The site is bounded to the north, south and west by hedgerows and to the east by a post and wire fence alongside the public footpath that connects Whalley New Road with Whalley Old Road/Painterwood. Beyond the north and south boundaries of the site are the two roads of Whalley New Road and Painterwood. On the opposite side of Whalley New Road is an area of housing including the terraced houses at Bank Cottages that (together with their gardens) back on to Whalley New Road. On the opposite side of Painterwood, is a ribbon of housing development including a number of post war detached houses. To the east of the site is the Richard Wilkinson and Sons commercial vehicle bodybuilders premises, and an area of grazing land to the rear of terraced houses on the north side of Painterwood. To the west the site is adjoined by open fields.

### **Relevant History**

There is no relevant planning history relating to the application site.

3/2010/0078/P – Proposed redevelopment of the Wilkinsons site to the east of the application site with 17 dwellings. Planning and Development Committee resolved on 20 May 2010 to grant permission subject to a Section 106 Agreement relating to affordable housing and financial contributions. The Section 106 Agreement has not been finalised so the permission has not yet been granted.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy ENV5 - Protected Open Land.

Policy H19 - Affordable Housing - Large Developments and Main Settlements.

Policy H21 - Affordable Housing - Information Needed.  
Policy RT8 - Open Space Provision.  
Policy RT19 - Development Which Prejudices Footpaths.  
Policy T1 - Development Proposals - Transport Implications.  
Policy DP1 'Spatial Principles' - North West of England Regional Spatial Strategy to 2021.  
Policy L4 'Regional Housing Provision' - North West of England Regional Spatial Strategy to 2021.  
Policy L5 'Affordable Housing' - North West of England Regional Spatial Strategy to 2021.  
Policy DP7 'Environmental Quality' - North West of England Regional Spatial Strategy to 2021.  
Affordable Housing Memorandum of Understanding.  
PPS1 Delivering Sustainable Development.  
PPS3 Housing.

### **Environmental, AONB, Human Rights and Other Issues**

Matters for consideration in the determination of this application are the principle of development; affordable housing; highways access and accessibility; impact upon the landscape/trees/visual amenity; public open space; neighbour amenity/noise; flood risk and drainage, which will each be discussed below under appropriate sub headings.

#### Establishing whether the principle of residential development is acceptable on this site/Prematurity/Applicability of RSS Housing Figures

The policy basis against which this scheme should be appraised is set out in the context of National, Regional and Local Development Plan policies.

At National level, Planning Policy Statement 3 – Housing confirms that Local Planning Authorities must identify a 5 year housing land supply and where they cannot, residential developments should be favourably considered taking account of policies in PPS3 and in particular paragraph 69 which specifically refers to:

- achieving high quality housing;
- ensuring a good mix of housing;
- the suitability of the site for housing;
- using land effectively and efficiently;
- ensuring the proposal is in line with planning for housing objectives;

Notwithstanding the outcome of the recent High Court ruling against the Secretary of State, the Council in accord with Government Guidance determined to continue to apply the Regional Strategy housing requirements for the purpose of determining a 5-year land supply. The housing requirement for the borough is established in the Regional Plan that has recently been confirmed as being extant which the Council must have regard to.

Recent monitoring demonstrates that the Council is unable to identify a 5-year supply, and consequently the provisions of PPS3 are applicable until the point at which a 5-year supply is available. We currently have 3 years supply measured against our requirements.

To help to determine the suitability of any site against the requirements of PPS3, it necessary to refer to the saved policies of the Districtwide Local Plan. As previously stated, this site is outside, but immediately adjoins, the settlement boundary of Billington. It is designated by

Policy ENV5 of the Local Plan (along with one other area of land in Wilpshire) as “open land”. That policy states that “until such time as those areas defined on the proposals map as open land at Billington and Wilpshire may be allocated for development in a review of, or alteration to this plan, planning permission will be refused for the erection of new buildings other than for the purposes of agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries or other uses appropriate to a rural area”.

In the supporting text it is stated that the policy is intended to protect open land, which is not subject to other protected designations (which are expected to last beyond the plan period) from inappropriate developments; that the policy acknowledges that there may be a need for further land release after the plan period, that seeks to secure boundaries that can endure in the long term; and that sufficient land is allocated in the plan for development needs up until 2006, and that consequently this land can be protected from development.

We are now, of course, well beyond the plan period, and circumstances and policies have changed, as described above. As there is no replacement plan yet in place, and the Council does not have an identified five year supply of deliverable sites, the proposal must be considered favourably subject to compliance with the criteria in paragraph 69 of PPS3.

With regards to those criteria, it must be remembered that this is an outline application with many detailed considerations to be made at reserved matters application stage. However, it is considered that the general layout of the scheme (as shown on the illustrative layout drawing) is such that the development will integrate well with the locality. The site is accessible to public transport and is within cycling and walking distance of the range of services in Whalley, including the railway station.

Policy G2 of the Local Plan states that developments will be mainly directed towards land within the boundaries of the main settlements of Wilpshire, Clitheroe, Billington, Longridge and Whalley. As this site immediately adjoins the settlement boundary of Billington, and in the policy circumstances described above, it is considered that the scale and general location of the site is in accordance with the overall settlement strategy as outlined in the local plan.

It is considered that, although this is a green field site, it is recognised both nationally and locally that not all development can be accommodated on brownfield sites. The proposed density of 25 dwellings per hectare is considered to be appropriate for the site characteristics and the locality; and is similar to the density of the proposed development on the adjoining site to the east.

The proposal would provide a mix of housing types and tenures and would deliver 30% affordable housing in line with the Council’s general housing objectives.

Overall, within the current national and local policy context, a housing development on this site is considered to be acceptable in principle.

### Affordable Housing

Whilst generally considered to be acceptable in principle, it is still necessary for any development on this site to satisfy the Council’s affordable housing requirements before even outline planning permission can be granted.

Saved policy H19 of the Local Plan states that the Council will promote the provision of affordable housing, and that in the main settlements this will be achieved by negotiating for the

inclusion of a proportion of affordable housing in all new planning permissions for suitable sites. Saved policy H21 requires details to be submitted with applications of who the accommodation will be expected to accommodate, including a full survey of the extent of the need including details of persons who have expressed an interest in the properties, and how the cost of the accommodation can be matched to those target groups. Details are also required of the methods by which the accommodation will be sold or let, managed and retained for its original purpose.

The evidence of the need is usually provided by a Housing Needs Survey. Such a survey for Billington and Langho published in 2006 indicated a need for 150 affordable units in the survey area, over a period of five years. This included 113 houses, 23 flats, 11 bungalows and 3 sheltered houses/bungalows. Since that survey was carried out, Great Places Housing Association have provided 45 affordable units at Petre Wood, and the Council has resolved that it is minded to grant permission for a further 24 units on land adjoining the Petre Wood site (following a completion of an appropriate Section 106 Agreement). This would suggest an unmet need for 81 units in the area. The Survey, however, is a number of years old. To address this, the applicant's agent has therefore submitted an "Affordable Housing Supplementary Statement" that includes the evidence base for the proposed affordable houses.

In this Supplementary Statement reference is made to the Strategic Housing Market Assessment (SHMA) adopted in 2008 which, amongst other things, identified a significant demand for social rented housing in Ribble Valley, with severe pressure on the available stock. Most households expressed a preference for houses or for two bedroomed units. In short, the SHMA points to a need to increase the supply of market housing and to provide more affordable housing.

Reference is also made to the latest published Annual Monitoring Report (AMR) December 2009 that highlights the difficulty for many households in Ribble Valley to afford to purchase a property in the current market; and confirms that affordable and appropriate housing is a major issue for the district and the provision of affordable housing is one of the highest priorities of the Council.

Finally, reference is made to the Council's November 2010 Housing Waiting List that shows 101 on the general housing needs list for Billington; with all the demand for houses, comprising 22 for one bed units, 46 for two bed units, 30 for three bed units and 3 for four bed units. There are 155 shown on the list for the adjoining settlement of Whalley. In summary, the agents consider there to be a continuing and unmet need for affordable housing in the area.

The illustrative layout plans submitted with the application shows 39 dwelling (6 detached, 16 semi detached and 17 terraced houses, with 11 affordable dwellings). It is proposed that 5 units would be made available on a shared ownership basis and the other 6 units on a social rented basis. The affordable dwellings are shown at plots 1-11 and are contained in three short terraces of three properties and a pair of semi detached houses. The grouped arrangement of the affordable housing units is to satisfy the management requirements of the Housing Association. The affordable dwellings represent 30% of the total site yield, to comply with the relevant policies. Each unit would have three bedrooms and have a floor space of approximately 85m<sup>2</sup> to meet the appropriate Homes and Community Agency standards.

The units would be delivered through a Housing Association with Great Places Housing Association being the applicant's preferred partner. The scheme has been worked up in close cooperation with officers from Great Places. The agents have stated that, if the Council

requires a Section 106 Agreement to secure delivery, then the heads of the Agreement would be as follows:

- Affordable units – to be defined as set out above.
- Nomination rights – rental units would be allocated by 100% nomination rights on first let to an approved person, nominated by the Council. Subsequent lets to be on the basis of 50% nomination rights by the Council and 50% by the Housing Association.
- Shared ownership occupancy – shared ownership leases shall only be granted to an approved person who will occupy the property as their permanent residence. The minimum share to be purchased shall be 30% with the option of to purchase additional shares in units of 10% thus providing for “staircasing” of ownership.
- Perpetuity – all rental units shall remain social rented units in perpetuity and all shared ownership leases shall be restricted as detailed above in perpetuity.
- Approved persons – a person approved by the Council and/or the Housing Association to rent or purchase on a shared ownership basis the affordable units be provided and who meets eligibility criteria relating to a housing need requirement and can demonstrate that they do not have the finance/income to purchase or rent suitable accommodation on the open market and have a local connection (eg are living in the parish of Billington and Langho or working in the parish of Billington and Langho or are a past resident or moving to the parish of Billington and Langho to provide or receive support from a close family member living in the parish of Billington and Langho) provided that, in the event of being able to rent/sell the property to an approved person having a connection with the Parish of Billington and Langho after three weeks marketing, the definition of an approved person having a local connection would be widened to adjoining parishes, provided that in the event of being unable to rent/sell the property to an approved person having a connection to the adjoining parishes of Billington and Langho after three weeks marketing the definition of an approved person having a local connection would be widened to Ribble Valley.
- Reserved rights – the Housing Association, in the event of being unable to dispose of any affordable units to an approved person after a period of three months marketing, or a mortgagee in possession would reserve the right to dispose of a property to a person other than an approved person.

