

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

Agenda Item No

meeting date: THURSDAY, 9 FEBRUARY 2012  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2011/0710/P (GRID REF: SD 360063 437810)  
 OUTLINE APPLICATION FOR THE ERECTION OF 9NO. DWELLINGS (RE-SUBMISSION OF  
 3/2009/0968/P) ON LAND AT FELL VIEW, BARNACRE ROAD, LONGRIDGE

LONGRIDGE TOWN COUNCIL: The Town Council has no objection providing that the amendments comply with the requirements of the planning authority.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections to this re-submission of an earlier refused application (3/2009/0968/P). Amendments to the design have no highway implications and therefore the comments submitted in relation to the previous scheme apply equally to this application. No objection in principle on highway safety grounds.

UNITED UTILITIES: No observations or comments have been received within the statutory 21-day consultation period, however no objections were received in relation to the previous application (3/2009/0968/P).

ADDITIONAL REPRESENTATIONS: Six letters of objection have been received, with the following points of objection being raised:

1. New properties will be too close to existing properties on Inglewhite Road.
2. Loss of light.
3. Loss of privacy (overlooking).
4. Height, scale, mass and dominance of the dwellings proposed is unacceptable.
5. Scheme will have a detrimental impact on residential amenity and enjoyment of garden areas.
6. Concerns regarding drainage.
7. Sewerage system will not cope with extra properties.
8. Contrary to Local Plan Policies.
9. Impact due to loss of trees.
10. Due to the elevated position of the site, and significant difference in land levels, this will increase the dominance of the new properties over dwellings on Inglewhite Road.

11. Loss of value of properties.
12. Traffic congestion will increase in the area.
13. Loss of view.
14. Style and density of properties proposed.

## **Proposal**

This application seeks outline planning permission for the erection of nine residential units on land off Barnacre Road, to the rear of properties that face onto Inglewhite Road, Longridge. This Application is a re-submission of a previously refused scheme, which has since been granted on Appeal. This scheme has been altered from the previous by virtue of a decrease in the scale of the dwellings (all will be no more than 8.25m in height), and Units 7, 8 and 9 being moved slightly further away from the rear of the properties on Inglewhite Road. The units proposed include 4 no. Three Bedroom Detached Dwellings, 4 no. Three/Four Bedroom Semi-detached Dwellings and 1 no. Four Bedroom Detached Property. The reserved matters for which approval is sought are 'Access', 'Layout' and 'Scale'.

## **Site Location**

The site lies within the settlement boundary of Longridge, as defined by the Ribble Valley Districtwide Local Plan.

## **Relevant History**

3/2009/0968/P – Outline application for the erection of 9 no. dwellings (Re-submission) – Refused. (Allowed on Appeal 28/11/2011).

3/1996/0068/P – Erect Electrical Control Kiosk for Underground Pumping Station – Granted. There are other applications relating to the adjoining site, where the Residential Care Home has been built, however these only relate to this particular site.

## **Relevant Policies**

Policy G1 - Development Control.  
Policy G2 – Settlement Strategy.  
Policy T1 – Development Proposals – Transport Implications.  
SPG 'Extensions and Alterations to Dwellings'.  
Policy L4 of the Regional Spatial Strategy.  
Policy L5 of the Regional Spatial Strategy.  
Affordable Housing Memorandum of Understanding.  
PPS3 Housing.  
PPS25 Development and Flood Risk.

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

This is re-submitted application for proposed outline planning permission for the development of land off Barnacre Road, Longridge, for residential purposes. The reserved matters for which approval is sought are 'Access', 'Layout' and 'Scale'. Therefore, the keys issues with regards to this proposal are the actual principle of the development of the site for housing, the proposed

layout of the site, the scale of the proposed development, the impact on amenity and the access to the site.

## PRINCIPLE OF THE DEVELOPMENT

Applications for new housing are determined in accordance with the Saved Settlement Strategy Policies of the Local Plan, which, for this development within the Settlement Boundary of Longridge, is Policy G2. That policy defines as acceptable, development, which is wholly within the built part of the settlement or rounding-off of the built up area. As the application site is surrounded by development, I consider that it complies with Policy G2.

The Regional Spatial Strategy is also still a material consideration, with Policy L4 'Regional Housing Provision' of this document stating "Local Authorities should monitor and manage the availability of land identified in plans and strategies and through development control decisions on proposals and schemes, to achieve the housing provision set out. In doing so they should work in partnership with developers to address the housing requirements (including local needs and affordable housing needs)." Policy L5 of the RSS covers the requirement for 'Affordable Housing', and mentions 'Plans and strategies to deliver mechanisms to secure the provision of affordable housing'. As such, another material consideration in respect of housing on this site is the Affordable Housing Memorandum of Understanding. Within this current document it notes that 'The Council will negotiate the provision of affordable housing on all qualifying housing developments as follows: In Longridge and Clitheroe on housing developments of 10 or more dwellings (or sites of 0.5 hectares or more, irrespective of the number of dwellings), the Council will seek affordable housing provision at 30% of units on site. As such, given that the proposal is for nine, market value properties within Longridge, there is no requirement for affordable units and the proposal is considered to comply with the requirements of the above Policies and document.

The above Policies also need to be seen in the context of the revised National Planning Policy Statement 3 (PPS3) para 71 which states that in the absence of a five year supply of deliverable sites, which is the current position within the Borough, planning applications for housing should be considered favourably having regard to the wider policies within the PPS and including criteria in PPS3 para 69. Paragraph 69 states that, in deciding planning applications. Local Planning Authorities should have regard to, (among other issues):

- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring that the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

In considering suitability in this context the following are considered to be important:

- The location of the site in relation to the settlement and its services and amenities.
- The density of the development and subsequent visual impact on surrounding areas.
- The ease of access to the site and the potential impact of creating a new access (which would be advised by Lancashire County Council Highways staff).

On this basis, whilst the central location of the site within Longridge is considered entirely suitable, the density of the development and its subsequent visual impact are also key factors when considering the proposal.

## LAYOUT

The layout in general is a simple 'L' shape, with no dwellings backing onto the Care Home Site. The properties proposed have been located, and slightly re-positioned in some cases, on site in order to cause minimal impact on the amenities of the adjacent existing properties, by virtue of the spacing distances involved. The density of units on site is considered acceptable. The Council's SPG 'Extensions and Alterations to Dwellings' requires that developments have a minimum of 21 metres between habitable room windows at first floor, and all the dwellings indicated on the layout provide this distance. Indeed coupled with the retention of a number of existing trees along the boundary with the properties on Inglewhite Road and the proposed planting of additional trees along the boundaries of the site for more screening, I have no concerns with regards to this particular element of the scheme.

## SCALE / VISUAL IMPACT / IMPACT ON AMENITY

The original application proposed 9 dwellings with the maximum height for the dwellings varying between 8.25m and 9m, and this was one of the reasons the Planning and Development Committee rejected this scheme. This revised scheme now sees the heights of all the dwellings at a maximum of 8.25m.

It is clear from visits to this location that the site is in an elevated position in relation to the dwellings on Inglewhite Road, however as with the previous proposal the Agent has been helpful enough to provide a section through the site to indicate the difference in heights between the existing and proposed properties. The height of the dwellings proposed are not uncommon within the Borough, and on the plan submitted by the Agent, Drawing Number 7504-L02B, it is noticeable that there is height difference of 1.56m between the dwelling on Plot 6 and No. 67 Inglewhite Road. Given that this difference in height is significantly less than the height of the dwelling approved by the Planning Inspectorate, I do not consider that the proposed heights of the dwellings, nor the mass or design of the dwellings, would cause an overbearing development that would be detrimental to the amenity of the occupiers of the adjacent dwellings. Indeed as noted above, the Council are satisfied that distances between the elevations of the proposed units and the elevations of the existing properties are acceptable, and in accordance with the SPG 'Extensions and Alterations to Dwellings', and on this basis I do not consider the proposal will cause any loss of light or privacy to the properties adjacent to the site on Inglewhite Road. Therefore, given the above, I am satisfied with the scale of development proposed by this Application.

## ACCESS / IMPACT ON HIGHWAY SAFETY

The LCC Traffic and Development Engineer has raised no objections in principle to this application on highway safety grounds, as the amendments to the design have no highway implications.

## OTHER ISSUES

The material considerations raised by a number of objectors have been adequately covered in my report, however in relation to concerns regarding drainage on site, I will refer to the comments from United Utilities who note that they require the site to be drained on a separate drainage system combining just before connecting into the public combined sewerage system. They also stipulate that surface water run off from the proposed development must be attenuated to a maximum discharge rate of 6l/s, and that if approved, the Applicant should

discuss full details of the site drainage proposals with United Utilities. On this basis, as they raise no objections, the Council has no concerns in relation to the drainage of the site.

Therefore, whilst I am mindful of the points of objection from the nearby neighbours, I consider the scheme to comply with the relevant policies, and as such recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

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

1. Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

2. The permission shall relate to the development as shown on Plan Drawing Number's 7504-L101, 7504-L102, 7504-P110, 7504-P111, 7504-P112 and 7504-P113.

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

3. Notwithstanding the submitted details, prior to the commencement of development, precise specifications and samples of walling and roofing materials and details of any window and door surrounds including materials to be used in the approved development shall have been submitted to and approved 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".

4. No development shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the local planning authority. The scheme shall include details of a surface water regulation system and surface water run off from the site shall be restricted to existing rates. None of the dwellings shall be occupied until the works have been completed in accordance with the approved scheme.

REASON: To ensure a satisfactory means of drainage in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking, re-enacting or modifying that Order), express planning consent shall be required for any development referred to in Schedule 2, Part 1, Classes A to G, and Part 2, Class A of the Order.

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

6. Notwithstanding the details contained within the approved plans, no development shall take place until details have been submitted to and confirmed in writing by the local planning authority regarding the ground level at which the road and the dwellings will be sited together with finished floor levels of the dwellings. The development shall be carried out in accordance with the approved details.

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

7. The landscaping details required by Condition 1 shall include full details of both hard and soft landscape works, including details of trees to be retained and methods for their protection during the construction period; proposed finished ground levels or contours; means of enclosure; car and bicycle parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; and minor artefacts and structures (e.g. furniture, refuse or other storage units, lighting etc) together with details of the implementation and maintenance of the scheme.

REASON: In the interests of the amenity of the area and in order to supplement the potential impact of the development on the existing trees on site, in compliance with Policy G1 of the Ribble Valley Districtwide Local Plan. In order to ensure that any trees affected by development are afforded maximum physical protection from the adverse affects of development.

## NOTES

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. Ribble Valley Borough Council imposes a charge to the developer to cover the administration, and delivery costs in providing wheeled bins to each household within a new build property or conversion. Details of current charges are available from the RVBC Contact Centre on 01200 425111.

APPLICATION NO: 3/2011/0826/P

(GRID REF: SD 381200 443918)

PROPOSED CONVERSION OF BARN TO DWELLING AND CHANGE OF USE OF AGRICULTURAL LAND TO CREATE GARDEN AREA, PARKING AREA, NEW VEHICLE ACCES AND SITING OF NEW SEWAGE TREATMENT PLANT AT HILL FOOT BARN, TWISTON, CLITHEROE, LANCASHIRE, BB7 4DB

PARISH COUNCIL: No observations or comments received within the statutory 21-day consultation period.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection in principle to the application on highway safety grounds.

UNITED UTILITIES: No objections to the proposed development at this stage.

LCC PLANNING OFFICER (ARCHAEOLOGY): The 1<sup>st</sup> edition Ordnance Survey, 1:10560 map, surveyed 1844 (Lancashire Sheet 48) shows a building of similar size and location as that proposed for conversion. The building should therefore be considered to be of some historical interest (non-designated heritage assets as defined in PPS5). Barns are often characterized by long unbroken expanses of roof and walling, and LCAS would therefore recommend that consideration be given to requiring the applicants to reduce the number of proposed new openings.

The proposed conversion will have a significant impact on the historic character and appearance of the building, and may result in the loss of some historic fabric. The CBSAs '*An Archaeological Research Framework for NW England: Volume 2, Research Agenda and Strategy*' has indicated that "there is an urgent need for all LPAs to ensure that farm buildings undergoing adaptation are at least considered for recording" so that "a regional database of farm buildings can be derived and variations across the region examined". Therefore, should the LPA be minded to grant permission, LCAS recommend that the recording of the building prior to conversion be secured by means of condition.

ADDITIONAL REPRESENTATIONS: Two letters have been received with regards to this application, and the following points have been made:

1. Due to the distance between the building and Hill Foot Farmhouse, conversion to a residential property will increase noise disturbance.
2. Vehicular access and movement within the farmyard is limited by physical landscape.
3. Additional dwelling here would increase traffic using the single land track, potential detrimental to the site.

4. What is the provision for parking for visitors vehicles outside the three spaces shown on site.
5. If approved, access in and out of the farmyard needs to be maintained at all times.
6. Responsibility for any repairs to this access road be taken on.
7. Allocated parking areas be observed by the applicants both during and after work hours.
8. What is the purpose of the second gate near the SE elevation? If vehicles were looking to use this access, they would pass closely between the Farmhouse and Barn on a track that is severely rutted and only passable in 4x4 vehicles. The scheme shows no proposals to alter the farmyard area between the two buildings (Heritage Statement).

### **Proposal**

Planning permission is sought for the conversion of an existing, disused agricultural barn within an existing group of buildings at Higher Twiston, some two miles east of Downham. Hill Foot Barn stands to the west of the road, from which it is accessed via a track approximately 250m in length. The barn is grouped around the farmyard together with Hill Foot Cottages and Hill Foot Farmhouse, and a number of smaller buildings that remain in agricultural use. The building is not suitable for modern day agricultural practices and is now redundant. The land in the vicinity is rolling, well treed and predominantly in agricultural use. The landscape is also characterised by the relatively dense spread of built development that includes both farmsteads and residential properties. The site lies within the Forest of Bowland Area of Outstanding Natural Beauty. The garden curtilage area for the property will be created to the north of the barn by landscaping the steeply sloping land and enclosing it within a post and rail fence. The land will sit behind the single storey garage building to the northeastern corner of the site and behind the existing stonewall and gates that attach this building to the barn. The residential curtilage for the site is that enclosed within the red edge shown on the location plan. Planning permission has already been sought for the conversion of this building, reference number 3/2003/0014/P, which was refused and then dismissed at Appeal. This application seeks to remedy those previous reasons for refusal.

### **Site Location**

The site lies some two miles east of Downham. Hill Foot Barn stands to the west of the road, from which it is accessed via a track approximately 250m in length. The barn is grouped around the farmyard together with Hill Foot Cottages and Hill Foot Farmhouse, and a number of smaller buildings that remain in agricultural use. The site lies within the Forest of Bowland Area of Outstanding Natural Beauty.

### **Relevant History**

3/2003/0014/P – Conversion of barn with dairy outbuilding into dwelling with driveway – Refused.



## **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy ENV7 – Species Protection.

Policy ENV14 - Ancient Monuments and Other Important Archaeological Remains.

Policy H2 – Dwellings in the Open Countryside.

Policy H15 - Building Conversions - Location.

Policy H16 - Building Conversions - Building to be Converted.

Policy H17 - Building Conversions - Design Matters.

PPS3 – Housing.

PPS5 – Planning for the Historic Environment.

Wildlife & Countryside Act 1981 as amended.

The Conservation [Natural Habitats & c.] Regulations 1994.

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

The main issues with this application relate to the principle of the development, what affect the proposed change of use and the external/internal alterations may have with regards to its visual impact on the building, any potential impact on the residential amenity of the adjacent property, and any potential impact on habitats. The LCC Highways Officer has raised no objection in principle to the application on highway safety grounds.

### **PRINCIPLE OF THE DEVELOPMENT**

With regards to the creation of the residential dwelling within the building, guidance is provided within Policy H2 of the Local Plan, which notes “Outside the settlement boundaries, residential development will be limited to the appropriate conversion of buildings to dwellings, provided they are suitably located and their form, bulk and general design are in keeping with their surroundings. Also, that they structurally sound and capable of conversion without the need for complete or substantial reconstruction”.

Additional advice is also provided by Policy H15 of the Local Plan, which notes that “The conversion of appropriate buildings within settlements or which form part of already defined groups is acceptable”, however this is providing that there would be no materially damaging effects on the landscape qualities of the area, and Policy H16 which notes that “the building must be structurally sound and capable of conversion, without the need for extensive or major alterations which would adversely affect the character or appearance of the building”, and that “the character of the building and its materials are appropriate to its surroundings and the building is worthy of retention”. Finally, Policy H17 discusses the finer points of the conversion of a building, noting that it must of a high standard and in keeping with the local tradition, and it also notes that “Too many doors and windows, the insertion of dormers, roof lights and chimneys and the alterations of roof trusses will devalue the character of traditional farm buildings and that of the surrounding environment.”

With specific regard to the design of the proposed building conversion, the design differs only slightly from that submitted in 2003. At this time, the Local Planning Authority raised no objections to the design, choosing to refuse it for other reasons. In this instance, following the comments from the LCC Archaeology Officer, it was suggested to the Agent that a more acceptable design solution might involve a reduction in the number of additional windows

proposed on the north facing elevation. The Agent subsequently accepted this, and a revised plan was submitted on the 15 December 2011, amending this particular elevation.

Given the age of the building, as indicated by both the Agent and the LCC Planning Officer (Archaeology), the building is also considered to be a Heritage Asset (see PPS5) and have historical interest, showing the development of the surrounding farm in response to changing agricultural practices. The Agent has submitted a substantial Heritage Statement regarding the proposed conversion and its effect on the historic character of the building, in line with PPS5: Planning for the Historic Environment, and this is an important material consideration when assessing this application. With respect to PPS5, the following Policies and their considerations are relevant:

- Policy HE7.1 states that ‘such identification and assessment of the particular significance of each element of the historic environment is fundamental to decision making’.
- Policy HE7.4 requires consideration of the sustaining and enhancement of the significance of heritage assets and of the consideration of the positive role of heritage assets in place-shaping.
- Policy HE 9.1 states that: “there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss is a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification”.
- Policy HE9.4 states that “Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:
  - (i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long term conservation) against the harm; and recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss”, and
  - (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss”.

Therefore, taking into account all the above Policies and guidance, the principle of the conversion of the building in question is considered acceptable given:

- the location of the building adjacent to other dwellings surrounding the site;
- that the structural survey provided with the application notes it is structurally sound and capable of conversion without the need for substantial reconstruction;
- that there is an existing access into the site, and
- the previous acceptance by the Local Planning Authority that the design proposed for the conversion was acceptable.

With specific regarding to Policy HE9.4 of PPS5, there must be consideration of PPS3, particularly Para. 71, which states that in the absence of a five year supply of deliverable sites, which is the current position within the Borough, planning applications for housing should be considered favourably having regard to the wider policies within the PPS and including criteria in

PPS3 para 69. The previous proposal was refused on the basis that it would have contributed to the 'over-supply' of housing in the Borough at that time.

Paragraph 69 states that in deciding planning applications, Local Planning Authorities should have regard to:

- achieving high quality design;
- ensuring developments achieve a good mix of housing;
- the suitability of a site for housing, including its environmental sustainability;
- using land effectively and efficiently; and
- ensuring the proposed development is in line with planning for housing objectives.

Bullet point 3 above relates to the need for Local Planning Authorities to have regard to the suitability of a site for housing, including its environmental sustainability. Therefore, given the proposals compliance with Local Plan Policies, and that this will:

1. help meet the borough wide need for additional housing;
2. help to secure the optimum viable use of the heritage asset in the interests of its long term conservation; and
3. that given the actual limited impact on the heritage asset given the design proposed,

it is considered that the site meets the stipulations of paragraph 69 of the PPS3 and PPS5 criteria.

Therefore, having assessed the scheme in regards to Local Plan Policies G1, G2, H2, H15, H16 and H17, and National Guidance contained within PPS3 and PPS5, I am satisfied that the principle of the scheme is acceptable.

#### VISUAL IMPACT ON THE CHARACTER AND SETTING OF THE BUILDING

As noted earlier, the design proposed differs only slightly from that submitted in 2003, and at this time, the Local Planning Authority raised no objections to the design, subsequently refusing it for other reasons. Following comments from the LCC Archaeology Officer, it was suggested to the Agent that a more acceptable design solution may involve a reduction in the number of additional windows proposed on the north facing elevation, a view that was accepted by the Agent, and a revised plan was submitted on the 15<sup>th</sup> of December 2011, amending this particular elevation. I therefore consider the proposal will have an acceptable visual impact on the character and setting of the building.

#### VISUAL IMPACT ON THE AONB

In respect of the visual impact on the A.O.N.B. and the adjacent open countryside, the previous proposal was refused on the basis of the formation of an excessively large residential curtilage to the northern elevation of the building and its detrimental effects on the appearance of the locality and the Area of Outstanding Natural Beauty, with the Planning Inspector noting that 'although this land is not readily visible from nearby public footpaths, I consider that the use of the upper part of the land as a domestic garden would look out of place against the surrounding hill pasture.' He then notes that he would be satisfied that this objection could be overcome by reducing the depth of the curtilage to around 11metres from the rear of the building, which is the extent of curtilage no proposed. Permitted Development Rights will be removed in order to

retain control over further development of this site and to safeguard the character and setting of this rural location, and as such the scheme is considered visually acceptable.

On this basis, I too am satisfied that the barn conversion and the curtilage area proposed will have an acceptable visual impact on the character and setting of the building, especially considering the minimal visual impact when viewed from the adjacent Public Right of Way that runs close to the site.

#### IMPACT ON RESIDENTIAL AMENITY

With regards to any potential impact on the residential amenity of the occupiers of the nearby properties, there are no windows that overlook any existing areas of amenity space or indeed that face onto existing habitable room windows, especially in the southern facing elevation of the main barn that faces Hill Foot Farmhouse. There is no work proposed for the track in-between the building in question and Hill Foot Farmhouse as this lies outside the red-edged development site.

As such, I do not envisage that the conversion of the building proposed or the use of the amenity area to the rear of the converted building will cause a significant impact on the amenity of the occupiers of the adjacent dwellings.

#### IMPACT ON HABITATS

In respect of the potential impacts on existing habitats at the site, I have discussed the bat survey submitted with the application with the Countryside Officer, and we are satisfied that conditions can be placed upon this proposal to enable the safe control of the future development of this site as per the proposed scheme.

Therefore, bearing in mind the above comments and whilst I am mindful of the points of objection from the occupiers of neighbouring dwellings, I consider the scheme to comply with the current relevant planning policies, and as such recommended accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate form of development and given its design, size and location would not result in visual detriment to the surrounding countryside, nor would its use have an adverse impact on highway safety.

**RECOMMENDATION:** That planning permission be GRANTED subject to the following conditions:

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

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

2. The permission shall relate to the development as shown on Plan Drawing Number's 2001-22-03, 2001-22-04 Rev. B and 2001-22-04 Rev. C (drawings 1 and 2).

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

3. This permission shall be implemented in accordance with the proposal as amended by letter and plan received on the 15 December 2011.

REASON: For the avoidance of doubt since the proposal was the subject of agreed amendments.

4. Precise specifications and samples of walling and roofing materials and details of any window and door surrounds including materials to be used 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 Policies G1, ENV1, H2, H15, H16 and H17 of the Ribble Valley Districtwide Local Plan.

5. All the external works of the development hereby permitted shall be completed before the expiration of three years from the date of this permission.

REASON: In order that the Local Planning Authority retains effective control over the development and to ensure that there is no significant deterioration in the condition of the building contrary to Policies G1 and H16 of the Ribble Valley Districtwide Local Plan.

6. This permission shall relate to the proposed conversion in accordance with the structural survey submitted as part of the application and dated 22 September 2011. Any deviation from the survey may need to be the subject of a further planning application.

REASON: To comply with Policies G1 and H16 of the Ribble Valley Districtwide Local Plan since the application is for the conversion of the building only.

7. All doors and windows shall be in timber and retained as such in perpetuity.

REASON: To comply with Policies G1, H16 and H17 of the Ribble Valley Districtwide Local Plan to ensure a satisfactory standard of appearance in the interests of visual amenity.

8. Notwithstanding the details shown upon the approved plans, the proposed Velux roof lights shall be of the Conservation Type, recessed with a flush fitting, details of which shall be further submitted to and approved by the Local Planning Authority before development commences upon the site.

REASON: In the interests of visual amenity in order to retain the character of the barn and to comply with Policies G1, H16 and H17 of the Ribble Valley Districtwide Local Plan.

9. The development hereby permitted shall not be commenced until details of the landscaping of the site, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including full details of any changes of level or landform and the types and details of all fencing and screening.

The approved landscaping scheme shall be implemented in the first planting season prior to completion of the development unless otherwise agreed by the Local Planning Authority, 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 Policies G1 and ENV1 of the Ribble Valley Districtwide Local Plan.

10. The actions, methods and timings included in the mitigation notes attached the Bat Survey supplied with this Application, dated 29<sup>th</sup> of September 2011, shall be adhered to and in the event that any bats are found or disturbed during any part of the development work shall cease until further advice has been sought from a licensed ecologist.

REASON: To protect the bat population from damaging activities and reduce or remove the impact of development. To ensure that there are no adverse effects on the favourable status of a bat population before and during development, in compliance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan to ensure that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) any future extensions and/or alterations to the dwelling, and any future additional structures, hard standing or fences including any development within the curtilage, as defined in Schedule 2 Part 1 Classes A to H and Part II Class A shall not be carried out without the formal written consent of the Local Planning Authority.

REASON: In order that the Local Planning Authority shall retain effective control over the visual appearance of the building and the site to ensure the future protection of the character and appearance of the building and the location within the A.O.N.B. in compliance with Policies, H2, H15, H16, H17 and ENV1 of the Ribble Valley Districtwide Local Plan and PPS5.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order amending, revoking or re-enacting that Order) the building shall not be altered by the insertion of any window or doorway without the formal written permission of the Local Planning Authority.

REASON: In order to safeguard nearby residential amenity in accordance with Policies G1, H15, H16 and H17 of the Ribble Valley Districtwide Local Plan.

13. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings, in accordance with PPS5.

## NOTES

1. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpaths 9 and 10 in the Parish of Twiston run past the site.
2. Ribble Valley Borough Council imposes a charge to the developer to cover the administration, and delivery costs in providing wheeled bins to each household within a new build property or conversion. Details of current charges are available from the RVBC Contact Centre on 01200 425111.
3. Development on this site should be drained on separate foul and surface water systems. All foul drainage must be connected to the foul sewer and only uncontaminated surface water should be connected to the surface water system.

However, where there are established combined systems the possibility of deviation from this general policy may be discussed with the Council's Chief Technical Officer.

4. Consent of the Environment Agency is required prior to the discharge of effluent to surface or underground waters. Consent will only be considered if discharge to the foul sewer is not practicable, in which case the applicant should consider:
  - (i) Construction of a soakaway area with no residual discharge to watercourse.
  - (ii) Construction of a soakaway area with a high level overflow discharging to watercourse.

Direct discharge to watercourse which will only be considered where options (i) and (ii) are impracticable. The applicant should be advised to contact the Environment Agency, Area Planning Liaison Officer, Lutra House, Dodd Way, Off Seedlee Road, Walton Summit, Bamber Bridge, Preston PR5 8BX for any option not involving discharge to foul sewer.

5. The foul drainage from the proposed development shall be discharged to a septic tank and soakaway system which meets the requirements of British Standard BS6297:1983, there shall be no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10m of any ditch or watercourse or within 50m of any well, borehole or spring.

APPLICATION NO: 3/2011/0864/P (GRID REF: SD 360065 437102)  
EXISTING REAR STORAGE TO BE DEMOLISHED. PROPOSED SINGLE STOREY TO REAR AND TWO STOREY TO SIDE, EXISTING SIDE GATE REPOSITIONED AND INTERNAL ALTERATION TO THE PROPERTY, 1 WHITTINGHAM ROAD, LONGRIDGE

LONGRIDGE TOWN  
COUNCIL:

Longridge Town Council note that this is a large extension, and the Council resolved that they have no objection to the application on the basis that the extension is constructed with materials that match the existing building and that there is full consultation with neighbours.

LCC ENVIRONMENT  
DIRECTORATE (COUNTY  
SURVEYOR):

No objections to the proposal.

UNITED UTILITIES:

No objections.

ADDITIONAL  
REPRESENTATIONS:

Two letters from one neighbouring property have been received in relation to this application, with the following points of objection raised by the occupiers:

1. An increase in shop floor space will increase visitors to the shop, thereby increasing parking problems in the nearby vicinity to the detriment of highway and pedestrian safety,
2. Increase in shop floor will lead to an increase in deliveries to the shop. Deliveries start around 6.30am with lorries parking all over the street and on pavements blocking the road,
3. Loss of light to our house by virtue of the scale,
4. The existing building is a lovely old building with a lot of character. The scheme will lose all of the character and appeal of the building, and we must voice our disgust at the plans for aesthetic reasons,
5. This is a small corner shop and nothing more, and to extend it to this degree would spoil it,
6. It does not do the community any good when they have to keep opposing plans like this to try and maintain a little bit of their 'own small town feel' without feeling we are being swallowed up into a city,
7. If the new shop owners weren't happy with the size of the shop, then why did they buy it in the first place? There is a bigger 'empty' shop on Berry Lane with adequate parking.
8. We don't think it is good practice for applicant's to be given names and details of people who have objected to schemes. Are there not confidential concerns around dishing out constituents details?

### **Proposal**

This application seeks permission for the demolition of an existing a single storey extension to the western and southern corner of the property to allow the erection of a larger single story extension off the southern and western facing elevations, with a two storey extension off the west facing elevation. The scheme also includes alterations to the internal layout of the building, and external alterations to the gateposts and wall surrounding the vehicular access to the side of the property.

### **Site Location**

The site in question lies on the corner of Whittingham Road and Chatburn Road, Longridge, opposite the roundabout that joins Whittingham Road, Derby Road, Preston Road and Kestor Lane. The building lies just within the Longridge Conservation Area, however the rest of the site



(to the west and south) does not. As outlined within the Longridge Conservation Area Appraisal (adopted April 2007), the property is considered to be a 'Building of Townscape Merit'.

### **Relevant History**

3/1989/0182/P – shop sign and projecting sign – granted conditionally.

3/1982/0141/P – proposed two illuminated fascia signs – refused.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G2 – Settlement Strategy.

Policy ENV16 - Development Within Conservation Areas.

Policy EMP7 – Extensions/Expansions of Existing Firms.

Policy T1 – Development Proposals – Transport Implications.

PPS5 – Planning for the Historic Environment.

Historic Environment Planning Practice Guide (HEPPG, March 2010).

Longridge Conservation Area Appraisal (adopted April 2007).

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

'Setting of Heritage Assets: English Heritage Guidance' (EH, October 2011).

