

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

Agenda Item No

meeting date: THURSDAY, 19 JULY 2012  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2011/0896/P (GRID REF: SD 375891 445844)  
 CONVERSION OF THE EXISTING CHAPEL AND SUNDAY SCHOOL BUILDING TO FORM 2  
 NO. FOUR BEDROOM DWELLINGS INCLUDING CREATION OF A GARDEN AND PARKING  
 AREAS. OLD METHODIST CHAPEL, LOWER CHAPEL LANE, GRINDLETON, LANCASHIRE.

GRINDLETON PARISH  
 COUNCIL:

On consulting the amended plans, the PC does have two issues outstanding, although they are happy for the development to proceed. They note that:

1. we wish to see if better arrangements could be made for the parking for the school section of the building. Problems are still anticipated on Chapel Lane for occupants and visitors reversing, and
2. on inspecting the internal layout of the chapel section, we note that there is potential for two dwellings to be constructed in that section making a total of three dwellings.

LCC ENVIRONMENT  
 DIRECTORATE  
 (COUNTY SURVEYOR):

Following the submission of the latest amended plans, no objection in principle to this application on highway safety grounds.

UNITED UTILITIES:

No objections to the proposed development at this stage.

NATURAL ENGLAND:

The site has been identified as a bat roost, the status of which has been identified as a result of evening emergence/dawn re-entry surveys. NE determines that the scale of impact is low and that mitigation has been provided which is appropriate and proportionate to the scale of impact. NE advises that permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.

LCC PLANNING OFFICER  
 (ARCHAEOLOGY):

The Old Methodist Chapel lies within the Grindleton Conservation Area (a designated heritage asset), and has been identified as a Building of Townscape Merit within the Grindleton Conservation Area Appraisal. Date stones on the building show the Chapel to have been built in 1862, and the attached Sunday School in 1899.

The rural areas of Lancashire produced a number of nonconformist sects (including the only one, other than the Plymouth Brethren, to be named after its place of origin, the 'Grindletonians' in the later 17<sup>th</sup> century), which must reflect the attitude of the population to the 'Establishment' and the State organised religion of the period. In their architectural style and size the chapels often contrast strongly with the surrounding domestic and industrial architectures and therefore form a strong focal point in the historic environment.

The building is considered to be of some local significance, and LCAS would therefore recommend that should the planning authority be minded to grant planning permission to this, or any similar scheme, that the building is recorded prior to its conversion, and that such works are secured by means of the planning condition.

**ADDITIONAL  
REPRESENTATIONS:**

Three letters have been received with regards to this application, and the following points of objection have been made:

1. Impact on parking in the area.
2. Insufficient number of parking spaces.
3. Detrimental to highway safety.
4. Concerns regarding the access to properties on Chapel Lane being compromised by the development.
5. Access must be made available for farm and emergency vehicles to pass.
6. The scheme indicated is impractical for anything other than three small cars.

**Proposal**

*Planning permission is sought for the conversion of the former Methodist Chapel and Sunday School in Grindleton into two dwellings. The building is located off Lower Chapel Lane in Grindleton, and is within the village settlement boundary designated by the Local Plan. The site lies wholly within the Grindleton Conservation Area and the building is noted as a 'Focal Building' and a 'Building of Townscape Merit' within the Grindleton Conservation Area Appraisal. The site lies within the Forest of Bowland Area of Outstanding Natural Beauty. The building has been vacant since 2008. The garden areas for the two properties will be created within the existing curtilage area to the northeast and southwest areas of the building, and as such the residential curtilage for the site will be that enclosed within the red edge shown on the location plan. Parking will be to the northwest facing elevation that faces onto Lower Chapel Lane, with two spaces being created by demolishing and removing part of the existing wall that partially encloses the Sunday School building. Planning permission has already been sought for the conversion of this building on two other occasions, both of which were refused. This application seeks to satisfy those previous reasons for refusal.*

## **Site Location**

The site lies within the village settlement boundary of Grindleton, within the Grindleton Conservation Area and is located within the Forest of Bowland Area of Outstanding Natural Beauty.

## **Relevant History**

3/2010/0305/P – Conversion of Methodist Chapel into six one and two bedroom affordable flats - Refused.

3/2009/0532/P - Conversion of Methodist Chapel into 6no. one and two-bedroom affordable flats including provision of additional amenity and car parking spaces – Refused.

## **Relevant Policies**

Policy G1 - Development Control.

Policy G4 - Settlement Strategy.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy ENV7 – Species Protection.

Policy ENV16 – Development within Conservation Areas.

Policy H15 - Building Conversions - Location.

Policy H16 - Building Conversions - Building to be Converted.

Policy H17 - Building Conversions - Design Matters.

Wildlife & Countryside Act 1981 as amended.

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

National Planning Policy Framework.

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

The main issues with this application relate to the principle of the development, what affect the proposed change of use and the external/internal alterations may have with regards to its visual impact on the building, the potential visual impact on the character and setting of the Conservation Area and AONB, and any potential impact on habitats. The LCC Highways Officer has raised no objection in principle to the application on highway safety grounds, and there are considered to be no impacts on the residential amenity of the nearby properties,

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.*

However, as the building to be converted has been identified as a bat roost, Chapter 11 of the NPPF, Conserving and enhancing the natural environment, paragraph 119 advises that *'The*

*presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.*’ The site has been identified as such as a result of evening emergence/dawn re-entry surveys that have been supplied as part of the application. Paragraph 118 of the NPPF notes that ‘When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Natural England have assessed fully the detailed surveys and reports submitted with the determine that the scale of impact is low and that mitigation has been provided which is appropriate and proportionate to the scale of impact. They therefore advise that permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats. The same bat survey details and reports have been discussed with the Council’s Countryside Officer, and he has compiled a condition to be placed upon this proposal to enable the safe control of the future development of this site as per the proposed scheme. The conversion of this building is therefore acceptable in principle.

In assessing the land use principle of the development of this building, the site lies within the saved settlement boundary of Grindleton, therefore Policy G4 of the DWLP would normally be considered. Policy G4 allows for the rehabilitation and re-use of rural buildings (subject to Policies H15, H16 and H17), and being of a scale that is not considered inappropriate to the locality (two properties), 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. This of course must also be considered against all the other relevant material considerations that the Council must take into account, and these will be assessed shortly.

Additional ‘in principle’ advice is also provided by saved Local Plan Policies H15 and H16, which note that “The conversion of appropriate buildings within settlements or which form part of already defined groups is acceptable”, however this is providing that there would be no materially damaging effects on the landscape qualities of the area, that “the building must be structurally sound and capable of conversion, without the need for extensive or major alterations which would adversely affect the character or appearance of the building”, and that “the character of the building and its materials are appropriate to its surroundings and the building is worthy of retention”. Therefore, taking into account all the above Policies and guidance, the principle of the conversion of the building in question is considered acceptable.