The Council’s Housing Strategy Officer has commented that she has been involved with this proposed development since last year, and is confident that the proposal meets housing needs, and the affordable units proposed are appropriate in terms of tenure and type for Billington. She says that she has discussed the heads of terms of the Section 106 Agreement with both the applicant’s agent and the Great Places Development Manager, and that both parties are in agreement with their contents.

Overall, in the absence of an up to date Housing Needs Survey for the locality, I consider that the applicant’s agent has drawn upon the available evidence to prove the need for the affordable dwellings comprised within the proposed development. The proposal is therefore in accordance with the requirements of all the relevant Policies and Guidance relating to affordable housing provision.

### Highways, Access and Accessibility

As already stated, it is considered that the site is in a sustainable location relatively close to all of the services in Whalley and on a bus route with a regular service.

With regards to more detailed highway related details, the County Surveyor has commented that he has no objections in principle to the application subject to appropriate conditions and traffic management measures to be funded by the applicant (amounting to a request for a financial contribution of around £65,000).

In the event of planning permission being granted, appropriate conditions would be imposed and the required financial contribution will be included within a Section 106 Agreement.

### Impact Upon the Landscape/Trees/Visual Amenity

As a development of houses on a sloping Greenfield site, it cannot be denied that this proposal will have an impact upon the landscape. However, I consider it important to note that, whilst the adjoining land to the south and west is Green Belt, the application site was omitted from the Green Belt and covered instead by Policy ENV5 as described earlier in this report. I consider that this designation was a recognition of the fact that, at some time in the future, this land would be appropriate for development because, unlike the adjoining Green Belt land, it is adjoined to the north and south by existing residential development and to the east by a commercial site (that is also now considered to be appropriate for residential redevelopment).

I therefore consider that, whilst the development would be visible from many viewpoints, both near and distant (subject to appropriate care at reserved matters application stage with design and external materials) it would be viewed within the context of other built development. Views of the development would also be “filtered” by trees and hedges, especially the mature trees on the site frontage to Whalley New Road that are to be retained and protected.

The Council's Countryside Officer was initially concerned about the effect on the trees of the new access road in the position shown on the originally submitted plans. Through the involvement of the Countryside Officer, the position of the access and its width have been amended on plans received on 7 December 2010 such that, in respect of its effects on the trees, it is now considered to be acceptable.

Overall, within the current policy context, I do not consider that the development would be visually intrusive or that it would be an inappropriate element in the wider landscape. Rather, I consider that it would result in the provision of 39 dwellings (including 11 affordable units) in a manner that would be in keeping with the existing pattern of development in the locality.

### Impact Upon Residential Amenity/Noise

The effects of the proposed development on three groups of existing dwellings needs to be considered. There are three large detached houses to the south of the site on the opposite side of Painterwood. These dwellings are set well back from their road frontage, and their ground floor levels are approximately 5m higher than the level of the southern boundary of application site. The five proposed dwellings that are accessed directly onto Painterwood would be approximately 35m away from these existing dwellings, and on approximately 5m lower ground. Following the public consultation exercise carried out by the applicants, these dwellings have also been reduced in height to be one storey (with rooms in the roofspace) when viewed from

Painterwood. Given the separation distances and relative ground levels, I do not consider that the proposed dwellings would have any detrimental effects upon the privacy or amenities of the occupiers of the detached houses on the south side of Painterwood.

The backs of the terrace of properties at Bank Cottages face the northern boundary of the application site. These houses are set well away from Whalley New Road, but they are at a lower ground level. The proposed 12 houses that would face Whalley New Road would be approximately 70m away from those existing terraced houses. That separation distance is well in excess of the normally accepted distance (21m on a level site). There are also mature trees that are to be retained between the existing and proposed dwellings. Notwithstanding that the proposed dwellings would be on higher ground than the existing, I consider that, due to the large separation distance and the screening effect of the trees, the proposal would not have any seriously detrimental effects upon the amenities of Bank Cottages.

There are two end terrace properties on Painterwood to the east of this site (no's 32 and 49, neither of which directly face the site, with both having angled views across the site. One of these properties has a ground floor window in its gable end elevation, whilst the other has no gable end windows or doors. Given these circumstances and the separation distance to the nearest proposed dwelling of approximately 40m, I do not consider that the amenities of the occupiers of those two dwellings would be seriously harmed by the proposed development.

The indicative layout submitted with this application is also such that there would be more than adequate separation distances to the dwellings shown on the submitted plans of the application for development of 17 houses on the Wilkinson's site to the east of the application site.

Reference has been made in a number of the letters of objection to noise nuisance during construction works and by the future occupiers of the proposed dwellings and their vehicles. Noise during construction works could not be cited as a reason for refusal of the application. Due to the separation distances outlined above, I do not consider that the future occupiers of the proposed dwellings would cause any serious noise nuisance to any existing nearby residents. The noise of additional vehicles passing close (in particular) to the terraced houses on Painterwood that are sited close to the road, is also mentioned in some of the third party representations. The only additional vehicles as a result of the development that would pass those particular existing houses would be the five dwellings that are to gain access directly from Painterwood. I do not consider that the traffic noise generated by those five houses would be sufficient to represent a sustainable reason for refusal of the application.

Overall, I consider the proposal to be acceptable with regards to its effects upon the amenities of adjoining existing and the proposed dwellings.

### Flood Risk and Drainage

A number of residents of Bank Cottages have expressed concerns about the development potentially exacerbating existing drainage and flooding problems. This potential problem is something that the applicants recognised as an issue. A comprehensive Flood Risk Assessment (FRA) was therefore submitted with the application. This has been considered by the Environment Agency and United Utilities are neither body has raised any objections to the application. Rather, they recommend conditions to ensure that the surface water drainage scheme and appropriate attenuation measures are agreed prior to the commencement of development. In the event of planning permission being granted, such conditions would be imposed.



## Public Open Space

Policy RT8 of the Districtwide Local Plan requires residential sites over 1 hectare to provide adequate and usable public open space. The supporting text notes that community open space within new residential areas provides a useful, informal recreation facility for residents of the neighbourhood and a particular requirement will be the provision of children's play areas.

The indicative layout put forward in this outline application shows a centrally located area of public open space adjacent to the public footpath that would be provided with an equipped children's play area. Additionally, an area of amenity open space is shown alongside the trees close to the Whalley New Road frontage of the site. Whilst Policy RT8 does not set specific quotas for establishing the level of provision, I am satisfied that the details submitted would accord with its requirement for adequate and usable space. As it would not be the intention of the Council to take on any management/maintenance responsibilities for these areas, a management/maintenance regime will need to be arranged. This would need to be covered by an appropriate condition in the event of outline planning permission being granted.

## Infrastructure and Phasing

It must be remembered that this is an outline application and there is still, therefore, a lot of detailed design work to be carried out on the proposal. The applicant's agent, however, has stated that this is a relatively small scale proposal relative to a number of planning applications presently being considered by the Council and that, as such, the scale of the structure requirements and impacts are far less. He comments that their site investigations and technical reports indicate there to be no infrastructure requirements that cannot be satisfied. For instance, the Transport Assessment shows there to be no highway capacity issues (as confirmed by Lancashire County Council) and that all services are available in the locality. Having regard to the submitted Drainage and Flood Risk assessment the Environment Agency has confirmed that it has no objections to the proposal subject to the usual requirement for a detailed drainage scheme to be submitted for approval, and the applicant is fully committed to the delivery of affordable housing as part of the development and in accordance with the Council's policies.

With regards to the phasing of this relatively small development, the agent has stated that he would expect there to be a lead in time from the grant of planning permission to the commencement of development of 18 months and a further 18 months for the development phase.

## Renewable Energy

Whilst this is an application made in outline, it is important to set out at this stage that the Local Planning Authority will be seeking a commitment towards renewable energy in line with Central Government Guidance offered in PPS1. Therefore, in the event that outline permission is to be granted, it is suggested that a condition be imposed requiring the developer to submit a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods.

## Section 106 Agreement Content

Although a draft Section 106 Agreement has not been submitted with this outline application, a comprehensive Affordable Housing Supplementary Statement has been submitted by the

applicant's agent. This details the evidence base for the proposed affordable housing and also gives heads of terms for this particular element of a Section 106 Agreement, as stated in full previously in this report under the sub heading "Affordable Housing". The affordable housing content of the Section 106 Agreement shall therefore be in accordance with those previously stated heads of terms.

In addition, the Section 106 Agreement will require financial contributions from the developer of £65,000 for transport and £165,000 for education towards primary school places. This is in accordance with the request from the County Council's Contributions Officer.

Members will note that £18,720 has also been requested by the County Council in respect of waste management. This contribution is in accordance with the County Council's Policy Paper on Planning Obligations in Lancashire which has not been formally adopted by this Council. A report presented to Planning and Development Committee on 18 December 2008 identified priorities for this Council when seeking contributions – namely affordable housing, transport safety, open space and education. However, in accordance with that report it is therefore not proposed to request the contribution towards waste management in this particular case.

### Conclusion

In the current policy situation (ie with the lack of an identified five year housing land supply) the development of this site for housing is considered to be acceptable in principle. Subject to an appropriate Section 106 Agreement as described above; appropriate conditions; and due care with the relevant details at Reserved Matters application stage, it is further considered that the development would also satisfy the more detailed development control criteria regarding visual amenity, residential amenity and highway safety.

I therefore recommend accordingly.

### SUMMARY OF REASONS FOR APPROVAL

The proposed housing development is acceptable in principle and would have no seriously detrimental impact upon visual amenity, nearby residential amenity or highway safety.

**RECOMMENDATION:** the application be DEFERRED AND DELEGATE to the Director of Development Services for approval following the satisfactory completion of a Section 106 Agreement (in the terms detailed above in this report) and subject to the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
  - (a) the expiration of 3 years from the date of this permission; or
  - (b) the expiration of 2 years from final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.

**REASON:** In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

2. Detailed plans indicating the design and external appearance of the buildings, landscape and boundary treatment, parking and manoeuvring arrangements of vehicles, including a contoured site plan showing existing features, the proposed slab floor level and road level (called the reserved matters) shall be submitted to and approved by the Local Planning Authority before development commences.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and in order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.

3. This outline planning permission shall be read in conjunction with the Section 106 Agreement dated ...

REASON: For the avoidance of doubt as the application is subject of an Agreement.