Draft National Planning Policy Framework.

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

This main issues to consider with respect to this application are the design of the scheme, the potential impact the proposal will have on the character of the building and its setting within the Longridge Conservation Area, and whether it will have an impact on the amenity of occupiers of nearby dwellings.

The site lies close to an established group of commercial premises, and on the cusp of a large residential area, with streets of house to either side, and on the opposite side of Whittingham Road. It sits on the boundary of Longridge Conservation Area (CA) and by virtue of the considerations made within the Longridge Conservation Area Appraisal, is considered to be a 'Building of Townscape Merit'. The main commercial entrance to the property (considered to be the side elevation due to the properties address being Whittingham Road) faces onto the roundabout that joins Whittingham Road, Derby Road, Preston Road and Kestor Lane, and it is this elevation that is considered to be the most prominent and visible from within the Conservation Area, hence perhaps the reason the Conservation Area boundary only includes the building and not the entire site.

Following discussions with the Council's Principal Planning Officer (Design and Conservation) the plans have been amended to indicate a reduction in the projection of the extension to the western facing (side) elevation, and a change in the roof style over the new single storey extension off the southern facing (rear) elevation. The single storey extensions project 5.39m from the southern facing (rear) elevation of the building and 6.51m from the western facing (side) elevation, measuring 2.4m to the eaves. The two storey element is set back from the northern facing (front) elevation of the property by approximately 4.2m and projects from the western facing (side) elevation by 6.5m. These extensions will create an additional commercial floor area of approximately 125.2 sq.m. creating a total of 269.3 sq.m. with an additional 50.5 sq.m. of residential floor space creating a total of 173 sq.m. of first floor residential space.

With regards to the principle of the development, the site lies within the settlement boundary of Longridge; the Council must consider Policy G2 of the Local Plan, which supports development wholly within the built part of the settlement or the rounding off of the built up area. Indeed Policy EMP7 notes that 'The expansion of existing firms within the main settlement will be allowed on land within existing sites, provided no significant environmental problems are caused and the extension conforms to the other policies of this plan'. On this basis, providing the proposal has a limited and acceptable impact on the amenity of the occupiers of the adjacent properties, the design of the proposal and its impact on views into and out of, and the setting of, the Longridge Conservation Area, are considered to be the most important factors when considering this application.

## VISUAL IMPACT ON CONSERVATION AREA

In assessing the impact of the proposal on the Longridge Conservation Area and the consideration that the building in question is considered to be of 'Townscape Merit', the following relevant Acts and Policies are considered important when considering this proposal.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places the duty on a LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when considering development proposals.

PPS5 Policy HE9.1 states "there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss is a cultural, environment, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification.'

PPS5 Policy HE10.1 states 'when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset'.

Policy ENV16 of the RVDLP states 'The desirability of preserving or enhancing the character or appearance of a conservation area will also be a material consideration in deciding development proposals outside the designated area which would affect its setting or views into or out of the area'.

The draft NPPF is also now a material consideration, with Paragraph 177 of the draft National Planning Policy Framework (July 2011) stating that '*the Government's objectives for planning for the historic environment are to conserve heritage assets in a manner appropriate to their significance*'.

Paragraph 183 of the draft NPPF states '*as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification*'.

The 'Setting of Heritage Assets: English Heritage Guidance' (EH, October 2011) is also worth considering as it considers that,

- The cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development,
- The setting of some heritage assets may have remained relatively unaltered over a long period and closely resemble the setting in which the asset was constructed or first used. The likelihood of this original setting surviving unchanged tends to decline with age and, where this is the case, it is likely to make an important contribution to the heritage asset's significance, and
- The recognition of, and response to, the setting of heritage assets as an aspect of townscape character is an important aspect of the design process for new development, and will, at least in part, determine the quality of the final result.

The 1886 - 1894 OS maps show that the existing building subject to this application has remained virtually unchanged from the late C19, hence its likely inclusion within the Conservation Area boundary. Interestingly however, this corner of the Conservation Area also includes the flat roofed row of properties known as Stonebridge Parade before extending along Derby Road into the town centre. As noted earlier, the main commercial entrance to the property (considered to be the side elevation due to the properties address being Whittingham Road) faces onto the roundabout that joins Whittingham Road, Derby Road, Preston Road and Kestor Lane, and it is this elevation that is considered to be the most prominent and visible from within the Conservation Area.

Bearing in mind Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places the duty on a LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when considering development proposals, and Policy ENV16 of the Ribble Valley Districtwide Local Plan which states that 'The desirability of preserving or enhancing the character or appearance of a conservation area will also be a material consideration in deciding development proposals outside the designated area which would affect its setting or views into or out of the area', given the proposed development and extension of this building involves the vast majority of work to the rear corner of the property, and completely out of sight from views into or out of the Conservation Area, the principle of the development complies with the current relevant Planning Policies as it seeks to preserve the setting and character of the Conservation Area.

The design of the extensions seek to compliment the existing features, rooflines, fenestration and materials of the existing property, and by virtue of their position on the property, effectively preserving the main character features and character frontage of the property, in line with Policy HE10.1 of PPS5 which states 'when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset', and Paragraph 177 of the draft National Planning Policy Framework (July 2011) which states 'the Government's objectives for planning for the historic environment are to conserve heritage assets in a manner appropriate to their significance'.

#### IMPACT ON RESIDENTIAL AMENITY

The proposed two storey extension will come within 4.4m of the rear garden of no. 1 Chatburn Road, and within 6.2m of the garden area of no. 3 Whittingham Road, however due to its orientation in relation to these properties, its sits to the northeast, I do not envisage there will be a significant level of light lost to either properties. With regards to any windows overlooking these garden areas or indeed the front elevation windows of properties on the northern side of Whittingham Road, such windows are either obscurely glazed or over 20m away with the

intervening Whittingham Road separating them. On this basis, I am satisfied that the proposal has no significant detrimental impact on the amenity of the occupiers of the adjacent dwellings.

#### OTHER ISSUES

One of the points of objection to this scheme is the potential issue of increased deliveries to the site as well as the hours of delivery, however as the use of the building is an operational use without the historic benefit of a planning approval, and thereby not currently restricted by such a Condition, it would be unreasonable to impose a restriction on the hours of delivery permissible. Indeed if the hours of delivery are an issue at present, this would perhaps be an avenue for the Council's Environmental Health Department to investigate such noise complaints, however having discussed this with a colleague in this department, no such complaints have been received in specific relation to this particular element of the business.

#### CONCLUSION

In conclusion, whilst I am mindful of the points of objection from the nearby neighbours, the design, scale and materials proposed for the extension are considered to be acceptable for this location as it will preserve the views into and out of, and the setting of, the Longridge Conservation Area, as well as preserving the defining features of this Building of Townscape Merit; and as the scheme will have an acceptable impact on the amenity of the occupiers of the adjacent properties, the application is therefore recommended accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal is in accordance with the relevant policies and guidance relating to such development, as it would not have any seriously detrimental effects upon visual amenity, the amenities of nearby residents, highway safety and nor will it have an adverse affect upon the setting of the Conservation Area.

**RECOMMENDATION:** That planning permission be GRANTED subject to the following conditions:

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

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

2. The permission shall relate to the development as shown on Plan Drawing No's 1124/EX/01, 1124/L/01, 1124/SK/01 Rev. C, 1124/SK/02 Rev. B and 1124/SK/03 Rev. A.

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

3. This permission shall be implemented in accordance with the proposal as amended by letter and plan received on the 16 December 2011.

**REASON:** For the avoidance of doubt since the proposal was the subject of agreed amendments.

4. Precise specifications and samples of walling and roofing materials and details of any window and door surrounds including materials to be used 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 Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan.

5. All new and replacement doors and windows shall be in timber and retained as such in perpetuity, when otherwise agreed in writing with the Local Planning Authority.

REASON: To comply with Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan to ensure a satisfactory standard of appearance in the interests of visual amenity.

6. Notwithstanding the approved plans, both first floor windows in the south facing elevation of the approved two storey extension hereby approved shall be obscure glazed to the satisfaction of the Local Planning Authority and remain in that manner in perpetuity.

REASON: In order to protect nearby residential amenity as required by with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance – ‘Extensions and Alterations to Dwellings’.

7. All windows indicated to be obscure glazed, shall also be fitted with restrictor limiting the degree of opening of each opening light to not more than 45°. Thereafter, it shall be maintained in that condition in perpetuity to the satisfaction of the Local Planning Authority.
8. Details of any further external alterations or additions to the building, including the erection of any flues, extraction, air conditioning or refrigeration systems, shall be submitted to and approved by the Local Planning Authority.

REASON: In order that the Local Planning Authority can be satisfied that the details are not injurious to the visual amenity and to safeguard, where appropriate, neighbouring residential amenity, in accordance with Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan,

APPLICATION NO: 3/2011/0867/P (GRID REF: SD 366890 430847)  
SUBSTITUTION OF HOUSE TYPE APPROVED UNDER APPLICATION 3/2009/0306/P  
INCLUDING THE ERECTION OF DETACHED GARAGE AND AMENDMENTS TO ACCESS  
TRACK APPROVED UNDER APPLICATION 3/2007/0287/P AT HOMESTEAD, BARKER  
LANE, MELLOR, BLACKBURN, LANCASHIRE, BB2 7EE.

MELLOR PARISH COUNCIL: The Parish Council object to this application on the following grounds,

1. Unsympathetic to the locality, and
2. Too large a development not consistent with neighbouring properties.

LCC ENVIRONMENT  
DIRECTORATE (COUNTY  
SURVEYOR):

No objections in principle to this proposal on highway grounds.

UNITED UTILITIES:

No observations or comments received within the statutory 21-day consultation period.

ADDITIONAL  
REPRESENTATIONS:

One letter has been received from the occupiers of an adjacent neighbouring property, and the following points of objection have been raised with regards to the submitted scheme:

1. Homestead has nothing to do with Long Row, however an access track has been allowed to be created through various applications connecting Homestead to Long Row, even though rights applying to the land do not apply to the property,
2. The increase in traffic the scheme could bring to Long Row is a very serious concern, and talk of a double garage adds to that concern,
3. LCC Highways Officers strongly recommended refusal of this previous application on safety grounds (relating to the track),
4. We hope the build will be done via Barker Lane and that the new owners will park on Barker Lane, thereby slowing traffic down,
5. After a risk assessment, Long Row was considered too small for a bin lorry to pick our bins up, so how will they build a house here using diggers etc.
6. The access 'we' have allowed is for one property ONLY, and we expect minimum use of 'our' drive, and
7. We hope that the Council consider our letter in its entirety when considering the double garage and a change in direction of the access way.

### **Proposal**

This application seeks permission for the substitution of house type for a replacement dwelling that was originally granted approval under 3/2008/0853/P. Permission was granted in July 2009 for a substitution of the house type approved, with one that was slightly larger, under application reference number 3/2009/0306/P, however this scheme proposes to supersede this. The dwelling proposed would have dimensions of approximately 16.2m x 8.2m x 6.6m (to the ridge height), with a short, single storey extension to the northwest corner of the building. The proposal also includes the erection of a single storey garage to the west of the dwelling (but within the approved curtilage) that would measure approximately 4.7m x 6.1m x 3.9m to the ridge, and a re-alignment of the previously approved access track to prevent light from vehicles interrupting the privacy of the immediate neighbours on the eastern boundary. The dwelling would be constructed in render with a slate/tiled roof, with timber doors and windows, and velux windows within the roof elevations. There are also Solar PV panels proposed for the southern facing roof elevation and a rainwater harvesting tank system included within the specifications,

to create a modern scheme to provide a high quality dwelling with an aim of enhancing the quality of the built environment in this location.

### **Site Location**

The site is located in the Green Belt, and is located between the properties Glyfada, Sunnyside, Downings and Sheriton. The site has a pedestrian access off Barker Lane, however there is also an approved vehicular access off Long Row which itself is accessed from Barker Lane.

### **Relevant History**

3/2009/0306/P – Proposed substitution of house type – Granted Conditionally.

3/2009/0240/P – Application for discharge of conditions 2 (materials), 4 (landscaping) and 5 (proposed floor levels) of planning consent 3/2008/0853/P – Granted.

3/2009/0239/P – Application to discharge condition 5 (landscaping) to planning consent 3/2007/0287/P – Granted.

3/2008/0853/P – Demolition of existing property and rebuilding a 2-bedroom dwelling (re-submission) – Granted Conditionally.

3/2008/0211/P – Demolition of existing property and replacement with a two-storey dwelling – Withdrawn.

3/2007/0287/P – Laying out of access track between Homestead 1 and long Row including engineering operations – Granted Conditionally.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 – Settlement Strategy.

Policy ENV3 – Development in Open Countryside.

Policy ENV4 – Green Belt.

Policy H14 – Rebuilding/Replacement Dwellings – Outside Settlements.

Policy T7 – Parking Provision.

SPG – “Extensions and Alterations to Dwellings”.

PPG2 – Green Belts.

PPS3 - Housing.

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

The matters for consideration in the determination of this application involve an assessment of the application in relation to the currently applicable planning policies, the potential effects on visual and residential amenity and the impact of the revised design on the Green Belt. The LCC County Surveyor has raised no objections from a highway safety point of view.

As stated previously, consent has already been granted for a replacement dwelling on this site, with the application before Committee seeking to alter both the design and size of the dwelling. The scale/height of the building remains as per the previous approval at 6.6m to the ridge. Policy H14 of the Districtwide Local Plan allows the replacement of dwellings outside settlement

boundaries subject to the proviso that careful consideration is given to the design and use of materials. It also advises that additional increases in the size of the property will not normally be permitted. Given the location of the site within Green Belt, it is also important to have regard to the provisions of PPG2 in particular paragraph 3.6 which notes 'The replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. Development plans should make clear the approach Local Planning Authorities will take, including the circumstances (if any) under which replacement dwellings are acceptable.

The two previous approvals for a replacement dwelling on this site have both been larger than the original dwelling on site, indicating that the principle of allowing a larger replacement dwelling at this location has already been accepted. Therefore, the key aspect in this case is whether the proposed dwelling subject to this application is acceptable in line with the relevant Policies and in terms of its visual impact on the neighbouring properties, streetscene and Green Belt.

The dwelling previously approved had dimensions of 14.9m x 8.3m x 6.6m, and as noted earlier, the dwelling proposed would have dimensions of approximately 16.2m x 8.2m x 6.6m (to the ridge height), with a short, single storey extension to the north west corner of the building measuring 4.8m (w) x 2.6m. The proposal also includes the erection of a single storey garage to the west of the dwelling (but within the approved curtilage) that would measure approximately 4.7m x 6.1m x 3.9m to the ridge. The increase in the width of the dwelling measures at 1.3m, and including the small extension on the front elevation, increases the footprint of the dwelling by approximately 21.65 sq.m. If reading the supporting text for the current Planning Policy H14 to the letter, the general guide allowable would be an increase in volume of 70 cubic metres, however the Policy itself states that 'the impact on the landscape, as well as the design, materials will be an important consideration, with an excessive increase in size not being permitted'.

In considering what is 'excessive', in this instance the location and position of the dwelling must be considered, as well as whether or not the revised scheme will have a detrimental impact on the Green Belt location.

Visually, any development of this site will affect the streetscene and views through the site, however in order to refuse a development the harm of a proposal must be demonstrated. As the site falls within the open countryside and Green Belt, Policies ENV3 and ENV4, the protection, conservation and enhancement of the natural environment are important considerations in the assessment of the proposal, especially with regards to the design, style and materials to be used for the new dwelling.

The increase in the width of the building on this site is not considered to be substantial enough to significantly alter the views of this site from the streetscene, and neither is the introduction of the single storey garage to the west of the dwelling as this will be hidden from long range views by virtue of existing trees on the northern boundary of the property Downings, and Downings itself. It is for these reasons that the increase in volume above what is normal considered appropriate is acceptable in this instance, as the design of the property, its landscaped gardens, the use of the sloping site and the use of materials, effectively limit the impact on the landscape and the local vernacular, without detrimentally impacting on views from the road or neighbouring properties. Indeed, the replacement of this tired and dilapidated dwelling with an up-to-date and modern house type that complements neighbouring dwellings, represents an improvement to the area. The dwelling is considered to fit neatly within the site, and provides sufficient amenity



space around it to ensure it does not appear cramped within the streetscene. I am therefore satisfied that the materials proposed, and the principle elevations, size and massing of the dwelling are acceptable in this particular area of the streetscene, and will enhance the built environment within this Green Belt area.

With regards to the alterations in the design and the potential overlooking/loss of privacy/light caused, the Agent has submitted a plan indicating sections through the site that show the field of view from the proposed dwelling at first floor. On this plan it is clear that the adjacent dwellings will not be compromised by the proposed dwelling and rooms in the roofspace, and I do not consider that the scheme will have a significant detrimental impact on the amenity of the occupiers of the adjacent dwelling or significantly detract from the enjoyment of the dwellings garden space.

With regards to the slight alteration to the access track, whilst the LCC County Surveyor has no objections to this proposal, the occupier of one of the adjacent properties does. The track has been approved previously and is already in situ, so the principle of there being a track there has been accepted. The question is therefore whether or not the re-alignment is acceptable, and given it is proposed to alleviate the shining of vehicle lights into the adjacent properties windows, I have no objections to this element.

In conclusion, the erection of a replacement dwelling in this location is an acceptable exception to the general presumption against new buildings in the Green Belt, and given the sites characteristics, in particular the sloping nature of the site, this allows for the slight increase in width of the dwelling and the addition of the garage without significantly and detrimentally impacting upon the local vernacular or landscape. The scheme submitted complies with the relevant Local, Regional and National Policies, therefore bearing in mind the above comments and whilst I am mindful of the points of objection from the Parish Council and nearby neighbours, the scheme proposed will provide a high quality dwelling that will enhance the quality of the built environment in this location, and is therefore recommended accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal is in accordance with the relevant policies and guidance relating to replacement residential development and would not have any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

**RECOMMENDATION:** That planning permission be GRANTED subject to the following conditions:

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

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

2. The permission shall relate to the development as shown on Plan Drawing No's PA00-RevD, PA01-RevD, PA02-RevD, PA03-RevE, PA04-RevD, PA05-RevA, PA06-RevA, PA06-REA, PA100-RevA and PA101-RevA.

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

3. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever possible the retention of existing trees, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

The approved landscaping scheme 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.

4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2008 (or any order revoking or re-enacting that Order) any future extensions or external alterations to the dwelling, including any development within the curtilage, hard standing or fences, as defined in Schedule 2 Part 1 Classes A to H, and Part II Class A, shall not be carried out without the formal consent of the Local Planning Authority.

REASON: In order that the Local Planning Authority shall retain effective control over the development to ensure compliance with Policies G1, ENV3 and ENV4 of the Ribble Valley Districtwide Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order amending, revoking or re-enacting that Order) the building(s) shall not be altered by the insertion of any window or doorway without the formal written permission of the Local Planning Authority.

REASON: In order to safeguard nearby residential amenity in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance – “Extensions and Alterations to Dwellings”.

5. The revised access track indicated on the plan drawing no. PA01-RevD shall be surfaced/paved and marked out in accordance with the approved plan, and made available for use prior to the occupation of the dwelling hereby approved.

REASON: To comply with Policies G1 and T7 of the Ribble Valley Districtwide Local Plan and to allow a suitable access to the site for the effective use of the parking areas.

7. The use of the access track shall be limited to the occupants of Homestead 1 and shall only be used in connection with access to that property.

REASON: For the avoidance of doubt since the originally approved access track was the subject of agreed amendments, and that the Local Planning Authority does not accept the claim that the land in question has residential use.

8. This approval does not allow the use of the land north of the existing residential curtilage on Homestead, that includes the access track, to be used for residential purposes.

REASON: For the avoidance of doubt since the originally approved access track was the subject of agreed amendments, and that the Local Planning Authority does not accept claims that the land in question has a residential use.

9. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays to be not less than 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain ungated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.

10. Surface water run off from this site should be restricted to existing rates in order that the proposed development does not contribute to an increased risk of flooding.

REASON: To reduce the increased risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

11. The revised track shall not be floodlit or illuminated in any way.

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

APPLICATION NO: 3/2011/0900/P (GRID REF: SD 364860 430990)  
APPLICATION FOR THE REMOVAL OF CONDITION NO. 17 (OCCUPANCY PERIOD) OF  
PLANNING CONSENT 3/2004/0450P, TO ALLOW THE USE OF UNITS 3 AND 4 AS  
PERMANENT RESIDENTIAL ACCOMMODATION AT ELSWICK FARM, MELLOR BROW,  
MELLOR

MELLOR PARISH COUNCIL: The Parish Council object to the application. The P.C. believes that its original objection in 2004 to the scheme was the correct one.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection in principle to the application on highway safety grounds.

UNITED UTILITIES: No objections.

ADDITIONAL REPRESENTATIONS: No additional representations have been received.

## **Proposal**

Planning permission was granted for the conversion of the stone building subject to this application to four self-contained holiday lets in September 2004 (3/2004/0450/P). The proposal was considered to be acceptable by the Planning and Development Committee, and a decision notice was released on the 13 of September 2004. Permission was granted subject to a number of conditions including the following condition No. 17, which states,

The units of accommodation shall not be let to or occupied by any one person or group of persons for a continuous period of longer than 3 months in any one year and in any event shall not be used as a permanent accommodation. A register of all lettings shall be kept and made available to the Local Planning Authority for inspection on an annual basis.

Permission was then applied for (Application Reference Number 3/2011/0544/P), and approved, for the variation of condition no. 17 (Occupancy Period) of planning consent 3/2004/0450/P, to allow Units No.1 and No.2 to be used as permanent residential accommodation, leaving Units 3 and 4 with a holiday let use.

This Application now seeks the removal of this amended Condition in its entirety in order to be able to use Units 3 and 4 as permanent residential accommodation. However, the Agent has noted within the Application that should this proposal be accepted, it will not preclude the ongoing use as holiday cottages, and it is the Applicant's intention to continue to promote the use of the units in this manner for now.

## **Site Location**

Elswick Farm is situated on the western side of Mellor Brow. The farm comprises the original farmhouse and garden, now in separate ownership, a barn converted to a dwelling (approved under reference 3/2001/0127/P), three further buildings that have recently been granted consent under reference 3/2011/0163/P and a traditional stone barn converted for use as self-catering holiday accommodation (planning reference no. 3/2004/0450/P), which is the subject of this application. Access to the farm is via a track, which runs up the west side of no. 46 Mellor Brow, which is an end terrace property. The access track coincides with the settlement boundary of Mellor, which includes the terrace and properties to the east of the farm, but excludes the majority of the farm and the properties to the west and south. The majority of the site thereby lying within open countryside.

## **Relevant History**

3/2011/0544/P - Application for the variation of condition no. 17 of planning consent 3/2004/0450P, to allow units one and two to be used as permanent residential accommodation – Granted.

3/2004/0450/P – Change of Use to form Self-Catering Holiday Accommodation – Granted Conditionally.

3/2003/0865/P – Conversion of Barn to form 4 No. Holiday Let Units (Re-Submission) – Refused.

3/2003/0055/P – Conversion of Agricultural Barn to restricted use business self-catering accommodation – Refused.

## **Relevant Policies**

Policy G1 - Development Control.

Policy G5 – Settlement Strategy.

Policy ENV3 – Development within Open Countryside.

Policy H2 – Dwellings in the Open Countryside.

Policy H15 – Building Conversions – Location.

Policy H16 – Building Conversion – Building to be converted.

Policy H17 – Building Conversions – Design Matters.

Policy H23 – Removal of Holiday Let Conditions.

Policy RT1 – General Recreation and Tourism Policy.

Policy RT3 – Conversion of Buildings to Tourism Related Uses.

PPS3 – Housing.

PPS5 – Planning for the Historic Environment.

Affordable Housing Memorandum of Understanding.

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

Policy H23 of the Local Plan states that ‘proposals seeking the removal of conditions which restrict the occupation of dwellings to tourism/visitor usage will be refused unless the proposal conforms to the normal development control policies of the Local Plan. Policies G5, H2, H15, H16 and H17 will be particularly relevant in any assessment’.

The Council remains in a position where a five year housing land supply cannot be identified, and as such residential development should be favourably considered taking account of the requirements of PPS3: Housing and the relevant saved policies of the Local Plan. In practice, what we presently have is an established built development with a restricted class of residential use. In many ways, there is little difference between this being a form of conversion, and the proposal can be treated as tantamount to a conversion.

Saved Policy H2 of the Local Plan allows the conversion of buildings to dwellings in the open countryside subject to certain criteria. Policies H15, H16 and H17 provide more detailed criteria. The explanatory text to Policy H17 says that ‘the conversion of appropriate buildings within settlements or which form part of already defined groups is acceptable’. The building relating to this proposal sits to the east, north and west of a number of dwellings on Mellor Brow and Elswick Gardens, and as such, I therefore consider the building subject to this application to form a part of an established group of buildings. Therefore, if the original barn were still in its original condition, its conversion into a dwelling(s) with unrestricted occupancy would now be acceptable in principle and in accordance with the currently applicable policies and guidance. Therefore, I consider the removal of the occupancy condition on the now existing building to also be acceptable in principle.

The Parish Council has again objected to the application, as they believe that the original objection in 2004 to the scheme was the correct one. Their previous objection was based on accessibility problems, the site being backland development and issues regarding the entrance to the site. The development has been completed and the LCC Highways Officer has raised no objections, so whilst I am mindful of the views shared by the Parish Council, I have no concerns.

In conclusion, when viewing the proposal submitted in relation through the presently applicable policies and guidance, the proposed variation of the condition is considered acceptable.

## SUMMARY OF REASONS FOR APPROVAL

The requested removal of the condition is in accordance with the presently applicable policies and would not result in any seriously detrimental effects upon visual amenity, the amenities of any nearby residents or highway safety.

RECOMMENDATION: That planning permission is GRANTED and Condition 17 of 3/2004/0450/P be removed in its entirety.

APPLICATION NO: 3/2011/0922/P (GRID REF: SD 374216 442445)  
PROPOSED DEMOLITION OF THE EXISTING DWELLING AND CONSTRUCTION OF A  
PROPOSED REPLACEMENT DWELLING AT NEARFIELD, EASTHAM STREET,  
CLITHEROE, LANCASHIRE, BB7 2HY

CLITHEROE TOWN COUNCIL: The Town Council object to this application, as the proposed development will overshadow the adjacent property.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections in principle to this proposal on highway grounds, as the off street parking provisions available within the garage and driveway are adequate to secure the three spaces required for a property of this size.

UNITED UTILITIES: No objections to the proposed development.

ADDITIONAL REPRESENTATIONS: No additional letters of representation have been received.

### **Proposal**

This application seeks permission for the erection of a new dwelling to replace the existing dwelling known as Nearfield, Eastham Street, Clitheroe. The existing dwelling was constructed approximately 40 years ago, and is surrounded by a number of dwellings of individual design. Permission was granted in May 2011 for a large extension and refurbishment scheme for the existing property (3/2011/0210/P), however following receipt of the returned priced tenders for the approved scheme, the cost of completing the approved scheme when compared to a complete rebuild was significantly more expensive. As such, the replacement dwelling has been designed to meet the Applicant's exact requirements but with an improved thermal performance.

### **Site Location**

The site is located within the northeastern area of Clitheroe, well within the edge of the settlement boundary as designated by the Ribble Valley Districtwide Local Plan.

### **Relevant History**

3/2011/0210/P - Proposed extension to the existing house replacing the existing flat roofed garage and remodelling – Granted Conditionally.

## **Relevant Policies**

Policy G1 - Development Control.

Policy T7 – Parking Provision.

SPG – “Extensions and Alterations to Dwellings”.

PPS3 - Housing.

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

The matters for consideration in the determination of this application involve an assessment of the application in relation to the currently applicable planning policies, and the potential effects on visual and residential amenity. The LCC County Surveyor has raised no objections from a highway safety point of view.

The principle of a replacement dwelling within a settlement is considered acceptable in principle subject to the proviso that careful consideration is given to the design and use of materials, and whether or not an increase in size will have a damaging or materials impact on either the streetscene or on the amenity of occupiers of neighbouring dwellings.

The existing dwelling on site has an approximate footprint of 20.2m x 8.71m (albeit with the single storey garage slightly off-set from the main dwelling) with a ridge height of approximately 7.16m. The proposed dwelling has a footprint of approximately 17.1m x 11.47m with a ridge height of approximately 7.16m, which creates a new property with virtually the same physical massing on site as the existing dwelling, thereby having a minimal visual impact on the streetscene. The design of the property, its landscaped gardens and the use of materials, effectively limit the impact on the landscape and the local vernacular, without detrimentally impacting on views from the road or neighbouring properties. The dwelling is considered to fit neatly within the site, and provides sufficient amenity space around it to ensure it does not appear cramped within the streetscene. I am therefore satisfied that the materials proposed, and the principle elevations, size and massing of the dwelling are acceptable in this particular area of the streetscene.

With regards to any potential impact on the residential amenity of the occupiers of adjacent dwelling, given the use of velux windows within the north east elevation of the roof, and the gable window at first floor within the north west elevation being obscurely glazed, there are no concerns with potential overlooking/loss of privacy caused by the replacement dwelling, and I do not consider that the scheme will have a significant detrimental impact on the amenity of the occupiers of the adjacent dwelling or significantly detract from the enjoyment of the dwellings garden space.

The Town Council have raised concerns regarding the new dwelling overshadowing the adjacent property (Tunstead), however given the height to eaves of the new dwelling is the same as the existing dwelling, and that the proposal passes the BRE Standard in relation to loss of light, there are no concerns with this scheme.

In conclusion, the erection of a replacement dwelling in this location is considered acceptable in principle, and whilst I am mindful of the points of objection from the Town Council and nearby neighbours, given the extensions and alterations already approved for this property, I have no concerns with respect to the proposed replacement dwelling as it will provide a high quality, thermally improved, dwelling that will enhance the quality of the built environment in this location, and is therefore recommended accordingly.

## SUMMARY OF REASONS FOR APPROVAL

The proposal is in accordance with the relevant policies and guidance relating to replacement residential development and would not have any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:

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

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

2. The permission shall relate to the development as shown on Plan Drawing No's 4107 – 10A and 4107 – 11B.

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

3. This permission shall be implemented in accordance with the proposal as amended by email and plan received on the 2<sup>nd</sup> December 2011.

REASON: For the avoidance of doubt since the proposal was the subject of agreed amendments.

4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2008 (or any order revoking or re-enacting that Order) any future extensions or external alterations to the dwelling, including any development within the curtilage, hard standing or fences, as defined in Schedule 2 Part 1 Classes A to H, and Part II Class A, shall not be carried out without the formal consent of the Local Planning Authority.

