

RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 24 MAY 2012** at the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you can be there.

Yours sincerely

CHIEF EXECUTIVE

To: Committee Members (copy for information to all other members of the Council)
Directors
Press
Parish Councils (copy for information)

AGENDA

Part I – items of business to be discussed in public

1. Apologies for absence.
2. To approve the minutes of the last meetings held on 4 April 2012 and 12 April 2012 – copies enclosed.
3. Declarations of Interest (if any).
4. Public Participation (if any).

DECISION ITEMS

- ✓ 5. Planning Applications – report of Director of Community Services – copy enclosed.
- ✓ 6. Designation of Extension to Longridge Conservation Area – report of Director of Community Services – copy enclosed.
- ✓ 7. Delegation Scheme – report of Director of Community Services – copy enclosed.

- ✓ 8. Proposed Amendment to Content of Section 106 Agreement from that Agreed by Planning and Development Committee on 20 May 2010 in Relation to an Outline Planning Application for the Demolition of an Existing Commercial Building and the Redevelopment of the Cleared Site and Adjoining Land for Residential Development Involving the Erection of 17 Dwellings, together with Garages and Gardens at Old Manchester Offices, Whalley New Road, Billington (3/2010/0078/P) – report of Director of Community Services – copy enclosed.

INFORMATION ITEMS

- ✓ 10. Representatives on Outside Bodies – report of Chief Executive – copy enclosed.
- ✓ 11. Revisions to Development Control Protocol – report of Director of Community Services – copy enclosed.
- ✓ 12. Housing Land Availability Update – report of Chief Executive – copy enclosed.
- ✓ 13. Annual Planning Application/Enforcement Statistics – April 2011 – March 2012 – report of Director of Community Services – copy enclosed.
- ✓ 14. Quarterly Planning Application/Enforcement Statistics January – March 2012 – report of Director of Community Services – copy enclosed.
- ✓ 15. Proposed Deed of Variation to Provisions in the Supplemental Agreement dated 22 October 2010 to the Section 106 Agreement for Sites Around and Including primrose Mill for Residential Development – report of Director of Community Services – copy enclosed.
- ✓ 16. Proposed Deed of Variation to Modify the Section 106 Agreement dated 2 November 2010 relating to land at Barrow Brook, Barrow – report of Director of Community Services – copy enclosed.
- ✓ 17. Appeals:
 - (i) 3/2011/0982/P – Two storey side extension to provide living room and utility/wc to ground floor and master bedroom suite to first floor at 33 Victoria Court, Chatburn – appeal allowed.
 - (ii) 3/2011/0245/P & 3/2011/0508/P – conversion of existing offices (above a shop) to 2 flats (change of use A2 to C3) at 18-20 Berry Lane, Longridge – appeal dismissed.
 - (iii) 3/2011/0205/P (LBC) & 3/2011/0206/P – extension and alterations to Mellor Lodge Gate House and patio to rear and decking walkways at Mellor Lodge Gate House, Preston New Road, Mellor – appeal dismissed.
 - (iv) 3/2011/0578/P – site at Austin House, Malt Kiln Lane, Chipping – appeal withdrawn.
 - (v) 3/2011/0653/P – erection of timber structure – two storey to create studio (ground floor) – storage first floor at 10 Longridge Road, Hurst Green – appeal dismissed.

(vi) 3/2011/0488/P – erection of a single garage within the curtilage of an existing building/dwellinghouse at The Hey Barn, Back Lane, Newton – appeal dismissed.

15. Report of Representatives on Outside Bodies (if any).

Part II - items of business **not** to be discussed in public

None.

**INDEX OF APPLICATIONS BEING CONSIDERED
MEETING DATE 24 MAY 2012**

| <u>Application No:</u> | <u>Page:</u> | <u>Officer:</u> | <u>Recommendation:</u> | <u>Site:</u> |
|---|--------------|-----------------|------------------------|--|
| A APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS: | | | | |
| | | | NONE | |
| B APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR APPROVAL: | | | | |
| 3/2011/0618/P | 1 | GT | AC | 10 The Dene Hurst Green |
| 3/2011/0861/P | 9 | GT | AC | Brookside Farm, Moss Side Lane Thornley-with-Wheatley |
| 3/2011/0927/P | 17 | CS | AC | Hey Moo, Elswick Farm Mellor Brow, Mellor |
| 3/2011/1033/P | 22 | RH | AC | 6 Lincoln Park Industrial Estate Clitheroe |
| 3/2011/1052/P | 26 | CS | AC | Land off Clough Bank Lane Chatburn |
| 3/2012/0006/P | 32 | SW | AC | Henthorn Road Clitheroe |
| 3/2012/0185/P | 37 | CS | AC | Victoria Street Garage Clitheroe |
| 3/2012/0241/P | 43 | CS | AC | Chatburn Village Motor Co Sawley Road, Chatburn |
| C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL: | | | | |
| 3/2011/0991/P | 49 | GT | R | Hazelmere, Pimlico Road Clitheroe |
| 3/2012/0158/P | 57 | CS | R | Site 2, Barrow Brook Business Village, Barrow |
| 3/2012/0291/P | 72 | CS | R | Brickhouse Caravan Site Garstang Road, Chipping |
| D APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED: | | | | |
| 3/2011/0892/P | 77 | SW | DEFER | Milton Avenue Clitheroe |
| 3/2012/0065/P | 98 | CS | DEFER | Dale View Billington |
| 3/2012/0261/P | 107 | RH | DEFER | Whitehall Farm Whitehall Lane, Grindleton |
| E APPLICATIONS IN 'OTHER' CATEGORIES: | | | | |
| | | | NONE | |

LEGEND

| | | | | | |
|------------|------------------------|-----------|----------------|-----------|---------------|
| A | Approved | JM | John Macholc | GT | Graeme Thorpe |
| AC | Approved Conditionally | SW | Sarah Westwood | RH | Rachel Horton |
| R | Refused | CS | Colin Sharpe | CB | Claire Booth |
| M/A | Minded to Approve | AD | Adrian Dowd | | |

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 24 MAY 2012
 title: PLANNING APPLICATIONS
 submitted by: DIRECTOR OF COMMUNITY SERVICES

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION NO: 3/2011/0618/P (GRID REF: SD 368331 437920)
 DEMOLITION OF EXISTING DETACHED GARAGE AND CONSTRUCTION OF A TWO
 BEDROOM DETACHED COTTAGE DWELLING TO INCLUDE DRIVEWAY WITH PARKING
 AND TURNING AREA ON LAND ADJACENT TO 10 THE DENE, HURST GREEN

AIGHTON, BAILEY &
 CHAIGLEY PARISH
 COUNCIL:

Whilst the Parish Council did not originally choose to object, a letter received earlier this year noted that they did now wish to object. The PC have chosen to support local objections on similar grounds to previous objections to development on this site, namely:

1. Overdevelopment of the site;
2. Highways issues on The Dene; and
3. It is development outside the village centre.

LCC ENVIRONMENT
 DIRECTORATE
 (COUNTY SURVEYOR):

No objections to the application in principle on highway safety grounds, subject to the addition of relevant conditions.

ENVIRONMENT AGENCY:

Following the submission of a Flood Risk Assessment, the EA have withdrawn their initial objection to the proposal.

They strongly advise that the developer incorporates measures to reduce flood risk and damage as advised in the DCLG publication 'Improving the Flood Performance of New Buildings'.

ADDITIONAL
 REPRESENTATIONS:

Nineteen letters have been received from surrounding neighbours in respect of this proposal. The points of objection are summarised below:

1. The site lies outside the village boundary.
2. The scheme will have an impact on the AONB and Conservation Area and will be harmful to the character of the area.
3. Scheme will create ribbon development.
4. Scale and density of the scheme will have an overbearing impact on the street scene and will give a cramped appearance.
5. The scheme will dominate the existing property at 10 The Dene.

6. Loss of light.
7. Detrimental to highway safety as a result of poor carriageway width, insufficient parking.
8. Increase in noise and nuisance.
9. Loss of views to the south of the site where the important wooded east bank of Dean Brook lies.
10. Site is prone to flooding.
11. Wall of the small dwelling will be right up against the existing dwelling.
12. Scheme is a hybrid of a number of proposals that have disrupted the wellbeing of neighbours continuously.
13. The land is unstable and may slip into the stream.
14. Insufficient parking provided, and
15. The bridge should be closed off for 'Pedestrian Only' access thereby making The Dene safer.

Proposal

This application seeks permission for the demolition of an existing large, detached, timber double garage on land adjacent to 10 The Dene, Hurst Green, in order to erect a small, two bedroom residential cottage with a driveway and turning area.

Site Location

The application relates to land adjacent to a detached bungalow that lies outside the village boundary of Hurst Green, as defined by the Ribble Valley Districtwide Local Plan. The site lies within the Hurst Green Conservation Area (adopted April 2007) and within the Forest of Bowland Area of Outstanding Natural Beauty.

Relevant History

There are a number of other applications relating to 10 The Dene, however the applications below only relate to the site subject to this application.

3/2011/0187/P - Demolition of the existing detached garage and replacement garage to be built and driveway with turning area – Granted Conditionally.

3/2009/0378/P – Demolition of domestic double garage and erection of a detached two-storey holiday cottage (Re-submission) - Withdrawn.

3/2008/0892/P – Demolition of domestic garage and construction of holiday cottage in part of side garden – Withdrawn.

3/2008/0891/P – Demolition of conservatory, boiler house and detached domestic garage, and erection of 2-storey extension and alterations – Withdrawn.

Relevant Policies

Policy G1 - Development Control.

Policy H10 – Residential Extensions.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy ENV16 - Development Within Conservation Areas.
SPG – “Extensions and Alterations to Dwellings”.
Hurst Green Conservation Area Appraisal (adopted April 2007).
Planning (Listed Buildings and Conservation Areas) Act 1990.
National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

This application seeks permission for the demolition of an existing large, detached, timber double garage on land adjacent to 10 The Dene, Hurst Green, in order to erect a small, two bedroom residential cottage with a driveway and turning area. Permission was granted in July 2011 for the demolition of the existing detached garage in order to replace it with a slightly larger detached double garage with a driveway and turning area. This site has been subject to a number of applications in past years, however this current application must be treated on its own merits. On this basis, the main considerations are the potential impact on the amenity of nearby neighbours, the potential impact on highway safety and the impact on the AONB and Hurst Green Conservation Area by virtue of the suitability of the design, scale, size and massing of the proposed dwelling.

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local development plan policies. At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that at the heart of the NPPF is a presumption in favour of sustainable development which means that for decision making purposes that:

Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
- *specific policies in this framework indicate development should be restricted.*

The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five-year supply of deliverable sites. As at 1 April 2012, Ribble Valley can demonstrate a 5.2 year supply of housing, including a 10% allowance for slippage but no detailed site adjustments for deliverability.

The issue of a five year supply is a somewhat complex one as we move forward with the preferred development option in the Core Strategy at a time when government advice has highlighted that the Regional Strategy (RS) is soon to be abolished and that it will fall upon LPAs to determine what the housing requirement should be for their own borough. The most relevant policies of the RS are those that relate to housing requirements (Policy L4) and affordable housing (Policy L5). The Council has established that it will continue to determine planning applications against the existing RS figure of 161 dwellings per year (in line with Government guidance) and as Members will recall, this is a minimum requirement not a maximum. Even though the Council is undertaking a review of its housing requirements as part of the plan making process, the requirement going forward is most appropriately addressed within the Core Strategy examination and statutory plan making process. Therefore, whilst mindful of the figure of 200 dwellings per year, agreed by a special meeting of Planning and Development Committee on 2 February 2012 as the annual housing requirement (following

work undertaken by Nathaniel Litchfield & Partners) it is the 161 per year requirement, which remains the relevant consideration for decision-making purposes on planning applications at this time. As stated, the current figure would appear to demonstrate a 5.2 year supply against that requirement.

I am mindful of the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The site under consideration here lies outside the saved settlement boundary of Hurst Green (approximately 85m away) but within the general built up/housing area of Hurst Green, therefore Policy G5 of the DWLP would normally be considered. However, the policies of the DWLP were formulated during the 1990s with the plan being adopted in 1998 and the basis of the plans formulation was framed around the strategic framework set by the Lancashire Structure Plan. It was against the planned housing requirements in that document that settlement boundaries were drawn and definitions given to appropriate limits of development so as not to undermine the urban concentration strategy for Lancashire. The circumstances that are prevalent now with the need to meet the requirements of NPPF and maintain a deliverable five year supply of housing are such that this site is considered to meet the three dimensions of sustainable development as outlined in NPPF – economic, social and environmental. Contained within the general built up/housing area as it is, and being of a scale that is not considered inappropriate to the locality (one small, two-bedroom cottage) subject to supporting infrastructure, it is concluded that the use of the site for residential development as a principle would be consistent with the national policy framework, extant Regional Strategy and at the scale proposed the principles of the Emerging Core Strategy together with relevant material considerations that the Council must currently take into account.

As with previous schemes at this site, given that Hurst Green Conservation Area has been granted this status recently (April 2007), long after the construction of this property, this site and indeed the property must have been thought to provide a positive contribution to it to have been included within the Conservation Area boundary. The Hurst Green Conservation Area Appraisal (adopted by the Borough Council on 3 April 2007) includes within the 'Summary of Special Interest' the Dean Brook, the wooded east bank of Dean Brook, and its rural setting within the A.O.N.B. and the Architectural and historic interest of the Conservation Area's buildings. The importance to the Conservation Area of the natural features of the Dean Brook are further emphasised in 'Green spaces, trees and other natural elements' and 'Hurst Green Conservation Area boundary'. Interestingly, 10 The Dene and the existing garage on site are noted of being of no interest. 10 The Dene is relatively innocuous due to the height, size and location on site, however the garage sits reasonably prominent adjacent to the highway. As with the previous scheme, the question is whether or not the proposed new dwelling on site will protect, preserve or enhance the Conservation Area and the Forest of Bowland AONB.

With regards to the AONB, Paragraph 115 of the NPPF notes that 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty', which is also supported at Local Plan level with Policy ENV1 which notes 'The landscape and character of the Forest of Bowland AONB will be protected, conserved and enhanced, with development needing to contributing to the natural beauty of the area'.

With regards to the Hurst Green Conservation Area (a designated Heritage Asset), paragraph 131 of the NPPF notes that 'In determining planning applications, local planning authorities should, amongst other things, take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

This view is supported in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which notes, with regards to considering applications, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In considering the above Policy guidance, it is worth noting the following. Whilst the existing modern bungalow is of no interest, fortunately it is relatively innocuous due to its height, size, location on site and lack of address to the road, which results in only a minor interruption (along with the modern house immediately to the north) to the interest provided by the Conservation Area's buildings. The existing garage, on the other hand, sits immediately adjacent to the highway and is of a construction relatively alien to the area (timber). As with the consideration of the recently approved replacement garage on this site, the proposed dwelling outlined within this application will be positioned 7m further from its existing location, and will be sited well within the site. The dwelling will have the same footprint as the previously approved garage but will be 0.5m higher, however if you consider the slight difference in land levels as you enter the site, this will ensure that the new building on site will remain subservient to the main bungalow, and will therefore have an acceptable impact on the setting of the Conservation Area, and ensure that the openness of the AONB at this location is sufficiently preserved.

The key elevation to the site will be the southeast elevation that faces onto The Dene. Given the dwelling will be set back into the site, and will be constructed in more appropriate materials sympathetic to this location, I am of the opinion that the scheme will not dominate this part of the Conservation Area/AONB, it will preserve the existing settings of the dwellings, and due to the loss of the prominent garage that abuts the highway, would in my opinion enhance this area. Bearing this in mind, the proposal is considered acceptable when considered against the relevant National and Local Plan Policies.

In terms of the impact on nearby residential amenity, as with the previous scheme the Applicant notes that current position of the existing garage on site causes problems with access given it is less than 1m back from the highway. The proposed position of the new dwelling will be positioned approximately 7m back from the highway edge of The Dene, and will be sited in the same position as the previously approved replacement garage. Concern has been raised in respect of the position of the new dwelling in relation to no. 10 The Dene, as it will sit approximately 3m away. There will be a small round window in the north facing elevation that gives light to the stairway however to prevent any issues regarding amenity, this will be conditioned to be obscure glazed and fixed. Due to the position of the new dwelling, the overall height and the orientation, it is considered that that the new dwelling will have an acceptable impact on the level of sunlight lost to the southern facing elevation of the existing dwelling.

Bearing in mind the above, and given this improvement to the access to the site, I do not consider that there will be any significant detrimental impact on the amenity of the occupiers of nearby dwellings by virtue of this proposal.

Whilst I note the points of objection from the nearby neighbours in respect of concerns regarding the proposals impact on highway safety, the County Surveyor raises no objections to the application in principle on highway safety grounds subject to the addition of relevant

conditions. As with the previously approved replacement garage, he has considered the proposed and improved access with turning area, and notes that the new driveway allows for improved manoeuvring to and from the highway in a forward gear.

There have been concerns raised regarding the flooding of the site however the EA are satisfied with the Flood Risk Assessment submitted by the Applicant. Other objection points note the inappropriate use of materials, however there are a mixture of house styles and materials in the nearby vicinity, including the garage for no. 5 The Dene which is also faced in stone. As such, I do not feel the materials proposed are out of keeping with the area.

Therefore, whilst I am mindful of the points of objection from nearby neighbours and from the Parish Council, the scheme is considered acceptable in accordance with the guidance provided within the relevant National and Local Plan Policies and the SPG note 'Extensions and Alterations to Dwellings', and as such be recommended accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal is in accordance with the relevant policies and guidance relating to new residential development and would not have any seriously detrimental effects upon the character or appearance of the Conservation Area or the AONB, upon visual amenity, the amenities of nearby residents or upon 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. PA – 0079 Rev. A, AR/TD/01 and AR/TD/02.

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

3. 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 Policy G1 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance – "Extensions and Alterations to Dwellings".

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

REASON: To comply with Policies G1, ENV1 and ENV16 of the Ribble Valley Districtwide Local Plan to ensure a satisfactory standard of appearance in the interests of visual amenity.

5. 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 between the new dwelling and No 10 The Dene.

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.

6. The access to the proposed development shall remain ungated in perpetuity.

REASON: To permit vehicles to pull clear of the carriageway when entering the site.

7. The vehicular parking and turning space shall be laid out as detailed on the submitted plans and be available for use before the development is brought into use.

REASON: Vehicles reversing to and from the highway are a hazard to other road users.

8. Before the access is used for vehicular purposes, the parking and turning space detailed on the submitted plans 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.

9. The highway verge of The Dene between the pumping station access and Dene Bridge shall be cleared of the existing shrubs and bushes down to verge level before any development takes place within the site. The Highway Authority or a contractor approved by the Highway Authority shall carry out this work at the applicant's expense. This verge shall remain clear in perpetuity.

REASON: To ensure adequate visibility at the site access in accordance with Local Plan Policy G1.

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

REASON: In the interests of the amenity of the area in accordance with Policies G1, ENV1 and ENV16 of the Ribble Valley Districtwide Local Plan.

11. 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 dwelling 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”.

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) any future additional walls or fences as defined in Schedule 2, 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 development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and in the interests of safeguarding any adjacent residential amenity or visual amenity.

13. The window on the north facing elevation of the building shall be non-opening and 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”.

INFORMATIVES

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.

Regarding the verge clearance work specified in condition 4, only the Highway Authority or a contractor approved by the Highway Authority can carry out this work and therefore 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

APPLICATION NO: 3/2011/0861/P

(GRID REF: SD 359570 439881)

PROPOSED FARM WORKERS DWELLING, INCLUDING THE CREATION OF RESIDENTIAL CURTILAGE AT BROOKSIDE FARM, MOSS SIDE LANE, THORNLEY-WITH-WHEATLEY

CHIPPING PARISH
COUNCIL:

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

LCC ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

No objection to the application in principle on highway safety grounds.

LCC PROPERTY GROUP
(RURAL ESTATES
SURVEYOR):

On the basis of the information supplied by the Agent and Applicant, the Rural Estates Surveyor is satisfied that the proposal meets the financial criteria required for an 'Agricultural Workers' dwelling on this site.

UNITED UTILITIES:

No objection to the proposed development.

ADDITIONAL
REPRESENTATIONS:

Seven letters of objection have been received from nearby neighbours, whose points of objection have been summarised as follows:

1. Other applicants have tried and failed to develop this site into a home and business, why is this different?
2. Insufficient justification to warrant an 'Agricultural Workers' dwelling on site.
3. The proposed dwelling is excessive in size not modest in scale as the D&A Statement says.
4. Visual impact on the AONB.
5. Precedent will be set if this is approved for other similar proposals on land nearby.
6. The screen planting on land to the west of the existing chicken buildings has never been done.
7. The property will be extremely visible from a number of Public footpaths and local view points.
8. There are no indications of contours on the map.
9. The dwelling should be screened by further landscaping on site.
10. The dwelling should be sited closer to the farm buildings.
11. The use of materials for the windows (Oak 'Effect' PVC) is not in accordance with the local vernacular.
12. Light pollution.
13. Noise pollution.
14. The applicant should be made to comply with previous conditions before being granted further applications.
15. The principle of the proposal is entirely unacceptable.
16. Unsuitable access.
17. Increase in vehicular traffic to the detriment of highway safety.

Proposal

The application seeks permission for the erection of a two-storey farm worker's dwelling together with an adjoining garage on land known as Brookside Farm. The application seeks detailed planning permission for a dwelling following permission for a temporary dwelling (static caravan) that was approved on Appeal in April 2009 under Appeal Reference APP/T2350/A/08/2078133. This temporary consent lapsed on the 30th of April 2012. The gross internal floor area over both floors will be 146sq.m. (excluding the garage and W.C.), and the building will be 5m to the eaves and 6.7m to the ridge. The dwelling will provide a kitchen, dining room and lounge at ground floor, with four bedrooms (one with an en-suite) and a bathroom at first floor. The scheme also includes Solar Voltaic Panels and Solar Panels on the SE facing elevation. The dwelling will be restricted so that it can only be occupied as a farm or forestry workers dwelling.

Site Location

The site is located on the south side of Moss Side Lane, in between Longridge and Chipping. The land slopes from Moss Side Lane southwards, with boundary screening to the north and west of the site, and the site sits within the Forest of Bowland Area of Outstanding Natural Beauty.

Relevant History

3/2009/0087 - Erection of a proposed agricultural building to accommodate free range poultry for egg production being an extension to a poultry building approved under application 3/2007/0910P – Granted Conditionally.

3/2008/0311 – Erection of Poultry Building and Siting of Three Feed Hoppers (Re-submission) – Granted Conditionally.

3/2007/0910 – Erection of Poultry Building and Siting of Three Feed Hoppers – Granted Conditionally.

3/2007/0911 – Retrospective application for the siting of a mobile home for a three-year period for use as a temporary farm workers dwelling - Refused.

3/2006/0881 – Outline application for agricultural workers dwelling – Refused.

3/2002/0260 – General Purpose Agricultural Building – Granted Conditionally.

3/2000/0058 – Proposed Stables and Driveway (Re-submission) – Granted Conditionally.

3/1999/0553 – Proposed 6 no. stables and feed store – Granted Conditionally.

Relevant Policies

Policy G1 - Development Control.

Policy G5 – Settlement Strategy.

Policy H2 – Dwellings in Open Countryside.

Policy H3 – Agricultural Workers Dwellings.

Policy H5 – Proposals for New Agricultural or Forestry Workers Dwellings.

Policy ENV1 – Area of Outstanding Natural Beauty.
Policy T1 – Development Proposals – Transport Implications.
SPG – Agricultural Dwellings – Siting, Size and Design.
National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

The main issues to consider with this scheme are the principle of the development, the visual impact of the scheme on the character and setting of the AONB and the design aspects of the proposed dwelling. There are no highway safety concerns and given the distance from the proposed dwelling to other dwellings nearby, there will be no significant impact on the residential amenity of the occupiers of adjacent dwellings.

PRINCIPLE OF DEVELOPMENT

Following the grant of temporary planning consent by the Planning Inspector in April 2009 for the siting of a mobile home at Brookside Farm the basis of the current application is to replace this mobile home with a permanent dwelling. This is a scheme for one new farm workers dwelling on land within the open countryside, approximately 2 miles from the settlement boundary of Longridge.

From a Local Plan Policy point of view, Policy G5 notes that ‘Outside the main settlement boundaries and the village boundaries, planning consent will only be granted for small scale developments which are, amongst other things, needed for the purposes of agriculture.’ Policy H2 of the Local Plan then provides more specific guidance on residential development outside settlement boundaries noting that such residential development will be limited to ‘Development essential for the purposes of agriculture or forestry’. The supporting text of this Policy continues noting that in relation agricultural workers dwellings, ‘the need for the dwelling must be demonstrated by:

- i. whether it is essential for the proper functioning of the enterprise;
- ii. the scale and nature of the enterprise; and
- iii. the extent to which any existing accommodation in the area is suitable and available for occupation by the workers concerned.

The Local Plan Policy must also be seen in the context of the National Planning Policy Framework (NPPF). Paragraph 14 of the NPPF notes that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which for decision making means approving development proposals that accord with the development plan without delay. With respect to rural workers housing, paragraph 55 of the NPPF notes that ‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

It is stated in the supporting information that the applicants feel they meet the requirements for a permanent dwelling and reference is made in the agent's written submission to the criteria contained in Annex A of PPS 7, which the inspector had commented upon when determining the appeal. In the absence of detailed advice contained within the NPPF, it is agreed that the comments of the Inspector provide the appropriate basis for appraising the current application

for the erection of a permanent dwelling on this unit, and below are the comments from the LCC Rural Estates Surveyor.

Included in the written submissions in support of the application is the annual business trading accounts for the years ending March 2009, 2010 and 2011 (submitted as exempt information). At a meeting held between the LCC Rural Estates Surveyor, the Agent and the Applicants in December, the findings of these accounts were discussed. In view of the findings at this meeting, the applicants advised at the meeting that they felt the profit figure discussed was not representative of their current and future financial performance from their agricultural operations. The applicants and agent felt they could provide more information in respect to the financial account which would clarify their operational performance, and as a consequence, there has been additional correspondence between the LCC Rural Estates Surveyor and the Agent relating to both the operational performance based upon the current flock numbers (4,700 birds) and intended as well as optimal flock numbers (6,000 birds) when the current flock is culled in May 2012. Arising from this, the LCC Rural Estates Surveyor had prepared projected trading accounts for years ending March 2012 and March 2013 in order to evaluate the financial performance of the applicant's operations based upon a more representative scale of operation as well as method of marketing. These projected trading accounts show that the profitability of the enterprise has significantly increased through the years ending March 2012 and 2013, the reason for this is as a consequence of the applicants' decision to directly sell all their eggs graded from January 2011 which has enabled them to achieve a higher price and in addition for the subsequent trading period, i.e. 2013, a further increase in profit as a consequence of an increase in flock numbers to 6000 birds. On the basis of these projected accounts discussed, the LCC Rural Estates Surveyor considers that if the profit figure for these years can be achieved then he accepts and advises that this would satisfy the financial test for the requirement of a permanent dwelling on site in line with Local and National Planning Guidance.

The LCC Rural Estates Surveyor has noted that typically the assessment of whether an enterprise meets the requirement of the financial test would be based upon actual accounts for a system of farming, however he considers that in the applicant's situation, following the grant of temporary consent for the mobile home, it wasn't until 9 months had passed before the increase in the free range flock numbers took place. Even after this, it is only when the applicant has changed to marketing the eggs to direct selling in Jan 2011 that the profitability of the enterprise has been able to increase. In view of these two factors, that

- the first 2 years accounts show a low / negative profitability, and
- that January 2011 provided the turning point in the profitability of the enterprise,

and that he recognises that, as the temporary consent will shortly expire, the applicant would not be in a position to have the application for a permanent consent assessed against actual trading accounts. This is why he has accepted the use of existing AND projected accounts in this instance.

On this basis the principle of developing this site for an agricultural workers dwelling is considered to be acceptable in land use terms. This is of course subject to the design of the dwelling and its visual impact on the character and setting of the AONB being acceptable, and that the proposal will have no significant impact on the residential amenity of the occupiers of the nearby dwellings.

IMPACT ON AONB

Given the location of the site within the Forest of Bowland AONB, it is important to have regard to the provisions of Local Policy ENV1, which notes that 'Design, materials, scale, massing and landscaping will be important factors in deciding planning applications.' Paragraph 115 of the NPPF states that 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.'

With regards to the size and scale of the proposed dwelling, both the supporting text of Local Plan Policy H2 and the SPG 'Agricultural Dwellings – Siting, Size and Design' note that dwellings provided under this Policy should be of a size commensurate with the established functional requirements. As a general guide the supporting text advises that the Council will not normally approve proposals, which provide in excess of 120 sq.m. floor space, but it does note that where the dwelling is to be the principle dwelling on the holding, the size restriction may be relaxed. The proposed dwelling is a two-storey property with a gross internal floor area over both floors of 146 sq.m. however this does not include the garage and utility room/W.C. The LCC Rural Estates advisor notes that a utility room is not normally excluded from what constitutes an appropriate floor area so the overall floor area should be considered as 150.83 sq.m. Whilst this is larger than advised within the guidance notes of the relevant Policy, this will be the main dwelling on site and is considered an appropriate size for the applicant has his family (wife and two children). The overall height of the dwelling, at 6.7m to the ridge, is relatively small scale in relation to a typical dwelling and is considered sympathetic to other dwellings in the area. The dwelling will be positioned adjacent to the existing agricultural buildings on site, approximately 25m away, and despite being at the highest point of the applicants land is considered to be the most functional location for the dwelling. The building will be visible from the adjacent highway however given its position adjacent to the existing large scale farm buildings, will not be the dominant feature within the landscape. On this basis, whilst the scale of the enterprise is small, the scale of dwelling being proposed is considered appropriate for the applicant.

Existing boundary screening already screens the site, however concern has been raised by local neighbours in relation to the visual impact of the dwelling. On this basis, and being mindful of the points of objection raised by nearby neighbours, a condition has been added to provide details of the landscaping of the site (namely the garden curtilage area) and also provide further landscape treatments to the site boundary.

OTHER ISSUES

Concern has been raised in relation to the lack of compliance with previous planning applications on site, more specifically conditions relating to landscaping on the site. These concerns have been raised with the Agent and Applicant who note that the landscape planting was carried out before Christmas last year; Officers will monitor this over the course of the next three months to ensure it takes shape as per the approved details, however this should not defer a decision on this proposal.

As such, bearing in mind the above comments and whilst I am mindful of the points of objection from the occupiers of neighbouring properties, I consider the scheme to comply with the relevant policies, and I recommend the scheme 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 area, an adverse impact on the setting of the AONB, a significant detrimental impact on nearby residential amenity, 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 two 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. San/230/1341/01 Amendment A.

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, details of any surface materials to be used (including their colour and texture) and details of the proposed fenestration and doors (including materials) 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 ENV1 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 amending, revoking or re-enacting that Order) any future extensions and/or alterations to the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to H shall not be carried out without the formal written consent of the Local Planning Authority.

REASON: In the interests of the amenity of the area in accordance with Policies G1 and ENV1 of the Ribble Valley Districtwide Local Plan.

5. For the avoidance of doubt, the residential curtilage for this new property shall be that land outlined in red on the proposed plan, drawing no. San/230/1341/01 Amendment A.

REASON: For the avoidance of doubt, and in the interests of the amenity of the area in accordance with Policies G1, ENV1 and H2 of the Ribble Valley Districtwide Local Plan.

6. Notwithstanding the approved plans, precise details of the proposed solar and solar voltaic panels to include, size, colour of panel and framework, projection and method of installation 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 panels to be used are appropriate to the locality in accordance with Policy G1 and ENV1 of the Ribble Valley Districtwide Local Plan.

7. The proposed garage shall not be used for any purpose (including any purpose ordinarily incidental to the enjoyment of the dwelling house as such) which would preclude its use for the parking of a private motor vehicle.

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the dwelling in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance "Extensions and Alterations to Dwellings".

8. Any external source of lighting shall be effectively screened from view of a driver on the adjoining public highway.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to avoid glare, dazzle or distraction to passing motorists.

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 details of any changes of level or landform and the types and details of all fencing and screening, the garden layout and any additional boundary planting.

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.

10. 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.

11. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

REASON: To prevent pollution of the water environment in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

12. Within one month of the dwelling hereby approved becoming occupied, the mobile home/static caravan currently on site shall be removed and the land shall be restored in accordance with a scheme of work and programme to be submitted to and approved in writing by the local planning authority.

REASON: There will no longer be a requirement for the mobile home/static caravan to remain on site and the retention of the structure on site on a permanent basis would require further consent; which may be considered contrary to relevant Local Plan Policies G5, H2, H3, H5 and ENV1.

INFORMATIVES

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.

Under the terms of the Water Resources Act 1991, the prior written consent of the Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, groundwater, reservoirs, estuaries and coastal waters).

The foul drainage system should be sited so as not to cause pollution of any watercourse, well, borehole, spring or groundwater.

Establishments of this nature can cause problems when connected to a septic tank. The applicant would be advised to consider the use of a package sewage treatment plant for preference.

All downspouts should be sealed directly into the ground ensuring the only open grids present around each dwelling are connected to the foul sewerage systems.

You are advised that consent under the provision of Section 88 Water Resources Act 1991 is required prior to the discharge of sewage, trade effluent or other matter to a watercourse or to underground waters, or from a building or plant on to or into any land or into any lake, loch or pond which does not discharge to a stream.

Such consent will not normally be given where there is a reasonable practicable alternative such as a discharge to foul sewer.

If a connection to foul sewer is not possible (and the Environment Agency could be satisfied that this was the case) the applicant should consider:

- (i) Construction of a soakaway area with no residual discharge to a watercourse.
- (ii) Construction of a soakaway area with a high level overflow discharging to a watercourse
- (iii) Direct discharge to watercourse.

The applicant should be made aware that the Environment Agency will not normally grant consent for a direct discharge to watercourse where option (i) and (ii) are considered practicable.

If direct discharge to watercourse is the only option the sewage treatment plant should be designed in accordance with the British Standard Code of Practice BS6297:1983 entitle "The Design and Installation of Small Sewage Treatment Works and Cess Pools".

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.

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.

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: 3/2011/0927/P (GRID REF: SD 364838 431018)
PROPOSED REPLACEMENT DWELLING TOGETHER WITH CHANGE OF USE OF
AGRICULTURAL LAND TO FORM EXTENDED CURTILAGE AT HEY MOO, ELSWICK FARM,
MELLOR BROW, MELLOR

PARISH COUNCIL: Objects on the grounds of overdevelopment.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR): No objections to this application.

UNITED UTILITIES: No objections to this application.

ADDITIONAL
REPRESENTATIONS: One letter has been received from a nearby resident who objects to the application on the following grounds:

1. As the site is outside the settlement boundary of Mellor and within the Open Countryside, Policies G5 and H14 of the Local Plan are relevant.
2. The proposal does not fall within any of the categories of development that are permissible under Policy G5.
3. The proposal is in breach of Policy H14 due to 'the massive increase in both area and height over the existing property'.
4. The proposed dwelling would have a dominating and overbearing aspect on both adjacent properties and the skyline. This is made plain by comparing the respective sizes of the proposed dwelling with the existing adjoining properties.

Proposal

I consider it appropriate to consider this application within the context of a previous permission (3/2010/0416/P) that is still extant.

That previous application sought permission for a scheme of significant works to extend the existing dwelling (that was a former barn conversion) by increasing the roof height of the building from 6m to 8.8m and constructing an extension at the rear with dimensions of approximately 6.3m x 15m. The internal arrangements included accommodation to link facilities to enable reasonable independence for a disabled person. There was to be internal lift to enable access to the first floor. The front elevation of the existing dwelling was to be retained but with the addition of an entrance porch and the inclusion of an internal garage as well as the roof lift. The rear elevation of the proposed extension was to have a significant amount of glazing at ground floor level and also incorporating glass panels on the first floor as well as roof lights on the main roof. The materials to be used were random stone and artificial slate. In terms of increase in size, due to the increase in height and the significant extension, that previous permission would represent an approximately 150% increase in the volume of the original dwelling. That previous application was considered by the Planning and Development Committee on 15 July 2010 when it was approved subject to conditions.

In the Design and Access Statement submitted with this current application, the applicant's agent says that "detailed costings have been obtained for the implementation of the approved scheme which in itself would involve a substantial reworking of the existing trained property and it has been established that it would be far more cost effective to rebuild the property in total rather than undertake the expansive extension and renovation works". Full permission is now therefore sought for the demolition and replacement of the existing dwelling.

The proposed replacement dwelling would be sited slightly to the rear of the existing dwelling and it would have a footprint of 14m x 12.5m under a pitched roof designed with accommodation within the roof space. The eaves height would be approximately 5.5m and the ridge height approximately 9.0m and the external materials would be natural stone and blue slate with all door and windows having a timber finish.

Permission is also sought for the change of use of a relatively small area of agricultural land in order to form a rear garden that would extend approximately 9m to the rear of the replacement dwelling.

Site Location

The site is located to the north of Mellor Brow. It is served by a single width access track from Mellor Brow that runs parallel to the gable end elevation of a terrace of houses. The access track coincides with the settlement boundary, which includes the terrace of properties to the east of the farm but excludes the farm itself and the properties to the south and west. Accordingly, the application site is located within open countryside just outside the settlement boundary. The complex of buildings at Elswick Farm is adjoined to the south, east and west by residential properties and to the north by farmland.

Relevant History

3/2001/0127/P – Change of use from barn to dwelling. Approved.

3/2009/0703/P – Single storey side extension, two storey rear extension with single storey conservatory and study area and porch extension. Refused.

3/2010/0416/P – Two storey rear extension and second floor accommodation in roof space together with front porch extension for the benefit of a disabled person. Approved with conditions.

Relevant Policies

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy H12 - Curtilage Extensions.

Policy H14 - Rebuilding/Replacement Dwellings - Outside Settlements.

National Planning Policy Guidance.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration on this application relate to the principle of the development, and the effects upon visual amenity, the amenities of nearby residents and highway safety.

Principle of Development

As the replacement of an existing dwelling, the current situation in the borough in respect of housing land supply is of no particular relevance to this application.

With regards to saved Policy H14 of the Local Plan, it is accepted that, if considered in relation to the existing dwelling, then the proposed replacement would considerably exceed the guideline of a 15% increase in size stated in that Policy. However, it must also be borne in mind that the replacement dwelling now proposed is actually smaller than the dwelling that would result from the implementation of extant permission 3/2010/0416/P. I do not therefore consider that a refusal based on non-compliance with Policy H14 could be sustained.

It also has to be born in mind that this current application seeks permission to demolish a dwelling that was formed through a barn conversion. In the report relating to application 3/2010/0416/P, the origins of the building were recognised, but it was stated that the building was not considered to be of high residential quality, and that it was more akin to a farmhouse than a former agricultural building. It was also stated that: "in some respects, given the extent of works, this is more appropriate to be regarded as a replacement dwelling rather than an extension" and that "should an application have been submitted for a replacement dwelling, this may have been acceptable". When considered on that basis, application 3/2010/0416/P was considered to be acceptable and was approved subject to conditions.

Given those comments and the decision on that previous application, I consider this current application, that is for demolition and replacement (resulting in a smaller dwelling than the previous permission) to be acceptable in principle in relation to Policy H14 of the Local Plan.

On the plans approved under 3/2010/0416/P no rear curtilage for the dwelling was identified. In this current application a relatively small area extending 9m beyond the rear elevation of the replacement dwelling is shown as curtilage. Change of use permission from agricultural land to residential curtilage is therefore sought as part of the application. As previously stated, the application site immediately adjoins the settlement boundary of Mellor. In such a location, Policy H12 of the Local Plan allows the extension of residential curtilages provided that the extension brings the boundary into line with existing adjacent properties; and does not cause visual harm to the landscape. The proposed curtilage does not extend any further to the north than adjoining curtilages in both Elswick Gardens to the east and Mellor Brook to the west. Subject to an appropriate type of boundary fence (that can be covered by an appropriate condition) I do not consider that the proposed curtilage would have any seriously detrimental effects upon the appearance of the landscape.

Due to its location on the edge of an existing settlement, it is considered that the proposal would satisfy the sustainable development requirements of the National Planning Policy Guidance. Overall, therefore, the proposal is considered to be acceptable in principle.

Visual Amenity

Implementation of the extant permission would result in a building that incorporates less sensitive detailing than that shown in this current application. Much of the non-original detailing have been removed from this latest scheme resulting in a building with more traditional detailing. In terms of its effects upon visual amenity, I consider this current proposal to represent an improvement on the extant permission. There are also limited public views of the building although it can be seen on the skyline from the A59. I am satisfied that the visual impact is contained within the site and that it would be seen against existing buildings.

With regards to the comments of the Parish Council regarding possible overdevelopment of the site, I am of the opinion that the proposed dwelling, given the land within which it is situated, would not represent a cramped appearance.

Residential Amenity

The extant permission for a scheme of substantial extensions and alterations was considered to have little, if any, impact on adjacent residential amenity. The proposed replacement dwelling is slightly further away from any neighbouring dwellings than the existing property and is also therefore acceptable in relation to this particular consideration.

Highway Safety

There is a more than adequate proposed parking and turning area in front of the proposed dwelling and the County Surveyor has no objections to the proposal.

Overall, I can see no sustainable objections to this application.

SUMMARY OF REASONS FOR APPROVAL

The proposed replacement dwelling would have no detrimental effects upon visual amenity, the amenities of 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 no's WI05DWG01, 02 and 03.

REASON: For the avoidance of doubt and to ensure compliance 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 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. Prior to the first occupation of the replacement dwelling hereby permitted, a fence shall have been erected on the boundaries of the rear curtilage area hereby permitted in accordance with precise details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, there shall be no alterations to the type, colour, height or position of this fence without the prior written permission of the Local Planning Authority.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (or any Order amending, revoking or re-enacting that Order) any future extensions and/or alterations to the dwelling including any development within the curtilage as defined in the Schedule to Part 1 Classes A to E shall not be carried out unless a further planning permission has first been granted in respect thereof.

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

APPLICATION NO: 3/2011/1033/P (GRID REF: SD 375234 442231)
PROPOSED CHANGE OF USE FROM A WAREHOUSE TO ALLOW A SMALL GYMNASIUM
AT 6 LINCOLN PARK INDUSTRIAL ESTATE, LINCOLN WAY, CLITHEROE.