With specific regard to the design of the proposed building conversion, the Grindleton Conservation Area Appraisal defines the Chapel as both a Building of Townscape Merit (thus confirming its positive contribution to the character and appearance of the Conservation Area) and a Focal Building. The buildings defining features are stated as ‘Chapel rendered with tall round headed light windows, the Sunday School of Accrington brick, all with original boundary wall, gate and railings’. With regards to the proposed works to the building, I am mindful not only of the Conservation Area and AONB setting (Local Plan Policies ENV1, ENV16 and ENV17) but also that this a conversion of an existing structure. Local Plan Policy H17 discusses the finer points of the conversion of a building, noting that it must of a high standard and in keeping with the local tradition, and that “Too many doors and windows, the insertion of dormers, roof lights and chimneys and the alterations of roof trusses will devalue the character

of traditional buildings and that of the surrounding environment". It is acknowledged that these Policies are more readily associated with the conversion of rural buildings, however they do provide important guidelines for such conversions as proposed here.

As the building is considered to be of 'Townscape Merit', it is considered to be a non-designated heritage asset. Chapter 12, Conserving and enhancing the historic environment, of the NPPF notes within paragraph 131 that *'In determining planning applications, 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 continues advising that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be'*. Paragraph 134 advises further noting that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

As originally submitted, the design of the proposed conversion was considered unacceptable and incongruous by virtue of the excessive and inappropriate number of additional openings within it. A number of different design solutions were discussed with the agent and applicant, involving the reduction in, and alterations to, the proposed window and door openings within the building. The scheme is now only marginally different from that submitted in 2010, which the Local Planning Authority raised no objections to at the time.

Within the fabric of the walls, the main difference is the introduction of three new door openings into the building. Two will be inserted on the rear (east facing) elevation of the building, one of which will have a round headed opening to match the existing entrance door on the front elevation with the other one a standard rectangular timber door, and a new rectangular timber door with a recessed fitting will be inserted in the Lower chapel Lane elevation of the building. These doors allow more direct access to the amenity and parking areas of the two dwellings, and given the sympathetic nature of the design details are considered acceptable. With regards to the insertion of roof lights within the building, the scheme in 2010 proposed eight in total, and within this scheme there are 13 proposed. These five additional roof lights sit within the Sunday School roof, and provide light to a number of rooms and the stairwell, thereby reducing the reliance on lighting. Due to their position on the roof and the use of conservation roof lights, it is considered that they will not be significantly visible and will thereby minimise the visual impact on the character of the building, especially when viewed from the local streetscene. The replacement and new window openings will be powder coated aluminium frames (colour to be agreed) and the front elevation will be re-rendered as the existing render has failed and requires replacement. On this basis, given that the scheme proposed will cause less than substantial harm to the significance of the non-designated heritage asset, when weighing up the public benefits of the proposal which include securing its optimum viable use, it is considered that the proposal complies with the requisite guidance contained within national and local plan policies by virtue of the scheme having an acceptable visual impact on the character and setting of the building.

With regards to the visual impact of the scheme on 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 visual impact of the scheme on the Grindleton 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, the scheme seeks to maintain the visual appearance of the existing building by virtue of its sympathetic conversion scheme. This is considered wholly in compliance with the guidance contained within paragraph 131 of the NPPF, taking into account the desirability of sustaining and enhancing the significance of this non-designated heritage asset and putting an empty building into a viable use consistent with its conservation. This scheme is therefore considered to have an acceptable impact on the setting of the Conservation Area, and it ensures that the openness of the AONB at this location is sufficiently preserved.

With specific regards to the concern raised by neighbours and the Parish Council in respect of the parking, the LCC County Surveyor has noted the following. In line with his comments regarding previous applications at this site, his concern has been the provision of an adequate number of safely accessible car parking spaces for this location, whilst recognising the limitations of the immediate highway infrastructure. Access for vehicular traffic to this site at the junction of Lower Chapel Lane and Back Lane is not ideal due to the narrow width of the approach from Main Street. There is minimal visibility for vehicles exiting Lower Chapel Lane onto Main Street due to the alignment of the junction and the proximity of an adjacent boundary wall, and there is no prospect of securing a physical improvement at this location that would change this situation significantly. Any development of new residential property on Lower Chapel Lane will attract additional vehicular activity at this location, however Lower Chapel Lane already serves as the access to a number of residential properties and a working farm. The impact of two residential dwellings formed within the footprint of the existing Methodist Chapel is therefore considered to have a negligible impact on the number of vehicle movements to/from Main Street. Furthermore, the creation of two residential dwellings will "normalise" vehicular activity to the chapel, as by establishing the proposed residential use it will be possible to anticipate the level of subsequent pedestrian and vehicular activity from the site. This contrasts with the extant legitimate uses for the site and the potential levels of traffic generation that could follow on the basis of existing permitted uses.

His concern therefore relates to the viability of the four car parking spaces being proposed. This most recent proposal has successfully identified four off street parking spaces within land under the applicant's control for the use of residents to the two proposed residential units. It has also utilised a satisfactory car-parking module with all of the spaces complying with standard 2.4m by 4.8m dimensions, which allows all vehicles to park fully off the highway, without the potential for vehicles overhanging the footway and causing a hazard to pedestrians and other road users. He notes it would be desirable for the layout of the four spaces to enable vehicles to enter and exit in a forward gear, as there is a potential hazard where any vehicle has to reverse onto the highway and is a particular concern for pedestrians where, as in this instance, there is no adjacent footway. By virtue of the location of the chapel and the width of adjacent roads, motorists will be required to reverse either to or from these spaces. This is not an ideal means of safely accessing these spaces, as Back Lane is an un-adopted road in a poor state of repair that also serves as a pedestrian route for residents. However, as Lower Chapel Lane is very lightly trafficked as it passes the chapel and there are no physical obstructions to forward visibility for motorists wishing to manoeuvre from the proposed parking spaces, in considering the highway safety implications of the proposed development he is satisfied that the creation of two residential dwellings will not have a negligible impact on vehicle activity on Lower Chapel Lane or at its subsequent junction with Main Street, and for the reasons set out above, he raises no objection in principle to this application on highway safety grounds.

With specific regards to maintaining free access for vehicles past the building during construction works, a specific condition has been added to ensure the applicant provides a detailed construction statement that will be adhered to, to allow control over parked vehicles adjacent to the site amongst other things.

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

#### SUMMARY OF REASONS FOR APPROVAL

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

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

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

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

2. The permission shall relate to the development as shown on Plan Drawing Number's 1134-A01, 1134-A02 Rev. D, 1134-A03 Rev. F, 1134-A04, 1134-A03 Rev. E, 1134-A05 Rev. B, 1134-A010 Rev. C, Site Plan Plot 1 and Site Plan Plot 2.

**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 all walling and roofing materials (including render) and details of the windows and doors to be used, and details of any window and door surrounds (including materials to be used) shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies G1, ENV1 and ENV16 of the Ribble Valley Districtwide Local Plan.

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

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

5. Notwithstanding the details shown upon the approved plans, all new and replacement doors (unless specifically stipulated on the approved plan drawings) shall be in timber and retained as such in perpetuity.

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

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

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

7. The car parking spaces marked on the approved plan shall be made available before the use of the premises hereby permitted becomes operative, and shall remain available for use in perpetuity.

REASON: To comply with Policies G1, T1 and T7 of the Ribble Valley Districtwide Local Plan and to allow for the effective use of the parking areas.

8. 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 approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.



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

9. For the avoidance of doubt, the residential curtilage for these new properties shall be that land outlined in red on the Site Plans for Plot 1 and Plot 2.