REASON: In order that the Local Planning Authority shall retain effective control over the development to ensure compliance with Policies G1, ENV3 and ENV4 of the Ribble Valley Districtwide Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order amending, revoking or re-enacting that Order) the building(s) shall not be altered by the insertion of any window or doorway without the formal written permission of the Local Planning Authority.

REASON: In order to safeguard nearby residential amenity in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance – “Extensions and Alterations to Dwellings”.

6. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays to be not less than 45° to the centre line of the access. The gates shall open away from the



highway. Should the access remain ungated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.

7. The actions, methods & timings included in the mitigation notes attached to the protected species survey dated the 27<sup>th</sup> of March 2011 shall be adhered to and in the event that any bats are found or disturbed during any part of the development, work shall cease until further advice has been sought from a licensed ecologist.

REASON: To protect the bat population from damaging activities and reduce or remove the impact of development. To ensure that there are no adverse effects on the favourable status of a bat population before and during the development.

8. Surface water run off from this site should be restricted to existing rates in order that the proposed development does not contribute to an increased risk of flooding.

REASON: To reduce the increased risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

#### INFORMATIVES

A separate metered supply will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

The applicant should contact United Utilities Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

APPLICATION NO: 3/2011/0952/P (GRID REF: SD 360169 434941)  
PROPOSED NEW AGRICULTURAL STORAGE BUILDING FOR FEED/IMPLEMENTS AND MACHINERY. AMENDED RE-SUBMISSION OF 3/2011/0462 AT MOSSFIELD, ALSTON LANE, LONGRIDGE.

PARISH COUNCIL: No objections.

ADDITIONAL REPRESENTATIONS: Two letters of objection have been received from neighbouring residents who wish to raise the following:

- Whilst we have no objection in principal to any agricultural building which is required (which we do not believe it is) we plead that if agreed by the Planning Committee, a condition for agricultural use only in perpetuity is placed on the decision notice.
- The size of the building is large in relation to the smallholding.

- The building will prove visually prominent from neighbouring properties.
- Noise disturbance.

### **Proposal**

Permission is sought for an agricultural building to provide housing for the applicant's livestock when required, as well as storage for feedstuffs, equipment and machinery, in order to support his livestock and the parcel of land that surrounds the applicant's property. The building is to be sited 0.9 metres north of the existing electricity substation to the north of the applicant's property and setback 14 metres from the edge of the carriageway on Alston Lane. The proposal is to be partially open-fronted to the northern elevation and is to measure 6.4m x 11.7m x 4.4m in height to the ridge. Materials to be used in its construction are concrete blockwork walls to the base with a mixture of juniper green profile and vent air steel cladding above, with an anthracite fibre cement roof.

### **Site Location**

Mossfield is located to the eastern side of Alston Lane, off Preston Road, outside the main settlement of Longridge, within an area of designated Open Countryside. The initial plan submitted indicated that the building would project slightly forward (westwards) of the existing substation and closer to the roadside on agricultural land within the applicant's ownership. Following concerns from residents and upon discussing the location of the building with the agent a revised plan has been submitted which has re-sited the building further back from the roadside, so that the front (western elevation) is in line with the existing substation.

### **Relevant History**

3/2011/0462 – New agricultural storage building for feed/implements and machinery - Approved with Conditions 12 August 2011.

### **Relevant Policies**

Policy G1 – Development Control  
 Policy ENV3 – Development in Open Countryside  
 Policy SPG – Agricultural Buildings and Roads

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

Matters for consideration are the visual impact of the proposal upon the appearance of this area of Open Countryside, and the potential impact on neighbouring residential amenity.

Members may be aware of a previous submission (3/2011/0462) made by the applicant for the erection of the same building to be erected 16 metres to the rear of the applicant's property. Committee approved this application on the 12 August 2011.

In this re-submission no alteration is to be made to the scale, size or design of the building or its intended use. The only amendment in this re-submission is the location of the building, which is to be sited closer to the applicant's property and the main road. The agent has confirmed that the justification for re-siting the building is to minimise its visual impact upon the landscape as it will be sited adjacent to existing buildings and there will be no requirement to create a track from

the roadside to the building. Also its close proximity to the field entrance ensures the building can be accessed more easily than if it were sited further into the field as previously approved.

In terms of visual impact I consider that the scale, size, design as well as the materials used in the construction of the proposal is appropriate and will be in keeping with the character of the landscape area in accordance with Policy ENV3 of the Ribble Valley Districtwide Local Plan. I have no objection to the re-siting of the proposal in close proximity to the applicant's property and in line with the existing substation, as this will ensure that it is not viewed as isolated development within the Open Countryside but will be seen against the backdrop of existing buildings thus complying with the Councils SPG 'Agricultural Buildings and Roads'. I also note concerns with regards to the size of the building. The size is no different from that which was previously approved and it is considered that the proposal is of a size and design that is similar to that of stable blocks which have been approved in areas of Open Countryside within the Borough. In addition, and having visited the site, I consider that the size of the building is appropriate for the size of the applicant's smallholding.

Turning to the impact of the proposal upon the amenity of neighbouring residents the building is to be located 28 metres north of the nearest residential property which is not in the applicants ownership and is a sufficient distance from residential properties to the west of the building across Alston Lane. Whilst I note the concerns from neighbouring residents with regards to the visual impact of the proposal I consider that its amended position in line with the existing substation will ensure that it does not prove visually prominent or prove to be an incongruous feature when viewed from neighbouring properties. I also consider that due to its size and intended use any noise disturbance would be minimal and would not have a significant impact upon the amenity of neighbouring residents.

In order to address the concern from a neighbouring resident with regards to the use of the building, and if members are mindful to approve the application, I recommend a condition restricting the use of the building to the maintenance/upkeep of the land and livestock in the applicant's ownership only, that the proposal is not to be used for domestic purposes and no trade or business is carried out from within the building.

Therefore, having regard to all the above I am of the opinion that the works would not prove significantly detrimental to either visual or residential amenity and recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate form of development and given its design, size and location would not result in visual detriment to the surrounding countryside, nor would its use have an adverse impact on neighbouring residential amenity.

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

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

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

2. This permission shall be implemented in accordance with the proposal as amended by plans received on the 9 January 2012 (Drawing Nos. RH/320110462/01 & RH/320110462/02) in relation to the proposed elevations/floor plan and the revised siting of the building.

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

3. 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 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 and ENV3 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance – “Agricultural Buildings and Roads”.

4. The proposed agricultural storage building shall be used for the purposes of maintaining the land and livestock in the applicant’s ownership only. The building shall not be used for domestic purposes, and no trade or business whatsoever shall be carried out from within the building.

REASON: In the interests of the amenities of the area and to safeguard nearby residential amenity in order to comply with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

APPLICATION NO: 3/2011/0953/P (GRID REF: SD 380514 445856)  
PROPOSED CONVERSION AND EXTENSION OF EXISTING GARAGE TO CREATE ONE DWELLING AND PROVIDE REPLACEMENT PARKING (RESUBMISSION) AT ACORN COTTAGE, BACK LANE, RIMINGTON

PARISH COUNCIL: No representations received.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): Has no objections in principle to this application on highway safety grounds and comments that the proposed development of two units utilises existing points of access and provides suitable off street parking provisions for each of the units.

UNITED UTILITIES: Has no objections to the proposed development.

ADDITIONAL REPRESENTATIONS: A letter has been received from a nearby resident who makes the following observations/objections to the proposed development:

- Whilst noting that the County Surveyor has no objections to the application on highway grounds, he is concerned at how many more cars are going to use Back Lane; and says that it should also be noted that some houses have double access to Back Lane and Rimington Lane.
- The planning department and United Utilities should take serious consideration regarding the use of the road and also the drains as the last property built on Back Lane paid no proper consideration to surface water drainage from the drive area. This results in water from the driveway running all the way down Back Lane and missing one of the drains that (in his opinion) should have been repositioned before any planning permission was granted.

### **Proposal**

This application is the resubmission of application 3/2011/0526/P that sought permission for the conversion of the existing garage to create a dwelling and for a replacement double garage on the northern side of Back Lane to serve the existing dwelling. The application was refused on 3 October 2011 for a reason that related only to the replacement garage.

This current application seeks permission for the conversion of the existing garage into an independent dwelling, but no permission is sought for any replacement garage.

The existing garage has dimensions of 10m x 7.7m with an eaves height of 2.5m and a ridge height of 4.4m. It is of random stone construction with a natural slate roof.

The existing building would be converted to accommodate a kitchen/dining room, two bedrooms, a bathroom and a cloakroom. It is proposed to erect a 6m x 6.4m extension on to the eastern end of the garage to form a lounge. The extension would be in-set from both the front and rear elevations of the garage by 0.6m; it would have the same eaves height as the garage but its ridge would be approximately 0.3m lower than the ridge of the garage. The extension would be constructed in random stone/slates to match the existing garage. Doors and windows in both the conversion and the extension would be in timber with stone surrounds.

In this current application, part of the existing driveway that accesses on to Back Lane would be retained within the ownership/curtilage of the existing property, Acorn Cottage. Two vehicles could be parked in tandem on that section of driveway.

### **Site Location**

Acorn Cottage is a detached house situated on the southern side of Back Lane within the settlement boundary of Rimington. It was constructed on the site of a barn which formerly belonged to the Black Bull Inn. Within the garden area of Acorn Cottage, is the detached garage to which the application relates. Vehicular access to this existing garage is possible from both Back Lane and Rimington Lane via the access to the Black Bull car park. The access route to the site across the Black Bull car park is owned by the applicant and is included in the red edged application site for this application, as this is the proposed route to serve the new dwelling in the event that the application is approved. Also within the defined application site is the remainder of the driveway upon which the two parking spaces to serve Acorn Cottage are to be provided.

Acorn Cottage itself and the land on the north side of Back Lane are only outlined in blue in the current application as land/property also within the applicant's ownership.

The site is surrounded by residential development. The garden immediately around Acorn Cottage abuts the dwellings Overvalley to the west and is divided from Kemball to the east by a public footpath. At the rear of the site is the car park of the Black Bull and then the public house itself. Towards the rear, on the western side, new dwellings have recently been constructed at the rear of Cosgroves shop. Those properties are built in a variety of styles. The land slopes downwards from south to north.

### **Relevant History**

3/2011/0526/P – proposed conversion and extension of existing garage to create a dwelling and proposed double garage on land on the northern side of Back Lane. Refused.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G4 - Settlement Strategy.

Policy H15 - Building Conversions - Location.

Policy H16 - Building Conversions - Building to be Converted.

Policy H17 - Building Conversions - Design Matters.

PPS3: Housing.

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

In addition to the proposed conversion of the existing garage into a dwelling, the previous application, 3/2011/0526/P, also sought permission for a replacement detached garage on a piece of land in the applicants ownership on the north side of Back Lane, that is outside the settlement boundary and is also not authorised as residential curtilage. That previous application was therefore refused for the following reason:

1. The proposed replacement double garage would be sited on land that is outside both the settlement boundary of Rimington and the authorised residential curtilage of Acorn Cottage. This element of the application therefore relates to an extension of the existing residential curtilage. It is considered that the use of this land as residential curtilage, and the erection upon it of the proposed garage would result in an extension of the built form of the settlement on to land designated as open countryside to the detriment of the appearance of the local landscape/visual amenity. As such, this element of the proposed development is contrary to the requirements of Policy H12 of the Ribble Valley Districtwide Local Plan.

That element of the previous application has been totally omitted from this current application to the extent that the land on the north side of Back Lane is not even included within the defined application site.

Two parking spaces for Acorn Cottage are now to be provided on part of the existing driveway that is within both the existing residential curtilage and the settlement boundary.

The main part of the previous application (ie the conversion and extension of the existing building) remains unchanged in this current application. The matters for consideration in relation to the application therefore relate to the principle of the proposed conversion/extension

and the effects of the proposed development on visual amenity, residential amenity and highway safety.

The existing garage that is to be converted is within the settlement boundary of Rimington which is designated as a village that can accommodate small scale development in the Local Plan. Policy G4 states that within the designated villages, planning permission will be granted for the rehabilitation and reuse of rural buildings (subject to Policies H15, H16 and H17). As the remaining element of this resubmitted application relates to the conversion of an existing rural building within the settlement boundary, I consider it to be acceptable in principle. As the application is for less than three dwellings, the Council's Affordable Housing Memorandum of Understanding does not require affordable housing to be provided on the site.

PPS3: Housing states that where there is less than a five year supply of deliverable sites, councils should consider favourably planning applications for housing having regard to the Planning Policy Statement and in particular paragraph 69. At the present time, the Council only has a 3.3 year supply measured against our requirements. For this reason, there are no objections in principle to the proposed conversion.

The proposed extension to the existing garage is of an appropriate design, will be constructed using matching materials, and is not excessively large. I therefore consider that the proposal would not have any seriously detrimental effects upon the visual amenities of the locality.

The location of the existing garage relative to neighbouring properties; the position of the proposed extension; and the vehicular access routes and position of parking spaces for both dwellings are all such that, in my opinion, they do not have any detrimental impacts upon the amenities of any nearby residents. No letters have been received in which such an objection is made to the application.

The existing dwelling, Acorn Cottage, is on lower ground than its existing detached garage. There was therefore a potential problem of windows in the front elevation of the conversion dwelling looking down into the rear room windows and conservatory of the existing dwelling. This, however, has been addressed by the proposed erection of a 1.2m high closed board fence on the higher ground between the two dwellings. Due to the differences in ground level, a fence of even this relatively low height would prevent this potential privacy/overlooking problem. The erection and permanent retention of such a fence can be secured by a condition in the event that planning permission is granted.

The one letter that has been received is from a resident of Station Road (ie not an immediate neighbour of the application site) who expresses observations/objections on grounds of highway safety and the problem of surface water run off from the site on to the adjoining highway of Back Lane.

With regards to the first of these matters, the County Surveyor has expressed no objections to the proposal on highway safety grounds as he considers the parking provision for both units to be acceptable in relation to both the number of spaces and their precise location/layouts within the site. Also, the proposal would not result in any additional traffic on Back Lane as the sole vehicular access to the proposed new dwelling is to be from Rimington Lane.

With regards to the matter of surface water run off from the site, there would effectively be little or no change from the existing situation as the existing hard surfaced driveways etc would be

retained without any extension/alteration. United Utilities has also confirmed that it has no objections in principle to this application.

It should also be noted that the single remaining element of this current application was considered to be acceptable under the previous application in relation to all the relevant considerations. I can therefore see no objections to this application.

#### SUMMARY OF REASONS FOR APPROVAL

The proposed conversion of the existing detached garage into an independent dwelling would not have any seriously detrimental effects upon visual amenity, the amenities of any nearby residents or 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 relate to the proposal as shown on drawing numbers TRI-0676/05B and 06B.

REASON: For the avoidance of doubt and to ensure compliance with the submitted plans.

3. Prior to the first occupation of the dwelling hereby permitted, a 1.2m high closed boarded fence shall be erected on the boundary between the front elevation of the proposed dwelling and the rear elevation of the existing dwelling, Acorn Cottage, as shown on drawing number TRI-0676/06B. The fence shall thereafter be retained permanently to the satisfaction of the Local Planning Authority.

REASON: In order to ensure a satisfactory level of privacy for both dwellings and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

4. Vehicular access to the proposed dwelling shall be from Rimington Lane only with no vehicular access to Back Lane.

REASON: To comply with the terms of the application, in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Prior to the first occupation of the dwelling hereby permitted, a timber fence (of 1m minimum height and 2m maximum height) shall be erected across the existing driveway in the position shown on drawing number TRI-0676/06B. The fence shall thereafter be retained permanently to the satisfaction of the Local Planning Authority.

REASON: In order to ensure that the northern part of the existing driveway with access on to Back Lane is not used to provide access to the proposed dwelling, but is permanently available for the parking of two vehicles for the existing dwelling, Acorn Cottage. This is to



comply with the terms of the application, and is in the interests of highway safety as required by Policy G1 of the Ribble Valley Districtwide Local Plan.

APPLICATION NO: 3/2011/0959/P (GRID REF: SD 370338 434048)  
APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF AN EXISTING GARAGE AND THE ERECTION OF TWO DETACHED DWELLINGS INCLUDING DETAILS OF LAYOUT AND ACCESS WITH ALL OTHER MATTERS RESERVED. LAND ADJACENT 65 WHALLEY ROAD, LANGHO, BLACKBURN, LANCASHIRE, BB6 8EF

BILLINGTON AND LANGHO PARISH COUNCIL: The Parish Council object to this application as we have concerns about the height of the new development in terms of the existing street scene.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection in principle to this application on highway safety grounds, subject to certain conditions.

UNITED UTILITIES: No objection to the proposed development.

ADDITIONAL REPRESENTATIONS: Two letters of objection have been received from the occupiers of dwellings adjacent to the site, with the following points of objection raised:

1. Bungalows are around 6ft lower than the garden of The Beeches, so a two storey property will tower over us,
2. Any windows in the rear of these new properties will look directly into our bedrooms,
3. All properties on Whalley Road are 1930s built so to build two new houses will spoil the look of the village,
4. Ribble Valley is supposed to be an area of beauty and the Council ask us to respect and look after it, so you should do your part and stop building in our villages,
5. Loss of light to my property,
6. Loss of privacy to my garden,
7. Concerns regarding surface water entering my property,
8. If approved and damage was caused to my property, who would be liable for the costs, and
9. My outlook would be taken away if this were approved.

### **Proposal**

This is an outline application for the erection of two detached dwellings on land off Whalley Road, Langho. The land in question is adjacent to no. 65 Whalley Road. The reserved matters for which approval is sought are 'Access' and 'Layout'. The proposal will utilise but partially amend the existing access onto the land.

### **Site Location**

The site lies within the village settlement boundary of Langho, as defined by the Ribble Valley Districtwide Local Plan. The site is on the northern side of Whalley Road, and part of the garden of no. 65, currently home to a large garage. There is an existing vehicular access to the site that will be used in order to serve this development. The site is bounded on all sides by residential development.

### **Relevant History**

None relevant.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G4 – Settlement Strategy.

Policy T7 – Parking Provision.

SPG – “Extensions and Alterations to Dwellings”.

Policy L4 of the Regional Spatial Strategy (RSS).

PPS3 – Housing.

Affordable Housing Memorandum of Understanding (AHMU).

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

This is an outline application for the erection of two detached dwellings on land off Whalley Road, Langho, with approval of reserved matters relating to ‘Access’ and ‘Layout’ being sought. The matters for consideration in the determination of this application therefore involve an assessment of the application in relation to the currently applicable housing policy, the effects of the development on visual amenity given the likely scale of the development and the potential impact on the amenities of nearby residents. The LCC County Surveyor has raised no objections from a highway safety point of view, and as such the details proposed in relation to the access are considered acceptable.

### **PRINCIPLE OF THE DEVELOPMENT**

As Committee will be aware, applications for new housing are now determined in accordance with the Saved Settlement Strategy Policies of the Local Plan which, for this development within the Settlement Boundary of Langho, is Policy G4. That policy defines as acceptable, the development of sites allocated within the plan, and the use of infill sites not defined as essential open spaces. Given the location of this site, I consider that to develop this site for housing would comply with Policy G4. In addition, as a pair of dwellings within the Settlement Boundary of Langho, there is no requirement under the terms of the Affordable Housing Memorandum of Understanding (AHMU) for the dwellings to be ‘affordable’.

The above Local Plan Policies also however need to be seen in the context of the revised National Planning Policy Statement 3 (PPS3) para 71 which states that in the absence of a five year supply of deliverable sites, which is the current position within the Borough, planning applications for housing should be considered favourably having regard to the wider policies within the PPS and including criteria in PPS3 para 69. Paragraph 69 states that, in deciding planning applications. Local Planning Authorities should have regard to, (among other issues):

- The suitability of a site for housing, including its environmental sustainability
- Using land effectively and efficiently and;
- Ensuring that the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

In considering suitability in this context the following are considered to be important:

- The location of the site in relation to the settlement and its services and amenities;
- The density of the development and subsequent visual impact on surrounding areas;
- The ease of access to the site and the potential impact of the access into the site (which would be advised by Lancashire County Council Highways staff).

On this basis, whilst the location of the site is considered entirely suitable, the density of the development and its subsequent visual impact are also key factors when considering the proposal. The proposed development of this site for two dwellings is therefore acceptable in principle when considered in relation to the current housing policies and guidance.

## VISUAL IMPACT/LAYOUT

The existing vehicular access onto the site will be retained, with parking/access for the two properties available off it. There will be space for parking a minimum of two cars per dwelling in front of the dwellings, and the dwellings themselves will be sited to face onto Whalley Road. The two dwellings will have a separation distance of over 25m between the dwellings opposite and those on Moorland Road, and will be screened from the adjacent property no. 67 by existing trees that will be retained.

With regards to the scale of the development, the Agent has supplied scale parameters with the proposal indicating that the plots will have floor areas of between 11.4m x 9m (Maximum) and 10m x 7m (Minimum), and they will be a maximum of two storeys in scale with ridge heights of between 6m (Minimum) and 9m (Maximum). The Agent considers that this would reflect the surrounding development and its site within the streetscene, and indicative drawings (Drawing 002) and a parameters plan (Drawing 001) highlight the potential development that could eventually be built on this plot.

The scale of the proposed properties has cause concern with both the Parish Council and nearby neighbours, and whilst the indicative drawings are not considered to be overly incongruous, it is appreciated that the vast majority of properties in this area are either bungalows or one and half storey properties with dormer windows, and that the properties on Moorland Road are set at a much lower level. On this basis, in order to prevent a development that would clearly dominate both the streetscene and the neighbouring houses, it is considered that the maximum heights of the two indicative houses proposed should be no more than 8m. This will allow a two-storey property to be built on either site that, coupled with the proposed floor areas, would easily create a suitable dwelling that would not appear overly dominant on the surrounding area.

Visually, any development of this site will affect the streetscene and views through the site, however in order to refuse a development the harm of a proposal must be demonstrated. With regards to the layout proposed, I am satisfied that the dwellings themselves will not overdevelop the two sites, and that they are positioned at suitable distances from neighbouring properties and adjacent garden areas. With regards to the potential scale of the two dwellings proposed, it

is considered that given the lower floor level of the site in relation to nearby dwellings, and given the height no. 65 Whalley Roads stands at approximately 7m in height, it is recommended that on any subsequent reserved matters applications, properties on this site be no more than 2 storeys with a maximum height of 8m.

#### IMPACT ON RESIDENTIAL AMENITY

One of the other concerns in regards to the proposed development is the potential overlooking/loss of privacy caused by the development of this site. The guidance provided within the SPG – “Extensions and Alterations to Dwellings” discusses a distance of 21m between existing dwellings and the proposed first floor windows of habitable rooms in new developments. However, given the spacing distances already discussed within this report and providing at the reserved matters stage the scheme will seek to minimise the perception of overlooking adjacent properties, I do not consider that the development will be likely to cause a loss of privacy to the occupiers of adjacent properties.

#### OTHER ISSUES

Aside from other non-material planning considerations raised by nearby neighbours, there is concern regarding potential surface water run-off on site. United Utilities highlight this matter within their comments and have requested certain conditions to be met with any approval of the plan. On this basis, I do not consider this to be a concern that would warrant the refusal of this proposal.

Therefore, bearing in mind the above comments and whilst I am mindful of the points of objection from nearby neighbours, I recommended the scheme accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate form of development and given its layout, scale and location would not result in visual detriment to the surrounding location, nor would its use have an adverse impact on highway safety or an adverse impact on the amenity of the occupiers of the adjacent dwellings.

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

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates.
  - (a) The expiration of three years from the date of this permission; or
  - (b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The permission shall relate to the development as shown on Plan Drawing No's 001, 002, 003, 004 and sss-04-01-mell-b.

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

3. 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.

4. With reference to any future reserved matters application, and notwithstanding the details submitted with the application, the maximum height of the proposed dwellings (which shall be of a two storey construction) shall be no more than 8m.

REASON: In the interests of visual amenity and the potential impact upon the amenity of the occupiers of the adjacent neighbouring properties, in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and the SPG – “Extensions and Alterations to Dwellings”.

5. Before the proposed access to the new dwellings and the reinstated access to the existing dwelling are used for vehicular purposes, any gateposts erected at the access points shall be positioned 5 metres behind the nearside edge of the carriageway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45 degrees to the centre line of the access. The gates shall open away from the highway. Should the access points remain un-gated 45 degree splays shall be provided between the highway boundary and points on either side of the drive measured 5 metres back from the nearside edge of the carriageway.

REASON: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility, in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. Before the proposed access to the new dwellings and the reinstated access to the existing dwelling number 65 Whalley Road are used for vehicular purposes, that part of the access points extending from the highway boundary for a minimum distance of 5 metres into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

REASON: To prevent loose surface material from being carried onto the public highway thus causing a potential source of danger to other road users, in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out as shown on Drawing 002 or equivalent for each of the two new dwellings. A vehicular turning space shall also be provided to the front of the existing dwelling number 65 Whalley Road as shown on Drawing 002 or equivalent. These vehicular turning spaces shall be laid out and made available for use before the development is brought into use.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, as vehicles reversing to and from the highway are a hazard to other road users.

8. Prior to the commencement of built development, the hedge on the highway frontage of the site to Whalley Road shall be reduced to and permanently maintained henceforth at a height not greater than 1 metre above the crown level of the carriageway of Whalley Road.

REASON: To ensure adequate visibility for the drivers of vehicles entering and leaving the site, in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

9. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

REASON: To ensure a satisfactory means of drainage in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

#### INFORMATIVES

1. Development on this site should be drained on separate foul and surface water systems. All foul drainage must be connected to the foul sewer and only uncontaminated surface water should be connected to the surface water system.
2. Ribble Valley BC imposes a charge to the developer to cover the administration, and delivery costs in providing wheeled bins to each household within a new build property or conversion. Details of current charges are available from the RVBC Contact Centre on 01200 425111.

Note: 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, details below:

Brian Eagle  
Public Realm Manager (Ribble Valley)  
Lancashire County Council  
Willows Lane  
ACCRINGTON  
BB5 0RT  
01254 770960  
customerserviceeast@lancashire.gov.uk

3. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

4. Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability.
5. Current records indicate that there is a pipe crossing the site which is a culverted watercourse/private pipe and not a United Utilities asset.
6. A separate metered supply to each unit will be required at the applicants expense and all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.
7. Should this planning application be approved, the applicant should contact our service enquiries on 0845 7462200 regarding connection to the water mains/public sewers. United Utilities encourages the use of water efficient designs and development wherever this is possible. The most up to date advice for water efficiency and water efficient products can be found at Water Wise who have recently published a best practice guide on water efficiency for new developments. We would encourage utilisation of the water efficiency activities.

APPLICATION NO: 3/2011/1044/P & 3/2011/1045/P (GRID REF: SD)  
 PROPOSED APPLICATION TO VARY CONDITION NUMBER 7 OF PLANNING CONSENTS  
 3/2007/1093/P AND 3/2007/1094/P TO ALLOW AN INCREASE IN THE USE OF THE  
 FUNCTION ROOM FOR UP TO 90 DAYS IN ANY CALENDAR YEAR AT TITHE BARN,  
 BROWSHOLME HALL, NEAR CLITHEROE

PARISH/ COUNCIL: No objections.

LANCASHIRE COUNTY COUNCIL - ENVIRONMENT  
 DIRECTORATE  
 (COUNTY SURVEYOR): No objections.

ADDITIONAL REPRESENTATIONS: A letter of representation has been raised which expresses concerns that an increase in number of uses would cause further noise disturbance as well as potential parking hazards.

**Proposal**

These applications seek to modify condition number 7 of previous consents relating to development at Tithe Barn, Browsholme Hall, which limited the use of the function room to 28 days in any calendar year. The proposal seeks to increase the usage of up to 90 days.

**Site Location**

The development proposal is located in the open countryside in an Area of Outstanding Natural Beauty. The barn has been in operation for in excess of a year and is located in relative isolation but there is one residential property opposite or in close proximity to the barn as well as Browsholme Hall itself. The building itself is a Grade II listed barn and is within the grounds of the Grade I Browsholme Hall.

## **Relevant History**

3/2007/1093/P and 3/2007/1094/P – Demolition of existing farm buildings conversion of traditional barn and store to provide space for functions and tourism use, formation of new visitor car parking area at Browsholme Hall, Browsholme, Cow Ark.

## **Relevant Policies**

Policy G1 - Development Control.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy RT1 - General Recreation and Tourism Policy.

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

The main issues to consider in relation to this application relate to residential amenity and highway issues. The principle of the use has been established but it is still correct to consider whether or not the proposed intensity or change in nature would cause either harm to highway conditions or residential amenity.

In relation to highways, it is clear that the County Surveyor does not object to the proposal and although I note the comments raised by a nearby occupier, that in some instances the number of vehicles that visit the site has caused possible conflict with the adjacent residential use and subsequent inconvenience, it is evident that the Highway Authority does not object to the proposal.

The issue regarding the potential increased use of the building and its direct impact on the residential amenity of the nearby properties is a relevant consideration. It should be noted that the hours of use restriction and all other conditions imposed under application 3/2007/1094/P and 3/2007/1093/P remain and therefore the safeguarding in relation to hours of use is still appropriate which restricts the use of the building to 0800 to 2400 hours.

I note the concern of the adjacent resident which specifically refers to the frequency of weddings as this tends to be the activity which would lead to more noise rather than other private functions. I have sought the advice of the Council's Environmental Health Officer but at the time of writing this report, no observations have been made.

In order to minimise the traffic generation the possible noise caused by frequent coming and goings it may be possible to encourage the event organiser to use more sustainable transport measures and encourage group travelling where possible. Although it is difficult to envisage how this could be realistically enforced it could be part of future marketing leaflets and either encourage the use of communal transport such as taxis and coaches for big events.

It is also important not to stifle a successful business and I believe that this scheme has resulted in additional employment with part time staff as well as some full time staff. It is clear that the venue is now marketed and it is an important facility within the borough and that demand itself has risen to the need for this application. It is often a difficult balance between protecting residential amenity and encouraging economic growth and in this instance I am of the opinion that subject to retention of existing safeguards and a limitation as to the number of activity events specific to weddings would go some way to prevent undue harm caused by noise and unsociable behaviour.



On that basis I consider a recommendation of approval appropriate which would be to limit the amount of times the building is used 90 days in a calendar year with only up to 50 of those days being used for wedding functions. In relation to listed building application, I consider that this condition can be fully discharged and this would not be necessary as the planning condition remains the substantive consent.

#### SUMMARY OF REASONS FOR APPROVAL

The proposed variation of condition would not cause significant harm to the detriment of residential amenity or highway safety.