4. Prior to commencement of development a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of the development and thereafter retained.

REASON: In order to encourage renewable energy and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Development shall not begin until a scheme for surface water drainage and attenuation for the site, based on sustainable drainage principles and assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. Details of the maintenance and management of the scheme after completion shall be included. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The drainage details and their subsequent implementation and operation shall fully accord with the contents of the Flood Risk Assessment dated June 2010 that was submitted with the application.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan in order to prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure future maintenance of the surface water drainage system.

6. Prior to commencement of development a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings) including the play area shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall also provide precise details of all play equipment and its maintenance and indicate a timescale when the play space shall be provided and made available for use. The landscape management plan shall be carried out in accordance with the details so approved.

REASON: In the interests of residential and visual amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. The plans and particulars submitted in accordance with condition 2 above shall include an Arboricultural Method Statement and Tree Protection Plan (including a tree protection monitoring schedule) detailing special mitigation construction issues in accordance with BS5837. The development shall thereafter be carried out in strict accordance with the procedures, working methods and protection measures so identified and approved unless agreed otherwise in writing by the Local Planning Authority.

REASON: In order to ensure that any trees affected by development and included in a Tree Preservation Order/considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse effects of development in accordance with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan.

8. The new estate road/access between the site and Whalley New 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 comply with Policies G1, T1, T2 and T3 of the Ribble Valley Districtwide Local Plan and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

9. Prior to the commencement of construction works, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site, the wheel cleaning facilities to be retained throughout the life of development works.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

10. This permission, insofar as it relates to matters of access to the site from Whalley New Road shall be implemented in accordance with the proposal as detailed in drawing No T1269/02 dated 6 December 2010 submitted as part of the Transport Assessment. The visibility splays shown on that drawing shall be provided prior to the first occupation of any dwelling on the site and shall, thereafter, be retained in perpetuity.

REASON: For the avoidance of doubt to clarify which plans are relevant.

11. The submission of reserved matters in respect of layout, scale, appearance and landscaping and implementation of development shall be carried out in substantial accordance with the Design and Access Statement submitted with the application.

REASON: For the avoidance of doubt to define the scope of this permission.

NOTE(S):

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 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 access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area

Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.

2. In consideration of condition 4 on renewables the Council would have some regard to energy efficient measures used on buildings.
3. The applicant is advised to pay regard to the advice relating to Sustainable Drainage systems contained in the letter dated 1 October 2010 from the Environment Agency.
4. Public footpath No 32 that abuts the site shall not be obstructed, closed or diverted during the proposed development.

APPLICATION NO: 3/2010/0820/P (GRID REF: SD 373171 436 695)  
PROPOSED OUTLINE APPLICATION FOR A MAXIMUM OF 80 RESIDENTIAL UNITS AT  
LAND OFF RIDDINGS LANE, WITH ACCESS FROM HAYHURST ROAD, WITH ALL OTHER  
MATTERS RESERVED AT LAND TO THE NORTH OF RIDDINGS LANE, WHALLEY

PARISH COUNCIL: Object to the application. Members are referred to the file for full details of their objections which can be summarised as follows:

1. The Parish Council is opposed to any residential development in Whalley without resolution of issues with the infrastructure of the village.
2. The application is premature and opportunistic before the strategic development framework has been prepared following consultation.
3. The application refers to the Core Strategy Document and SHLAA and identifies the site as part of a larger area owned by the applicant which could accommodate up to 483 properties. The ecological assessment refers to Phase I and thus this appears to be part of an incremental approach to development. It is unreasonable to tolerate piecemeal development of this type without the developer being responsible at the outset for addressing the total infrastructure needs of the whole site.
4. Concerns regarding the access to the site which is on a blind bend, at the bottom of a steep slope and located adjacent to existing driveways.
5. Concerns over the Hayhurst Road, Clitheroe Road access with queuing traffic from the development and reference to existing problems at the junction where there is a bus stop.

6. Traffic in the centre of the village is already an issue without further housing development as illustrated by recent problems for fire services and ambulances on King Street.
7. The application contemplates Wiswell Lane as a major through route and there are already problems with this where it meets the A671.
8. Drainage – the existing system is inadequate for current demands.
9. Education – already primary school children are leaving the village and secondary school students from Whalley are leaving Ribble Valley for their education as there are insufficient places. Therefore if permission were to be granted there would need to be a full and proper consultation with all interested parties and bodies to ensure that there is either adequate provision or adequate contribution to provide permanently for the education of the children associated with the full development.
10. Housing types – housing should be subject to requirements that it be kept affordable and for people with a connection to the village. However, even this type of development should not be allowed without prior work to the infrastructure.
11. Consultation – this has demonstrated that the development is not wanted by the people of Whalley.
12. A housing needs survey will be carried out in the village in the next 2 months and any development should not proceed until this local input can be analysed.
13. Environment – even though this site was within the settlement depicted in the last Local Plan it should be noted that it is greenfield and home to various species of flora and fauna.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

I have no objection in principle on highway safety grounds to this proposed means of access to the development site.

The application proposes that access to a site for 80 dwellings be achieved from Hayhurst Road, Whalley. This road presently serves just over 50 properties and the proposed development suggests an immediate 160 potential increase in the level of vehicular activity on this road and at its junction with Clitheroe Road.

LANCASHIRE COUNTY  
COUNCIL PLANNING  
CONTRIBUTIONS:

The layout of the proposed access satisfies my immediate demands in terms of the visibility splay with a minimum of 2.4m x 50m to the north and 2.4m x 70m to the east and the specifications regarding road width, junction radii and construction materials.

There is the potential for on street parking along Hayhurst Road as there are no existing Traffic Regulation Orders prohibiting waiting. I would recommend a condition to any future consent that junction protection measures are introduced in the immediate vicinity of the Clitheroe Road junction to maintain safe ingress and egress.

In addition, I would recommend the introduction of additional highway safety measures to encourage compliance with the 30mph speed limit. This could include signs (possibly interactive) and road markings, but is unlikely to involve significant engineering works.

Members are referred to the file for full details of this response but the following contributions are sought.

Transport

There is likely to be a contribution request for sustainable transport measures. This, however, has not yet been determined.

Education

There is a possible yield of 28 primary and 20 secondary aged pupils.

Primary – whilst there are a very small number of spare places in the three local schools at the time of the application, there are a number of other housing developments which have recently been approved or brought forward which would impact upon the places available in this area. Therefore we will be making a claim for the full pupil yield of this development ie 28 places. Using the DCSF cost multiplier, this equates to £331,517.

Please note that if LCC is unable to secure this contribution, we would be unable to guarantee that pupils in this area would be able to access a school place within a reasonable distance from their home.

Secondary School Places – there are forecast to be 143 places available in 5 years without the pupil yield of developments which have recently been brought forward or approved. However the potential impact of these is likely to be around 78 pupils and thus we would not be seeking contribution for secondary places in this instance.

### Waste Management

The County Council makes vital major investments in waste management infrastructure for reasons of environmental protection and sustainability. Every District is being provided with advanced treatment facilities to treat waste prior to land filling, either direct or via purpose-designed transfer stations.

Since each and every new house, wherever it is in the County, has to be provided with this basic service and the Council has to comply with significant new requirements relating to the management of waste, it is considered that the Council is justified in requesting a contribution towards waste management. Based upon the policy paper methodology for waste management, the request is £38,400.

### To summarise:

Transport yet to be determined.

Education £331,517.

Waste management £38,400.

LANCASHIRE COUNTY  
COUNCIL (ARCHAEOLOGY):

No archaeological comments to make.

ENVIRONMENT AGENCY:

Have no objection in principle to the development subject to the imposition of conditions.

UNITED UTILITIES:

Have no objections provided that the drainage details submitted as part of the flood risk assessment are rigidly adhered to.

ENGLISH HERITAGE:

Have considered the information and do not wish to offer any comments on this occasion.

NATURAL ENGLAND:

Have no objection but request that should the Council be minded to approve the application, implementation of the mitigation recommendations as detailed in the ecological assessment and submission of details of landscaping and appearance are appropriately conditioned.

ADDITIONAL  
REPRESENTATIONS:

187 letters of objection have been received. Members are referred to the file for full details which can be summarised as follows:



1. The application is premature until the Core Strategy 2010 has been finalised. If the application carries on in parallel the RVBC planning officers and elected members are not representing the views of the residents of Ribble Valley and as such are negligent in the execution of their duties.
2. The Co-op have manipulated the intended use of the Core Strategy to imply that RVBC have encouraged them to apply – surely this cannot be the case until the Core Strategy is ratified. In arguing the land has been identified under the SHLAA process they are clearly usurping the Core Strategy process which requires robust consideration of new development across Ribble Valley.
3. A concern that applications are approved by Councillors who do not live in the Whalley area nor represent it.
4. The Co-op have misinterpreted the findings of their consultation suggesting they have taken the feelings of local residents into consideration by changing certain aspects. This was not the case and they conveniently overlooked the overwhelming opposition to their plan.
5. Maladministration – the Council and its officers have acted in their self-interest in that additional homes will offset impending cuts in council funding from Central Government.
6. With public spending cutbacks do you believe infrastructure improvements are likely?
7. The abolition of RSS means the Council is free to decide its own figure and is no longer driven by a top down figure.
8. Whalley has been over developed in recent years. One fifth of all new houses built in Ribble Valley since 1998 have been in Whalley – it is time for other villages to have their fair share of new build.
9. The Government have announced that planning decisions should be made locally. The village of Whalley has voiced its opinions clearly (Co-op, Core Strategy Survey and residents' meeting). The conclusion is to refuse permission.
10. Whalley is not in need of regeneration unlike Clitheroe and Longridge which both have well established

industrial estates and town centres that are blighted with empty shops and charity shops. Whalley has none of these catering mainly for tourism and existing local needs.