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

10. Prior to commencement of any works which may affect protected species – [bats] identified during the surveys or their breeding sites or resting places, a detailed mitigation and monitoring strategy shall be submitted to and approved in writing by the local planning authority. The details of which shall include mitigation methodology/monitoring details, all works shall proceed in accordance with the approved mitigation measures with any amendments agreed in writing.

REASON: To protect the bat population from damaging activities and reduce or remove the impact of development, and to ensure there are no adverse effects on the favourable status of a bat population before and during the approved development. In compliance with the guidance within the NPPF, the Wildlife & Countryside Act 1981 as amended and the Conservation [Natural Habitats & c.] Regulations 1994.

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

REASON: In order that the Local Planning Authority shall retain effective control over the visual appearance of the building and the site to ensure the future protection of the character and appearance of the building and the location within the AONB and Grindleton Conservation Area in compliance with Policies, H2, H15, H16, H17, ENV1 and ENV16 of the Ribble Valley Districtwide Local Plan, and the guidance contained within the NPPF.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) the building(s) shall not be altered by the insertion of any window or doorway without the formal written permission of the Local Planning Authority.

REASON: In order to safeguard nearby residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and to ensure the future protection of this character and appearance of the building in accordance with Policies H15, H17, ENV1 and ENV16 of the Local Plan and guidance within the NPPF.

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

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.

14. 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. wheel washing facilities;
  - v. measures to control the emission of dust and dirt during construction;
  - vi. a scheme for recycling/disposing of waste resulting from construction works; and
  - vii. commencement and finishing hours of the construction activity.

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

#### NOTES

1. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpath 45 in the parish of Grindleton abuts the site.
2. Ribble Valley Borough Council imposes a charge to the developer to cover the administration, and delivery costs in providing wheeled bins to each household within a new build property or conversion. Details of current charges are available from the RVBC Contact Centre on 01200 425111.
3. An EPS (BAT) Licence application must be made to Natural England and the appropriate licence granted before works commence at the site. This is in accordance with advice contained within the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2010.

APPLICATION NO: 3/2012/0269/P (GRID REF: SD 363878 431280)  
ERECTION OF OFFICE DEVELOPMENT ON OPEN STORAGE SITE, INCLUDING PARKING AND SERVICING AREA AND IMPROVEMENT OF EXISTING ACCESS ON LAND ADJACENT TO MYERSCOUGH ROAD, MELLOR BROOK, LANCASHIRE.

BALDERSTONE PARISH COUNCIL: Although the PC does not object to the application, we are of the opinion that the entrance to the car park should be gated. This is for obvious security reasons, and would be in accordance with the other buildings in the vicinity.

SOUTH RIBBLE BOROUGH COUNCIL: No observations or comments received at the time of the reports submission.

LCC ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Having received a revised plan detailing the access arrangements for the development site, which now incorporates the 'ghost island' layout I requested, I therefore have no objection to this proposal, subject to appropriate conditions.

ENVIRONMENT AGENCY:

No comments to make.

UNITED UTILITIES:

No objections in principle to this application providing that certain conditions are met.

ADDITIONAL  
REPRESENTATIONS:

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

1. Impact on highway safety,
2. Increase in noise,
3. Will create an unsafe access to the site,
4. BAE have already placed restrictions on their traffic accessing the rear of the site (now an Enterprise Zone),
5. Concern regarding the site being un-gated which could potentially attract undesirable parking on site or fly tipping,
6. Increase in traffic on an already busy road used daily by large vehicles,
7. Parking restrictions must be introduced (double yellow lines) on either side of 'Mellor Way' to prevent parking,
8. Site is not vacant and is currently home to two containers,
9. The entrance scheme to the site is confusing,
10. Loss of light,
11. Ground works could undermine the foundations of our house which is built on clay, and
12. No details have been supplied regarding the boundary between the application site and the adjoining farm.
13. Question of the accessibility scoring.
14. Surely the filter lane will cause problems by reducing the size of the lanes.
15. No details of boundary treatment.
16. Vehicles turning across a busy road must be an issue?

## **Proposal**

Planning permission is sought for the erection of a two-storey office building for B1 use on an enclosed area of land on the outskirts of Mellor Brook close to the A59. The building will have a gross internal footprint of 359 sq.m. providing a total gross area of 716 sq.m. over two floors. Both ground and first floor contain 308 sq.m. of office space, excluding WC's and vertical circulation areas. As part of the development, car-parking provision is made for a total of 20 car spaces incorporating 2 disabled user spaces. Access to the site is provided centrally off the A59 slip road, with the car park and building at either side. A revised site plan now indicates the provision of a manual rising arm barrier to be positioned across the entrance to the car park for security reasons. The building will occupy the site corner closest to the mini roundabout, and due to the development requiring the partial removal of an existing stone boundary wall; it will have a relatively exposed presence on the road edge. The car park will be nearer to the A59.

The new building will be visually split into two distinct sections. One being a more typical office building of high quality cladding and glazing, measuring 6.5m in height, and the other section being a curved, feature building finished in smooth/pitch faced stone to compliment existing nearby dwellings, measuring 7.3m in height. The scheme also includes a central stair tower that projects a further 1.4m above the cladded office section (approximately 7.9m in height). The scheme has been amended to remove the windows within the north and west facing elevations of the building closest to the adjacent Thurstons Farm to prevent any loss of privacy for the occupiers of these dwellings, and the footprint of the building has also been re-orientated to prevent any intrusion into the Root Protection Area of the existing tree closest to the development site (T1).

### **Site Location**

The site in question occupies a corner position at the junction of Myerscough Smithy Road and the slip road to the A59 from Mellor Brook. The site measures approximately 1,510 sq.m. in area and whilst the majority of the site is clear, there are two steel containers sited to the northern end of the site closest to the A59. There is an existing field gate access to the site onto the slip road, and the site is enclosed by a stone wall on the southern and eastern boundaries, and by a mixture of trees, hedgerow and fencing on the northern and western boundaries. To the rear (west) of the site sits a working Farm containing a number of small/medium sized agricultural buildings, beyond that is the BAE Site. There are two dwellings within this complex of buildings, Thurstons Farmhouse and Thurstons Farm Barn that sit 4m from the site and face onto Myerscough Smithy Road.

### **Relevant History**

3/1994/0371/P – Day nursery and play areas and car parking – Withdrawn.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy G11 – Crime Prevention.

Policy ENV3 – Development in Open Countryside.

Policy ENV13 – Landscape Protection.

Policy T1 – Parking Provision.

Policy T7 – Parking Provision.

The Conservation of Habitats and Species Regulations 2010 (as amended).

Wildlife & Countryside Act 1981 as amended.

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 size, scale and location of the scheme and the potential impact on the amenities of the occupiers of the neighbouring dwellings. There are no objections to the proposal from a highway safety point of view.

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.'

Paragraph 17 of the NPPF then advises that 'Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan making and decision taking. Amongst these 12 principles are that planning should:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate and encourage the use of renewable resources (e.g. the development of renewable energy); and
- encourage the effective use of land by reusing land that has been previously developed (Brownfield land), provided that it is not of high environmental value.

Paragraph 111 of the NPPF then encourages the effective use of land by re-using land that has been previously developed (Brownfield land), provided that it is not of high environmental value.

Given the location of the site, the guidance noted in Chapter 3, Supporting a prosperous rural economy, of the NPPF is also considered to be an important consideration. Paragraph 28 states that 'to promote a strong rural economy, local and neighbourhood plans should, amongst other things:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas; both through conversion of existing buildings and well designed new buildings.