RECOMMENDATION 1: That application 3/2011/1044/P be approved subject to the following condition:

1. Condition 7 on application 3/2007/1094/P be altered to read:

“The use of a function room for private parties and other similar events shall be limited to 90 days in any calendar year of which only 50 of those days shall be used for wedding functions. A register of bookings should be kept and made available for the Council to inspect a regular intervals.

REASON: To safeguard adjacent residential amenity under Planning Policy G1 of the Districtwide Local Plan.

RECOMMENDATION 2: That on application 3/2011/1045/P condition number 7 be removed.

APPLICATION NO: 3/2011/1068/P (GRID REF: SD 363222 432303)  
APPLICATION FOR MODIFICATION OF PLANNING CONSENT 3/2011/0022/P, THE  
FORMATION OF A NEW CAR PARK ON LAND OPPOSITE BALDERSTONE SCHOOL,  
COMMONS LANE, BALDERSTONE

PARISH COUNCIL: No observations or comments have been received at the time of this reports submission, however the Parish Council did supply a letter of support for the proposed car park as part of the previous application as they felt it would tackle a number of highway and parking issues for both the school and the church.

LANCASHIRE COUNTY COUNCIL (COUNTY SURVEYOR): No objections to the proposed amendments to the previously approved scheme.

ADDITIONAL REPRESENTATIONS: One letter has been received from a nearby neighbour who wishes to object to this proposal for the following reasons:

1. The problems faced by parents collecting and dropping off children from school are understandable, however to park opposite the school would be a retrograde step.

2. It is a primary school, and as the children are young they do not have any traffic sense. If a child sees their parent park across the road, they will run across to the road without a second glance.
3. In the 50 yrs I have lived here, I have not seen many accidents. Indeed the saving grace of cars parking on the road is that cars have to slow down to a walking pace to pass them.
4. As most park on the side of the road with a footpath, children have time to get into cars safely.

## **Proposal**

This application seeks modifications to a previously approved scheme for the proposed change of use of agricultural land to form a new car park in association with St Leonard's School and St Leonard's Church, Balderstone. Whilst the overall size of the car park remains the same (in terms of the change in use of the land area in square metres) and there will still be an area for cycles and motorcycles, it will now only provide 42 parking spaces in total, a reduction from the previously approved 45 with 3 of them remaining available for disabled users. There will be one vehicular entrance into the site off Commons Lane, and one pedestrian entrance with a safety barrier. The other main change is the request for the entire car park to be tarmac, with additional areas of traditional landscape planting on and around the site to break up the visual appearance of the proposal. Originally gravel or stone chippings were to be used for the parking spaces on the boundary of the car parking.

The footway provided within the site that follows around the edge of the car park to enable pedestrians to walk safely to the exit remains, and as noted above, the site will be surrounded by additional planting along new Lancashire hedgerow, and additional areas of planting with indigenous trees within the site. Aside from the creation of the entrance to the site, the existing boundary hedge on the Commons Lane boundary will be maintained.

## **Site Location**

The site is located opposite Balderstone Church of England Primary School, and to the south east of The Vicarage on Commons Lane, Balderstone. The land is designated as open countryside within the Districtwide Local Plan.

## **Relevant History**

3/2011/0022/P - Change of use of agricultural land to form new car park in association with St Leonards School and St Leonards Church, Balderstone – Granted Conditionally.

3/2004/0353/P – Creation of Off Road Car Park for 26 Cars (Re-submission) – Refused.

3/2003/0523/P - Creation of Off Road Car Park for 34 Cars – Refused.

## **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy RT1 - General Recreation and Tourism Policy.

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

The principal of the use of the land in question as a car park has already been accepted by virtue of the plans approved under the previous planning application, 3/2011/0022/P. Therefore, as the overall size of the car park remains the same (in terms of the change in use of the land area in square metres), the main consideration with this proposal is whether the proposed revised changes to the car park are considered visually acceptable. As noted, the car park will now provide 42 parking spaces in total, a reduction from the previously approved 45, and the one vehicular entrance into the site off Commons Lane, and one pedestrian entrance with a safety barrier will remain. The key change to this scheme is the use of tarmac across the entire site, with additional areas of traditional landscape planting on and around the site to break up the visual appearance of the proposal. As the revisions do not alter the previously approved access into the site, the County's Highway Engineer has raised no objections to the internal alterations.

#### **VISUAL IMPACT**

As the site is within open countryside, it is subject to Local Plan Policy ENV3 which states "Development will be required to be in keeping with the character of the landscape area and should reflect local vernacular, scale, style, features and building materials. Proposals to conserve, renew and enhance landscape features will be permitted, providing regard has been given for the characteristic landscape features of the area."

The use of a mixture of materials for the car park previously approved was considered acceptable, along with the boundary planting proposed, as it was considered to reduce the overall impact of a large black tarmac area within the open countryside. However, as the Applicant considers within the Design and Access Statement, gravel areas are prone to deterioration caused by vehicles executing tight maneuvering, exacerbated by power steering in newer vehicles, creating bare patches and the transference of gravel/stone to the tarmac areas potentially further deteriorating these areas. In order to further mitigate the use of tarmac throughout the site, the Applicant also proposes the planting of indigenous trees and shrubs within the car park (within the three spaces now removed from the scheme) and around the site to further soften and mitigate the impact of the car park on the locality.

On this basis, given that the site will be well screened by both existing and proposed boundary treatments, including the retention of a traditional hedgerow to the highway frontage, and will be further mitigated by additional traditional landscaping within the site, I consider that the proposed alterations to the materials to be used for scheme will have an acceptable visual impact on the wider and local landscape and environment.

#### **OTHER ISSUES**

The previous proposal saw a number of issues highlighted by neighbours in relation to the problems of queuing and congestion outside the school being experienced at the beginning and end of the school day, and the question as to whether such a proposal would help or indeed hinder such problems. The County's Highways Officer noted that such issues are common throughout the County, in both urban and rural locations, and that while the provision of some off-street parking can be of benefit, it is not necessarily a panacea for these short-term problems and it is important to recognise that it can bring about alternative traffic conditions that require

careful consideration. He noted that it was the policy of the County Council to encourage diverse and sustainable transport patterns in view of their potential road safety, health, social and economic benefits, and that whilst the provision of such a large car park in a rural location is problematic given this background, given its isolated location, lack of footway and narrow carriageway width, it may not be appropriate to encourage walking and cycling without providing relevant highway improvements.

He recognised that parked vehicles in this area of Commons Lane can act as a deterrent to excessive speeding and the removal of these same vehicles could have negative consequences, resulting in an increase in vehicle speeds. However, in specific respect to the Speed Limit in operation on Commons Lane, Lancashire County Council are currently pursuing a proposal to introduce a 30mph Speed Limit through the villages of Osbaldeston and Balderstone that would include Commons Lane and the school, with the formal consultation process commencing early in February/March 2012.

As noted with the previous scheme, and in regards to this slightly revised proposal, the LCC Highways Engineer is satisfied that the design offers an improved frontage treatment and a clear focus to the crossing movements to/from the car park linking to the main pedestrian route to the school and helping to reduce the potential for indiscriminate pedestrian activity across the entire frontage.

Therefore bearing in mind the above, and whilst I am mindful of the comments from the objector, it is considered that the proposed application complies with the relevant policies and, and is therefore recommended accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate form of development and given its design, size and location would not result in visual detriment to the surrounding countryside, nor would its use have an adverse impact on highway safety.

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

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

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

2. This permission shall relate to the development as shown on plan drawing No JP/CB/3320/B and JP/JM/3414/A.

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

3. The landscaping scheme submitted with the application 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.

4. All planting and construction within the frontage of this development and in advance of the new hedge line shall be maintained at below 0.9m above the height of the carriageway.

REASON: In order to maintain adequate visibility, and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays to be not less than 45o to the centre line of the access. The gates shall open away from the highway. Should the access remain un-gated 45o splays shall be provided between the highway boundary and points on either side of the access measured 5m back from the nearside edge of the carriageway.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.

6. Prior to its use the car park shall be surfaced and marked out in accordance with the details outlined on the sheet called 'car park surface and marking of parking spaces'.

REASON: To comply with Policies G1, G5 and ENV3 of the Local Plan and to allow for the effective use of parking areas without being to the detriment of the visual amenity of the area.

7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order amending, revoking or re-enacting that Order) there shall not at any time in connection with the development hereby permitted, be erected or planted, or allowed to remain upon the land hereinafter defined, any building, wall, fence, hedge, tree, shrub or other device.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Commons Lane to points measured 70m in each direction along the nearer edge of the carriageway of Commons Lane, from the centre line of the access, and shall be constructed and maintained at verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: In order to maintain adequate visibility, and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

8. The car park shall be drained in accordance with the details submitted within the document 'Surface Water Disposal and Drainage System Details' submitted with the application.

REASON: In order to prevent conditions to the detriment of the locality, and to ensure the satisfactory drainage of the site.

9. Other than the location of the vehicular and pedestrian accesses onto the site, the hedgerow fronting the site shall be protected in accordance with the BS5837 [Trees in Relation to Construction]. A protection zone shall be agreed in writing with the LPA, and shall remain in place until all construction work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

REASON: In order to ensure that the hedgerow affected by development, and considered to be of visual value, is afforded maximum physical protection from the adverse affects of development.

10. No development shall take place until the 30mph speed limit scheme has been progressed by Lancashire County Council beyond the formal consultation stage.

REASON: In the interest of highway safety as the access design and subsequent visibility calculations are based on the average speed of vehicles on Commons Lane being consistent with a 30mph Speed Limit.

NOTE(S):

1. Surface water from car parking areas of less than 0.5 hectares and roads should discharge to watercourses via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area, oil interceptor facilities are required such that at least six minutes retention is provided for a 12.5mm rainfall per hour. With approved 'by-pass' type of interceptors, flow generated by rainfall rates in excess of 5mm per hour may be allowed to by-pass the interceptor provided the overflow device is designated so that oily matter is retained.

Detergents, emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.

2. The applicant should ensure that the land proposed for the soakaway has adequate permeability in accordance with BS6297:1983.
3. 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.

**C. APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL**

APPLICATION NO: 3/2011/0580/P (GRID REF: SD 373490 435890)  
PROPOSED CONSTRUCTION OF MICRO-HYDRO STATION INCLUDING BUILDING TO HOUSE TURBINE TRANSFORMER CONTROL EQUIPMENT AND ASSOCIATED FISH LADDER AT LAND AT HOLE HOUSE FARM, BRIDGE END, BILLINGTON

BILLINGTON PARISH COUNCIL: No objections.

WHALLEY PARISH COUNCIL: No observations received.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection but careful consideration needs to be given by the applicant when considering construction traffic visiting the site.

ENVIRONMENT AGENCY: Initially objected to the proposal on grounds that insufficient details being submitted to mitigate flood risk as well as lack of detail in relation to biodiversity issues in particular to do with flow data for the river and fish pass. Following additional plans submitted on the 25 November and 2 December the objection has been withdrawn as the proposal no longer involves any works to raise the weir, they are satisfied that development will not increase flood risk and the flood risk assessment now submitted is appropriate to nature and scale of the development. Furthermore the additional information relating a fish pass design is now satisfactory, so no objection subject to relevant informatives being included in any decision notice.

ADDITIONAL REPRESENTATIONS: During the initial consultation there was one letter of support which considers that this makes an opportunity to make good use of the water flow to produce energy and refutes the allegation that it is a money-making scheme for the hydro group.

Nine individual letters of objections have been received at the initial stage which raised the following issues:

- Concern that the water-flow would be reduced by the hydro scheme making it difficult for fishes to pass.
- The health of the river systems affected by the barriers to flow.
- Impact to the visual detriment of the weir.
- Concerns regarding the possible flooding.
- Concerns of noise from the hydro and its impact on the environment.

- The possibility of glare from the photovoltaic panels on the building.
- As originally submitted there were incorrect details on the application form and a lack of information to a now proper assessment.
- Serious reservations about the quality of the ecology report considered the scheme would have a significant impact on the ecology.

Various organisations have also expressed concern and these come from Bowland Game Fishing Association, Ribble Fisheries, Consultative Association, Ribble Rivers Trust, the Mid Ribble Angling Society and the Salmon and Trout Association.

They make the following concerns:

- I reiterate concerns regarding the lack of information to assess the proposal, the scheme would add obstacles for fish to pass and such scheme does not benefit the local fish stock.
- Queries the benefit of a recently constructed scheme at the Settle hydro scheme.

Following re-consultation based on additional information relating to details of the fish passes and a flood risk assessment, the following comments have now been received which relate to people who have previously made representations. One letter of support still remains and one objection letter from individual person states:

- Inadequate consultation by the applicant should not determine a planning application separate to the abstraction licence and discharge licence.
- Inadequate ecology report as a fish pass does not cater for the impact on invertebrates.
- No knowledge of ownership of the weir.

As well as the individual objection their comments have been received from the six interest groups who make the following additional points:

- Presents unnecessary life threatening risk in relation to flooding.
- Creates ecology problems for fish and in particular the Atlantic Salmon.



- And the result of the Settle hydro scheme so that the hydro operators cannot be trusted to comply with planning conditions and the emerging data is likely to show that Salmons are reluctant to use fish passes.
- No consent be granted until an abstraction licence has been granted.
- Concern over the impact of noise/vibration caused by the hydro scheme would have on the fish stock.
- Concerns previously stated are reiterated.
- Disputes that controlling the flow of the water a control gear is possible and considers that the improvement to the fish pass is not the best solution as a triple larnier would allow all species of fish to migrate.
- Consider the ecology of the report still to be inadequate.

### **Proposal**

This is a detailed application which seeks consent for erection of a new building to support a hydro energy plant as well as a small education facility. There would also be an access track of approximately 130m long as well as a hardstanding for one vehicle. The building is of a lean-to construction and would measure 8m x 3.6m with a maximum height of 3.7m. The roof would be covered by solar pv panels and the building constructed of timber cladding and stone based at lower level.

The scheme also involves the alteration to the watercourse with a construction of a fish pass in the river by the weir. The pass is adjacent to the embankment and constructed of concrete panels with aluminium mesh. The doubt larnier fish pass means that there is a concrete floored resting pool between the two sections.

The proposed hydro scheme would be operated by an archimedes screw which would be enclosed by the building and it is anticipated that the electricity generated by the scheme would be up to 365,000kw of electricity annually.

### **Site Location**

The building and lies adjacent to the Whalley Conservation Area and situated within the greenbelt. Access to the building is initially on a track which serves The Marjorie and the adjacent farmhouse then a separate access track would be created to serve the building itself.

### **Relevant History**

None.

### **Relevant Policies**

Policy G1 - Development Control.  
 Policy ENV3 - Development in Open Countryside.  
 Policy ENV4 - Green Belt.  
 Policy ENV19 - Listed Buildings.  
 Policy ENV24 - Renewable Energy.

Policy ENV25 - Renewable Energy.  
Planning Policy Statement 5 – Planning for the Historic Environment.  
Planning Policy Statement 22 – Renewable Energy.

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

The main matters for consideration for determination of this application relate to ecological concerns and flood risk assessments, visual impact as well as the environmental benefits from the scheme.

It is evident that significant concerns have been expressed by various fishing organisations who object on the grounds of anticipated impact to the local ecology and in particular the effect on the fish resources. This concern was not alleviated following a re-consultation when additional details were provided in relation to flood risk assessments and specific details of fish passes which gave an indication as to how the proposal would relate to the ecological issues. However it is clear that following re-consultation the Environment Agency no longer object to grounds of ecological concerns or flood risks. Although I recognise the concerns of the local organisations I am of the opinion that the response of the statutory consultee which carries significant weight I would not wish to resist the development on the grounds of ecological issues.

In terms of environmental benefit from the scheme any renewable energy is normally welcomed but this must be balanced against the impact it would have in terms of visual impact or of acknowledged historical significance such as the effect on listed buildings or conservation area settings.

In relation to the visual impact, although the building is of a modest size, it is located in a prominent position on the edge of the conservation area. It is also within the greenbelt.

Within the greenbelt planning permission would not be given except in special circumstances for new buildings other agricultural or outdoor recreational uses. It is also important to preserve the openness of such areas. In this instance as the building is only of a limited size I do not consider it would have a significant impact on the protection of the greenbelt despite its visual impact. However, it is clear that due to the openness of the area, that the building and ancillary works would have a significant visual impact.

In relation to assessing the visual impact, having regard to the development's impact on the conservation area and adjacent listed buildings, the Council's Design and Conservation Officer expressed concerns regarding the scheme and conclude that the proposal would be conspicuous, incongruous and visually intrusive caused by the size and design of the building and the associated access track. As a result it would be harmful to the character and appearance and significance of the settings of Whalley Conservation Area and of the Marjorie (Grade II listed building) as well as important views from Whalley Bridge and Caldervale within the conservation area.

I am of the opinion that the visual impact outweighs any possible benefits accrued as a result of renewable energy and it is evident from the Whalley Conservation Area Appraisal that one of the important features is the views from Whalley Bridge and from the end of the Calder up to the Nab, I conclude that this will be significantly harmed by the proposal and it is evident that the creation of a track and fencing would also detract from the visual amenity of the area.

**RECOMMENDATION:** That planning permission be REFUSED for the following reason(s):

1. The proposed building and associated works would be visually intrusive and harmful to the character of the open countryside as well as appearance and significance of the setting of the Whalley conservation area and of important views from Whalley Bridge and Caldervale. The proposed development would therefore result in conditions to the visual detriment of the open countryside conservation area and would be contrary to Policies G1, ENV3, ENV6, ENV24, ENV25 as well as national guidance in the form of PPS5 Planning for the Historic Environment and PPS2 Renewable Energy of the Ribble Valley Districtwide Local Plan.

APPLICATION NO: 3/2012/0011/P

(GRID REF: SD 372312 445014)

SINGLE STOREY REAR EXTENSION AT BOOKERS BARN, FELL ROAD, WADDINGTON

PARISH COUNCIL: No objection.

ADDITIONAL REPRESENTATIONS: No observations received.

### **Proposal**

Permission is sought to erect a dual pitched single storey extension to the rear (eastern) elevation of the property. The southern half of the extension is to project 6.3m from the rear elevation, measure 8.2m in length and 5.1 metres in height. The proposal is to be constructed of stone walls and a slate roof with an external feature chimney breast measuring 1.2 metres in length and 5.8m in height to the rear elevation with full height glazing to the whole of the southern side elevation and to the eastern rear elevation. Attached to the southern half of the extension is a further pitched roof I-shaped extension measuring a total of 6.2m in length and 4.4m in height, in which the northern side elevation of the extension is to project 1.7m from the existing rear elevation with a lean-to roof constructed of stone walls with a slate roof to match the main property.

For information, initial plans that were submitted included a pitched roof porch extension to the southern gable elevation of the building. The agent has removed this aspect from the proposed scheme and amended plans were received on the 26 January 2012.

### **Site Location**

Bookers Barn occupies a relatively isolated and prominent roadside position, standing prominently on gently rising ground on the eastern side of the B6478 Waddington to Newton Road, approx. 0.5 miles to the north of the village of Waddington within the designated Forest of Bowland Area of Outstanding Natural Beauty. The property was a former barn which has been converted for habitable use (3/1989/0373) and once formed, together with the main farmhouse to the north of the building and attached outbuildings which have also been converted, part of a traditional farmstead complex.

### **Relevant History**

None.

## **Relevant Policies**

Policy G1 – Development Control.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy H10 – Residential Extensions.

Policy H17 – Building Conversions – Design Matters.

Policy SPG – “Extensions and Alterations to Dwellings”.

PPS1 – Delivering Sustainable Development.

PPS5 – Planning for the Historic Environment.

PPS7 – Sustainable Development in Rural Areas.

English Heritage (2006) The Conversion of Traditional Farm Buildings: A Good Practice Guide.

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

Members should note that prior to the submission of this application a pre-application enquiry was submitted and it was concluded that the department could not offer any support to the proposed extensions based upon their non-compliance with a number of both national and local development control policies. Notwithstanding the advice, the agent subsequently submitted a full planning application on the basis of what was submitted at pre-application stage.

The application has been the subject of a “call-in” by the ward member on the basis that ‘the blanket policy concerning barn conversion/extensions needs looking at and the situation should be brought before committee. I am sure that the majority of the members of the committee are unaware of the “draconian” restriction on barn conversions’.

Matters for consideration in the determination of this application are the visual impact of the proposal upon the appearance of this traditional barn conversion, the visual amenity of the Forest of Bowland Area of Outstanding Natural Beauty and impact upon neighbouring residential amenity.

With regards to the latter, the nearest residential property to the south of Bookers Barn is located at a distance of over 100 metres, and as there is a stone boundary wall to the northern boundary of the property and the extension to the rear is single storey with a lean-to roof, it is considered that any impact of the proposals upon the amenity of neighbouring residents will be minimal.

Therefore the main considerations in the determination of this application are the visual impact of the proposed extension upon the appearance of the converted barn and the Area of Outstanding Natural Beauty.

With regards to the detailed design of the extension Policy G1 of the Ribble Valley Districtwide Local Plan expects proposals to provide a high standard of building design and landscape quality stating that *‘proposals will be expected to provide a high standard of building design and landscape quality, and development which does so will be permitted unless it adversely affects the amenities of the surrounding area. Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature’*, and that *‘materials used should be sympathetic to the character of the area’*.

Ministerial advice in relation to development proposals is contained within Planning Policy Statement 1: Delivering Sustainable Development, in which one of the key principles outlined within the statement is *‘planning policies should promote high quality inclusive design in the*

*layout of new development and individual buildings in terms of function and impact, not just for the short term but over the life time of the development. In relation to design it also comments that 'design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted'. In respect of protection and enhancement of the environment, the statement makes clear that 'the Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policy should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole'.*

The farm building has been converted for domestic purposes and therefore Policy H10 of the Ribble Valley Districtwide Local Plan and the Councils Supplementary Planning Guidance (SPG) 'Extensions and Alterations to Dwellings' which relate to proposals for domestic extensions is relevant in the determination of this application. Policy H10 of the Districtwide Local Plan states that development will be *'considered on the basis of the scale, design and massing of the proposal in relation to the surrounding area'*.

In relation to design and scale the Councils SPG 'Extensions and Alterations to Dwellings' states that *'poorly designed extensions will appear as stark features which are out of keeping with the original house. In addition to this they can also harm the character of the wider area. Any extension should reflect the character of the original house and the wider locality. Particular care should be taken with any scheme which is visible from public vantage points'*. The SPG also states that *'in general extensions should respect the proportion, form and detailing of the original dwelling. It is normally better not to introduce design features which are not in keeping with the original house and the locality'*.

It is considered that the proposed rear extension is out of keeping with the original property in which its character remains that of a converted rural building. The design of the extension and the materials used in its construction are of wholly modern appearance which do not reflect, nor are in-keeping with the traditional character of the building and will thus prove harmful to the visual amenity of the area, contrary to the above policies.

In this location the original building, as an essential element of a farmstead remote from any village, would have contributed strongly to the character of its rural setting. The proposal would disrupt and dilute features the retention of which would have provided much of the justification for the initial conversion of the barn to a dwelling.

The Ribble Valley Districtwide Local Plan highlights the importance of retaining traditional farm buildings within the Borough stating that traditionally constructed buildings are *'very much a part of the Ribble Valley's character and heritage. The objective of allowing conversions or alternative uses is to keep these buildings well maintained and protect them as a feature within the landscape for future generations. It is important to stress that those features which make the building an important and interesting part of the Borough should not be lost'*.

The agent states in the submitted 'Planning Support Statement' and 'Design Statement' that the *'barn is not a barn at all but a stone built modern house'* and that *'many of the characteristics representative of the buildings former agricultural use have been lost'*. The approved conversion has changed the use of the building from that of agricultural to domestic use, but essentially the original conversion scheme sought to retain many of the features of the original barn, in particular its general form and appearance. In their own right the addition of window openings and other fenestration details as per the approved scheme, and which are evident on site today,

did change the character of the building, but they did not significantly detract from its principal features. Whilst the agent argues that *'the barn has lost many of its former agricultural features and to any passer by would be seen as a house'* and should therefore *'in terms of planning policy should be treated as such'*, both national and local policies do not support this view. The principle of policies contained within the Ribble Valley Districtwide Local Plan is that even once occupied as a dwelling, the host building should not shed its history as a converted farm building and additions/alterations should not undermine its simplistic form, thereby losing its integrity and visual appearance as a traditional rural farm building.

Policy H17 of the Ribble Valley Districtwide Local Plan states that *'traditional farm buildings should remain largely unaltered and remain looking like farm buildings after conversion'*. It is recognised that this policy is used in the first instance to guide the initial scheme of conversion but its design principles are of equal relevance to the submission of schemes after the initial conversion works have been carried out. It offers specific guidance on alterations and extensions to conversions highlighting that *'farm buildings are operational structures with a functional simplicity which is part of their appeal. Changes to the roof slope, amendments to the eaves line, addition of porches and chimney stacks will contribute to complexity and a loss of original character. It is 'important that farm buildings are preserved in their original form without alien urban additions or alterations'*.

The building is also considered to be a Heritage Asset as identified in Planning Policy Statement 5: Planning for the Historic Environment, and of historical interest, showing the development of the building in response to changing agricultural practices. Therefore in addition to the proposal detracting from the character and appearance of a traditional barn, which makes a positive contribution to the landscape, it will also affect the significance of this historic building. Policies HE7.5, HE9.5 and HE10 of PPS5 states that *'attention is required to the extent to which the design of new development contributes positively to the character, distinctiveness and significance of the historic environment'*.

English Heritage Guidance document 'The Conversion of Traditional Farm Buildings: A Good Practice Guide' supports the Council's policies in ensuring that extensions to barns are sympathetic to the original character and appearance of the building and reiterates the importance of retaining traditional farm buildings in their original form. The guidance states that *'historic farm buildings invariably retain key features that provide evidence of their former use and contribute to their significance'*. With regards to the roof of traditional farm buildings the guidance states that *'the roofs of farm buildings....represent a very significant aspect of their character'*.

The southern gable elevation of the building, in which the catslide roof appears as a prominent feature within the landscape is the most visually prominent elevation as viewed within the public realm from the main road. Its simplistic form with the omission of any extensions to the southern and eastern elevation of the building maintains the character and appearance of a traditional barn within the locality. It is considered that the rear extension does not reflect in design terms the traditional appearance of the barn, largely engendered by the inclusion of substantial openings of domestic proportions, the inclusion of a domestic external chimney and the variance in roof types which will be viewed in stark contrast to the barn conversion and will prove visually prominent within the locality. This is not the manner in which openings in traditional agricultural buildings tend to be dealt with, and the appearance in no way reflects the buildings historic use as a barn contrary to Policy H17 of the Ribble Valley Districtwide Local Plan. The pitched roof and projection from the rear elevation will jar against the original catslide roof which is a positive and common feature of traditional barns and which currently provides

evidence of its agricultural past, as viewed from the roadside. Furthermore the size of the extension will detract from the general form and scale of the existing building and will be readily seen from the highway.

The design of the proposed rear extension is overly domesticated in appearance and whilst such a scheme may be acceptable on a modern housing estate within a built-up area the building is not a suburban property and features incorporated in the proposal are not appropriate here. I agree with the agent that the clutter of garden paraphernalia somewhat detracts from the appearance of the existing building but this is not a justification for setting aside the requirement for good design set out in the development plan.

The isolated roadside barn is also a traditional feature within the Area of Outstanding Natural Beauty and needs protecting from inappropriate development. Policy ENV1 seeks the protection, conservation and enhancement of Areas of Outstanding Natural Beauty. This policy states that *'development will also need to contribute to the conservation of the natural beauty of the area...the design, materials, scale, massing and landscaping of development will be important factors in deciding planning applications'* These areas have *'the highest status of protection in relation to landscape quality and scenic beauty'* (para. 21 of PPS7) and are designated to conserve our most significant natural and historic landscapes. As the proposal will significantly detract from the appearance of the barn, as discussed above, the development will neither protect, conserve nor enhance the landscape area but devalue the character and appearance of this rural landscape contrary to Policy ENV1 of the Ribble Valley Districtwide Local Plan.

Ministerial advice on development in the countryside is contained within Planning Policy Statement 7: Sustainable Development in Rural Areas which states as one of its key principles *'all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness'*.

To conclude, the barn in its current form makes a positive contribution to the visual amenity of the area and the simplicity and functional design of this prominent traditional building is worthy of retention. The extension would add essentially domestic features, which do not reflect in design terms the character of the building and will in fact devalue and dilute the traditional character of the building, reducing its appearance to that of a conventional dwelling contrary to Policy G1, H10 and H17 of the Ribble Valley Districtwide Local Plan, the Councils SPG 'Extensions and Alterations to Dwellings and policies contained within PPS1 and PPS5.

As a result the development will detract from the appearance of the natural environment and will neither, protect, conserve nor enhance the Forest of Bowland Area of Outstanding Natural Beauty contrary to Policy ENV1 of the Ribble Valley Districtwide Local Plan and PPS7.

In addition, the proposal is considered contrary to the provisions of local plan policy and approval of such inappropriate works would give hope to owners of other barn conversions as to their chances of gaining consent for similar unsympathetic additions.

I note the concern expressed and the reason for the call-in, but I am of the opinion the Councils policy in relation to extensions on former barns is appropriate and has been well supported in many appeals and it is clear that this proposal is contrary to established planning policy.

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

1. The proposal is considered contrary to Policies G1, ENV1 and H17 of the Ribble Valley Districtwide Local Plan as well as policies and guidance contained within PPS1, PPS5 and PPS7. The proposed extension would be viewed as an incongruous and prominent feature by virtue of its size, scale and design and does not reflect the original building, resulting in harm to the visual appearance, character and setting of this traditional rural building and be to the detriment of the visual amenity of the Forest of Bowland Area of Outstanding Natural Beauty.
2. If allowed the development would set a dangerous precedent for the acceptance of similar unsympathetic proposals destroying the character and appearance of other barn conversions which would be both contrary to policy and to the detriment of the visual amenities of the Area of Outstanding Natural Beauty.



**D. APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED OR ONES PREVIOUSLY DEFERRED**

APPLICATION NO: 3/2011/0025/P

(GRID REF: SD 376579 444018)

PROPOSED OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (10 DWELLINGS)  
AT LAND OFF CHATBURN OLD ROAD, CHATBURN

PARISH COUNCIL:

Strongly objects to the development. Members are referred to the file for full details of the grounds which can be summarised as follows:

1. An application for part of this site was refused under 3/1990/0834/P and was dismissed on appeal for the following reason:

Whilst the appeal site has not been designated as an Essential Open Space, I consider that development of this land would be unacceptably harmful to the character of the settlement by filling in an area of open land, which provides visual relief between buildings and contributes to the setting of the village. There can be cases where small-scale development can be satisfactorily integrated into the rural community. In this appeal however I consider that environmental damage would result from the scheme.