11. The village is regarded as a service centre. Most of its shops are beauty salons, hairdressers and up market clothing that tend to cater to visitors more than villagers. The shops are not big enough to cope with more trade.
12. There are no employment opportunities in Whalley so vehicular traffic will increase as people commute.
13. Whalley is a village renowned for its beauty and any increase in population will only cause a downturn in its popularity for visitors because of congestion and destroy the tourism element of Whalley's economy. It would thus rapidly become a town with the same kind of problems, depravation and anti social behaviour as Burnley, Nelson and Accrington.
14. Whalley is a conservation area and the Council has a responsibility to respect and nurture the environment and green fields.
15. If this development is allowed other developers will jump on the bandwagon with further planning applications for sprawling housing estates.
16. There are properties for sale in Whalley in the immediate vicinity that have been on the market for 12+ months. If the village is so desperate for houses why are the present ones not selling?
17. There are some 500 permissions awaiting development/completion across the Ribble Valley which need to be taken into account in relation to housing requirements.
18. The stated housing need of 161 per year and 1500 over 15 years is based on 2004 figures and a new housing needs survey is due to commence to identify what housing is actually required in Whalley.
19. Continued house building in Whalley is disproportionate given its size.
20. The Housing Needs Survey in use at present is out of date and therefore not relevant.

21. No details are submitted to meet the requirements of Policy H21 regarding affordable housing.
22. Affordable housing should be sited in Clitheroe and other highly populated areas of the Ribble Valley such as Langho, Mellor, Ramsgreave, Wilpshire and Longridge where infrastructure is adequate.
23. People who need social/affordable housing need transport links, services, education and job prospects and Whalley certainly doesn't bode well in these areas.
24. There is no demand for new housing from within the village apart from affordable housing.
25. Low cost housing would be more appropriately sited further along Clitheroe Road at the edge of the village towards Barrow.
26. Buildings should be directed towards Brownfield sites as such sites continue to become available.
27. Whalley should stay a village and not become a town.
28. How is building on greenfield land in a beautiful village compatible with Ribble Valley Borough Council's aim of promoting the well being of the Ribble Valley consistent with the rural nature of the area?
29. Rounding off development refers to land not involving visually important green wedges. Proposals on land in excess of one hectare would not normally be considered. This is an important green wedge visible from the railway, by pass and Riddings Lane and is in excess of one hectare.
30. Will there be more developments to follow? The plans show a gap on the site and include a green corridor which would make access to further development an option – their site can accommodate over 400 houses, if the current development is allowed does it mean the rest of the land will follow?
31. The development site is dairy agricultural land and RVBC policy is to safeguard the best and most versatile agricultural land. The priority should be to retain this as a working farm.
32. The land has for many years been in recreational use and should be formally designated as a village green.

33. The field contains important wildlife habitat and it is the Council's policy to safeguard such areas not destroy them. A request for evidence that an Environmental Impact Assessment has been completed with a full habitat survey carried out at the correct time of year as questions are raised over the quality of the Assessment submitted and lack of reference to great crested newts.
34. Concern over impact on school provision as the primary school is at capacity and secondary schools are oversubscribed. There are no plans to expand the school or build another so will children be bussed out to surrounding schools?
35. How would financial contributions towards education and transport be channelled into creating space at the school or on the roads.
36. What happened to the school promised at Calderstones?
37. The Medical Centre is over capacity and will struggle to serve any further increase in population.
38. Concerns over traffic and the robustness of the Traffic Survey submitted in terms of its assessment of the impact of the development and suitability/safety of the access into the development site. There would be issues in trying to restrict parking at the entrance to Hayhurst Road due to part ownership of the causeway by local residents.
39. Concerns over the ability of dentists to cope with increased population.
40. There were inadequate provisions made for the resultant traffic congestion from the Calderstones development.
41. Risk to health through increased pollution on roads.
42. Emergency services find it difficult to get through the village due to traffic congestion.
43. An increase in traffic will have a knock on effect on pedestrian safety – walking into the village and crossing roads is problematic at the moment without an influx of more dwellings and resultant traffic.

44. Concerns over parking provision. A long-term car park should be provided and all streets/thoroughfares within the village made short term parking only. This car park should be provided before the building of new houses commences.
45. More houses would overload the pharmacy services.
46. The proposed site entrance on Hayhurst has an established and visually attractive screen of trees and hedgerows which break up the line of houses and mask the views of the gritting depot and Sidings. These should be retained for visual amenity and their loss could affect bat roost potential and breeding birds.
47. Children play and cycle around the access to the site and the green space adjacent to Hayhurst Road and any increase in traffic would pose a danger to them. There is no replication of these facilities on the development proposed.
48. The development is of high intensity compact dwellings and totally unsympathetic to existing land uses in terms of size, intensity and nature. The proposal to locate 2.5 storey properties close to the entrance of the site is totally out of keeping. There are no 2.5 storey properties in the area.
49. The drainage is completely inadequate and water pressure is already low in parts of Whalley due to other developments.
50. Increased risk of surface flooding by reducing the natural drainage of the land. Whalley is already affected by flooding and taking away green fields will exacerbate this.
51. The nature of Hayhurst Road will change from a sleepy residential street to that of a busy highway.
52. There are big water pipes through this part of the village – have these been considered?
53. A belief that the fields are on the course of the ancient pipe watercourse bringing Bramley Meade spring water to the canals of Whalley Abbey.
54. The site is crossed by a causeway which leads to the remains of the former Whalley Brickworks, a site which is itself of historic importance and interest.

55. Is the area archaeologically sensitive?
56. Resiting of the large electricity pylon in the field is unsatisfactory.
57. The presence of clay on the proposed site would require pile driven foundations which would cause considerable noise nuisance to residents over a prolonged period whilst construction takes place.
58. The Council should not have accepted an outline application without inclusion of layout and scale – the applicants will sell to a developer who will substitute a significantly different layout and neighbours will be told it is too late to object.
59. No topographical survey or details of proposed levels.
60. Question findings of noise survey.
61. No provision for visitor parking.
62. 80 houses means potentially 160 more cars.
63. Question height of development as Design and Access Statement says 2.5 storeys but elsewhere its say height of 12m.
64. Where is the affordable housing to go? The Co-op have not detailed any particular type of housing on the site.
65. The noise screen adjacent to the gritting depot would be of questionable benefit and unsightly at a height of 3m.
66. Question height of new tree planting.
67. The car park to the rear of Vihiers Close would generate ongoing security, privacy and anti social behaviour issues for existing residents.
68. Loss of view.
69. Loss of light/sunshine.
70. Devaluation of house prices.
71. A request that as it is an outline application a specific number of dwellings is not stated.

72. Noise/litter dropping and/or dog fouling on the pathway/cycleway to the rear of Limefield Avenue.
73. The pathway/cycleway from Ridding Lane would enable a quick way through for motorcycles from the other estate. A barrier should be put up at the Riddings Lane access.
74. Question whether the correct notices have been served as trees on neighbouring land are included within survey data accompanying the submission.
75. The noise survey was conducted on land outside the applicant's ownership and consent was not sought for this – is such material admissible?

## **Proposal**

This is an outline application to develop a site for residential development on greenfield land. Matters of access are being applied for at this time. The component parts of the application are as follows:

### **Residential**

The proposed development will comprise up to 80 dwellings. With regard to the mix of dwellings, this has not been fixed however information submitted to accompany the submission envisages that these will be of varying sizes and comprise a mix of primarily terraced and semi-detached units offering 2 and 3 bedroom accommodation. A number of apartments could be provided within the scheme which could offer 1 and 2 bedroom accommodation and a small number of detached properties offering 4 bedrooms.

The proposed layout is a reserved matter for consideration at a later stage. However an illustrative layout has been provided which is structured around the retention of a number of existing landscaped features. Perimeter blocks are used to provide a clear distinction between public and private space and promote natural surveillance of communal areas and overlooking of all routes through the site.

The scale of the proposed development has regard to height of neighbouring properties with illustrative sections through the site provided to demonstrate the scale of the proposals. The majority of dwellings on site will be two-storey. In a few locations, accommodation may be provided within the roof space and are referred to as 2.5 storeys in the submitted documentation. Any new housing immediately adjacent to existing development will be 2 storey to minimise its impact. As required by Circular 02/2006 'Guidance on Changes to the Development Control System' indicative scale parameters are provided and as revised by letter dated 19 November 2010 the table on page 10 of the submitted Design and Access Statement now reads as follows:

	<b>Min Height</b>	<b>Max Height</b>	<b>Min Width</b>	<b>Max Width</b>	<b>Min Length</b>	<b>Max Length</b>
2-storey unit	7m	8m	4.5m	12m	4.5m	12m
2.5 storey unit	7.5m	9m	4.5m	12m	4.5m	12m

In respect of the affordable element, the scheme provides for 30% of the total dwellings to be affordable.

This equates to 24 units comprising a 60:40 mix of two and three bedroom units. The affordable units to comprise a 50:50 mix of discounted sale and rental units with the precise number of each type of units to be specified in the Section 106 Agreement.

#### Public Open Space/Play Area/Green Corridor

There is an existing raised track which runs from Ridding Lane across the site in a north-westerly direction and it is the intention that this will be retained and form part of a green corridor through the development. This green corridor would also extend along the northern boundary of the site where there is a group of trees subject to a TPO. Development at the northern extreme of the site would face onto the green route. As well as providing informal space in close proximity to proposed dwellings and pedestrian/cycle connections across the site, the green corridor would also incorporate a small children's play area to the north of the overall site.

#### Highways

The proposed development would be served by a new access point off Hayhurst Road. Pedestrian and cycle access will be taken from both Hayhurst Road and Ridding Lane. With respect to car parking the development provides 2 spaces per house and 1.5 spaces for any apartments.

#### Acoustic Measures

Lancashire County Council have a depot to the south of the site and in order to mitigate any noise, acoustic attenuation measures are proposed including an attenuation fence, glazing with an increased acoustic performance and acoustically treated passive ventilation.

#### Site Location

The site is located to the north of Riddings Lane and is bounded to the east by residential properties on Hayhurst Road; to the south by the dwellings and garage block on Riddings Lane and the LCC depot; to the west by The Sidings Business Park and railway line beyond. and with open fields to its north. The site lies within the identified and saved settlement limit of Whalley as defined in the Ribble Valley Districtwide Local Plan with the boundary running along the site's northern extreme.

The land in question is approximately 2.1 hectares in size and is greenfield. The site is broadly rectangular in plan with mature trees subject to a Tree Preservation Order running along much of its northern boundary. There are trees to the western boundary that are not included within the TPO and fall outside of the development site but have their branch canopy overhanging it.

There is an elevated green track off Ridding Lane that runs in a north westerly direction across the site with the site rising gently from its western margins adjacent to the business park to the dwellings on Hayhurst Road.



## **Relevant History**

6/10/1145 – Housing scheme – refused 24 July 1963.

## **Relevant Policies**

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy ENV6 - Development Involving Agricultural Land.

Policy ENV7 - Species Protection.

Policy ENV13 - Landscape Protection.