PARISH COUNCIL: No Objection.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): Initially raised an objection based on the insufficient parking at the site and concerns regarding the suitability of an alternative parking area. Following further correspondence between the applicant and agent the County Surveyor raises no objection to the application on highway safety grounds or the installation and operation of an electronic entry system into the compound subject to further details being submitted of its operation.

ENVIRONMENT AGENCY: The application is considered low risk therefore no objection.

ADDITIONAL REPRESENTATIONS: Six letters of representation have been received which raise the following objections:

- Noise disturbance
- Lack of parking

Proposal

Permission is sought to change the use of a vacant B1/B8 Unit formally occupied by a plumbers merchants on the Lincoln Park Industrial Estate within the main settlement of Clitheroe to D2 use as a gymnasium open to the public, with no physical changes to be made to the exterior of the building.

Site Location

Unit 6 is the most southern of a group of units centrally located within the main Lincoln Park Industrial Estate, and just north of residential properties on Up Brooks within the main settlement of Clitheroe.

Relevant History

None

Relevant Policies

Policy G1 – Development Control
Policy EMP11 – Loss of Employment Land
Policy T7 – Parking Provision
NPPF – National Planning Policy Framework

Environmental, AONB, Human Rights and Other Issues

The main issues to consider in the determination of this application are potential impact upon the amenity of neighbouring residents, highway safety and the principle of development of this nature within the existing industrial estate.

Members will note that this application was taken to the last Planning and Development Committee held on the 12 April with a recommendation for refusal due to the reliance upon the availability of a compound for parking provision, the permanence and retention of which would be difficult to enforce. Following evidence brought forward at that meeting by the planning agent, acting on behalf of the applicant which included the potential of entering into a S.106 agreement in order to adequately enforce and maintain the level of parking provision required, members agreed to defer the application for further information relating to parking provision to be reported back to a future meeting.

Principle of Development

The unit and those that surround it currently comprise part of the employment land (uses B1/B8) resource of the Borough and the Councils current evidence base indicates that the Borough will need to allocate additional land for future B1 to B8 uses. Therefore the proposal will result in the loss of a relatively scarce resource. Policy EMP11 of the Ribble Valley Districtwide Local Plan states that proposals for the conversion or redevelopment of industrial or employment generating sites in the Plan area will be assessed with regard to a number of criteria which include as well as others compliance with policy G1 of the plan, the compatibility of the proposal with other policies of this plan and attempts to secure an alternative employment generating use for the site. In relation to this application a balance needs to be struck between the loss of a part of the Boroughs B1 to B8 employment land and also the need, given local and national economic circumstances and the government's expressed preferences, to encourage economic growth in order to create business and job creation which is supported in the adopted National Planning Policy Framework (NPPF).

The applicant has provided written evidence to demonstrate that he has looked at alternative sites for the gym in Clitheroe town centre for around twelve months and until now has found no other building that fits his requirements. The consultation response from the Regeneration and Housing Team is that whilst being aware of the above they support the view that 'apart from a new build option, there are limited options to locate such a development in existing buildings in more sequentially appropriate locations. Also to be borne in mind is the reuse of a currently empty building for employment purposes within an area of broadly employment use and the generation of new employment opportunities'. Therefore it is considered that the proposal is acceptable in principle and conforms to the above local and national policies.

Impact upon neighbouring residential amenity

Hours of opening are expected to be 0700 to 2100 Monday to Friday, 0800 to 1600 Saturday and 1000 to 1400 Sunday and Bank Holidays, and I note the concerns from neighbouring residents with regards to potential noise disturbance at these hours. A review of the planning history of the site confirms that no hours of use restriction was applied when permission was granted for the erection of Unit 6 and the surrounding units. In addition, whilst I acknowledge that the hours of use for the operation of the gym are longer than those generally required for normal 9 to 5 trading hours of a commercial business, I consider that any noise disturbance will

not be so significant as to warrant refusal of the application. The main contribution will primarily relate to the coming and going of vehicles which is a common occurrence as part of the operation of an Industrial Estate and there is sufficient distance between the Unit and neighbouring residential properties to the south which are buffered by an existing earth bund planted with semi-mature trees.

The Environmental Health Section have been consulted and confirmed that they have no objection to the application subject to compliance with the Health and Safety at Work Etc Act 1974 and The Workplace (Health Safety and Welfare) Regulations 1992.

Highway Safety

With regards to parking provision and subsequent highway safety policy T7 of the Ribble Valley Districtwide Local Plan states that 'all development proposals will be required to provide adequate car parking and servicing space'. In addition, the NPPF states that authorities should ensure that 'safe and suitable access to the site can be achieved for all people'.

The application form states that there are 20 existing on-site parking spaces adjacent to the unit with no expected increase to this number and the applicant has confirmed in writing that the gym will be capable of accommodating 40 customers at any one time. He has also confirmed that he expects the busiest times to be Monday to Friday from 1730 to 1930 with around 20 customers, and on Saturday and Sunday he expects to have a steady flow of individuals using the gym with an average of 5-10 customers at any one time.

Due to the level of objection regarding parking provision the applicant has reassessed the parking facilities and discussed with the owner of the site the potential of using the enclosed compound to the east of the unit which is now identified as part of the application site and is in the same ownership as the unit. The applicant has confirmed that he estimates the compound will provide in excess of 30 customer parking spaces.

Initially, the County Surveyor objected but following additional details resolved to object providing safeguards could be given in relation to parking arrangements.

Since the deferral the applicant has now indicated he is unwilling to progress the Section 106 Agreement, partly due to additional costs and delay this would cause. He has now submitted a detailed parking plan as well as assurances regarding controlling the parking arrangements. I consider a Section 106 would be preferable but accept that providing conditions are imposed ensuring the parking is retained as well as details of the parking arrangements, it is possible to recommend approval.

SUMMARY OF REASONS FOR APPROVAL

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

RECOMMENDATION: That planning permission be GRANTED subject to the following 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. This permission shall relate to Plan Reference JO/01 Dwg 01 in relation to the site plan and proposed car parking layout and Plan Reference RH/320111033/02 in relation to the floor plan of the unit.

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

3. Prior to the first occupation or use of the premises details shall have first been submitted to and approved by the Local Planning Authority detailing how the proposed electronic entry system to operate the gate of the compound which is adjacent to the unit and to be used for parking provision will be installed and operated. The scheme shall be implemented prior to commencement of use which shall thereafter be retained.

REASON: For the avoidance of doubt and to ensure the safe operation of the site with regards to parking provision and highway safety in compliance with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Prior to the first occupation or use of the premises appropriate signage, to have first been submitted to and approved by the Local Planning Authority, shall be erected in order to direct clients of the gym who arrive in vehicles towards identified parking spaces outside the unit and within the compound. The provision of which shall be made available at all times as outlined on Plan Reference JO/01 Dwg 01.

REASON: To ensure the safe operation of the site with regards to parking provision and highway safety in compliance with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. The use of the premises in accordance with this permission shall be restricted to the hours between 0700 to 2100 Monday to Friday, 0800 to 1600 on Saturdays and 1000 to 1400 on Sundays and Bank Holidays.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and in order to safeguard nearby residential amenity.

7. The development hereby permitted shall be used for Class D2 (gymnasium) only and for no other purpose, including any use within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (As Amended).

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

APPLICATION NO: 3/2011/1052/P (GRID REF: SD 376896 444035)
PROPOSED ERECTION OF 2 NO NEW DWELLINGS AND DETACHED GARAGE AT LAND
OFF CLOUGH BANK LANE, CHATBURN

PARISH COUNCIL:

Makes the following comments:

- Following approval for an extension to the building in 2003, the owners agreed that the remaining land, adjacent to the single dwelling with planning consent, would be allocated for use as a car park to alleviate parking on Clough Bank, Bridge Road and Downham Road. The current application to build two houses will leave no provision for staff parking and there are concerns about the strength of Clough Bank Bridge over Heys Brook to carry traffic, particularly construction and service vehicles.
- The loss of further parking space will be detrimental to local business in the village where parking is already at a premium.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Has no objections in principle to the application on highway safety grounds and makes the following comments:

- The proposed residential plots are located off Clough Bank, a privately maintained road leading south for approximately 150m from its junction with Downham Road.
- Plot 1 provides off-street parking for three vehicles, two in a detached garage and another on the driveway. This is consistent with the level of provision anticipated for a four bedroom residential property.
- Plot 2 provides off-street parking for three vehicles and a driveway. Once again this is consistent with the level of provision anticipated for a four bedroom residential property.
- All vehicles accessing these two plots can manoeuvre to and from Clough Bank in a forward gear.

ENVIRONMENT AGENCY:

Has no objections in principle to the proposed development and makes the following comments:

“Development that encroaches onto Heys Brook has a potentially severe impact on the ecological value. Land alongside the course is particularly valuable for wildlife and it is essential that this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

We are therefore pleased to see that the existing vegetated area adjacent to the watercourse will be retained. We would also recommend that any future landscaping of this area is used to enhance the riparian corridor where possible.”

The Environment Agency also recommends that an Informative be included on any permission notice in relation to the restrictions and the applicant’s responsibilities in respect of the designation of Heys Brook as a main river.

UNITED UTILITIES:

Has no objections to the proposed development.

ADDITIONAL REPRESENTATIONS:

Six letters have been received from nearby residents in which objections are made to the application on the following grounds:

1. The houses will be built on land that could provide extra parking spaces for the applicant’s adjoining nursing home. This will lead to increased parking on Clough Bank to the detriment of highway safety and causing a nuisance to existing nearby residents.
2. Clough Bank is unmade and continually deteriorating in condition, principally due to traffic associated with Manor House Nursing Home. If these houses are built this problem will be exacerbated to the extent where Clough Bank would have to be made up to a proper standard.
3. Clough Bank is not wide enough for the formation of a new access in the position proposed in the application.
4. Loss of light to the gardens of properties on Bridge Road.
5. Overlooking of properties on Bridge Road.
6. The position of the houses on the plot is not balanced as they are both within one half of the plot.
7. The houses will be higher than other houses in the locality. This should not be allowed in a Conservation Area.

8. Concerns for the strength of the bridge on Clough Bank to take extra traffic and possible damage to services (gas and water pipes) that are carried over the bridge.
9. The proposal for two dwellings will be harmful to trees on the site.
10. One house on the plot as presently approved is more appropriate than two houses.

Proposal

Full planning permission is sought for the erection of two detached, two-storey houses. Both properties are to have a mixture of natural stone and rendered walls with natural stone quoins and stone heads and cills for the windows; and natural slate roofs.

The house on plot 1 would have maximum dimensions of 11.8m x 11m with an eaves height of 4.8m and a ridge height of 8.1m. This property would have a detached garage with dimensions of approximately 6m x 6m with an eaves height of 2.8m and a ridge height of 4.6m. Its front wall would be random natural stone; the other walls would be roughcast render with stone quoins at the corners; and the roof would be natural slate. This is a four-bedroom house with the accommodation over 2 floors and no accommodation within the roof space.

The main two-storey part of the house on Plot 2 has dimensions of 12.2m x 10.2m with an eaves height of 4.7m and ridge height of 8.1m. Attached to the rear of the house would be a single storey element (containing a lounge) with dimensions of 5.3m x 4.7m. This would have a mono-pitched slate roof. This is also a four-bedroom dwelling with accommodation over two floors, and no accommodation within the roof space. It has an integral garage.

A new vehicular access with natural stone walls to its sides would be formed to serve the house on Plot 1. The house on Plot 2 would be served by an existing gated access onto Clough Bank. Driveways and turning areas would be provided for both dwellings.

Site Location

The application relates to a piece of land on the west side of Clough Bank, Chatburn to the south of the Manor House Nursing Home that is also within the applicant's ownership. There is a pair of semi-detached houses on the opposite side of Clough Bank to the east, and the site is adjoined to the south by other dwellings.

The site is within the settlement boundary of Chatburn and within the Conservation Area.

Relevant History

3/1991/0567/P – Detached two-storey house – outline permission granted.

3/1994/0615/P – Detached two-storey house – outline permission renewed.

3/1995/0110/P – Detached two-storey house – full planning permission granted.

3/1999/0575/P – Detached two-storey house – full planning permission renewed.

3/2004/0303/P – Detached two-storey house – full planning permission renewed.

3/2009/0125/P – Detached two-storey house – full planning permission renewed.

Relevant Policies

Policy G1 - Development Control.

Policy G4 - Settlement Strategy.

Policy ENV16 - Development Within Conservation Areas.

Policy L4 – Regional Housing Provision – Regional Spatial Strategy (RSS).

National Planning Policy Framework.

Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulations 19 Consultation Draft.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application relate to the principle of the proposal and the effects of the proposed dwellings upon visual amenity, the trees within the site, the amenities of nearby residents and parking /highway safety issues.

The site is within the settlement boundary of Chatburn. Under Policy G4 of the Local Plan, planning permission can be granted for proposals falling within four categories, one of which is 'the use infill sites not defined as essential open spaces'. The site has been accepted as an infill site that is appropriate for development since outline permission was first granted for one dwelling on the site in 1991. The principle of one dwelling on the site has subsequently been accepted by five renewal permissions. When considered in relation to the Local Plan, the erection of two dwellings on this site is also acceptable in principle.

The proposal, however, also needs to be considered in relation to the National Planning Policy Framework (NPPF) that came into force on 27 March 2012, the main aspect of which is a "presumption in favour of sustainable development".

The current situation in relation to the housing land supply in the borough is only of relatively minor significance in relation to this application for two dwellings within a settlement boundary. For Members' information, however, the situation is that the Council can presently demonstrate a 5.2 year supply on the basis of 161 dwellings per year (RSS requirement) but with no detailed site adjustments having been made in relation to deliverability. It is considered that, in this current housing provision situation, and in view of the sustainable location of the site within walking distance of all the facilities of Chatburn Village, the proposal is acceptable in principle in relation to housing policies and the sustainability requirements of the NPPF.

As a development of two dwellings within a settlement boundary, there is no requirement under 'Addressing Housing Need in Ribble Valley' for either of the houses to be 'affordable'.

With regard to the effects of the proposed development on visual amenity it should be born in mind that there has been a permission for one dwelling on this site for a number of years. The two dwellings now proposed are, in my opinion, of appropriate scale, design and external materials for this Conservation Area locality. Although the dwellings are both located on the southern part of the site (for reasons that will be discussed below) this does not, in my opinion, result in a cramped or over-developed situation.

In relation to the effects of the proposal on existing trees, the most recent permission for one dwelling (3/2009/0125/P) was subject to a condition requiring a Root Protection Zone (RPZ) around the important trees on the northern part of the site, with the one dwelling located on the southern part of the site. Plans submitted with this current application show a similar RPZ with both dwellings sited on the southern part of the site. In this way, subject to the imposition of the same condition, the two dwellings that are proposed would not have any significantly different effects upon the trees than would result from the implementation of the permission for one dwelling. The proposal is therefore acceptable in relation to this particular consideration.

The two dwellings are situated approximately 22m away from the front elevations of the pair of semi-detached houses on the opposite site of Clough Bank and in excess of 50m away from the rear elevations of the nearest houses in Bridge Road. I do not therefore consider that the proposal would have any seriously detrimental effects upon the privacy or light of any existing nearby dwellings. The proposed houses are too far away from any neighbouring property to result in any overbearing/overshadowing effects. The window positions in the two dwellings have been designed in order to ensure that they do not have any detrimental effects upon each other with regards to privacy and light.

The County Surveyor considered the parking provision and access arrangements for the two dwellings to be satisfactory and has not expressed any objections to the proposal on highway safety grounds. The matter of possible detrimental effects of the development on the quality of the surface of the unadopted Clough Bank is not a legitimate planning consideration, but is a matter to be resolved between the various individuals who have responsibility for the maintenance of this road.

Reference has been made by the Parish Council and by some neighbours to the possible use of this site to provide additional parking for the adjoining nursing home. No permission, however, has ever been granted for the use of this site for parking, and its use for that purpose would be harmful to the existing trees and to the ecological value of this part of the site (as referred to by the Environment Agency). Also, as stated above, the County Surveyor has not expressed any objections to the application. This could not, therefore, in my opinion, be sustained as a reason for refusal of this application.

Overall, I can see no objections to this proposed development.

SUMMARY OF REASONS FOR APPROVAL

The proposed dwellings are in a sustainable location and would not have any seriously detrimental effects upon visual amenity, the existing trees within the site, 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 no's 114-1,2,3,4 and 5.

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

5. No development shall take place until a scheme for the boundary treatment adjacent to the watercourse adjoining the northern boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details within a timescale that has first been agreed with the Local Planning Authority.

REASON: To protect and conserve the habitat and amenity value of the watercourse and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. The strip of land 8m wide adjacent to the top of banks of the watercourse that adjoins the site must be kept clear of any new buildings or structures (including gates, walls, and fences). Ground levels must also not be raised within this strip of land.

REASON: To preserve access to the watercourse for maintenance and improvement purposes and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. Prior to commencement of any site works, including delivery of building materials and excavations for foundations or services, all trees identified for retention on drawing no's 114-4 and 5 shall be protected in accordance with the BS5837 (Trees in Relation to Construction) and which shall be agreed in writing. The Root Protection Zone shall be 12 times the trunk diameter at breast height (DBH) as shown on submitted drawing no's 114-4 and 5 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 protected 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 the development are afforded maximum physical protection from the adverse effects of development and to comply with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan.

INFORMATIVE

Heys Brook adjoining the site is designed as a Main River and is therefore subject to Land Drainage Bye-laws. In particular, no trees or shrubs may be planted, no fences, buildings, pipelines or other structure erected with 8m of the top of any bank/retaining wall of the watercourse without the prior written permission of the Environment Agency. Full details of such works, together with details of any proposed new surface water outfalls which should be constructed entirely within the bank profile, must be submitted to the Environment Agency for consideration. The Environment Agency has a right to enter Heys Brook by virtue of Section 172 of the Water Resources Act 1991 and the right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact Colin Worswick on 01772 714259 to discuss the Environment Agency's access requirements and apply for Consent.

APPLICATION NO: 3/2012/0006/P (GRID REF: SD 372758 441257)
PROPOSED FOOTPATH/CYCLE LINK CONNECTING EXISTING PRIVATE ROAD TO
PROPOSED FOOTPATH/CYCLE NETWORK PERTAINING TO PLANNING APPLICATION
3/2010/0719/P AND APPEAL APP/T2350/A/11/2161186 AT HENTHORN ROAD, CLITHEROE

TOWN COUNCIL: No objections.

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

ENVIRONMENT AGENCY: Initially objected to the proposed development as it included the culverting of an unnamed watercourse which would have a damaging impact on nature conservation.

The Environment Agency formally withdrew their objection to the proposed development on 12 March following discussions with the applicant and receipt of a plan detailing a replacement ditch proposal to provide mitigation for the proposed culverting.

ADDITIONAL
REPRESENTATIONS:

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

1. The address on the application form of the proposed development is incorrect in that it is adjacent to Edisford Road not Henthorn Road.
2. Question the accuracy of the application forms in respect of land ownership and whether the Camping and Caravanning Club as Leaseholder have had any formal notice served on them.
3. Due to errors on the application form it shouldn't be deemed technically valid.
4. The application assumes that pedestrians and cyclists who leave the development by the new link will have unfettered right of access. It is a private road and not a right of way and access could be blocked or permission withdrawn at any time. Passage is only permitted with the good will of the Local Authority.
5. The application makes no reference to any modification of the link road to permit safe passage ie its unlit, poorly surfaced and narrow with no separate footway.
6. The proposal does not include the provision of a barrier adjacent to the access road to prevent cyclists riding straight out onto the road and colliding with a car/caravan.
7. Question safety for cyclists and pedestrians using this route. The existing access to the caravan site does not meet the requirements of RT6 of the Districtwide Local Plan and its additional use by cyclists and pedestrians would be hazardous.
8. The provision of a culvert is frowned upon by the Environment Agency as it could exacerbate flooding and is contrary to G1 of the Districtwide Local Plan.
9. Question how surface water flows from the new crossing would be dealt with.
10. The diagrams do not state the gradient of the new crossing.
11. The new culvert would increase the risk of flooding which would affect the caravan site access, have implications for their business and on the safe passage of vehicles, cyclists and pedestrians.

12. Installation of the culvert would result in extra maintenance, monitoring and expense but Gladman do not say who would be responsible.
13. Contrary to PPS13 and Policy T1 of the Ribble Valley Districtwide Local Plan.
14. Hedgerow to be removed qualifies as a UK BAP priority habitat for conservation. Removing hedgerow is contrary to Policy ENV13 and PPS1.
15. Question loss of trees and inconsistent approach to nature conservation interests between the application submission for the residential scheme and this submission.
16. Reference to application 3/2010/0719/P and correspondence on file in relation to that proposal.
17. Approving this application would be to support an unsustainable development and therefore be in contravention of current and proposed planning policies.

Proposal

This application details proposed works to provide a footpath and cycle link pertaining to the related planning application 3/2010/0719/P (outline application for up to 270 dwellings, a doctors surgery, landscape, open space, highway and associated works) and appeal (APP/T2350/A/11/2161186). The link is at the northwestern corner of the wider Henthorn Site as considered under the aforementioned planning application reference connecting it with Edisford Road.

The work detailed in this submission, as revised, detail the culverting of approximately 6.75m of an existing ditch to enable the footpath/cycle link to exit the housing site and join the existing track leading down to the caravan/camping site. The length of culverting has been reduced from approximately 7.5m as originally submitted with a 10m length ditch now proposed within the north-western corner of the housing site to compensate for the ditch being culverted. A section of hedgerow and a tree would be removed to facilitate the route of the track where it crosses the site boundary to the aforementioned larger site.

Site Location

The proposed works are to the north-western corner of the site approved on appeal under 3/2010/0719/P and involve a narrow strip of land approximately 4m that borders the aforementioned site that is best described as grass verge with an open ditch. The land lies between an approved development site and track that leads to a camping/caravanning club site. It is outside any defined settlement limit lying within land designated open countryside.

Relevant History

3/2010/0719/P – Outline application for 270 dwellings, doctors surgery, landscape, open space, highways and associated works. Refused. Appeal allowed.

Relevant Policies

Policy G1 - Development Control.

The National Planning Policy Framework.

Technical Guidance to the National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

As Members will be aware the scheme for residential development on the wider Henthorn Site has been allowed on appeal. That scheme detailed the provision of a pedestrian/cycle link to the caravan track and this Council has not raised any objection in principle to this footway connection throughout the discussions on that site which have been ongoing for some years. It became apparent as part of the appeal that the red line site area of application 3/2010/0719/P excluded the area of land required to be culverted in order to enable an access onto the track leading between the Caravan Club site and Edisford Road. Therefore it is important for Members to note that this submission concerns itself solely with that detail ie bridging the gap between the approved site and the caravan track and the works necessary in order to enable that work to happen.

In respect to the works of culverting, the Environment Agency did initially raise objections to this but following discussions with the applicant and revisions to the scheme design (reducing the length of culverting) and an incorporation of a 10m length ditch to compensate for the culverting, their objection was withdrawn. I am mindful that Policy G1(K) of the DWLP states: *“Development should not require culverting, artificial channelling or destruction of a watercourse. Wherever possible watercourses should be maintained within a reasonable corridor of native vegetation”*. However I am aware that as revised the Environment Agency have not raised any adverse comments in terms of impact on drainage, flood risk or ecological matters and in respect to the latter nor has the Council’s Countryside Officer. On the basis that concerns have been satisfactorily addressed in this matter, I conclude that whilst G1(K) seeks to prevent culverting wherever possible it does not advocate unfavourable recommendations where such a scheme is considered acceptable. For this reason I am of the opinion that notwithstanding concerns expressed by objectors about culverting and nature conservation interests, the scheme accords with plan policy and should be given favourable consideration.

Members will note that objectors refer to the quality of the track surface and lack of lighting and bollard-type arrangements to prevent cyclists riding straight out onto the track. In this respect I would refer you back to the appeal decision notice and conditions attached to the consent which require details of all such measures to be submitted to the Local Planning Authority for approval. Other comments raised relate to rights of access over the track and I reiterate that this Council’s position has always been there is no objection in principle to such an arrangement and this was taken into consideration by the Planning Inspector in imposing the aforementioned conditions. The principle of using the track has been established by the imposition of conditions on application 3/2010/0719/P and they secure the need for submission of details pertaining to works associated with the safe use of the track ie details of surfacing, lighting and barrier arrangements. This application before Members covers the details of how the track would be

linked to the housing site ie the need for and details of culverting, hedgerow and tree removal. It is only those matters that Committee can consider in the determination of this application.

Therefore having regard to all the above, I 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.

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

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

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

2. This permission shall be implemented in accordance with the proposal as detailed on the proposed footway/cycleway crossing plan submitted with the application issue dated December 2011 and drawing 4370-P-100 dated February 2012 that details a reduced length of culverting and provision of a 10m ditch by way of mitigation measures.

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

3. No development shall take place until a scheme for the provision and management of the compensatory drainage ditch habitat creation as illustrated on approved plan replacement ditch proposal FPCR Environment and Design Limited 4370-P-100 dated February 2012 has been submitted to and agreed in writing by the Local Planning Authority and implemented as approved.

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

4. No development shall take place for any works affecting a watercourse before a survey for whiteclawed crayfish (*Austropotamobius pallipes*) has been undertaken. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority in consultation with specialist advisors. Any necessary and approved measures for the protection of white-clawed crayfish shall thereafter be implemented in full.

REASON: In the interests of protecting nature and conservation issues in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

5. Tree felling, vegetation clearance works, or other works that may affect nesting birds shall be avoided between March and July inclusive. In the event that works are required to be carried out during the nesting period a comprehensive risk assessment in order to establish the absence/presence of nesting birds shall be undertaken. The report of the assessment (together with proposals for mitigation/compensation, if required) shall be submitted to the

Local Planning Authority prior to any works taking place. Works shall be carried out in accordance with any necessary and approved measures.

REASON: In the interests of protecting nature and conservation issues in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

NOTE(S):

1. The proposed new culvert crossing requires the prior written consent of the Environment Agency, as detailed by Section 23 of Land Drainage Act 1991.
2. This permission shall be read in conjunction with the planning approval issued under 3/2010/0719/P.

APPLICATION NO: 3/2012/0185/P (GRID REF: SD 373761 441162)
APPLICATION FOR THE RENEWAL OF PLANNING PERMISSION 3/2008/0766/P FOR THE PROPOSED DEMOLITION OF COMMERCIAL BUILDING AND ERECTION OF A THREE STOREY BUILDING FORMING 9, TWO-BEDROOM APARTMENTS WITH ANCILLARY LIFT AND STAIRCASE ENCLOSURE AT VICTORIA STREET GARAGE, VICTORIA STREET, CLITHEROE

| | |
|--|---|
| TOWN COUNCIL: | No objections. |
| ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): | No objections in principle to the application on highway safety grounds and adds that the layout of the parking spaces allows safe manoeuvring from the road and there is sufficient separation between the parking spaces and the boundary wall directly adjacent to the carriageway. |
| NETWORK RAIL: | No objections to the application subject to the demolition and construction works being carried out in accordance with Network Rail's standards conditions that seek to maintain the safety, operation and integrity of the railway that immediately adjoins the site boundary. In the event of planning permission being granted appropriate conditions will be imposed. |
| ADDITIONAL REPRESENTATIONS: | Five letters have been received from nearby residents who object to the application for the following reasons: <ol style="list-style-type: none">1. There are not enough proposed parking spaces. People will therefore park on Victoria Street exacerbating an existing parking problem. Existing residents already often have to park a considerable distance away from their homes.2. People will park inconsiderately/inappropriately causing a highway safety problem. |

3. Reeford Grove is not an authorised access to this site.
4. The proposed development will increase noise levels in an already densely populated area to the detriment of the amenities of local residents.
5. Overlooking/loss of privacy to existing adjoining properties.
6. Far too many houses are already being built in Clitheroe and this site is totally unsuitable for development and will create many safety issues for all the people that use Henthorn Park as a walkway/play area.

Proposal

Planning permission 3/2008/0766/P granted on 6 March 2009 authorised the demolition of the existing commercial building and the erection of three-storey building forming 9, two-bedroom apartments with ancillary lift and staircase enclosure on this site. No works have been carried out in respect of the implementation of that permission and the permission would therefore have lapsed on 6 March 2012 if this renewal application had not been submitted prior to that date.

The approved building is sited on the rear part of the site with a parking area for 10 cars at the front. The building is to be 7.8m high to the eaves and 10.4m to the ridge. Its main front elevation and the front part of the eastern side elevation are to be natural stone, whilst the other elevations facing the allotments and the railway would be roughcast render. The roof would be natural slate, and all the windows would have stone heads and cills.

There would be no windows in the eastern elevation facing Reeford Grove and no access to Reeford Grove is proposed in this renewal application.

Site Location

This renewal application relates to the existing commercial garage at the rear of Victoria Street and at the southern end of Richmond Terrace. The site is adjoined to the west by the railway line, to the south by allotments and to the east by bungalows in Reeford Grove. The front (northern) boundary of the site is adjoined by the end of Richmond Terrace and the back of terraced houses on Victoria Street.

The site is within the settlement boundary of Clitheroe.

Relevant History

3/2000/0089/P – Change of use from taxi depot to vehicle repairs and MOT. Approved with conditions.

3/2003/0241/P – Variation of conditions of 3/2000/0089/P to allow customers cars to be washed in the front yard. Refused.

3/2006/0670/P – Outline application for erection of 6 apartments. Refused on moratorium grounds only.

3/2008/0766/P – Demolition of existing building and erection of 3-storey building forming 9, two-bedroom apartments. Approved with conditions.

Relevant Policies

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy EMP11 - Loss of Employment Land.

Policy L4 – Regional Housing Provision – Regional Spatial Strategy (RSS).

Addressing Housing Need in Ribble Valley – Housing Policy.

National Planning Policy Framework.

Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 19 Consultation Draft.

Environmental, AONB, Human Rights and Other Issues

The original application was considered to be in accordance with the requirements of Policy G2 of the Local Plan. It was also considered to be acceptable in relation to Policy EMP11 (Loss of Employment Land) principally because the environmental benefits of removing the existing 'bad neighbour development' would outweigh the limited loss of employment. The application was also considered to be acceptable in relation to the detailed considerations relating to visual amenity, the amenities of nearby residents and parking/highway safety issues.

As this renewal application seeks permission for exactly the same development, it remains acceptable in relation to all those considerations.

The only remaining consideration therefore relates to an assessment of the proposal in relation to the current policy context.

The current policy basis against which this renewal application should be appraised is set out in the context of national, regional and local development plan policies.

At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that at the heart of the NPPF is a presumption in favour of sustainable development which means that for decision making purposes that:

- *Where the development plan is absent, silent or relevant policies are out of date, granting permission unless*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
 - *specific policies in this framework indicate development should be restricted.*

The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five-year supply of deliverable sites. As at 1 April 2012, Ribble Valley can demonstrate a 5.2 year supply of housing, including a 10% allowance for slippage but no detailed site adjustments for deliverability.

The issue of a five year supply is a somewhat complex one as we move forward with the preferred development option in the Core Strategy at a time when government advice has highlighted that the Regional Strategy (RS) is soon to be abolished and that it will fall upon LPAs to determine what the housing requirement should be for their own borough. The most relevant policies of the RS are those that relate to housing requirements (Policy L4) and affordable housing (Policy L5). The Council has established that it will continue to determine planning applications against the existing RS figure of 161 dwellings per year (in line with Government guidance) and as Members will recall, this is a minimum requirement not a maximum. Even though the Council is undertaking a review of its housing requirements as part of the plan making process, the requirement going forward is most appropriately addressed within the Core Strategy examination and statutory plan making process. Therefore, whilst mindful of the figure of 200 dwellings per year, agreed by a special meeting of Planning and Development Committee on 2 February 2012 as the annual housing requirement (following work undertaken by Nathaniel Litchfield & Partners) it is the 161 per year requirement which remains the relevant consideration for decision making purposes on planning applications at this time. As stated, the current figure would appear to demonstrate a 5.2 year supply against that requirement.

I am mindful of the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The site under consideration here is within the Settlement boundary of Clitheroe. As such, Policy G2 of the DWLP is applicable. The original application was considered to comply with the requirements of Policy G2.

The circumstances that are prevalent now with the need to meet the requirements of NPPF and maintain a deliverable five year supply of housing are such that this site is considered to meet the three dimensions of sustainable development as outlined in NPPF – economic, social and environmental. Located within the settlement boundary as it is, and being of a scale that is not considered inappropriate to the locality, it is concluded that the use of the site for the proposed type of residential development continues to be acceptable in principle as it would be consistent with the National Planning Policy Framework and the extant Regional Strategy. It is also not considered that this development of only nine apartments would in any way undermine the Council's emerging Core Strategy.

As a development of less than ten units within the settlement boundary of Clitheroe, there is also no requirement under the document "Addressing Housing Need in Ribble Valley – Housing Policy" for any of the units to be 'affordable'.

Overall, I can therefore see no objections to permission being granted in respect of this current application subject to the same conditions as those imposed on the original permission.

SUMMARY OF REASONS FOR APPROVAL

The proposed replacement of an existing commercial garage with a residential development in a primarily residential area will have no seriously detrimental effects upon the appearance and character of the locality, the amenities of 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 no's 7005/A, 7006 and 7007.

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

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. In the first planting season following the first occupation of any of the residential units, a landscaping scheme for the site shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscaping shall be maintained for a period of not less than five 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.

5. Prior to the first occupation of any of the residential units, walls and/or fences shall be erected on the boundaries of the site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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

6. Prior to the commencement of any demolition works on the existing commercial garage, precise details of the means of making good the exposed side wall of the domestic garage at No 6 Reeford Grove, including details of the external finish of that wall, shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out to the satisfaction of the Local Planning Authority prior to the commencement of construction works on the approved residential development.

REASON: In the interests of the amenities of the owners/occupiers of that adjoining property, and the visual amenities of the locality, and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. The proposed access and parking/turning area shall be provided in accordance with the approved plans prior to the first occupation of any of the residential units and, thereafter, shall be retained permanently available and clear of any obstruction to their designated use.

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

8. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they will be implemented in accordance with the assessment and to the satisfaction of the Local Planning Authority.

REASON: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

9. Prior to commencement of development precise details of the finished floor levels of the dwellings and the parking areas shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To comply with Policy G1 of the Ribble valley Districtwide Local Plan and protect residential amenity.

10. Due to the adjacent land being opened up to members of the public, the proposer shall ensure the boundary fencing is of a suitable standard to prevent trespass onto the railway. The fence should be a minimum of 1.8m in height, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The fence shall be erected at the applicant's own expense.

REASON: In the interests of the protection of the adjacent railway infrastructure.

11. The applicant must ensure that their proposal both during construction and after completion of works on site does not encroach onto Network Rail land, it must not affect the safety, operation or integrity of the railway and its infrastructure or undermine or damage or adversely affect any railway land and structures, nor over-sail or encroach upon the air-space of any Network Rail land or cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future to be undertaken on Network Rail land and infrastructure. Any future maintenance must be conducted solely on the applicant's land.

REASON: In the interests of the protection of the adjacent railway infrastructure.

12. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways as a means of storm/surface water disposal must not be constructed near/within 10 metres of Network Rail's boundary or at any point that could adversely affect the stability of Network Rail's property.

REASON: In the interests of the protection of the adjacent railway infrastructure.

13. The applicant must ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land. No structure/building should be built hard-against Network Rail's boundary. The applicant/applicant's contractor must ensure that any scaffolding required for working at height can be undertaken wholly within the footprint of the applicant's land. Any scaffold, which is to be constructed within 10 metres of the railway boundary fence, must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

REASON: In the interests of the protection of the adjacent railway infrastructure.

14. Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.

REASON: In the interests of the protection of the adjacent railway infrastructure.

15. Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing.

REASON: In the interests of the protection of the adjacent railway infrastructure.

APPLICATION NO: 3/2012/0241/P (GRID REF: SD 376989 444180)
PROPOSED CHANGE OF USE OF LAND AND THE CONSTRUCTION OF FOUR THREE-
STOREY HOUSES (RESUBMISSION OF 3/2011/0306/P) AT CHATBURN VILLAGE MOTOR
COMPANY, SAWLEY ROAD, CHATBURN

PARISH COUNCIL:

Makes the following observations:

- The site location incorrectly states that there is a public car park opposite the application site. This car park is owned by Christ Church.

- It is recommended that the windows in the end of the terrace should be opaque.
- There is still concern that the ridge heights of the proposed development are higher than the properties on Sawley Road.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Has no objections in principle to the application on highway safety grounds.

The plans identify an access from Sawley Road of 4.5m and off-street parking for two vehicles at each unit. For three of the units, 2, 3 and 4, this includes one within an integral garage and the other on the driveway. The garage dimensions as shown as 5.8m x 2.9m and a driveway provides a space of 5m x 2.5m. Both of these dimensions are satisfactory for the safe movement of vehicles.

In addition, as unit 1 does not have an integral garage, there is a driveway and access to additional parking within the site.

I would recommend that a condition be attached to any successful application that seeks to retain the use of the garages for their intended purpose and to prohibit their future conversion to residential living space.

ADDITIONAL
REPRESENTATIONS:

None received.

Proposal

Full planning permission is sought for the demolition of the existing buildings on this car sales premises (former petrol filling station) and the erection of four, three-storey dwellings in the form of two semi-detached pairs.

The houses would have eaves heights of 6.3m and ridge heights of 9.5m. There would be a piked dormer window feature on the front elevation of each dwelling in order to provide light to the second floor bedrooms. There would be a roof light to each dwelling on the rear facing roof slope. One of the first floor level front elevation windows to each dwelling would be a full height window with a Juliette balcony.

The front elevation of each dwelling would be natural stone and the side and rear elevations would be roughcast render. There would be stone quoins to all vertical corners, and stone heads and cills to all windows. The roofs would be natural blue slate.

All four units would be served by a single access from Sawley Road which would lead onto a communal area. The individual driveways for each dwelling would then come off the communal area. Plots 2, 3 and 4 would each have an integral garage with one further parking space on the driveway. Plot 1 would not have a garage but, in addition to a driveway, it would also have two additional parking spaces located off the end of the communal area.

Site Location

The site comprises a car sales premises (former petrol filling station) on the east side of Sawley Road in the centre of Chatburn village. The site is outside but immediately adjoining the boundary of the Conservation Area.

Relevant History

3/2011/0306/P – Change of use of land and construction of four, three-storey houses. Withdrawn by applicant.

Relevant Policies

Policy G1 - Development Control.

Policy G4 - Settlement Strategy.

Policy L4 – Regional Housing Provision – Regional Spatial Strategy (RSS).

National Planning Policy Framework.

Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 19 Consultation Draft.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application relate to the principle of development and the effects of the proposed dwellings on visual amenity, the amenities of nearby residents and highway safety.

The site is within the settlement boundary of Chatburn. Under Policy G4 of the Local Plan, planning permission can be granted for proposals falling within one of four categories, one of which is “the use of infill sites not defined as essential open spaces”. The site is surrounded by development on all sides, I consider that it can be accepted as an infill site. When considered solely in relation to Policy G4 of the Local Plan the proposed development of four houses would be acceptable in principle.

Policy EMP11 seeks to prevent the loss of employment sites. Although currently in use by the applicant for car sales, the agent says that the business is no longer profitable and attempts over many months to sell the site for business use have been unsuccessful. Policy EMP11 does allow any environmental benefits resulting from an alternative use of a business site to be taken into account. Although not representing a “bad neighbour development” the existing use of the site does not contribute in any positive way to the appearance and character of the centre of Chatburn. I consider that the proposed dwellings would improve the appearance of the area. As such, and in view of the difficulties presently being experienced by the business, and the unsuccessful marketing, I consider the proposal to be acceptable in relation to Policy EMP11.

The proposal, however, also needs to be considered in relation to the National Planning Policy Framework (NPPF) that came into force on 27 March 2012, the main aspect of which is a “presumption in favour of sustainable development”.

The current situation in relation to the housing land supply in the borough is only of relatively minor significance in relation to this application for four dwellings within a settlement boundary. For Members’ information, however, the situation is that the Council can presently demonstrate a 5.2 year supply on the basis of 161 dwellings per year (RSS requirement) but with no detailed site adjustments having been made in relation to deliverability. It is considered that, in this

current housing provision situation, and in view of the sustainable location of the site within walking distance of all the facilities in Chatburn village, the proposal is acceptable in principle in relation to the current housing provision situation in the borough and the sustainability requirements of the NPPF.

As the development of four dwellings within a settlement boundary, there is no requirement under “Addressing Housing Need in Ribble Valley” for any of the houses to be “affordable”.

With regards to the effects of the development on visual amenity, I consider the proposed dwellings to be of appropriate scale, design and external materials such that they would enhance the appearance of the site that adjoins the Conservation Area boundary.

There are two existing trees within the site and a Tree Report submitted with the application comments that these are an important aesthetic feature of the area and an asset to the site. Both trees are stated to be basically sound and that they should not be adversely affected by the development subject to appropriate protection during construction works. The Countryside Officer concurs with the contents of the tree report. This matter can be covered by an appropriate condition in the event that planning permission is granted.

With regards to the amenities of nearby residents, there are no residential properties close enough to the proposed dwellings to suffer any detrimental effect to either their privacy or light. The end terrace property to the south west of the site is in commercial use. The windows in the end elevation of unit 4 that faces that commercial property are to first and second floor landings (ie non-habitable rooms). I therefore do not consider it necessary to require these windows to be obscure glazed as suggested by the Parish Council.

In relation to highway safety, the County Surveyor is satisfied with the proposed access and parking provision, and has no objections on highway safety grounds. He does, however, recommend a condition that the garages be retained as garages and not converted to additional living accommodation.

A Bat Survey Report on the existing buildings concludes that there is no evidence of bat activity at this property and that the potential of the buildings to support roosting bats is low. A condition, however, should be imposed on any planning permission to require compliance with the mitigation measures that was stated in the Report.