2. An application for 8 starter homes, four family houses and four bungalows (3/1989/0077/P) was refused because the access was deemed inadequate.
3. This is agricultural land outside the village boundary.
4. Reference to the Secretary of State revoking the Regional Strategies in July 2010.
5. Proximity to quarry.
6. Access issues at the junction with Ribble Lane, width of road and vehicles parked on road.
7. Highway safety issues.
8. The findings of the housing needs survey in 2009 would not support this development.
9. A request that Committee delay any further consideration of the application before a full enquiry into the Hughes Craven report has been carried out.

In response to an amended highway plan received on 12 December 2011 comment as follows:

1. The repositioning of the STOP line from Old Road exit into Ribble Lane will be detrimental to highway safety due to the blind spot on Ribble Lane approaching the centre of the village.
2. Ribble Lane/Old Road/Crowtrees junction has, on numerous occasions, been drawn to the attention of LCC Highways of its high accident risk due to the volume of vehicle use.
3. The amended plans considerably reduce the stopping space of both school and public bus services where these are already traffic flow issues. The reduced space will be an increased accident risk to young persons.
4. The area specified on the amended plans included to assist visibility reduces the parking facilities particularly for Ribble Valley residents. Parking in Chatburn is already at a premium.
5. Goods vehicles drivers delivering daily to local business in the centre of the village experience problems due to the narrow road and at times the road is completely blocked.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Initially commented that whilst having no objection in principle to this application on highway safety grounds, there were certain highway issues to consider and that these must be resolved before consent is granted. Members are referred to the file for full details of these matters which to summarise concerned the junction of Chatburn Old Road and Ribble Lane and visibility.

The applicant provided additional information on 13 September 2011 which comprised details of junction works to Chatburn Old Road/Ribble Lane. In response to the additional information the County Surveyor commented that the measures shown did not satisfactorily address concerns regarding the safe operation of the junction.

Since that time a further amended plan has been received and in response the County Surveyor has made the following observations:

The revised junction plan aims to address the concerns I have raised previously in relation to achieving satisfactory sightlines from Chatburn Old Road.

As with previous proposals, this proposal offers a potential solution through the introduction of hatched road markings that draw forward the STOP line at Chatburn Old Road. However, in this instance other measures are proposed to address the impact of advancing this line.

The physical alterations to the south side of the Chatburn Old Road junction results in (a) an element of protection for motorists waiting at the STOP line, and (b) a reduction of the radius at the junction to correspond with the alignment to the north and is consistent with the low speed of approaching traffic.

The sightline shown is 2.4m by 20.0m but I would consider a measurement from 2.0m back from the edge of carriageway to be acceptable in this instance and at this location. This would reduce the impact on the available carriageway width to the north of the junction, while retaining the element of physical protection. A subsequent drawing, 1350/04 Rev B, showing a 2.0m by 20.0m sightline is attached.

Considering the impact of the reduced "active" carriageway width immediately to the north of the junction, there must be a minimum carriageway width of 5.5m to accommodate the convenient movement of two-way traffic. While there are often parked vehicles to the east side of Ribble Lane, the movement of passing traffic should not be hindered by the location of a revised STOP line or any associated markings.

The proposed alteration to the alignment of the junction retains a satisfactory carriageway width throughout and would have the benefit of improving visibility for motorists exiting Chatburn Old Road. The physical works would remove the potential for vehicles on Ribble Lane to over-run the hatched markings and impeded the safe operation of the STOP junction.

On this basis, I am satisfied that the junction can operate in a safe and efficient manner.

A further amended plan was received on 12 December 2011 and this is considered to provide an acceptable highways solution.

LANCASHIRE COUNTY  
COUNCIL (PLANNING  
CONTRIBUTIONS):

Have considered the application as originally submitted and comment as follows:

Transport

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

Education

The response dated 31 January 2011 detailed a need for a contribution from the developer for the total primary yield of this development i.e. 4 places

Using the adjusted DCSF cost multiplier (12,257 x 0.9) x 1.0733 per place = £47,360.

*However the most recent response from the education team at Lancashire County Council dated 18 October 2011 outlines the following:*

Requirement based on forecasts and other housing development (where applicable):

**Primary**

There were 111 places in the local primary schools at January 2011 pupil census.

With *latest forecasts* for the local primary schools showing there to be a shortfall of 30 places in 5 years' time, the shortfall will occur without the impact from this development. These forecasts take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 4 places.

## **Secondary**

There was a shortfall of 14 places in the local secondary schools at January 2011 pupil census.

*Latest forecasts* for the local secondary schools show there to be approximately 47 places available in 5 years' time. With an expected pupil yield of 3 pupils from this development, it is expected that there would be a further 44 places available. However, planning applications have already been approved for Barkers Garden Centre, Victoria Mill and Cobden Mill, which have the potential to yield 24 additional pupils which are expected to attend one of these secondary schools. Therefore, the number of remaining places would be  $47 \text{ less } 24 = 23$  places. With a potential yield of 3 pupils from this development, there would be sufficient places to accommodate this development.

Therefore, we would not be seeking a contribution from the developer in respect of the remaining pupil yield of this development, i.e. 2 places.

### Other developments impacting upon these schools pending a decision (including appeals):

*There is also an additional housing development at Henthorn Road which will impact upon this group of schools which is pending appeal.*

### Effect on number of places:

The proportion of the expected yield from this development which is expected to impact upon this group of secondary schools is 68 pupils. Therefore, should a decision be made on this appeal before agreement is sealed on this contribution, our position may need to be reassessed, taking into account the likely impact of such decisions.

### Summary of response:

The latest information available at this time was based upon the 2011 annual pupil census and resulting forecasts.

Based upon the latest assessment, LCC would be seeking a contribution for 4 primary school places.

Calculated at 2011 rates, this would result in a claim of:

Primary places: 4 @ (£12,257 \*0.9) x 1.1072 = £48,855

Total contributions: **£48,855**

**NB:** Dependent upon the outcome of the appeal at Henthorn Road the total secondary claim could increase to a maximum of the full pupil yield for this development i.e. 3 places. In this case the secondary contribution would be

Secondary places: 3 places@ £18469 x (0.9) x 1.1072= £55,212

<sup>1</sup> Latest forecasts produced at spring 2011, based upon Annual Pupil Census January 2011.

### **Waste Management**

The County Council makes vital major investments in waste management infrastructure for reasons of environmental protection and sustainability. 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 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 £4,800.

LANCASHIRE COUNTY  
COUNCIL  
(HEAD OF PLANNING):

Initially commented that the application raises serious concerns due to its proximity to a working quarry. The site located 60m to the east of the permitted boundary of Lanehead Quarry. This quarry has permission until 2027 for the extraction of limestone and shale in order to provide raw materials to the adjacent cement manufacturing plant. The quarry is of significant scale and uses blasting as part of the extraction process. The quarry provides raw materials to the only cement manufacturing plant in the northwest region.

The quarry is therefore of national significance in terms of the provision of essential construction materials in order to maintain production. It is important to ensure that the future availability of this strategic mineral reserve is not compromised by the encroachment of development towards the quarry which could generate problems in terms of the impact of quarrying operations on adjacent residents. On the basis of the information available at that time an objection was made on behalf of the County Council and request that planning permission be refused.

Since that time additional information was provided in the form of an environmental appraisal (received 13 September 2011). In response to that document the following comments have been received from LCC:

The County Council agree that the future quarrying operations in this location could probably be undertaken without causing any major issues relating to breaches of permitted limits on noise, air quality and blasting vibration. That would appear to be demonstrated having regard to the existing monitoring information, and to the fact that any future development at the quarry will be at greater depth rather than at a closer distance towards the houses. The fact that the application is for a relatively modest number of houses is a factor that also needs to be taken into account.

However, I do feel that it would be remiss of me not to raise the point that building more houses in close proximity to a quarry site of this scale, may result in a greater number of complaints or objections to any future development at the site, and that such complaints or objections do represent an additional complication for any quarry operator in the planning process, particularly with regard to the political dimensions of any future proposals for the extension of the quarry.

I am aware that there have been occasional complaints relating to blasting vibration from properties on the western edge of Chatburn. Occasionally other issues have also been raised in relation to night time noise or to dust.

This is particularly the case in relation to the context of Hanson having recently requested a scoping opinion from the County Council in relation to the deepening of Lanehead Quarry. This being indicative of the Company's intentions with regard to the future sourcing of raw materials to supply the cement works.

In such circumstances, the Borough Council will need to weigh these comments in the overall planning balance, including the need for the housing and the availability or otherwise of other sites that would not be in such proximity to the strategic mineral resource. The overall planning balance is clearly a matter for the Borough Council to determine.

A further letter from the Head of Planning at LCC was received on 25 January 2012. Members are referred to the file for full details regarding comments made about detailed assessment of size and quality of reserves, quality of reserve remaining in Lanehead Quarry, dewatering of both quarries and distance between nearest quarrying and proposed housing and predicted impacts. The letter sets out that correspondence sent by Hanson UK, dated 7 February 2011 (email), 27 October 2011 (email), subsequent letter (undated), reiterating same text, and 6 December 2012 (email), and sent by Hughes Craven (addressed to Janet Dixon Town Planners Ltd dated 14 November 2011 and 9 January 2012 have been forwarded to LCC by the Borough Council.

To summarise the Head of Planning at LCC comments that:

*To begin, I should make you aware that officers of the County Council did note concerns with some of the more contextual information and views expressed in the Environmental Appraisal, but also concluded that these concerns did not affect the overall conclusions.*

*I should also confirm that the County Council maintains its position made on the basis of the evidence presented in the Environmental Appraisal, and previously communicated in its letter dated 19 October 2011 to the Borough Council and letter dated December 2011 to Mr David Parkinson, that the housing development could probably be undertaken without causing any major issues relating to breaches of permitted limits on noise, air quality and blasting vibration.*

ENVIRONMENT AGENCY:

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

ADDITIONAL REPRESENTATIONS:

Sixty letters of objection have been received in relation to the originally received plans and subsequent revisions. Members are referred to the file for full details which can be summarised as follows:

1. Reference to the planning history of the site and an appeal decision in 1990, for part of the land that forms this site, where an Inspector considered that development of the land would be unacceptably harmful to the character of the settlement.
2. Proximity to the edge of Lanehead Quarry void quarry face where blasting is required approximately once a week. This greatly reduces the environmentally acceptable standoff between the quarry and proposed properties and could effect mineral safeguarding.
3. Concerns over highway safety which include reference to following:



- The junction with Ribble Lane where visibility is reduced.
- Width of the road is around 4.5m at its narrowest point and when cars are parked on the side of the road utility vehicles such as the refuse collection lorries have great difficulty as they have to reverse up the road.
- Lack of off-road parking means approximately 20 vehicles park on Old Chatburn Road and three properties have direct access onto the road.
- Reference to number of vehicles that travel along Ribble Lane passing the junction with Old Road and the number that now leave the A59 at the Sawley Road junction and travel through Chatburn to Clitheroe (at peak times approximately 950 vehicles per hour).
- Approximately 6 years ago requested a mini roundabout to be sited at the junction of Ribble Lane and Crowtrees Brow to assist with the traffic flow. The request was not successful.
- Reference to comments by LCC Highways in 1989 as part of the planning application it was recommended that the application be refused in the interests of road safety stating that the junction was substandard in terms of visibility in both directions and increased turning movements would increase the risk of accidents.
- During periods of snow the lane is impassable.
- There are no footpaths on Old Chatburn Road to link the site to the village.
- Reference to an application at Chatburn Village Motor Company where LCC Highways raised objections to a development of only 4 properties.
- Moving the STOP line on Ribble Lane would be detrimental to highway safety.
- No data has been provided to prove that all vehicles travelling along Ribble Lane are doing 20mph or less and it is upon these grounds that LCC Highways state that the junction would be considered safe.
- A change of this nature to the junction needs to be discussed by all residents of Chatburn not just those directly affected by the old Road development.
- Changes to this junction would have severe long-term effects on local businesses who rely on the availability of parking at this location for their concerns.

4. A Housing Needs Survey was carried out in 2009. The 35% response could indicate that there is no imminent need for a change of housing. Of those saying how much they could afford when buying a house the maximum is way below the anticipated cost of the properties planned for sale.
5. There is a need for starter homes but not the four-bed dwellings proposed.
6. The development site is outside the settlement boundary – contrary to Policy G5.
7. The area opposite is regularly tested for methane – is this a health and safety issue?
8. Lack of school places at primary level and secondary level.
9. The land has become home to a large range of wildlife including deer and wild birds of prey.
10. Reference to pre-application advice offered which is prejudicial to the outcome of this application.
11. Could some of the remaining land be donated to a charity such as the Woodland Trust?
12. Concerns over infrastructure – sewers, water, electricity.
13. Impact on properties on Crowtrees Brow – privacy/outlook/overshadowing.
14. The site would be visible in the skyline and thus become a prominent feature in both the village and in views from further afield.
15. The site is unsuitable for development given its undulating nature and the fact that it is rocky and partially boggy.
16. reference to the number of dwellings indicated as the potential development in the SHLAA which is more than that applied for.
17. Possibly sheltered accommodation would be of benefit to the village.
18. The removal of trees should be resisted.
19. In view of the proximity to the active quarry and the potential to have a significant impact of the operation of the cement works question its impact on local employment and economy and operating practices of the cement works.
20. Question the accuracy of the submitted Environmental Appraisal.

### **Proposal**

This is an application made in outline that seeks consent for the erection of 10 dwellings. Matters of access are being applied for at this time with layout, scale, landscaping and associated details reserved for future submission. An illustrative plan is submitted which details 7 detached and 3 terraced houses arranged around a cul-de-sac formed off Chatburn Old Road. Other than for the formation of the access/visibility splays the trees/hedgerow along the site to

Chatburn Old Road frontage would be retained along with other trees of value within the site. Three of the dwellings would be affordable (representing 30% of the site) with the proposed mix being 1 social rented and 2 shared ownership. The indicative scale parameters of the proposed dwellings detail approximate maximum heights of 7.3m to ridge. An amended plan received on 12 December 2011 details highway works at the junction of Chatburn Old Road and Ribble Lane. These are the moving of the STOP sign marked on the carriageway into Ribble Lane (from Chatburn Old Road), a kerbed build out to the right an egress from Chatburn Old Road with white lining.

### **Site Location**

This is a greenfield site that lies outside but immediately adjacent to the settlement limit of Chatburn within land designated Open Countryside. To the west and north of the site lies Lanehead Quarry, to the east residential properties on Chatburn Old Road and to the south properties that front onto Crowtrees Brow. There is a public footpath leading from Crowtrees Brow across the land included within the blue edge of this application (ie same land ownership but not intended for development under this application) to Chatburn Old Road and beyond. Within the site are trees and hedgerow and the land is undulating in nature and set higher than Chatburn Old Road.

### **Relevant History**

3/1989/0674/P – Provision of four-bed house and stable yard with outdoor dressage area. Refused 8 March 1990.

3/1990/0834/P – Outline application for residential development. Refused – appeal dismissed.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy H20 - Affordable Housing - Villages and Countryside.

Policy H21 - Affordable Housing - Information Needed.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Affordable Housing Memorandum of Understanding.

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

Policy DP2 – Promote Sustainable Communities, North West of England Regional Spatial Strategy to 2021.

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

Policy L1 – Health, Sport, Recreation, Cultural and Educational Services Provision, 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.

PPS1 – Delivering Sustainable Development.

PPS3 – Housing.

PPS7 – Sustainable Development in Rural Areas.

PPG13 – Transport.

PPS22 – Renewable Energy.  
Policy H2 - Dwellings in the Open Countryside.

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

The matters for consideration in the determination of this application are the principle of development, highway safety, visual and residential amenity, impact on ecological interests, and relationship with adjacent quarrying operation. For ease of discussion, these are broken down into the following sub-headings:

#### **Principle of Development**

This application is for the development of 10 units at Chatburn Old Road, Chatburn. Under the adopted Districtwide Local Plan, the site falls outside but adjacent to the settlement boundary and is designated Open Countryside (Policy ENV3 and policy G5). Policy ENV3 states that in the open countryside development will be required to be in-keeping with the character of the landscape area and should reflect local vernacular style features and building materials. Proposals to conserve, renew and enhance landscape features will be permitted, providing regard has been given for the characteristic landscape features of the area.

As the proposals are for the development of 10 residential units, Planning Policy Statement 3: Housing (PPS3) must be considered. Paragraph 72 of PPS3 states that where LPAs cannot demonstrate a 5-year supply of deliverable housing land, paragraph 69 should be considered in deciding planning applications. As at 1<sup>st</sup> October 2011, Ribble Valley can only demonstrate a 3.3 year supply of housing. Therefore, in assessing the proposals in relation to paragraph 69, Local Planning Authorities should consider:

- achieving high quality design,
- ensuring developments achieve a good mix of housing ,
- the suitability of a site for housing, including its environmental sustainability,
- using land effectively and efficiently; and
- ensuring the proposed development is in line with planning for housing objectives.

An important consideration in assessing these proposals is bullet point 3 of para 69 (as above), which relates to the need for Local Planning Authorities to have regard to the suitability of a site for housing, including its environmental sustainability, as well as bullet point 5, which requires that development consider planning for housing objectives. Paragraph 10 and 36 of PPS3 discuss this further and state that housing developments should be in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

It is considered that although the site would be located on land designated as open countryside, it is adjacent to the settlement boundary of Chatburn and therefore closely related to a service centre that can offer these facilities and access, which is in line with planning for housing objectives.

However it is important to also consider the environmental suitability of the site, as set out in para 69 of PPS3. As highlighted by Lancashire County Council (LCC), the site is located in close proximity to a quarry site and that work associated with the quarry may result in future complaints from residents who would be living at the development site. The concerns raised by

LCC are addressed within the environmental appraisal report that accompanies the application, which states that it is not considered that there would be unacceptable impacts upon residents as a result of proposed new development.

Although the site itself is considered suitable in terms of its environmental suitability in land use terms, LCC's concerns are acknowledged and the Council's Environmental Health department have been consulted to further consider this issue with those comments included later in this report.

In relation to the issue of a lack of a 5-year supply of deliverable housing sites, it is important to note that the situation is subject to rapid change. At the present time, the overall housing requirement for Ribble Valley is determined by the Regional Spatial Strategy (RSS) however Government advice has highlighted that the RSS is soon to be abolished and as a result it will fall upon Local Planning Authorities to determine what the housing requirement should be for their own borough, albeit determined upon strong and robust evidence. As a result, in preparation for this abolition and having regard to the time frames involved in consulting upon and adopting new housing numbers for use in determining planning applications and working on the Strategic Development Plan, Ribble Valley Borough Council instructed Nathaniel, Litchfield and Partners (NLP) consultants to undertake some work on assessing what the overall requirement for housing land should be in the borough. That work is now complete and has been out for public consultation. Therefore, as a result it must be considered that dependent upon the outcome of that consultation, the five-year supply position is subject to change.

It will also be important to consider any potential visual impact of the scheme. Policy H2 of the adopted Districtwide Local Plan discusses this in greater detail and states that the impact of proposals on the countryside will be an important consideration in determining all planning applications. Development should be appropriately sited and landscaped. In addition, scale, design, and materials used must reflect the character of the area, and the nature of the enterprise. This is covered elsewhere within this report.

In terms of potential change in policy, as well as the Core Strategy Development Strategy options, consultation work was also undertaken on developing the LDF Development Management Policies and Key Statements document, as well on a revised Memorandum of Understanding on Affordable Housing, now titled 'Addressing housing need in Ribble Valley'. Once adopted, as is anticipated in the coming months, there will be a requirement to provide sheltered provision as part of the scheme, and the thresholds for affordable housing provision currently set out in the AMHU are subject to change. In respect of how a development of this scale would fit with the direction of travel reported to Members at Planning and Development Committee in December revised comments from colleagues in the Regeneration and Housing Section were still outstanding when this report was drafted.

### Affordable Housing

In considering the affordable housing element of the proposal, it is important to have regard to Policies H20 and H21 of the Ribble Valley Districtwide Local Plan and the Council's Affordable Housing Memorandum of Understanding (AHMU). Policy H20 of the Plan identifies that on sites outside defined settlement limits, schemes should provide for 100% affordable needs. However, having regard to material considerations, namely PPS3 as outlined above, I am of the opinion that as the scheme immediately abuts the saved settlement limit of Chatburn a more relaxed approach is in order and that it is the requirements of the AHMU and Policy H21 that the affordable elements of the scheme should be assessed against.

In terms of assessing the development under the requirements of the AHMU a scheme outside defined settlement limits for three or more dwellings (or sites of 0.1 hectare or more) should provide 30% of the site for affordable provision. Policy H21 sets out the information to be submitted in support of affordable schemes in terms of who the accommodation is intended to be provided for and details of the methods by which the accommodation will be sold, let, managed and retained a suitable for its original purpose.

The scheme is made in outline for the erection of 10 dwellings. A draft Legal Agreement was submitted with the application and has been the subject of negotiations with the Council's Housing Strategy Officer in order to ensure that the scheme matches identified needs. Given the scheme is within the Chatburn area, the approach taken is that development in this area should meet housing needs within the village. The negotiations have secured revisions to the originally submitted agreement with the Legal Agreement content sub-heading later within this report providing specific details for the clauses covering the affordable elements.

### Highway Safety

Members will note that many of the objections received to this development relate to matters of highway safety-both the originally submitted plans and amended details for the junction of Chatburn Old Road and Ribble Lane received on 12 December 2011. The County Surveyor has been in discussions with the applicant regarding concerns that he had in relation to achieving satisfactory sight lines from Chatburn Old Road. It is clear from the comments of the County Surveyor that the negotiations that have been ongoing in this respect for the past months have resulted in the production of a scheme that is considered to address the concerns raised and enable the junction to operate in a safe and efficient manner. Thus, on the advice of the technical specialist in this field, I must conclude that on the basis of the amended drawing received 12 December 2011, there would be no significant detriment to highway safety as a result of this scheme's implementation.

### Layout, Scale, Visual Amenity

As stated previously, this is an outline application with the only detailed matter being applied for at this time being means of access. To assist the Local Planning Authority in making a decision on such schemes, there is a requirement for applicants to provide a basic level of information on other matters including parameters of scale.

An indicative site layout plan has been submitted to show how the scheme would fit into the immediate surroundings with existing residential development to the east and some distance away to its south east that fronts on to Crow Trees Brow. To the north eastern corner of the site is an area of unimproved calcareous grassland and this area is retained with the short cul de sac proposed under this application set to the west of this. The development site sits between the grassland area and an existing public footpath and the plan shows a link to the public footpath from the development. The site generally slopes down from west to east and is undulating in nature. As part of this application, site sections and elevations have been provided to assist in the decision making process.

In respect of the visual impact of this development I am mindful that the site does lie outside the defined settlement boundary and is set on rising land. Comments have been made by objectors to previous appeal decisions and that the properties would be visible on the skyline. For Committee's information, the appeal decision relates to a site to the east of this one on land between Crow Trees Brow and the rear of properties on Chatburn Old Road (3/90/0834/P).

Development on that site would fill the void that separates two wedges of residential development. The scheme here is different in nature in that whilst it extends the development edge of the village in a westerly direction, the layout shown would not, I consider, significantly compromise the visual amenities of the area. Dwellings are provided with separate garden areas but there are substantial areas of open land to retain areas of calcareous grassland and protect trees. Visually, the site is well contained with no open views into the site from Crow Trees Brow by reason of the intervening ribbon of housing fronting that roadside and areas of woodland. The only public views of the site are from positions on Chatburn Old Road immediately adjoining the site and from the public footpath as it runs past the site.

I am of the opinion that the two-storey scale of development reflects the predominant scale of property in the locality. There is a mix of development styles in the area and at this outline stage, reference is made in the Design and Access Statement to external facing materials being complimentary to the character and traditions of the area, including stone walls and slate roofs. Clearly, detailed matters of design are reserved for future submission and Members should be guided by the indicative layout and scale. The dwellings are shown to be between 6.8m to 7.3m in height and on the basis of this and having regard to the scale of surrounding development, I do not consider that the parameters of scale shown would prove significantly detrimental to the visual amenities of the area.

#### Residential Amenity

In assessing residential amenity, I am mindful of the relationship between the dwellings proposed as part of this scheme as well as the relationship with existing properties adjacent to the site. Dwellings that face toward each other within the scheme are set between 25m to 35m apart and thus that relationship is considered satisfactory.

To the south are dwellings that front on to Crow Trees Brow. These are set lower than the application site and approximately 70m distant. Again I consider this relationship satisfactory.

Existing dwellings that align the southern edge of Chatburn Old Road are set approximately 40m to the east of plot 10 which is the first dwelling on the proposed cul de sac. An area of calcareous grassland is to be retained and set between these two respective areas. I am of the opinion that given the distances involved there is sufficient separation distance to ensure that existing amenities of residents would not be so significantly compromised as to warrant an unfavourable recommendation on residential amenity grounds.

#### Nature Conservation

This is a Greenfield site with trees within the site and hedgerows that align the roadside boundary. As part of the application, a tree survey and development constraints plan was submitted which provides a condition report on existing trees and indicates the constraints on site development presented by these trees and the implications of tree retention. The dominant species on the site are self seeded Hawthorn with a scatter of early mature and mature Ash together with Lime, Beech and Field Maple. The hedge bordering the site along Chatburn Old Road is a degraded thorn hedge with young Ash, Holly, Elm, Field Maple and Sycamore. The scheme would involve the loss of some of the trees on site but it is considered that their loss would have a negligible impact upon the visual amenity value of the area and the loss can be more than adequately mitigated for through tree planting as part of the landscaping scheme submitted at reserved matters stage.

The application is also submitted with an ecological survey and assessment to examine the ecological, bio diversity and nature conservation status of the site. Appropriate surveys for protected species have not detected the presence of Great Crested Newt, Badger, Water Vole or reptile species within the actual site. The Calcareous grassland habitats within the site are assessed to be suitable for use by ground nesting birds such as Skylark. The report concludes that the principle of development is feasible and acceptable and provides a set of recommendations concerning protection of vegetation, protection of breeding birds, ecological enhancement and landscape planting and landscape management. Therefore, subject to an appropriately worded condition to ensure the recommendations of the ecological survey are carried out, there is no justifiable reason to withhold consent on ecological grounds.

### Miscellaneous

Members will note from the objections and comments received to this development that reference has been made to the relationship of the site with the neighbouring quarry activities and limestone resources. In particular, LCC had initially raised concerns in relation to this development but upon further detailed discussion, and submission of additional information by the applicant withdrew their 'in principle' objection. They have made reference to the fact that building houses in close proximity to a quarry site may result in a greater number of complaints and in such circumstances the Borough Council needs to weigh these comments in the overall planning balance, including the need for housing and the availability or otherwise of other sites that would not be in such proximity to the mineral resource. The operators of the adjacent site (Hanson) have made objections to this scheme and have raised a number of questions about the technical reports submitted. In particular they have queried the factual accuracy and commented that building properties in the location shown could threaten the continued operation of the cement works. Members may recall that officers withdrew this report from the December agenda due to the complexity of a number of late items received and this concerned representations received from Hanson, received from the applicant's agent and need to speak to colleagues at LCC regarding the possible impacts on the mineral resource. There has been extensive consideration of that information in the intervening period with a meeting between officers and Members of this Council and representatives of LCC in order to explore this matter. The comments of LCC following that meeting are referred to earlier within this report and there has been nothing presented to make them deviate from their response detailed earlier which withdrew their objections in principle to this development. Reference has been made elsewhere within this report to factors associated with housing supply and thus it is the potential impact on the residential amenity of those new occupants that needs to be considered further here. In respect of the potential environmental issues, I have discussed the submitted documentation with the Council's Head of Environmental Services. He considers that on the basis of the technical report submitted, there is no objection in principle to this scheme but he considers that with regard to gas migration from the adjacent landfill, he would support the need to undertake the additional gas monitoring as set out in Section 1 of the submitted Phase 1 Land Quality Assessment, and that with regard to noise and vibration attenuation, it is recommended that a condition be required for detailed noise and vibration attenuation measures being incorporated into the design of the dwellings at reserved matters stage.

### Section 106 Content

The application has been submitted with a draft legal agreement to cover matters of affordable housing. Discussions with the applicant have led to revisions to the originally submitted terms and this report has also identified the contribution sought from LCC in relation to education. To clarify for Members, the legal agreement in its final form, stipulates the following:



## 1. *Affordable Housing*

- The total number of affordable units shall consist of three houses.
- One of the units shall be a rented affordable unit – 1 x 3 bed house.
- Two of the units shall be low cost market units – 2 x 3 bed houses.
- The low cost market units are at a 40% discount to the open market value.
- The phasing of the delivery of the affordable units to be specified as not to allow the first occupation of more than 50% of the open market units until all the affordable units have been built ready for immediate occupation.
- Approved persons in the first instance in respect of the low cost market units to have a Chatburn connection, the second cascade of eligibility once Chatburn residents have been offered the units to be Grindleton, West Bradford, Clitheroe, Worston, Downham or Sawley (a neighbouring Parish) then Ribble Valley as a third cascade.

## 2. *Wheeled Bin Contribution*

- The developer to fund the administration and delivery cost of £90 per unit in providing the appropriate number of wheeled bins (£900).

## 3. *Education Contribution*

- This is defined in the first instance as £48,855 towards primary provision. However, at the time the Section 106 is finalised a reassessment of pending decisions as outlined in the education response will take place in order to establish whether the additional contributions would be sought to the maximum level as outlined in their consultation response.

Members will note that it is not proposed to request the sum LCC have asked for in terms of waste management ie £4,800. The contribution sought by LCC is in accordance with their policy paper 'Planning obligations in Lancashire' which has not been formally adopted by this Council. A report presented to Planning and Development Committee on 16 December 2008 identified priorities for this Council when seeking contributions, namely affordable housing, transport safety, public open space and education.

Therefore, after having carefully assessed all the above, I am of the opinion that this 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 Community Services for approval following the satisfactory completion of a legal agreement within a period of six months (from the date of this decision) as outlined in paragraphs numbered 1-3 under the Section 106 Agreement sub heading within 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 Legal 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. The submission of reserved matters in respect of scale, layout, appearance and landscaping and implementation of development shall be carried out in substantial accordance with the Design and Access Statement and the proposed site layout drawing number D1350/PL01REVB; D1350/PL02REVB and D1350/PL03REVA.

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

- 6. Development shall not begin until a scheme for surface water drainage and attenuation for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological 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. A scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

7. This permission shall relate to the Ecological Survey and Assessment dated September 2010 submitted in support of the application. All details shall comply fully with the recommendations of that report.

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

8. Any application for the approval of reserved matters shall include details of noise and vibration attenuation measures to be incorporated into the design of all dwellings. The measures so submitted and approved shall then be fully implemented prior to first occupation of the dwellings and thereafter retained in perpetuity.