Being mindful of the advice stated above within the NPPF which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, it is worthwhile noting the current and surrounding land uses adjacent to the site. The site lies adjacent to Thurstons Farm and Monks Contractors Ltd, and beyond there lies the large BAE site at Salmesbury. This site lies outside any saved settlement boundaries, 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. The circumstances that are prevalent now require developments to meet the requirements of NPPF and as such this site is considered to meet the three dimensions of sustainable development as outlined in NPPF – economic, social and environmental, and bearing in mind the current uses of the adjacent land, the principle of developing this land for offices is considered acceptable in land use terms.

The Local Plan Policies still provide detailed guidance to assessing the size, scale and location of the scheme of the scheme and the impact on the amenities of the occupiers of the neighbouring dwellings. Local Plan Policies G1, G5 and ENV3 are still considered important materials considerations, and they state the following,

- G1 - Development must be sympathetic to existing and proposed land uses in terms of size, intensity and nature, and that the density, layout and relationship between nearby buildings is of major importance, with particular emphasis placed on visual appearance and the relationship to the surroundings.
- G5 – Outside the main settlement boundaries and the village boundaries, planning consent will only be granted for small-scale developments/uses which are appropriate to a rural area and which conform to other policies in the plan.
- ENV3 – In the open countryside outside the AONB and areas immediately adjacent to it, development should be required to be in keeping with the character of the landscape area, and should reflect local vernacular, scale, style, features and building materials. Whilst the Borough Council has no wish to unnecessarily restrict development, it is essential that only development that has benefits to the area be allowed. Even when such development is accepted, it must acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting.

The proposed new purpose built office facility for B1 use, has a gross internal footprint of 359 sq.m. providing a total gross area of 716 sq.m. over two floors. The building will occupy the site corner closest to the mini roundabout, with a relatively exposed presence on the road edge, and the car park will be nearer to the A59. The new building will be visually split into two distinct sections. One being a more typical office building of high quality cladding and glazing, measuring 6.5m in height, and the other section being a curved, feature building finished in smooth/pitch faced stone to compliment existing nearby dwellings, measuring 7.3m in height. The scheme also includes a central stair tower that projects a further 1.4m above the profile clad office section (approximately 7.9m in height). When compared to the nearest adjacent building, Thurstons Farm and Barn, the main bulk and closest section of the building will be shorter in height (-0.25m), with only the stairwell portion in the middle of the building (+1.15m) and the front stone feature portion to the southeast corner (+0.55m) being taller. The scale of the building and the use of materials are therefore in keeping with nearby buildings and with paragraph 56 of the NPPF noting that 'The Government attaches great importance to the design of the built environment,' that 'Good design is a key aspect of sustainable development, and is indivisible from good planning', and as stated in paragraph 63 of the NPPF, 'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area', the proposal is considered a wholly appropriate development that would undoubtedly be of both economic and visual benefit to the area.

With regards to the potential impact on the amenity of the occupiers of the adjacent dwellings, either by loss of light or overlooking, having assessed the additional 'street view' plan (dwg. No. 11.139-05) alongside the other submitted plans it is worth noting the following. Thurston's Farm and Barn sit west south west of the proposed office building and there are three windows in the east facing gable elevation of the dwelling. With regards to any potential loss of light to the adjacent dwellings, due to the difference in orientation between the new office building and the dwellings, whilst it is accepted that the development will have some impact, over the course of a normal day it is unlikely that the loss of light to the habitable room windows would be significant enough to warrant refusing the application. The same reasoning can be applied to the potential impact on the residential amenity of the occupiers of the adjacent dwellings by virtue of overlooking. This is due to there being no windows in the west facing elevation of the office building (closest to the boundary) and that those within the south facing elevation will be at such an oblique angle it is unlikely that they would impact on those within the east facing gable. To aid with protecting the amenity of the surroundings and the adjacent neighbour, the oak and ash trees within the site (T1 and T3) will be retained and will be supported by additionally planted

birch trees. The scheme involves the partial removal of the existing stone boundary wall that encloses the site however, as with the landscaping of the site, the full details will require further consideration and can be dealt with via a suitable condition. Concern has also been raised by the Council's Environmental Health Officer in relation to hours of construction, dust control and lighting however these can all be dealt with via a suitable condition.

The final main area of concern to a number of neighbours and the Parish Council is the site being ungated and the potential security issues that could occur on site once the offices are closed. Following discussions with the Agent for the application, a revised site plan now indicates the provision of a manual rising arm barrier to be positioned across the entrance to the car park for security reasons (received 4<sup>th</sup> of July 2012). The barrier will be closed and locked when the premises are unoccupied.

In conclusion, it is clear that national planning policy and guidance has significantly changed to a presumption in favour of sustainable development, advising that where the development plan is absent, silent or relevant policies are out of date, Local Planning Authorities should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The proposal seeks to create a modern office development in a sustainable location, and as the scheme is not considered harmful or detrimental to either the visual amenity of the area or the residential amenity of the occupiers of the neighbouring dwellings and nor will it have an adverse impact on highway safety, I do not consider there to be any adverse impacts from approving this scheme. Bearing in mind the above comments and whilst I am mindful of the points of objection from the occupiers of neighbouring properties and the Parish Council, 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, it would not have a significant detrimental impact on nearby residential amenity and nor would its use have an adverse impact on highway safety.

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

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

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

2. The permission shall relate to the development as shown on Plan Drawing No's 11.139-01 Rev. A, 11.139-02 Rev. H, 11.139-03 Rev. D, 11.139-05 and NW/LPL/MELLOR.1/01 Rev. B.

**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 the cladding to be used (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 Policy G1 of the Ribble Valley Districtwide Local Plan.

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

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

5. Prior to the completion of the development, the barrier indicated on the revised site plan dwg. no. 11.139-02 Rev.H shall be erected at the access, a minimum of 5m behind the nearside edge of the carriageway. This or any replacement barrier shall not open towards the highway and shall remain closed and locked when the building is unoccupied.

REASON: To permit vehicles to pull clear of the carriageway when entering the site in the interests of highway safety, and to provide security on site when the building is unoccupied. In order to comply with planning policies G1 and G11 of the District Wide Local Plan.

6. Before the access is used for vehicular purposes, the access and car park area detailed on drawing no. NW/LPL/MELLOR.1/01 Rev. B shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials. The parking and manoeuvring areas shall be laid out in accordance with drawing no. NW/LPL/MELLOR.1/01 Rev. B and shall be available for use before the development is brought into use.

REASON: To prevent loose surface material from being carried onto the public highway thus causing a potential source of danger to other road users, and to provide adequate car parking facilities for the development. In order to comply with planning policy G1 of the District Wide Local Plan.

7. The proposed access to the site shall be constructed to a minimum width of 5.5m between the car parking area and the nearside edge of the carriageway.

REASON: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users, and in order to comply with planning policy G1 of the District Wide Local Plan.

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

REASON: To satisfy the Local Planning Authority and Highway Authority that the final details of the highway works are acceptable before work commences on site, and in order to comply with planning policy G1 of the District Wide Local Plan.



9. The development hereby permitted shall not be commenced until details of the landscaping of the site, including details relating to 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 gates/barriers proposed, fencing and screening.