A Ground Contamination Survey submitted with the application (in view of the former use of the site as a petrol filling station) concludes that there was an area of ground contamination by diesel at the time of removal of the diesel storage tank in 2002 but this ground has been removed and the remaining ground contains only very low levels of diesel contamination. It is stated that “remedial works will form part of the proposed construction works in the sense that all new wall strip footing shall be found on the rock strata, thus all stone hardcore shall be removed to allow new works” and that “ground floors shall be solid with the addition of a gas membrane to the regular site damp proof membrane”. These mitigation measures can be the subject of a condition in the event that planning permission is granted.

Overall, I can see no objections to this proposed development subject to appropriate conditions.

SUMMARY OF REASONS FOR APPROVAL

The proposed four dwellings are in a sustainable location and will not have any 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 no's 7002/B, 7003/A, 7004/A, 7005 and 7006.

REASON: For the avoidance of doubt and to ensure compliance 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 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. Prior to the first occupation of the dwellings hereby permitted their respective driveways, parking spaces and garages shall have been formed in accordance with the details shown on drawing no 7002/B to the satisfaction of the Local Planning Authority. Thereafter, the driveways and parking spaces shall be kept permanently clear of any obstruction to their designated use; and the garages shall be retained for the garaging of a private car and shall not at any time be converted into additional living accommodation unless a further planning permission has first been granted in respect thereof.

REASON: In order to ensure the provision and retention of adequate parking provision in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. 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 dated the 29th of March 2011 [T1/T2] shall be protected in accordance with the BS5837 2012 [Trees in Relation to Demolition, Construction and Design] 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 minimum of 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 the trees, that are considered to be of visual value, are afforded maximum physical protection from the potential adverse effects of development in order to comply with Policies G1 and ENV13 of the District Wide Local Plan.

6. The actions and methods identified in the bat mitigation plan attached to the bat survey report dated 9 March 2011 shall be adhered to throughout the entire development. In the event that any bats are found or disturbed during any part of the development, work shall cease until further advice has been obtained from a licensed ecologist.

REASON: In order to protect the bat population from damaging activities and reduce or remove the impact of development in accordance with the requirements of Policy ENV7 of the Ribble Valley Districtwide Local Plan.

7. The development shall be carried out in full compliance with the remedial works and mitigation measures contained in the submitted Ground Contamination Desk Study Report by Worms Eye Geotechnical dated 14 November 2002 and updated on 28 March 2011.

REASON: To ensure a satisfactory living environment for the future occupiers of the proposed dwellings and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL

APPLICATION NO: 3/2011/0991/P (GRID REF: SD 374508 442235)
PROPOSED ERECTION OF THREE DWELLINGS WITH ASSOCIATED VEHICULAR ACCESS AND LANDSCAPING ON LAND TO REAR OF HAZELMERE, PIMLICO ROAD, CLITHEROE, LANCASHIRE.

CLITHEROE TOWN COUNCIL: The Town Council wish to object to the application submitted for the following reasons.

1. Concerns regarding the proposed access arrangements from Pimlico Road due to the close proximity with the busy roundabout, and
2. There are concerns that this is over intensive development of the site.

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

LCC PLANNING OFFICER (ARCHAEOLOGY): No objections.

UNITED UTILITIES: No objection to the proposed development.

ADDITIONAL REPRESENTATIONS: Seven letters of objection have been received from nearby neighbours, as well as a letter and petition from the residents of Well Court and a letter from the Clitheroe Civic Society. Points of objection contained within these letters have been summarised as follows;

1. Loss of character to Hazelmere which makes a positive contribution to the Conservation Area,
2. It is Garden grabbing and opportunistic development,
3. Over-development of the site,
4. Visually intrusive and detrimental to the street scene and the Conservation Area,
5. Whilst the Applicants believe this to be 'eco-living', what is more eco-friendly than leaving it as a garden?
6. The development is merely for capital gain and not to help solve the housing shortage,
7. Detrimental impact on highway safety, and may lead to additional parking issues,
8. Will cause further problems with waste collection,
9. Loss of trees and wildlife,
10. The use of 'technology' and 'materials' will not make it "blend in with the surroundings",

11. Notification of the development is not satisfactory,
12. Development lacks harmony, unity or synthesis with the surrounding properties, including a Listed Building,
13. Impact on local infrastructure,
14. Impact on residential amenity and loss of privacy,
15. The site is an important 'green space' for the locality,
16. Contemporary and innovative development should be encouraged but this is not the place,
17. Why not donate this land to the local residents?

Proposal

Planning permission is sought to erect a three dwellings on land to the rear of Hazelmere, with a new vehicular access created within the existing stone boundary wall onto Pimlico Road. The scheme also includes the removal of a number of existing trees from the site, however the detailed scheme does include replacement planting. Since Hazelmere was converted from residential to an office (Class B1), the applicants do not require the retention of such a large amenity area, with the proposal seeking to develop a high quality residential scheme consisting of one building containing three dwellings on the site. The three, three bedroom properties will be over three storeys in height (10m to the ridge), with a parking area created in-between the new dwellings and the remaining curtilage of Hazelmere. The applicant seeks to erect a set of homes to achieve Code 6 on the Code for Sustainable Homes, which will also meet 2016 standards for low carbon homes. The main driver of the scheme is the Zero Carbon Hub which seeks to deliver 200 carbon use in house building by this date and the applicants see this as being a key factor in the justification for these 'eco homes'. The application site lies wholly within the current settlement boundary of Clitheroe, and is within the Clitheroe Conservation Area as defined by the Ribble Valley Districtwide Local Plan. Hazelmere and its garden curtilage are referred to specifically within the Clitheroe Conservation Area Appraisal and it is designated as a Building of Townscape Interest.

Site Location

The application relates to land to the rear (north) of Hazelmere, a large detached building within the settlement of Clitheroe, and within the Clitheroe Conservation Area. The land sits on the corner of Causeway Croft and Pimlico Road, adjacent to the Waggon and Horses Inn and Well Court, and close to The Alleys on Pimlico Road, a Grade II Listed Building.

Relevant History

3/2010/0463/P - Proposed four new residential dwellings to the rear of Hazelmere – Withdrawn.

Relevant Policies

Policy G1 - Development Control.

Policy G2 – Settlement Strategy.

Policy ENV16 - Development Within Conservation Areas.

Policy ENV17 – Details Required with Proposals in Conservation Areas.

Policy T1 – Development Proposals – Transport Implications.

SPG 'Extensions and Alterations to Dwellings'.

National Planning Policy Framework.

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

Clitheroe Conservation Area Appraisal (adopted April 2007)
'Setting of Heritage Assets: English Heritage Guidance' (EH, October 2011).
PPS5 - Historic Environment Planning Practice Guide (HEPPG, March 2010).

Environmental, AONB, Human Rights and Other Issues

The main issues to consider with this scheme are the principle of the development, the visual impact of the scheme on the character and setting of the Clitheroe Conservation Area, the visual impact on the streetscene and whether there is an impact on the residential amenity of the occupiers of the adjacent dwellings, as well as any highway concerns.

PRINCIPLE OF DEVELOPMENT

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local development plan policies. At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that 'at the heart of the NPPF is a presumption in favour of sustainable development', which means that for decision making purposes that:

Where the development plan is absent, silent or relevant policies are out of date, granting permission unless,

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
- *specific policies in this framework indicate development should be restricted.*

The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five-year supply of deliverable sites. As at 1 April 2012, Ribble Valley can demonstrate a 5.2 year supply of housing, including a 10% allowance for slippage but no detailed site adjustments for deliverability.

The issue of a five year supply is a somewhat complex one as we move forward with the preferred development option in the Core Strategy at a time when government advice has highlighted that the Regional Strategy (RS) is soon to be abolished and that it will fall upon LPAs to determine what the housing requirement should be for their own borough. The most relevant policies of the RS are those that relate to housing requirements (Policy L4) and affordable housing (Policy L5). The Council has established that it will continue to determine planning applications against the existing RS figure of 161 dwellings per year (in line with Government guidance) and as Members will recall, this is a minimum requirement not a maximum. Even though the Council is undertaking a review of its housing requirements as part of the plan making process, the requirement going forward is most appropriately addressed within the Core Strategy examination and statutory plan making process. Therefore, whilst mindful of the figure of 200 dwellings per year, agreed by a special meeting of Planning and Development Committee on 2 February 2012 as the annual housing requirement (following work undertaken by Nathaniel Litchfield & Partners) it is the 161 per year requirement, which remains the relevant consideration for decision-making purposes on planning applications at this time. As stated, the current figure would appear to demonstrate a 5.2 year supply against that requirement.

I am mindful of the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits. The site under consideration here is within the saved settlement boundary of Clitheroe, and as such, is considered in accordance with Local Plan Policy G2, which allows for consolidation and expansion of development plus rounding off development. The circumstances that are prevalent now with the need to meet the requirements of NPPF and maintain a deliverable five year supply of housing are such that this site must meet the three dimensions of sustainable development as outlined in NPPF – economic, social and environmental. Whilst meeting the first two dimensions, the scheme proposed is considered at variance with the environmental role for reasons that will be discussed within this report. Contained within the settlement boundary as it is, and being of a scale that is not considered inappropriate to the locality (Clitheroe being the key service centre in the borough) subject to supporting infrastructure, it is concluded that the principle of developing this site for residential development is considered to be acceptable in land use terms, providing the visual impact on the character and setting of the Conservation Area is acceptable, the design of the proposed new dwelling is suitable in relation to the Conservation Area and that the proposal will have no significant impact on the residential amenity of the occupiers of the adjacent dwellings.

IMPACT ON THE CONSERVATION AREA

There are two concerns in this instance, one being the impact of the development on Hazelmere, a Building of Townscape Merit, and two being the overall impact on the setting and character of the Conservation Area.

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

National guidance contained within the NPPF, specifically Chapter 12, details ‘Conserving and enhancing the historic environment’. Paragraph 131 provides advice when determining planning applications, noting that local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 provides more advice when considering the impact of a proposed development on the significance of a designated heritage asset, with paragraph 133 noting that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or that four specific targets can be met.

Local Plan Policy ENV16 also provides weight to this guidance noting that ‘Within Conservation Area, development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials. Trees, important open spaces and natural features will also be protected as appropriate, and 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.'

In regards to the impact on the adjacent Building of Townscape Merit, we must first assess the current setting of Hazelmere. The Council's Principal Planning Officer (Design and Conservation) has provided comments in relation to this application. He concurs with the Design & Access Statement that 'Clearly Hazelmere is an important building in an important setting' (3.1), and also notes the findings within the heritage statement which include:

- (i) 'the stone boundary walls, mature planting and glimpsed views of the house contribute positively to the character of the conservation area' (4.6);
- (ii) recognition of the findings of the Clitheroe Conservation Area Appraisal that 'Hazelmere, a former burgage plot with large house and significant trees' is a principal positive feature (3.8);
- (iii) 'it makes a positive contribution to the character of the conservation area within its landscape setting. This consists of the existing stone boundary walls, the hedging and the mature boundary trees that soften the edges of the public highway and provide relief from the more urban character of the surrounding development' (5.2.3);
- (iv) 'Hazelmere is a positive feature of the approach to the conservation area from the north' (5.2.4);

With regards to the developments wider impact on the Conservation Area, the Clitheroe Conservation Area Appraisal refers to:

- (i) 'Historic burgage plots are evident. Hazelmere has a stone set in the boundary wall reading 'Borough Croft late Fishs No 46 identifying the burgage plot number';
- (ii) 'The main axis of the borough was Castle Street, which led into the Market Place, which itself continued north as Church Street and Church Brow. The highway from Skipton originally entered the borough from the north (now Pimlico Road and Church Brow)';
- (iii) 'significant groups of trees in the vicinity of The Alleys and Hazelmere';
- (iv) 'Good, varied historic townscape' and 'Hazelmere, a former burgage plot with large house and significant trees'.

For reference, the site was designated as part of the original Clitheroe Conservation Area on 16 October 1973, and was extended (including Well Terrace) and given Outstanding Conservation Area status in December 1979. It is considered that the reunification of elements of the burgage plot in the 1980s (as suggested in the heritage statement) would appear to have enhanced this significance. Furthermore, the current extent of garden area to Hazeldene would appear a fitting setting to this Edwardian Villa, with the considerations of HEPPG paragraphs 116 and 115 being entirely relevant namely, 'The setting of a heritage asset can enhance its significance whether or not it was designed to do so' and that the 'Setting will, therefore, generally be more extensive than curtilage and its perceived extent may change as an asset and its surroundings evolve or as understanding of the asset improves'.

Having considered all of the above, approval of the proposal would be unduly harmful to the character, appearance and significance of Clitheroe Conservation Area because the development would:

- (i) destroy the garden setting of Hazelmere (a Building of Townscape Merit) which is an important and pleasing introduction to Clitheroe Conservation Area. The loss of this

element would have substantial harm (see paragraph 138 and 133 of the NPPF) - and consent should be refused unless there are substantial public benefits that outweigh this;

- (ii) subdivide the medieval burgage plot;
- (iii) disrupt through views from Pimlico Road towards Well Terrace and Pendle Hill;
- (iv) be incongruous and unreflective of the character and appearance of the conservation area in its design and materials (for example, window arrangement, use of blue bricks and failure to address the street frontage). Also, the proposed design dominates Hazelmere, which is a positively contributing element of the designated heritage asset in its own right.

In considering the above, the Council cannot therefore support the principal of developing this site for housing due to the irreplaceable damage the loss of the garden area would have on the setting and character of this portion of the Conservation Area, as well as the significant detrimental visual impact the development of the site would have on the character and setting of Hazelmere, a Building of Townscape Merit. The Agent notes that the site in question was not worthy of protection under Policy G6 (when the Local Plan was formed), however had the site not been considered important when the Conservation Area boundaries were drawn up, it would have been left outside the defined boundary.

Another consideration of the setting and character of the Conservation Area and Hazelmere is the loss of trees and the formation of the vehicular access required as part of the development. Referring back to initial comments from the Design and Conservation Officer, he noted that the garden's trees, traditional boundary walling and through views from Pimlico Road towards Well Terrace and Pendle Hill are also of significance. With regards to the loss of the trees, the applicants have submitted a revised site layout that indicates the proposed replanting of five new trees on site. The Council's Countryside Officer notes that the trees are included in the Clitheroe Conservation area and, although with the exception of one or two, are of average form. However collectively they are of some visual amenity value to the local street scene making a visual contribution to the wider tree-scape, being visible from Pimlico road and from the end of Church Brow. The trees are in the medium to large category, fairly suitable to the location, the majority are considered to have a minimum of 20 to 40 years value only one of the trees directly affected by the proposed development, a lime, has a limited value of less than 10 years. These are trees considered to be of moderate quality and value as to make a significant contribution - minimum of 20 years, and they may have had a higher category but have been downgraded due to remediable impaired condition.

The Countryside Officer notes that there are a total number of eleven trees on the site, of which six are identified for removal. Two on the grounds that they have irremediable structural defects and four in order to form a new access and that because of their limited conservation or cultural benefit would not normally be considered for retention where they would impose a constraint on development. He notes that the loss of the six trees would to a certain extent initially diminish the visual amenity value of the tree cover which would, in material terms, eventually be compensated for through the planting and establishment of five new trees, however the street scene would have undoubtedly been altered since then. Considering this advice, the views along Pimlico Road (from either direction) will be significantly altered due to the loss of trees from the site and the introduction of the large, dominant building proposed, therefore detrimentally affecting the views into and out of the Conservation Area. It is noted that the visual amenity value of the tree cover would, in material terms, perhaps be compensated for through the planting and establishment of the five new trees, however this is no guarantee.

In conclusion, despite the position of the building being set away from Hazelmere, due to the scale and massing of the new property, Hazelmere would no longer remain the dominant property within this location of the Conservation Area, thereby significantly affecting its character and setting. Therefore, whilst the location of the site in relation to the settlement and its services and amenities is considered to be acceptable, the density of the proposed development and subsequent visual impact on surrounding areas and on the character and appearance of the Conservation Area and the Building of Townscape Merit are considered harmful, leaving the view that the development of the site would be unsuitable, and the Council unable to support the proposal. The scale and extent of proposed buildings would result in the domination of Hazelmere and its setting, and the alterations proposed to the traditional boundary walling would alter the existing enclosed setting of the garden area to the detriment of the setting of Hazelmere by virtue of,

- (i) the loss of important trees considered to be of amenity value within the site by virtue of the proposed development, and future tree resentment issues, and
- (ii) the loss of existing screening on the frontage to Pimlico Road, considered to be of amenity value to this location within the Conservation Area, and the proposed development outlined could not be supported.

HOUSING DESIGN ASSESSMENT

The design, style, scale and massing of the new building proposed is another contentious issue, as normally the Council would welcome an innovative or modern approach to new dwellings/buildings within the borough, especially those which seek to exceed the current standards required in respect of the Code for Sustainable Homes, in this instance Code Six, however given the siting of the building within a Conservation Area, a less contemporary approach may have been considered more acceptable. The scheme previously proposed for the site was more of a pastiche design for a converted coach house/stable/groom's accommodation with converted pig sty 'designs', however these were considered incongruous, unfounded and overtly and unnecessarily historicist. Indeed when considering a suitable design for such a site, I am mindful of paragraph 44 of the HEPPG that states 'local planning authorities are encouraged to seek well-conceived and inspirational design that is founded on a full understanding of local context.' The Agent notes that the scheme is part influenced by local context but also by the sustainability objective, and that the materials were chosen for their sustainability and sensitivity to the locality rather than attempting to copy local vernacular. However, the Council struggle to see how a mixture of blue brick and weathered, grey, vertical and horizontal timber cladding present a harmonious development that sympathetically and satisfactorily impacts on the setting and character of the Conservation Area, indeed the overly modern shape, scale and materials are considered entirely incongruous within the streetscene at this location. On this basis, the scheme is not considered to be compliant with the current national and local plan policies as it will have an unacceptable visual impact on the character, setting and appearance of the Clitheroe Conservation Area and the adjacent Building of Townscape Merit, Hazelmere,

IMPACT ON RESIDENTIAL AMENITY

The side (east) elevation of the proposed building faces onto the amenity garden area of Well Court, with a gap between the building elevations of approximately 27m. In order to minimise any loss of amenity for the residents of Well Court the applicants have submitted revised plans that remove the secondary first floor windows for the end dwelling (for the lounge and kitchen) and install opaque glass into the stairwell windows.

Concern has also been raised in respect to the balcony areas on the rear (north) elevation of the new property however given the distance and the oblique angle between these balconies and adjacent properties, I do not envisage the development will have an impact on the amenity of the occupiers of neighbouring dwellings. Therefore, given the intervening boundary treatments between the proposed dwelling and other curtilage areas of properties nearby, I am satisfied that the proposal will not impact upon the occupiers of the adjacent dwellings enjoyment of the use of their gardens.

HIGHWAY ISSUES

Whilst the County Surveyor has raised no objections to the scheme, there have been a number of points strongly raised by neighbours in relation to the parking situation in the nearby vicinity and how the new access will impact upon this. The Officer notes that the car parking provisions within the site, with 7 spaces for 3 residential units, and the manoeuvring space available are satisfactory to allow for the safe movement of vehicles to and from the site in a forward gear. He also notes that in order to maintain visibility at the access for passing traffic, emerging traffic and pedestrians, if approved, it would be beneficial to introduce a length of prohibition of waiting along the frontage. He proposed a prohibition of waiting at any time that runs along the east side of Pimlico Road from a point 8m south of the centreline of the access for a distance of 26m in a northerly direction, which would link with the existing length of prohibition at Causeway Croft to provide improved visibility for motorists emerging from both junctions. However, his recommendation that there are no highway objections to the proposed development is not dependent on the implementation of this prohibition and should it not be possible to introduce such a measure, this original recommendation would not be affected. Whilst it is recognised that the creation of the access will result in the loss of approximately four on street parking spaces thereby impacting on localised parking patterns (there is a high demand from residents, visitors, students and local employees) and whilst I note concern experienced by local residents, I consider that on the basis of the advice from LCC Highways who have no objection, that there is no sustainable highway reason for refusal.

In conclusion, whilst the location of the site in relation to the settlement and its services and amenities is considered to be acceptable, the main concern with regards to the proposed development is the scale, massing, design and density of the proposed development and subsequent visual impact on the street scene, and the character and appearance of Hazelmere and the surrounding Conservation Area. The Council's view of the proposed scheme is that it would be harmful to the character and appearance of Clitheroe Conservation Area because:

- the scale and extent of proposed buildings would result in the domination of Hazelmere and its setting;
- the overly modern shape, scale, design and materials proposed are considered entirely incongruous within the street scene, and it will not present a harmonious development that sympathetically and satisfactorily impacts on the setting and character of the Conservation Area nor the adjacent Building of Townscape Merit,
- the alterations proposed to the traditional boundary walling would alter the existing enclosed setting of the garden area to the detriment of the setting of Hazelmere,
- the potential loss of important trees considered to be of amenity value within the site by virtue of the proposed development, and future tree resentment issues, and
- the loss of existing screening on the frontage to Pimlico Road, considered of amenity value to this location within the Conservation Area.

The proposal is recommended accordingly.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:

1. Approval of this scheme would be contrary to the guidance contained within the NPPF, the PPS5 HEPPG, the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Local Plan Policy ENV16. The Council cannot support the principal of developing this site for housing due to the irreplaceable damage the loss of important trees that provide visual amenity value and the garden area itself would have on the setting and character of this portion of the Conservation Area, as well as the significant detrimental visual impact the development of the site would have on the character and setting of Hazelmere, a Building of Townscape Merit. Hazelmere and its associated curtilage make a positive contribution to Clitheroe Conservation Area (independently confirmed within the Clitheroe Conservation Area Appraisal (the Conservation Studio consultants; adopted by the Borough Council following public consultation April 2007)). The contribution of the application site to the special architectural and historic interest of Clitheroe Conservation Area is confirmed by its inclusion within the designation and it appears to provide a fitting setting to the house as well as a pleasing gateway to the conservation area. The garden's trees, traditional boundary walling and through views from Pimlico Road towards Well Terrace and Pendle Hill are also of significance, and the developments impact on them would further erode this corner of the Conservation Area to its detriment.
2. Approval of this scheme would be contrary to the guidance contained within the NPPF, the PPS5 HEPPG, the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Local Plan Policies G1 and ENV16. The overly modern shape, scale, design and materials proposed are considered entirely incongruous within the street scene, and it will not present a harmonious development that sympathetically and satisfactorily impacts on the setting and character of the Conservation Area nor the adjacent Building of Townscape Merit, resulting in the domination of Hazelmere and its setting. The alterations proposed to the traditional boundary walling would further alter the existing enclosed setting of the garden area to the detriment of the setting of Hazelmere, creating a development that will have an unacceptable visual impact on the character, setting and appearance of the Clitheroe Conservation Area and the adjacent Building of Townscape Merit.

APPLICATION NO: 3/2012/0158/P

(GRID REF: SD 373979 438035)

OUTLINE APPLICATION FOR THE ERECTION OF 73 OPEN MARKET DETACHED DWELLINGS AND 31 SOCIAL HOUSING PROPERTIES ON SITE 2, BARROW BROOK BUSINESS VILLAGE, BARROW

PARISH COUNCIL:

Objects to the application for the following reasons:

1. Why is the application being considered when the Borough Council advised the developers during a pre-application enquiry (in December 2011) that applications for residential development on this site would not be encouraged? The Parish Council believes that this site should retain its B1 status for light industrial use. The Borough Council's Director of Local Services confirmed in 2003 that the classification of the site for light industrial use would remain valid in perpetuity.

2. If the application is to be considered, the Parish Council wish to make the following comments:
- i) As the land is designated for light industrial use, the loss of proposed job creation is of paramount importance. The site should stay as the main location for the promotion of strategic employment opportunities. The jobs are needed for the future of young people in the area.
 - ii) The proposal is not sustainable as there is currently insufficient infrastructure in place in Barrow to support a further 104 dwellings in terms of schools, health services and local facilities. This school is currently full to capacity and inadequately sized to take a large influx of new children. The existing residents of Barrow should be able to attend local schools and access local services.
 - iii) The Environment Agency and United Utilities object to the proposal based on the sewerage infrastructure and overloading of Whalley Sewage Works. The Parish Council believes that this is a very important factor.
 - iv) How will surface water be disposed of? The drainage system would struggle to cope with a further increase and residents do not want more flooding in the village.
 - v) There is potential damage to wildlife and ecology further down stream in Barrow Brook.
 - vi) Local roads are busier than ever and the highways would be placed under even greater strain.
 - vii) The development does not take into account the safety and wellbeing of children with regards to the brook rising to dangerous levels and the dangers of children playing on the frozen lodge.
 - viii) Barrow has already had more than a 100% increase in new homes in 20 years and this is far too much for a small village to cope with.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Has no objection in principle to this application on highway safety grounds on the basis that it is an outline application with all matters except for the means of access reserved for future determination. The following additional comments are made by the County Surveyor:

1. The layout of the site provides direct and convenient access to both the residential and business users to the A59 via the existing highway infrastructure.
2. Pedestrian and cycle links will have to be secured to provide residents with the opportunity to utilize existing village facilities without recourse to journeys by private vehicle.
3. A contribution of £189,000 will be sought towards sustainable transport, walking, cycling and public transport. This figure may have to be reassessed when the precise distribution of house types and affordable element are fully known.
4. Measures are already in place to provide suitable walking, cycling and public transport links as a result of previous phases of development at this location.
5. It is requested that individual Travel Plans should be developed and approved by the Lancashire County Council Travel Plan Team, timescales for which would be agreed as a condition of any planning permission. For a development of this size, a contribution of £6,000 would be required to enable the Travel Planning Team to provide a range of services as described in the Planning Obligations in Lancashire paper dated September 2008.
6. There are regular schedule bus services that presently operate along Whalley Road, Barrow. This is in addition to a number of school bus services operating in this vicinity. However, as none of the existing stops fall within the key requirement attaining to the proximity of a stop being within 400m walking distance of a regular and frequent bus service, they are limited in terms of the access they provide to employment and civic amenities in the local area at anything other than peak travel times. The provision of new stops or relocated and improved stops on Whalley Road would be subject to a suitable design being agreed, the intention being to pursue stops that will comply with LCC Quality Bus Standards. It is estimated that the costs of this provision would be £20,000 per location plus £2,000 commuted sum for future maintenance.

7. This site is low score in terms of accessibility and would benefit from cycle and pedestrian measures that would improve the sustainability of the development.
8. In the event of planning permission being granted, a number of conditions would be required relating to the satisfactory completion of off-site highway works; the need to enter into a Legal Agreement with the County Council as Highway Authority; no obstruction of any public rights of way; and the submission for approval of a construction method statement.

LCC (CONTRIBUTIONS OFFICER):

Based upon the policy paper 'Planning Obligations in Lancashire' the County Council requests contributions in relation to this application as described below.

Transport – A highways contribution of £189,600 will be sought as explained in the separate consultation response from the County Surveyor (see above).

Education – Based on the latest assessment, LCC would be seeking a contribution for 22 primary school and 26 secondary school places. This amounts to a claim of £255,984 towards primary places and £385,720 towards secondary places which would give a total claim of £641,704.

However, if any of a number of pending planning applications are approved prior to a decision being made on this development, a claim for primary school places could be made up to a maximum of 28 places. That would increase the requested primary school contribution up to a maximum of £325,798 and the total education claim up to a maximum of £711,518.

Waste Management – Based on the policy paper methodology for waste management, the County's requested contribution towards waste management is £49,420.

ENVIRONMENT DIRECTORATE (COUNTY ARCHAEOLOGIST):

Comments that the site has been identified as being considered to have a high potential for archaeological deposits dating to the prehistoric, Roman and Mediaeval periods. Well preserved archaeological deposits of a prehistoric or Roman date would be likely to be considered of regional, and possible national importance. The County Council Archaeology Service therefore recommends that, prior to the determination of an application, an archaeological evaluation of the site be carried out to determine if any such deposits do exist. The results of the evaluation would allow a properly informed decision to be made. This is in accordance with Section 128 of the National Planning Policy Framework as follows:

“Where a site on which development is proposed includes or has potential to include heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk based assessment and, where necessary, a field evaluation.”

UNITED UTILITIES:

Comments as follows:

“Recent investigations have confirmed that Whalley Waste Water Treatment Works and the sewer network serving the area is nearing capacity. To ensure that there is a consistent and fair approach taken by United Utilities we would ask that all development applications include an indicative layout plan, a schedule showing the type of housing to be built, a load and flow impact assessment and a programme of works showing build rates so that United Utilities can determine the full impact that the development has on our assets. Therefore United Utilities will object to the application pending the submission of the additional information.”

ENVIRONMENT AGENCY:

Originally objected to the application because the proposed layout showed a number of dwellings sited within 8m of the watercourse along the northern edge of the application site. In response to this objection, the applicants submitted an amended proposed layout (drawing no HINE/01DWG03A) that provides and identifies an 8m wide buffer zone along the full length of the northern boundary of the site that is to be free from any development. The Environment Agency has therefore withdrawn its initial objection to the application.

The Environment Agency, however, would require the imposition of conditions relating to the submission for approval of a foul and surface water drainage scheme and a surface water regulation system; and the carrying out of a contaminated ground investigation and associated risk assessment that shall be submitted for the approval of the Local Planning Authority.

ADDITIONAL REPRESENTATIONS:

Eight letters have been received from nearby residents (one of which is stated to be on behalf of the Barrow Community Action Group) and two letters have been received from agents acting on behalf of adjoining landowners. All the letters express objections to the application that are summarised as follows:

1. The proposal will exacerbate existing flooding problems in the locality.
2. There are concerns over possible ground gas generation and contamination in the northwest corner of the site from the historic Printworks tanks. Is this

therefore an appropriate site for residential development?

3. United Utilities have objected to the application due to the Whalley Waste Water Treatment Works nearing capacity.
4. The submitted Design and Access Statement acknowledges that there is a covenant that restricts the use of this land to B1 – Light Industrial. This should be followed as the site does not lend itself to more houses (in addition to those recently built on neighbouring land by Rowland Homes).
5. The new National Planning Policy Framework requires developers to provide a Travel Plan where the site will generate significant amounts of movement. This development of 104 houses will generate significant movement. The excess is onto established highways but there is major heavy transport moving and parking on the roads in question generated by officers, industry, visitors to the McDonalds restaurant, petrol station and shop located nearby. There is no public transport in the immediate vicinity and all journeys to Clitheroe and local towns will no doubt be made by private car.
6. The proposal would have detrimental effects upon local ecology and wildlife and would involve the removal of an ash tree that is considered by the Lancashire Wildlife Trust to be an ideal bat roost.
7. The National Planning Policy Framework seeks to achieve sustainable development with reference to economic, social and environmental considerations. With regards to the economic consideration Barrow Brook has traditionally been industrial usage and was identified by the Council for such development. The site should remain under B1 use. With regards to the social consideration, Barrow has experienced a considerable increase in the number of dwellings since 1995 without any improvement to its infrastructure. The current proposal will cause increased traffic leading to more pollution and the likelihood of more road traffic accidents, more likelihood of flooding, more demand for schools, doctors, public transport and leisure facilities, which do not presently exist. Further building in Barrow therefore does not support a strong, vibrant and healthy community in Barrow Village.

With regards to the environmental consideration further development will destroy what could be a potentially

diverse natural environment and further research should be carried out to establish the true extent of the flora and fauna.

8. This is not a sustainable site for a housing development due to there being very few facilities in Barrow thereby resulting in a need of residents to travel to facilities in Clitheroe and Whalley and other nearby areas, usually by private car.
9. All traffic from the proposed development would exit onto the A59 thereby exacerbating existing problems on what is already seen as a dangerous road.
10. The submitted layout is such that it would prevent the development of land (that is in separate ownership) between the eastern boundary of the site and the A59. Including this land would not only result in an increased housing yield from the site, and therefore add to the potential affordable housing provision, but the incorporation of land would also ensure that a consistent grain of development is created. The exclusion of the land risks the potential piecemeal development that is disjointed and fails to create a high quality environment that is demanded in this location. By excluding this land the proposal fails one of the tests of sustainability in the NPPF in that it does not make the most effective use of land.
11. The statutory development plan for the area comprises the North West of England Regional Spatial Strategy 2008-2021 (RSS) and the saved policies of the Ribble Valley Districtwide Local Plan (RVDLP). Whilst the government has stated intention to abolish the RSS, formal revocation has not yet occurred. The proposal is contrary to Policies in the RSS that relate to strengthening a local economy by, amongst other things supplying employment land in appropriate location.
12. The application site is not allocated as an employment site in the Local Plan but is obviously an established business village and is identified as the principal strategic employment site in the emerging Core Strategy which, once adopted, will replace the existing development plan.
13. The proposal is also contrary to Local Plan Policy EMP11 that seeks to prevent the loss of employment land.

14. Even if a five year housing land supply cannot be demonstrated by the Council, this site should not be released for housing, particularly given the potential loss of employment land, jobs, increase in travel, effect on in and out commuting and consequent impact on carbon emissions.
15. The emerging draft preferred options core strategy has identified the Barrow Brook employment site as being of strategic importance to the delivery of the overall vision for the borough to 2028. Indeed this business village is viewed as a 'key component' of delivering the economic aspirations of the Core Strategy. Whilst the Core Strategy has limited weight at present, the Council's overall vision is established and seeks to create sustainable villages, deal with travelling out of the borough to access work and both safeguard and promote local employment opportunities. These important objectives would not be achieved if this application was approved.
16. Some land at Barrow Brook has already been lost to residential development. No further loss of employment land should be allowed on this flagship strategic and well located business park.
17. Rather than contemplating a loss of further valuable employment land in the Ribble Valley, the local area is actually in need of much more land for business and economic development as evidence in the Employment Land Position Statement (June 2011) which states that more employment land of approximately 6 hectares should be identified in the Ribble Valley to facilitate and maintain the levels of economic development over the next 10 years. It adds that the new supply needs to be primarily located adjacent to the A59 and where possible, extend and add value to existing employment areas, and be accessible to key service centres.
18. The NPPF contains a presumption in favour of sustainable development but this proposal does not accord with the development plan; has adverse effects that would demonstrably outweigh any possible benefits; runs counter to the policies in the NPPF related to ensuring sufficient land of the right type is available in the right places and at the right time to support economic growth and innovation; and has failed to demonstrate that there is no reasonable prospect of the land being used for its original (employment) purposes and the need for different land uses to support sustainable local communities. Therefore, the

proposal is not only in conflict with all the policies in the existing development plan, emerging Core Strategy, the Core Strategy evidence base and market signals but it is also contrary to government advice in the NPPF.

Proposal

This application seeks outline permission for a development of 104 residential units comprising the following:

- 65 open market detached two-storey houses.
- 8 open market detached bungalows for the elderly.
- 24 social retirement apartments in a two storey 'L' shaped block.
- 7 social retirement detached bungalows.

The application is in outline with the matters of 'access' and 'layout' to be considered under this application, with 'appearance', 'landscaping' and 'scale' to be the subject of a subsequent reserved matters application.

The site is within the Barrow Brook Business Village to which vehicular access is from the western exit from the roundabout on the A59 close to the McDonald's restaurant. The access actually into the application site (for which permission is hereby sought) is then from the southern exit of the next roundabout in front of the printworks building in the form of a continuation of the road between the printworks building and the lagoon.

The layout (for which permission is also hereby sought) places the apartment building at the entrance into the site to the south-east of the existing printworks building. To the south of the apartment building, the road then branches left and right with the detached dwellings distributed around 5 cul-de-sacs. The apartment building is served by a communal open space and parking area, whilst each of the detached dwellings would have private front and rear gardens with driveways/parking spaces/garages.

Site Location

As previously stated, the site, which has an area of 4.3 hectares, is part of the Barrow Brook Business Village. The site is roughly rectangular in plan. The northern boundary is defined by Barrow Brook and to the north of the Brook the site is immediately adjoined by a lagoon and the office building known as The Printworks. Further to the north, and served by the same access road from the A59, are the McDonalds restaurant, a petrol filling station, convenience store and a distribution centre.

To the west, the site is adjoined by relatively recent residential development and to the south by more established residential properties that front on to the north side of Whiteacre Lane. To the east, there is an area of undeveloped grazing land that extends up to the A59.

The whole of the application site and adjoining land as described above are within the Settlement Boundary of Barrow (except the grazing land to the east of the site).

Relevant History

3/1989/0405/P – Outline development of 19 hectare site for offices, light industry use, hotel/conference centre, housing with associated access road, car park and landscaping. Approved with conditions.

3/1993/0316/P – Renewal of permission 3/1989/0405/P. Approved with conditions.

3/1996/0478/P – Modification of condition 1 of permission 3/1993/0316/P to extend the period for approval of reserved matters for 6 years. Approved.

3/1997/0203/P – Certificate of Lawfulness for a proposed use or development to construct a workshop and administration areas on the eastern part of the current application site. Approved.

3/1997/0410/P – Reserved matters application for construction of new access road and roundabout. Approved with conditions.

3/1998/0393/P – New build two-storey technology management centre with 100 parking spaces. Approved with conditions.

3/1999/0743/P – Modification of condition 1 of 3/1993/0316/P to extend the period for approval of reserved matters to 9 years. Approved.

3/2000/0888/P – Reserved matters application for construction of new culvert and road crossing over Barrow Brook. Approved with conditions.

3/2002/0830/P – Modification of condition 1 of 3/1993/0316/P to extend the period for approval of reserved matters to 12 years. Approved.

3/2002/0878/P – Reserved matters application for siting, design and external appearance of office blocks. Approved with conditions.

3/2005/0568/P – Erection of office blocks in accordance with reserved matters approval 3/2002/0878/P. Approved with conditions.

3/2005/0758/P – Modification of condition 1 of permission 3/2002/0830/P to allow a further 5 years for the approval of reserved matters. Approved.

3/2007/0964/P – Proposed B1 office development, revision to approve reserved matters. Approved with conditions.

3/2007/1144/P – Mixed use development (on a different part of the 19 hectare site) comprising a vocational learning centre, children's nursery, commercial, live/work and residential units. Approved with conditions.

3/2009/0791/P – Proposed mix use development (on a different part of the 19 hectare site) comprising vocational learning centre, children's nursery, commercial elements, 10 live/work units and 70 residential units (resubmission). Approved with conditions.

3/2010/0396/P – Application for variation of a number of conditions of permission 3/2009/0781/P to allow for greater flexibility on the site. Approved with conditions.

3/2010/0568/P – Proposed erection of 64 dwellings and associated infrastructure (on a different part of the 19 hectare site). Approved with conditions.

3/2011/0307/P – Residential development of 37 dwellings (on a different part of the 19 hectare site). Approved with conditions.

Relevant Policies

Policy G1 - Development Control.

Policy G4 - Settlement Strategy.

Policy H20 - Affordable Housing - Villages and Countryside.

Policy ENV7 - Species Protection.

Policy ENV13 - Landscape Protection.

Policy EMP11 - Loss of Employment Land.

Policy L4 – Regional Housing Provision – Regional Spatial Strategy (RSS).

Policy L5 – Affordable Housing – RSS.

Policy W4 – Release of Employment Land – RSS.

Addressing Housing Need in Ribble Valley – Housing Policy.

National Planning Policy Framework.

Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 19 Consultation Draft.

Environmental, AONB, Human Rights and Other Issues

The first matter for consideration in the determination of this application relates to the principle of development. This will involve a consideration of the history of the site; the loss of employment land; and the proposal in relation to the currently applicable housing policies and the current housing land supply situation in the borough. Other considerations will relate to affordable housing and financial contributions; the effects of the proposed development on the local ecology/landscape/trees; the amenities of nearby residents, and highway safety. As permission is sought by the application for the submitted layout, there will also be a consideration of the merits of the layout in relation to matters such as privacy separation distances etc.

PRINCIPLE OF THE DEVELOPMENT

Site History

The 4.3 hectare application site is part of a 19 hectare site now known as Barrow Business Village. Outline permission was granted in 1990 for the development of the 19 hectare site for offices, light industrial use, hotel/conference centre and housing with associated access roads, car parking and landscaping (3/89/0405/P). That outline permission was renewed in 1993 (3/93/0316/P) in 1996 (3/96/0478/P) in 1999 (3/99/0743/P) and in 2002 (3/02/0830/P). A reserved matters application for the siting, design and external appearance of office blocks was then approved in 2003 (3/02/0878/P) with a revision to the reserved matters approved in 2008 (3/2007/0964/P).

The significance of this history is that the original outline permission was a major factor in informing the Industry/Employment content of the Districtwide Local Plan that was adopted in June 1998. The Structure Plan placed a requirement for 40 hectares of business and industrial land provision over the period 1991-2006. At the time of adoption of the Local Plan, planning permission had been granted for 21.28 hectares of employment development of which 14

hectares was on this Barrow site. When allowing for windfall sites (including BAE Systems) of 10 hectares, this left just 9.17 hectares to be allocated in the Local Plan. The overall site at Barrow Brook therefore represents the single largest employment site in the borough. Its continued importance to the Council and the borough as an employment site, is evidenced by the numerous permissions granted to renew the original planning permission. This importance has also been carried forward in the Consultation Draft of the Council's Core Strategy 2008 to 2028 in which it is stated in Key Statement DS1: Development Strategy that 'strategic employment opportunities will be promoted through the development of the Barrow Enterprise site as a main location for employment'.

Housing Policy/Housing Land Supply Situation/Loss of Employment Land

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local development plan policies.

At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that at the heart of the NPPF is a presumption in favour of sustainable development which means that for decision making purposes that:

- *Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
 - *specific policies in this framework indicate development should be restricted.*

The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable sites. As at 1 April 2012, Ribble Valley can demonstrate a 5.2 year supply of housing, including a 10% allowance for slippage but no detailed site adjustments for deliverability.

The issue of a five year supply is a somewhat complex one as we move forward with the preferred development option in the Core Strategy at a time when government advice has highlighted that the Regional Strategy (RS) is soon to be abolished and that it will fall upon LPAs to determine what the housing requirement should be for their own borough. The most relevant policies of the RS are those that relate to housing requirements (Policy L4) affordable housing (Policy L5) and the release of allocated employment land (Policy W4) Council has established that it will continue to determine planning applications against the existing RS figure of 161 dwellings per year (in line with Government guidance) and as Members will recall, this is a minimum requirement not a maximum. Even though the Council is undertaking a review of its housing requirements as part of the plan making process, the requirement going forward is most appropriately addressed within the Core Strategy examination and statutory plan making process. Therefore, whilst mindful of the figure of 200 dwellings per year, agreed by a special meeting of Planning and Development Committee on 2 February 2012 as the annual housing requirement (following work undertaken by Nathaniel Litchfield & Partners) it is the 161 per year requirement which remains the relevant consideration for decision making purposes on planning applications at this time. As stated, the current figure would appear to demonstrate a 5.2 year supply against that requirement.