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

9. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the arboricultural/tree survey [T1 – T18 inclusive] shall be protected in accordance with the BS5837 [Trees in Relation to Construction] the details of which shall be agreed in writing, implemented in full, a tree protection monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun.

The root protection zone shall be 12 x the DBH and shall 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 without 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 considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse effects of development. In order to comply with planning policies G1, ENV13 of the District Wide Local Plan. In order to ensure that trees of visual amenity/botanical/historical value are protected against adverse effects of the development.

10. No part of the development hereby approved shall be occupied until the junction improvement works as detailed on drawing D1350-04REVC received on 12 December 2011 have been implemented in full to the written satisfaction of the Local Planning Authority.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to ensure adequate visibility at the street junction.

11. This permission shall relate to the Phase 1 Land Quality Assessment dated December 2010 submitted in support of the application. All details shall comply fully with the recommendations of the report.

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

APPLICATION NO: 3/2011/0541/P (GRID REF: SD 361167 437191)  
PROPOSED FULL APPLICATION FOR 49 HOUSES AND ASSOCIATED INFRASTRUCTURE  
WORKS AT LAND BOUNDED BY DILWORTH LANE AND LOWER LANE, LONGRIDGE

TOWN COUNCIL: It was resolved that the Council objects to this application on the basis of the following material considerations.

1. The development is outside the settlement boundary and represents a significant extension into the countryside.
2. Steep incline that characterises Dilworth Lane will discourage access on foot or bicycle and will be particularly challenging to the infirm, people with disabilities and the elderly.
3. There will be a significant increase in traffic movements created by the development and this will contribute to the already hazardous traffic conditions in this area. The proposed access to the site on to Dilworth Lane will create increased traffic hazards, particularly given the excessive vehicle speeds frequently witnessed in this area.
4. The removal of trees at the proposed access point on Dilworth Lane as a traffic safety measure will result in a consequential loss of an attractive landscape amenity.
5. There is nothing in the development that reflects the needs of the elderly and infirm.
6. Provision for foul water drainage is inadequate.
7. The development will increase pressure on local infrastructure such as school, health and transport services which may be unable to respond to the extra demands.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

My main concern regarding this development proposal in highway safety terms is that vehicle speeds passing the proposed site entrance on to Dilworth Lane are generally higher than the 30mph speed limit but there is scope to reduce speeds with the introduction of suitable traffic calming measures. Therefore, I raise no objection in principle to this application on highway safety grounds subject to the imposition of conditions.

In terms of highway contributions for sustainable transport measures, a highway contribution of £85,000 is requested to fund by means of Section 106 measures including, but not limited to, pedestrian improvements around the King Street/Market Place/Berry Lane junction and improvements to the cycle facilities between Longridge and Preston. Some the original recommendation. Lancashire County Council no longer insist on the sustainable transport contribution.

LANCASHIRE COUNTY  
COUNCIL PLANNING  
CONTRIBUTIONS:

LCC have confirmed that they will not be making a claim in respect of education contributions as there are forecast to be sufficient school places in the area to support this development.

LANCASHIRE COUNTY  
COUNCIL STRATEGY AND  
POLICY:

The application site lies within the boundary of the Mineral Safeguarding area as defined in the emerging Lancashire Minerals and Waste Development Framework Site Allocations and Development Management Policies DPD. It has the potential to sterilise sandstone. In certain circumstances, we may request that prior extraction of these reserves is carried out. In this case, we do not consider that this is appropriate but it is an option your authority may wish to consider prior to the application being determined.

ENVIRONMENT AGENCY:

Initially raised objections. However, after reviewing the additional information submitted on 17 October are now satisfied that there are no culverted watercourses crossing the site. They therefore withdraw their objection to the development but recommend that any approval is appropriately conditioned.

UNITED UTILITIES:

Have no objections subject to the imposition of conditions.

ADDITIONAL  
REPRESENTATIONS:

A total of 96 letters of objection have been received. Members are referred to the file for full details which can be summarised as follows:

1. This is again a case of trying to push planning through before the core strategy has been approved - the application should be held in abeyance until the core strategy is in place. We fail to understand how the application can be considered logically until the housing needs of the area are properly evaluated and the location of these houses within the borough has been agreed.
2. Agree with the local councillor that a new village at Barrow or alongside the A59 would be a better way forward.
3. It would be an intrusion into the countryside and contravenes a previous Inspector's decision from 1985 which states that there is a clear building line which

follows from the rear of the properties across Higher Road, continues across Dilworth Lane, along the present development across Lower Lane and into the development with the triangle formed by Dilworth Lane and Lower Lane. Nothing has changed.

4. The proposed development site is not within the natural eastern boundary of Longridge. It represents a serious extension into the countryside which would lead to further land becoming threatened by development.
5. The proposed development is situated on the wrong side of the long ridge making the services available in Longridge difficult to access on foot or by bicycle given the gradients of Dilworth Lane and Calfcote Lane.
6. Object to the removal of G6 status on land surrounding Longridge.
7. There are plenty of Brownfield sites in Longridge that should be developed first.
8. Greenbelt land should be left alone.
9. Reference to other developments planned/submitted within Ribble Valley and neighbouring authority for new housing developments.
10. What is the merit in saying the number of houses has been reduced following consultation with planners. This is achieved simply by starting a negotiating point that was far too high.
11. Over-development of the site in an area with low density.
12. Longridge used to be a village but has now become a small town.
13. There are serious road safety issues on Dilworth Lane and Lower Lane.
14. Increased traffic volumes will create problems in other parts of Longridge.
15. There is a proposal for pedestrian access to the open space and play area. As the hedge bounding Lower Lane is right up to the roadside and is to be retained, there is no sight line. We consider this creates a dangerous situation for people leaving the play area. Could the footpath exit be repositioned?
16. At the proposed access point to the site, the road narrows and so the proposed entry is positioned at a place where the road is already restricted.
17. Poor visibility on a very busy road with fast moving traffic.
18. It would generate 100+ cars. The proposed road leading on to Dilworth Lane with its gradient and bends is already a problem and could quite easily become an accident black spot.
19. The proposal does not take into consideration the fact that existing trees (which are to be retained) are so near the proposed footpath on the south side of the lane that

- the footpath will be severely restricted.
20. Impact on nature conservation – no environmental assessment or ecological report and the field supports roosting bats, deer, curlew, kestrels, pheasants, owls, lapwings, foxes, and rabbits.
  21. The land is in agricultural use.
  22. The tree survey undertaken does not give confidence that the trees will not be lost if this development goes ahead.
  23. A request that TPOs are put on the trees on Dilworth Lane.
  24. The road floods.
  25. Question response of United Utilities.
  26. The existing foul sewer is not capable of accommodating existing flows let alone any additional flows from this development.
  27. No drainage details have been included in the application. It is clear that no detailed foul drainage design has been carried out since from examination of the site it is obvious that it will not be possible to drain into manhole 1101 under gravity without substantial filling to raise levels. If the intention is to achieve the required depth of cover by raising the site levels by filling, this is a major issue which should be indicated in the planning application. Will a pump system be required? How can a decision be made with so little information submitted.
  28. Question the calculations in the drainage report.
  29. There is a stone culvert running under Dilworth Lane at the head of the watercourse which brings water from the fields to the north of Dilworth Lane. This culvert has been neglected by the owners of the land leading to poor drainage of the field surrounding Dilworth Lane.
  30. The amount of new houses in Longridge is incompatible with the infrastructure of the village, schools, medical services, fire services, shopping/parking etc.
  31. Reference to Councillor Hirst's statement that as far as the Council's present policy is concerned, we do not wish to build on Greenfield sites.
  32. If housing is to be built, the affordable ones should be up first.
  33. As we understand most of the houses will be in the £300,000-£400,000 price bracket but these do not appear to be selling in Longridge.
  34. No specific provision for elderly accommodation.
  35. The plans show all properties to be two storey buildings. The present development contains a majority of true bungalows and dormer bungalows with a limited number of houses. The proposed development would be at odds with the properties in the area.

36. Development of the site will be a great loss to visual amenity.
37. Loss of privacy to properties surrounding the development.
38. Likely to be an increase in crime.
39. Increase in dust and debris related pollution during construction that will impact greatly on the health of residents.
40. Noise during the building process.
41. Loss of light.
42. Longridge has few employment opportunities so people would need to commute to work in Blackburn, Preston and beyond.
43. Who will maintain the hedge to Lower Lane and the public open space?
44. Levels should be provided to give an indication of the site works required.
45. GL Hearn have not taken on board any of the concerns of the meeting on 4 July.
46. Question land ownership and a possible ransom strip on the grass verge on to the Lower Lane.
47. Increase in vibration.
48. Reference to the landowners previous involvement with the planning system.
49. For such a sensitive development at full application stage would have expected a more detailed submission.
50. A concern that the amended plan shows a garage in close proximity to their home for personal safety and security risks.

## **Proposal**

This is a detailed planning application which seeks consent for the erection of a total of 49 houses with associated infrastructure works. The site is approximately 2.02 hectares with this scheme giving a density of development of 24 dwellings per hectare.

The scheme comprises a mix of two and three bedroomed semi and terraced housing and four bed detached properties of varying house types, sizes and tenures (10 x 3 bed; 5 x 2 bed and 34 x 4 bed). The external appearance of the dwellings is a mix of brickwork and render under tiled roofs with windows and fascias in white PVC-u with black guttering in PVC-u. All properties will be two storeys in height ranging from approximately 7.6m to 8.3m. In respect of vehicular parking, each dwelling has designated parking areas – the application form specifies a total of 137 spaces throughout the site.

A new access will be provided to serve the development off Dilworth Lane which will be 5.5m wide with 1.8m wide footways and will achieve visibility splays of 2.4m x 56m. As part of the proposals, this scheme will relocate the west bound bus stop on Dilworth Lane alongside a new footway fronting the site. Dragons teeth markings will be introduced along Dilworth Lane upon entry into the 30mph zone and upgrading of the speed signs and a new pedestrian link will be provided on to Lower Lane.



An area of public open space is provided to the south east of the site that will be managed by a separate management company.

The affordable housing element of the scheme comprises 15 units in total broken down as 10 x 3 bed units (8 for shared ownership and two for social rent) and 5 x 2 bed units (all five for social rent).

### **Site Location**

The site lies outside but immediately adjacent to the defined settlement limit of Longridge. It is bounded by the B6243 (Lower Lane) to the south, the B5269 (Dilworth Lane) to the north with No's 39 and 41 on Dilworth Lane being residential properties bordering the site, to the east by properties on Dilworth Court and Dilworth House Farm and to the west by dwellings on Hoghton Road/Valley Road. The site is Greenfield in nature and enclosed by a mixture of hedgerows, trees and fences.

### **Relevant History**

3/87/0663/P – Extension of residential curtilage. Refused. Appeal dismissed.

3/84/0481/P – Erection of 27 private dwelling-houses. Refused. Appeal dismissed.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy H20 - Affordable Housing - Villages and Countryside.

Policy H21 - Affordable Housing - Information Needed.

Policy RT8 - Open Space Provision.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Affordable Housing Memorandum of Understanding.

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

Policy DP2 – Promote Sustainable Communities, North West of England Regional Spatial Strategy to 2021.

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

Policy L1 – Health, Sport, Recreation, Cultural and Educational Services Provision, 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.

PPS1 – Delivering Sustainable Development.

PPS3 – Housing.

PPS7 – Sustainable Development in Rural Areas.

PPG13 – Transport.

PPG17 – Planning for Open Space, Sport and Recreation.

Core Strategy Topic Paper. Discussion on the Approach to Preferred Option (November 2011).

PPS22 – Renewable Energy.

PPS25 – Development and Flood Risk.

Policy H2 - Dwellings in the Open Countryside.

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

Members may recall that this scheme was originally presented to Committee in November 2011 with a recommendation to defer and delegate subject to the satisfactory completion of a Section 106 Agreement in accordance with the detailed terms as set out in that report, namely affordable housing, public open space, wheeled bins and a highway contribution towards sustainable transport measures. The applicant has queried the latter contribution and further dialogue has been ongoing in order to resolve this matter. The applicant now wishes to scheme to be considered without any contribution made towards sustainable transport measures (see explanation under highway safety heading). Therefore, as the terms of the Section 106 Agreement will be different from those previously presented to Members, it is considered necessary to bring the matter before Members. The only difference in the nature of the scheme being put forward is that relating to the highway contribution and thus it is only that matter which should concern Members in their reassessment of this scheme.

The matters for consideration in the determination of this application are the principle of development, whether the affordable housing offer meets identified needs, highway safety, infrastructure provision, nature conservation, visual and residential amenity. For ease of reference these are broken down into the following sub-headings for discussion:

### **Principle of Development**

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local plan development policies. The site falls within land designated as Open Countryside in the Ribble Valley Districtwide Local Plan (policies ENV3 and G5).

The proposals are for the development of 49 residential units, 15 of which are for affordable housing. Policy G5 of the Districtwide Local Plan recognises the need to protect the countryside from inappropriate development, and therefore planning permission for local needs housing would only be considered if an affordable local housing need could be identified in this location. This approach of meeting an identified, affordable housing need is consistent with Policy ENV3 of the Districtwide Local Plan which, as well as requiring that any development must be in keeping with the character of the landscape area and reflect local vernacular, scale, style, features and building material, also stipulates that only development that has benefits to the area will be allowed. Although small-scale affordable housing that meets an identified need would comply with this requirement, wider issues of site suitability and housing supply must also be considered.

In looking at this issue it is apparent that Ribble Valley Borough Council is currently unable to identify a 5-year supply of deliverable housing land, with this figure standing at 3.3 years as at 1/10/11 (most up to date monitoring information). Paragraph 71 of PPS3: Housing, states that where LPAs cannot demonstrate an up to date five year supply of deliverable sites they should consider favourably planning applications for housing having regard to the policies in PPS3 including the considerations in paragraph 69.

Paragraph 69 states that in deciding planning applications, Local Planning Authorities should have regard to:

- achieving high quality design,
- ensuring developments achieve a good mix of housing ,

- the suitability of a site for housing, including its environmental sustainability,
- using land effectively and efficiently; and
- ensuring the proposed development is in line with planning for housing objectives.

An important consideration in assessing these proposals is bullet point 3 of para 69 (as above), which relates to the need for Local Planning Authorities to have regard to the suitability of a site for housing, including its environmental sustainability, as well as bullet point 5, which requires that development consider planning for housing objectives. Paragraph 10 and 36 of PPS3 discuss this further and state that housing developments should be in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

In assessing the sustainability of the site regard should also be had to national planning guidance offered in PPS1 'Delivering Sustainable Development' and PPS7 'Sustainable Development in Rural Areas'. The latter document comments in paragraph 3 that 'away from larger urban areas, planning authorities should focus most new development in or near to local service centres where employment, housing (including affordable housing), services and other facilities can be provided close together'. PPS1 comments in paragraph 8 that 'the plan led system, and the certainty and predictability it aims to provide is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan unless material considerations indicate otherwise (in this instance the requirements of PPS3). Reference is also made in paragraph 33 to the fact that 'good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development'.

It is considered that although the site would be located on land designated as open countryside, it is adjacent to the settlement boundary of Longridge and therefore closely related to a service centre which can offer these facilities and access, which is in line with planning for housing objectives and considered a suitable site for housing. Therefore based upon the information received to date, the proposals satisfy the criteria set out in paragraph 69 of PPS3 and the requirements of PPS1 and PPS7 in terms of sustainable development.

It will also be important to consider any potential visual impact of the scheme. Policy H2 of the adopted Districtwide Local Plan discusses this in greater detail and states that the impact of proposals on the countryside will be an important consideration in determining all planning applications. Development should be appropriately sited and landscaped. In addition, scale, design, and materials used must reflect the character of the area. This is covered in detail elsewhere within this report.

In relation to the issue of a 5-year supply of deliverable housing sites, it is important to note that the situation is subject to rapid change. At the present time, the overall housing requirement for Ribble Valley is determined by the Regional Spatial Strategy (RSS) however Government advice has highlighted that the RSS is soon to be abolished and as a result it will fall upon LPAs to determine what the housing requirement should be for their own borough, albeit determined upon strong and robust evidence. As a result, in preparation for this abolition and having regard to the time frames involved in consulting upon and adopting new housing numbers for use in determining planning applications and working on the Strategic Development Plan, Ribble Valley Borough Council recently instructed Nathaniel, Litchfield and Partners (NLP) consultants to undertake some work on assessing what the overall requirement for housing land should be

in the borough. This work is now complete, and Members have resolved to publish this information for public consultation. Therefore as a result it must be considered that dependent upon the outcome of this consultation, the five-year supply position is subject to change.

The potential for change in policy is also relevant in relation to the emerging Local Development Framework. Between June and August 2011, consultation took place on further development strategy options work, forming part of the Regulation 25 stage Core Strategy. A high level of response was received and the Council is progressing towards the preferred option stage of the Core Strategy. Indeed, since this report was considered by members in November, a report has been agreed by members highlighting the current thoughts in terms of a direction of travel based on consultation responses. Consultation work was also undertaken on developing the LDF Development Management policies and Key Statements document, as well on a revised AHMU now titled 'Addressing housing need in Ribble Valley' which was approved by Health and Housing committee in January 2012.

### Affordable Housing

In considering the affordable housing element of the proposal, it is important to have regard to Policies H20 and H21 of the Ribble Valley Districtwide Local Plan and the Council's Affordable Housing Memorandum of Understanding (AHMU). The AHMU remains the important document for assessing affordable housing in relation to this scheme as it was the policy guidance in place when the scheme was submitted and considered appropriate by Committee in November 2011. Policy H20 of the Plan identifies that on sites outside defined settlement limits, schemes should provide for 100% affordable needs. However, having regard to material considerations, namely PPS3 as outlined above, I am of the opinion that as the scheme immediately abuts the saved settlement limit of Longridge a more relaxed approach is in order and that it is the requirements of the AHMU and Policy H21 that the affordable elements of the scheme should be assessed against.

In terms of assessing the development under the requirements of the AHMU a scheme outside defined settlement limits for three or more dwellings (or sites of 0.1 hectare or more) should provide 30% of the site for affordable provision. Policy H21 sets out the information to be submitted in support of affordable schemes in terms of who the accommodation is intended to be provided for and details of the methods by which the accommodation will be sold, let, managed and retained a suitable for its original purpose.

The scheme is made in full for the erection of 49 dwellings. A draft Legal Agreement was submitted with the application and has been the subject of negotiations with the Council's Housing Strategy Officer in order to ensure that the scheme matches identified needs. Given the scheme is within the Longridge area, the approach taken is that development in this key service centre should meet housing needs expressed throughout the borough and not just those specific to the parish as is the case in the villages. The negotiations have secured revisions to the originally submitted agreement with the Legal Agreement content sub-heading later within this report providing specific details for the clauses covering the affordable elements.

### Highway Safety

It is clear from the observations of the County Surveyor that the principle of the scheme is acceptable. He has suggested a number of conditions regarding construction of the access road and the need to keep the visibility splay clear from obstructions. One of the conditions will relate to traffic calming measures to be provided in the form of vehicle activated interactive

speed warning signs on both approaches to the development site on Dilworth Lane and improvements to the carriageway markings at the 30mph/national speed limit boundary to the east of the site. Subject to the imposition of these he raises no objections to the development and thus even though objectors have raised highway safety as an issue, I must be guided by his observations and conclude that no significant detriment would be caused to highway safety as a result of this scheme's implementation. In respect of the contribution sought towards sustainable transport measures, correspondence has been received on this from the applicant at the time the scheme was initially considered by Committee in November 2011 and the questions raised regarding the provisions of the Community Infrastructure Levy (CIL) Regulations were brought to Members attention. Since that time the applicants have sought a legal opinion on the contribution request with that being shared with colleagues at LCC. Whilst no formal response has been received they have reiterated their previous comments to us that with the payment they would offer more support to the scheme but without it they would not wish to raise an objection to the development. It is for that reason that the request for sustainable transport contributions is not to be taken forward.

### Public Open Space

Policy RT8 of the Districtwide Local Plan requires that residential sites over 1 hectare provide adequate and usable 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 for the provision of children's play areas.

The site layout provides for an area of public open space at a location to the south east of the site. The planning statement submitted in support of the application outlines that the maintenance of this area will be specified in the accompanying legal agreement and be privately managed. The land in question comprises grassed areas and a play area to be constructed on 'Natural Play' principles with log climbing tree set in sand, timber swings, seating etc. There is proposed to be additional tree/shrub planting within this area and a 2m wide tarmac footpath link will emerge onto the separate roadway that serves the dwellings fronting onto, but set back from, Lower Lane. I am of the opinion that the size of the site provided is adequate and it offers both formal and informal provision. Thus the requirements of Policy RT8 of the plan have I consider been met.

### Infrastructure Provision

Members will note that concerns have been expressed about drainage, flooding and school provision. It is clear from the response of Lancashire County Council in respect of education that there are forecast to be sufficient places in the area to support this development and thus no financial contribution is being sought.

Matters of drainage and flooding have been looked at by United Utilities and the Environment Agency. Initially the Environment Agency did raise objections as the location of the culverted watercourse had not been identified. The application is submitted with a flood risk assessment and drainage statement and following the submission of additional information regarding the culverted watercourse the Environment Agency have withdrawn their objection. They have however recommended that any approval is conditioned in respect of the submission of details for a scheme for the disposal of foul surface waters and also in respect of a scheme of surface water regulation. United Utilities have also confirmed to the applicant that the proposed scheme is viable to discharge into the existing sewer in Lower Lane.

Therefore on the basis of these comments from our technical advisers on such matters, I must conclude that notwithstanding the objections received to this development on drainage/flooding and education provision grounds, the scheme is acceptable.

#### Nature Conservation – Protected Species/Landscape/Trees

This is a greenfield site and there are trees and hedgerows that align three of its site boundaries. As part of this application a tree survey is submitted which identifies root zones and standoff distances for the development being based on those. Certain trees have been identified as being poor quality and/or in decline and it is proposed to remove them and replace with new species. Hedges are also identified in the survey and existing hedges will be retained. Any existing gaps in the hedgerow will be made good with species reflecting the existing. It is proposed that the hedgerow aligning Lower Lane should be maintained at a height of between 2-3m in conjunction with the young ash trees are present adjacent to the hedge inside the site as a woodland hedge.

The application is also submitted with a Ecological Survey with a Phase 1 Habitat Survey being carried out and all habitats plotted together with target notes expanding on areas of interest. As a result of this two trees have been identified as having the potential for bat roosts and it is recommended that if any tree work were to be undertaken to those trees that they should be inspected by a licensed bat surveyor in advance of such work being carried out. The Ecology Report has identified no issues that would prevent the site from being development for residential use.

Therefore notwithstanding comments received about the nature conservation value of the site, it is considered that subject to safeguards identified in the Ecology Report, there is no justifiable reason to withhold consent on ecological grounds.

#### Layout/Scale/Visual Amenity

This is a detailed application with a layout that has a curved vehicular route allowing the maximum potential to be made given the shape of the site whilst also creating an interesting street scene. The layout has been designed so that there is good natural surveillance over all public areas. I am of the opinion that the design and scale of the scheme does reflect buildings in the wider area. The buildings that immediately abut the site are a mix of two-storey dwellings and bungalows/dormer bungalows and I do not consider that the details shown for this scheme would be detrimental to the visual amenities of the area. Development of this site would extend built form beyond the defined settlement boundary and effectively infill an area of grassland between the settlement boundary and dwellings at the junction of Lower Lane/Dilworth Lane. However, in visual terms I am of the opinion that the site is well contained by existing residential development that form a clear boundary to this site with the two roads making good barriers against urban sprawl. I am mindful of the refusal for housing development on this site and subsequent dismissal on appeal but this dates from 1984. The circumstances today are different from that time and as explained elsewhere in this report there is the need to demonstrate a five-year supply of housing which the borough cannot do at this present time.

#### Residential Amenity

In considering residential amenity it is important to assess the relationship with properties outside the site as well as between the units proposed as part of this scheme. To the east of

the site are properties on Dilworth Court and I am satisfied that at 24m between properties, sufficient separation distance is provided.

There is a dwelling to the north that backs onto the site and has a blank first floor at its closest point to the site (14m from proposed dwelling) and approximately 23m to the rear elevation where there are windows shown at first floor. Again I am satisfied that the relationship between that dwelling and proposed plots 7, 8 and 9 is acceptable.

To the west of the site existing residential development of Hoghton Road and Valley Road abut the site. There have been revisions to the layout as initially submitted in order to provide a more satisfactory relationship between plots 46-48 and the adjacent dwellings. Originally a unit was shown approximately 8m gable onto the rear elevation of number 8 Valley Road. This has now been revised so that plots 46-48 run in a line north/south and offset from the rear elevations of numbers 4-8 Valley Road. I am of the opinion that this presents a more appropriate relationship.

Having regard to the internal relationship of the development site, I consider separation distances are acceptable throughout.

#### Section 106 Agreement Content

The application has been submitted with a draft legal agreement which covers matters of affordable housing provision, public open space and wheeled bins. To clarify for Members, the Section 106 Agreement will stipulate the following:

##### *1. Affordable Housing*

- The total number of affordable units shall consist of 15 new build dwellings.
- 10 of the units shall be three bedroomed houses (8 for shared ownership and 2 for social rent).
- Five of the units shall be two bedroomed houses (all for social rent).
- That not more than 25% of the market dwelling shall be occupied until the owner has entered into a binding contract (and commenced construction of the affordable housing unit) with a registered social landlord.
- Delivery of the affordable unit be phased with the provision of market units to ensure that no more than 50% of the market dwelling shall be occupied until all the affordable units have been constructed.
- In terms of eligibility for the properties this shall relate to a boroughwide connection.

##### *2. Public Open Space*

- Not to permit occupation of the proposed development or any part thereof until a scheme in relation to the public open space has been submitted to and agreed in writing by the local planning authority.
- To layout and provide the public open space prior to occupation of the 20<sup>th</sup> market dwelling.

##### *3. Wheeled Bin Provision*

- The developer to fund the administration and delivery costs of up to £90 per unit providing the appropriate wheeled bins.

Therefore having carefully assessed 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 Community Services for approval following the satisfactory completion of a Legal Agreement within a period of 6 month (from the date of this decision) as outlined in paragraphs numbered 1-3 under the Section 106 Agreement sub-heading within this report and subject to the following conditions:

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 HT105/P/103REVA, HT107/P/110, HT107/P/112, HT107/P/113, HT108/P/100, HT108/P/102, HT108/P/103REVA, HT117/P/103-2, HT130/P/100, HT130/P/102, HT130/P/103, HT139/P/100, HT139/P/102REVA, HT139/P/103REVA, HT146/P/100, HT146/P/102, HT146/P/103, HT147/P/101, HT147/P/102-2, HT147/P/105, HT147/P/106-2, SD.1, S.D.46REVA, R057/102, 1780/03, R057/001REVA proposed site layout as amended 25 October 2011.

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

3. 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.

4. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

**REASON:** To reduce the increased risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.



REASON: To ensure a satisfactory means of drainage in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. This permission shall relate to a Section 106 Agreement dated ... which includes provision for the delivery of affordable housing, public open space and financial contributions.

REASON: For the avoidance of doubt and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. This permission shall relate to the ecology survey submitted in support of the application and dated March 2011. All details shall comply fully with the recommendations of that report in respect of required bat survey work and timings of removal of hedgerows, trees, shrub and brash outside the bird breeding season (March to August).

REASON: In the interests of protecting nature conservation interests in accordance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan.

8. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever possible the retention of existing trees, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

The approved landscaping scheme 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.

9. 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.

10. No development shall take place until an updated protected species survey has been carried out on the group of trees growing in the north-west corner of the site [T15-T26 inclusive] & the mature Oak tree [T28] during the optimum period of May to September - Bats prior to commencement of any part of development.

The results of the updated survey shall be submitted to the Local Planning Authority Countryside Officer and Natural England. If such a use by a protected species of any trees included in the tree survey report Drawing no 1780/02 is established, a mitigation scheme

including appropriate protected species license details shall be submitted to and agreed in writing by Natural England & the Local Planning Authority Countryside Officer before any work commences on the approved Development.

The actions, methods & timings included in the mitigation measures identified and the conditions of any Natural England License shall be fully implemented and adhered to. In the event that any bats are found, disturbed or harmed during any part of the development work, work shall cease until further advice has been sought from a licensed ecologist.

REASON: To ensure that no species/habitat protected by the Wildlife and Countryside Act 1981/European Directive for Protected Species are harmed/destroyed/ in accordance with Policies G1, ENV7 and ENV8 of the Ribble Valley District Wide Local Plan.

11. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the arboricultural/tree survey [Drawing no 1780/02 - T1-T27/G14/G32 & Hedgerows H1/H2/H3 inclusive] shall be protected in accordance with the BS5837 [Trees in Relation to Construction] the details of which shall be agreed in writing, implemented in full, a tree protection monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun.

The root protection zone shall be 12 x the DBH and shall 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/ Conservation area/considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse affects of development in accordance with planning policies G1, ENV13 of the District Wide Local Plan.

12. The driveway for plots numbered 48/47/49 and affecting trees T15/T20/T21 inclusive [Drawing no 1780/02] shall be constructed above existing ground level, therefore there shall be no excavations, soil stripping or site grading within the root protection area. Construction shall be undertaken in dry weather between may and October, using a load bearing system laid directly onto existing ground, the details of which shall be submitted to and agreed with the local planning authority.

REASON: In accordance with policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan in order to prevent root damage and ground compaction near to trees, to ensure long-term survivability of trees under which a driveway or parking area cannot be avoided.

13. No part of the development shall commence until a scheme for the construction of the site access and the off-site highway improvement works has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority.

REASON: To satisfy the Local Planning Authority and Highway Authority that the final details of the highway works are acceptable before work commences on site in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

14. There shall not at any time in connection with the development be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 metres measured along the centreline of the proposed access road from the nearer edge of the carriageway of Dilworth Lane to points measured 38 metres to the west and 56 metres to the east along the nearer edge of the carriageway of Dilworth Lane, and shall be constructed and maintained at footway level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To ensure adequate visibility at the site access in the interests of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

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

REASON: To ensure that satisfactory access is provided to the site in the interests of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

16. Prior to commencement of development a scheme for the construction of traffic calming measures shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Highway Authority, in the form of vehicle activated interactive speed warning signs on both approaches to the development site on Dilworth Lane and improvements to the carriageway markings at the 30mph / national speed limit boundary to the east of the site. No dwellings within the development shall be occupied until the works have been constructed and completed in accordance with the agreed scheme.

REASON: In order that traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway works and to reduce traffic speeds in the vicinity of the development in the interests of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

NOTE(S):

1. The works referred to in condition 16 will require a Section 278 agreement between the developer and the Highway Authority.
2. Any works to the watercourses 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 for loss of flood storage and habitats.