The approved landscaping scheme shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed by the Local Planning Authority, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

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

10. No vegetation (or other habitat) should be removed or disturbed during the bird-breeding season (February to July inclusive) until or unless this has been first checked for breeding birds by a qualified ecologist. The details of such a report should be presented to and approved in writing by the Local Planning Authority prior to any works commencing.

REASON: To protect the breeding habitats of the local bird population in accordance with the Wildlife & Countryside Act 1981 as amended.

11. 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:

- a. the parking of vehicles of site operatives and visitors,
- b. loading and unloading of plant and materials,
- c. storage of plant and materials used in constructing the development,
- d. wheel washing facilities,
- e. measures to control the emission of dust and dirt during construction,
- f. a scheme for recycling/disposing of waste resulting from construction works, and
- g. commencement and finishing hours of the construction activity.

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

12. Prior to the commencement of any built development, a lighting scheme shall be submitted for approval by the Local Planning Authority. The plans shall detail the position of any external lights, whether attached to the building or within the car park, and highlight their luminance levels.

REASON: In the interests of protecting residential amenity and highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, and to avoid dazzle, glare or distraction.

13. The internal source of illumination shall be reduced in intensity if necessary and be maintained at an approved level.

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

14. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified to be retained in the tree survey report by Iain Tavendale Arboricultural Consultant, dated the 11<sup>th</sup> of May 2012 [T1 and T3 inclusive] shall be protected in accordance with the BS5837 2012 [Trees in Relation to Design, Demolition & Construction]. Details of all tree protection measures shall be agreed in writing and implemented under the supervision of a qualified Arboriculturalist in liaison with the Countryside/Tree Officer for Ribble Valley Borough Council.

A tree protection-monitoring schedule shall be submitted, agreed in writing and monitored by the local planning authority. The local planning authority will inspect all tree protection measures before any site works are begun.

The root protection/construction exclusion zone shall be 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 works shall be implemented without the local planning authority's prior written consent. All tree works shall be in accordance with BS3998 2010 for tree work, and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development and included in a Tree Preservation Order are afforded maximum physical protection from the adverse affects of development. In order to comply with planning policies G1 and ENV13 of the District Wide Local Plan, to ensure that trees of visual amenity/botanical/historical value are protected against adverse affects of the development.

## INFORMATIVES

1. Development on this site should be drained on separate foul and surface water systems. All foul drainage must be connected to the foul sewer and only uncontaminated surface water should be connected to the surface water system.

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

Surface water must discharge to either soakaway or directly to the nearby Mellor Brook watercourse and may require the consent of the Local Authority. Surface water cannot be allowed to drain to the public sewer network because there are registered flooding issues downstream.

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

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

This consent requires the 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 Lancashire County Council for further information.

APPLICATION NO: 3/2012/0292/P (GRID REF: SD 360943 443202)  
PROPOSED EARTH BANKED SLURRY LAGOON AT CLARK HOUSE, CHIPPING, PR3 2GQ

PARISH COUNCIL: No comments or observations received at the time of writing this report. Any response will be reported verbally.

ENVIRONMENT AGENCY: No objections provided a specific condition is imposed ensuring the development would not cause an unacceptable risk to the environment.

ADDITIONAL REPRESENTATIONS: None received.

### **Proposal**

Permission is sought to construct a new slurry lagoon which would serve the farm. The lagoon would measure 560m x 230m and have a maximum height of 6.0m. It would be surrounded by grass covered earth mounds to form bankings to the lagoon and would be separated from a Public Right of Way by a stock proof fence in front of a hedge which has recently been planted. The lagoon would be accessed from the field side of the lagoon away from the Public Right of Way.

### **Site Location**

The site is located on a small pocket of land adjacent to Public Bridleway no.10 in the Parish of Chipping which runs past the front of the site in a north-west to south-west direction and Public Footpath 90 which runs past the east of the site within the Area of Outstanding Natural Beauty. The site is approximately 800m from the farm to which it relates and 230m to the south-west of Springs House.

### **Relevant History**

There have been various applications at the farm itself but there is no planning history at this particular location.

## **Relevant Policies**

Policy G1 – Development Control  
Policy G5 – Settlement Strategy  
Policy ENV1 – Area of Outstanding Beauty  
Policy ENV13 - Landscape Protection.  
Policy SPG – Agricultural Building and Roads

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

In relation to the principle of development, Policy G5 of the Districtwide Local Plan is applicable. As the proposal is considered reasonably necessary for the purposes of agriculture. The proposal is considered acceptable in principle.

The site is located within the Forest of Bowland Area of Outstanding Natural Beauty; therefore the impact on the visual amenities of the area is an important consideration. The lagoon would be surrounded by earth mounds which in time would grass over. In addition, the plans indicate proposed hedgerows to two sides of the lagoon and the planting of individual trees on the bankings of the lagoon. This would integrate the proposal into the surrounding countryside. However, it should be noted that the plan gives details of a tree planting schedule listing a number of non-native trees which are not appropriate to the landscape character of the area consisting of hedgerows and hedgerow trees and classed as undulating low land farmland. Given the high landscape value of the Area of Outstanding Natural Beauty and the proximity of the site to the Public Right of Way network, a condition will be used requiring a new tree planting schedule to be submitted and requiring a Lancashire hedgerow mix for the prop hedge. This would maintain and add to the visual amenities of this lowland landscape. Subject to specific landscaping conditions the proposed lagoon would blend into this rural landscape and not harm visual amenity. Having regard to the amenity of neighbours, the boundary of the nearest property, Springs House, is located approximately 230m away.

The slurry lagoon would need to be constructed in such a way to fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). The Environment Agency has been consulted, who state they have no objections to the proposal providing the development would not cause an unacceptable risk to groundwater. In view of this, they have suggested a condition requiring details of the containment for the lagoon to be submitted prior to any works commencing. The Environment Agency considers this condition to be essential as the immediate locality has a number of issues/ features that strongly suggest the presence of shallow groundwater, which must be protected.

Overall, subject to the condition recommended by the Environment Agency, and conditions requiring the type, implementation and subsequent maintenance of the hedgerow and trees to be planted, I can see no sustainable objections to this proposed development.

## **SUMMARY OF REASONS FOR APPROVAL**

The proposal represents an appropriate form of development and given its design, size and location would not result in visual detriment to the surrounding countryside; nor would it adversely affect the amenities of nearby residents.

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 Drawing Numbers 251/202 and 251/201 but does not include the Tree Planting Schedule included on this drawing.

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

3. No development shall take place until a scheme that demonstrates there will be no resultant unacceptable risk to groundwater or unwanted impact on groundwater dependant features has been submitted to and approved in writing by the Local Planning Authority. The scheme should include a liner in the form of either a suitable sheet liner (incorporating leakage detection) or an imported clay liner at least 1 metre thick below the base of a lagoon and of permeability <math>10^{-9}</math> m/s. The scheme shall be implemented as approved.

REASON: This condition is required to manage risk to groundwater as the proposed location at Springs House has a number of issues/ features which strongly suggest the presence of shallow groundwater.

4. The development hereby permitted shall not be commenced until details of the landscaping of the site has 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, which should be native to the landscape, and their distribution on site.

The approved landscaping scheme shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed by the Local Planning Authority, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policies G1, ENV1 and ENV13 of the Ribble Valley Districtwide Local Plan.