I am mindful of the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The site under consideration here is within the saved settlement boundary of Barrow, but it should be borne in mind that the outline permission in 1990 for the redevelopment of the 19 hectare site for employment purposes informed the design of the settlement boundary and the inclusion of this site within it. Therefore, in this particular case, the location of the site within the settlement boundary is not a particularly strong point in favour of its development for residential purposes. Firstly, in relation to the NPPF, the question must be asked whether the proposed residential development is 'sustainable'. With the exception of the McDonalds restaurant, petrol filling station and convenience store to the north of the current application site, there are no other facilities within walking distance of the site; and it is likely that all other facilities would primarily be accessed through the use of the private car. As stated by the County Surveyor 'the site is low score in terms of accessibility and would benefit from cycle and pedestrian measures that would improve the sustainability of the development'.

I consider overall, that irrespective of all other considerations, a strong argument could be put forward that the proposed residential development on this site is not sustainable.

However, even sustainable development would not be permitted under the NPPF if 'any adverse impacts of doing so would significantly outweigh the benefits when assessed against the policies in the framework as a whole'.

In this particular case, the adverse impact of granting permission for residential development would be the loss of 4.3 hectares of employment land. As described in the 'Site History' section of this report above, the site has been an important part of the Council's employment land provision since 1990. This is evidenced by the reliance on the site in the Local Plan; the succession of renewals of planning permission; and the intention to promote employment opportunities through the development of the Barrow Enterprise site as now included in a Key Statement of the Consultation Draft Core Strategy.

Saved Policy EMP11 of the Local Plan relates to the loss of employment land. It is considered that the intentions of that policy remain valid such that the policy is not considered (in relation to the requirements of the NPPF) to be 'out of date'. Policy EMP11 states that proposals for the conversion or redevelopment of industrial or employment generating sites will be assessed with regard to the following criteria:

1. The provisions of Policy G1.
2. The compatibility of the proposal with other policies of this plan.
3. The environmental benefits to be gained by the community.
4. The potential economic and social damage caused by loss of jobs in the community.
5. Any attempts that have been made to secure an alternative employment generating use for the site.

It is considered that the proposal is not compatible with other policies in the Local Plan because it would conflict with the reliance placed upon this site in the overall provision of employment development, and would undermine the existing strategy (which is being carried forward in the Consultation Draft Core Strategy). The site is adjoined by residential properties, but permissions have previously been granted for employment development on this site which was not considered to prejudice the amenities of any nearby residents. It is not therefore considered

that residential development on this site would result in any 'environmental benefits' to be gained by the community'.

It is however, considered that this site is in an ideal location (adjoining the A59) for employment development. Its loss to another form of development would prejudice the Council's continuing strategy of employment provision with detrimental economic effects and possible social damage caused by the loss of a key potential job creating site.

Evidence of marketing the site for employment development has been submitted with the application. The Council does not accept, however, that the site cannot still be developed for this purpose. Therefore, in view of the overriding objections to the proposal as described in this report, it is not considered that the marketing is sufficient to justify the granting of planning permission for residential development.

It is also considered that the loss of this key employment site to an alternative use would be contrary to RSS Policy W4 which states that "if Local Authorities are minded to release (employment) sites they should be satisfied before doing so that:

- an appropriate supply of sites is available for employment uses. The de-allocation or re-allocation of a site should not result in a deficient supply of employment land, in either quantitative or qualitative terms, matched against the demand and supply requirements of the local economy;
- if required there are replacement sites available, of equal or better quality, or that alternative means of incorporating employment land needs have been identified. This might need considering mixed use developments, greater intensity of land use or the availability of sites in adjacent authorities."

Overall, I conclude that the proposed residential development does not represent the most appropriate and 'sustainable' use of this site, and would lead to the loss of an important employment generating site with detrimental effects upon the local economy and possible social damage caused by the loss of potential job opportunity in the community, contrary to the requirements of saved Policy EMP11 of the Districtwide Local Plan, and contrary to Key Statement DS1 (Development Strategy) of the Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 19 Consultation Draft, which states that "strategic employment opportunities will be promoted through the development of the Barrow Enterprise site as a main location for employment".

The emerging plan is at an important stage in its preparation and it is considered that approval of this application for a different use would significantly serve to pre-determined the outcome of the plan-making process and impact upon the Council's ability to select the most appropriate sites for differing land uses.

For these reasons, this proposed development, in my opinion, is not acceptable in principle.

Affordable Housing and Financial Contributions

The application seeks permission for a mixture of open market houses, open market bungalows for the elderly, social retirement apartments and social retirement detached bungalows that is generally in accordance with the document 'Addressing housing need in Ribble Valley – Housing Policy'. A draft Section 106 Agreement was submitted with the application which

covers this matter and also the matter of financial contributions. In the event that the Committee was minded to approve the application, the resolution would be to defer and delegate the decision pending the completion of an appropriate Section 106 Agreement.

Ecology/Landscape/Trees

In relation to this consideration, it must be remembered that permissions have previously been granted for development on this site.

An Arboricultural Impact Assessment has been submitted with this application that does show the removal of a number of trees in order to facilitate the proposed housing layout.

The Countryside Officer has studied the Assessment and is satisfied that there is sufficient detail submitted in order to determine the application and that there are no tree issue grounds to support a refusal of the application.

Amenities of Nearby Residents

The site is adjoined to the south and west by existing dwellings. As shown on the submitted layout, however, the proposed dwellings are sited in excess of 25m away from the nearest existing properties. The proposed development would not therefore in my opinion have any seriously detrimental effects upon the amenities of any existing nearby residents.

Highway Safety

The County Surveyor has given consideration to the detailed site layout submitted with the application and has not expressed any objections in relation to highway safety or parking provision.

Site Layout

The siting of the apartment building close to the entrance into the site near to the existing printworks building is considered to be appropriate.

The general internal layout of the rest of the site is also such that an adequate level of privacy and general residential amenity would be afforded to the future occupiers of the proposed dwellings. I can see no significant objections to the submitted layout.

Conclusion

If the proposed development was considered to be acceptable in principle there are no matters of details that would represent sustainable reasons for refusal of the application. However, as explained in the report, the proposal is considered to be unacceptable in principle and it is therefore accordingly recommended that planning permission be refused.

RECOMMENDATION: That planning permission be REFUSED for the following reason:

1. The proposed residential development does not represent the most appropriate and 'sustainable' use of this site, and would lead to the loss of an important employment generating site with detrimental effects upon the local economy and possible social damage caused by the loss of potential job opportunity in the community, contrary to the requirements of saved Policy EMP11 of the Districtwide Local Plan, and contrary to Key Statement DS1 (Development Strategy) of the Core Strategy 2008-2028 A Local Plan for

Ribble Valley Regulation 19 Consultation Draft, which states that “strategic employment opportunities will be promoted through the development of the Barrow Enterprise site as a main location for employment”.

APPLICATION NO: 3/2012/0291/P (GRID REF: SD 362125 443036)
PROPOSED RESUBMISSION OF APPLICATION 3/2011/0256/P FOR THE ERECTION OF A NEW LIVE WORK UNIT (WARDEN’S HOUSE) IN CONJUNCTION WITH THE EXISTING CARAVAN SITE AT BRICKHOUSE CARAVAN PARK, GARSTANG ROAD, CHIPPING

PARISH COUNCIL: Makes the following comments in relation to this application:

‘Chipping Parish Council recognises the excellent contribution that the Brickhouse Caravan Site plays in encouraging tourism and the subsequent benefit to local businesses; a key element in the Chipping Village Plan, 2011.

The Parish Council cannot see any significant changes in the resubmission compared to the original application which was refused by Ribble Valley Borough Council.

Chipping Parish Council considers that if the resubmission is approved by RVBC, the proposed warden’s house should be ‘tied’ (by means of an appropriate Section 106 Agreement) for the caravan site business and not allowed to be sold as a separate dwelling’.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections to this application.

UNITED UTILITIES: No objections to this application.

ADDITIONAL REPRESENTATIONS: Five letters have been received from nearby residents who express **support** for the application. Some of the comments made in the letters are summarised as follows:

1. The applicants have put in a great deal of work over the years building up this business. It is a business that brings extra income to the shops and businesses in the village.
2. Their existing house is too small to also run the business from.
3. The applicants existing house is a small affordable property. If this application is approved, that dwelling would be released on to the market and may enable a local person to continue to live in the village.

4. Having a warden's house with attached office would be advantageous for the business.
5. The proposed house will have less of a visual impact on the village than the houses recently approved opposite Brabbins School and those currently being built on the village hall site.

Proposal

Permission is sought for an L shaped building comprising a two storey dwelling (for occupation by the caravan site warden) with an attached single storey element containing a reception area and office/shop for the existing touring caravan site.

The dwelling part of the building has dimensions of 13.1m x 7.9m (excluding a small front porch) with an eaves height of 4.7m and a ridge height of 6.9m. It would comprise living room, large kitchen, hall and utility on the ground floor with three bedrooms (one with en-suite facilities) and a bathroom on the first floor.

The single storey business element of the building would have dimensions of 9.6m x 5.4m with an eaves height of 2.4m and a ridge height of 4.5m.

The whole of the building would be of random natural stone construction with natural blue slate roofs. Doors and windows would be timber and the windows would have natural stone heads and sills.

Site Location

Brickhouse Touring Caravan Site lies off the south eastern side of Garstang Road within the Forest of Bowland Area of Outstanding Natural Beauty outside the settlement boundary of Chipping. The applicants presently live at No 1 Swindlehurst Cottages that immediately adjoins the caravan park.

The proposed building would be located within the boundaries of the existing caravan site such that it would be adjoined to the south and east by the rest of the caravan park. To the north it would be adjoined by the Bowling Green and the applicants existing dwelling, whilst to the west it would adjoin an existing garage block. The end garage immediately adjoining the application site is identified on the submitted plans as being within the applicants ownership. There would be a gap of 1m between the side wall of that garage and the end wall of the single storey part of the proposed building. The dwelling part of the proposed building would be only approximately 18m away from the applicants existing dwelling.

Relevant History

3/2011/0256/P – proposed live work units (warden's house) in conjunction with the existing caravan site. Refused.

Although there are other previous planning applications relating to this touring caravan site, none are considered to be of any particular relevance to the consideration of this current application.

Relevant Policies

Policy G5 - Settlement Strategy.
Policy ENV1 - Area of Outstanding Natural Beauty.
Policy H2 - Dwellings in the Open Countryside.
National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application relate to the recent history of the application site, the principle of the development and the effects of the proposal upon visual amenity, the amenities of nearby residents and highway safety.

RECENT SITE HISTORY

In 2010, a pre-application enquiry was submitted to the Council in respect of a proposed manager's/warden's dwelling on this site. In the Council's written response to that enquiry, it was stated that, should a planning application be submitted, in the officer's opinion 'it would receive an unfavourable recommendation and it would be an unjustified dwelling in the open countryside to the detriment of the visual characteristics of the AONB'. It was, however, also stated that 'the provision of a modest office building on the site would be held to comply with plan policy in principle subject to it being of an appropriate size and design'. Advice on a possible appropriate site for the office building was also given in the response to the pre-application enquiry.

Notwithstanding that advice, an application was submitted for a dwelling with an attached office/shop (3/2011/0256/P). The policy context for the consideration of that application remained the same as that upon which the pre-application advice had been given.

Following careful consideration, that previous application was refused for the following reason:

In the opinion of the Local Planning Authority, the touring caravan site does not necessitate the construction of a manager's/warden's dwelling within its boundaries. The proposed development therefore represents the erection of a dwelling (that does not satisfy an identified local need, and is not for the purposes of agriculture or forestry) in a location outside the Settlement Boundary of Chipping and within the Forest of Bowland Area of Outstanding Natural Beauty. As such, the proposal would be contrary to the requirements of Policies G5 and H2 of the Ribble Valley Districtwide Local Plan and would be detrimental to the visual amenities of the AONB contrary to Policy ENV1 of the Local Plan.

The previous application was refused because the proposal was not acceptable in principle as it did not comply with the requirements of Policies G5 and H2 of the Local Plan and that, as a consequence, the development would be detrimental to the visual amenities of the AONB contrary to Policy ENV1 of the Local Plan.

Whilst this current application has sought to address the visual amenity aspect of the previous reason for refusal (as will be discussed later in this report) it does not overcome the fundamental 'Policy' objection to the previous application. Therefore, if considered against those same saved Local Plan policies, the presently proposed development, in my opinion, remains unacceptable in principle.

Since the previous refusal, the National Planning Policy Framework (NPPF) has come into force. The main intention of the NPPF is the achievement through the planning system of sustainable development (which is defined as having the three dimensions of economic, social and environmental). With regards to the environmental dimension, Section 11 of the NPPF is entitled 'Conserving and Enhancing the Natural Environment'; and states, amongst other things, that 'great weight should be given to conserving landscape and scenic beauty in national parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

I remain of the opinion that, in view of the proximity of the applicant's existing dwelling to the caravan site, there is no necessity to construct a manager's/warden's dwelling within the boundaries of the caravan site but outside the Settlement Boundary of Chipping. Any requirement for a site office could be satisfied by a detached single storey building to which the Council would have no objections in principle. Therefore, the proposed dwelling, which would still have effects upon the appearance of the AONB, would not satisfy the 'environmental' aspect of sustainability as defined in the NPPF.

Therefore, when considered against both the saved policies of the Local Plan, and the sustainability requirements of the NPPF, the proposal, in my opinion, remains unacceptable in principle.

This current application has sought to address visual amenity aspects of the reason for refusal of the previous application.

The building now proposed has the same footprint and internal layout as the previous application and would be constructed using the same external materials. The two principal alterations to the previous scheme are as follows:

1. The eaves/ridge heights of the two storey element of the refused proposal were 5m/8m. On this current application those respect heights have been reduced to 4.7m/6.9m. The height of the single storey element remains the same as in the previous application.
2. On the previously refused scheme, the end elevation of the single storey element of the proposed building was approximately 7m away from the end elevation of the existing garage; and the north elevation of the proposed building projected approximately 3m to the north of the front elevation of the garage block. As now proposed the building is only 1m away from the end garage and its northern elevation continues the line of the front elevation of the garage block.

The reduction in height obviously has some effects on reducing the visual prominence of the building. The amended location put the proposed building closer to the garage block and to the applicant's existing dwelling, and also have the effect that the building would not project any further to the south east than the adjoining existing storage building. Again, this has some effect on reducing the impact of the building by putting it closer to existing buildings.

However, as it still represents a dwelling without justification in the open countryside, I consider that it will still have an adverse effect on the appearance of the AONB.

In relation to highway and residential amenity, there are no issues.

It is evident that some local residents are supportive of the scheme and recognise the economic benefits of the existing business.

Whilst fully appreciating those comments and support, they are not sufficient to overcome the objections to this proposal. I would also argue that those economic benefits would continue with or without the dwelling that is the main element of this application.

It is not considered that this current application has satisfactorily addressed the reason for refusal of the previous application. It is therefore considered that the application should be refused for the same reason plus a second reason that relates to the requirements of the National Planning Policy Framework.

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

1. In the opinion of the Local Planning Authority, the touring caravan site does not necessitate the construction of a manager's/warden's dwelling within its boundaries. The proposed development therefore represents the erection of a dwelling (that does not satisfy an identified local need, and is not for the purposes of agriculture or forestry) in a location outside the Settlement Boundary of Chipping and within the Forest of Bowland Area of Outstanding Natural Beauty. As such, the proposal would be contrary to the requirements of Policies G5 and H2 of the Ribble Valley Districtwide Local Plan and would be detrimental to the visual amenities of the AONB contrary to Policy ENV1 of the Local Plan.
2. The proposal is contrary to the environmental dimension of sustainable development as defined in the National Planning Policy Framework (NPPF) in that it would not contribute towards the protection and enhancement of the AONB which is an area recognised in the NPPF as having the highest status of protection in relation to landscape and scenic beauty.

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

APPLICATION NO: 3/2011/0892/P

(GRID REF: SD 374095 442172)

PROPOSED RESIDENTIAL DEVELOPMENT AT LAND OFF MILTON AVENUE, CLITHEROE

PARISH COUNCIL:

Object for the following reasons:

1. The proposal will lead to over development.
2. There will be access difficulties as vehicles park on both sides of Milton Avenue.
3. Concern that the proposed affordable housing in terms of cost is more than what the Council consider to be affordable.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Has no objections in principle to this proposal on highway grounds. There are a number of highway matters regarding aspects of the proposed development that could prove detrimental to residents and the operation of the local highway network. However, many of these matters will be resolved under Reserved Matters should permission be granted at this Outline stage.

Below are extracts from the formal response with Members referred to the file for full details.

Means of Access

As the access road to the site extends southwest from Milton Avenue, the existing road width should be maintained for a minimum distance of 10m into the site, with footways to either side. The site plan indicates that there will be no footway provision within the site.

Furthermore, the site plan indicates at Point 10, a "possible link into adjacent site". The layout shown, in terms of carriageway width and footway provisions, would not be suitable as a means of access to an additional area of development.

There are no requirements to alter the existing junction alignment at Waddington Road and Milton Avenue as a consequence of the anticipated additional vehicular movements generated by the development. The capacity inherent within the present layout can accommodate the levels of use anticipated, taking into account relevant growth factors, committed development in the vicinity and additional site activity.

In relation to the pedestrian accessibility of the site, the site master plan identifies a possible footpath link between the development and Chester Avenue. However, this link would run along third party land and there are no legal agreements identified or suggested that would resolve this ownership issue. Without such a link there are no specific provisions to promote pedestrian access to this site.

Given the town centre location of this site, the provision of appropriate pedestrian links to the Interchange and other amenities must be addressed as a priority.

Request for Planning Obligations.

Should the LPA be minded to approve this development, the County Council would seek planning obligation contributions from this development to fund measures that support sustainable transport. It is acknowledged that a number of measures provided under proposed s278 highway works support sustainable development. However, it is considered that further sustainable measures may be necessary to promote and support sustainable development, particularly in respect of public transport.

Highways Contributions

A Highways contribution of £72,900 will be sought. This is based on 50 dwellings of unknown room size, 35 for open sale and 15 affordable, with an approximated Accessibility score of 20, as follows:- $35 \times £1,620 = £56,700$ and $15 \times £1,080 = £16,200$.

Cycle and Pedestrian measures

Measures should be considered for a pedestrian link to Footpath 20 and consideration of other appropriate cycle links, such as leisure/amenity links to River Ribble and commuter/leisure links to Clitheroe town centre.

While the interchange is located close to the site, convenient pedestrian and cycle links need to be provided to maximise the utility of these amenities.

As a guide, a contribution of £50,000 would assist with the creation of these links, in liaison with previous undertakings from the developer and the planning authority.

Pedestrian Crossing

In view of the increased pedestrian activity associated with the site, consideration should be given to the introduction of a

pedestrian priority crossing on Waddington Road. In these circumstances, it is suggested that a zebra crossing would be most appropriate form of crossing to consider.

As a guide, the introduction of a zebra crossing would cost in the region of £15,000 to £20,000, depending on the necessity for any servicing alteration and other associated highway works.

Traffic Regulation Orders

- (i) The existing 20mph Speed Limit transition point is to the north of Milton Avenue. With the introduction of additional vehicular activity and turning movements from Waddington Road, it would be appropriate to provide an additional buffer within the 20mph area of operation. For this reason, the 20mph Speed Limit should be extended further to the north on Waddington Road and to include access to the cemetery.

The costs of preparing, advertising and bringing the TRO into operation to be met by the applicant.

- (ii) There is the potential for on street parking along Milton Avenue as there is no existing Traffic Regulation Order (TRO) prohibiting waiting. The junction with Waddington Road operates successfully at present, serving fewer than twenty dwellings. With the introduction of additional traffic generated by the proposed development there will inevitably be further demand focused at this junction.

For that reason, it is recommended that a Traffic Regulation Order introducing junction protection measures, prohibiting waiting at any time, be introduced on the following lengths of road:-

- a. Milton Avenue, south east side, from its junction with the centreline of Waddington Road for a distance of 13m in a south westerly direction.
- b. Milton Avenue, north west side, from its junction with the centreline of Waddington Road for a distance of 19m in a south westerly direction.
- c. Waddington Road, south west side, from a point 9m north west of its junction with the centreline of Milton Avenue, for a distance of 18m in a south easterly direction.

The costs associated with the processing of the proposed TRO and the introduction of the necessary measures to establish the Order on site to be met by the Applicant.

This TRO will be of benefit to the efficient operation of the

junction as it will enhance access by reducing the potential for delay with ingress and egress onto Waddington Road as a consequence of parked vehicles. There will also be benefit to pedestrians, as visibility will be improved in the vicinity of the junction.

However, the design capacity of the existing junction will accommodate the combined number of existing and anticipated vehicle movements.

On this basis, should the TRO not progress, for whatever reason, this would not raise any specific highway safety concerns and would not be viewed as a justification for raising an objection to the proposal on highway safety grounds.

Travel Plan

Individual Travel Plans should be developed and approved by LCC Travel Plan team, timescales for which would be agreed as a condition of planning approval.

For a development of this size, a contribution of £6,000 is required to enable Lancashire County Council Travel Planning team to provide a range of services as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008.

Future Items to be discussed under Reserved Matters:-

There are a range of highways issues that will have to be resolved through Reserved Matters and these will include, but not be exclusive to, the following.

Parking Provisions

The application quotes an indicative total of 100 car parking spaces for the 50 residential units proposed, 15 of which will be defined as affordable. This corresponds to the appropriate level of provision for the various house types and layout shown on plan.

However, the site plan provided does not specify house types and bedroom sizes. This detail is relevant to the assignment of parking spaces and the overall level of provision may be required to vary from this initial assessment.

Garaging

In relation to the parking provisions, there are no indications concerning the use of integral garaging on the site. For any

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CONTRIBUTIONS:

such provision, 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. A condition should be attached to any future consent regarding this.

This consultation response outlines the Planning Contribution request for Lancashire County Council Services based upon their 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.

EDUCATION

Originally commented on 30 November 2011 as follows:

Development details: 50 dwellings

Primary place yield: 18 places

Secondary place yield: 13 places

Local primary schools within 2 miles of development:

Clitheroe Pendle Primary School

St Michael And St John's RC Primary School Clitheroe

Clitheroe Brookside Primary School

St James' Church Of England Primary School Clitheroe

Clitheroe Edisford Primary School

Waddington And West Bradford C of E Primary

Chatburn Church Of England Primary School

Projected places available in 5 years: -6

Local Secondary schools within 3 miles of the development:

Clitheroe Royal Grammar School

Ribblesdale High School/Technology College

Projected places available in 5 years: 62

Requirement based on projections and impact of other developments:

Primary

*Latest projections*¹ for the local primary schools indicate that there will be a shortfall of 6 places 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. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 18 places.

Secondary

*Latest projections*¹ for the local secondary schools indicate that there will be 62 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 24 additional pupils, which are expected to attend one of these secondary schools. Therefore, the number of remaining places would be 62 less 24 = 38 places.

Therefore, we would not be seeking a contribution from the developer.

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:

Henthorn Road*
Chatburn Old Road*

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 76 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 18 primary places.

Calculated at 2011 rates, this would result in a claim of:
Primary places: 18 @ (£12,257x0.9) x1.1072= £219,849
Total contributions: £219,849

NB: If any of the pending applications listed above are approved prior to a decision being made on this development a claim for 13 (the full pupil yield of this development) secondary school places could be made against this development. Calculated at 2011 rates, this would result in a maximum secondary claim of:

Secondary places: 13 @ (£18,469*0.9) x1.1072= £239,252
The total of the claim would therefore increase to a maximum of: £459,101

A revised response was received on 16 April 2012 that updated the calculation made in respect of primary places in respect of the indexation factor applied. This reduces the education claim to £209,484

Latest projections produced at Spring 2011, based upon Annual Pupil Census January 2011.

** - Indicates that a claim has been made against these developments for an education contribution. If an education contribution is secured against any of these developments they will not be counted towards the impact upon the shortfall of places and thus the secondary school provision would not be required.*

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 £24,000

SUMMARY

By way of summary, the likely planning contribution request for Lancashire County Council services is as follows:-

Education £209,484
Waste Management £24,000

- COUNTY ARCHAEOLOGY: There are no significant archaeological implications.
- ENVIRONMENT AGENCY: Have no objection to the development subject to the imposition of conditions.
- UNITED UTILITIES: Have no objections to the development subject to the imposition of conditions.
- ADDITIONAL REPRESENTATIONS: A total of 84 letters of objection have been received. Members are referred to the file for full details of these which can be summarised as follows:
1. The submitted Transport Assessment is based on false assumptions and is fundamentally flawed underestimating the impact of additional traffic that would be generated by the development thus undermining the viability of the scheme eg the traffic counts were taken when Moorlands School was on holiday.
 2. If the measures suggested in the Transport Assessment are taken for sightlines where will the displaced cars park?
 3. The unadopted road running down to the playground will become a shortcut (rat run) and this coupled with a general increase in traffic volumes in the area would make it dangerous for children coming and going to the playground.
 4. The roads that will be used to access this proposal are unable to accommodate the increased volume of traffic, let alone construction traffic, due to the design of the existing development which was built in the first half of the last century when vehicles were not as abundant.
 5. Milton Avenue was designed to be an avenue not a thoroughfare for a housing estate.
 6. The area is congested enough with the large volume of traffic using the roads around – car park and post office sorting office without further housing.
 7. Parking is already a problem for residents as many people working in the town centre prefer to park on the streets rather than paying to use the public car park.
 8. Pedestrian access to the town centre under the railway bridges on Waddington Road and by the bus terminus is not very safe at the moment. Increased traffic will increase the danger.

9. Any HGV traffic accessing the site would have to travel through Waddington as access from Waddington Road cannot be achieved through Clitheroe itself as the bridge heights do not allow such traffic.
10. Any further development should be located on the bypass side of town therefore allowing for reduced town traffic – Clitheroe cannot provide the work for all the people moving into such developments and anyone moving into the town is more likely to find work out of town consequently the need to get to the bypass should be a major consideration for any development.
11. On several occasions in the past few years the houses near to the bridge have come very close to being flooded and there has been flooding in the field itself.
12. Question whether the proposed development and existing sewerage system will be compatible in terms of size of sewer, its level for connection and gradient for proposed flushing.
13. The infrastructure of the area is not adequate enough to support any further housing – school, health care (doctors and dentists), emergency services, water supply, drainage, gas and electricity supply.
14. Reference to frequent flooding under the Waddington Road railway bridge at which point traffic takes the alternate route off Waddington Road ie Chester, Cowper and Milton Avenue.
15. Believe the land is green belt.
16. Question whether all brownfield sites and empty properties have been considered and reviewed prior to any greenfield site request.
17. Granting of the application would prevent a more viable use of the site for accommodating the elderly.
18. We should retain land for agriculture.
19. There is no necessity to build more houses when there are so many empty properties and others for sale or rent – who will buy them?
20. The development is not in keeping with the local area nor supports the Local Plan and requirements for additional affordable housing within the Clitheroe area.

21. The planning application leaves opportunity for further access and development into the field containing the old barn.
22. Some of the properties will allow direct views into neighbouring elderly persons flats.
23. Loss of privacy and security.
24. Loss of light.
25. Detrimental/disturbance to wildlife – bats, birds, small mammals.
26. Loss of view.
27. Detrimental impact on house prices.
28. The plans are out of date as they show the corporation yard which was developed a number of years ago.

Proposal

This is an outline application to develop a site of approximately 1.23 hectare for residential use. The matters of access are being applied for at this time with the number of dwellings stated as 50.

With regard to the mix of dwellings this has not been fixed at this time, however information submitted with the application indicates a mix of detached, semi-detached and terraced units of varying sizes. In terms of scale, the majority of blocks will be two-storey in height with 2.5 storey blocks in key locations if required to terminate important vistas. The proposed sizes are expressed in the submitted Design and Access Statement as maximums of 9.6m width, 11.2m depth and 8.3m high and minimum dimensions of 4.5m width 8.1m depth and 8.1m high.

The proposed layout is a matter reserved for consideration at a later date. However a master plan has been provided in accordance with the regulations and this shows a single point of access leading from Milton Avenue. The layout is in the form of a cul-de-sac and retains an access route to the farmland to the north-west.

The scheme makes provision at 30% of the total number of dwellings proposed on site for affordable units. This equates to 15 units offered as a split between shared ownership and rental units.

Site Location

This is a greenfield site set to the west of Chester Avenue car park that lies within the settlement boundary of Clitheroe. There are residential properties to its south (Corbridge Court) and north (the end terraces and semi-detached dwellings fronting Milton Avenue and Cowper Avenue), the aforementioned car park and a children's playground are to its east with open fields beyond the settlement limit to the west.

The site is generally square in shape with land levels sloping gently from northwest to southeast and an established tree belt separating it from the car park to the east. There is a hedgerow to its northern, southern and western boundaries with a barn immediately beyond the northwest corner of the site.

Relevant History

3/2000/0196/P – Residential development engineering operations. Withdrawn.

6/2/795 – Outline application for use of land for residential purposes. Refused 29 April 1960.

Relevant Policies

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy G11 - Crime Prevention.

Policy ENV6 - Development Involving Agricultural Land.

Policy ENV7 - Species Protection.

Policy ENV9 - Important Wildlife Site

Policy ENV10 - Development Affecting Nature Conservation.

Policy ENV13 - Landscape Protection.

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

Policy H21 - Affordable Housing - Information Needed.

Policy RT8 - Open Space Provision.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Affordable Housing Memorandum of Understanding.

Addressing Housing Needs.

Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 19 Consultation Draft.

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 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.

National Planning Policy Framework.

Technical Guidance to the National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application are the principle of development, highway safety, ecological interests, 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 development plan policies.

At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that at the heart of the NPPF is a presumption in favour of sustainable development which means that for decision making purposes that:

- *Where the development plan is absent, silent or relevant policies are out of date, granting permission unless*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
 - *specific policies in this framework indicate development should be restricted.*

The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable sites. As at 1 April 2012, Ribble Valley can demonstrate a 5.2 year supply of housing including a 10% allowance for slippage, but no detailed site adjustments for deliverability.

The issue of a five year supply is a somewhat complex one as we move forward with the preferred development option in the Core Strategy at a time when government advice has highlighted that the Regional Strategy (RS) is soon to be abolished and that it will fall upon LPAs to determine what the housing requirement should be for their own borough. The most relevant policies of the RS are those that relate to housing requirements (Policy L4) and affordable housing (Policy L5). The Council has established that it will continue to determine planning applications against the existing RS figure of 161 dwellings per year in line with Government Guidance and as Members will recall, this is a minimum requirement not a maximum. Even though the Council is undertaking a review of its housing requirements as part of the plan making process, the requirement going forward is most appropriately addressed within the Core Strategy examination and statutory plan making process. Therefore, whilst mindful of the figure of 200 dwellings per year, agreed by a special meeting of Planning and Development Committee on 2 February 2012 as the annual housing requirement (following work undertaken by Nathaniel Litchfield & Partners) it is the 161 per year requirement which remains the relevant consideration for decision making purposes on planning applications at this time. As stated, the current figure would appear to demonstrate a 5.2 year supply against that requirement.

I am mindful of the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The site under consideration here is within the saved settlement boundary of Clitheroe. As such, Policy G2 of the DWLP allows for consolidation and expansion of development plus rounding off development. The site is not considered to comply with the definitions of any of these as offered in the supporting text of the policy. However, the policies of the DWLP were formulated during the 1990s with the plan being adopted in 1998 and the basis of the plans formulation was framed around the strategic framework set by the Lancashire Structure Plan. It was against the planned housing requirements in that document that settlement boundaries were drawn and definitions given to appropriate limits of

development so as not to undermine the urban concentration strategy for Lancashire. The circumstances that are prevalent now with the need to meet the requirements of NPPF and maintain a deliverable five year supply of housing are such that this site is considered to meet the three dimensions of sustainable development as outlined in NPPF – economic, social and environmental. Contained within the settlement boundary as it is, and being of a scale that is not considered inappropriate to the locality (Clitheroe being the key service centre in the borough) subject to supporting infrastructure, it is concluded that the use of the site for residential development as a principle would be consistent with the national policy framework, extant Regional Strategy and at the scale proposed the principles of the emerging Core Strategy together with relevant material considerations which the Council must currently take into account.

Affordable Housing

In considering the affordable element of the proposal it is important to have regard to Policies H19 and H21 of the DWLP and the Council's Affordable Housing Memorandum of Understanding (AHMU). It is recognised that the latter has now been superseded by the document entitled Addressing Housing Needs but given the scheme was submitted in November 2011 and negotiations have been ongoing regarding compliance with the document at the time the scheme was made valid, it has been considered unreasonable to renegotiate the terms on the basis of the document that only came into force in January of this year.

The scheme is submitted with 30% of the site being offered as affordable units. The initial offer made was that 15 units be provided on a shared ownership basis. Since submission, negotiations have been ongoing with the Council's Housing Strategy Officer that have resulted in a revision to the affordable provision on site by a reduction in the amount of shared ownership units to 8 and that 7 of the properties are offered for rental. It is hoped that an RSL would deliver these units but should that not prove to be the case, there is a clause to allow the shared ownership units to be offered as discount sale properties.

Such a clause has been incorporated into other agreements and is agreed to by the Council's Housing Strategy Officer.

The legal agreement content sub heading later within this report provides specific details for the clauses covering the affordable elements.

Highway Safety

It is clear from the observations of the County Surveyor that he has no objection in principle to the proposal on highway grounds. As Members will note many of the objections to this development from nearby residents relate to matters of highway safety and the ability of the existing road network in the area to cope with the traffic generated by this development. In respect of safety there have been no reported collisions involving personal injury during the last five years on Milton Avenue. There has been one collision involving a slight injury at the junction of Milton Avenue/Eastham Street with Waddington Road – the motorist arriving at the junction from Eastham Street. Comments have been received about the suggested mitigation measures as outlined in the submitted Transport Assessment of corner protection measures at the junction of Milton Avenue and Waddington Road to prevent parking at the junction corners and to have no waiting at any time restrictions imposed along the pedestrian route from the site to the Town Centre (including the corners of Chester Avenue) as this can on occasion be blocked by parked cars. The County Surveyor has commented that with the introduction of

additional traffic there will inevitably be further demand focused at the junction of Milton Avenue and Waddington Road and whilst he recommends a Traffic Regulation Order (TRO) introducing junction protection measures, he makes clear that the design capacity of the existing junction will accommodate the combined number of existing and anticipated vehicle movements. Thus he concludes that whilst the TRO would be of benefit to the efficient operation of the junction, should it not for whatever reason progress, this would not raise any highway concern that could be viewed as a justification for objecting to the development on highway safety grounds.

In respect of pedestrian linkages to the town centre referred to in the consultation response from the County Surveyor, an appropriately worded condition could be imposed to require details of all off site works of highway improvement be submitted for approval.

Members will note from the response that a series of financial contributions are sought from the County Surveyor for works associated with this development. To clarify for Members the contributions sought for sustainable transport measures would be used for cycle and pedestrian measures and the development of individual travel plans.

It is noted that LCC consider the costs of preparing, advertising and bringing the TRO into operation should be met by the applicant. As stated the scheme could progress in highway safety terms without the benefit of the TRO ie the need to deliver these works does not arise as a direct consequence of the highway impact of the development proposed and thus I consider it would be unreasonable to seek such contribution for the developer as it is not necessary to make the development acceptable in planning terms.

Public Open Space

On a site 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 sport and recreational facilities within the area where the overall level of supply is inadequate.

Given the proximity of the site to an existing facility, the proposal put forward here is for a commuted sum to be put towards sport and recreational facilities for the under 8s at the adjacent Chester Avenue play area and for older children a contribution to be made towards facilities at the Castle grounds. The total sum of money to be paid is £39,000 (based on a calculation used at Barrow Brook phases 1 and 2) and this will be split between the Town Council and Borough Council as the Chester Avenue facility is owned by the Town Council. Chris Hughes, the Council's Head of Cultural and Leisure Services is liaising with the Town Council on this matter with details to be finalised in the Section 106 Agreement should Committee be minded to approve the application.

Infrastructure Provision

Members will note that there have been objections raised to the development on the grounds of insufficient infrastructure capacity with specific reference made to flooding, drainage and education amongst other things.

The application has been submitted with a Flood Risk Assessment. The site is in Flood Zone 1 which is defined as having little or not probably of flooding and the Environment Agency are satisfied with the assessment submitted. They have requested a condition to require the submission of details of surface water drainage and this requirement is reiterated by United

Utilities. Indeed United Utilities comments that surface water should not be allowed to discharge to the foul/combined sewer as this will help to prevent foul flooding and pollution of the environment. It is conceivable that the most likely source of flood risk from the sewer network that has been referenced by objectors is due to surcharging of the system in periods of intense rainfall. The submitted FRA makes reference to this and comments that foul flooding often occurs in areas prone to overland flow and can result when the sewer is overwhelmed by heavy rainfall and will continue until the water drains away. This is why the Environment Agency and United Utilities have requested a specific condition requiring details of surface water drainage and subject to a satisfactory scheme being designed they do not consider the scheme would lead to an increased risk of flooding in the immediate vicinity.

In respect of education provision Committee will note the comments from colleagues at LCC regarding this matter under the consultee responses section at the beginning of this report. A scheme of this size results in a claim of £209,484 towards primary places but with no contribution towards secondary provision. The applicant is fully aware of the contribution sought and has been in direct contact with LCC regarding this matter. The latest draft version of the Section 106 Agreement includes this provision. Subject to agreement over the clauses within the Agreement there are no objections raised in principle from officers of LCC to the proposed educational aspects of this proposal.

Nature Conservation/Trees/Landscaping/Ecology

As stated previously, this is a greenfield site and the application has been submitted with an Extended Phase 1 Habitat Survey. The site comprises improved pasture and the areas of hedgerow and trees are described as not being of high ecological value although they are likely to support breeding birds. The existing stone farm building to the north western boundary of the site provides suitable habitat for roosting bats with the trees considered to be of low potential value for roosting bats. The survey identifies that the key ecological impacts of the development will include potential impacts to nesting birds within trees and hedgerows and to bats within the stone farm building. Therefore, should the application be approved, conditions will need to be imposed to ensure that any vegetation clearance work takes place outside the bird breeding season and that mitigation for the loss of breeding bird habitat should be provided.

In respect of the tree coverage on site, a tree survey has been undertaken for the trees that separate the site from Chester Avenue car park. Whilst these trees are outside the development site they are within influencing distance of the development and root protection areas have been taken into account in devising the scheme. On the basis of the information provided, the scheme is not considered to significantly affect the established tree belt and again conditions will need to be imposed to ensure the trees are protected during construction work should Committee be minded to approve the application.

Layout/Scale/Visual Amenity

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

An illustrative masterplan has been submitted to show how the scheme would fit into the immediate surroundings with built development along two of its boundaries and car park and

play area to the third. The layout shows a green buffer between the development and existing houses on Milton Avenue and Cowper Avenue with the retention of the existing hedgerow on this site boundary. In visual terms I am of the opinion that no significant detriment would be caused were the development to be approved. The site is within the settlement limit and would be a logical place for this scale of development to take place.

In respect of scale parameters the height limits of 8.1m and 8.3m would not, I consider, appear over dominant when compared with surrounding development. Committee should remember these are an indication of the lower and upper limits for development and further information will then be submitted at reserved matters stage to provide precise details of each unit in terms of scale and appearance.

Objectors have commented that the indicative masterplan provides for a future potential access to the field to the north. Whilst the County Surveyor has made reference to the possible link in his observations, Committee should consider the scheme as presented on its own merits. Should a scheme be devised for the land to the north at some future date that would be assessed at such time under policies that are in place then.

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 on the submitted masterplan. Members should be aware however that layout is a matter reserved for consideration at a latter date and thus the masterplan provided indicates an approximate location of buildings and how the built form could relate to the surrounding residential properties.

To the east of the site are the streets of Cowper Avenue and Milton Avenue which are set at a right-angle to the site meaning it is the gable elevation of three properties that face onto the application site (no's 12 and 19 Milton Avenue and no 20 Cowper Avenue). Reference has already been made to the layout of the proposed development under a separate heading within this report and the approach taken to that means that the development blocks would be set between 22-24m away from the gable elevations of the aforementioned properties (all of which have windows in their gable elevations at first floor facing into the site). I consider this to be sufficient distance between built form so as not to have a detrimental impact in terms of overlooking/overbearing nature of development.

Turning to properties on Corbridge Court. This is a complex of elderly persons accommodation that lies to the south of the site which has its rear elevation facing towards the proposed development. It is a two-storey development that has a stepped footprint meaning distances from the site boundary range from approximately 9m to 5m. The indicative masterplan shows detached properties in this part of the overall site which in the main would be set at a slight angle to the rear elevation of Corbridge Court (only that dwelling facing towards numbers 38 and 39 would appear to have the same exact orientation) with suggested garaging set closer to the aforementioned existing residential accommodation than the proposed rear building lines of the proposed houses. Approximate distances between residential accommodation would range between 19 and 21m with garaging set closer at between 9m to 14m. As already stated layout is not a detailed matter being applied for at this time and the masterplan provided, whilst indicating approximate locations of built form, is for illustrative purposes. Any submitted reserved matters application would need to be in general conformity with the principle of the urban grain as laid out on that plan ie the location, arrangement and design of the development blocks and plot arrangement but further detailed consideration and minor repositioning of

development blocks could be secured at that stage if it was considered necessary in relation to the properties on Corbridge Court. I raise this as Members will be aware that the indicative guideline for facing habitable rooms at first floor ex expressed as 21m in the Council's SPG on extensions and alterations to dwellings. I am of the opinion that there is scope within the site to secure minor repositioning to ensure that the 21m threshold would be met at reserved matters stage should Members be minded to establish the principle of residential development as acceptable on this site. It is for that reason that on the basis of the details being applied for at this stage, and in the knowledge that there is the ability to address this relationship at reserved matters stage, I conclude that the properties to the south of the site would not be so significantly affected by the development in terms of overlooking/overbearing nature of development as to warrant a recommendation of refusal.