3. Details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to the Development Control Engineer for approval in accordance with the Land Drainage Act 1991.

Please contact the Development Control Engineer Mr J. C. Welsby on 01772 714016 to apply for Agency Land Drainage Consent.

4. 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.
5. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge directly into the adjacent watercourse as stated within the FRA submitted with the prior consent of the Environment Agency. The applicant must discuss full details of the site drainage proposals with John Lunt via [planning.liaison@uuplc.co.uk](mailto:planning.liaison@uuplc.co.uk).

APPLICATION NO: 3/2011/0837/P (GRID REF: SD 372541 437499)  
PROPOSED ERECTION OF 46 DWELLINGS COMPRISING A MIX OF TWO, THREE, FOUR AND FIVE BEDROOMED PROPERTIES WITH ASSOCIATED ACCESS, CAR PARKING, BOUNDARY TREATMENT AND LANDSCAPING AT LAND OFF PENDLE DRIVE, CALDERSTONES PARK, WHALLEY

PARISH COUNCIL:

Object to the development on the following grounds:

1. Any development of this scale will create an excessive demand on the infrastructure of the village, in particular in relation to education and traffic (and also health care and appropriate retail outlets). These are insufficient to accommodate this application.
2. The site is not within the defined Calderstones Hospital campus as identified under saved policy A3 but outside the campus and therefore subject to Policies G5 and ENV3. The Parish Council considers the only criteria of G5 to apply would be (iii) as a site developed for local need housing.
3. The site of the application is different to Calderstones Green being located closer to a biological heritage site.
4. The applicant seems to suggest that the considerations of PPS3 and RSS trump policy G5 but these policies still require deliverable sites and sustainable communities – these criteria are not met.

5. Question the open space financial contribution which is directed to a site away from the application site – this is unsatisfactory.
6. Questions over the education payment which as currently drafted provides for payment for primary places in Whalley. It is the Parish Council's understanding that there is no opportunity to take on more pupils at Whalley School. There is therefore currently a risk that the contribution would be refundable if the position remains.
7. The Parish Council is interested to note at para 5.6 of the planning statement that a new Parish Council noticeboard would be erected on Pendle Drive. The Parish Council require involvement in the Section 106 Agreement or at least payment of an appropriate contribution to the cost involved in the servicing and maintaining this board.
8. Question why, if the applicant is so keen to demonstrate their sustainable credentials, there appears to be a desire to accomplish a minimum rather than trying to maximise the use of renewable energy.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Originally commented on 14 December 2011 that there were no objections in principle to this proposal on highway grounds. However, there are a number of highway matters regarding aspects of the proposed development that prove detrimental to residents and the operation of the local highway network. These matters should be resolved and formal agreements reached prior to permission being granted.

Garaging – in relation to the garage provisions, details of their dimensions and layout are essential in order to ascertain if they can be used, in perpetuity, for the safe garaging of private vehicles. While the LCC standard dimensions for a single is 3m x 6m there is a degree of flexibility where the storage of materials etc is not required. On this basis the dimensions provided for some of the garages are not acceptable. Therefore, the design of the garage provisions should be revised to ensure that they can provide a safe and effective car parking space.

Access – the construction and design of the access road and other links will be conditioned to be consistent with the Lancashire County Council specification for construction of estate roads and the appropriate parameters set out in manual of the streets 2.

Engineering improvements to the layout of the junction at Pendle Drive with Mitton Road or other measures to manage vehicle speeds on Mitton Road are not requested as these matters have been previously addressed.

Traffic Calming – the proposed site layout indicates Plateau junction treatments at three locations within the site. There are no highway safety requirements that would warrant the introduction of traffic management measures with a vertical elevation within the site.

Speed Limits – the introduction of a 20mph across Whalley north is identified in phase 3 of the proposed programme for Ribble Valley and is scheduled for completion by the end of 2013. The Calderstones Park area is included in these proposals. Accordingly, the design of the site layout will be consistent with the aims of Manual for the Streets 2.

Planning Obligations – should the Local Planning Authority be minded to approve this development, the County Council would seek planning obligation contributions from this development to fund measures that support sustainable transport of £99,000.

Public Transport – the C25 service presently operates within Calderstones Park and there is a regular 5 service on Mitton Road. In addition, there are a number of school bus services operating in this vicinity.

While the C25 service does not meet the key requirement pertaining to the proximity of a stop being within 400m walking distance of a regular and frequent bus service, it is limited in terms of the access it provides to employment and civic amenities in the local area at anything other than peak travel times. As the layout of the site does not encourage the use of public transport, it will be increasingly reliant on the use of private transport, increasing traffic levels on local network.

The more frequent services provided from Mitton Road fall outside the accepted 400m range, therefore the provision of new stops to the north of Pendle Drive would be beneficial. The provision of new stops on Mitton Road would be subject to a suitable design being agreed, the intention would be to pursue stops to LCC quality bus standards including illuminated shelters to LCC specification, raised footway and bus clearway markings.

I would initially estimate that the cost of this provision would be £20,000 per location plus £2000 commuted sum for future maintenance. I would require that acceptance to future maintenance of the shelters by the Borough Council is obtained as part of this process.

Standard Conditions – there are a number of standard conditions that will apply to this application.

A further response was received on **24 January 2012** following receipt of additional information regarding the garage dimensions as follows:

There remains no objections in principle to this proposal on highway grounds.

In relation to the garage provisions, email correspondence of 6 January 2012 provided by David Diggle of Turley Associates, detailed the specific garage dimensions being proposed.

As described previously, the LCC standard dimension for a single garage is 3m by 6m, but there is a degree of flexibility where the storage of materials, etc is not required.

On this basis, the layout of garage design D914 at 2.56m by 5.05 is acceptable as the full internal space is available for the vehicle. Similarly, D1337, at 2.57m by 5.45m is also acceptable.

The double garage design for D1651 is detailed at 4.9m by 5.09m. Once again, as there are no inhibiting factors within this space the layout is acceptable to provide a safe and effective car parking area.

However, it is requested that a condition be attached to any future consent regarding the need to retain the use of this space for the garaging of a private vehicle

In respect of the financial contribution towards sustainable transport measures there has been further correspondence with the applicant concerning the level of Planning Contributions that could reasonably be included. As a result the amounts being sought under a S106 agreement has been amended.

As the applicant has already made contributions towards footpath and open space improvements, this would remove the necessity for the contribution to links previously suggested.

Similarly, the introduction of the 20mph Speed Limit is coming forward as part of an accelerated LCC programme of work and a contribution will not be sought in this instance.

On this basis, there is £50,000 identified - for Public Transport improvements (£44,000) and a Travel Plan (£6,000), to be secured through a formal S106 agreement.

LCC (PLANNING  
CONTRIBUTIONS  
OFFICER):

Further to the consultation with regard to the above proposed development, this consultation response outlines the Planning Contribution request for Lancashire County Council Services based upon the Policy Paper 'Planning Obligations in Lancashire'.

### **Transport**

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

To discuss this further, please contact Mark Hornby tel. 01254 828052 or Martin Nugent tel 01254 828060.

### **Education**

Development details: 46 dwellings

Primary place yield: 16 places

Secondary place yield: 12 places

Local primary schools within 2 miles of development:

Whalley CE

Barrow

Langho & Bill'n St. Leonard's CE

Projected places available in 5 years: 30

Local Secondary schools within 3 miles of the development:

St. Augustine

Ribblesdale

Projected places available in 5 years: 23



**Requirement based on projections and impact of other developments:**

Primary

*Latest projections*<sup>1</sup> for the local primary schools indicate that there will be 30 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

However, approval has been given to the development at Barkers Garden Centre with a yield of two primary pupils. Therefore, the number of remaining places would be 30 less 2 = 28 places.

Therefore, we would not be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 16 places.

**Other developments pending approval or appeal decision which will impact upon these primary schools:**

There are also a number of additional housing developments which will impact upon this group of schools which are pending a decision or are pending an appeal. Details are as follows:

Petre House Farm  
Old Manchester Offices  
Henthorn Road  
Lawsonsteads

**Effect on number of places:**

The proportion of the combined expected yield from these developments which is expected to impact upon this group of primary schools is 92 pupils. Therefore, should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this application, our position may need to be reassessed, taking into account the likely impact of such decisions.

## Secondary

*Latest projections*<sup>1</sup> for the local secondary schools indicate that there will be 23 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

However, planning applications have already been approved for the former Cobden Mill, Barkers Garden Centre and Victoria Mill which have the potential to yield 20 additional pupils, which are expected to attend one of these secondary schools. Therefore, the number of remaining places would be 23 less 20 = 3 places.

Therefore, we would be seeking a contribution from the developer in respect of a proportion of the full pupil yield of this development, i.e. 9 places.

### **Other developments pending approval or appeal decision which will impact upon these secondary schools:**

There are also a number of additional housing developments which will impact upon this group of schools which are pending a decision or are pending appeal. Details are as follows:

Petre House Farm  
Old Manchester Offices  
Land at Dene Hurst Green  
Britannia Street (Hyndburn BC)  
Chatburn Old Road  
Lawsonsteads

### **Effect on number of places:**

The proportion of the combined expected yield from these developments which is expected to impact upon this group of secondary schools is 88 pupils. Therefore, should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution, our position may need to be reassessed, taking into account the likely impact of such decisions.

**Summary of response:**

The latest information available at this time was based upon the 2011 annual pupil census and resulting projections. Based upon the latest assessment, LCC would be seeking a contribution for 9 secondary places.

Calculated at 2011 rates, this would result in a claim of:  
Secondary places: 9 @ (£18,469\*0.9) x1.1072= £165,636  
Total contributions: £165,636

**NB:** If any of the pending applications listed above are approved prior to a decision being made on this development the claim for primary school places could increase to a maximum of 16 and secondary school provision could increase up to maximum of 12 places.

(Primary – 28 places available less 92 pending applications = shortfall of 64 places less yield of 16 = shortfall of 80 places)

(Secondary – shortfall of 9 places less 88 pending applications = shortfall of 97 places less yield of 12 = shortfall of 109 places)

Calculated at 2011 rates, this would result in a maximum secondary claim of:

Primary places: 16 @ (£12,257 \*0.9) x 1.1072 = £195,422

Secondary places: 12 @ (£18,469\*0.9) x1.1072= £220,848

The total of the claim would therefore increase to a maximum of: **£416,270**

**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, through 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 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 £22,080

ENVIRONMENT AGENCY:

No objection in principle to the proposed development subject to the imposition of conditions.

UNITED UTILITIES:

Originally commented on **8 December 2011** that all the available spare capacity at Whalley WwTW and the surrounding sewer network has been allocated to committed development and earlier planning application submissions, and as a consequence there are capacity issues within the network and treatments works. Additional flows discharging to the network and treatment works could have an environmental impact on the local area and receiving watercourse. Before any additional development can be accommodated by the works and the network, infrastructure improvements are required. United Utilities is liaising with the Local Authority to determine the amount of future development, so that a coordinated approach can be adopted. The amount of anticipated development within the catchment is unclear and therefore the timescales for the infrastructure improvements are also undefined.

To ensure there is a consistent and fair approach taken by United Utilities in response to planning applications received in Whalley, United Utilities would like to request each development application to include a flow and load impact assessment, highlighting the flow and load (including both foul and surface water) from the proposed development against the existing site.

The critical parameter for United Utilities to make a robust determination against the application will be the non-increase in flows from the development entering the public sewage network (evaluated on combined foul and surface water flow basis). Therefore United Utilities will object to the application pending the submission of a flow and load impact assessment.

Further comments were received from United Utilities on **25 January 2012** stating they would like to remove their objection to the development. Having received the flow and load assessment, they have considered the impact on the network and the treatment works within the catchment. The results show that there is capacity to support this development.

ADDITIONAL REPRESENTATIONS:

Three letters have been received (one of which being from Calderstones Partnership NHS Foundation Trust). Members are referred to the file for full details which can be summarised as follows:

1. The Trust owns and maintains the private sewage pumping station referred to in the application. The applicant has not made representations to the Trust and the proposal compromises the Trust's rights of access.
2. The application shows the Trust's boundary breached in two locations to provide new footpath links from the

development into an area identified on the applicant's drawings as public open space. The Trust's approval has not been sought and the open space is the Trust's private land – the footpaths are not permitted.

3. The Trust does not approve of the proposed close boarded timber fence between houses and the open space. The Trust owns the existing fence and new fencing must be installed on the applicant's side of the boundary.
4. Whilst the proposal is a brownfield site, object due to size and impact on infrastructure of village – particularly education, highways and sewage capacity.
5. Ecological concerns – the report seems to have been compiled as a desktop exercise and question whether surveys should be carried out for Great Crested Newts. There is an abundance of wildlife using the site – badgers and their range should be identified and mitigation measures taken to ensure their wellbeing.
6. The mature woodland should be protected at all costs.
7. Highway safety concerns from an additional 46 dwellings. Traffic calming measures should be introduced on Pendle Drive as well as parking restrictions on each side of the road from Oakdale Drive to Mitton Road junction.
8. Concerns about securing the rights of access to the recently improved woodland area. As a minimum it is hoped that FWMW are consulted throughout the planning process to work to improve the existing area and potentially extend the amenity area to the remaining green space, which is owned by RVBC.

### **Proposal**

This is a full application for a development comprising 46 dwellings with associated landscaping, boundary treatment, car parking and access arrangements.

The scheme is for a mix of two, three, four and five bed properties in a mix of detached and mews styles as follows:

7 x 2 bed mews houses  
6 x 3 bed mews houses  
3 x 3 bed detached houses  
20 x 4 bed detached houses  
10 x 5 bed detached houses

This mix of house types have heights ranging from approximately 7.4m to 8.4m. Construction materials proposed are drawn from the Taylor Wimpey site across the road at Calderstones Green and include red brickwork, render and tile hung feature panels, all with grey roof tiles. A total of 107 car parking spaces at an average of 2.3 per dwelling are shown as well as additional visitor car parking spaces.

The site will be accessed from a new road leading from Pendle Drive between the existing woodland and No 4 Pendle Drive. Since original submission, the boundary treatment between the garden area to that property and access road into the site has been revised and is now to be formed by a brick wall to a height of approximately 1.8m instead of a fence as originally detailed. Revised floor plans have also been received to clarify matters raised by the County Surveyor in respect of size of garage spaces.

The submitted plans denote new hedgerow planting to the eastern and western site boundaries and provide a detailed landscaping scheme.

### **Site Location**

The application site is relatively flat and extends to approximately 2.51 hectare. It was previously occupied by buildings and hard standing associated with the hospital. These buildings have now been demolished but remnants of their presence remain on site. Other parts of the site comprise overgrown grassland, mature trees, boundary hedgerow and shrubs. The application site is part of the former Calderstones Hospital which lies to the north west of Whalley. It is outside the central built campus as defined in Policy A3 of the Districtwide Local Plan and thus is subject to Policies ENV3 and G5. The site's northern boundary is formed by mature trees which cover a dismantled railway line. This edge outside of the application site is a county biological heritage site. The eastern boundary is formed by a line of mature trees and a hedgerow beyond which lies informal open space and properties beyond that which front on to Mitton Road. The southern boundary of the site is formed by woodland fronting on to Pendle Drive which is identified as W2 in the Calderstones TPO (those to the north being defined as W5 within the aforementioned order). The application site is accessed from Pendle Drive along a gated access track which was used to access the former hospital buildings on site. To the west is open cleared land, which again was previously occupied by hospital buildings.

### **Relevant History**

3/92/0171/P – change of use of polytunnels for the sale of garden products. Approved with conditions 28 April 2992.

3/95/0546/P – redevelopment and reuse of redundant hospital buildings and land for residential and employment development, primary school and open space (outline application). Refused. Appeal allowed.

3/96/0343/P - redevelopment and reuse of redundant hospital buildings and land for residential and employment development, primary school and open space (outline application). Refused. Appeal allowed.

3/98/0256/P - redevelopment and reuse of redundant hospital buildings and land for up to 350 dwellings, 4645m<sup>2</sup> of business floor space, a primary school and open space (outline application). Approved with conditions 19 February 1999.

3/99/0932/P – reserved matters application for residential development for 318 dwellings with garages. Approved with conditions 12 May 2000.

### **Relevant Policies**

Policy G1 - Development Control.  
Policy G5 - Settlement Strategy.  
Policy G11 - Crime Prevention.  
Policy ENV3 - Development in Open Countryside.  
Policy ENV7 - Species Protection.  
Policy ENV9 - Important Wildlife Site  
Policy ENV10 - Development Affecting Nature Conservation.  
Policy ENV13 - Landscape Protection.  
Policy H2 - Dwellings in the Open Countryside.  
Policy H20 - Affordable Housing - Villages and Countryside.  
Policy H21 - Affordable Housing - Information Needed.  
Policy RT8 - Open Space Provision.  
Policy T1 - Development Proposals - Transport Implications.  
Policy T7 - Parking Provision.  
Affordable Housing Memorandum of Understanding.  
Core Strategy Topic Paper – Discussion on the Approach to Preferred Option (November 2011).  
Policy DP1 – Spatial Principles – North West of England Regional Spatial Strategy to 2021.  
Policy DP2 – Promote Sustainable Communities - North West of England Regional Spatial Strategy to 2021.  
Policy DP7 – Promote Environmental Quality - North West of England Regional Spatial Strategy to 2021.  
Policy L1 – Health, Sport, Recreation, Cultural and Education Services Provision - 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.  
PPS1 – Delivering Sustainable Development.  
PPS3 – Housing.  
PPS5 – Planning for the Historic Environment.  
PPS7 – Sustainable Development in Rural Areas.  
PPS9 – Biodiversity and Geological Conservation.  
PPG13 – Transport.  
PPG17 – Planning for Open Space, Sport and Recreation.  
PPS22 – Renewable Energy.  
PPS23 – Planning and Pollution Control.  
PPS25 – Development and Flood Risk.  
Policy A3 – Calderstones Area Policy.

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

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

## Principle of Development

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local plan development policies. The site falls within the area covered by Policy A3 the adopted Districtwide Local Plan (DWLP) and is adjacent on its northern boundary to a county biological heritage site (Policy ENV9). The site is adjacent to the north eastern part of the current built up area of the former hospital site but does fall outside the central built campus as identified on the proposals map. As such any development should be assessed against Policies G5 and ENV3 of the DWLP.

The proposals are for the development of 46 residential units, 13 of which are for affordable housing. Policy G5 of the DWLP offers a somewhat restrictive approach to residential development outside defined settlement limits (agricultural/forestry workers dwellings or 100% affordable).

This approach of meeting an identified, affordable housing need is consistent with Policy ENV3 of the Districtwide Local Plan which, as well as requiring that any development must be in keeping with the character of the landscape area and reflect local vernacular, scale, style, features and building material, also stipulates that only development that has benefits to the area will be allowed. Although small-scale affordable housing that meets an identified need would comply with this requirement, wider issues of site suitability and housing supply must also be considered.

In looking at this issue it is apparent that Ribble Valley Borough Council is currently unable to identify a 5-year supply of deliverable housing land, with this figure standing at 3.3 years as at 1/10/11 (most up to date monitoring information). Paragraph 71 of PPS3: Housing, states that where LPAs cannot demonstrate an up to date five year supply of deliverable sites they should consider favourably planning applications for housing having regard to the policies in PPS3 including the considerations in paragraph 69.

Paragraph 69 states that in deciding planning applications, Local Planning Authorities should have regard to:

- achieving high quality design,
- ensuring developments achieve a good mix of housing ,
- the suitability of a site for housing, including its environmental sustainability,
- using land effectively and efficiently; and
- ensuring the proposed development is in line with planning for housing objectives.

An important consideration in assessing these proposals is bullet point 3 of para 69 (as above), which relates to the need for Local Planning Authorities to have regard to the suitability of a site for housing, including its environmental sustainability, as well as bullet point 5, which requires that development consider planning for housing objectives. Paragraphs 10 and 36 of PPS3 discuss this further and state that housing developments should be in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

In assessing the sustainability of the site regard should also be had to national planning guidance offered in PPS1 'Delivering Sustainable Development' and PPS7 'Sustainable Development in Rural Areas'. The latter document comments in paragraph 3 that 'away from larger urban areas, planning authorities should focus most new development in or near to local



service centres where employment, housing (including affordable housing), services and other facilities can be provided close together'. PPS1 comments in paragraph 8 that 'the plan led system, and the certainty and predictability it aims to provide is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan unless material considerations indicate otherwise (in this instance the requirements of PPS3). Reference is also made in paragraph 33 to the fact that 'good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development'.

It is considered that although the site would be located on land designated as open countryside within the Calderstones Area Policy, it is closely related to the central built campus as identified in Policy A3 and closely related to a service centre (Whalley) which can offer these facilities, which is in line with planning for housing objectives and considered a suitable site for housing. Therefore based upon the information received I am of the opinion that the proposals satisfy the criteria set out in paragraph 69 of PPS3 and the requirements of PPS1 and PPS7 in terms of sustainable development.

It will also be important to consider any potential visual impact of the scheme. Policy H2 of the adopted Districtwide Local Plan discusses this in greater detail and states that the impact of proposals on the countryside will be an important consideration in determining all planning applications. Development should be appropriately sited and landscaped. In addition, scale, design, and materials used must reflect the character of the area. This is covered in detail elsewhere within this report.

In relation to the issue of a 5-year supply of deliverable housing sites, it is important to note that the situation is subject to rapid change. At the present time, the overall housing requirement for Ribble Valley is determined by the Regional Spatial Strategy (RSS) however Government advice has highlighted that the RSS is soon to be abolished and as a result it will fall upon LPAs to determine what the housing requirement should be for their own borough, albeit determined upon strong and robust evidence. As a result, in preparation for this abolition and having regard to the time frames involved in consulting upon and adopting new housing numbers for use in determining planning applications and working on the Strategic Development Plan the Council instructed Nathaniel, Litchfield and Partners (NLP) consultants to undertake some work on assessing what the overall requirement for housing land should be in the borough. That work has been subject of public consultation and at the time this report was drafted it was envisaged that a report would have been presented to Members at a special Planning and Development Committee meeting on 2 February to finalise the requirement. Therefore as a result it must be considered that dependent upon the outcome of that meeting, the five-year supply position is subject to change.

The potential for change in policy is also relevant in relation to the emerging Local Development Framework. Work has been undertaken on developing the LDF Development Management policies and Key Statements document, as well on a revised AHMU now titled 'Addressing housing need in Ribble Valley' which now includes a requirement to provide elderly provision as part of schemes of over 30 units and increases the thresholds for affordable housing provision. At the time this application was submitted the scheme was still being considered under the AHMU as the revised document had not been formally adopted by the relevant committee of this Authority. Health and Housing Committee formally adopted the revision on Thursday 19 January but the approach being taken is that only schemes submitted/validated following the date the new document came into force would be subject to the new thresholds and criteria. It

is felt by the Housing Strategy Officer that to start renegotiating schemes that have been valid for some time and subject of discussions under the old AHMU would be unreasonable. The Council is now progressing towards the Preferred Option stage of the Core Strategy with a report considered and agreed by Members in December of last year highlighting the current thoughts in terms of direction of travel based on consultation and work undertaken so far. The approach anticipates a Development Strategy that will direct development towards the three main settlements of Clitheroe, Longridge and Whalley including a strategic location south of Clitheroe. The preferred approach to managing growth is one of relationship with existing size and scale measured in the first instance by existing population proportions and also taking account of services and facilities and the ability to implement infrastructure. From discussions with colleagues within the Housing and Regeneration Section the proposed development would not be of such a scale as to exceed the planned requirement identified within that strategy and thus in determining this scheme regard should be had to the aforementioned policies of the DWLP, RSS and PPSs.

### Affordable Housing

In considering the affordable housing element of the proposal, it is important to have regard to Policies H20 and H21 of the Ribble Valley Districtwide Local Plan and the Council's Affordable Housing Memorandum of Understanding (AHMU). Policy H20 of the Plan identifies that on sites outside defined settlement limits, schemes should provide for 100% affordable needs. However, having regard to material considerations, namely PPS3 as outlined above, I am of the opinion that as the site is closely related to the central built campus of Calderstones where Policy A3 of the DWLP would equate development within that area to be that as appropriate in a G4 settlement, a more relaxed approach is in order and that it is the requirements of the AHMU and Policy H21 that the affordable elements of the scheme should be assessed against.

In terms of assessing the development under the requirements of the AHMU a scheme outside defined settlement limits for three or more dwellings (or sites of 0.1 hectare or more) should provide 30% of the site for affordable provision. Policy H21 sets out the information to be submitted in support of affordable schemes in terms of who the accommodation is intended to be provided for and details of the methods by which the accommodation will be sold, let, managed and retained a suitable for its original purpose.

The scheme is made in full for the erection of 46 dwellings. A draft Legal Agreement was submitted with the application and has been the subject of negotiations with the Council's Housing Strategy Officer in order to ensure that the scheme matches identified needs. The negotiations have secured revisions to the originally submitted agreement in line with the housing document that was in place at the time the scheme was submitted ie the AHMU with the Legal Agreement content sub-heading later within this report providing specific details for the clauses covering the affordable elements.

### Highway Safety

It is clear from the observations of the County Surveyor that the principle of the scheme is acceptable. He did however make comments regarding the internal garage sizes to some of the plots and that they should be revised to ensure that they can provide a safe and effective car parking space. Amended plans to one house type and further clarification on the dimensions to other house types has been provided. On the basis of that information, he is now satisfied with the details provided but has requested that a condition be imposed to restrict the use of the

garages in order that they are used solely for the purposes of garaging a private car and not for ancillary domestic purposes, ie storage.

Members will also note that the request for a contribution towards sustainable transport measures has reduced from £99,000 to £50,000 in his latest response. The applicants have already made contributions towards some of the measures he initially outlined given they are developing the site on the opposite side of Pendle Drive and the revised sum takes account of that.

On the basis of the latest observations received from the County Surveyor, there is no objection raised to this development on the grounds of highway safety.

### Public Open Space

On a development of this size under Policy RT8 of the DWLP the layout will usually be expected to provide adequate and usable public open space or for the developer to provide a contribution towards provision for sport and recreational facilities within the area where the overall level of supply is inadequate.

The proposal put forward here is for the provision of a commuted sum to be put towards woodland management initiatives and this follows from advice given to the applicant at pre application advice stage where various options for compliance with this particular policy were discussed - the provision of on-site public open space, the provision of a commuted sum in lieu of actual public open space within the development site to be used elsewhere within the immediate vicinity for public open space or a commuted sum for woodland access initiatives. For members information the site currently under construction to the other side of Pendle Drive for 39 dwellings does provide for a commuted sum as an off-site open space contribution as part of an accompanying Section 106 Agreement. The monies to be paid in relation to application 3/2008/0826/P were to be used towards upgrading the area of open space adjacent to that application site and for the provision of a children's play area off Fell View and ongoing maintenance of the open space and children's play area. A similar arrangement could be applicable to development of this site. It is within reasonable distance of both of these areas so that further financial contributions to their ongoing development and maintenance would be considered reasonable.

However, I am also mindful of the text to Policy A3 which governs this overall site and in particular the section that states existing woodland areas should be retained and enhanced under sound tree management. A financial contribution towards ecological/woodland access initiatives as a possible substitute to the provision of open space on site is I consider reasonably related to the development and legitimate. It is therefore proposed and agreed with officers of the Council that the monies received be directed towards Whalley Wood which is sited approximately 0.335 km from the application site. Whalley Wood has been identified by the Friends of Whalley Wood, Calderstones Hospital and Ribble Valley Borough Council as an underused and neglected public open space in need of regeneration. It has been identified as a previously developed site suitable for soft-end use reclamation to facilitate bringing the site into beneficial public use as an open space facility. Phase 1 of the project was carried out by the Friends group in partnership with Ribble Valley Borough Council and has established a woodland play area within the wood. 2 other phases are proposed which will focus on public open space that is safe to use and inclusion through the improvement of access routes. There has not to date been any specific focus on actual woodland management and maintenance initiatives. Initially the S106 was drafted to enable the sum of money to be payable to the

Friends of Whalley Wood for management and maintenance but further to discussions with the Council's Countryside Officer this has been revised to enable the payment to be made to the Borough Council who would undertake management of the woodland. The sum of money would be utilized for the preparation of a Woodland Management Plan, ground remediation works as and when identified, silvicultural systems, establishment restocking, a five year woodland management regime and enhancement and protection of sensitive habitats.

### 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 scheme of this size would result in a claim of £165,636 towards secondary places but with no contribution towards primary provision. The applicant was aware of potential contributions from pre application discussions last year and thus included provision within the draft S106 Agreement on the basis of those previous discussions.

There is a section later within this report that deals specifically with the proposed legal agreement but as members will note the request is only for a secondary contribution and not primary as based on the most up to date figures there will be capacity in local schools within 5 years at that age level. Subject to agreement over the clauses within the agreement there are no objections raised in principle from officers at LCC to the proposed educational aspects of this proposal.

### Flooding/Drainage

Members will note that one of the objections received expressed concerns over the increased pressure on existing utilities especially sewerage. The comments from United Utilities have been provided in full and as Members will see, whilst initially concerns were raised sufficient documentation has been provided to them since initial submission for them to withdraw their objection. Therefore, on the basis of this and the comments received from the Environment Agency, I am satisfied that the scheme in respect of flooding/drainage is acceptable.

### Nature Conservation/Protected Trees/Landscaping/Ecology

As stated previously, the southern part of the site fronting Pendle Drive is heavily enclosed by mature woodland with woodland also located to the north of the application boundary. The application has been submitted with a detailed tree survey to inform the design layout and this confirms that the woodland comprises Ash, Alder, Chestnut, Oak, Golden Leylandii and Sycamore, which are mature and of a high quality and value. The access into the development site is based on the route of an existing informal access track to the side of No 4 Pendle Drive and by utilising this, the loss of trees has been minimised just to seven trees around the edge of the existing woodland. Within the site a further 25 trees and a hedgerow are proposed to be removed to accommodate this development – the majority of these trees include ornamental conifers, Silver Birch and young to middle aged Ash. The hedge is described as species poor by the ecologist. The Council's Countryside Officer has examined the submitted details and it is concluded that the overall integrity and structure of the TPO would not be significantly affected by the work shown and that through the implementation of the landscape scheme put forward, the overall outcome would be beneficial to the longevity of the woodland, reinforcing its importance as a wildlife habitat and integrating the site into its wider environs strengthening wildlife corridors. Should Members be minded to grant consent, then a stringent set of conditions have been devised by the Countryside Officer and he has also been involved in

devising how the proposed committed sum, referred to under both the public open space and Section 106 sub headings, would be allocated to assist in the Council's endeavours to enhance the existing woodland areas on the Calderstones site which we manage and are developing in conjunction with the Friends of Whalley Wood.