5. A Lancashire hedgerow shall be planted along the north-eastern and south-western sides of the slurry store in the first planting season following the completion of construction works or the first use of the store whichever is the sooner. Thereafter, the hedge shall be maintained 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 hedge plants that are removed, or die, or become seriously damaged, or seriously diseased, by a species of similar size to those originally planted. The maintenance shall also include the erection and permanent retention of a 1.5m. high stock proof fence along the north-east and south-west sides of the hedge

REASON: In the interests of the visual amenities of the area and to comply with Policies G1, ENV1 and ENV13 of the Ribble Valley Districtwide Local Plan.

## INFORMATIVES

1. The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).

The Environment Agency must be informed of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before the structure is brought into use. Further guidance is available on our website and the applicant will need to complete WQE3: New or improved agricultural structures form which can be obtained from the Environment Agency.

2. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpath no.90 and Bridleway no.10 in the parish of Chipping lie adjacent to the site.

APPLICATION NO: 3/2012/0359/P (GRID REF: SD 363529 429532)  
PROPOSED CONSTRUCTION OF AGRICULTURAL BUILDING FOR STABLES AND A 40M X 20M MÉNAGE; CLOSING OFF OF AN EXISTING FIELD GATE AND CONSTRUCTION OF A NEW FIELD ACCESS, GRAVEL TRACK AND 6 NO PARKING SPACES ON LAND ADJACENT TO WOODFOLD PARK, FURTHER LANE, MELLOR

PARISH COUNCIL: No objections to this application.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections to this application subject to conditions relating to the satisfactory formation of the proposed new access and the permanent closure of the existing access.

ENVIRONMENT AGENCY: No objections to the proposal but requests that four informatives are attached to any planning permission. These informatives contain advice to the applicant in relation to the satisfactory storage of manure in order to prevent pollution.

UNITED UTILITIES: No objections to the proposed development.

ADDITIONAL REPRESENTATIONS: Five letters have been received from nearby residents (one of which is also signed by another local resident who has not sent in a separate letter) who express objections to the application on the following grounds:

1. Highway safety problems as the proposed new access to the field is in a dangerous position. The curvature of Further Lane at this point will create a blind entrance for vehicles approaching from the Samlesbury direction. The nature of the development will involve multiple daily

accesses with an assumption that access for horse transport vehicles will be required on a regular basis. This is not desirable on a mostly single track road with steep access, sharp bends and a designation as a cycle route. The existing poor surface of the road on Further Lane would be made worse by the vehicles associated with the proposed development.

2. The proposal will adversely affect the intrinsic environmental value and character of the local landscape. The field is currently a haven to an assortment of wildlife including deer, birds, insects and butterflies etc. The proposal would be harmful to the habitat of this wildlife.
3. The proposed development will be out of keeping and have a significant impact visually from the properties on Woodfold Park Farm and also properties on Further Lane.
4. The proposal will exacerbate existing drainage problems as the field has a base of clay and is waterlogged throughout the winter and after periods of heavy rain. If this rough pasture were to change to paddock, extensive land drainage works will be required to prevent the formation of a "muddy quagmire".
5. The proposal is for 8 stables. This equates to a minimum of 8 horses on a 4 hectare field giving a ratio of only 0.5 hectare per horse. This is considered too dense, particularly considering the current state of the field.
6. There is a fear that a permission for this application might lead to additional applications to further develop this site.
7. The proposed building has been set as far away as possible from other properties in Woodfold Park but, as a result, it will represent an unpleasant addition to the residents of properties on Further Lane as well as walkers who will pass this large building on the roadside. The building could be sited closer to the Woodfold Park development with access leading from the existing drive into Woodfold Park thereby obviating a need for a new entrance from Further Lane.
8. The proposal will attract vermin and insects to the detriment of the amenities of nearby residents. Neighbours would also be adversely affected by noise nuisance and smells.

9. The proposal could result in pollution problems as the muckheap would be only a few metres away from the small reservoir that is the only water supply for a number of properties on Further Lane. Foundations for the proposed building could also damage this supply and prevent any necessary routine maintenance and repair in future.

### **Proposal**

The application seeks full planning permission for an equestrian development for private as opposed to commercial use. The proposed development comprises the following:

1. The construction of a 12m x 16m building with an eaves height of 3.5m and a ridge height of 5m. The building, which would contain 8 stables, would have timber boarding walls and a profiled sheet roof.
2. The construction of a 40m x 20m ménage with a sand surface surrounded by a horizontal timber fence.
3. The formation of a new field gate set back from the road edge including a cattle grid and a timber five-barred gate. A gravel track would be formed between the new access and six parking spaces (also on a gravel surface) that are to be formed adjoining the northern end elevation of the proposed building.
4. The existing field gate would be closed.
5. The remainder of the field comprising the application site would become paddock.

### **Site Location**

The application relates to an approximately 4 hectare field on the south side of Further Lane, Mellor, within the green belt. The site is adjoined to the south and east by the grounds of Woodfold Park and to the north and west by Further Lane. There is a farm on the northern side of Further Lane opposite the application site, and other residential properties on Further Lane to the west of the site.

### **Relevant History**

3/2003/0956/P – Proposed building containing 12 stables and a hay barn, together with a fenced-in corral surrounding. Refused.

### **Relevant Policies**

Policy G1 - Development Control.  
Policy G5 - Settlement Strategy.  
Policy ENV4 - Green Belt.  
Policy ENV21 - Historic Parks and Gardens.  
National Planning Policy Framework (NPPF).



## Environmental, AONB, Human Rights and Other Issues

The application seeks permission for a private recreational equestrian development within the green belt and adjoining Woodfold Park, a designated Historic Park and Garden.

Previous planning application 3/2003/0956/P also related to the field that is the subject of this current application. That application sought permission for a linear building containing 12 stables with a hay barn in its centre. Approximate dimensions of that previously proposed linear building were 54m x 3.6m with the stables having a height of 3.3m and the hay barn a height of 5.2m. Construction materials were to be Cedar boarding under a mineral felt roof. That previously proposed building was to be sited immediately adjoining the southern boundary of the field. As such, the building would immediately adjoin the grounds of Woodfold Park with the Hall to the south and Woodfold Park Farm to the east. That application was refused for reasons concerning detriment to the openness of the green belt and an adverse effect upon the wider landscape and the setting of the Historic Park and Garden of Woodfold Hall.

This current application is for a building of a more regular rectangular shape than the previously proposed 54m long linear building and is in a different location within the field. The application also needs to be considered under the current policy framework. Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate in Green Belt with a number of stated exceptions. One of those exceptions is the “provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”.

The development is located in the south western corner of the site where it will be very well screened by an existing hedge on the northern site boundary to Further Lane and by a woodland (protected by TPO 1988 No 5 – Woodfold Estate, Mellor) to the west and south. The eastern boundary of the field is also well screened by further protected woodland. The proposed site of the building is also such that it would be between two dwellings at The Walled Garden to the south and Cook’s Farm on the opposite side of Further Lane to the north. There are also additional dwelling on Further Lane to the west of the site. In view of the size/shape of the building; its location in relation to other built development; and the existing natural screening, I do not consider that the proposal would seriously detract from the openness of the Green Belt. As such, in my opinion, the application does not contravene paragraph 89 of the NPPF. Having said that, it must be accepted that the proposed development would have **some** impact upon the openness of the green belt.