Comments have been received about loss of light and loss of privacy but subject to detailed consideration being given to privacy matters at reserved matters stage when precise details are available of window positions in new dwellings, privacy levels should not be significantly compromised. The distances between respective built form has already been referred to in terms of overbearing/oppressive nature of development and I do not consider that any adjacent properties would suffer any significant detriment from potential loss of light were this scheme to proceed.

Section 106 Agreement

The application was submitted with a draft Legal Agreement that covered matters of affordable housing provision. The agreement has been subject to change since the original submission to take account of consultee responses in respect of contributions sought. 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.
- 8 of the units shall be shared ownership properties.
- 7 of the units shall be affordable rental properties.
- Delivery of the affordable units shall be phased with the provision of market units to ensure that not more than 50% of the private housing is occupied until the affordable dwellings are developed.
- In terms of eligibility for the properties, this shall relate to a boroughwide connection.

2. Education

- A sum of £209,484 to be paid in two equal instalments, the first of which being payable on the occupation of 50% of the units and the remainder on completion of the scheme.

3. Highways

- A sum of £73,000 to be paid in two equal instalments, the first of which being payable on the occupation of 50% of the units and the remainder on completion of the scheme.

4. Off-Site Open Space Contribution

- A sum of £39,000 to be paid upon completion of the scheme in respect of the administration and upgrading and management of public open space, namely the play area at the corner of Milton Avenue and Chester Avenue adjacent to the site and the play area in Clitheroe Castle grounds.

5. Wheeled Bin Provision

- To pay upon first occupation of any dwelling the wheelie bin contribution applicable to that dwelling and capped at a maximum sum of £5,000 in respect of the completed site.

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 1-5 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. No development shall begin until 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) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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. The submission of reserved matters in respect of layout, scale, appearance, landscaping and implementation of development shall be carried out in substantial accordance with the Design and Access Statement and Masterplan Drwg No 11-021-1001.

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

4. 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 improvement has been submitted to and approved in writing 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 in order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/work are acceptable before work commences on site.

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

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

6. Prior to occupation of the 1st dwelling a residential Travel Plan to improve accessibility of the site by sustainable modes shall be submitted to and approved in writing by the Local Planning Authority in consultation with Lancashire County Council Highways Travel Plan Team.

The full Travel Plan should include the following matters:

- Appointment of a named Travel Plan Co-ordinator
- Travel survey
- Details of cycling, pedestrian and public transport links to the site
- Details of secure, covered cycle parking
- SMART Targets for non-car modes of travel
- Action plan of measures to be introduced
- Details of arrangements for monitoring and review of the Travel Plan

The approved Travel Plan shall be implemented, monitored and reviewed (including undertaking any necessary remedial or mitigation measures identified in any such review) in accordance with the approved Travel Plan for a period of time not less than 5 years following completion of the development.

REASON: To minimise the use of private cars in the interests of sustainable development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. No development shall begin until details for the provision of surface water drainage works including a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

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

8. In the event that 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) should be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. Works should then be carried out in accordance with the approved strategy.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to ensure that any required remediation strategy will not cause pollution of ground and surface waters both on and off site.

9. No development shall begin until a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, has been 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 Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

10. No development shall take place until details of the provisions to be made for artificial bird (species) nesting sites/boxes have been submitted and approved by the Local Planning Authority. The approved works shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing with the Local Planning Authority.

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

11. No development shall begin until a detailed mitigation strategy has been submitted to and approved in writing by the Local Planning Authority to assess the impact of any works that may affect species identified in the Phase 1 Habitat Survey, their breeding sites or resting places. The details submitted shall include protection, mitigation and enhancement measures in accordance with the Impact Assessment details identified in the Phase 1 Habitat Survey (paras 4.1-4.6 inclusive).

The biodiversity mitigation measures as detailed in the approved mitigation plan shall be implemented in accordance with any specified timetable and completed in full prior to substantial completion or first bringing into use of the development, whichever is the sooner.

REASON: In order to reduce the impact of the development on biodiversity and bat/bird species in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

12. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified on the Tree Constraints Plan Ref:BTC196-TCP and in the Arboricultural Constraints Appraisal dated 8 April 2011 shall be protected in accordance with the BS5837 2012 [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 zones 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 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 Districtwide Local Plan.

13. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) wheel washing facilities
- (vi) measures to control the emission of dust and dirt during construction
- (vii) a scheme for recycling/disposing of waste resulting from construction works

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

14. The dwellings shall achieve a minimum Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: In order to encourage an energy efficient development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

15. 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.

NOTE(S):

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserved 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. 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.
3. 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.
4. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to either soakaway or watercourse and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate.
5. The applicant/developer is advised to contact Graham Perry (Wastewater Asset Protection) at United Utilities to discuss full details of site drainage proposals.

APPLICATION NO: 3/2012/0065/P (GRID REF: SD 372512 435891)
OUTLINE APPLICATION FOR NEW RESIDENTIAL HOUSING DEVELOPMENT
COMPRISING 12 HOUSES (3 NO TERRACED AND 9 NO DETACHED) (4 NO AFFORDABLE
AND 8 NO MARKET HOUSING) INCLUDING ACCESS WAY AND TURNING HEAD TO LCC
CRITERIA, NEW ACCESS TO NEW FOUL WATER PUMPING STATION (EXISTING
PUMPING STATION TO BE DEMOLISHED) ON LAND AT DALE VIEW, BILLINGTON

PARISH COUNCIL: Objects to this application as it is a further erosion of the green space in Billington. They are concerned about the increased volume of traffic and the access to and from the site. The ratio of affordable housing is lower than expected. The Parish Council are aware that the site has been liable to flooding in the past.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

The junction of Dale View and Whalley New Road was improved as part of the adjacent Redrow development some years ago and would comfortably be able to cope with the additional traffic generated by 12 new dwellings. There is therefore no objection on highway safety grounds to this proposal.

This is an outline application and details of the internal highway layout are at present described as indicative. However, it is assumed that the intention is for the highway infrastructure within the development site to be adopted by the Highway Authority, in which case an agreement under Section 38 of the Highways Act will be required between the developer and Lancashire County Council. It should be noted that Dale View has not yet been adopted by the Highway Authority.

LCC (COUNTY
CONTRIBUTIONS
OFFICER):

No contribution is sought towards sustainable transport measures.

Based on the latest assessments, a contribution of £52,589 is requested towards the provision of 12 secondary school places. No request is made in relation to primary school places. A contribution of £5,760 is requested towards waste management.

ENVIRONMENT AGENCY:

Has no objections in principle to the proposed development provided that water run-off from the site is restricted to existing rates in order that the proposed development would not contribute to an increased risk of flooding. This would be achieved by the imposition of a condition stating that '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'.

The Environment Agency also recommends a number of informatives to be attached to any planning permission. These relate to a watercourse that adjoins the site and contain advice relating to Sustainable Drainage Systems (SUDS). The informatives are included in a letter dated 8 March 2012 that the Environment Agency copied to the applicant's agent.

UNITED UTILITIES:

Originally objected to the application, but only for the reason that a waste water pumping station within the application site (and affected by the proposed development) is owned by United Utilities but no formal notice had been served on them by the applicant.

This oversight by the agent was corrected by the service of the appropriate notice on United Utilities and the submission of Certificate B to the Local Planning Authority.

United Utilities now has no objections to the proposed development on the basis that a new pumping station would be provided by the developer and that ownership of this new pumping station would be transferred by the applicants to United Utilities.

ADDITIONAL
REPRESENTATIONS:

Letters have been received from 7 nearby residents. The objections contained in the letters are summarised as follows:

1. The additional use of the junction of Dale View with Whalley Road, that has limited visibility, would be detrimental to highway safety. Dale View is on a steep hill that is not gritted in winter. Additional traffic using Dale View in winter would also be detrimental to highway safety. There are also two undeveloped areas on Dale View. Should these also be developed in the future the highway safety problems would be further exacerbated.
2. The existing undeveloped areas (one of which is an "eye-sore") should be developed before consideration is given to granting permission for further houses.
3. The proposal would exacerbate existing flooding problems in the area.
4. The difficulties, risks and disruption to existing residents as a result of the alterations to the sewage system has not been properly addressed.
5. Local services are already under strain due to significant recent house building in the locality. The proposal would exacerbate that existing unsatisfactory situation.
6. This is a greenfield site to which Policies G5 and ENV3 of the Local Plan are applicable. A permission for this development would be contrary to those policies.
7. The proposed terrace of properties would be detrimental to the privacy of adjoining properties and would adversely affect their outlook and would block their light.
8. The backs of the terraced houses would face the existing dwellings. This would be detrimental to the appearance of the locality.

9. The 1.8m high fences indicated in the application would be out of keeping with the open plan nature of Dale View.
10. Although the site has been identified in the SHLAA exercise as potentially suitable for development, the LDF has not yet been approved and the Council should not approve applications such as this until the LDF has been agreed. To do so would undermine the consultative approach underpinning the LDF.
11. The submitted Ecological Survey Report concludes that there would be no harm to wildlife including bats. Has this been checked by the Countryside Officer?

Proposal

The application seeks outline permission for a development of 12 houses, 8 of which would be market housing and 4 would be affordable, and for a new foul water pumping station to replace the existing pumping station within the site that is to be demolished. All works involving the pumping station would be carried out with the full involvement of United Utilities who own the existing pumping station and the land upon which it stands. The appropriate Notice has been served by the applicants upon United Utilities.

Permission is sought at this stage only for the means of access, with the matters of appearance, landscaping, layout and scale reserved for consideration at reserved matters application stage. The layout plan submitted with the application is therefore for illustrative purposes only at this stage.

The access into the site (for which permission is now being sought) is in the form of a single 4.5m wide access way directly off the existing highway of Dale View.

Although only indicative at this stage, it is stated that the eaves of the properties would be no more than 5.05m and the ridge height no more than 8.075m; and that it is anticipated that the dwellings will be constructed from brickwork with tiled roofs to be in keeping with the existing Dale View development.

Three existing footpaths run close to the three boundaries of the main triangular part of the application site. These will require to be slightly repositioned through the appropriate footpath diversion procedure.

The proposal does not involve the provision of any public open space within the site. In view of the proximity of the site to the existing (Parish Council controlled) playground on Whalley Road, Billington, the Council's Community Development Manager considers it appropriate in this case to require the payment of a sum towards the improvement of existing local facilities (not restricted exclusively to the existing Billington playground) in lieu of on site open space provision.

Site Location

The main part of the application site is a triangular piece of land adjoining the northwestern edge of the existing Dale View development. The existing pumping station is located within the site close to its northwestern corner. The replacement pumping station would be constructed on a small approximately square piece of land attached to that corner of the main part of the site.

The site is just outside the western settlement boundary of Billington and is adjoined to the south, west and north by other undeveloped land.

Relevant History

None.

Relevant Policies

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy ENV7 - Species Protection.

Policy ENV13 - Landscape Protection.

Policy H20 - Affordable Housing - Villages and Countryside.

Policy L4 – Regional Housing Provision – Regional Spatial Strategy (RSS).

Policy L5 – Affordable Housing – RSS.

Addressing Housing Need in Ribble Valley – Housing Policy.

National Planning Policy Framework.

Core Strategy 2008-2028 A Local Plan for Ribble Valley, Regulation 19 Consultation Draft.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application relate to the principle of the development and the effects of the proposal upon visual amenity, the amenities of nearby residents, the ecology of the site and highway safety.

Principle of Development

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local development plan policies.

At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that at the heart of the NPPF is a presumption in favour of sustainable development which means that for decision making purposes that:

- *Where the development plan is absent, silent or relevant policies are out of date, granting permission unless*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
 - *specific policies in this framework indicate development should be restricted.*

The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable sites. As at 1 April 2012, Ribble Valley can demonstrate a 5.2 year supply of housing, including a 10% allowance for slippage but no detailed site adjustments for deliverability.

The issue of a five year supply is a somewhat complex one as we move forward with the preferred development option in the Core Strategy at a time when government advice has highlighted that the Regional Strategy (RS) is soon to be abolished and that it will fall upon LPAs to determine what the housing requirement should be for their own borough. The most relevant policies of the RS are those that relate to housing requirements (Policy L4) and affordable housing (Policy L5). The Council has established that it will continue to determine planning applications against the existing RS figure of 161 dwellings per year (in line with Government guidance) and as Members will recall, this is a minimum requirement not a maximum. Even though the Council is undertaking a review of its housing requirements as part of the plan making process, the requirement going forward is most appropriately addressed within the Core Strategy examination and statutory plan making process. Therefore, whilst mindful of the figure of 200 dwellings per year, agreed by a special meeting of Planning and Development Committee on 2 February 2012 as the annual housing requirement (following work undertaken by Nathaniel Litchfield & Partners) it is the 161 per year requirement which remains the relevant consideration for decision making purposes on planning applications at this time. As stated, the current figure would appear to demonstrate a 5.2 year supply against that requirement.

I am mindful of the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The site under consideration here is just outside the saved settlement boundary of Billington. As such, Policies G5 and ENV3 of the DWLP are applicable, and the proposed development would not fall within any of the categories of development defined by that Policy as permissible. However, the policies of the DWLP were formulated during the 1990s with the plan being adopted in 1998 and the basis of the plans formulation was framed around the strategic framework set by the Lancashire Structure Plan. It was against the planned housing requirements in that document that settlement boundaries were drawn and definitions given to appropriate limits of development so as not to undermine the urban concentration strategy for Lancashire. The circumstances that are prevalent now with the need to meet the requirements of NPPF and maintain a deliverable five year supply of housing are such that this site is considered to meet the three dimensions of sustainable development as outlined in NPPF – economic, social and environmental. Located just outside the settlement boundary as it is, and being of a scale that is not considered inappropriate to the locality, it is concluded that the use of the site for residential development as a principle would be consistent with the National Planning Policy Framework and the extant Regional Strategy. It is also not considered that this development of only 12 houses would in any way undermine the Council's emerging Core Strategy.

A draft Section 106 Agreement has been submitted with the application to cover the matters of affordable housing and financial contributions. In relation to the former, the draft Agreement states that two of the affordable units would be affordable rental and the other two would be shared ownership. The Council's Strategic Housing Officer has confirmed that the house types and tenure are as we would request and that the development is therefore in accordance with the requirements of "Addressing Housing Need in Ribble Valley – Housing Policy". The draft Agreement also undertakes to pay the financial contribution to education provision requested by

the County Council. The draft Agreement will need to be amended to also include a financial contribution towards the provision of wheelie bins and a financial contribution in lieu of the on site provision of open space.

Subject to the completion of an appropriate Section 106 Agreement it is considered that, in the current policy context, the proposed development is acceptable in principle.

Visual Amenity

Subject to appropriate design and external materials at reserved matters stage, from the east the proposed dwellings would appear as an extension to the existing housing development at Dale View. From the west, the development would be visible from the A59, but it would be viewed against the existing Dale View development that is on higher ground. In this wider context it is not considered that the proposal would be detrimental to visual amenity.

However, although the layout at this stage is illustrative only, I consider that the rear gardens of the terrace of houses enclosed by 1.8m high closed boarded fences would, in the proposed prominent location at the front of the site, detract from the overall appearance of the development. This matter, however, will be further considered at reserved matters application stage, but I consider it appropriate to make it clear in a condition that this particular element of the illustrative layout is considered to be unsatisfactory.

Residential Amenity

The development will undoubtedly affect the outlook/view from a number of existing properties on Dale View. That, however, would not represent a sustainable reason for refusal of the application. Even as shown on the submitted illustrative layout drawing, the minimum distance between the rear elevation of the terrace of houses and an existing dwelling is approximately 23m. This would satisfy the usual privacy distance requirement of 21m. This matter of protecting the amenities of nearby residents will, of course, be fully and properly addressed at reserved matters application stage.

Ecology of the Site

An Ecological Survey Report submitted with the application has the following two conclusions:

1. The site supports habitat of some, albeit limited, value to wildlife.
2. There is limited potential for use of the areas affected by work for use by protected species, there should be minimal impact on locally important habitat. There is unlikely to be extensive use of the site by bats or any other protected species.

The Countryside Officer has studied the report and concurs with its findings. There are therefore no ecological reasons for refusal of the application.

Highway Safety

Permission is sought at this stage only for the means of access into the site. The County Surveyor has expressed no objections to the access as detailed in the application.

Section 106 Agreement Content

In accordance with the draft Agreement submitted with the application, the Agreement will cover the provision and retention in perpetuity of four affordable housing units (two affordable rental and two shared ownership) and the payment by the applicant of £52,598 towards the provision of secondary education.

Members will note that it is not proposed to request the sum of £5,760 requested by LCC towards waste management. That requested contribution is in accordance with the County Council's policy paper "Planning Obligations in Lancashire" which has not been formally 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, public open space and education.

The submitted draft Agreement will need to be amended to also include a requirement for the developer to fund the administration and delivery cost of £90 per unit towards the provision of wheeled bins (£1,080) and also the payment of a commuted sum towards the improvements of existing local recreational facilities.

On a number of previous applications elsewhere in the Borough, the sum of £781 per property has been requested in similar circumstances. To be consistent with those previous cases it is proposed in this case to request $12 \times £781 = £9,372$.

Conclusion

Subject to a prior appropriate Section 106 Agreement, the proposed development is considered to be acceptable in principle when considered in relation to the relevant saved policies of the Local Plan and the sustainability requirements of the National Planning Policy Framework.

SUMMARY OF REASONS FOR APPROVAL

The proposed development is acceptable in principle and would not have any seriously detrimental effects upon visual amenity, the ecology of the site, the amenities of nearby residents or 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 the 'Section 106 Agreement Content' 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 and the sustainability requirements of the National Planning Policy Framework.

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

In relation to the reserved matter of layout, the Council considers the position and orientation of Plots 10, 11 and 12 (as shown on illustrative drawing no GeI/454/1315/02) with rear garden fences facing Dale View, to be detrimental to visual amenity. This particular detail of the layout should be reconsidered in any reserved matters submission.

REASON: For the avoidance of doubt to determine the scope of the outline permission.

6. 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 should be completed in accordance with the approved plans.

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

NOTE(S):

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. Footpath no's 40 and 41 in the Parish of Billington affect the site.
2. The applicant is advised of the need to comply with the guidance contained in the letter to the Local Planning Authority from the Environment Agency dated 8 March 2012, a copy of which was sent to their agents Gary Hoerty Associates.

APPLICATION NO: 3/2012/0261/P (GRID REF: SD 375167 446130)
APPLICATION FOR THE DISCHARGE OF PLANNING OBLIGATIONS RELATING TO A SECTION 106 AGREEMENT, TO ALLOW THE PREMISES TO BE OCCUPIED AS PERMANENT RESIDENTIAL ACCOMMODATION IN LINE WITH PLANNING CONSENT 3/2011/1055P AT WHITEHALL FARM, WHITEHALL LANE, GRINDLETON.

PARISH COUNCIL: No observations received.

ADDITIONAL REPRESENTATIONS: No observations received.

Proposal

Consent is sought to discharge the provisions of a legal agreement that covers an attached barn used as a holiday let at Whitehall Farm (application 3/2002/0833). The Agreement outlines that the holiday cottage should not be occupied or let to any one person or groups of persons for a continuous period of more than three months in a calendar year, that it should not be used as permanent accommodation and that a monitoring report be provided to the Council detailing lettings. The relaxation of the provisions outlined in the S.106 agreement will allow the unrestricted use of the barn as a permanent residential dwelling.

Site Location

Whitehall Farm comprises of the original farmhouse with an attached barn, which was converted for use as a separate dwelling and holiday-let (application 3/2002/0833). The property is located off Whitehall Lane, to the north-west and just outside of the main settlement of Grindleton within an Area of Outstanding Natural Beauty.

Relevant History

3/2002/0833 – Conversion of barn to form one dwelling and holiday cottage (re-submission) – Approved conditionally 9th January 2003

3/2011/1055 – Application for the removal of condition no. 11 (occupancy period) and condition no. 13 (S.106 agreement), of planning consent 3/2002/0833P – Approved 13th February 2012.

Relevant Policies

Policy G1 – Development Control
Policy G5 – Settlement Strategy
Policy ENV1 – Area of Outstanding Natural Beauty
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
Policy H23 – Removal of Holiday Let Conditions
NPPF – National Planning Policy Framework

Environmental, AONB, Human Rights and Other Issues

An application was submitted (3/2011/1055) for the removal of condition no. 11 (occupancy period) and condition no. 13 (S.106 agreement) of planning consent 3/2002/0833P, which related to the use of the attached barn to be used as part residential dwelling and part holiday-let.

Approval was granted to remove the planning conditions to permit an unrestricted residential use.

This application is the next step in formally revoking the Section 106 agreement by way of a deed of release. As the principle of residential use has been granted and has already been established acceptable in planning policy terms, and the proposal accords with presently applicable policies as outlined above, I therefore recommend the application 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 and minded to approve the deed of release or revocation of the S.106 agreement.

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

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> |
|------------------------|---|--|
| 3/2011/0622/P | Conversion of barn into holiday accommodation as part of a change of use application | Dilworth Barn Back Lane Newton-in-Bowland |
| 3/2011/0723/P | Proposed erection of 3 No commercial units to provide optional/mixed use development for Class A1 retail, Class B1 business, Class B2 general industrial and Class B8 storage and distribution | Clitheroe Auction Mart Lincoln Way Clitheroe |
| 3/2011/0760/P | Remove the damaged cement render from the outside wall and replace with one of the following: 1. point stonework (if suitable); 2. re-render (unpainted) | 15 Lowergate Clitheroe |
| 3/2011/0863/P | Retrospective application for single storey rear extension | 23 Preston Road Longridge |
| 3/2012/0889/P | Refurbishment of existing health and leisure club incorporating construction of a single storey extension to the north east elevation and alterations to fenestration by building up an existing opening and forming new window and door openings | Carter Leisure Chatburn Road Clitheroe |
| 3/2011/0890/P | Extension to health and leisure club to form new entrance/reception area with a viewing terrace over at first floor level (south eastern elevation) and construction of open viewing terrace at first floor level (north eastern elevation) | Carter Leisure Chatburn Road Clitheroe |
| 3/2011/0943/P | Application to discharge condition no 5 (details and materials of internal site roads) and condition no 6 (landscaping) of planning permission 3/2010/0485/P | Northwood Longsight Road Clayton-le-Dale |
| 3/2011/0969/P | Proposed equestrian stable block and exercise ménage | Calder Farm, Settle Road Bolton-by-Bowland |
| 3/2011/0980/P | Demolition of timber framed house and farm office and erection of a granny annex and use of land for that purpose | Eastham House Farm Clitheroe Road Mitton |
| 3/2011/0984/P | One wall mounted sign on the front elevation | Pullman House 2-4 Duck Street, Clitheroe |

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> |
|------------------------|---|---|
| 3/2011/0999/P | Proposed rear single storey extension | 9 Ribblesdale Road Ribchester |
| 3/2011/1042/P | Single storey extension to form conservatory, breakfast/conference room with toilets and kitchen facility | The Avenue Hotel The Avenue Brockhall Village |
| 3/2012/0049/P | Application for a non-material amendment to planning permission 3/2011/0144/P (stable block) for the formation o a gable wall (change in roof appearance) to the south-west elevation | Tithe Barn House Whins Lane Simonstone |
| 3/2012/0067/P | Substitution of house type to include use of part of a garage as additional living accommodation | 23 Calderstones Green Pendle Drive Whalley |
| 3/2012/0070/P | Conversion of barn to two dwellings with the creation of garden and parking area at barn adjacent | Shays Cottage Tosside |
| 3/2012/0076/P | Proposed rooflift and garage extension | Innellan, Moor Lane Wiswell |
| 3/2012/0083/P | Proposed single storey garden room extension | Foxfield, Alston Lane Alston, Longridge |
| 3/2012/0091/P | Proposed extension to existing stable block providing 3no. additional loose boxes | Newshams Farm Old Buckley Lane Knowle Green |
| 3/2012/0100/P | Proposed two-storey rear extension with single storey lean-to to form new dining room and bedroom | 2 Hazel Grove Longridge |
| 3/2012/0106/P | Proposed single storey side and rear extension | 15 Green Park Whalley |
| 3/2012/0114/P | Application for the discharge of condition no. 3 (materials) of planning consent 3/2011/1013 | Croft Cottage 2 Grindleton Road West Bradford |
| 3/2012/0122/P | Single storey extension to East elevation | Wilson's Farm Easington Road, Cow Ark |
| 3/2012/0123/P | Proposed bedroom extension over front of the existing garage and tiled roof to existing porch | 79 Moorland Road Langho |
| 3/2012/0131/P | Retention of the existing building and use as workshop/offices adjacent | Roadside Farm Preston Road, Alston |
| 3/2012/0132/P | Erection of general purpose steel portal framed building for agricultural use to be used for indoor lambing of sheep and general storage outside of lambing time (building 1) | Greenlands Farm Thornley |
| 3/2012/0133/P | Erection of general purpose steel portal framed building for agricultural use to be used for indoor lambing of sheep and general storage outside of lambing time (building 2) | Greenlands Farm Thornley |

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> |
|------------------------|---|--|
| 3/2012/0137/P | Construction of new 100-cow cubicle house and assorted yards/roads and slurry lagoon | Fishes and Peggy Hill Farm Henthorn Road, Clitheroe |
| 3/2012/0138/P | Construction of new machinery store and associated roadway | Fishes and Peggy Hill Farm Henthorn Road, Clitheroe |
| 3/2012/0140/P | Erection of a new dairy cubicle building and new access track to facilitate expansion of milking herd | Radholme Laund Farm Cow Ark |
| 3/2012/0142/P | Change of use from shop (Class A1) to financial and professional services office (Class A2). Demolish and rebuild single storey storage room to rear of the premises to same dimensions as original including window in same position | 66 Derby Road Longridge |
| 3/2012/0144/P | Application for a non-material amendment to planning permission 3/2011/0975P, to allow the insertion of a new window in gable of the approved garage extension | West Meath Jacksons Lane Balderstone |
| 3/2012/0145/P | Alterations to the existing driveway | 16 Crow Trees Brow Chatburn |
| 3/2012/0148/P | Proposed replacement domestic garage | 2 Bronte Villas Longworth Road, Billington |
| 3/2012/0152/P | Change of use from class B1 (office use) to class C3 (residential) | Wilkin House Highfield Road, Clitheroe |
| 3/2012/0165/P | Installation of new security fencing, tarmac, picnic area and enclosed garden area with polytunnel | St Augustine's RC High School Elker Lane, Billington |
| 3/2012/0162/P | Application for the discharge of condition no's 3 (materials), 6 (Surface Water run-off) and 7 (Surface Water Regulation System) of planning consent 3/2011/0965/P on land adjacent | 14 Crumpax Avenue Longridge |
| 3/2012/0172/P | Removal of existing detached garage and erection of single storey rear and side extension | 99 Chatburn Road Clitheroe |
| 3/2012/0173/P | Single storey extension to the rear | 3 Langdale Avenue Clitheroe |
| 3/2012/0176/P | Single storey rear extension with glazed balcony above new first floor bay with access to balcony and formation of further door in existing bay window at first floor level for access to the balcony | Hammond Field Hammond Drive Read |
| 3/2012/0181/P | Two storey rear extension | 3 Woodlands Drive Whalley |
| 3/2012/0183/P | Proposed erection of garage with office over and associated site works for disabled use. Re-submission of 3/2011/0745P | Lime Kiln Cottage Bedlam Road Thornley-with-Wheatley |

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> |
|------------------------|---|--|
| 3/2012/0186/P | Ground floor rear extension to provide an extended kitchen diner | 136 Pimlico Road Clitheroe |
| 3/2012/0187/P | Proposed demolition of the former Women's Institute Building and the erection of one dwelling on land | Lynbrook, Longsight Road Clayton-le-Dale |
| 3/2012/0192/P | Proposed widening of existing access off the public highway on land | Clitheroe Road Knowle Green |
| 3/2012/0194/P | New storage container to be located within the existing outdoor compound area of the store for storing trolleys in readiness for van deliveries | Co-operative Food Store Barrow Service Station Barrow Brook Barrow, Clitheroe |
| 3/2012/0195/P | Glazed side extension to the Elmhurst Building | Kemple View Hospital Longsight Road, Langho |
| 3/2012/0201/P | Proposed change of use of unit from Light Industrial (Class B1[c]) to Class D2 – Studio/Personal Training Room | 3 Albion Court Waterloo Road, Clitheroe |
| 3/2012/0202/P | Application to discharge condition no. 4 (materials) of planning permission 3/2011/0605P | 21 Clitheroe Road Whalley |
| 3/2012/0203/P | Extended garden curtilage and erection of a garage and granny annex | Red Rock Sabden Road, Padiham |
| 3/2012/0204/P | Proposed single storey link extension between the existing house and outbuilding | Hodder House Chipping Road, Chaigley |
| 3/2012/0205/P | Proposed front single storey extension | 11 Glendale Drive, Mellor |
| 3/2012/0209/P | Modification to existing pavilion roof to accommodate proposed memorial clock | Clitheroe Cricket Bowling and Tennis Club Chatburn Road, Clitheroe |
| 3/2012/0212/P | The addition of Velux windows to the ground floor living room | Withinreap Barn Moss Side Lane, Thornley |
| 3/2012/0220/P | Ground mounted photovoltaic panels in the garden area | Dugdales Barn Worston |
| 3/2012/0222/P | Application for non-material amendment to planning consent 3/2011/0942 to increase the length of the single storey flat-roofed extension to the rear by 500mm | 89 Peel Street Clitheroe |
| 3/2012/0230/P | Renewal of planning permission 3/2010/0198/P for a portacabin toilet facility next to S417 classroom facility at Samlesbury site – Permission is sought for a further three years to enable a temporary project on site to be completed | Unit S417 Samlesbury Aerodrome Balderstone |
| 3/2012/0233/P | Proposed ground floor bathroom extension with flat lead rolled roof. Proposed detached double garage | Waddington Old Mill Mill Lane Waddington |

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> |
|---|--|--|
| 3/2012/0235/P (PA) & 3/2012/0236/P (LBC) | Creation of ground floor kitchen, dining room, utility and toilet from the attached garage, with hobby room above. Proposed alterations based on minimising any changes to the existing fabric internally and externally | Rodhill Lodge Bolton-by-Bowland |
| 3/2012/0240/P | Application for a non-material amendment to planning permission 3/2011/0558/P, to allow the modification of window facing South East to Sawley Road from glazing up to the roof line to an arch top lintel | Recreation Ground Sawley Road Grindleton |
| 3/2012/0243/P | Proposed canopy over existing flat roofed front bay window extending over existing front door to an existing semi-detached dwelling | 31 Little Lane Longridge |
| 3/2012/0244/P | Proposed single storey extension to side and rear | 2 Beaufort Close Read |
| 3/2012/0246/P | Proposed new extensions to existing dwelling, including new extension to the front elevation to create additional bedroom space, new en-suite and window to the side gable and new side extension to the rear to create a utility room | 13 Abbots Croft Whalley |
| 3/2012/0248/P | Proposed vehicular access including drop kerb to existing footpath/verge to allow off road parking | 70 St Marys Gardens Mellor |
| 3/2012/0257/P | Proposed erection of conservatory to the rear of the property | 9 Haugh Avenue Simonstone |
| 3/2012/0260/P | Raising of rear eaves level and erection of first floor extension over part of existing single storey flat roof extension (Resubmission) | 4 Branch Road Mellor Brook |
| 3/2012/0263/P | Application for the discharge of condition no. 6 (type, coursing and jointing of natural stone) and no. 7 (Velux roof lights) of planning permission 3/2011/0971/P relating to development | Cobden Mill Watt Street Sabden |
| 3/2012/0265/P | Proposed two-storey and single storey rear extensions | 2 Rock Terrace, Whalley |
| 3/2012/0266/P | Application to discharge condition no. 12 (written scheme of investigation), condition no. 13 (bin store) and condition no. 17 (code pre-assessment) of planning consent 3/2010/0001/P | Cobden Mill Watt Street Sabden |
| 3/2012/0267/P | Discharge of conditions 1, 2 and 3 relating to commencement of time, materials and landscaping | Northcote Manor Northcote Road, Langho |

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> |
|------------------------|---|---|
| 3/2012/0282/P | Proposed lean-to single storey rear extension | 77 Taylor Street Clitheroe |
| 3/2012/0290/P | Proposed change of use from Class A1 retail use into 2 no. self-contained ground floor flats | 116 – 118 Bawdlands Clitheroe |
| 3/2012/0331/P | Application for a non-material amendment to planning permission 3/2011/1057P, to allow the length of the proposed dormer to be increased | 20 The Hazels Wilpshire |
| 3/2012/0368/P | Application for a non-material amendment to planning permission 3/2010/0113/P, to allow the addition of windows at first floor level to gable walls, rear gardens to dwellings 1-4 amended; including re-position of pedestrian access to the highway and relocated bench added for public use adjacent to Whalley Road. Land adjacent to | Whalley Road Sabden |
| 3/2012/0371/P | Application for a non-material amendment to planning permission 3/2012/0003/P, to alter the differing roof line to a continuous level, remove porch and allow for a canopy and reduce the size of the outhouse. Alterations to external paving | 5 Root Hill Farm Cottage Dunsop Bridge |

APPLICATIONS REFUSED

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> | <u>Reasons for Refusal</u> |
|------------------------|---|-----------------------------------|---|
| 3/2011/0366/P | Proposed erection of one 32m high, 225Kw wind turbine on land | west of Coal Pits Lane 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 Local Plan, Forest of Bowland AONB Renewable Energy Position Statement and the NPPF. By virtue of its location close to a number of Public Footpaths and dwellings would impact upon the |

Cont/

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> | <u>Reasons for Refusal</u> |
|-----------------|--|--|--|
| Cont... | | | enjoyment of walkers and be to the detriment of the residential amenities of the occupiers of that dwelling contrary to Policy G1 of the Local Plan. |
| 3/2011/0674/P | Revised details of conversion of barn to dwelling, erection of garage, plant room and driveway and garden | Raike Foot Farm Thornley Road Chaigley | The proposal given the extent of rebuild would be tantamount to a new dwelling and as such be contrary to policies H16 and ENV01 of the Districtwide Local Plan and paragraph 55 of the NPPF. The extent of alteration would result tin visual detriment contrary policies ENV1`, H17 of Districtwide Local Plan and guidance in NPPF, paragraph 135. |
| 3/2011/0859/P | Change of use of redundant community centre (Old School House) to a dwelling incorporating an increase in height to create a first floor and an extension to the front | Old School House Lane Ends Grindleton | Contrary to NPPF and Policies G1, ENV1, H16 and H17 of the Local Plan. The proposal by virtue of the proposed alterations to the roof height, the design of the new build element and the use of dormer windows would be visually harmful to the streetscene, be to the further detriment of the character of the building, and would visually affect the character, |

Cont/

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> | <u>Reasons for Refusal</u> |
|--|--|---|--|
| Cont... | | | appearance and setting of this location, without sufficient justification. |
| 3/2011/0893/P | Outline application for one dwelling situated in the old car park | Hodder Place Stonyhurst Clitheroe | Policy ENV1 and NPPF – the proposal does not represent sustainable development and would be detrimental to the visual amenities of the AONB. |
| 3/2011/1001/P | New detached dwelling within the curtilage | 1 Portfield Bar Whalley | Policy ENV4 and Section 9 of the NPPF – harm to the openness of the Green Belt. |
| 3/2011/1078/P | Proposed two-storey rear extension | 18 Kestor Lane Longridge | G1, H10, SPG – Harmful to the amenity of neighbouring residents due to the size and massing of the extension resulting in an overbearing impact and loss of light. |
| 3/2012/0063/P | Proposed two-storey side extension | Gleadale 74 Salthill Road Clitheroe | G1, H10, SPG – Dominant extension to the visual detriment of the property and street scene. |
| 3/2012/0074/P (LBC) & 3/2012/0075/P (PA) | Change of use to the ground floor from a licensed premises to A2 financial and professional use, including internal structural alterations to the ground floor. Upgrade of the existing accommodation including the creation of improved | The Victoria Hotel Market Place Clitheroe | The proposal has an unduly harmful impact upon the character (including setting) and significance of the listed building and the character, appearance and |
| Cont/ | | | |

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> | <u>Reasons for Refusal</u> |
|------------------------|--|--------------------------------|--|
| Cont... | domestic accommodation at first and second floor split into 4 no'd flats with compliant means of escape provision and associated alterations to create a separate entrance | | significance of Clitheroe Conservation Area because of the loss of/alteration to important historic fabric, plan form and external appearance including the removal of interior wall room divisions and stairs, creation of new stairs, obscuring of historic stairs fire places and ceilings, disruption to ground floor proportions by installation of a suspended ceiling and disruption to facade symmetry through creation of an external doorway. This is contrary to Policies ENV20, ENV19, ENV16, G1(a), H16(a) and H17(a) of the Ribble Valley Districtwide Local Plan. |
| 3/2012/0079/P | Proposed extension of wine bar to create a cloakroom (single storey) | Carlitos York Street Clitheroe | Policies G1, ENV16 and NPPF (Section 12) – detrimental effect upon the appearance of the building and upon the appearance and character of the Conservation Area. |
| 3/2012/0081/P | Installation of 3 No conservation style velux roof lights and installation of replacement windows to an existing dwelling | 4 Church Raikie Chipping | The proposal has an unduly harmful impact upon the character and significance of the listed building, the setting of St |
| Cont/ | | | |

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> | <u>Reasons for Refusal</u> |
|------------------------|---|---|---|
| Cont... | | | Bartholomew's Church (Grade II* listed) and the character and appearance of Chipping Conservation Area because the proposed roof lights are conspicuous, incongruous and visually intrusive in the otherwise unbroken and prominent roof slope. This impact will be compounded by the use of artificial slate vents. |
| 3/2012/0094/P | Demolish existing garage and build new larger garage | Ribblesdale House Main Street Gisburn | G1, ENV1, ENV16, ENV19, H10, SPG and NPPF – Inappropriate size, design and materials resulting in cramped development to the visual detriment of the appearance of surrounding properties, the significance of the adjacent Listed Buildings and the wider Conservation Area. Also harmful impact upon the amenity of neighbouring residents by virtue of its overbearing impact and resultant loss of light. |
| 3/2012/0101/P Cont/ | Proposed two-storey extension to provide a dining room at ground floor and bedroom and bathroom | 84 Ribchester Road Clayton-le-Dale | Contrary to Policies G1 and H10 of the Districtwide Local Plan and the |

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> | <u>Reasons for Refusal</u> |
|------------------------|---|---|--|
| Cont... | at first floor | | Council's adopted SPG on alterations and extensions to dwellings. It would result in a discordant feature to the detriment of both the character and appearance of the property and the street scene. |
| 3/2012/0141/P | Alterations and extension at rear of property at ground and first floor level | 2 Huntsmans Cottages Woodfold Park Further Lane Mellor | The proposal will be unduly harmful to the character and significance of Huntsmans Cottage heritage asset and Woodfold Park historic park and garden because of its size, design and prominence and resultant domination of the rear elevation of the historic building range. This is contrary to Policies ENV21 and G1 of the Ribble Valley Districtwide Local Plan and Ribble Valley Supplementary Planning Guidance 'Extensions and Alterations to Dwellings'. |
| 3/2012/0147/P | Single storey rear extension | 47 Avenue Road Hurst Green | G1, ENV1, ENV16, H10, SPG and NPPF – Inappropriate design and materials to the visual detriment of the appearance of the property, Hurst Green Conservation |
| Cont/ | | | |

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> | <u>Reasons for Refusal</u> |
|------------------------|---|----------------------------|--|
| Cont... | | | Area and the Area of Outstanding Natural Beauty. |
| 3/2012/0153/P | Conversion of 4 Stanley Street into 2 no. self-contained flats including extensions, plus creation of a new dwelling to the rear of 4 Stanley Street following the demolition of remains of derelict barn | 4 Stanley Street Longridge | Contrary to Local Plan Policies G1, ENV16 and Policy H10, the SPG – “Extensions and Alterations to Dwellings” and the Planning (Listed Buildings and Conservation Areas) Act 1990. Adverse visual impact on the character, setting and appearance of the CA and impact on residential amenity. |
| 3/2012/0160/P | Demolition of existing shippon and proposed two-storey side extension, porch extension and single storey rear extension | 74 Knowsley Road Wilpshire | G1, H10, SPG, HEPPG, NPPF – Inappropriate and incongruous development to the visual detriment of this traditional property, and the street scene. |
| 3/2012/0164/P | Proposed garage extension with accommodation in the roof to the southern gable elevation with dormer to the front and rear roofslope. Proposed dormer to front elevation of main property and single storey lean-to extension to the rear | 8 Rogersfield Langho | G1, H10, SPG, NPPF – Size, scale, design, massing and siting would interrupt the existing pattern of development to the estate, resulting in an adverse impact upon the appearance of the property and the street scene to the loss of general amenity. |

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> | <u>Reasons for Refusal</u> |
|------------------------|---|---|---|
| 3/2012/0168/P | Single storey conservatory extension to the rear. Re-submission. | Hill House Hesketh Lane Chipping | G1, ENV1, H10, SPG – Inappropriate design and materials to the visual detriment of the appearance of the property and the Area of Outstanding Natural Beauty. |
| 3/2012/0178/P | Full redecoration to the external building in like for like colours. Internal alterations as follows: form new structural opening linking the existing Bar Area to the proposed Dining Area. Removal of asbestos containing artex to the existing Lounge Area, ceiling and reskinned and painted, with new timber beams applied and stained dark. New 1100mm high timber T&G wall panelling, stained dark and polished to all walls within the proposed Dining and Snug Area. New fixed seating to the proposed Dining and Snug Area in a traditional style, having turned legs and deep buttoned backs. New areas of flooring, which include timber, stone, rugs and ceramic tiles. General redecoration throughout – painted finishes to be repainted, existing stained joinery to be restained dark and polished. New joinery to be stained dark and polished. All alterations to enhance and to be sympathetic to the character of the building | Bailey Arms Hotel Avenue Road Hurst Green | The proposal would have an unduly harmful impact upon the character and significance of the listed building because of the loss of and damage to important historic fabric. This includes the removal of walling which maintains the identities and planform of the historic barn and housebody elements, the alteration of flooring and the alteration of ceiling/first floor structures. This would be contrary to Policy ENV20 of the Ribble Valley Districtwide Local Plan. |

CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

| <u>Plan No:</u> | <u>Proposal:</u> | <u>Location:</u> |
|-----------------|--|---|
| 3/2012/0104/P | Application for a Lawful Development Certificate for the removal of the existing detached garage and replacement with a detached outbuilding | Wisteria Cottage 22 St Marys Gardens Mellor |
| 3/2012/0121/P | Application for a Lawful Development Certificate for the proposed installation of a new window to the front elevation, six conservation roof lights to the third floor, a new entrance canopy and the conversion of a window to form a doorway at ground floor level to the rear of the property | Home Farm Cottage 6 King Henry Mews Bolton-by-Bowland |
| 3/2012/0224/P | Lawful Development Certificate for proposed extension to rear of existing garage at | 4 Hawthorn Close Langho |
| 3/2012/0283/P | Application for a Lawful Development Certificate for the proposed construction of a single storey rear extension, dormer to rear elevation and conversion of store (previously garage) to a habitable room | 3 Redwood Drive Longridge |

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> |
|-----------------|---|---|
| 3/2012/0304/N | Proposed secure farm workshop to repair equipment and machinery | Cowgill Farm Sawley, Clitheroe |
| 3/2012/0333/N | Replacement commercial fridge for storage of produce from dairy | Westby Dairy Westby Hall Farm Burnley Road, Gisburn |
| 3/2012/0344/P | Portal frame building to store farm machinery | West Dockber Farm Sawley, Clitheroe |
| 3/2012/0345/P | Portal frame storage building (hay) | Fish House Farm Woods Brow, Balderstone |

SECTION 106 APPLICATIONS

| <u>Plan No</u> | <u>Location</u> | <u>Date to Committee</u> | <u>Number of Dwellings</u> | <u>Progress</u> |
|----------------|--|--------------------------|----------------------------|-----------------------|
| 3/2010/0078/P | Old Manchester Offices Whalley New Road Billington | 20/5/10 | 18 | Back to May committee |

| <u>Plan No</u> | <u>Location</u> | <u>Date to Committee</u> | <u>Number of Dwellings</u> | <u>Progress</u> |
|-------------------------------------|---|--------------------------|----------------------------|---|
| 3/2010/0929/P | Land between 36 & 38 Henthorn Road Clitheroe | 14/7/11 | 8 | Not Signed yet With applicants solicitor |
| 3/2011/0316/P | Land off Preston Road Longridge | 10/11/11 | 60 | Not Signed yet With applicants solicitor & LCC |
| 3/2011/0837/P | Land off Pendle Drive Calderstones Park Whalley | 9/2/12 | 46 | Not Signed yet With applicants solicitors |
| 3/2011/0776/P | Land off Whiteacre Lane Barrow | 12/4/12 | 7 | With Legal |
| 3/2011/0784/P | Old Whalley Nurseries Clitheroe Road Whalley | 12/4/12 | 6 | With Legal |
| Non Housing 3/2011/0649/P | Calder Vale Park Simonstone | 15/3/12 | | Subject to departure procedures so no progress on Section 106 |

| <u>Plan No</u> | <u>Location</u> | <u>Date to Committee</u> | <u>Time from First Going to Committee to Decision</u> | <u>Number of Dwellings</u> | <u>Progress</u> |
|----------------|---|--------------------------|---|----------------------------|--------------------|
| 3/2011/0482/P | Brown Leaves Hotel Longsight Road Copster Green | 8/12/11 | 17 weeks | 18 | Decision 3/4/12 |
| 3/2011/0541/P | Dilworth Lane/Lower Lane Longridge | 10/11/11 9/2/12 | 21 weeks | 49 | Decision 5/4/12 |
| 3/2011/0247/P | Land off Chapel Close Low Moor, Clitheroe | 13/10/11 15/3/12 | 25 weeks | 54 | Decision 2/5/12 |

APPEALS UPDATE

| <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 | — | APPEAL DISMISSED 5.4.12 |

| <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> |
|------------------------|-----------------------|--|------------------------|---------------------------------|--------------------------------------|
| 3/2011/0578 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 | — | APPEAL WITHDRAWN 12.4.12 |
| 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 | — | Awaiting site visit |
| 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 | Hearing | — | Inspector has rescheduled as Hearing |
| 3/2011/0103 D | 13.2.12 | Mr Robert Townson 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 Burnley Road Gisburn | 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> |
|------------------------|-----------------------|--|------------------------|---------------------------------|-----------------------------|
| 3/2011/0982 D | 15.2.12 | Mr David Huyton Proposed construction of a two-storey side extension to existing house to provide living room, utility/W.C. to ground floor and master bedroom suite to first floor (Resubmission of 3/2011/0295P) 33 Victoria Court Chatburn | Householder appeal | — | APPEAL ALLOWED 20.4.12 |
| 3/2011/0624 D | 17.2.12 | Mr Ken Dobson Fit secondary glazing (Listed Building Consent) Vicarage House Vicarage Fold Wiswell | WR | — | Awaiting site visit |
| 3/2011/0620 D | 21.2.12 | Mr Simon Waller 18 PV panels on the South facing roof above the existing roof, inverter and wiring on the inside of the building Root Hill Estate Yard Whitewell Road Cow Ark | WR | — | Awaiting site visit |
| 3/2011/0488 D | 12.3.12 | Mr G Garnett Proposed erection of a single garage within the curtilage of an existing building/dwelling house The Hey Barn Back Lane Newton | Householder appeal | — | APPEAL DISMISSED 27.4.12 |
| 3/2011/0653 D | 13.3.12 | E Smith Proposed erection of a detached two-storey timber building within garden area to create studio at ground floor and storage at first floor 10 Longridge Road Hurst Green | Householder appeal | — | APPEAL DISMISSED 25.4.12 |

| <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> |
|------------------------|-----------------------|--|------------------------|---------------------------------|---|
| 3/2011/0567 D | 16.3.12 | Mr D Ashton Proposed erection of a holiday cottage (Re-submission) Pinfold Cottage Tosside | WR | – | Awaiting site visit |
| 3/2011/0851 D | 27.3.12 | Mrs Sarah Roundell Proposed rear second floor extension and detached single garage to the rear Houghton Farm Cottage Osbaldeston Lane Osbaldeston | Householder appeal | – | AWAITING DECISION |
| 3/2011/0703 O | 16.4.12 | Mr T Brown Proposed erection of a three-bedroom, two-storey detached dwelling with attached garage (Re-submission of 3/2011/0315P) 43 Hawthorne Place Clitheroe | WR | – | Notification letter sent 23.4.12 Questionnaire sent 30.4.12 Statement to be sent by 28.5.12 |

LEGEND

D – Delegated decision
C – Committee decision
O – Overturn

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 24 MAY 2012
title: DESIGNATION OF EXTENSION TO LONGRIDGE CONSERVATION AREA
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: ADRIAN DOWD – PRINCIPAL PLANNING OFFICER (DESIGN AND CONSERVATION)

1 PURPOSE

1.1 To seek Member designation of an extension to Longridge Conservation Area at Stonebridge Mill.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – To protect and enhance the existing environmental quality of our area.
- Community Objectives – The Ribble Valley Sustainable Community Strategy 2007-2013 has three relevant strategic objectives – maintain, protect and enhance all natural and built features that contribute to the quality of the environment. Ensure that the design of buildings respects local character and enhances local distinctiveness. Sustainably manage and protect industrial and historical sites.
- Corporate Priorities - Objective 3.3 of the Corporate Plan commits us to maintaining and improving the environmental quality of the Ribble Valley. Objective 3.8 of the corporate plan commits us to conserving and enhancing the local distinctiveness and character of our towns, villages and countryside when considering development proposals.
- Other Considerations – None.

2 BACKGROUND

2.1 At the 12 April 2012 meeting, Members authorised officers to consult upon proposals for the further extension of Longridge Conservation Area at Stonebridge Mill and to report the results of this to the meeting of 24 May 2012.

2.2 The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 69, states that every local planning authority shall from time to time determine which parts of their area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and, shall designate these areas as conservation areas.

2.3 Section 69 of the Act also states that it is the duty of the local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas.

2.4 The National Planning Policy Framework (March 2012) is relevant:

“Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs” (Achieving Sustainable Development).

Paragraph 7 of the NPPF states that sustainable development has three dimensions. The creation of a high quality built environment and providing support to community cultural well being are part of the **social role**. Protecting and enhancing the built and historic environment is part of the **environmental role**. Paragraph 8 states that these roles (including **economic**) should not be taken in isolation, as they are mutually dependent.

Paragraph 17 ‘Core Planning Principles’ *includes ‘conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations’.*

Paragraph 126 states *“Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- *opportunities to draw on the contribution made by the historic environment to the character of a place”.*

Paragraph 127 states *“When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest”.*

2.5 The idea of including Stonebridge Mill in Longridge Conservation Area was initiated by Longridge Town Council and Longridge Heritage Committee in their response to the Longridge Conservation Area appraisal and review (reported to Committee on 3 April 2007). Following extensive public consultation (which included Taylor & Russell Ltd) the present conservation area boundary encompassing Stonebridge Mill was designated by the Borough Council on 22 May 2008.

2.6 The report to Committee from 6 March 2008 states:

Stonebridge Mill

The opening of the railway stimulated the growth of new steam-powered mills at Longridge and between 1850 and 1874 four textile mills opened. Stonebridge was the first cotton factory and was built by George Whittle in 1850 on Silver Street (Till, 1993). A date stone (possibly relocated) confirms this build date. Aerial photographs suggest the mill's largest building, the weaving shed, was demolished some time in the 1940s to 1960s. However, stone/brick building ranges survive in a 'L' shape around the perimeter of the former weaving shed site. The southern range also forms one side of a courtyard

accessed off the Preston Road (formerly Silver Street) and still retains the mill clock. The surviving mill buildings have been constructed in a combination of sandstone and hand moulded brickwork – this juxtaposition and use of materials suggests a history of alteration and extension. It is likely that the surviving buildings would have been warehousing, offices, engine housing and preparation facilities for the weaving shed. The 1886 Ordnance Survey map shows two terraces of houses on the east side of Silver Street separated by the courtyard entrance. The terraces are constructed in the same hand moulded brickwork as the mill.

2.7 Rothwell M, 'Industrial Heritage: A Guide to the Industrial Archaeology of the Ribble Valley' (1990) suggests the brick boiler house ('hidden' within the modern portal frame building) and adjacent brick engine house were the second set of such buildings on the site and were built in 1877 following the introduction of a 350hp cross-compound engine to replace the original 1850 single beam engine (the original engine and boiler houses survive in the same range further to the west). Rothwell suggests that the brick boiler house 'now extensively altered, appears to have been designed for three boilers'. He also notes that **'along the south side of the mill yard are additional offices and storage buildings, a later weaving shed (c.1910) and a water tower topped with a cast iron tank...the drive for the second shed was carried overhead across the mill yard and the shaft bearing boxes (for oiling) survive along the external wall'**.

2.8 The Longridge Conservation Area Appraisal (The Conservation Studio consultants 2005; subject to public consultation) states:

(i) *'The special interest that justifies the designation of the Longridge Conservation Area derives from the following features: Good example of a Lancashire industrial town; Former cotton mills and local stone quarries were important to the town's development in the C19; Long terraces of mill worker's housing of the mid to late C19' (Summary of Special Interest);*

(ii) *'The map of 1892 shows how the cotton industry had taken over the town with several large cotton mills in the vicinity; Victoria Mill (1862) to the north off Green Lane; Cramp Oak Mill (1851) off Berry Lane; and Stone Bridge Mill (1850) and Queens Mill (1874) off Chatburn Road' (Historic Development and Archaeology: Origins and Historic Development).*

2.9 The Pennine Lancashire Northlight Weaving Shed Study (2010) was commissioned by Design & Heritage Pennine Lancashire with the support of English Heritage, Heritage Trust for the North West, Lancashire County Council and the local authorities of Pennine Lancashire. It provides a practical guide to all those involved in the conservation and development of the unique north light weaving sheds of the region and to generate enthusiasm for their retention and future use.

2.10 The study suggests:

"The key characteristics and benefits of the north light weaving sheds were:

- *large single storey making it easier to house and supervise large numbers of power looms leading to greater production efficiency;*
- *the single storey, 'modular' nature of the structure enabled it to fit to irregular sites and for the buildings to be readily extended as businesses grew;*
- *the single storey sheds were structurally more secure as they avoided the problems of accumulative weight and vibration induced by power looms in multistorey mills spreading the loads across the ground floor;*

- *the provision of high levels of north light uniformly distributed across the full extent of the floor area was imperative to the process of weaving as it increased worker's efficiency and removed shadows which could otherwise disguise faults in the quality of the cloth. The uniformity of the lighting enabled looms to be distributed freely throughout the floor plan;*
- *the provision of top lighting freed the restrictions on size imposed by side lighting or floor spans in multi-storey building which enabled very large deep plan buildings, often housing many hundreds of power looms, to be developed;*
- *simple and relatively cheap construction using a 'standardised' structural system of cast iron columns and beams, timber rafters, slate roof coverings and glazed timber north lights enclosed within coursed stone outer walls. The cast iron structure offered improved fire resistance over the timber floors of multi-storey mills and the structure incorporated all the bracketry necessary to support the power line shafting and belt drives enabling new companies to set up and establish businesses relatively cheaply.*

The number and scale of the weaving sheds has had a significant impact on the urban and semirural character of the Lancashire region. As a group of buildings they stand testament to the significance of the textile industry in the region and contribute greatly to our understanding and knowledge of the ways in which the industry transformed the urban and rural life of the area, influencing the development of towns and elevating small villages to important manufacturing centres. As a group the buildings themselves reflect changes in technology, from water to steam power, advances in manufacturing machinery and the consequential effect on the industrial economy.

Despite the survival rate to date, few mills are legally protected and the pressure to demolish and redevelop the large and potentially profitable sites they occupy intensifies.

It is often the case that buildings with unique and interesting historic fabric are perceived to be problematic for adaptive reuse, either through potential difficulties in obtaining consents, the physical difficulties in adapting the buildings for new uses or the expense of retaining or conserving the fabric of the buildings.

However, the problems associated with the refuse of multi-storey historic buildings are not present when considering the reuse of the northlight weaving sheds. The historic interest of the sheds lies primarily in the quality of their 3 dimensional space and light, the unique industrial quality of their cast iron structures and the historic significance of the buildings as a group in relation to the development of the weaving industry. The buildings themselves are simple, robustly constructed with little or no ornamentation and their simple open plan single storey structure lend themselves well to numerous types of new use without the need for extensive modification of the core historic fabric."

The study summary states:

"The weaving sheds of Pennine Lancashire are an integral part of its landscape and the fabric of its towns. The decline of the manufacturing economy in the region and changing requirements for industrial space has left a surplus of unused industrial buildings and many vacant and empty weaving sheds. The loss of these buildings will have a significant impact on the identity of this area and its cultural, social and community life and in the longer terms its economic strength."

(This guide is available on the Lancashire County Council website.)

- 2.11 The Lancashire Textile Mills Rapid Assessment Survey (June 2008 – March 2012) has been undertaken by Oxford Archaeology North for Lancashire County Council (in partnership with English Heritage which commissioned and funded the project). The survey identifies that 1661 textile-manufacturing sites once existed in Lancashire. Of these, 619 survive, or are partially extant, which equates to a survival rate of 37.27%. (On 9 May 2012, this was revised following the completion of a buildings at risk assessment to 528 and 31.7% respectively).

The rapid assessment report states *'the borough also contains several interesting examples of weaving mills built during the second half of the nineteenth century. In Longridge, Stonebridge Mill (LTM0761) was erected as a purpose-built weaving factory in 1850 and, amongst other buildings arranged around a central courtyard, the site retains two engine and boiler houses'*. (This report, which includes a photograph of Stonebridge Mill is available on the Lancashire County Council website).

The rapid assessment survey was primarily a mapping exercise to quickly identify what was left of the county's textile buildings. A second stage has recently begun with the aim to 'create a typology of the various textile-manufacturing sites in the modern county, and produce a consistently thorough record and interpretation of a representative sample of each type'. **The project brief for this identifies fifty sites to be examined in detail including 'Stonebridge Mill Longridge (early weaving sheds)'. The completed survey will be used to put the rest of the county's mills into context** and to address concerns that 'there has been no systematic evaluation of the stock of the county's textile mills, meaning that the basic questions in respect of quality or rarity could not be answered when development proposals were being considered'. The second stage project proposals emphasise that the earlier survey of Greater Manchester (1992) *'was dominated by cotton-spinning mills, and no detailed surveys were carried out of textile-finishing sites or weaving mills, which were focused largely within the boundary of the modern county of Lancashire. The second stage survey will complement this earlier study, enable imbalances to be redressed, and facilitate a more informed understanding of the textile manufacturing industry in historic Lancashire'*.

The Oxford Archaeology North author of the report also advised officers on 22 October 2009:

*'Longridge had a number of textile mills, although these do not appear to have fared well in more recent times. Stonebridge Mill, on Kestor Lane, is an exception. This weaving shed, dating to 1850, was the first steam-powered mill in the town, and seemingly **retains many important original features, including the boiler house and single beam engine house**. Elements of the site seem to be occupied, but it is probably one to keep an eye on, as I wonder about the buildings' maintenance regime'*.

- 2.12 Munt M., "Listing our Industrial Heritage" in Context 112: November 2009 discusses the recent change in perceptions of the importance of industrial archaeology (with particular regard to English Heritage's 'Principles of Selection': Industrial Buildings Selection Guide" March 2007).

He suggests that

*"industrial heritage assets have evidential value of past activities and their siting can tell us much about the evolution of a settlement and local landforms. They contributed fundamentally to the local economy. They have **illustrative historical value, especially when machinery, internal spaces and external details survive**.*

Their associations with local families or craftsmen have resonance. Their **aesthetic value** can range from the adaptation of vernacular building techniques, to polite architecture in brick, iron or glass. Architects were involved in some of the best examples. They can have **communal value**, having once provided social cohesion – a place of work with associated leisure, educational and housing facilities close by.

Frequently their size, scale and form add much to the diversity of the otherwise low-rise, modest townscapes in villages and smaller towns. They remind us that, until quite recently, people worked as well as lived in these places that are now dormitory settlements.

... the importance of industrial archaeology has not always been recognised... However, this has now been acknowledged in English Heritage's 'Principles of Selection' last revised in 2007, which sets out the approaches to designating buildings. The emphasis is on national significance. However, the guide for industrial buildings recognises regional factors. It aims to achieve a representative sample for each sector of an industry in each region. It also seeks the identification of regional specialisms, which will often have strong claims to note on a national level. This acknowledgement is welcome news. Prior to 2007, industrial buildings had been assessed largely on architectural merit rather than the other values mentioned above. Thematic surveys had highlighted the importance of particular building types. **But the aspects such as the technical processes carried out, structural innovations and the social contexts were not given as much weight as today.**

The loss of historic industrial buildings can seriously impair the legibility of a place. The principle of change to industrial buildings is now accepted in English Heritage's 'Principles of Selection' as not necessarily precluding them from listing, but as showing their state of almost continuous adaptation".

- 2.13 English Heritage's 'Industrial Structures: Listing Selection Guide' (April 2011) discusses textile mills:

"the widespread introduction of powered looms in the second quarter of the century that created a novel type of building, the weaving shed with its distinctive saw-tooth roof with north-lights...

in areas that specialised in weaving, the weaving shed with its engine house and suite of warehouses and offices are self-contained. Weaving sheds often cover huge areas and are by their nature highly repetitive...

Other components will be found on a textile factory site. **Engine houses (to house steam engines to power the line shafting or rope drive) and boiler houses were usually internal in the first generation of mills (late eighteenth/early nineteenth century). It is their larger windows that distinguish them: single, tall and round-headed to house the first single-cylinder beam engines (from the 1820s), paired when accommodating the wider double-beamed engines from the mid 1830s. By the 1850s external engine houses become common and after the 1870s, with the widespread adoption of the compound engine with horizontal cylinders, they can be large and architecturally embellished.** Some early twentieth-century textile factories were electrically powered and may contain generator towers in addition to substantial engine houses. Dye houses (usually tall undivided structures with long, louvred ventilators running the length of the roof) and drying houses (often very long buildings with small windows, sometimes built adjacent to or over the boilers) may be found on integrated sites but also occupied specialized sites of their own. Warehouses

were often important elements on integrated sites. Administrative officers might form part of a warehouse or the mill building; later in the nineteenth century they were often detached and given elaborate architectural treatment, especially when associated with showrooms”.

The designation guide (which I would emphasise is related to building listing rather than conservation area designation) identifies ‘specific considerations when considering industrial structures for designation’:

(i) THE WIDER INDUSTRIAL CONTEXT

More than with many building types industrial structures should be considered in their wider setting. Taking the example of the cotton industry of Greater Manchester, this might extend through all stages: the landing and storage of cotton bales; transporting these via canal or railway to the factory; carding, spinning and weaving on integrated or separate sites; finishing, storing and packing goods; distributing them to the consumer; and recycling waste products. All play their part, and each building needs to be seen within this broader context.

(ii) REGIONAL FACTORS

This involves a regional perspective in the selection of buildings and sites in order to achieve a representative sample for each sector of an industry.

(iii) INTEGRATED SITES

If the process to which a building is related involved numerous components, then the issue of completeness may become overriding. On an integrated site that is relatively incomplete, a single surviving building is unlikely to justify listing unless it is important in its own right. On the other hand, an exceptionally complete site may provide such an exceptional context that it raises the importance of buildings that might otherwise not be listable.

(iv) ARCHITECTURE AND PROCESS

An industrial building should normally reflect in its design (plan form and appearance) the specific function it was intended to fulfil.

(v) MACHINERY

The special interest of some sites lies in the machinery.

(vi) TECHNOLOGICAL INNOVATION

Some buildings may have been the site of the early use of important processes, techniques or factory systems (for instance, coke-based iron production, mechanised cotton spinning, steam power applied to pumping and so on). Technological significance may also reside in the building itself rather than the industrial process it housed.

(vii) REBUILDING AND REPAIR

In assessments for listing, a high level of reconstruction is sometimes the basis for a decision not to list. With industrial buildings, partial rebuilding and repair is

often related to the industrial process and provides evidence for technological change that may in itself be significant enough to warrant protection; alteration can thus have a positive value.

(viii) HISTORIC INTEREST

Where physical evidence of important elements of industrial history survives well, a high grade may be justified; where survival is less good, there may still be a case for designation, but judgment will be required. In some cases historic association with notable achievements may be sufficient to list: much will depend on the force of the historical claims, and the significance of the persons or products involved at the site in question.

- 2.14 On 11 November 2010 the Borough Council's Principal Planning Officer (Design and Conservation) was invited by landowners considering a land sale to discuss the Longridge Conservation Area boundary at Stonebridge Mill which appeared spurious and to have excluded elements of interest. The Borough Council's subsequent correspondence states:

"I would therefore agree that the Longridge Conservation Area boundary does appear to require reconsideration and possible extension at Stonebridge Mill and intend to report the matter to a forthcoming Planning and Development Committee meeting. However, mindful of the commercial considerations discussed at our meeting I would be grateful for your comment and opinion on the extent of any proposed conservation area extension before progression with this matter.

In my officer opinion and without prejudice to any decision of the Borough Council, the modern portal frame building has no interest. However, the brick boiler house, water tower and c.1910 weaving shed and adjoining stores/workshops has architectural and historic interest as part of the evolution, adaption and development of the textile mill site.

Unfortunately, no further communication was received from the landowners until January 2012 (at which point I was advised that this letter had not been received).

- 2.15 On 1 February 2012 a meeting of officers, landowners and prospective purchasers of the site was held at Stonebridge Mill to discuss the historic and architectural significance of the brick boiler house, water tower, c.1910 weaving shed and the adjoining stores/workshops and the implications of conservation area designation and policy.

- 2.16 In 2011 English Heritage undertook a special study to ascertain how much of the nation's industrial heritage was at risk. As part of this BDRC Continental were commissioned to do a survey of peoples attributes towards industrial heritage. The key findings were:

- i) 86% of adults think that it is important that we value and appreciate the industrial heritage of this country.
- ii) They value our industrial heritage because it is a reminder of what made our country great (71% England; 74% NW), for its educational value (75%) and because it can provide direct links to our families past (33%).
- iii) Overwhelmingly the public think that it is as important to preserve our industrial heritage as other types of heritage such as castles and country houses (80% England; 82% NW).

- iv) Only 25% agree that ‘the industrial heritage sites I care about are well recorded and protected already’ compared to 66% for historic buildings and archaeological remains overall.
- v) 64% of those in the North West agree that its industrial heritage sites ‘help to attract visitors to the local area’.
- vi) 80% of those in the North West agree that its industrial heritage sites ‘are important to pass down to future generations’.
- vii) 74% of those in the North West agree that ‘industrial heritage sites should be reused for other, modern day purposes, but make sure that their character is preserved’ (71% England).
- viii) 85% in the North West agree that ‘industrial sites should be preserved to remind us of our industrial past (85% England).
- ix) Only 3% in the North West agree that ‘industrial sites should be demolished and replaced with modern buildings and structures’ (8% England).

2.17 The Longridge News website (21 March 2012) reports upon an exhibition devoted to Longridge’s mill heritage and the research of a local historian and heritage centre official into George Whittle and the impact he had on the history of Longridge. The heritage centre official notes that:

“George is one of the most important characters in Longridge’s past and was known as the ‘Maker of Longridge’. He realised, before anybody else, the potential of steam powered mills in Longridge. He came to Longridge in 1838 and worked as a ‘putter out’, in which he ‘put out’ work to handloom weavers. In 1850, George Whittle began to build Longridge’s first steam powered weaving shed at Stone Bridge Mill. He was well respected and liked by local people because he employed local handloom weavers who were struggling to find work. He was also highly praised for never having a shortage of work at the mill. Work even continued throughout the cotton famine in 1860-61. In fact, nowhere else in Lancashire had such a good record of steady work”.

2.18 Mynors C ‘Listed Buildings, Conservation Area and Monuments’ (4th Ed, 2006, page 134-6) refers to conservation area designation procedure and confirms that:

“it is only the architectural and historic interest of the area that should be taken into account, so those making the decision may have to be careful to exclude from their mind irrelevant considerations. In particular, where – as not infrequently occurs in the case of more recent designations – there is development pressure in the vicinity of land to be included in (or excluded from) a conservation area, it would be prudent for the authority to have a clear record of the reasons for the proposed inclusion or exclusion, to avoid later accusations of impropriety”.

Mynors cites R v Secretary of State, ex p. Royal Society of the Protection of Birds (1996) JPL.844 whereby, in the case of Special Protection Areas under the Birds Directive, the European Court of Justice held that economic interests are not relevant at the stage of deciding whether to designate an area of land.

Development Control Practice also refers to R v Easington DC ex parte Seaham Harbour Dock Company Ltd 22/10/98 and the challenge to the designation of a

conservation area at Seaham town centre. The dock company argued, inter alia, that the local planning authority had wrongly considered potential English Heritage grant aiding in its decision to designate.

Westlaw UK note:

‘Owen J held that “financial matters have no part to play in whether the area may be so designated”. (He) nevertheless found that the members of the committee could be informed about the financial implications of the designation. The result would seem to be that in deciding whether to designate the committee must somehow separate the merits of the area and the need to enhance and conserve from the means by which the area will be enhanced and conserved. In practice this must be quite a difficult exercise.

The other side of the coin of course is whether the adverse financial effect on Seaham Harbour is relevant. There was no attempt by the applicants to argue this and it must follow from Owen J’s judgement that such consequences are not proper material considerations. On the other hand in deciding whether to grant a conservation area consent, it is more arguable that financial aspects are material’.

- 2.19 In this regard, I would refer to the known consequences of conservation area designation listed in the Risk Assessment of this report. I also note that should Members be minded to designate an extension to Longridge Conservation Area, that any future development proposals affecting this area would have to be considered against all relevant legislation, policy and guidance (including economic considerations) and not just that pertaining to the consideration of the historic environment.

3 CONSULTATION

- 3.1 There is no statutory requirement to consult prior to conservation area designation or appraisal. However, English Heritage’s Guidance on Conservation Area Appraisals (2006, paragraph 3.2) advises that:

“Once a conservation area appraisal has been completed in draft form, it should be issued for public comment. Local consultation can help to bring valuable public understanding and “ownership” to proposals for the area. Thought should be given to encouraging a wider public debate, drawing together local people, resident groups, amenity groups, businesses and other community organisations, in a discussion about issues facing the area and how these might be addressed. Ideally, consultation should be undertaken generally in line with the local authority’s statement of community involvement (SCI)”.

English Heritage’s Understanding Place: Conservation Area Designation, Appraisal and Management (March 2011, paragraph 1.11) advises that:

“Community involvement ... over the last few years local communities have become more proactively involved in identifying the general areas that merit conservation area status and defining the boundaries. The values held by the community are likely to add depth and a new perspective to the local authority view”.

- 3.2 A letter of consultation is appended which was sent to Longridge Town Council, the known owners/occupiers/agents of land/buildings in question, Longridge Heritage Committee, Longridge and District Local History Society, Lancashire County Archaeological Service and a known potential purchaser of land/buildings in question. The Principal Planning Officer (Design and Conservation) introduced the proposals to

the Longridge Heritage Committee meeting of 23 April 2012. Site notices identifying the main consequences of conservation area designation and the proposed new boundary on a map were displayed at the periphery of the site.

3.3 The consultation was non-statutory and therefore all comments received up to the report writing deadline are summarised below. I note that comments have not been received during the public consultation from the owners or prospective purchasers of land associated with Taylor and Russell Ltd. However, the agent for Taylor and Russell Ltd and a potential land purchaser have previously asked that concerns be presented to Committee and are therefore summarised below.

i) Longridge Town Council – recommend a limited extension of the conservation area (a map indicates this to be the north façade of the water tower and the whole of the boiler house). The exclusion of later additions is in recognition of their very limited contribution to the special architectural and historic interest. The Town Council’s position on this matter also recognises that extending the conservation area in the way the borough proposes has serious detrimental implications for commercial considerations affecting the area, and may jeopardise the expansion plans and continuing pressure of a major employer.

ii) Lancashire County Archaeology Service (having consulted Oxford Archaeology North in respect to the significance of Stonebridge Mill) –

Stonebridge Mill built in 1850, is probably the oldest surviving mill left in Longridge, and one thought to be of an unusual layout. The site has been identified in Lancashire Textile Mills Survey, Stage 1 Rapid Assessment Survey as being worthy of further study and will be one of only 50 such sites to form a more detailed Stage 2 to be undertaken over the next 2 years.

Lancashire County Archaeology Service would therefore recommend that in the first instance consideration should be given to the extension to the Conservation Area to cover all surviving structures that can be clearly identified as being depicted on the 1st Edition 1:2500 Ordnance Survey Lancashire Sheet 53.12, surveyed 1892 (*this shows the water tower and the boiler house*).

Secondly, that consideration should also be given to the inclusion of the area of C20 weaving sheds on the south side of the site. The site is not immediately identifiable as a textile mill, indeed the presence of the weaving sheds might be considered to be the one defining indicator to the majority of the public that this is a site associated with the textile mill industry rather than an engineering works, and the retention of these structures would help maintain this link.

iii) A Longridge resident – believes that the commercial value of the town’s labour market (Singletons Dairy expansion plans) far exceeds the somewhat dubious value of extending a conservation area which already seems complete and could not be enhanced by including part of a derelict mill.

iv) Agent for Taylor and Russell Ltd –

Against any further extension of the conservation area.

Originally happy to extend the area to include the internals of the water tower and adjacent small landlocked building – now wish to retract this offer. As the façade of the water tower is within the conservation area, do not see a need to extend

the conservation area further. No physical changes are required by Taylor and Russell.

The financial ramifications of the delays to date and possibility of the Singletons sale not proceeding are very severe. At no point informed by RVBC of any developmental, planned, meetings concerning an extra extension of the conservation area.

Is it proposed to preserve or conserve the buildings?

The communication and consultation in relation to the conservation area has fallen a great deal of distance short of where it needed to be. Would not be willing in the future to invite officers on site to show, highlight and elaborate on all aspects of conservation inclusion and the possible routes for development.

Believe that the original boundary was drawn incorrectly rather than too tightly.

The North light Mill building is not shown on the 1913-1914 maps but is shown on the 1932 maps. Thus this building is presumably not part of the original 1850 George Whittle Stonebridge Mill. The North light Mill appears to be vacant of weaving activity circa 1957.

A building in the approximate position of the front section of the North light Mill, as included in the conservation area, appears on the maps pre this date and presumably forms part of the original 1850 Stonebridge Mill. However, it does appear set back, indicating that a smaller alternative structure was located here prior to the North light Mill construction which must have been demolished. A clear definitive edge appears on one of the external walls that suggest construction took place in different phases after its initial construction circa 1915. The definitive edge is within the conservation area.

The water tower and boiler house building (inside the modern 1970 steel portal frame) are again presumably generally original structures but do not form part of the 2008 conservation area extension. This is presumably an error at the time of the conservation area extension.

v) Prospective site purchaser –

Singletons Dairy Ltd is a 4th generation cheese making company based at Mill Farm, Longridge. In the past 10 years sales have almost tripled and throughput on site has increased from 1200 tonne site to over 3500 tonnes. Currently employ 80 people.

A key determinant to future expansion is the need to upgrade certain facilities on site; however the major restriction has always been space. In 2010 an opportunity to expand the size of the site came up as the Taylor and Russell land adjacent to the Mill Farm site was put up for sale. However, it would be necessary to demolish all of the currently non designated structures and build a new dairy. This in turn would given Singletons the world class facility needed to continue to compete in demanding world markets and would ensure manufacture stays on the Mill Farm site.

At a pre-application meeting 28/8/2010 and a site visit 11/11/2010, Taylor and Russell and RVBC Conservation Officer confirmed the conservation boundary.

From this an area of land was identified for sale to specifically exclude any part of the 2008 conservation area extension. From this point on, no discussions or dialogue or paperwork was received to suggest a further extension of the conservation area to include the North Light Mill was being considered.

Negotiations ensued for the purchase of the entire site, yard, northern mill lights and steel portal building but excluding any areas in the 2008 conservation area extension.

The North Light building which is proposed to be included in the further extension of the conservation area is not shown on the 1913-1914 but is shown on the 1932 map. The land at this time is presumed undeveloped apart from a small gasometer. It is safe to presume therefore that this building is not part of the original 1850 George Whittle Stonebridge Mill. The North Light Mill appears to be vacant of weaving activity circa 1957. A building in the approximate position of the front section of the North Light Mill, as included in the 2008 conservation area extension, appears on the maps pre this date and presumably forms part of the original 1850 Stonebridge Mill. However, it does appear set back, indicating that a smaller alternative structure was located here prior to the North Light Mill construction which must have been demolished. A clear definitive edge appears on one of the external walls that suggest construction took place in different phases after its initial construction circa 1915. This definitive edge is within the 2008 conservation area extension. However, the water tower and boiler house building (inside the modern 1970 steel portal frame) are again presumably generally original structures but do not form part of the 2008 conservation area extension. This omission appears to be an error at the time of the creation of the 2008 conservation area extension.

The current state of the North Light Mill is in a seriously poor condition. There are no grant monies for its restoration. The steel portal frame behind it is landlocked. If the sale of Taylor and Russell fails, the North Light Mill will continue to fall into complete ruin.

4. CONCLUSION

- 4.1 In my opinion the omission of important Stonebridge Mill buildings and structures from Longridge Conservation Area undermines the significance, integrity and legibility of this important site and the character and appearance of the conservation area as a whole. The May 2008 boundary was drawn with principal regard to the appearance of Stonebridge Mill and ignored building elements to the rear of facades, and the end of range boiler house obscured by the modern portal frame buildings. However, a more thorough inspection of the site, informed by the Lancashire Mills Survey, the Pennine Lancashire Northlight Weaving Shed Study, the revised English Heritage Industrial Buildings and Industrial Structures designation guides, English Heritage's Conservation Principles, Policies and Guidance and a better understanding of the significance of individual elements of the weaving mill site, has enabled the full character of the site to be appreciated.
- 4.2 I have considered the comments received during the public consultation whilst mindful of the legal restriction on relevant material considerations. I would concur with Longridge Town Council and the Lancashire County Archaeological Service that greatest significance can be attached to those surviving structures (boiler house and water tower) from the nineteenth century mill. The Lancashire Mills Survey, Rothwell, Munt, Pennine Lancashire Northlight Weaving Shed Study and English Heritage's Industrial Buildings

and Industrial Structures designation guides suggest these structures to be integral to the technical and architectural significance and understanding of the whole mill site and to be of special architectural and historic interest to the area.

4.3 I am also mindful of comments from Lancashire County Archaeological Service (informed by the author of the Lancashire Mills Survey who has a strategic overview of the County's textile mill heritage and its significance) relating to the additional significance of the twentieth century northlight weaving shed in providing an ostensible identity to the whole weaving mill and this part of Longridge Conservation Area. Therefore, I consider that all of the area shown within the proposed conservation area extension on the appended map has special architectural and historic interest the character and appearance of which it is desirable to preserve or enhance.

4.3 I would confirm that the current and future state of repair of the buildings is not a material consideration to be taken into account.

4.4 I note that 'architectural interest' is not solely concerned with aesthetics. Indeed, English Heritage's 'Industrial Structures' designation guide (see above) only states on the matter of architectural interest that *"an industrial building should normally reflect in its design (plan form and appearance) the specific function it was intended to fulfil"*. In this respect, I note the very distinct fenestration of Stonebridge Mill's boiler house and surviving north light weaving shed as well as the 'unusual layout' referred to by Lancashire County Archaeological Service. Furthermore, DCMS, 'Principles of Selection for Listed Buildings' (March 2010) recognises under General Principles that:

"Aesthetic merits. The appearance of a building – both its intrinsic architectural merit and any group value – is a key consideration in judging listing proposals, but the special interest of a building will not always be reflected in obvious external visual quality. Buildings that are important for reasons of technological innovation, or as illustrating particular aspects of social or economic history, may have little external visual quality".

5 RISK ASSESSMENT

5.1 The approval of this report may have the following implications:

- Resources – Conservation area designation and extension may result in an increase in planning applications submitted as a result of "permitted development" thresholds being reduced. Whilst the Council currently receives less than 10 conservation area consent applications for the demolition of buildings within conservation areas each year, it should be noted that this type of application carries no submission fee. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires new conservation area designations to be publicised in the London Gazette and in at least one newspaper circulating in the area of the local planning authority.
- Technical, Environmental and Legal – The main consequences of conservation area designation are:
 1. the Borough Council has a statutory duty to keep conservation area designations under review.
 2. the Borough Council is under a general duty to ensure the preservation and enhancement of conservation areas, and a particular duty to prepare proposals to that end;

3. notice must be given to the Borough Council before works are carried out to any tree in the area;
 4. conservation area consent is required for the demolition of most unlisted buildings in the area (enforcement action or criminal prosecution may result if consent is not obtained);
 5. the limits of what works may be carried out without planning permission are different;
 6. extra publicity is given to planning applications affecting conservation areas;
 7. the Borough Council is to take into account the desirability of preserving and enhancing the character and appearance of the area when determining applications;
 8. the making of Article 4 Directions, which limit permitted development rights, is more straight forward;
 9. the Borough Council or the Secretary of State may be able to take steps to ensure that a building in a conservation area is kept in good repair;
 10. limited financial assistance may be available for the upkeep of a building in the area.
- Political – N/A.
 - Reputation – N/A.

6 RECOMMENDED THAT COMMITTEE

- 6.1 Designate an extension to Longridge Conservation Area in accordance with the 'Proposed extension to Conservation Area' boundary shown on the appended plan.

DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

- 1 Consultation report on extension to Longridge Conservation Area at Stonebridge Mill - 12 April 2012.
2. Minute 902 – Committee's resolution to undertake a limited consultation – 12 April 2012.

For further information please ask for Adrian Dowd, extension 4513.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 24 MAY 2012
 title: EXTENSION TO THE DELEGATION SCHEME IN RELATION TO DETERMINATION
 OF PLANNING APPLICATIONS
 submitted by: DIRECTOR OF COMMUNITY SERVICES
 principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

1 PURPOSE

- 1.1 To request minor changes to the scheme of delegation in relation to the determination of planning applications and to clarify issues regarding.
- 1.2 Members may be aware that most recent revisions to the delegation scheme was on the 12 January 2012 with the main change to modify the delegation scheme to allow approval of all minor applications, including proposals for up to 3 dwellings subject to no more than 3 objections from different addresses.
- 1.3 Relevance to the Council's ambitions and priorities:
- Council Ambitions - }
 - Community Objectives - } To be a well-managed Council providing efficient services based on identified customer need.
 - Corporate Priorities - }
 - Other Considerations - }

2 BACKGROUND

- 2.1 It is evident that the Government has continued to express concerns in relation to the possible delay that the present system has caused and its impact on driving the economy. Part of the impact has been the delay in the determination of planning applications. It is important to explore ways of a enabling quicker decisions without significant harm to the planning process.
- 2.2 Part of the way forward is to explore whether or not it is possible to increase the level of delegation on planning applications so that more applications could be determined without the need to go to a Planning and Development Committee. It has not been possible to monitor the effect of the changes since the implementation of the revised delegation scheme but following discussions with some planning agents it is evident that clarification is needed on some issues relating to the "Referral request" procedure and the interpretation as to what can be regarded as 'clearly contrary to Policy' in relation to refusals of housing proposals.
- 2.3 Planning Advisory Service previously identified how some planning authorities are achieving better planning outcomes by improving the effectiveness and efficiency of the way they make planning decisions by delegation. The common factors characterising this good practice were identified as:

- Maximising the number of delegated planning decisions – delegating higher than 90% of planning decisions, which gives planning committees more time to focus on complex and controversial applications.

2.4 It is intended that the current scheme of delegation be clarified in relation to the 'Referral request' procedure and further details regarding delegation refusals on housing proposals and clarify the extent of delegation in relation to Environment Impact Assessment so that it makes reference to scoping and screening requests. The revised scheme will also allow delegation on minor changes and revocations of Section 106 Agreements. The attached Appendix A – Proposed Delegation Scheme, gives further details with Appendix B showing the existing Delegation Scheme agreed on the 12 January 2012.