Policy H19 - Affordable Housing - Large Developments in Main Settlements.

Policy H21 - Affordable Housing - Information Needed.

Policy RT8 - Open Space Provision.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Policy DP1 'Spatial Principles' - North West of England Regional Spatial Strategy to 2021.

Policy L4 'Regional Housing Provision' - North West of England Regional Spatial Strategy to 2021.

Policy L5 'Affordable Housing' - North West of England Regional Spatial Strategy to 2021.

Policy DP7 'Environmental Quality' - North West of England Regional Spatial Strategy to 2021.

Affordable Housing Memorandum of Understanding.

PPS3 Housing.

PPS1 Delivering Sustainable Development.

## **Environmental, AONB, Human Rights and Other Issues**

Matters for consideration in the determination of this application are the principle of development, highway safety, infrastructure provision, ecological considerations, visual and residential amenity. For ease of reference, these are broken down into the following sub headings for discussion.

### **Establishing whether the principle of residential development is acceptable on this site/Prematurity/Applicability of RSS Housing Figures**

The policy basis against which this scheme should be appraised is set out in the context of National, Regional and Local Development Plan policies.

At National level, Planning Policy Statement 3 – Housing confirms that Local Planning Authorities must identify a 5 year land supply and where they cannot, residential development should be favourably considered taking account of policies in PPS3 and in particular the criteria of paragraph 69.

Notwithstanding the outcome of the recent High Court ruling against the Secretary of State, the Council in accord with Government Guidance determined to continue to apply the Regional Strategy housing requirements for the purpose of determining a 5-year land supply. The housing requirement for the borough is established in the Regional Plan that has recently been confirmed as being extant which the Council must have regard to.

Recent monitoring demonstrates that the Council is unable to identify a 5-year supply, and consequently the provisions of PPS3 are applicable until the point at which a 5-year supply is available. We currently have 3 years supply measured against our requirements.

To help determine the suitability of the site against the criteria of PPS3 it is helpful to make reference to the saved Local Plan Policies set out in the Districtwide Local Plan. The application site is within the settlement boundary, is developed on 3 sides and the proposal is viewed as rounding off. Policy G2 is therefore relevant. This Policy directs development towards land within the main settlement boundaries. The Policy sets out at criteria iii) for Whalley:- *Development wholly within the built up part of the settlement or the rounding off of the built up area would be appropriate.*

It is also clarified within the policy that sites not identified in the Local Plan may be included in the boundary. Sites that were not allocated at the time of preparing the Local Plan or otherwise protected would be anticipated to come forward at a later date (beyond the plan period of 2006) and could thereby contribute to housing supply.

It should be noted that the supporting text highlights that sites for rounding off development in excess of 1 hectare will not normally be considered appropriate. This is an important consideration but one that has to be looked at in the context of the circumstances in place when the plan was drawn up originally. Whilst the defined boundaries recognise the need to accommodate future development, it was not anticipated during the plan period that significant development other than that which was allocated would be required and brought forward. The Local Plan was drawn up to cover a specific plan period and to deliver the relevant housing requirement envisaged over the plan period. The settlement boundaries, allocations and policy framework were created to put in place controls to deliver the Plan's strategy at that time. The Plan does, however, anticipate that sites could come forward at a future date.

The circumstances that are prevalent now with the need to meet the guidance of PPS3, to address the current housing requirement and 5 year supply are not, in the Forward Planning and Regeneration Manager's opinion, normal circumstances applicable to the period when the plan was drawn up or period over which it was expected to be implemented.

The Core Strategy consultation documents identify potential options for development including Whalley being a possible point of growth. It is important to bear in mind that the most recent consultation does not pre-determine what the nature of development at Whalley will be in the emerging plan. This is still very much a matter to be determined through the ongoing plan-making process. It is anticipated that the results of the consultation will be presented to Members in February, but it is unlikely that the next stage, when a preferred option for development will be proposed, will be reached until the Summer of 2011. The chosen option will be subject to formal consultation and public examination. Adoption of the Core Strategy (or new local plan) will be some 12-18 months away from now.

Whilst officers are aware of other schemes being discussed this application must be determined on its own merits. The Council still has to determine the application and has to accord with the relevant national, regional and local policies. The preference of the Council's Planning Policy Team would be for all the proposals being promoted at Whalley to be examined within the Local Development Framework process to enable all related matters to be looked at comprehensively. However, it has to be recognised that Government guidance no longer enables a prematurity stance on its own based upon the plan-making process to be a reason for refusing an application. In any event it is considered that the Council would need to be further

along the LDF process of determining a preferred option for its proposed plan for any prematurity consideration to carry sufficient weight.

The application must demonstrate that all aspects of infrastructure are in place, or necessary improvements are programmed and a clear delivery time frame is established with clear phasing as appropriate. It would be premature to approve an application without these issues being addressed to the satisfaction of the appropriate utilities/service providers and the Council . These issues will be covered later in this report.

Contained within the settlement boundary as it is, and being of a scale that is not inappropriate to the locality, subject to supporting infrastructure, it is concluded that the use of the site for residential development as a principle is consistent with the policy framework and the material considerations that the Council must currently take into account.

### Affordable Housing

In considering the affordable housing element of the proposal it is important to have regard to Policies H19 and H21 of the Ribble Valley Districtwide Local Plan and the Council's Affordable Housing Memorandum of Understanding (AHMU). The latter requires that on sites over three dwellings or 0.1 hectare or more the Council will seek 30% of the units on site to be affordable. Policy H19 sets out that the Council will promote the provision of affordable housing where need is clearly identified. In main settlements identified in Policy G2 this will be achieved by negotiating for the inclusion of a proportion of affordable dwellings in all new planning consents. Policy H21 sets out the information to be included to support such applications and, given that the scheme conforms to the requirements of Policy G2 ie rounding off development, the additional information necessary is the details of the method by which the accommodation will be sold or let, managed and retained as suitable for its original purpose.

The scheme is made in outline for a maximum of 80 units. A draft Section 106 has been submitted outlining that 24 of these will be affordable comprising a mix of two and three bedroomed units. 50% of these shall be for discounted sale (40% for a two bed property - 45% for a three bed property discounted below market value) and 50% rental units. The agreement outlines the means by which they will be retained as affordable and, in terms of eligibility a Whalley connection would be the first preference - if no suitable persons are found it would then cascade out to a Borough wide connection.

The Council's Housing Strategy Officer has examined the details submitted and has been involved in discussions with the applicants agent. Revisions to the draft Section 106 Agreement have been requested and it is on the basis of securing these that the Council's Housing Strategy Officer concludes that the scheme would contribute towards meeting identified needs. The main revision is that the submitted draft Section 106 includes a clause that would permit all affordable units to comprise discounted sale (or such other form of affordable housing as agreed), should grant funding not be forthcoming for this element. This was not acceptable. The exact content of the Section 106 Agreement is specified later within this report and outlines the precise requirements of the Housing Strategy Officer.

The Parish Council have commented that as a Housing Needs Survey was due to be carried out when they submitted their observations, then any development should not proceed until the results have been analysed. As stated above, given the location of the site and fact it is considered to adhere to the requirements of Policy G2, an up-to-date survey, as required by Criteria (i) of Policy H21, is not necessary in this instance. The survey data available when the application was submitted had a base date of November 2006 and the Council's Housing Strategy Officer is satisfied with the details provided.

The requirements of Criteria (ii) of H21 have been complied with since original submission, ie the provision of a draft Section 106 to outline how the accommodation will be retained as suitable for its original purpose. It is also queried where the affordable housing would go on the site but that information is not submitted at this outline stage – the AHMU does, however, advocate that units are pepper potted throughout any site.

Thus, having regard to the above I am of the opinion that the affordable element of the proposal complies with policy.

### Highway Safety

It is evident from the observations of the County Surveyor that the proposal would cause no significant harm to highway safety. Hayhurst Road is adopted public highway for its full length as it extends past Limefield Avenue and Vihiers Close leading on to Hayhurst Close. Notwithstanding comments received from objectors regarding part ownership of the causeway by local residents, no evidence of this has been found by the County Surveyor and he is satisfied with the conclusions of the Transport Assessment submitted in support of the application.

A number of junction assessments were carried out in addition to the proposed site access of Hayhurst Road, namely Clitheroe Road/Hayhurst Road; Station Road/Clitheroe Road/King Street/Brooks Street; and Clitheroe Road/Wiswell Lane and it is considered that the surrounding highway will continue to operate with reserve capacity at all of the aforementioned junctions. There would be a marginal increase in the length of queuing and thus the report concludes that the traffic associated with the development proposals would not have a detrimental impact on the surrounding highway network. It also considers there to be sufficient parking provision to serve the development.

As access is the detailed matter that is being applied for at this time, the County Surveyor has had regard to the proposed site entrance and relationship to surrounding properties and driveways and again he has concluded that the details provided are satisfactory.

The County Surveyor has requested conditions be imposed on any consent granted for junction protection measures in the immediate vicinity of the Clitheroe Road junction to maintain safe ingress and egress and the introduction of additional highway safety measures to encourage compliance with the 30mph speed limit.

Thus, notwithstanding the many concerns raised in relation to highway and pedestrian safety issues associated with this development I must be guided by the observations of the County Surveyor in such matters and therefore conclude that no significant detriment would be caused.

### Flooding/Drainage/Water Supply

There have been many objections to the development on the grounds that drainage is inadequate, water pressure is already low and there would be potential increased risk of flooding.

The application has been submitted with a Flood Risk Assessment. The site is in flood zone 1 which is defined as having little or no probability of flooding and the Environment Agency are satisfied with the Flood Risk and Surface Water Drainage Assessment submitted. They have requested a condition to require submission of a scheme for surface water drainage and

attenuation for the site and this is standard practice. They have also commented on the Land Quality Preliminary Risk Assessment and are satisfied that the proposed development does not pose an unacceptable risk of pollution.

United Utilities were consulted on the application and as Members can see from their response, no objections are raised to the development.

Therefore, on the basis of the responses received to this application from statutory consultees, I must conclude that notwithstanding the concerns raised, the development of up to 80 dwellings on this site would not lead to significant issues in respect of flooding, drainage and water supply.

Members will note that under the additional representations section of this report reference has been made to large water pipes through this part of the village and questioning whether these have been considered. The Haweswater Aqueduct runs through the northern part of Whalley but is located in the field to the immediate north of the application site then passing through the existing development on Hayhurst Road and under the green space that aligns the northern boundary of Hayhurst Road at its junction with Clitheroe Road. Thus it does not affect the development site.