Saved Policy ENV21 of the Local Plan states that “development proposals affecting a historic park or garden and its setting will be strictly controlled to ensure they do not harm the appearance or function of the area. Proposals will be assessed in terms of scale, size, design and materials”. The location of the proposed building and ménage is approximately 300m northwest of Woodfold Hall. The natural screening on the southern boundary of the site would ensure that the proposed development would only be visible from a few locations within Woodfold Park and consequently it would have minimal impact on Woodfold Park and Woodfold Hall. Therefore, due to the size, shape and materials of construction of the proposed building; its location 300m away from the Hall; and the effects of the natural screening, I do not consider that the proposal would contravene Policy ENV21 of the Local Plan.

The ménage and buildings are to be sited a minimum of 20m away from the nearest trees within the adjoining protected woodland. This would allow the provision of an appropriate Root

Protection Zone (RPZ) during construction works. Subject to a condition to require the provision of the RPZ, the Council's Countryside Officer has no objections to the application.

Nearby residents have expressed objections to the application on highway safety grounds. The County Surveyor, however, considers the local road network to be capable of satisfactorily accommodating the traffic associated with the proposal and considers the proposed new access to be acceptable from the point of view of highway safety.

Concerns have also been expressed by local residents about the waterlogged nature of the site, but I do not consider that the proposed development would in any way exacerbate that situation. The Environment Agency has not expressed any objections to the proposal and only recommends the inclusion of a number of informatives in the event that that planning permission is granted.

I do not consider that the general level of activity associated with this proposed development would result in any serious detrimental effects upon the amenities of any nearby residents.

The concern expressed by local residents about possible damage to the private water supply of a number of local properties is not a legitimate planning consideration but represents a private matter between the applicant/developer and those persons who use that water supply.

Overall, I consider the proposed development to be acceptable.

#### SUMMARY OF REASONS FOR APPROVAL

The proposed development would not seriously detract from the openness of the green belt; it would not adversely affect the setting of the Historic Park and Garden or the listed Woodfold Hall; nor would it result in any 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 number 4183-01A and 02.

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. Before the proposed new access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway of Further Lane, and the gates shall open away from the highway.

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

5. Before the proposed new access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavers or other approved materials.

REASON: To prevent loose surface material from being carried onto the public highway in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. Within 1 month of the first use of the approved new vehicular access, the existing field access shall be physically and permanently closed and the verge and hedgerow shall be reinstated in accordance with precise details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To limit the number of access point onto the highway at this location in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. The stable building and ménage hereby permitted shall be for private use only and shall not be used in connection with any commercial enterprise such as livery stables or riding school.

REASON: For the avoidance of doubt as the more intensive commercial use of the proposed development could be detrimental to the appearance and character of the locality, the amenities of nearby residents or highway safety contrary to Policy G1 of the Ribble Valley Districtwide Local Plan.

8. Prior to commencement of any development works including delivery of building materials and excavations for foundations or services, all trees within and adjoining the site shall be protected in accordance with the BS5837 [Trees in Relation to Construction] the details of which shall include a tree protection monitoring schedule that shall be agreed in writing and inspected by the Local Planning Authority before any site works are begun.

The root protection zone shall be 12 x the DBH and shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

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

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

REASON: In order to ensure that all trees affected by the development (including trees within the Ribble Valley B.C. Tree Preservation Order 1988 No.5 - Woodfold Estate, Mellor) are afforded maximum physical protection from the potential adverse affects of development in order to comply with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan.

#### INFORMATIVES:

1. The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).

The Environment Agency must be informed of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before the structure is brought into use. Further guidance is available on our website and the applicant will need to complete WQE3: New or improved agricultural structures form which can be obtained from the Environment Agency.

Only clean surface water from roofs and paved areas should be discharged to any surface water soakaway.

2. Manure should be managed in accordance with The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). Permanent stores for solid horse manure should have bases that do not let liquids pass through and the bases should slope such that liquid run-off is contained within the store. Applicants should consider providing a roof to keep rainfall off the manure to minimise the volume of liquids produced and reduce odour by keeping the manure as dry as possible.
3. Manure should not be stored or applied:
  - within 10 metres of any ditch, pond or surface water;
  - within 50 metres of any spring, well, borehole or reservoir that supplies water for human consumption or for farm dairies.
4. Manure is not subject to waste controls whenever it is used as a fertiliser on land for benefit. It can be used as a fertiliser without the need to register an exemption and moved without a waste carrier registration. The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air recommends that manure should not be applied when:
  - the soil is waterlogged;
  - the soil is frozen hard;
  - the field is covered in snow;
  - the soil is cracked down to field drains or backfill;
  - the field has been pipe or mole drained or subsoiled over drains in the last 12 months;
  - heavy rain is forecast within the next 48 hours;
  - on very steep slopes where run-off is a high risk throughout the year.

APPLICATION NO: 3/2012/0378/P (GRID REF: SD 362839 444669)  
NEW LIVESTOCK BUILDING FOR HOUSING A FLOCK OF MILKING SHEEP AT THE  
LAUND, LEAGRAM, PRESTON, LANCASHIRE, PR3 2GS.

PARISH COUNCIL: The Councillors have considered the above-mentioned application and fully support it.

ADDITIONAL REPRESENTATIONS: No additional representations have been received.

### **Proposal**

The application seeks permission for the erection of one additional sheep housing building within the existing complex of buildings at the site. The existing buildings on site are all full to capacity for their existing uses (e.g. Livestock, machinery, storage etc.), and the applicant requires additional space to house his expanding sheep flock in order to meet production demands for his business. The building will measure 32.22m x 13.625m x 6.578m to the ridge. The building will be constructed with concrete panels at the base of the walls with timber space boarding panels above, and the roof will be standard grey cement sheeting. The building materials will therefore match the existing buildings on site. The applicant also includes the extension of an existing belt of screen planting to the south of the existing milking parlour along the southern boundary of the buildings in order to provide additional screening to mitigate long distance views of the site.

### **Site Location**

Laund Farm is a large farm holding (approximately 440 acres) situated within the Forest of Bowland Area of Outstanding Natural, approximately 1 mile north of the village of Chipping. The new building will be sited to the northeastern corner of the existing group of buildings, to the rear of an existing building.

### **Relevant History**

3/2012/0417/P - Covered handling area Phase 2. Retrospective fitting of 17 no. Solar Panels (1645 x 987 mm) – Application for consideration on this agenda.

3/2010/0612/P - Change of use and re-build from an agricultural storage building to an education building for farm visits – Granted Conditionally.

3/2009/0221/P - Storage building for farm use – Granted.

3/2007/0935/P - Extension of existing sheep housing and proposed new manure store – Granted Conditionally.

3/2006/0739/P - To roof over current feeding area and to extend height 3m to eaves – Granted.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV1 - Area of Outstanding Natural Beauty.

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

The application seeks permission for the erection of one additional sheep housing building within the existing complex of buildings at the site. The main issues concerning this application are with regards to the visual impact of the proposal on the area.

With regards to the visual impact on the area by the proposal, the site itself is in an isolated location and can only be partially seen from long distance views. With regards to the scale of the buildings on site, as the building will be sited to the north of an existing large building on site its impact will be mitigated somewhat due to its location within an existing group of buildings. In addition, due to the proposed extension of the planting belt to the south of the building and given the sympathetic use of materials proposed, it is considered that the proposed building will not be visually detrimental to the surrounding area.