3 ISSUES

3.1 In assessing the revisions proposed I do not consider this would have a significant detrimental impact on the planning process and key applications would still need to be determined by the Planning and Development Committee. I envisage that the proposed changes in relation to modifications and revocations of Section 106 Agreements will significantly increase the speed in which these applications are determined. Recent examples of these requests relate to Section 106 Agreements on Holiday lets and Affordable Housing agreements. In relation to the latter I would always envisage that any amendments would only be agreed in consultation with the Head of Regeneration and or other appropriate officer. It should be noted that "Referral request" procedure would still be possible on such applications.

3.2 In relation to the ability for Councillors to 'Referral request' planning applications there has been some discussion as to whether or not this only relates to the Ward councillor in which the application is within. It should be emphasised that this is the case and therefore an application cannot be 'referred' by a non-ward councillor. Furthermore this is still the subject to agreement between the Chairman or Vice Chairman of Planning and Development Committee and the Head of Planning Services.

3.3 The current delegation scheme under Paragraph 3.4 allows applications to be refused under delegation and includes 'new housing clearly contrary to Policy'. Following discussion with a planning agent they considered that there is no guidance on what constitutes clearly contrary to Policy and who interprets the case as in many instances there may be conflicting policies. In order to offer further clarification I consider that the section should now be altered to state that this would be subject to interpretation by the case officer and the Head of Planning services.

3.4 The report also clarifies the interpretation in relation to delegation on new build commercial premises and agricultural buildings in that it is subject to the buildings not exceeding 1000 square metres floor space.

3.5 I am mindful that the impact of the revised delegation scheme has not been possible to monitor but any further increase will help the Council in progressing towards the national target of between 90%-95%. This change will bring us more in line with similar Councils and I hope will also free up officer time and member time to be available on key applications with the fact that less applications would need to go to Planning and

Development Committee and also assist in a speedier determination which in turn may deliver a more prosperous economy.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – any changes could be met with existing staffing and it may also free up some member and officer time.
- Technical, Environmental and Legal – none.
- Political – none.
- Reputation – none

5 **RECOMMENDED THAT COMMITTEE**

5.1 Endorse the minor alterations to the text of the report which gives further clarification as to the extent of the delegation scheme and approve the revised changes to the delegation scheme to include:

- Minor modifications and revocations of Section 106 Agreements

DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

1 Current Delegation Scheme.

For further information please ask for John Macholc, extension 4502.

PROPOSED DELEGATION SCHEME UPDATED 24 MAY 2012

- RIBBLE VALLEY BOROUGH COUNCIL
- PLANNING AND DEVELOPMENT COMMITTEE
- SCHEME OF DELEGATION OF DEVELOPMENT CONTROL AND COUNTRYSIDE MATTERS
- LAST REVISED 24 MAY 2012

This note is designed to clarify when applications received by the Council in relation to planning, countryside and some other related matters will be decided by the Planning and Development Committee and when those decisions will be delegated to officers of the Council. Many of the delegated items date from the inception of Ribble Valley Borough Council. Where dates are known for later additions they are given. Details of planning decisions made under delegated powers will be reported to Committee for information.

From time to time legislative changes may rename or make minor amendments to some of the listed delegated items. Whilst the scheme of delegation will be amended to reflect these changes, there may be periods where the clear intention must be respected even if precise wording or legislative reference has changed.

These powers are delegated to the Director of Community Services.

1. GENERAL DEVELOPMENT CONTROL
 - (a) Determination as to whether applications are county matters or district matters under Schedule 1 of the Town and Country Planning Act 1990.
 - (b) The statutory or the discretionary need to advertise various types of applications.
 - (c) What statutory or other consultations/notifications are required?
2. APPLICATIONS FOR A CERTIFICATE OF LAWFULNESS AND DISCHARGE OF CONDITIONS
 - 2.1 There are two types of application for a Lawful Development Certificate.

These are:

 - (a) Determination of applications for a Certificate of Lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.
 - (b) Determination of applications for a Certificate of Lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.
 - 2.2 Applications for the discharge of conditions placed on planning approvals.

2.3 Since all these types of application relate to issues of fact, both refusals and approvals are delegated to the Director of Community Services. **These applications remain delegated even if representations are received.**

3. DETERMINATION OF PLANNING APPLICATIONS

3.1 Applications submitted on behalf of family members of councillors and officers should be placed before the Planning and Development Committee even if they fall within the below categories.

Approvals

3.2 The following types of planning application are delegated to the Director of Community Services providing fewer than three objections from separate addresses are received by the date of consultation closure. The total of these includes statutory consultees.

- Applications for up to 3 new dwellings (14/1/12)
- Substitute dwellings on existing plots within an existing housing estate
- Applications for new access points wither on classified or unclassified roads.
- Applications for a change of use (26/5/94)
- Extensions or ancillary buildings within the curtilage of industrial or commercial buildings subject to the alterations not constituting a major proposals, ie it should be no more than 1000 square metres floor space (this includes temporary buildings). (6/3/03 then 18/12/08)
- New build commercial premises of less than 1000 square metres floor space.
- Proposals for new shop fronts on existing shops
- Applications for consent to display advertisements
- Applications for agricultural buildings of up 1000 square metres floor space (11/4/90 then 18/12/08)
- Proposals to reinforce existing overhead power lines.
- Applications for listed building consent
- Applications for conservation area consent (11/4/90 and 30/04/09)
- All applications about which the observations of the Council are requested (23/4/98 and 18/12/08)
- Renewals of previously approved schemes (23/4/98)
- Renewals of temporary consents (15/6/99)
- Applications for temporary buildings (15/6/99)
- Reserved matters applications
- Modification of conditions and minor alterations to Section 106 Agreements. (24/05/12)
- Minor material amendments (14/1/10)
- Non material amendments (14/11/10)
- Ancillary development within the curtilage of a dwelling house (for example, domestic garages, conservatories, porches, greenhouses and means of enclosure etc)
- Extensions to dwellings
- Revocation requests relating to Section 106 Agreements (24/05/12)

Refusals

3.3 Planning applications falling into these categories can be refused under delegated powers without prior reference to the Chairman (or if unavailable the Vice Chairman) of Planning and Development Committee.

- Household extensions and curtilage buildings
- Listed buildings
- New housing clearly contrary to Policy (To be interpreted by Case Officer in conjunction with Head of Planning Services 24/05/12)
- Applications raising design issues
- Advertisement proposals
- Buildings in the open countryside
- Change of uses that do not generate significant employment issues
- Reserved matters

Such delegated refusals can be issued with registered objectors.

Planning applications falling into the three categories below will normally be discussed with the Chairman (or if unavailable the Vice Chairman) or Planning and Development Committee to decide whether they can be refused under delegated powers or should be referred to Committee.

- Developments that may have significant employment issues
- Modification of conditions.
- Applications that may resolve bad neighbour developments

Section 106 Agreements

3.4 Negotiations leading to the satisfactory completion of Section 106 Agreements will be delegated to officers unless Committee have formally requested further involvement at the time of the original decision.

4. PRIOR NOTIFICATIONS

4.1 Proposals for agricultural buildings, demolition work and telecommunications apparatus within certain size and locational thresholds may benefit from permitted development rights. The developers are however required to serve a prior notification upon the Council.

This gives the local authority the opportunity to assess whether planning consent is required and also to seek technical alterations if appropriate. The Council has a limited time to respond; but as failure to issue a decision results in an automatic approval these items need to be delegated regardless of the decision reached.

5. ENFORCEMENT

5.1 In all cases where there is a breach of planning control, the Director of Community Services is authorised to take the necessary action to regularise the situation, including the service of notice on untidy sites.

6. BUILDING PRESERVATION NOTICES

- 6.1 In the case of an unlisted building that is of Special Architectural or Historic interest and is in danger of demolition or alteration, the Director of Community Services is authorised to serve a building preservation notice. (This is sometimes known as spot listing).

7. TREE PRESERVATION AND COUNTRYSIDE

- (a) The Director of Community Services is authorised to make provisional tree preservation orders where necessary because of the immediate threat to tree involved.
- (b) Decisions on applications for work on protected trees.
- (c) Confirmation of tree preservation orders when no objections have been received.
- (d) Decisions on notifications under the Hedgerow Regulations.
- (e) Confirmation of public rights of way diversion orders.
- (f) Responses to Lancashire County Council on the consultation stage of footpath diversion orders in liaison with Committee Chairman (or if unavailable the Vice Chairman) and ward member(s).

8. OTHER MATTERS

- 8.1 Decisions on whether an application is needed for consent to demolish a building.
- 8.2 Decisions on whether an environmental impact assessment is required for any specific proposal and determination of scoping and screening requests.
- 8.3 The attachment of appropriate conditions to approvals following overturns of officer refusal recommendations to Committee (8/3/01).
- 8.4 Decisions whether or not to use consultants to prepare and present an appeal case is delegated but only following discussions with the Chairman (or if unavailable the Vice Chairman) of the Planning and Development Committee,
- 8.5 Delegation to Director of Community Services or Head of Planning Services to decide to take applications to Planning and Development Committee even if they fall within the Delegated procedure if it is deemed appropriate.

9. COUNCILLORS POWER TO REQUIRE A PLANNING APPLICATION TO BE DETERMINED BY COMMITTEE

- 9.1 The ward councillor will have the right to require that any application or revocation request appearing on the weekly list to be presented to Planning and Development Committee for decision providing that such an instruction is received by the Director of Community Services in writing within 14 days of the 'received week ending' of the relevant list.

EXISTING DELEGATION SCHEME UPDATED 12 JANUARY 2012

- RIBBLE VALLEY BOROUGH COUNCIL
- PLANNING AND DEVELOPMENT COMMITTEE
- SCHEME OF DELEGATION OF DEVELOPMENT CONTROL AND COUNTRYSIDE MATTERS
- LAST REVISED 12 JANUARY 2012

This note is designed to clarify when applications received by the Council in relation to planning, countryside and some other related matters will be decided by the Planning and Development Committee and when those decisions will be delegated to officers of the Council. Many of the delegated items date from the inception of Ribble Valley Borough Council. Where dates are known for later additions they are given. Details of planning decisions made under delegated powers will be reported to Committee for information.

From time to time legislative change may rename or make minor amendments to some of the listed delegated items. Whilst the scheme of delegation will be amended to reflect these changes, there may be periods where the clear intention must be respected even if precise wording or legislative reference has changed.

These powers are delegated to the Director of Community Services.

1. GENERAL DEVELOPMENT CONTROL
 - (a) Determination as to whether applications are county matters or district matters under Schedule 1 of the Town and Country Planning Act 1990.
 - (b) The statutory or the discretionary need to advertise various types of applications.
 - (c) What statutory or other consultations/notifications are required.
2. APPLICATIONS FOR A CERTIFICATE OF LAWFULNESS AND DISCHARGE OF CONDITIONS
 - 2.1 There are two types of application for a Lawful Development Certificate.

These are:

 - (a) Determination of applications for a Certificate of Lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.
 - (b) Determination of applications for a Certificate of Lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.
 - 2.2 Applications for the discharge of conditions placed on planning approvals.

2.3 Since all these types of application relate to issues of fact, both refusals and approvals are delegated to the Director of Community Services. **These applications remain delegated even if representations are received.**

3. DETERMINATION OF PLANNING APPLICATIONS

3.1 Applications submitted on behalf of family members of councillors and officers should be placed before the Planning and Development Committee even if they fall within the below categories.

Approvals 1

3.2 The following types of planning applications are delegated to the Director of Community Services [providing no objections are received:

- Applications for up to 3 new dwellings (14/1/12)
- Substitute dwellings on existing plots within an existing housing estate
- Applications for new access points wither on classified or unclassified roads.
- Applications for a change of use (26/5/94)
- Extensions or ancillary buildings within the curtilage of industrial or commercial buildings subject to the alterations not constituting a major proposals, ie it should be no more than 1000 square metres floor space (this includes temporary buildings). (6/3/03 then 18/12/08)
- Proposals for new shop fronts on existing shops
- Applications for consent to display advertisements
- Applications for agricultural buildings (11/4/90 then 18/12/08)
- Proposals to reinforce existing overhead power lines.
- Applications for listed building consent
- Applications for conservation area consent (11/4/90 and 30/04/09)
- All applications about which the observations of the Council are requested (23/4/98 and 18/12/08)
- Renewals of previously approved schemes (23/4/98)
- Renewals of temporary consents (15/6/99)
- Applications for temporary buildings (15/6/99)
- Reserved matters applications
- Modification of conditions that were not part of an original Committee
- Minor material amendments (14/1/10)
- Non material amendments (14/11/10)

Approvals II

3.3 The following types of planning application are delegated to the Director of Community Services providing fewer than three objections from separate addressed are received by the date of consultation closure. The total of these includes statutory consultees.

- (a) Ancillary development within the curtilage of a dwelling house (for example, domestic garages, conservatories, porches, greenhouses and means of enclosure etc) (40/4/09).
- (b) Extensions to dwellings (30/4/09).

- (c) All other minor developments including minor commercial proposals, change of use applications, and up to 3 new dwellings.

Refusals

3.4 Planning applications falling into these categories can be refused under delegated powers without prior reference to the Chairman (or if unavailable the Vice Chairman) of Planning and Development Committee.

- Household extensions and curtilage buildings
- Listed buildings
- New housing clearly contrary to Policy
- Applications raising design issues
- Advertisement proposals
- Buildings in the open countryside
- Change of uses that do not generate significant employment issues
- Reserved matters

Such delegated refusals can be issued with registered objections.

Planning applications falling into the three categories below will normally be discussed with the Chairman (or if unavailable the Vice Chairman) or Planning and Development Committee to decide whether they can be refused under delegated powers or should be referred to Committee.

- Developments that may have significant employment issues
- Modification of conditions
- Applications that may resolve bad neighbour developments

Section 106 Agreements

3.5 Negotiations leading to the satisfactory completion of Section 106 Agreements will be delegated to officers unless Committee have formally requested further involvement at the time of the original decision. This is subject to the Affordable Housing Memorandum of Understanding where it relates to affordable housing provision.

4. PRIOR NOTIFICATIONS

4.1 Proposals for agricultural buildings, demolition work and telecommunications apparatus within certain size and locational thresholds may benefit from permitted development rights. The developers are however required to serve a prior notification upon the Council.

This gives the local authority the opportunity to assess whether planning consent is required and also to seek technical alterations if appropriate. The Council has a limited time to respond; but as failure to issue a decision results in an automatic approval these items need to be delegated regardless of the decision reached.

5. ENFORCEMENT

- 5.1 In all cases where there is a breach of planning control, the Director of Community Services is authorised to take the necessary action to regularise the situation, including the service of notice on untidy sites.

6. BUILDING PRESERVATION NOTICES

- 6.1 In the case of an unlisted building that is of Special Architectural or Historic interest and is in danger of demolition or alteration, the Director of Community Services is authorised to serve a building preservation notice. (This is sometimes known as spot listing).

7. TREE PRESERVATION AND COUNTRYSIDE

- (a) The Director of Community Services is authorised to make provisional tree preservation orders where necessary because of the immediate threat to tree involved.
- (b) Decisions on applications for work on protected trees.
- (c) Confirmation of tree preservation orders when no objections have been received.
- (d) Decisions on notifications under the Hedgerow Regulations.
- (e) Confirmation of public rights of way diversion orders.
- (f) Responses to Lancashire County Council on the consultation stage of footpath diversion orders in liaison with Committee Chairman (or if unavailable the Vice Chairman) and ward member(s).

8. OTHER MATTERS

- 8.1 Decisions on whether an application is needed for consent to demolish a building.
- 8.2 Decisions on whether an environmental impact assessment is required for any specific proposal.
- 8.3 The attachment of appropriate conditions to approvals following overturns of officer refusal recommendations to Committee (8/3/01).
- 8.4 Decisions whether or not to use consultants to prepare and present an appeal case is delegated but only following discussions with the Chairman (or if unavailable the Vice Chairman) of the Planning and Development Committee,
- 8.5 Proposed working amendments are delegated to officers even if the original application fell into category 3.1 above.
- 8.6 Delegation to Director of Community Services or Head of Planning Services to decide to take applications to Planning and Development Committee even if they fall within the Delegated procedure if it is deemed appropriate.

9. COUNCILLORS POWER TO REQUIRE A PLANNING APPLICATION TO BE DETERMINED BY COMMITTEE

- 9.1 A ward councillor will have the right to require that any application appearing on the weekly list is presented to Planning and Development Committee for decision providing that such an instruction is received by the Director of Community Services in writing within 14 days of the 'received week ending' of the relevant list.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 24 MAY 2012
title: PROPOSED AMENDMENT TO CONTENT OF SECTION 106 AGREEMENT FROM THAT AGREED BY PLANNING AND DEVELOPMENT COMMITTEE ON 20 MAY 2010 IN RELATION TO AN OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF AN EXISTING COMMERCIAL BUILDING AND THE REDEVELOPMENT OF THE CLEARED SITE AND ADJOINING LAND FOR RESIDENTIAL DEVELOPMENT INVOLVING THE ERECTION OF 17 DWELLINGS, TOGETHER WITH GARAGES AND GARDENS AT OLD MANCHESTER OFFICES, WHALLEY NEW ROAD, BILLINGTON (3/2010/0078/P)
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: COLIN SHARPE, SENIOR PLANNING OFFICER

1 PURPOSE

1.1 To ask Committee to agree to changes to the draft Section 106 Agreement in relation to the number of affordable units to be provided and the financial contribution to be requested.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – To make people's lives safer and healthier by implementing established policy. Also assisting the Council to protect and enhance existing environmental qualities.
- Community Objectives – The report relates to issues affecting the delivery of affordable housing in the borough.
- Corporate Priorities – To facilitate the occupation of additional affordable homes.
- Other Considerations – To ensure a consistency of approach in the determination of planning applications where a quota of affordable housing is required.

2 BACKGROUND

2.1 The Planning and Development Committee considered a report relating to the above-mentioned planning application on 20 May 2010. Within the 'Proposal' section of that report, and in relation to the requirements of the then applicable Affordable Housing Memorandum of Understanding (AHMU) it was stated that "five terraced houses (or a number identified by a viability assessment) are offered as affordable homes". It was also stated in the report that the County Council had requested a contribution of £66,188 towards the provision of primary school places.

2.2 The recommendation of the report was as follows:

“that Committee be minded to grant outline permission subject to the following conditions and therefore DEFER and DELEGATE to the Director of Development Services to negotiate the satisfactory completion of a Section 106 Agreement to deal with the requested financial contributions and to ensure the delivery of an appropriate number of affordable housing units, both in the first instance and in the future.”

2.3 Committee resolved in accordance with that recommendation.

3 ISSUES

3.1 Due to the brownfield nature of the site that would incur demolition costs etc, the applicants and their agent claimed that the development would not be viable if they were required to provide five affordable units and pay the education contribution of £66,188. They therefore commissioned an Economic Viability Assessment the conclusion of which was that, if the education contribution of £66,188 is met, the site could only support an affordable housing contribution of 12% (two units).

3.2 The Council sought an independent appraisal of the applicant’s Economic Viability Assessment. The conclusion of that appraisal was that the development would be viable with the provision of three affordable homes (18%) and the payment of the requested education contribution. The applicants agreed with this conclusion and were prepared to work towards the completion of the Section 106 Agreement on that basis.

3.3 The matter, however, was considered at a meeting of the Housing Working Group on 1 May 2012. The Group was concerned about allowing the provision of affordable units below the minimum threshold of 20%. The Group therefore suggested that four units should be provided but that the education contribution should either be waived or the request should be for a sum that would equate to the balance that would still retain the overall viability of the proposed development. Committee may be aware that a report was taken to December 2008 Planning and Development Committee in relation to a document produced by Lancashire County Council in relation to planning obligation. It was resolved that the Council will seek to prioritise contributions with the need for affordable housing as the key priority. On that basis and given the evidence produced in the Viability Assessment, I consider that the requirement for affordable housing should override the education contribution. I have advised Lancashire County Council Education Department accordingly and any further comments will be reported verbally.

3.4 The applicant’s agent has agreed to this suggestion of the Housing Working Group but, at the time of preparation of this report, had not provided any figures in relation to what (if any) education contribution would be possible.

3.5 As the content of the Section 106 Agreement, if concluded in this way, would be different from that resolved by Committee in May 2010, Members are requested to agree to this course of action as detailed in the recommendation below.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – None.

- Technical, Environmental and Legal – None.
- Political – There is a risk of criticism that the Council could be seen as prioritising the local need for affordable homes above the County Council’s education requirements.
- Reputation - There is a risk of criticism that the Council could be seen as prioritising the local need for affordable homes above the County Council’s education requirements.

5 RECOMMENDED THAT COMMITTEE

- 5.1 Agrees to the completion of the Section 106 Agreement for this development on the basis of the provision for four affordable housing units and the payment of a contribution towards education provision of a sum to be agreed (that would be a minimum of zero and a maximum of £66,188) – and that the completion of the precise wording of the Agreement and the subsequent issuing of the planning permission be delegated to the appropriate planning, housing and legal officers.

DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

3/2010/0078/P – Outline application for the demolition of a existing commercial building and the redevelopment of the cleared site and adjoining land for residential development involving the erection of 17 dwellings together with garages and gardens at Old Manchester Offices, Whalley New Road, Billington.

For further information please ask for Colin Sharpe, extension 4500.

APPLICATION NO: 3/2010/0078/P

(GRID REF: SD 372799 435722)

OUTLINE APPLICATION FOR THE DEMOLITION OF AN EXISTING COMMERCIAL BUILDING AND THE REDEVELOPMENT OF THE CLEARED SITE AND ADJOINING LAND FOR RESIDENTIAL DEVELOPMENT INVOLVING THE ERECTION OF 17 NO DWELLINGS TOGETHER WITH GARAGES AND GARDENS (RESUBMISSION) AT OLD MANCHESTER OFFICES, WHALLEY NEW ROAD, BILLINGTON

PARISH COUNCIL:

The Parish Council wishes to repeat the objections made in relation to application 3/2009/0135/P. Even though the two houses which fronted onto Painterwood have now been changed to several terrace type dwellings, the Parish Council still holds its original objections which are:

- the land should be preserved for commercial use;
- there is no variety of house types such as affordable houses for young people;
- larger houses in the area are not in keeping with the local setting;
- the houses will be cramped together and the site will look overdeveloped.

ENVIRONMENT
DIRECTORATE

(COUNTY SURVEYOR):

No objection to the proposal on highway safety grounds.

There is a terrace of five properties associated with this development that open directly on to Whalley Old Road but have parking provisions that are accessed from Whalley New Road.

While the opportunity is available for these units to bring additional vehicular activity to Whalley Old Road via the bend with Whalley New Road, I would suggest that this may not be favoured and the majority of activity will be retained from the more appropriate access.

The 3m wide access road leading to the parking area for the five unit terrace extends for 23.5m, which is within the 45m maximum. This is sufficient to maintain safe access for emergency services, particularly fire tenders.

The junction radii to the Whalley New Road site are shown at 10m. I am concerned that this will lead to vehicles turning into the small development at inappropriately high speed. Accordingly, I would recommend that the radii be reduced to 6m.

LCC (PLANNING
CONTRIBUTIONS)
OFFICER:

Comments that there may be a request for a contribution towards sustainable transport costs (although the amount is not yet determined) and that contributions are required of £66,188 towards education (due to a short fall of primary school places) and £8,660 towards waste management.

ENVIRONMENT AGENCY:

No objections in principle subject to conditions and informatives to ensure that the development does not contribute to an increased risk of flooding in the locality.

ADDITIONAL
REPRESENTATIONS:

Ten letters have been received from nearby residents who object to the application for reasons that are summarised as follows:

1. Loss of privacy.
2. Loss of light.
3. Loss of view.
4. Detriment to highway safety.
5. Overdevelopment of the site.
6. The large detached houses are not needed and are not in keeping with the character of the area.
7. Detriment to wildlife including bats due to more people present in the area.
8. Loss of a green open space.
9. Possible blockage of streams running down from Whalley Nab increasing the risk of flooding to existing properties that have basements.
10. The terraced houses on Plots 13 to 18 (13 to 17 on the amended plans) are an improvement on the previous scheme, but the parking spaces for those houses would result in the loss of a green field and access to that parking area could cause security problems for existing residents and result in a noisier environment.

Proposal

The land that is the subject of the application has two distinct areas. Part is currently in commercial use as a coach builders and associated yard area and the remainder is vacant land which is down to grass.

Previous application 3/2009/0135/P sought outline planning permission for the demolition of the existing commercial building and its associated yard areas and the construction of a development of 14 detached houses, together with garages and gardens. Although precise design details were not included in that application, the properties were all to be two storey houses with internal floor areas ranging from 88m² to 156m². The majority of the development was to be served by an access road off Whalley New Road, although two of the properties would have had individual access onto Painterwood. Although the previous application was in outline it was stated in the submitted Design and Access Statement that all dwellings would be constructed of natural stone with slate roofs and would therefore be in keeping with the locality.

That original application was considered by the Planning and Development Committee on 16 July 2009 when it was resolved that it be refused for the following reasons:

1. In the absence of evidence of any attempts that have been made to secure an alternative employment generating use of the site, the proposal would result in the loss of an employment site contrary to the requirements of Policy EMP11 of the Ribble Valley Districtwide Local Plan.
2. Due to the topography of the site, it is considered that the houses on Plots 13 and 14 would have seriously overbearing effects on the adjoining properties on Whalley Road that are on lower ground to the detriment of the amenities of the occupiers of those neighbouring properties contrary to Policy G1 of the Ribble Valley Districtwide Local Plan.
3. The two large detached houses on Plots 13 and 14 would have a detrimental impact on the appearance and character of the locality contrary to Policy G1 of the Ribble Valley Districtwide Local Plan.

This resubmission has sought to overcome those reasons for refusal of the original application. In response to the first reason for refusal, the premises have been marketed for sale for commercial use since 3 September 2009. The estate agents confirm that they targeted a select number of industrial occupiers within the Ribble Valley/East Lancashire area. This entailed writing to various companies providing them with the details of the property which incorporated full marketing particulars, including details of the accommodation, rateable value and the asking price. The sales information was also included on their website and a more general mail shot was sent to companies whose details had been registered on their company property database. In addition, marketing particulars were forwarded to the North West Development Agency and Lancashire Economic Partnership. The agents say that, during the course of the marketing, they only received a limited number of enquiries, and it is apparent from the feedback they received that many parties considered the property unsuitable for a continued commercial/industrial use.

With regards to the other two reasons for refusal, the two large detached houses on Plots 13 and 14 were shown on the plans originally submitted with this current application as being replaced by a terrace of six two storey houses sited closer to the site boundary to Painterwood and, therefore, further away from the houses on lower ground on Whalley New Road. These terraced houses would have parking spaces to which access would be gained from the estate road serving the rest of the development. There would be no vehicular access onto Painterwood.

As a result of discussions with the applicants agent, amended plans were received on 6 May 2010 in which the terrace has been reduced from six units to five in order to further reduce the impact of those dwellings on the existing properties on Whalley New Road.

In response to the adoption of the Affordable Housing Memorandum of Understanding (AHMU) as a "material planning consideration", since the refusal of the original application, the five terraced houses (or a number identified by a viability assessment) are offered as "affordable" homes. A draft Section 106 Agreement on that subject has been submitted with the application.

The amended plans also:

1. Delete conservatories from the rear elevations of plots 1, 2 and 3 that would have been prominent features when viewed from Whalley New Road.
2. Amended the house types on plots 4 and plot 9 in order to resite and reduce the impact of the dwelling on plot 9 when viewed from Painterwood.
3. Remove the two storey projection on the rear of plot 12 in order to improve separation distances between that plot and existing houses on Painterwood.
4. Amended the kerb radii at the junction to Whalley New Road to 6m as required by the County Surveyor.

At the time of report preparation, further drawings showing sections across the site were also awaited.

Site Location

The site has an area of approximately 0.76 hectares. It is presently occupied by the buildings and yard areas of a coachbuilders business, with the remainder being land that is grassed.

It is a sloping site with the higher land to the south adjoining Painterwood and the lower ground to the north fronting Whalley New Road.

The majority of the southern boundary of the site adjoins the rear gardens of terraced houses in Painterwood. Approximately half of the northern boundary is directly onto Whalley New Road, whilst the rest is to the back gardens of five properties on Whalley New Road. To the west the site is adjoined by a public footpath, beyond which is agricultural land. Its short eastern boundary adjoins a small piece of open land, beyond which is a row of cottages on the northern side of Painterwood.

The whole of the site is within the settlement boundary of Billington which is defined by Policy G2 of the Local Plan as a main settlement.

Relevant History

Whilst there have been numerous applications relating to the existing business on the site, none are considered to be of any relevance to the consideration of this application for residential development. The only relevant previous application is therefore the following:

3/2009/0135/P – Outline application for demolition of existing commercial building and redevelopment of the site involving the construction of 14 detached dwellings. Refused.

Relevant Policies

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy EMP11 - Loss of Employment Land.

Policy L4 of the Regional Spatial Strategy.

PPS3 – Housing.

Affordable Housing Memorandum of Understanding (AHMU).

Environmental, AONB, Human Rights and Other Issues

The key issues with regards to this resubmission are the same as those considered in relation to the original application which are discussed below under appropriate headings.

Compliance with Settlement Strategy Policy

Policy G2 of the Local Plan states that development will be directed mainly towards land within the main settlement boundaries. In respect of Billington, the Policy states that the scale of development that will normally be approved comprises “development wholly within the built part of the settlement or the rounding off of the built up area”.

As a development wholly within the settlement boundary, the original application was considered to comply with Policy G2. The same applies to this resubmission.

Compliance with Housing Policy/Guidance

At the time of consideration of the original application, the Affordable Housing Memorandum of Understanding (AHMU) was in draft form and had not been adopted. That application was not, therefore, refused because it did not contribute any affordable dwellings. The AHMU, however, is now a “material planning consideration” and, in response to this, there is now an element of “affordable” housing in the application as previously described. Subject to the completion of an appropriate Section 106 Agreement, the current proposal is therefore in accordance with the relevant housing policy/guidance.

Loss of Employment Land – EMP11

The previous application was refused for a reason concerning non compliance with Policy EMP11 because the premises had not been marketed for an alternative employment/commercial use. Such marketing has now been carried out and I am satisfied, from the information provided by the estate agents, that the requirements of EMP11 have now been satisfied.

Amenity Considerations

As with the original application, nearby residents have expressed objections regarding issues such as loss of light and privacy in relation to the whole of the development. As the land slopes downwards from Painterwood, it was considered in relation to the original application that the separation distances between the terraced houses on Painterwood and the proposed houses on Plots 10,11 and 12 were acceptable. With the exception of the deletion of the two storey extension on plot 12 (in the amended plans) the position and size of the houses on those plots have not been changed in the current application. Those plots therefore remain acceptable.

In the original application, however, two large detached houses were proposed on Plots 13 and 14 which were considered to have seriously overbearing effects upon adjoining houses on lower ground on Whalley New Road. It was also considered that those two houses would have a detrimental impact upon the appearance of the locality as they would not be in keeping with the adjoining terraced houses on Painterwood. In this resubmission, those objections have been addressed as follows:

- the two houses on Plots 13 and 14 have been replaced by a row of five terraced cottages which will be similar in appearance to those on Painterwood which adjoin this part of the application site;
- the proposed terraced cottages will be accessed from the main development site and therefore will not increase traffic on Painterwood;
- the proposed terraced cottages will be set several metres further away from the properties on Whalley New Road, thereby reducing the impact that they would have on those adjoining dwellings;
- a landscaping belt is now shown between the proposed terraced cottages and the properties on Whalley New Road, thereby further reducing the impact that the development will have on those neighbouring dwellings.

I consider that the amended proposal has satisfactorily and fully addressed reasons 2 and 3 for the refusal of the original application.

Conclusion

For the reasons given in the report, I consider that this new application has fully and satisfactorily addressed all the objections to the original application and permission should therefore be granted subject to appropriate conditions following the prior completion of an appropriate Section 106 Agreement.

SUMMARY OF REASONS FOR APPROVAL

The proposed development would provide 18 dwellings including an appropriate element of “affordable” housing without any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

RECOMMENDATION: That Committee be minded to grant outline permission subject to the following conditions and therefore DEFER AND DELEGATE to the Director of Development Services to negotiate the satisfactory completion of a Section 106 Agreement to deal with the requested financial contributions and to ensure the delivery of an appropriate number of affordable housing units both in the first instance and in the future.

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 outline planning permission shall be read in conjunction with the Section 106 Agreement dated which relates to the delivery of affordable housing and appropriate financial contributions.

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

3. This outline permission shall relate to the proposal as shown on the amended plan (drawing No. WIL/256/1083/01/A) received by the Local Planning Authority on 6 May 2010.

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

4. Prior to the 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 shall be retained thereafter.

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

6. Prior to the commencement of the development hereby approved in outline, (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) the following components of a scheme to deal with the risks associated with contamination of this site shall each be submitted to and approved in writing by the Local Planning Authority:

(1) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site;

(2) A site investigation scheme based on (1) to provide information for a detailed assessment of the risks to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation methods required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the work set out in (3) are completed and identifying any requirements for longer term monitoring of pollutants linkages, maintenance and arrangements for contingency action.

REASON: To ensure that the development does not pose a risk of pollution to controlled waters and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. The development hereby permitted in outline 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.

8. No site works, including any demolition works of buildings or boundary walls, shall be commenced until a further protected species/ecological survey has been carried out during the optimum time of May to September. The updated survey shall be submitted to the Local Planning Authority for approval in writing prior to any works commencing on site. If roosting bats are detected or suspected a further survey and mitigation methods will be required for submission to and approval in writing by the Local Planning Authority prior to the demolition of any buildings or boundary walls on site, with the works to be carried out in strict accordance with any mitigation methods identified.

REASON: To comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan ensuring that no species/habitat affected by the Wildlife and Countryside Act 1981 are destroyed; and due to the passage of time since the original survey was carried out in November 2008.

NOTE(S):

1. Surface water run-off can be managed through the use of sustainable drainage systems (SUDS), and we advocate their use. SUDS are a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands that attenuate the rate and quantity of surface water run-off from a site, and contribute to a reduced risk of flooding. SUDS offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach.

Further information on SUDS can be found in the following documents:

- Planning Policy Statement 25: Development & Flood Risk (DCLG);
- C522: Sustainable Urban Drainage Systems - Design Manual for England and Wales (CIRIA);
- Interim Code of Practice for Sustainable Drainage Systems (SUDS Working Group).

The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS, and is available on both the Environment Agency's website (www.environment-agency.gov.uk) and CIRIA's website (www.ciria.org.uk).

We also recommend that the developer considers the following, as part of the scheme:-

- Water management in the development, including, dealing with grey waters;
- Use of sustainable forms of construction including recycling of materials;
- Energy efficient buildings.

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: TUESDAY, 24 MAY 2012
title: REVISIONS TO DEVELOPMENT MANAGEMENT PROTOCOL
submitted by: DIRECTOR OF COMMERCIAL SERVICES
principal author: JOHN MACHOLC

1 PURPOSE

1.1 To inform Committee on the revised changes to the Development Management Protocol (formally Development Control Protocol) which has been altered to take into account of the Council's restructuring as well as changes to the service and procedural issues.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions –
- Community Objectives –
- Corporate Priorities – To be a well run and efficient Council.
- Other Considerations – None.

2 BACKGROUND

2.1 The production of the document was one of the key actions in a service plan relating to the department and was adopted in November 2005 with minor modifications introduced in May 2006. It was initially subject to extensive consultation, which only generated 4 responses.

2.2 One of the purposes of the DMP is to give the service users an indication of the type of service offered and guidance on how some of the main functions of the service are delivered. This would include advice on a range of different aspects of the DMS from pre-application advice, consultation procedure and committee matters.

3 ISSUES

3.1 Following restructuring and the need to respond efficiently to the changing and competing demands it has been necessary to reflect the changes in a revised document. The most obvious example is that the Department now operates a system of charging for pre application advice and as a consequence the section in the old document needs to reflect the current situation.

3.2 Other than additional guidance inserted in the document the main changes relate to:

- the Council will send out the decision notices only and return any accompanying documents or plans with the decision notice;

- requirements for all planning applications, with the exception of Householder and Prior notification applications to include a CD containing all plans and associated documents with a subsequent reduction in the number of hard copies to 2 complete sets;
- when Planning Appeals are received insert the appellants statement and the Councils statement on the relevant web page;
- to longer automatically send out plans to Parish and Town Councils as part of the consultation process;
- enforcement section removed;
- returning plans.

3.3 Following meetings and discussions with other districts it has become apparent that Ribble Valley is probably the only local district that continues to return plans with the decision notices. It is clear that this is both a time consuming process and in many instances the cost of postage is quite considerable. I consider that as the Council now refer to plan references on the decision notices the returning of approved plans is no longer essential. Furthermore ,the plans are now on the website so it is possible for both the applicant and other interested parties to view the relevant approved documents. I do not consider that this reduction in service is significant yet it will allow staff resources to be prioritised to other key duties.

Requirements for CD containing plans and all associated documents

- 3.4 As part of the validation process of planning applications the local planning authority has the opportunity to request certain information. I have reviewed the requirement in relation to the number of plans and documents currently required and consider that given that most consultation is now carried out electronically it would be possible to educe the number of hard copies to 2 and that an additional request for a CD containing all the documents should form part of the validation criteria.
- 3.5 I envisage that there would be considerable benefits to both the applicant and the Council with a reduction in the number of hard copies and the introduction of a CD would enable a more efficient and less costly consultation process. In the long term it could lead to a more efficient way of copying documents on to the website to the benefit of all users.
- 3.6 In order to formally amend the criteria it would be necessary to carryout formal consultation so that the Local information requirement validation list could be adopted. It would be necessary to carryout this procedure in due course and as a consequence until any new validation list has been altered to include such a requirement it would not be possible to make applications invalid on that basis. It is my intention to write to local agents and advertise the intention and request that they submit a CD as it would help speed up the consultation process and benefit.

Additional information on appeals

- 3.7 Members will be aware that the Council have had two recent appeals which have been the subject of Public Inquiries and n much public interest. It was clear that many people wanted to see the appellants and Councils statement of case and this involved them having to visit the Council offices. As a result and to increase public access it has been decided to insert the statements on the relevant web page of the planning application which will easier access for the members of the public.

Parish Consultation process

- 3.8 In order to speed up the consultation process and reduce the cost of the service it has been that plans will no longer be sent out as normal practice to Parish and Town Councils and that like other statutory consultees it would take the form of e consultation if it is possible. It is recognised that this may be perceived as a lesser service and so the Council may send out plans upon request.
- 3.9 If the Council considers that the application is of such significance that the sending out of plans would significantly benefit the decision making process and service, plans or a CD will also been sent out, an example of this might be major housing proposals which may generate significant public interest.
- 3.10 It is the intention to take a report explaining the changes to a forthcoming Parish Council Liaison Committee.

Public participation at Committee

- 3.11 The section has been altered to advise participants that it would assist the smooth running of the meeting if they forward any documents they wish to circulate in advance of the meeting.

Committee overturns

- 3.12 Committee will be aware that occasionally, after carefully weighing up the merits of a particular proposal they come to a different conclusion from the officer recommendation. It is important to ensure that in the case of any recommendation to refuse that a robust decision is given. In order to ensure that this is the case there may be instances when it is necessary to defer a decision.
- 3.13 The revised protocol has been amended to take into account this situation.

Enforcement section

- 3.14 The enforcement section of the protocol has been deleted with the exception of guidance on retrospective planning applications. This will be subject to a separate protocol.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:

- Resources – No additional resource implications arising out of this report and in some cases will free up time to focus on other key service delivery issues.
- Technical, Environmental and Legal – None arising out of this report.
- Political – None arising out of this report.
- Reputation – The document will increase the clarity and transparency of the system and possibly improve its efficiency. This would therefore improve the reputation of the Council.

5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Note the changes which will come into effect from 4 June 2012 and be aware of a forthcoming consultation document regarding Local Information requirements on validation of planning applications.

DIRECTOR OF DEVELOPMENT SERVICES

BACKGROUND PAPERS

- 1 Ribble Valley Districtwide Local Plan.
2. Capita process improvement plan for the Ribble Valley Development Control Service.
3. Corporate Plan.
4. Best Value Report Audit Commission January 2005.
5. Development Control Charter Guide DoE National Planning Forum 1993.
6. Enforcement Concordat Good Practice Guide, England & Wales.
7. Best Practice Guidance on Validation of Planning Applications 2005. ODPM.

For further information please ask for John Macholc, extension 4502.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 24 MAY 2012
title: HOUSING LAND AVAILABILITY
submitted by: CHIEF EXECUTIVE
principal author: COLIN HIRST – HEAD OF REGENERATION AND HOUSING

1 PURPOSE

1.1 To provide Members with information on the most recent results of the Housing Land Availability Survey.

1.2 Relevance to the Council's ambitions and priorities

- Council Ambitions – Understanding the housing position is key to the delivery of the Council's ambition to match the supply of homes in our area to identify needs.
- Community Objectives – The information in this report relates to a number of community objectives but is particularly relevant to the broad objective of conserving our countryside and enhancing the local environment.
- Corporate Priorities - This information is relevant to the local development framework which is the spatial expression of the Community Strategy.
- Other Consideration – None.

2 INFORMATION

2.1 The Council monitors housing land availability twice a year and produces a housing land availability report. This document provides the information with which to monitor housing development across the Borough. Monitoring continues to be critical to the process of determining planning applications and the Council's duty to ensure a 5 year supply of developable land.

2.2 The report provides detailed information on sites with planning permission, sites under construction and enables the Council to create a picture of construction trends and activity rates together with base line evidence on the amount of land that is available to be brought forward. Copies of the full report are available for reference at Planning Reception and the members room on Level D.

2.3 Members will be aware that the relevant strategic basis against which housing land supply is currently monitored is the Regional Spatial Plan (RSS). The Council continues to monitor against the provision of 2900 homes between 2003 and 2021 to provide for a strategic provision of some 161 units per year. Although a revised requirement has been established to inform the Core Strategy, the Council has not adopted this for decision-making purposes as yet. The formulation of a revised requirement has been subject to public consultation and remains an issue to be resolved through the Examination in Public to be held as part of the Core Strategy process when those issues/objections that remain, can be considered.