### Education

This is a subject raised by many of the objections received to this development. As Members will see from the consultation response from the planning contributions team at LCC a sum of £331,517 is sought towards primary provision. They have commented that if this contribution were not secured then they would be unable to guarantee that pupils would be able to access a school place within reasonable distance. The applicant is aware of the contribution and has included provision for this within the draft Section 106.

The offer made within the draft Agreement is detailed as either the total sum payable prior to first occupation of a dwelling or to calculate the sums of money towards both primary and secondary places prior to first occupation of a property. Discussions have been ongoing with colleagues at LCC as to which of these would be their preferred option. The first secures a definite sum of money whereas the second is open to change as matters may alter over time and at the point at which the development comes on stream there may not be the need for any financial contribution. The response from Lancashire County Council is that they would only be seeking a primary contribution and they would prefer the legal agreement to say something between the two wording options put forward based upon their experience of wording of previous Section 106 Agreements. They have provided a wording to secure provision of payment to the County Council within 21 days of the occupation of the first property towards the provision of school places within the catchment of the proposed development. There is then a calculation of the sum payable which as a minimum secures the payment of £331,517. The exact wording is specified later within this report.

Objectors have referred back to a historic situation with the redevelopment of the Calderstones Hospital Site and potential school site there. Whilst mindful of events that have occurred in the past, it is important for Committee to focus on the response of colleagues at LCC in response to this particular scheme. In their opinion a financial contribution is the appropriate way forward to provide enhanced primary provision and Members should be satisfied that due consideration has been given to this matter in reaching that conclusion. Thus notwithstanding the concerns expressed regarding education provision an appropriate mechanism can be inserted into any Section 106 Agreement to ensure a financial contribution.

## Nature Conservation – Protected Species, Landscape and Trees

This is a greenfield site and, as stated previously, there are trees which align its northern, western and eastern boundaries. As part of the application an Arboricultural Impact Assessment has been carried out to outline the main tree related issues and potential tree related impact in relation to the development proposal and to detail any suitable mitigation measures. 51 individual trees and 13 groups of trees were surveyed of which approximately half are located within the site boundaries with the remainder within land to the north and west. The surveyed trees consist of various deciduous broadleaved species, including Sycamore, Beech, Common Oak and Silver Birch. The larger trees on site are located as part of a group along the northern boundary and as a group form an important landscape feature that confers high visual amenity in the local landscape. These trees are subject to a TPO with the indicative layout denoting their retention with a green corridor to separate them from the developed part of the site. Trees to the east of the site are by contrast smaller and less prominent in the landscape and thus the assessment concludes their visual amenity value to be low to moderate.

Construction of the development as per the illustrative plan would require the removal of 3 individual trees and 2 groups of trees along the eastern boundary frontage to Hayhurst Road to gain site access. Whilst these trees are visible from various public vantage points, in particular Hayhurst Road itself, none are considered to be of significant amenity value nor are they afforded statutory protection as part of the TPO for the site. It is considered that the loss of these trees can be mitigated through new tree planting within the development. Comments have been received about the impact of the loss of these on bats and breeding birds and this matter is addressed in the ecological assessment submitted in support of the application.

The submitted ecological survey identifies ecological value within the site, identifies any ecological constraints and determines what mitigation and/or compensation measures would be required. In addition to the general assessment for protected and priority species, a Great Crested Newt habitat suitability index was calculated for the offsite wetland to the north of the application site.

Notwithstanding concerns expressed by objectors regarding the ecological value of the site as an important wildlife habitat, the report outlines that the loss of the uniform grassland sward within the application site is not considered to be a significant ecological impact. It acknowledges that mature trees within and bordering the site have potential to support roosting bats and nesting birds and that smaller trees and scrub within the site will also provide nesting habitats for birds. It does not, however, identify any of the 3 trees earmarked for removal to facilitate the formation of the site access as having bat roost potential. It outlines that there are no habitat features crossing the site that would function as wildlife corridors and that the loss of occasional peripheral trees or scrub would not result in isolation or fragmentation of habitats for any locally occurring wildlife.

The application sites contains no amphibian breeding habitat and whilst the off-site swamp is of ecological value it would not be affected by this development proposal. The report notes in its conclusion that the creation of urban gardens associated with the planned development will provide new habitat for birds which currently make use of marginal areas of scrub on site.

The report has been considered by both the Council's Countryside Officer and Natural England. On the basis of its findings, it is considered that development of the land in question would pose a low risk to nature conservation interests and subject to appropriate mitigation measures in line with British Standards for Trees and that tree and scrub removal takes place outside of the

nesting season (March to August including) there is no justifiable reason to withhold consent on ecological grounds.

It has been questioned whether an Environmental Impact Assessment has been carried out for this development. For Committee's information a Screening Opinion was submitted to the Local Planning Authority on 6 September 2010 ie prior to submission of the planning application to establish whether an Environmental Impact Assessment would be required. The details submitted were assessed against the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1995: Regulation 5 and the conclusion reached was that there was no need to carry out an Environmental Impact Assessment in this instance.

### Play/Open Space

Policy RT8 of the Districtwide Local Plan requires residential sites of over 1 hectare to provide adequate and useable public open space. The supporting text notes that community open space within new residential areas provides a useful informal recreational facility for residents of the neighbourhood and a particular requirement will be the provision of the children's play areas.

The indicative layout put forward provides for both formal and informal areas of play/open space via the green corridors and a small play area located to the north of the site. The applicants have been made aware that it would not be the intention of the Council to take on any management/maintenance responsibilities for such areas and that a separate management/maintenance regime will need to be arranged. They have not made reference to such facilities within the submitted draft Section 106 Agreement and thus appropriate conditions would need to be imposed on any consent granted to ensure the continued provision of such facilities for the benefit of future residents. It is noted that some of the objections received to the development commented about the risk to children's safety as children cycle and play around the access to the site and the green space adjacent to Hayhurst Road. The facilities proposed within this development for play/open space would benefit those and provide a safer environment than playing in and around an adopted highway.

Whilst Policy RT8 does not set specific quotas for establishing the level of provision, I am satisfied that the details submitted would accord with its requirement for adequate and usable space. The green corridor retains the causeway through the site in respect of which comments have been received and retains a natural feature. I am therefore satisfied that the scheme is in conformity with saved Policy RT8 of the Districtwide Local Plan.

### Noise

As mentioned previously, to the south of the site is a Council depot and to the west are modern commercial units and offices on The Sidings, beyond which is the railway line. The application is supported by an Environmental Noise Assessment to assess the potential suitability of the site for residential development. The assessment shows that potentially significant adverse noise levels currently affect the site and that future night-time operations in the Council Depot, commercial units and railway have the potential to cause further disturbance to future residents of the development. However, it concludes that with the application of appropriate mitigation measures the site would be suitable for residential development and that disturbance to residential amenity and to sleep would be minimised to acceptable levels.

In terms of mitigation, it suggests that a noise barrier to be constructed at the southern boundary of a material with sufficient density such as close boarded 18mm thick timber. The height of the barrier should be maximised in order to provide screening of activities within the Council depot to first floor in the proposed housing. It advises that a combination of landscaping or bunding and a solid fence could be incorporated to reduce the visual impacts of the noise barrier and the detailed design of such a feature would be conditioned for further submission, should Committee be minded to view the application favourably. It also envisages that mitigation measures should be incorporated into the design of any affected dwellings and after discussing this with the Council's Environmental Health Manager, it is considered that mitigation in construction would be required in dwellings on both the southern and western boundaries and that the acoustic barrier should also be provided on the south western corner of the site adjacent to Victory House on The Sidings.

Subject to the imposition of appropriate conditions to ensure specified internal noise levels are not exceeded within habitable rooms used for the purposes of resting/sleeping between the hours of 2300 to 0700 and the provision of a suitable noise barrier to prevent noise intrusion from adjacent land uses there should be no significant detrimental impact experienced by future occupiers of the properties.

#### Layout/Scale/Visual Amenity

As stated previously this is an outline application with the only detailed matter being applied for at this time being the means of access. However there is a requirement for submissions to provide a basic level of information in respect of use, amount of development, indicative layout and scale parameters in order for a Local Planning Authority to make detailed consideration on the use and amount of development proposed.

An illustrative plan and a parameters plan have been submitted to show how the scheme would fit into the immediate surroundings with built development along three of its boundaries. In visual terms I am of the opinion that, notwithstanding comments received about this being an important green wedge, no significant detriment would be caused were the development to be approved. The site is within the settlement limit and forms a logical extension to the Hayhurst Road development. In respect of density, should 80 units be developed on this land that would represent a density of 38 dwellings per hectare. The adjacent development on Hayhurst Road has a density of approximately 27 dwellings per hectare. However having regard to the type of properties indicated-namely semis and terraced units with the possibility of apartments and a small number of detached properties - this would account for a higher density than the Hayhurst Road development. This said, I do not consider that the illustrative layout shows a cramped form of development. Reference is made to the relationship between properties under the Residential Amenity sub-heading within this report.

In respect of scale parameters, the height limits of 8m and 9m have been provided following an initial query over the originally submitted table in the Design and Access Statement which denoted 12m in height. The revised height limit would not, I consider, appear over-dominant when compared with surrounding development. Committee should remember these are an indication of the upper height limits for 2 and 2.5 storey dwellings and further information will then be submitted at reserved matters stage to provide precise details of each unit of accommodation in terms of scale and appearance. The site would be predominantly 2 storey in nature with the 2.5 units detailed as being at the junction of the estate road and green corridor running north/south through the site.



Reference has been made to the visual impact of the proposed acoustic fence that is required to border part of the southern boundary of the site and also requested to wrap around the western boundary by the Council's Environmental Health Manager. Further details of this would need to be submitted at which time measures could be investigated of screening the barrier with tree planting or other landscaping. An appropriately worded condition could secure this.

Objectors have commented that the indicative layout provides for a potential future access to the field to the north via the green corridor/greenway. Committee should consider the scheme as presented on its own merits as a potential development site up to 80 dwellings. Should a scheme be devised for the land to the north at some future date that would be assessed at such time under policies that are in place then. The fact that the land is in the same ownership as that put forward under this scheme should not cloud Committee's consideration of the issues relevant to this site.