An ecological assessment has also been submitted in support of this application with a phase 1 habitat survey carried out in June 2011. The report confirms that there are no internationally or nationally important wildlife sites within the influence of the development proposals. It also identifies a badger sett outside the development and confirms the development will not have a direct impact on the sett. No records of the presence of reptiles within the wider area have been found. The report sets out a series of recommendations to improve wildlife linkages and ecological diversity and the Countryside Officer has again suggested a series of conditions to secure the implementation of these.

Therefore, on the basis of the detailed survey submitted in support of this application, it is considered that in respect of woodland and ecological issues, the scheme would not cause significant detriment and would allow for improvement to wildlife linkages both within the actual site and extending to areas beyond.

#### Layout/Scale/Visual Amenity

Due to the presence of woodland to the northern and southern boundaries and existing dwellings to the east beyond the informal public open space area, the development will not be readily visible from the public highway, rather it would be seen as a vista through the protected trees. All of the proposed houses are two storey with the mix of house types ensuring a variety of roof lines, scale and massing that is considered appropriate in the context of surrounding development. The palette of materials to be used are drawn directly from the Taylor Wimpey site across the road at Calderstones Green. A detailed landscaping plan has been submitted and has been specifically designed to enhance and maximise the ecological and wildlife welfare of the site. I am of the opinion that the scheme has been designed to be sympathetic to its surroundings and would not prove significantly detrimental to the visual qualities of this part of the Calderstones site.

#### Residential Amenity

In considering residential amenity, it is important to have regard to the relationship of the site with surrounding land uses as well as the actual layout shown within the scheme.

In terms of surrounding uses, I am mindful of the small number of properties that back on to the site from Pendle Drive and dwellings that are set to the east which front on to Mitton Road. In respect of the latter, there is an area of informal open space that would separate those dwellings from the houses shown here (a distance of between approximately 25m and 70m) and thus I consider that sufficient distance so as not to have a detrimental impact in terms of overlooking/overbearing nature of development. Turning to the properties on Pendle Drive, these have large rear garden areas and there is a mature tree cover along the boundary. Given the general layout of the proposed scheme and distance of approximately 12m from the common rear boundary to the rear of new houses and a further 43m to existing dwellings rear building lines, it is considered that the development proposal would not have any significantly detrimental impact on those residents.

## Miscellaneous

There are a number of issues raised in the consultation responses that have not been addressed elsewhere within this report as follows:

In respect of the pumping station issues that the Trust raise, this development will require a foul water pumping station to serve the new homes which is to be located in the north west corner of the site. It is understood that the options have been discussed with the Trust and the exact details will be finalised once planning consent has been secured. Having regard to the two footpath links shown between the site and area of open space within the Trust's ownership, these are identified on the plans as potential links. They could not be installed without the Trust's permission and this is a matter for the applicant to resolve with the Trust. The same is to be said for comments about the erection of fencing outside the ownership of the applicants. Reference has been made for provision of a Parish Council noticeboard and that the Parish Council would require a financial contribution to the costs involved in servicing and maintaining this board. I have queried this with the applicant who has explained that there is an existing management company operating on site and they would both erect and maintain the noticeboard.

## Section 106 Agreement

The application was submitted with a draft Legal Agreement which covered matters of affordable housing provision and education contributions. The Agreement has been subject of change since original submission to take account of consultee responses in respect of contributions sought. To clarify for Members the Section 106 Agreement would stipulate the following:

### 1. Affordable Housing

- The total number of affordable units shall consist of 13 new build dwellings.
- 4 of the units shall be affordable rental units (these shall be 2x2 bed houses and 2x3 bed houses).
- 9 of the units shall be low cost market units (which shall be made up of 5x2-bed houses and 4x3-bed houses).
- Delivery of the affordable units be phased with the provision of market units to ensure that no more than 70% of the private housing is occupied until the affordable units have been built ready for immediate occupation and are capable of being transferred.

### 2. Education

- This was not originally explicitly defined in the S106 as the applicant is still in negotiation with LCC. The County have specified it as being a minimum of £165,636 towards secondary provision. However at the time the Section 106 is finalised a reassessment of pending decisions as outlined in the education response will take place in order to establish whether the additional contributions would be sought to the maximum level as outlined in their consultation response dated 2 December 2011. The applicant is still in negotiation with LCC over how the sum is calculated but the Agreement does now specify the minimum sum of £165,636 as required by LCC towards secondary provision.

### 3. Wheeled Bin Provision

- Prior to first occupation to pay to the Council the wheelie bin contribution of £90 per unit.

### 4. Highways

- Prior to first occupation to pay to the County Council the Public Transport Contribution of £44,000
- Prior to first occupation to pay to the County Council the Travel Plan Contribution of £6,000

### 5. Off site Open Space Contribution

- To pay £25,000 to the Council prior to first occupation of a unit at the development to be used for:
  - Preparation of Woodland Management Plan to Include woodland characteristics, management objectives and strategy/costings
  - Ground remediation works
  - Silvicultural systems by the Implementation of phased selective felling & coppicing work/dead wood pruning/timber extraction in order to establish diverse age tree cover.
  - Establishment restocking & natural regeneration Including new planting of native species with protection & maintenance
  - Five year woodland management regime including tree establishment, natural regeneration ground works, maintenance of coppicing regimes and selective thinning
  - Enhancement and protection of sensitive habitats

Members will note that it is not proposed to request the sum LCC have asked for in terms of waste management ie £22,080. The contribution sought by LCC is in accordance with their Policy Paper on Planning Obligations in Lancashire which has not formally been adopted by the Council. A report presented to Planning and Development Committee on 16 December 2008 identified priorities for this Council when seeking contributions namely affordable housing transport safety, open space and education.

Therefore having carefully assessed 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 Community Services for approval following the satisfactory completion of a legal agreement within a period of 6 months (from the date of this decision) as outlined in paragraphs numbered 1 to 5 under the Section 106 Agreement sub heading within this report and subject to the following conditions:

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 10/094/P01REVD as amended 19 December 2011; 10/094/P02REVA as amended 12 January 2012; 10-094-HT01-1; 10-094-HT01-2; 10-094-HT02-1; 10-094-HT02-2; 10-094-HT03-1; 10-094-HT03-2; 10-094-HT04-1 as amended 12 January 2012; 10-094-HT04-2 as amended 12 January 2012; 10-094-HT05-1; 10-094-HT05-2; 10-094-HT06-1; 10-094-HT06-2; 10-094-HT07-1; 10-094-HT07-2; 10-094-HT08-1; 10-094-HT08-2; 10-094-HT09-1; 10-094-HT09-2; 10-094-HT10-1; 10-094-HT10-2; Fence 3 as amended 19 December 2011; 1334/03REVA; 1334-04REVA; 10/094/M01.

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

3. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

REASON: To reduce the increased risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

4. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

REASON: To ensure a satisfactory means of drainage in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. This permission shall relate to a Section 106 Agreement dated ... which includes provision for the delivery of affordable housing, and financial contributions.

REASON: For the avoidance of doubt and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. The approved landscaping scheme as detailed on drawings 1334/03REVA and 1334/04REVA (landscape layout sheets 1 and 2) shall be implemented in the first planting season following occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those 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.



7. Prior to commencement of development precise details of the solar thermal systems to be incorporated within plots 12, 13, 14, 15, 16 and 17 of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The systems shall then be provided in accordance with the details so submitted prior to occupation of the development and thereafter retained.

REASON: To ensure that the Local Planning Authority are satisfied with the details in the interests of both visual amenity and need to encourage the use of renewable energy in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

8. No development shall take place until details of the provisions to be made for the artificial bird [Swift/House Martin, Starling & House Sparrow species] nesting sites/boxes and artificial bat roosting sites/boxes have been submitted to and approved in writing by the Local Planning Authority.

The individual suitable dwellings shall be identified on a building dependent bird/bat species development site plan and include details of artificial nest/roost sites in eaves, soffits and gables using Schwegler nest and Ibstock bat boxes & Tudor roof Bat access tiles. The details shall also identify the actual elevations into which the artificial nest and boxes shall be incorporated – north/north east/west elevations for birds & elevations with a minimum of 5 hours morning sun for bats.

The approved works shall be implemented under the supervision of a representative of the local representative of Swift Conservation and in full before the development is first brought into use, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that bird and bat species are protected and their habitat enhanced, in accordance with the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 and in accordance with Policy ENV7 of the Ribble Valley District Wide Local Plan.

9. The development hereby permitted shall not be commenced until details of a woodland management plan for the woodland area W2 in the Calderstones Tree Preservation Order/compartments 9 of the Calderstones Forestry Survey have been submitted to, and approved in writing by, the Local Planning Authority. The management plan shall indicate, as appropriate, details on selective thinning and replanting including details on the appropriate tree types, numbers of trees and species mix and details of all protective fencing.

The approved woodland management plan shall be implemented outside of the bird nesting bird season March – August inclusive. If this is not possible an inspection of the woodland, prior to removal of any trees, by an ecologist shall be undertaken.

Thereafter the woodland shall be managed 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, 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 District wide Local Plan.

10. No development shall take place until an updated protected species survey has been carried out during the optimum periods of May to September – Bats, & March to June - Barn Owls prior to commencement of any part of development.

The results of the updated survey shall be submitted to the Local Planning Authority Countryside Officer and Natural England. If such a use by a protected species of any part of the land or any buildings included in the planning permission granted is established, a mitigation scheme including appropriate protected species license details shall be submitted to and agreed in writing by Natural England & the Local Planning Authority Countryside Officer before any work commences on the approved Development.

No development shall take place until a further bat survey has been carried out during the last optimum bat activity period of May to September prior to the commencement of development. The findings of the updated survey shall be submitted to and agreed in writing with the Local Planning Authority Countryside Officer & Natural England. If such a use by bats of buildings is established a mitigation plan including appropriate protected species license details, shall be submitted to the local planning authority countryside officer & Natural England.

The actions, methods & timings included in the mitigation measures identified and the conditions of any Natural England License shall be fully implemented and adhered to. In the event that any bats are found, disturbed or harmed during any part of the development work, work shall cease until further advice has been sought from a licensed ecologist.

REASON: To ensure that species are protected and their habitat enhanced, in accordance with the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 and in accordance with Policy ENV7 of the Ribble Valley District Wide Local Plan.

11. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the arboricultural/tree survey shall be protected in accordance with the BS5837 [Trees in Relation to Construction] the details of which shall be agreed in writing, implemented in full, a tree protection monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun.

The root protection zone shall be 12 x the DBH and shall 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/ Conservation area/considered to be of visual, historic or botanical value

are afforded maximum physical protection from the adverse affects of development in accordance with Policies G1 and ENV13 of the Ribble Valley District Wide Local Plan.

12. No development or arboricultural works shall take place until details of an assessment of trees been submitted to and approved in writing by the Local Planning Authority. The information submitted shall include details of those trees within which bat roosts already exist and those trees the condition of which indicate that they have the potential to be used by bats as a roost, the assessment shall also include mitigation measures.

REASON: To ensure that bat species are protected and their habitat enhanced in accordance with the Wildlife & Countryside Act 1981 as amended, the conservation [Natural Habitats & c.] Regulations 1994 and in accordance with Policy ENV7 of the Ribble Valley District Wide Local Plan.

13. No part of the development shall take place until further advice has been obtained from the Lancashire Badger Group on the details required for the protection measures for badgers/setts and foraging areas. The details of which, including mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority.

The agreed protection and mitigation measures shall be fully implemented before any part of the development commences unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that no species protected by the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 are harmed in accordance with Policy ENV7 of the Ribble Valley District Wide Local Plan.

14. No development approved by this planning permission shall be commenced until:
  - a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information and diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
  - b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing, by the Local Planning Authority prior to that investigation being carried out on the site.
  - c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.
  - d) A Method Statement and Remediation Strategy, based on the information obtained from (c) above has been submitted to and approved in writing by the Local Planning Authority.

The developments shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved Method Statement and Remediation Strategy referred to in (d) above, and to a timescale agreed in writing by the Local Planning Authority: unless otherwise agreed in writing by the Local Planning Authority.

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to:

- a) Identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors.
- b) Enable:
  - A risk assessment to be undertaken;
  - Refinement of the conceptual model; and
  - The development of a Method Statement and Remediation Strategy.
- c) & d) Ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site. The historic landfills will need to be included in the conceptual model, and appropriate groundwater analyses submitted before points (1) & (2) of the condition above are satisfied

15. The proposed garages shall not be used for any purpose (including any purpose ordinarily incidental to the enjoyment of the dwelling house as such) which would preclude their use for the parking of a private motor vehicle.

REASON: In the interest of amenity to facilitate adequate vehicle parking and/or turning facilities to serve the dwellings in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

16. No part of the development, hereby approved, shall commence until a scheme for the construction of the site access and the off-site works of highway improvements has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and in order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

## NOTES

1. The grant of planning permission will require the applicants to enter in to an appropriate legal agreement with the County Council as highway authority. The highway authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Executive Director at PO Box 9, Guild House, Cross Street, Preston PR1 8RD in the first instance to ascertain the details of such an agreement and the information to be provided.
2. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act.

ITEMS DELEGATED TO DIRECTOR OF COMMUNITY SERVICES UNDER SCHEME OF DELEGATED POWERS

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

APPLICATIONS APPROVED

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2011/0317/P	Internal alterations including removal of perished sand and cement plaster, removal of unauthorised waterproofing render and replacement with lime based plaster, removal of unauthorised concrete floor (leaving all remaining concrete floors) and replacement with lime based screed, removal of 20 <sup>th</sup> century internal partition walls and construction of new stud and plasterboard partition, re-roofing by using existing grey slates on to existing roof incorporating breathable felt, repair existing 20 <sup>th</sup> century timber roof spars only as required, replacement of perished plasterboard on ceilings and partitions, rewire and re-plumb	Bustards Farm Rimington Lane Rimington
3/2011/0480/P	Granny annex (detached) re-submission of refused application 3/2010/1011/P	Shuttleworth Farm Henthorn Road, Clitheroe
3/2011/0698/P	Proposed leisure facility building ancillary to the existing domestic property, balcony over plant room and PV panels on roof	Lynton Longsight Road Clayton-le-Dale
3/2011/0730/P	Detached double garage with games room over	High Lea Bungalow Whins Lane, Simonstone
3/2011/0744/P	Single storey flat roof extension to rear of property	Shajan Indian Restaurant Ltd Longsight Road Clayton-le-Dale
3/2011/0746/P	Application for renewal of planning permission 3/2008/0832/P for the erection of a building for use as a crematorium and funeral chapel, and construction of car park	Ribble Valley Remembrance Park Mitton Road, Whalley
3/2011/P/0807/P	New external stair and door opening at first floor level at the rear of the premises to serve self-contained flat	Raffia 38 King Street, Clitheroe
3/2011/0823/P	Proposed small B1/B8 unit to be positioned between existing units 1 and 2	Fairfield Business Park Longsight Road Clayton-le-Dale
3/2011/0844/P & 3/2011/0845/P	Material amendment to approve hotel extension project (3/2008/0548/P) to form additional kitchen and administrative office accommodation	Stanley House Preston New Road Mellor

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2011/0860/P	Proposed single storey extension to the rear and west side, reinstate double height windows to the front, extending one rear room to two storey, change of use of agricultural land to the front of the property to allow safe access	The Old School Room Walker Fold Chaigley
3/2011/0871/P	Proposed demolition of rear Conservatory and erection of a single storey Garden Room and formation of a new rear external door opening in place of an existing window	6 Grindleton Road West Bradford
3/2011/0887/P	Proposed conversion of a barn to a single dwelling	Abbot Barn Back House Lane, Chipping
3/2011/0897/P	Demolition of the existing porch and utility and erection of a proposed two-storey extension	Hollycroft Bowland Gate Lane West Bradford
3/2011/0911/P	Application for the removal of condition no. 14 (occupancy period) of planning consent 3/2003/0836P; to allow the dwelling to be used as permanent residential accommodation	Aspinall Farm Kenyon Lane Dinckley
3/2011/0914/P	Proposed photovoltaic solar panels on the existing garage roof (front elevation)	Mill Pond House Clitheroe Road West Bradford
3/2011/0917/P	Proposed roof lift to form new bedroom and en-suite in the existing roof space, garden room/dining extension, new porch (to replace existing) and internal alterations	16 Church Close Waddington
3/2011/0930/P	Outline Application for proposed demolition of the existing building and replacement with 1 no. detached house	The Village Hall Brockhall Village
3/2011/0933/P	Proposed covered midden area	Greenlands Farm Chipping
3/2011/0944/P	Proposed covered roof area for existing root crop store	Birchen Lea Farm, Leagram
3/2011/0949/P	Two-storey extension to South elevation of house to form double garage/utility with dormers at first floor. Porch extension to South elevation and first floor extension to South and East to form additional bedrooms. First floor terrace with covered area beneath to East elevation. Single storey extension to North elevation	Cresta Ribchester Road Clayton-le-Dale
3/2011/0951/P	Application for the removal of condition No. 11 (occupancy period) of planning consent 3/2006/0273/P to allow the building to be used as permanent residential accommodation	The Barn Preston Road Alston

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2011/0958/P	Proposed single storey rear extension	30 Berkeley Drive, Read
3/2011/0965/P	Proposed detached two-bed bungalow on vacant land adjacent	14 Crumpax Avenue Longridge
3/2011/0966/P	Proposed clock with text (Resubmission)	Alpes Butchers 14-16 Shawbridge Street Clitheroe
3/2011/0988/P	Application to discharge condition No 4 (materials) of planning consent 3/2010/0596/P	9-11 Hellifield Road Bolton-by-Bowland
3/2011/0995/P	Proposed conversion of an existing dwelling and attached annex into two separate residential properties and erection of a single storey double garage	Oak Mount Farm Ribchester Road Clayton-Le-Dale
3/2011/1031/P	Application for discharge of condition No 3 (materials) of planning permission 3/2011/0547/P	24 Chatburn Park Drive Clitheroe
3/2011/1053/P	Application for discharge of condition No 3 (materials) on 3/2011/0842/P and 3/2001/0843/P	Stanley House Preston New Road Mellor

#### APPLICATIONS REFUSED

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
3/2011/0103/P	Proposed erection of a wind turbine on a 43m tower for the farm use and as a farm diversification project. The output is 330kw	Westby Hall Farm Gisburn	Proposal by virtue of its location, siting, scale and height would be contrary to Policies G1, G5, ENV2, ENV3, ENV24, ENV25, ENV26 of the Districtwide Local Plan, Forest of Bowland AONB Renewable Energy Position Statement, PPS 22 and the Draft NPPF, in that it would represent an isolated, incongruous feature into the open landscape to the detriment of the visual amenity of the area.  The proposed wind turbine by virtue of its

Cont/



<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
Cont...			size, siting and location so close to the adjacent Public Right of Way would impact on the enjoyment of walkers, contrary to Policy G1.
3/2011/0456/P	External repairs and renovation to stonework and windows; minor internal alterations	Clitheroe Library Church Street Clitheroe	The proposal would be unduly harmful to the character (including setting) and significance of the listed building because of the damage to historic fabric resulting from the absence of a clear 'minimum intervention philosophy' and the stone cleaning methods, stone 'consolidation' and mortars/grouts proposed.
3/2011/0766/P	Proposed two-storey extension with single storey extensions to side and rear	47 Standen Road Clitheroe	G1, H10, and SPG "Extensions and Alterations to Dwellings": <ul style="list-style-type: none"> <li>• Detrimental to the appearance of the property and the street scene.</li> </ul> Loss of residential amenity by virtue of overlooking and loss of privacy.
3/2011/0804/P & 3/2011/0805/P	Creation of a ground floor kitchen, dining room, utility and toilet from the attached garage, with a hobby room above in order to make better use of internal space	Rod Hill Lodge Bolton-by-Bowland	The proposal would be unduly harmful to the agricultural character (including setting) and significance of the listed building
Cont/			

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
Cont...			because of the insertion of conspicuous, incongruous and visually intrusive rooflights in the generally unbroken and prominent historic front elevation roof slope, the insertion of an overtly domestic-style window into the garage door opening and the creation of an unnecessarily wide internal opening between the former shippon and outshut. This is contrary to Policies ENV20 and ENV19 of the Ribble Valley Districtwide Local Plan.
3/2011/0851/P	Rear second floor extension and detached single garage to rear	Houghton Farm Cottage Osbaldeston Lane Osbaldeston	G1, ENV3, H10, H17, SPG – dominant extension creating an imbalance to the original character of the building and would be to the detriment of visual amenities.
3/2011/0862/P	Proposed installation of Solar PV panels to front elevations of 6 No bungalows	1, 3, 5, 7, 9 & 11 Sycamore Bungalows Gisburn	The proposed solar panels would be detrimental to the appearance of the street scene, and to the character, appearance and significance of the conservation area, due to the inappropriate
Cont/			

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
Cont...			<p>position and scale of the solar panels on the front elevation of the properties. This would be contrary to Planning Policy Statement 1, Planning Policy Statement 5 and Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan.</p> <p>The proposal, if approved, would be likely to lead to similar applications of this nature in the future, with such a precedent leading to a gradual erosion of the character, appearance and significance of the conservation area, contrary to Planning Policy Statement 1, Planning Policy Statement 5 and Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan.</p>
3/2011/0886/P	Demolition of existing garage and office (attached to existing house - all previously used for Police house/office) and erection of new semi-detached dwelling over existing footprint	127 Padiham Road Sabden	<p>The proposal by virtue of its scale and proximity to the neighbouring dwelling is considered contrary to Policy G1 of the Districtwide Local Plan. It would result in an overlarge and overbearing development which would have a detrimental affect on the residential</p>
Cont/			

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
Cont...			<p>amenities of the adjacent dwelling.</p> <p>The proposal is contrary to Policy G1 of the Ribble Valley Districtwide Local Plan in that it would lead to conditions to the detriment of highway safety, due to the lack of off-street manoeuvring provision to allow access to and from the highway in a forward gear.</p>
3/2011/0904/P	Formation of industrial link from unit 3 to 4	Land to rear of 90 Berry Lane Longridge	<p>Due to its height and close proximity to the boundary, the proposed building would have a seriously overbearing and oppressive effect on adjoining dwellings to the detriment of residential amenity, contrary to Policy G1 of the Ribble Valley Districtwide Local Plan.</p>
3/2011/0936/P	Proposed demolition of an existing outbuilding and construction of a replacement building to incorporate garage/workshop, household storage, office/design studio and recreational space to be used in connection with the main dwelling, and self-contained three-bed holiday cottage (Resubmission of 3/2010/0843P)	Chorley House Back Commons Clitheroe	<p>Policies G1 and ENV3 – Obtrusive addition detrimental to visual amenity.</p>

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
3/2011/0937/P	Installation of a 4kw black edged solar PV system to the rear-facing south roof slope of the dwelling	Kezmin House Hothershall Lane Hothershall	Policies G1 and H17 of the DWLP - incongruous feature resulting in harm to the visual appearance, character and significance of this traditional rural building.
3/2011/0982/P	Proposed construction of a two storey side extension to existing house to provide living room and utility/w.c. to ground floor and master bedroom suite to first floor	33 Victoria Court Chatburn	Policy G1, H10 and SPG – detrimental impact on street scene and amenity of nearby residents.

#### SECTION 106 APPLICATIONS

<b><u>Plan No</u></b>	<b><u>Location</u></b>	<b><u>Date to Committee</u></b>	<b><u>Number of Dwellings</u></b>	<b><u>Progress</u></b>
3/2009/1011P	Land adj Petre House Farm Whalley Road Langho	4/2/10	24	Not Signed yet With applicants agent
3/2010/0078P	Old Manchester Offices Whalley New Road Billington	20/5/10	18	Ongoing negotiations in relation to contribution issues
3/2010/0929P	Land between 36 & 38 Henthorn Road Clitheroe	14/7/11	8	Not Signed yet With applicants solicitor
3/2011/0129P	Victoria Mill Watt Street Sabden	14/7/11 8/12/11	70	Not Signed yet With applicants solicitor
3/2011/0247P	Land off Chapel Close Low Moor Clitheroe	13/10/11	54	Not Signed yet With LCC
3/2011/0307P	Barrow Brook Business Village Barrow	13/10/11	37	Not Signed yet With applicants solicitor
3/2011/0316P	Land off Preston Road Longridge	10/11/11	60	Not Signed yet With applicants solicitor
3/2011/0541P	Dilworth Lane/Lower Lane Longridge	10/11/11	49	Not Signed yet With applicants solicitor Disputing LCC Highway requirement

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2011/0482P	Brown Leaves Hotel Longsight Road Copster Green	8/12/11	18	Not Signed yet With LCC Highways
3/2011/0039P	Land at Hambledon View Simonstone	17/3/11	5	Signed 9/1/12
3/2009/0732P	27 Cringle Way Clitheroe	Delegated 27/11/09	1	Deemed withdrawn by RVBC on 13/1/12

CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/0575/P	Application for a Lawful Development Certificate for the proposed installation of solar PV panels on the school roof	St Augustine's RC School Elker Lane, Billington
3/2011/0895/P	Application for a Lawful Development Certificate for a proposed kitchen extension replacing existing conservatory	13 The Acres Barrow

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995  
PART 24 – TELECOMMUNICATION CODE SYSTEM OPERATORS – PRIOR NOTIFICATION  
– GRANTED

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/1030/P	Replacement of existing BT green metal cabinet with a new steel one in green colour and measuring 1410mm x 1210mm x 370mm at corner of	Waterloo Road and Shawbridge Street Clitheroe

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

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/1026/N	Roof over sheep handling facilities	Foxfields Farm Stonyhurst, Clitheroe

APPLICATIONS WITHDRAWN

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/0140/P	Earth covered sanitary accommodation unit built into hillside within valley to form Bond Beck Campsite	Land adjacent High Gill Barn Tosside
3/2011/0312/P	Erection of 13 dwellings and a village store and tearoom	Land at The Dene Hurst Green

<b><u>Plan No:</u></b> 3/2011/0655/P	<b><u>Proposal:</u></b> Three two storey terraced dwellings. Garden space allocated to each property and six surface parking bays	<b><u>Location:</u></b> 41 Dilworth Lane Longridge
3/2011/0929/P	Two storey extension to rear	New Ings Farm Coal Pit Lane, Gisburn

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>
3/2010/0719 O	29.9.11	Gladman Developments Ltd Proposed development of up to 270 residential dwellings, doctors surgery, landscape, open space, highways and associated works Land off Henthorn Road Clitheroe	—	Inquiry postponed from 24 <sup>th</sup> January <b>*NEW DATE*</b> <b>13<sup>th</sup> March 2012</b>	
3/2010/0159 ENF	7.10.11	Mr L P Dolman & Miss S Faragher Insertion of a first floor window in the roadside gable elevation of the property Old Chapel Barn Preston Road Alston	WR	—	APPEAL DISMISSED & ENFORCEMENT NOTICE UPHELD
3/2011/0472 D	27.10.11	Mr Duncan Weisters Proposed extensions to create new living space and a double garage 1 The Walled Garden Woodfold Park Mellor	House- holder appeal	—	APPEAL DISMISSED 17.1.12

<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>
3/2011/0205 & 0206 D	25.10.11	Mr D Outhwaite-Bentley Retrospective application for extensions and alterations at the dwelling and rear patio and decking walkways Mellor Lodge Gatehouse Preston New Road Mellor	WR	—	Awaiting site visit
3/2011/0582 Non-determination	9.11.11	Mr & Mrs A J & J P Miller Outline application for the erection of two detached dwellings with detached garages (Resubmission of 3/2010/1013P) 46 Higher Road Longridge	WR	—	Awaiting site visit
3/2011/0557 D	17.11.11	Mr & Mrs R Lancaster Application for the removal of condition no.2 (occupancy period) of planning consent 3/2004/0523P, to allow the holiday let to be used as permanent residential accommodation Burons Laithe Horton	WR	—	Awaiting site visit
3/2011/0326 Non-determination	25.11.11	Ms D Barnes Single attached garage extension to Plum Tree Cottage. Single attached garage and ground floor extension together with alterations to retaining wall at Cherry Tree Cottage Plum Tree Cottage & Cherry Tree Cottage Clitheroe Road Waddington	WR	—	Awaiting site visit



<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>
3/2011/0671 D	1.12.11	Miss L Charnock Two-storey side extension with single storey wood store, water filtration system and double garage Shays Farm Tosside	Householder appeal	—	APPEAL DISMISSED 20.1.12
3/2011/0725 D	8.12.11	Mr Stephen Bennett Proposed first floor bedroom over the existing ground floor extension 4 Branch Road Mellor Brook	Householder appeal	—	APPEAL DISMISSED 12.1.12
3/2011/0641 D	14.12.11	Mr & Mrs Mark & Victoria Haston Carr Meadow Barn Carr Lane Balderstone	WR	—	Awaiting site visit
3/2011/0245 D	14.12.11	Mr & Mrs A O'Neill Proposed conversion of existing offices above a shop into 2no. flats. (Change of use from class A2 to class C3) 18-20 Berry Lane Longridge	WR	—	Awaiting site visit
3/2011/0508 D	14.12.11	Mr & Mrs A O'Neill Proposed change of use of the existing offices above a shop from class A2 to form two flats (class C3). Re-submission of planning application 3/2011/0245P 18-20 Berry Lane Longridge	WR	—	Awaiting site visit
3/2011/0481 D	19.12.11	Huntroyde Estate Demolition of the stone building and piggeries Dean Farm Sabden	WR	—	Awaiting site visit

<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>
3/2011/0778 D	9.1.12	Miss A Mallet Retrospective installation of a window in the side elevation Strathaven Whalley Road Billington	Householder appeal	–	Notification letter sent 12.1.12 Questionnaire sent 16.1.12 AWAITING DECISION
3/2011/0578 D	11.1.12	Mr M Vaughan Proposed erection of a single storey side extension on the existing patio to form a new study Austin House Malt Kiln Lane Chipping	Householder appeal	–	Notification letter sent 16.1.12 Questionnaire sent 18.1.12 AWAITING DECISION
3/2011/0820 D	12.1.12	Mr S Davenport Application for the removal of condition no.15 (length of occupancy), of planning consent 3/2006/0836P to allow the house to be used as permanent residential accommodation Butchers Laithe Knotts Lane Tosside	WR	–	Notification letter sent 23.1.12 Questionnaire sent 25.1.12 Statement to be sent by 22.2.12
3/2011/0300 O	17.1.12	Mr & Mrs Myerscough Outline application for the erection of a country house hotel and spa Land adjacent to Dudland Croft Gisburn Road Sawley	WR	–	Notification letter sent 25.1.12 Questionnaire sent 31.1.12 Statement to be sent by 28.2.12

#### LEGEND

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