2.4 The supply position for dwelling units as at April 2012 is summarised as follows:

| | |
|--|------------|
| • Units with full planning permission | 219 |
| • Units with outline planning permission | 399 |
| • Sites commenced, units remaining but not started | 75 |
| • Units under construction | 79 |
| • Conversions - not started | 71 |
| • Conversions –under construction | 45 |
| Total | 888 |

208 Affordable housing units have permission (not started) and are included in the housing land supply report schedules once they commence but for calculating the 5 - year figure are taken into account.

The table at appendix 1 sets out a 5-year statement, as at April 2012 taking account of the necessary adjustments and smoothing to reflect activity over the monitoring period. Given that we currently plan for 161 units per year this shows that the Council can demonstrate an ongoing 5 - year supply of housing land.

- 2.5 Members are reminded that planning approvals for sites awaiting the completion of a Section 106 Agreement cannot be taken into account. As Members are aware, measures have been put in place to promote the completion of agreements by applicants to avoid any potential over-supply and to ensure the housing supply reflects commitments.

CHIEF EXECUTIVE

BACKGROUND PAPERS

- 1 Housing Land Availability Survey files
- 2 North West of England Plan Regional Spatial Strategy to 2021 – GONW- Sept 2008

For details of the Housing Land Availability Schedule contact Sharon O'Neill extension 4506.

For further information on housing and strategic policy issues please ask for Colin Hirst, extension 4503.

Five year supply (2012-2017) based on previously adopted RSS figures and including permissions and completions up until 1 April 2012

Planned Provision

| | | |
|--|--------|--|
| a) Housing provision 2003/2021 | 2900 | 161/yr |
| b) Net dwellings completed 2003-2012 (9yrs) | 1178 | 131 (1178/9) |
| c) Net dwellings required 2012-2021 (9 years) (adjusted to a revised annual rate) | 1722/9 | 191/yr |
| d) Adjusted Net 5 yr requirement 2012-2017 (5yrs) | 955 | 191*5 (annual equivalent smoothed over plan period) |

- a) Strategic housing provision based on previously adopted RSS figures.
- b) Actual completions in monitoring period divided by number of years.
- c) Residual requirements based on completions and plan period remaining. This figure gives the annualised requirement to attain planned figure.
- d) Five year requirements based on the revised/adjusted annualised rate.

Identified Supply

| | |
|--|--------------|
| Supply of deliverable sites over 5 years (Housing Land Availability Survey April 2011) | |
| Sites under construction | 124 |
| Deliverable permissions | (972) |
| (discounted by 10% slippage allowance but including affordable units) | 875 |
| Total Supply | 999 |
| Equates to <u>5.2 yrs supply</u> at 5 year adjusted rate at 01/04/12 | |

Actual supply: 5.2 yrs supply (999/191)

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 24 MAY 2012
 title: PLANNING APPLICATION/ENFORCEMENT STATISTICS REPORT 1 APRIL
 2011 – 31 MARCH 2012
 submitted by: DIRECTOR OF COMMUNITY SERVICES
 principal author: LOUISE BLATCHFORD

1 PURPOSE

1.1 This report is a statistical account of planning applications, appeals and enforcement notices.

1.2 The report is for the year relating from 1 April 2011 – 31 March 2012. The information comes predominantly from the General Development Control Returns (PS1 & PS2), which are sent to the DCLG on a quarterly basis.

2 APPEALS AND ENFORCEMENT

2.1 Appeals received

| | APR 10 – MAR 11 | APR 11 – MAR 12 |
|------------------------|-----------------|-----------------|
| TYPE | | NUMBER |
| HEARINGS | 2 | 1 |
| INQUIRY | 1 | 1 |
| WRITTEN REPRESENTATION | 10 | 20 |
| HOUSEHOLDER APPEAL | 7 | 19 |

Members will notice the significant increase in the number of appeals received this year in comparison with the previous year.

2.12 Appeals determined

| | APR 11 – MAR 12 | | | |
|------------------------|-----------------|---------|----------------|-----------|
| TYPE | DISMISSED | ALLOWED | SPLIT DECISION | WITHDRAWN |
| HEARINGS | 0 | 1 | 0 | 0 |
| INQUIRY | 0 | 2 | 0 | 0 |
| WRITTEN REPRESENTATION | 9 | 6 | 2 | 1 |
| HOUSEHOLDER APPEAL | 12 | 6 | 0 | 0 |

2.2 Enforcement notices issued

| | APR 11 – MAR 12 |
|---|-----------------|
| Number of enforcement notices issued | 1 |
| Number of stop notices served | 0 |
| Number of temporary stop notices served | 0 |
| Number of planning contravention notices served | 0 |
| Number of breach of condition notices served | 0 |
| Number of enforcement injunctions | 0 |
| Number of requisitions for information issued | 3 |
| Number of complaints investigated | 142 |

3 Planning Applications

| | APR 10 – MAR 11 | APR 11 – MAR 12 |
|--|-----------------|-----------------|
| No. of applications received | 752 (1006) | 866 (1134) |
| No. of applications determined | 727 (989) | 768 (1032) |
| No. of applications withdrawn | 25 | 37 |
| No. of applications determined under delegated powers | 597 | 605 |
| No. of applications submitted electronically via The Planning Portal | 148 | 249 |

Members will notice the increase in the number of applications received in 2011-2012 compared with 2010-2011 yet the number of applications determined under delegated powers has remained static. There has also been a significant increase in the number of applications submitted via the Planning Portal which is something that is encouraged by Central Government. However, from Ribble Valley Borough Council's perspective the process is very labour intensive. It may be worthwhile to investigate the cost and benefits of purchasing back office 1APP connector, which would enable planning portal applications to be directly inputted on to the system.

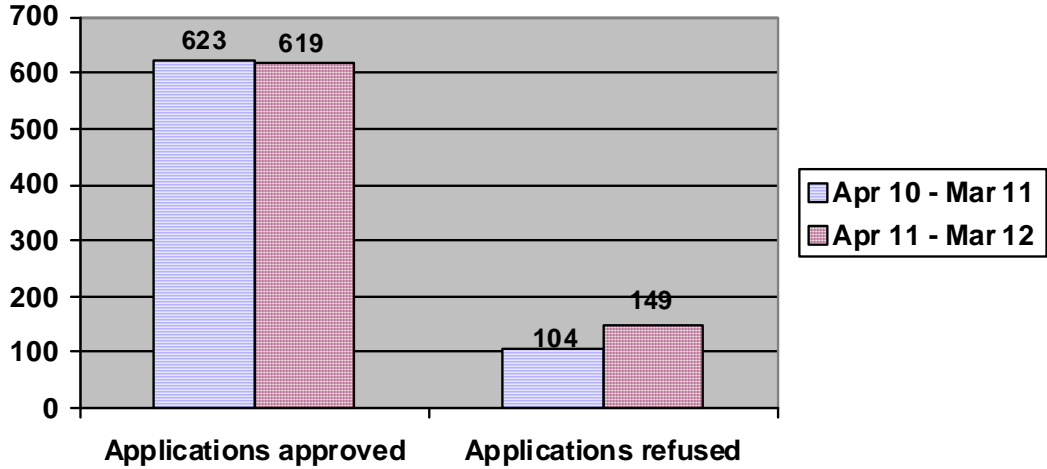
(For members' information the figures in the above table are taken from the returns, which are submitted, to Central Government. These returns do not include the following types of applications: discharge of conditions, non-material amendments, prior notifications, modification of legal agreements, observations to other local authorities and tree applications, and therefore the number of applications actually received and determined will be higher than shown in the table above. These applications have been added to the figures above and are shown in brackets.)

3.1 Determination rate of planning applications

| | APR 10 – MAR 11 | APR 11 – MAR 12 |
|-----------------------|-----------------|-----------------|
| Applications approved | 623 | 619 |
| Applications refused | 104 | 149 |

During April 2010 – March 2011 the percentage of applications refused was 14% and during April 2011 – March 2012 it was 19%.

Bar chart to show applications approved and refused during April 09 - March 10 and April 10 - March 11



3.1.1 Appendix A to this report explains the definitions of Major, Minor and Other applications.

3.1.2 The Council's targets for 2011/12 are:

- 35%** of Major applications in 13 weeks
- 60%** of Minor applications in 8 weeks
- 80%** of Other applications in 8 weeks

Largescale Major Developments

| | Total | Granted | Refused | Less 8 wks | 8-13 wks | 13-16 wks | 16-26 wks | 26-52 wks | Over 52 wks |
|--|----------|---------|---------|------------|----------|-----------|-----------|-----------|-------------|
| 1. Dwellings | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 1 | 1 |
| 2. Offices, R&D, Light Industry | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3. General Ind., Storage & Warehousing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4. Retail, Distrib. & Servicing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 5. Gypsy and Traveller pitches | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6. All other largescale major developments | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 |
| TOTAL | 3 | | | 0 | 0 | | | | |

| |
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Smallscale Major Developments

| | Total | Granted | Refused | Less 8 wks | 8-13 wks | 13-16 wks | 16-26 wks | 26-52 wks | Over 52 wks |
|---|-----------|---------|---------|---------------|-------------|--------------|--------------|--------------|----------------|
| 7. Dwellings | 8 | 7 | 1 | 0 | 0 | 1 | 1 | 2 | 4 |
| 8. Offices, R&D, Light Industry | 2 | 2 | 0 | 0 | 1 | 0 | 1 | 0 | 0 |
| 9. General Ind., Storage & Warehousing | 3 | 3 | 0 | 0 | 2 | 0 | 0 | 1 | 0 |
| 10. Retail, Distrib. & Servicing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 11. Gypsy and Traveller pitches | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 12. All other smallscale major developments | 5 | 5 | 0 | 1 | 3 | 0 | 1 | 0 | 0 |
| TOTAL | 18 | | | 1 | 6 | | | | |

33% of Major applications were determined in 13 weeks during April 2011 – March 2012
(Target = 35%)

Minor Developments

| | Total | Granted | Refused | Less 8 wk | 8-13 wk | 13-16 wks | 16-26 wks | 26-52 wks | Over 52 wks |
|---|------------|---------|---------|--------------|------------|--------------|--------------|--------------|----------------|
| 13. Dwellings | 135 | 113 | 22 | 51 | 28 | 17 | 20 | 16 | 3 |
| 14. Offices, R&D, Light Industry | 2 | 2 | 0 | 1 | 1 | 0 | 0 | 0 | 0 |
| 15. General Ind., Storage & Warehousing | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| 16. Retail, Distrib. & Servicing | 2 | 2 | 0 | 1 | 1 | 0 | 0 | 0 | 0 |
| 17. Gypsy and Traveller pitches | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 18. All other minor developments | 140 | 124 | 16 | 76 | 25 | 11 | 16 | 11 | 1 |
| TOTAL | 280 | | | 129 | | | | | |

46% of Minor applications were determined in 8 weeks during April 2011 – March 2012
(Target = 60%)

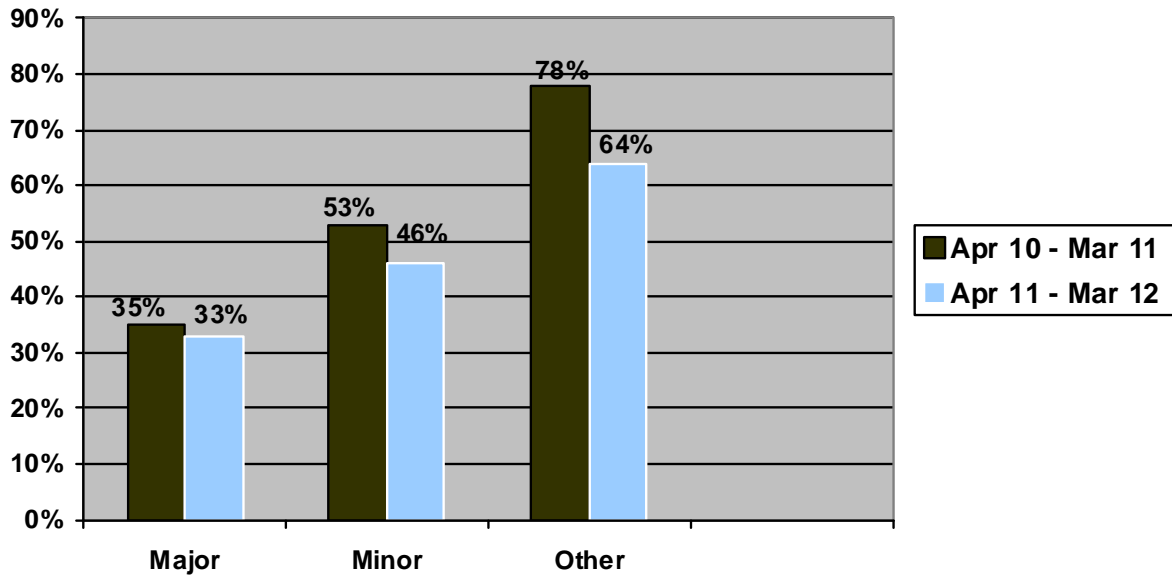
INFORMATION

Other Developments

| | Total | Granted | Refused | Less 8 wk | 8-13 wk | 13-16 wks | 16-26 wks | 26-52 wks | Over 52 wks |
|--|------------|---------|---------|--------------|------------|--------------|--------------|--------------|-------------------|
| 19. Minerals Processing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 20. Change of Use | 55 | 48 | 7 | 22 | 15 | 5 | 5 | 7 | 1 |
| 21. Householder Developments | 290 | 223 | 67 | 210 | 56 | 8 | 13 | 3 | 0 |
| 22. Advertisements | 19 | 17 | 2 | 9 | 4 | 2 | 0 | 4 | 0 |
| 23. Listed Building (alt/ext) | 49 | 30 | 19 | 24 | 7 | 3 | 8 | 6 | 1 |
| 24. Listed Building (demolish) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 25. Conservation Area consents | 9 | 8 | 1 | 2 | 2 | 1 | 2 | 2 | 0 |
| 26. Certificates of Lawful Development | 45 | 34 | 11 | 34 | 8 | 0 | 2 | 1 | 0 |
| 27. Notifications | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 467 | | | 301 | | | | | |

64% of Other applications were determined in 8 weeks during April 2011 – March 2012
(Target = 80%)

Bar chart to show determination rates of major, minor and other applications during April 09 - March 10 and April 10 - March 11



When looking at the overall year's performance the targets have not been met. As discussed in previous reports major applications often require negotiation and further information, especially in relation to Section 106 Agreements.

During April 2011 – March 2012 the department received a total of 349 pre-application advice requests and officers gave a total of 372 responses to advice requests.

3.2 Prior determination applications

3.2.1 These include both agricultural determinations and all other determination applications such as telecommunication proposals.

3.2.2 The number of determinations applications received was 20. The number of determinations applications on which we requested full details was 5.

3.3 Fees

3.3.1 The relevant fees generated during the year were £406,220 which represents an increase of £41,209.50 from the previous year. In percentage terms this is an increase of approximately 10%.

The total fees generated by pre-application advice requests were £23,044, which is a decrease of £3,806 from the previous year.

DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

DCLG Quarterly Returns April 2010 – March 2011 and April 2011 – March 2012.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 24 MAY 2012
 title: PLANNING APPLICATION/ENFORCEMENT STATISTICS REPORT QUARTER
 1 JANUARY – 31 MARCH 2012
 submitted by: DIRECTOR OF COMMUNITY SERVICES
 principal author: LOUISE BLATCHFORD

1 PURPOSE

1.1 This report is a statistical account of planning applications, appeals and enforcement notices submitted to the Council.

1.2

1.3 The report is for the quarters relating from 1 January – 31 March 2012. The information comes predominantly from the General Development Control Returns (PS1 & PS2), which are sent to the DCLG on a quarterly basis.

2 APPEALS AND ENFORCEMENT

2.1 Appeals received

| JAN – MAR 2012 | |
|------------------------|--------|
| TYPE | NUMBER |
| HEARINGS | 0 |
| INQUIRY | 0 |
| WRITTEN REPRESENTATION | 8 |
| HOUSEHOLDER APPEAL | 6 |

2.12 Appeals determined

| JAN – MAR 2012 | | | | |
|------------------------|-----------|---------|----------------|-----------|
| TYPE | DISMISSED | ALLOWED | SPLIT DECISION | WITHDRAWN |
| HEARINGS | 0 | 0 | 0 | 0 |
| INQUIRY | 0 | 1 | 0 | 0 |
| WRITTEN REPRESENTATION | 5 | 2 | 2 | 1 |
| HOUSEHOLDER APPEAL | 4 | 1 | 0 | 0 |

The appeal, which was allowed following an inquiry, was the application at land off Henthorn Road, Clitheroe. The written representations appeals, which were dismissed, were the applications at Old Chapel Barn, Preston Road, Alston; 46 Higher Road, Longridge; Plum Tree Cottage & Cherry Tree Cottages, Clitheroe Road, Waddington; Carr Meadow Barn, Carr Lane, Balderstone and Marl Barn, Tosside. The written representations appeals, which were allowed, were the applications at Burons Laithe, Horton and Dean Farm, Sabden. The two split decisions were on two applications at 18-

20 Berry Lane, Longridge and the withdrawn appeal related to the application at The Eaves, Pendleton Road, Wiswell.

The householder appeals, which were dismissed, were the applications at 1 Walled Garden, Woodfold Park, Mellor; Shays Farm, Tosside; 4 Branch Road, Mellor Brook and Kezmin House, Hothersall Lane, Hothersall. The householder appeal, which was allowed, was the application at Strathaven, Whalley Road, Billington.

2.2 Enforcement notices issued

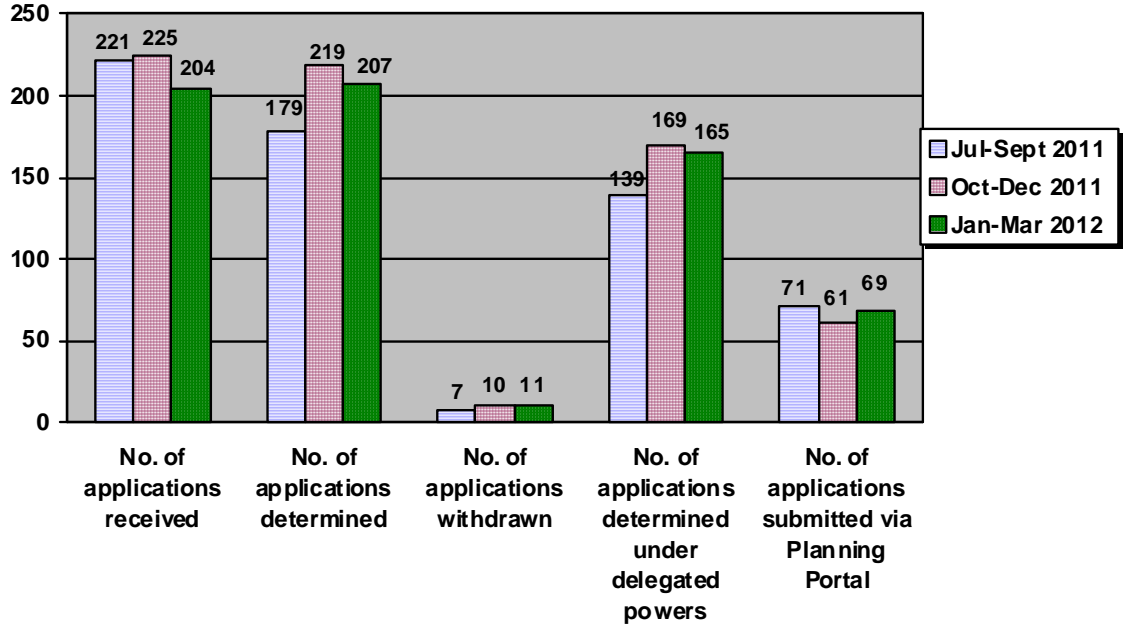
| | JAN – MAR 2012 |
|---|----------------|
| Number of enforcement notices issued | 0 |
| Number of stop notices served | 0 |
| Number of temporary stop notices served | 0 |
| Number of planning contravention notices served | 0 |
| Number of breach of condition notices served | 0 |
| Number of enforcement injunctions | 0 |
| Number of requisitions for information issued | 2 |
| Number of complaints investigated | 47 |

3 Planning Applications

| | JUL – SEPT 2011 | OCT – DEC 2011 | JAN – MAR 2012 |
|--|--------------------|-------------------|-------------------|
| No. of applications received | 221 | 225 | 204 |
| No. of applications determined | 179 | 219 | 207 |
| No. of applications withdrawn | 7 | 10 | 11 |
| No. of applications determined under delegated powers | 139 | 169 | 165 |
| No. of applications submitted electronically via The Planning Portal | 71 | 61 | 69 |

The percentage of applications determined under delegated powers in July – September 2011 was 78%, in October – December 2011 it was 78% and in this quarter it was 80%.

Bar chart to show number of applications received, withdrawn, determined and submitted via the Planning Portal during the last three quarters



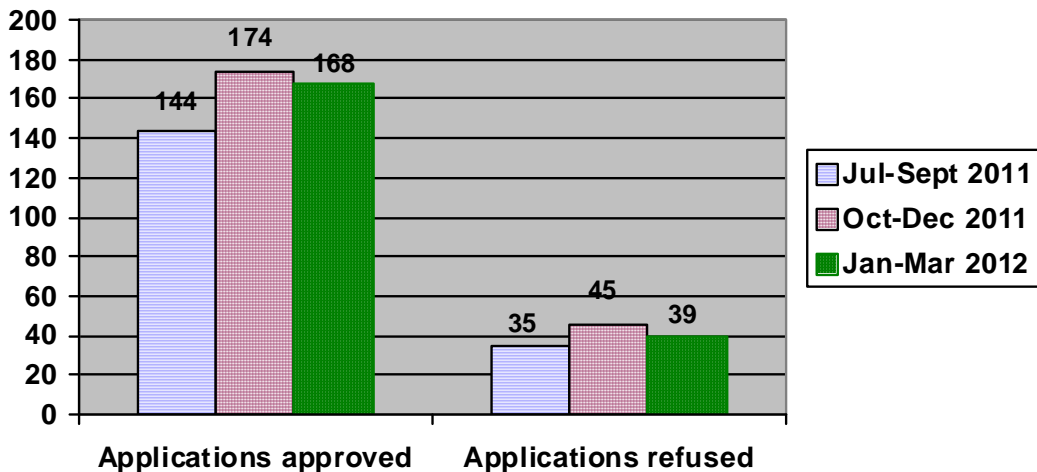
3.1 Determination rate of planning applications

3.2

| | JUL – SEPT 2011 | OCT – DEC 2011 | JAN – MAR 2012 |
|-----------------------|-----------------|----------------|----------------|
| Applications approved | 144 | 174 | 168 |
| Applications refused | 35 | 45 | 39 |

During July-September 2011 the percentage of applications refused was 20%, in October-December 2011 it was 21% and in January-March 2012 it was 19%.

Bar chart to show applications approved and refused during the last three quarters



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3.2.1 The Council's targets for 2011/12 are:

35% of Major applications in 13 weeks

60% of Minor applications in 8 weeks

80% of Other applications in 8 weeks

Largescale Major Developments

| | Total | Granted | Refused | Less 8 wks | 8-13 wks | 13-16 wks | 16-26 wks | 26-52 wks | Over 52 wks |
|--|----------|---------|---------|---------------|-------------|--------------|--------------|--------------|----------------|
| 1. Dwellings | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 |
| 2. Offices, R&D, Light Industry | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3. General Ind., Storage & Warehousing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4. Retail, Distrib. & Servicing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 5. Gypsy and Traveller pitches | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6. All other largescale major developments | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 1 | | | 0 | 0 | | | | |

Smallscale Major Developments

| | Total | Granted | Refused | Less 8 wks | 8-13 wks | 13-16 wks | 16-26 wks | 26-52 wks | Over 52 wks |
|---|----------|---------|---------|---------------|-------------|--------------|--------------|--------------|----------------|
| 7. Dwellings | 5 | 4 | 1 | 0 | 0 | 1 | 0 | 1 | 3 |
| 8. Offices, R&D, Light Industry | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| 9. General Ind., Storage & Warehousing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 10. Retail, Distrib. & Servicing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 11. Gypsy and Traveller pitches | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 12. All other smallscale major developments | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| TOTAL | 7 | | | 0 | 1 | | | | |

13% of Major applications were determined in 13 weeks during January-March 2012
(Target = 35%)

| |
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| INFORMATION |
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Minor Developments

| | Total | Granted | Refused | Less 8 wk | 8-13 wk | 13-16 wks | 16-26 wks | 26-52 wks | Over 52 wks |
|---|-----------|---------|---------|--------------|------------|--------------|--------------|--------------|----------------|
| 13. Dwellings | 41 | 39 | 2 | 13 | 9 | 4 | 8 | 6 | 1 |
| 14. Offices, R&D, Light Industry | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| 15. General Ind., Storage & Warehousing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 16. Retail, Distrib. & Servicing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 17. Gypsy and Traveller pitches | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 18. All other minor developments | 33 | 29 | 4 | 13 | 7 | 4 | 8 | 1 | 0 |
| TOTAL | 75 | | | 26 | | | | | |

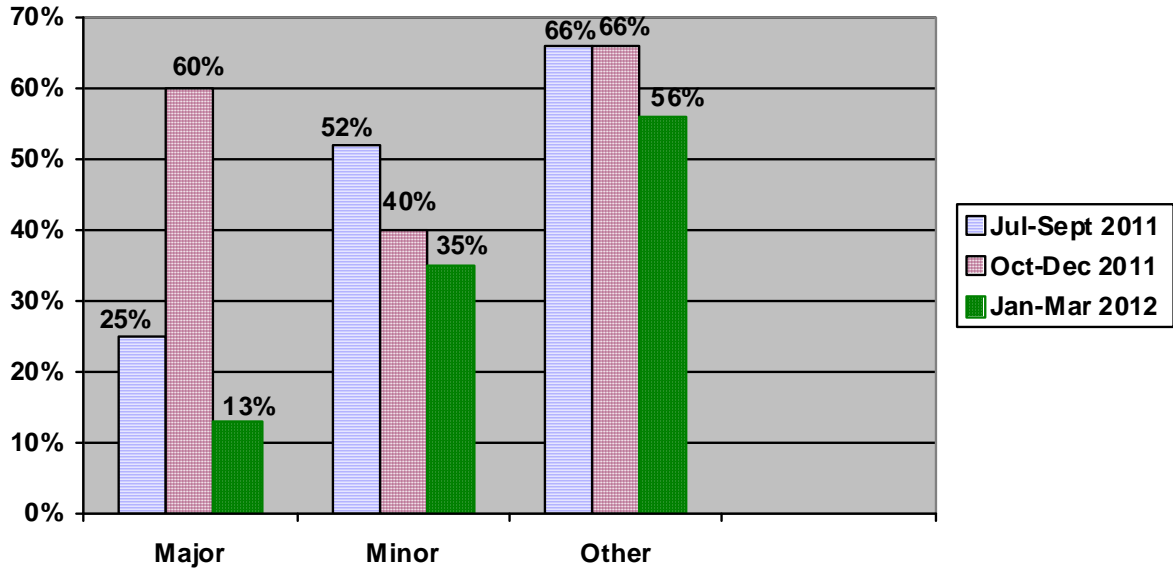
35% of Minor applications were determined in 8 weeks during January-March 2012
(Target = 60%)

Other Developments

| | Total | Granted | Refused | Less 8 wk | 8-13 wk | 13-16 wks | 16-26 wks | 26-52 wks | Over 52 wks |
|---|------------|---------|---------|--------------|------------|--------------|--------------|--------------|----------------|
| 19. Minerals Processing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 20. Change of Use | 12 | 12 | 0 | 6 | 2 | 1 | 0 | 2 | 1 |
| 21. Householder Developments | 81 | 61 | 20 | 53 | 22 | 1 | 3 | 2 | 0 |
| 22. Advertisements | 3 | 3 | 0 | 2 | 0 | 0 | 0 | 1 | 0 |
| 23. Listed Building (alt/ext) | 16 | 8 | 8 | 4 | 2 | 3 | 6 | 1 | 0 |
| 24. Listed Building (demolish) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 25. Conservation Area consents | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| 26. Certificates of Lawful Development | 11 | 8 | 3 | 5 | 4 | 0 | 1 | 1 | 0 |
| 27. Notifications | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 124 | | | 70 | | | | | |

56% of Other applications were determined in 8 weeks during January-March 2012
(Target = 80%)

Bar chart to show determination rates of major, minor and other applications during the last three quarters



Only 13% of the major applications determined this quarter were determined within 13 weeks and so the 35% target has not been met. The major application determined within 13 weeks was:

Low secure unit with day facilities and security fencing, including perimeter of adjacent building; new vehicular access to Pendlecroft; improvements to main hospital access from Mitton Road (Re-submission) at Calderstones Partnership NHS Foundation Trust, Mitton Road, Whalley.

The applications, which took longer than 13 weeks to determine, were:

Outline application for a mixed use development comprising residential (C3), nursing home (C2) and primary school (D1), and associated access, car parking and ancillary landscaping at land to the East of Clitheroe Road (Lawsonsteads), Whalley; erection of a research and development building at Calder Vale Park, Simonstone Lane, Simonstone; outline application to build 10 x two bed semi-detached bungalows, 4 x semi-detached and 2 detached three bed dormer bungalows and 8 x three bed semi-detached houses and diversion of public footpath at land adjacent to Petre House Farm, Whalley Road, Langho; outline planning application for residential development (ten dwellings) at land off Chatburn Old Road, Chatburn; proposed demolition of part of Victoria Mill and conversion of former Spinning Mill into 22no. apartments, conversion of former office building into 3no. townhouses, erection of 4no. affordable elderly care bungalows, 23no. other affordable dwellings, 18no. dwellings and the creation of a new pond at Victoria Mill, Watt Street, Sabden; residential development of 37 dwellings at Barrow Brook Business Village, Barrow and reserved matters application for approval of appearance and landscaping, following outline approval for regeneration of the site to provide 44 dwellings (6 of which would be affordable) with access from Watt St. and associated parking at Cobden Mill, Watt Street, Sabden.

It is often the case that major applications are subject to a legal agreement being drawn up, agreed and signed. Whilst the application may have been taken to a committee meeting the actual decision cannot be issued until the legal agreement has been agreed and signed. This therefore means that the application will often take longer than 13 weeks to determine. As members are already aware, major applications ordinarily involve complex issues and can require extensive consultation with statutory bodies.

The determination rate of minor applications has decreased by a further 5% since the last quarter and the target of 60% of applications being determined in 8 weeks has not been met. The determination rate of other applications has also decreased from last quarter by 10% and the target of 80% being determined in 8 weeks has also not been met. For members' information 65% of householder applications were determined within 8 weeks.

Balancing of resources means that officers' time is often taken away from dealing with planning applications, for example, in dealing with appeals. Significant work has been carried out on appeals over the last 12 months and in particular from September 2011 to March 2012 a considerable amount of work had to be carried out in relation to the public inquiry for land off Henthorn Road, Clitheroe, which took up the time of two officers.

For members' information 76 requests for pre-application advice were received this quarter, 46 of these generated fees as detailed further on in the report. 83 responses were given to pre-application advice requests during January-March.

3.3 Prior determination applications

3.3.1 These include both agricultural determinations and all other determination applications such as telecommunication proposals.

3.3.2 The Council did not receive any determinations applications during this quarter.

3.4 Fees

The relevant planning application fees generated were £112,975, which represents an increase of £18,467 from last quarter. In percentage terms this is an increase of approximately 16%.

During this quarter requests for pre-application advice generated fees totalling £6,094. Within this total, there were 6 requests for householder pre-application advice, which generated fees of £414.00 (fees for householder pre-application advice were only introduced on 1 March 2012).

DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS – DCLG Quarterly Returns Jul-Sept 2011, Oct-Dec 2011 and Jan-Mar 2012

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 24 MAY 2012
title: PROPOSED DEED OF VARIATION TO PROVISIONS IN THE SUPPLEMENTAL AGREEMENT DATED 22 OCTOBER 2010 TO THE SECTION 106 AGREEMENT FOR SITES AROUND AND INCLUDING PRIMROSE MILL FOR RESIDENTIAL DEVELOPMENT
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: SARAH WESTWOOD – SENIOR PLANNING OFFICER

1 PURPOSE

1.1 To inform Members of the decision taken by an Emergency Committee convened on Tuesday, 1 May to agree proposed changes to the supplemental agreement of the Section 106 Agreement in relation to some of the affordable properties of the Primrose Village Development.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – To make people's lives safer and healthier by implementing established policy. Also insisting the Council to protect and enhance existing environmental qualities.
- Community Objectives – The report relates to issues affecting the delivery of affordable housing in the borough.
- Corporate Priorities – To facilitate the occupation of additional affordable homes.
- Other Considerations – To ensure a consistency of approach in the determination of planning applications where a quota of affordable housing is required.

2 BACKGROUND

2.1 Planning and Development Committee have considered applications concerning the regeneration of sites around and including Primrose Mill for residential development, including improved site access, highway improvements and provision of public open space under various applications since 2008 (see Background Papers for list of all such applications).

2.2 These applications are the subject of a Section 106 Agreement that outlines financial contributions in respect of public open space and highway improvements as well as providing phasing mechanisms for the delivery of those contributions. The Agreement also concerns itself with the provision of affordable housing units on site.

3 ISSUES

3.1 The original Agreement was drafted to cover applications 3/2008/0526/P, 3/2010/0054/P and 3/1010/0055/P and in respect of affordable provision detailed numbers of units and type of tenure that were envisaged at that time. However the monies that were forthcoming for the scheme were different from that originally envisaged and a

Supplemental Agreement was issued dated 22 October 2010 that agreed a variation to the tenure to allow 13 rental and 12 low cost home ownership units (originally it had been envisaged as 25 rental units).

- 3.2 It has become apparent that there are issues being identified by mortgage lenders with some of the clauses in the Supplemental Agreement and thus prospective purchasers are facing difficulties in securing the necessary finance to acquire the properties.
- 3.3 An application was submitted to the Council on 4 April, and given the reference 3/2012/0326/P, to vary the definition of 'Chargee' to the following

"Chargee" any mortgagee or chargee of the Affordable Housing Land or any part thereof or any units within the Affordable Housing Land or the successors in title to such mortgagee or chargee or any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925

and for the insertion of an alternate clause 2 dealing with the sale of a property by a 'Chargee' in the Supplemental Agreement as follows.

"2. Any Chargee shall prior to seeking to dispose of the Affordable Housing Land or any part thereof pursuant to any default under the terms of its mortgage or charge shall give not less than 2 months prior notice to the Council of its intention to dispose ("the Notice") and:

- a) *In the event that the Council responds within 1 month from the date of service of the Notice indicating that arrangements for the transfer of the Affordable Housing Land or any part thereof can be made in such a way as to safeguard them as affordable housing then the Chargee shall co-operate with such arrangements and use its best endeavours to secure each transfer.*
- b) *If the Council does not serve its response to the Notice within 1 month from service of the Notice then the Chargee shall be entitled to dispose free of the restrictions set out in this Deed the Section 106 Agreement and the Supplemental Agreement.*
- c) *If the Council or any other person cannot within 2 months of the date of service of the Notice secure such transfer then provided that the Chargee shall have complied with its obligations under this paragraph 2 the Chargee shall be entitled to dispose free of the restrictions set out in this Deed the Section 106 Agreement and the Supplemental Agreement.*

PROVIDED THAT *at all times the rights and obligations in this paragraph 2 shall not require the Chargee to act contrary to its duties under the charge or mortgage and that the Council must give full consideration to protecting the interest of the Chargee in respect of moneys outstanding under the charge or mortgage"*

- 3.4 The Housing Working Group considered the request to amend the Section 106 Supplemental Agreement and agreed that the proposed amendments are necessary and appropriate to ensure purchasers can secure mortgages on the affordable units. They therefore supported the application to vary the Agreement.
- 3.5 Although the Section 106 Agreement itself and its Supplemental Agreement is covered by delegated powers, the essential accompanying planning application is not.

- 3.6 This matter was brought before an Emergency Committee as the issue was time sensitive with prospective purchasers having mortgage offers in place but only for a limited period of time.
- 3.7 The Emergency Committee agreed the variation of the provisions in the Supplemental Agreement dated 22 October 2010 as outlined in paragraph 3.3 of this report and the accompanying planning application reference 3/2012/0326/P.
- 4 **RECOMMENDED THAT COMMITTEE**
- 4.1 Note the content of this report.

DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

- 1 3/2008/0526/P – Proposed regeneration of sites around and including Primrose Mill for residential development including improved site access, highway improvements and provision of public open space. Approved with conditions 24 March 2010.
- 2 3/2010/0054/P – Proposed regeneration of open land (including former EA Depot part) for residential development (25 affordable units) to form part of a wider Primrose housing scheme (application 3/2008/0526/P) including access link to existing Contour housing scheme. Approved with conditions 24 March 2010.
- 3 3/2010/0055/P – Proposed regeneration of the existing commercial site(s) for residential development (25 units) being Phase 1B of the Primrose residential project including improved vehicular access to Woone Lane (6 home buy affordable units and 19 market/full sale units). Approved with conditions 24 March 2010.
- 4 3/2010/0756/P – Reserved matters application for Phase 1C of the proposed redevelopment comprising of 30 residential units. Approved with conditions 28 March 2011.
- 5 3/2010/0838/P – Proposed application for the modification of Section 106 Agreement to clarify the affordable housing obligations following the granting of funding by the Homes and Communities Agency and vary elements of the wording associated with the future letting and management of the affordable housing to be developed on the site at the request of our housing partner. This includes the addition of a clause to provide protection to a future mortgagee of the affordable housing and to enable the Association to raise private finance against the new homes. Approved with conditions 22 October 2010.
- 6 3/2010/0897/P – Regeneration of existing mill site for residential development for 12 apartments and 2 dwellings. Amendments to approved residential scheme reference 3/2008/0526/P. Approved with conditions 3 November 2011.

- 7 Section 106 Agreement dated 24 March 2010 relating to 3/2008/0526/P, 3/2010/0054/P and 3/2010/0055/P.
- 8 Supplemental Agreement to the Section 106 Agreement dated 22 October 2010 pertaining to the affordable elements.

For further information please ask for Sarah Westwood, extension 4516.

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 24 MAY 2012
title: PROPOSED DEED OF VARIATION TO MODIFY THE SECTION 106 AGREEMENT DATED 2 NOVEMBER 2010 RELATING TO LAND AT BARROW BROOK, BARROW
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: SARAH WESTWOOD – SENIOR PLANNING OFFICER

1 PURPOSE

- 1.1 To inform Members of the decision taken by an Emergency Committee convened on Tuesday, 1 May 2012 to agree proposed changes to the Section 106 Agreement in relation to all of the affordable properties at Phase 1 of the Barrow Brook Development.
- 1.2 Relevance to the Council's ambitions and priorities:
- Council Ambitions – To make people's lives safer and healthier by implementing established policy. Also insisting the Council to protect and enhance existing environmental qualities.
 - Community Objectives – The report relates to issues affecting the delivery of affordable housing in the borough.
 - Corporate Priorities – To facilitate the occupation of additional affordable homes.
 - Other Considerations – To ensure a consistency of approach in the determination of planning applications where a quota of affordable housing is required.

2 BACKGROUND

- 2.1 The Planning and Development Committee have considered applications concerning the redevelopment the former Printworks site at Barrow for a variety of uses including residential under 3/2007/1144/P, 3/2009/0791/P and 3/2010/0568/P.
- 2.2 The latter of the aforementioned applications is the subject of a Section 106 Agreement that outlines financial contributions in respect of public open space and also concerns itself with the provision of 19 affordable housing units.

3 ISSUES

- 3.1 The Agreement in respect of the affordable units provides details on the number of units, type and tenure as well as criteria for eligibility. In particular one of the clauses specifies that each and every affordable housing unit shall not be occupied or purchased by any person except an approved person who shall be approved in writing by the Council.
- 3.2 It has become apparent that the current terms of the Agreement in this respect are restricting mortgage lenders who have taken issue with the fact that the owners will never be able to sell their property other than to an approved person. The application made to the Council under reference 3/2012/0223/P seeks to add the following clauses by way of a Deed of Variation to the Agreement:

In marketing each Affordable Housing Unit the RSL shall, for a period of six months from the said Affordable Housing Unit becoming vacant, use all reasonable endeavours to identify a tenant or purchaser (as the case may be) being a person who meets the definition of Approved Person in this Agreement but if at the end of the period of six months in which an Affordable Housing Unit has been marketed no Approved Person has been identified then the RSL may dispose of the Affordable Housing Unit to a person who is not an Approved Person.

Should the Council and/or the RSL be unable to nominate an Approved Person to any mortgagee (of either the RSL or a person deriving title from the RSL) who has exercised its power of sale under any mortgage or charge of the Property or any Affordable Housing Unit comprised in the Property within two months of a request by such mortgagee in possession then the mortgagee in possession shall be free to sell the Affordable Housing Unit on the open market.

- 3.3 The Strategic Housing Working Group considered the request to vary the Section 106 for Barrow Brook on 29 February and then the standard clauses for time period of affordable housing sales to go to approved person was agreed by Health and Housing Committee on 22 March. The proposed variation was supported by the Working Group and agreed to be appropriate and necessary to ensure mortgages can be secured on the units.
- 3.4 Although the Section 106 Agreement itself is covered by delegated powers, the essential accompanying application is not.
- 3.5 The matter was brought before an Emergency Committee as the issue was time sensitive.
- 3.6 The Emergency Committee agreed to the deed of variation to the provisions in the Section 106 Agreement dated 2 November 2010 as outlined in paragraph 3.2 of this report and the accompanying planning application reference 3/2012/0223/P.
- 3.7 Due to neighbour notification issues, the decision could not be issued until 18 May 2012 at the earliest and at the time this report was drafted, there had been no representations made by any of the affected persons to prevent that decision being issued. However, should any correspondence be received in respect of this matter prior to the expiration of the notification period, the matters raised will be brought to the attention of the Planning and Development Committee for due consideration.

4 RECOMMENDED THAT COMMITTEE

- 4.1 Note the content of this report.

DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

- 1 3/2010/0568/P – Proposed erection of 64 dwellings and associated infrastructure. Approved with conditions 4 November 2010.
- 2 Section 106 Agreement dated 2 November 2010 relating to 3/2010/0568/P.

For further information please ask for Sarah Westwood, extension 4516.