### Residential Amenity

In considering residential amenity it is important to assess the relationship with properties outside of the site as well as that between units proposed as part of this scheme. To the east of the site are properties on Hayhurst Road and Vihiers Close, to the south east Limefield Avenue and across half of its southern boundary are dwellings that front onto Riddings Lane.

The properties on Riddings Lane would back on to the development towards the parking area and garden area. I consider the relationship between built form and parking/garden areas to be satisfactory and that it would not significantly compromise existing amenities. In respect of Limefield Avenue, the rear of these dwellings are set approximately 40m from the site boundary with proposed units set at an angle. Again, this ensures sufficient privacy distances. Vihiers Close backs on to the south east corner of the development site but the respective angles of buildings again means that privacy levels should not be significantly compromised. The main impact on the residents of Hayhurst Road would arise from the creation of the new access to serve the development which would lie opposite the garage and off set from the driveway to No 1. The highway implications of this arrangement have already been considered and I do not consider that the additional traffic movements from a residential amenity perspective would prove so significantly detrimental to the amenities of those residents as to warrant an unfavourable recommendation. Numbers 5 and 6 Hayhurst Road align either side of the new access road and again I do not consider that use of the access or the construction of properties to their rear would so significantly affect existing amenity as to recommend unfavourably.

In respect of the internal relationship of the development site, the illustrative layout shows properties either facing onto greenways or the access road. From the submitted plan it would appear that the separation distance between facing blocks of development may be less than the 21m advocated in the Council's SPG on Extensions and Alterations to Dwellings. However, it is important to remember that this is a new development and that potential purchasers will be fully aware of the relationship between various residential blocks prior to buying a certain property. It is also worth remembering that this is an outline scheme with matters of layout reserved for future submission. Whilst the details submitted set the broad parameters of development there would be scope for a minor repositioning of the blocks to achieve a greater separation distance.

### Renewable Energy

Whilst this is an application made in outline it is important to set out at this stage that the Local Planning Authority will be seeking a commitment towards renewable energy in line with central

Government Guidance offered in PPS1. Therefore, should Committee be minded to look upon this scheme favourably, it is suggested that a condition be imposed requiring the developer to submit a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods.

### Section 106 Content

The application is submitted with a draft Section 106 Agreement that has been drafted to cover matters of affordable housing, education and highways. This report has outlined in detail these aspects and taken account of comments from respective consultees/Council Officers, who are responsible for those matters. To clarify for Members the Section 106 will stipulate the following:

#### Affordable Housing

- The total number of affordable housing units shall comprise of no less than 30% affordable.
- A maximum of 24 properties to be made available as affordable with a clause stipulating that should a subsequent reserved matters application be for less than 80 units, the affordable contribution would be no less than 30% of the revised total number of dwellings on site.
- The affordable units to be made available as a split between discounted sale and rental (50% discounted sale/50% rental).
- On the first sale of the units the 2 bed units shall be sold at £100,000 and the 3 bed units sold at £120,000. For all future sales the discount to be applied shall be a 40% discount for 2 bed properties and 45% for 3 bed properties.
- The affordable units to comprise a 60/40 mix of 2 and 3 bed units (14 x 2 bed properties and 10 x 3 bed properties).
- A bid for grant shall be submitted to the Homes and Communities Agency to deliver the social rental units in partnership with a registered social landlord. In the event that that grant is not forthcoming, then the affordable housing units shall be delivered as affordable rental units by the developer. The affordable rent level will be set in accordance with the Local Housing Allowance rates for East Lancashire, to ensure the units are affordable.
- In terms of eligibility for the properties, this shall stipulate a Whalley connection and only if no suitable persons are found would this be expanded to a borough wide connection.
- Nomination rights for rental properties would accord with the Council's standard nomination agreement of 100% on first allocation and 50% nomination thereafter.

#### Education

- To pay to the County Council within 21 days of the occupation of the first property, the relevant Education Sum towards the provision of school places within the catchment of the proposed development. This shall be calculated as follows:

'The Education Sum' is determined by the Education Index Figure, where for the purposes of the Education Index Figure, 'CC' is deemed to be £331,517 and the Education Index is the Building Costs Information Service (BCIS) all-in Tender Price Index published from time to time by the Royal Institute of Chartered Surveyors (RICS) or such other body from time to time replacing them.

'The Education Index Figure' is the sum calculated by applying the following formula:

$$\frac{CC \times CI}{01}$$

Where: CC = the Education Contribution;

CI = the Index figure for the month before the date such relevant Education Contribution is payable;

and

01 = the Index figure for the month and year of the date of this agreement.

### Highways

- A sum of £132,000 to be paid to the Council which would be used for the provision of additional highway safety measures.

Members will note that it is not proposed to request the sum LCC requested in respect of waste management ie £38,400. The contribution sought by LCC is in accordance with their Policy Paper on Planning Obligations in Lancashire which has not been formally adopted by this Council. A report presented to Planning and Development Committee on 18 December 2008 identified priorities for this Council when seeking contributions – namely affordable housing, transport safety, open space and education. However given the scale of development Members may wish to include waste management in the contributions sought under the Section 106 Agreement.

### Miscellaneous

There are a number of points raised by objectors that do not sit easily within the headings given to consider the main issues associated with this scheme. Some of the points raised are either matters of opinion eg the consultation exercise undertaken by the Co-op, which are not for the Local Planning Authority to pass comment on, or more statements of fact as opposed to points of concern/objection. However, I shall attempt to address the other issues raised.

In respect of the question regarding correct certificates and whether noise readings taken on another's land are admissible, advice has been sought from the Council's Solicitors. The conclusion reached is that the correct certificate was submitted with the application regarding land ownership and that it is appropriate to consider the noise data.

Reference is made to Whalley being a Conservation Area and whilst the centre of Whalley is within the Conservation Area the site is not – it is set approximately 120m to the north west of its recently extended boundary. Thus development of this site is not considered to have an adverse impact on the setting or character of the Conservation Area.

Many objectors have questioned the need to develop this site for housing, given the number of dwellings available for sale in the area but the Council are required to have a five-year land supply and thus new land for development within the borough needs to be sought out and permission granted should the scheme comply with plan policies that are in place at the time of determination.

In respect of the suitability of other sites for affordable housing Committee need to treat each application on its own merits. It may be that sites objectors consider to be more suitable may not be held to comply with policy. As explained this site lies within the saved settlement limit and accords with the provisions of plan policy at this time.

Reference has been made to the ability of Whalley to cope with the additional properties in terms of shops and medical facilities. Whalley is identified as a high ranking settlement in Settlement Strategy outlined in the saved policies of the Districtwide Local Plan which reflects the level of services it has to offer. I have discussed this with the Council's Regeneration Team who have commented that they do not consider an additional 80 dwellings would prove detrimental to the trade of existing businesses within Whalley.

Objectors have raised loss of view and effect on house prices but as Members will be aware, these are not material planning considerations.

Therefore having consideration to all the above I am of the opinion that the scheme accords with plan policy and recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity, nor would it have an adverse visual impact or be to the detriment of highway safety.

**RECOMMENDATION:** That the application be Deferred and Delegated to the Director of Development Services for approval following the satisfactory completion of a Section 106 Agreement in line with the content of this report under the Section 106 heading and subject to the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
  - (a) the expiration of 3 years from the date of this permission; or
  - (b) the expiration of 2 years from final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.

**REASON:** In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

2. Detailed plans indicating the design and external appearance of the buildings, landscape and boundary treatment, parking and manoeuvring arrangements of vehicles, including a contoured site plan showing existing features, the proposed slab floor level and road level

(called the reserved matters) shall be submitted to and approved by the Local Planning Authority before development commences.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and in order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.

3. This outline planning permission shall be read in conjunction with the Section 106 Agreement dated ...

REASON: For the avoidance of doubt as the application is subject of an agreement.

4. Prior to commencement of development a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of the development and thereafter retained.

REASON: In order to encourage renewable energy and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Development shall not begin until a scheme for surface water drainage and attenuation for the site, based on sustainable drainage principles and assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. Details of the maintenance and management of the scheme after completion shall be included. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan in order to prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure future maintenance of the surface water drainage system.

6. Any application for the approval of reserved matters shall include specific details of the provision of a suitable noise barrier along the southern and western boundaries of the site. The measures so submitted and approved shall then be fully implemented to the written satisfaction of the Local Planning Authority and thereafter retained in perpetuity.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to prevent noise intrusion from normal activities on the adjacent Highways Council Depot and commercial units on The Sidings Business Park.

7. The layout and design of the site and individual residential units shall incorporate sufficient mitigation measures such that an internal noise level of 30dB  $L_{Aeq,8h}$  and a maximum noise level of 45dB  $L_{AFmax}$  are not exceeded within habitable rooms used for the purpose of resting/sleeping between the hours of 2300 and 0700 hours.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to prevent noise intrusion from normal activities on the adjacent Highways Council Depot and commercial units on The Sidings Business Park.

8. Unless otherwise agreed in writing with the Local Planning Authority the development shall be carried out in strict accordance with the recommendations of the ecological assessment prepared by TEP Version 3.0 dated September 2010.

REASON: To comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan ensuring that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed.

9. The new estate road/access between the site and Hayhurst 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 comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

10. Prior to commencement of construction works, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site, the wheel cleaning facilities shall be retained throughout the life of the development.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

11. Prior to commencement of development a shallow soil intrusive site investigation and geotechnical site investigation shall be carried out in accordance with the conclusion of the Land Quality Preliminary Risk Assessment dated 24 September 2010. The investigation shall assess the presence, nature and extent of contaminated soil and stability of the boulder clay material and shall incorporate any remedial measures shown to be necessary. Such measures shall be carried out in accordance with the findings/recommendations of the investigation.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan in the interests of amenity.

12. Prior to commencement of development a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings) including the play area shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall also provide precise details of all play equipment and its maintenance and indicate a timescale when the play space shall be provided and made available for use. The landscape management plan shall be carried out in accordance with the details so approved.

REASON: In the interests of residential and visual amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

13. No part of the development shall be commenced until a Traffic Regulation Order to introduce junction protection measures on Hayhurst Road has been confirmed and implemented.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan in the interests of highway safety.

14. Prior to commencement of development a scheme for the provision of additional highway safety measures to ensure compliance with the 30mph shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme shall detail the measures required and timescale for implementation and be provided in accordance with the details so approved.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan in the interests of highway safety.

15. The submission of reserved matters in respect of layout, scale, appearance and landscaping and implementation of development shall be carried out in substantial accordance with the Design and Access Statement dated September 2010 as amended, by a revised indicative parameters table and illustrative sections A-A and B-B received by letter dated 19 November 2010.

REASON: For the avoidance of doubt to define the scope of this permission.

16. This permission insofar as it relates to matters of access to the site from Hayhurst Road shall be implemented in accordance with the proposal as detailed in drawing NO 1899-01 dated 27 September 2010 submitted as part of the Transport Assessment.

REASON: For the avoidance of doubt to clarify which plans are relevant.

17. The plans and particulars submitted in accordance with condition 2 above shall include an Arboricultural Method Statement and Tree Protection Plan (including a tree protection monitoring schedule) detailing special mitigation construction issues in accordance with BS5837 as outlined in the Arboricultural Impact Assessment submitted in support of this application. The development shall thereafter be carried out in strict accordance with the procedures, working methods and protection measures so identified and approved unless agreed otherwise in writing by the Local Planning Authority.

REASON: In order to ensure that any trees affected by development and included in a Tree Preservation Order/considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse effects of development in accordance with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan.

NOTE(S):

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 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 access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.
2. In consideration of condition 4 on renewables the Council would have some regard to energy efficient measures used on buildings.

3. Any works to the watercourse within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal consent of the Environment Agency under Section 23 of the Land Drainage Act 1991. Culverting other than for access purposes is unlikely to receive consent, without full mitigation of loss of flood storage and habitats.
4. The applicant is advised that the Section 106 Agreement shall be in accordance with the criteria laid out under the relevant section of the report to Planning and Development Committee on 13 January 2011.



ITEMS DELEGATED TO DIRECTOR OF DEVELOPMENT SERVICES UNDER SCHEME OF DELEGATED POWERS AND

The following proposals have been determined by the Director of Development Services under delegated powers:

APPLICATIONS APPROVED

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2010/0534/P	Non material amendment to planning consent 3/2006/0564 for rearrangement of window and door positions, alterations to glazed entrance and addition of first floor fire escape for a proposed food service distribution facility and associated offices	Barrow Brook Business Park Barrow
3/2010/0693/P	Proposed adaptation and re-use of redundant barn to one dwelling and two holiday cottages	Brockthorn Tosside, Skipton
3/2010/0727/P	Proposed installation of 2no. flashing pedestrian crossing signs at the main entrance; 1no. safety banner adjacent to the main entrance; 1no. safety sign located on building within the main site and 2no. pole signs at the main entrance	BAE Systems Samlesbury Aerodrome Myerscough Road Balderstone
3/2010/0805/P	Retrospective application for the overhaul of an existing small agricultural building to allow continued use. Leaking unsafe flat concrete roof replaced by a pitched roof in natural sandstone roofing flags, in accordance with local vernacular	Land at Laythams Farm Back Lane Slaidburn
3/2010/0826/P	Replacement of the existing sales office, shop, offices and storage on two levels	Empress Fencing Clitheroe Road, Chatburn
3/2010/0850/P	Proposed front porch	37 Larkhill Cottages Brockhall Village
3/2010/0863/P	Proposed rear extension to existing bungalow	27 Hillcrest Road Langho
3/2010/0864/P	Single storey rear extension	16 Siddows Avenue Clitheroe
3/2010/0866/P	Proposed garage and utility room extension to the side of the existing house with a bedroom and en-suite over	8 Berkshire Close Wilpshire
3/2010/0867/P	Erection of a canopy to shelter an outdoor play area and store	Longridge C of E Primary School Berry Lane, Longridge
3/2010/0873/P	Proposed Orangery and study extension at the side and front of the property	15 Browgate, Sawley
3/2010/0874/P	First floor side extension to form bedroom and bathroom	6 Station Close Wilpshire

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2010/0879/P	Application for the discharge of condition no. 3 (colour of blades, rotor head and mast) of planning consent 3/2010/0527/P	Whittakers Farm, Back Lane Read
3/2010/0890/P	Change of use to first floor from storage (B8) to retail (A1)	EQ Women's Clothing 36 King Street, Clitheroe
3/2010/0896/P	Two-storey rear extension. Re-submission of application 3/2010/0570P	20 Longridge Road Chipping
3/2010/0904/P	Fascia sign	4 Wellgate Clitheroe
3/2010/0907/P	Application for a non-material amendment to planning consent 3/2010/0718P, to change the solar panel manufacturer/type leading to a change of panel layout, 10 panels maintained as original plans	The Barn George Lane Read
3/2010/0910/P	Agricultural buildings to be constructed in five phases and the form of a steel framed agricultural building	Wycongill Holden Lane Bolton-by-Bowland
3/2010/0912/P	Single storey rear extension	4 Longsight Avenue Clitheroe
3/2010/0914/P	Application for the discharge of condition no.5 (conservation rooflights) and condition no.6 (materials) of planning consent 3/2010/0139P	Witton Lodge School Lane Simonstone
3/2010/0919/P	Agricultural buildings to be constructed in five phases and the form of a steel framed agricultural building	Wycongill
3/2010/0920/P		Holden Lane
3/2010/0921/P		Bolton-by-Bowland
3/2010/0922/P		
3/2010/0925/P	Proposed change of use of activity centre to a Bed & Breakfast business, extension into the old rest room to form a guest lounge and alteration of the windows, and alteration of the instructor room window to form a doorway	Fell View Barn Baygate Bolton-by-Bowland
3/2010/0927/P	Roof over yard area between two existing buildings to reduce run-off	Lower Alston Farm Riverside, Ribchester
3/2010/0932/P	Proposed chill store extension to existing dairy	Bolton Fold Farm Alston Lane, Alston, Preston
3/2010/0948/P	Application for a non-material amendment to planning consent 3/2010/0615P - omission of sliding folding doors, double door set to be fixed and face brickwork panel to match those already proposed and approved on the original plan	Stonebridge Garage Kestor Lane Longridge
3/2010/0957/P	Application for Non material amendment to planning consent 3/2010/0803/P in relation to additional ducting for proposed insulation of new air purification system	Jones Stroud Insulations Queen Street, Longridge

<b><u>Plan No:</u></b> 3/2010/0975/P	<b><u>Proposal:</u></b> Application for non-material amendment to allow the substitution of the previously approved 15m Eoltec wind turbine, with a C&F Green Energy CF6e wind turbine	<b><u>Location:</u></b> Moor Game Hall Dutton Longridge
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APPLICATIONS REFUSED

<b><u>Plan No:</u></b> 3/2010/0861/P	<b><u>Proposal:</u></b> Proposed first floor extension to the rear and new window at first floor to the front elevation	<b><u>Location:</u></b> 92 Ribchester Road Salesbury	<b><u>Reasons for Refusal</u></b> G1, H10, SPG – Incongruous development to the visual detriment of the original property, and the character of this row of terraced cottages.
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SECTION 106 APPLICATIONS

<b><u>Plan No:</u></b>	<b><u>Proposal/Location:</u></b> None	<b><u>Progress:</u></b>
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TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 PARTS 6 & 7 PRIOR NOTIFICATION OF AGRICULTURAL AND FORESTRY BUILDINGS AND ROADS PRIOR APPROVAL **NOT** REQUIRED

<b><u>Plan No:</u></b> 3/2010/0967/P	<b><u>Proposal:</u></b> Proposed workshop for farm maintenance	<b><u>Location:</u></b> Cockshutts Farm Pendleton
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TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 PARTS 6 & 7 PRIOR NOTIFICATION OF AGRICULTURAL AND FORESTRY BUILDINGS AND ROADS PRIOR APPROVAL REQUIRED AND REFUSED

<b><u>Plan No:</u></b> 3/2010/0788/P	<b><u>Proposal:</u></b> Agricultural housing	<b><u>Location:</u></b> Dean Farm Sabden
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CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<b><u>Plan No:</u></b> 3/2010/0915/P	<b><u>Proposal:</u></b> Application for a certificate of lawful development for a proposed single storey lean-to rear extension and alterations to the existing front porch to add a door and window (without extending the porch)	<b><u>Location:</u></b> 28 Copperfield Close Clitheroe
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## APPLICATIONS WITHDRAWN

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2010/0135/P	Construction of agricultural building for livestock/agricultural vehicles	Capsticks Field Burnley Road, Gisburn
3/2010/0843/P	Demolition of outbuilding and construction of garage/workshop, household storage, office/design studio and recreational space and self contained two bed holiday cottage, solar panels and heat pump and water tank	Chorley House Back Commons Lane Clitheroe
3/2010/0844/P	Demolition of buildings at Victoria Mill with retention of the Mill chimney	Victoria Mill Watt Street, Sabden
3/2010/0845/P	Demolition of existing mill, opening up of Sabden Brook, the erection of 46 dwellings (20 affordable), a new access road to Watt Street and retention of the Mill chimney	Victoria Mill Watt Street Sabden
3/2010/0889/P	Agricultural building 30m x 3m x 5.4m to store machinery	Fell View Barn, Baygate Bolton-by-Bowland

## APPEALS UPDATE

<b><u>Application No:</u></b>	<b><u>Date Received:</u></b>	<b><u>Applicant/Proposal/Site:</u></b>	<b><u>Type of Appeal:</u></b>	<b><u>Date of Inquiry/Hearing:</u></b>	<b><u>Progress:</u></b>
3/2009/0261 D	6.7.10	Chaigley Farms Limited Resubmission of outline application for farm worker's dwelling, including siting with all other matters reserved Old Dairy Farm Chipping Road Chaigley	-	Hearing – held 23 November 2010	APPEAL ALLOWED 2.12.10
3/2010/0474 D	1.9.10	Mrs K Hughes Proposed internal partition, new internal opening and false ceiling (Listed Building Consent) 35 King Street Whalley	WR	-	AWAITING DECISION
3/2010/0691 D	3.11.10	Mr David Lawson Proposed two-storey side extension and dormer window to rear elevation 7 Hillside Drive West Bradford	Householder Appeal	-	AWAITING DECISION

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2010/0233 D	17.11.10	Mr D M Clegg Proposed detached house in garden area to side of Manor House (Resubmission of 3/2009/0449/P) Manor House Copster Green	WR	—	Awaiting site visit
3/2010/0609 D	30.11.10	Mrs Nicola Gerrard-Russell Proposed extension above existing garage conversion incorporating a master suite and stairs to the loft conversion that will extend the width of the extension and the existing house 14 St. Chad's Avenue Chatburn	WR	—	Awaiting site visit

#### LEGEND

- D – Delegated decision
- C – Committee decision
- O – Overturn