Therefore considering the above points, it is recommended that this application be granted conditionally.

**SUMMARY OF REASONS FOR APPROVAL**

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

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

1. The development must be begun 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. The permission shall relate to the development as shown on Plan Drawing No's 235/201, 235/202 and the Phase 1 – Location Plan.

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

3. The development hereby permitted shall not be commenced until details of the proposed landscaping to the south 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 approved landscaping scheme shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed by the Local Planning Authority, whether in whole or part and shall be maintained thereafter for a period of not less

than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

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

APPLICATION NO: 3/2012/0390/P (GRID REF: SD 368597 432244)  
PROPOSED ERECTION OF A DWELLING AT LAND BETWEEN 52 AND 54 KNOWSLEY ROAD, WILPSHIRE, BB1 9PNrr

PARISH COUNCIL: The Parish Council object to this proposal for the following reasons:

- *Loss of amenity to neighbouring properties.*
- *Loss of light to neighbouring dwellings.*
- *Impact on street scene and massing.*
- *Dwelling going beyond the build line for this part of Knowsley Road.*

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections subject to appropriate conditions concerning the parking and turning areas and visibility.

UNITED UTILITIES: No objections to the proposed development.

ADDITIONAL REPRESENTATIONS: Three letters have been received from each of the properties that border the application site, who object to the proposal for the following reasons:

- The size of the plot is too small for the proposed dwelling and would appear "squeezed in and overdeveloped" due to its size and bulk.
- The two-storey element would protrude forwards of the build line having an adverse impact on the street scene.
- Loss of light to kitchen diner due to close proximity of single storey extension.
- The two-storey element would have an overbearing impact on properties adjacent.
- Concerns about loss of light and potential overshadowing.
- Rear garden area will be overlooked.
- Potential loss of conifer hedge resulting in loss of privacy to lounge, kitchen, patio areas and garden.
- Concern that trees will suffer from soil changes, excavations, loss of light, and concerned that the hedge would be impossible to replace.

- Concerned that the application form is incorrect as a new access is being created to this former garden area.
- Creation of another access onto Knowsley Road at this point would be hazardous to other road users and highway safety.

### **Proposal**

This application seeks permission for the erection of a detached two-bedroom dwelling on an infill plot. The dwelling would be part two-storey and part single storey. The two-storey portion of the dwelling would run parallel with the northern boundary of the site adjacent to 54 Knowsley Road and have a length of 14m, a width of 5m, and an overall height of 6.6m. The single storey element would project at an angle to and run parallel with the southern boundary of the site adjacent to 52 Knowsley Road. This single storey element would have a flat roof and approximate dimensions of 13.4m x 5.5m x 3.2m.

The site contains a Conifer hedge along the north and east boundaries which is at a higher level than the main area of the plot, and an Elm tree exists at the north western end of the site. A patio and garden area are proposed at the rear of the dwelling and three off-road parking spaces and a turning area is proposed at the front of the dwelling.

### **Site Location**

The site is located between numbers 52 and 54 Knowsley Road, Wilpshire. Historically, this plot of land was the side garden for number 52 Knowsley Road. The land is an unusual wedge shape where it tapers away from the road from a width of 26m to 5.7m at its narrowest.

### **Relevant History**

3/2011/0091/P – Proposed erection of a two storey detached dwelling, provision of a new vehicular access and associated landscaping (resubmission). Refused.

3/2010/0675/P - Proposed erection of a two storey detached dwelling, provision of a new vehicular access and associated landscaping. Withdrawn.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy T7 - Parking Provision.

National Planning Policy Framework (NPPF).

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

The matters for consideration in the determination of this application include the principle of development, highway safety, impact on trees and hedges, visual amenity and residential amenity.

In terms of the principle of development, the dwelling is located within the main settlement boundary of Wilpshire, therefore Policy G2 of the Districtwide Local Plan relating to the Council's Settlement Strategy is applicable. Policy G2 allows for development within defined



main settlements, therefore the principle of a new dwelling in this location is acceptable subject to other development control criteria considered below.

In relation to highway safety, the Highway Engineer has categorically stated that he has no objections to the proposal, however, he would wish to ensure that appropriate sightlines could be achieved. The Highway Engineer also has reservations that the proposed new wall to the north may restrict visibility. No details of this wall had been submitted with the application. He has also stated that all planting and construction that falls within the extent of the visibility splay should be maintained at a maximum height of 0.5m above carriageway level. This is to maximise visibility for turning traffic and to ensure there is adequate inter-visibility between motorists and pedestrians. This is particularly relevant in this instance as there is no footway to the east side of Knowsley Road at this location. I consider that conditions could be imposed to comply with any highway concerns.

I note the concerns from the Parish Council and neighbouring residents with regards the impact on the street scene due to the scale, bulk and massing of the dwelling and its projection past the front elevation of number 52 Knowsley Road. Members may be aware that a previous scheme was refused based on over intensification resulting in a cramped appearance. With these concerns in mind, the proposed dwelling at its widest point would be only 0.5m less than the previously refused scheme at 13.5m, however, I consider that with the two-storey element only being 5m wide and running parallel with number 54 Knowsley Road, and the remaining part of the dwelling being single storey, the bulk and massing of the dwelling would be significantly reduced. The two-storey portion would be set forwards of number 52 Knowsley Road, and set back from the front elevation of number 54, thereby creating a stepped arrangement between the frontage of the three dwellings, to reflect the angled siting of number 54 which is located on the corner of Knowsley Road with Woodcrest. I therefore consider the visual impact of this dwelling to be acceptable.

The previous application was also refused in relation to the adverse impact on residential amenity which would have resulted in the overlooking of the rear habitable rooms and garden area of No 54 due to a flight of external steps which ran along the side of the dwelling up to first floor level. The previous application was also refused due to two flues being proposed that would have likely resulted in a nuisance to the surrounding residents due to the prevailing wind direction in this location. Another concern was the loss of light and overbearing impact a two-storey dwelling would have had on the kitchen dining area of number 52 Knowsley Road. I will discuss the effect the proposed dwelling would have on the three surrounding properties below.

With regards to the impact of the development on the hedge bounding the north and eastern boundaries of the site, that is considered essential in retaining privacy to the rear garden area, patio area, kitchen and sunroom belonging to number 54 Knowsley Road, the proposed building would be positioned between 2.5m and 2.7m from the hedge on the northern boundary with number 54 Knowsley Road. The Council's Countryside Officer has confirmed that this building would be outside the Root Protection Zone for the hedge and the proposal complies with the requirements of BS5837: Trees in Relation to Construction. The plans illustrate that any excavations would not encroach into the Root Protection Zone of this hedge, however, given the unlevel nature of the site, it is possible that some compaction works may occur during construction works which could undermine the survivability of the hedge. Consequently, it is considered necessary to impose a condition requiring a replacement hedge to be planted should the existing hedge die as a result of the proposed works. This would ensure that the privacy of these neighbours would be protected in the long term. The conifer trees at the rear of

the site screening no. 42 Woodcrest from the application site would not be affected by the proposed development.

At the time of the previous application, two chimneys were also proposed which the Council's Environmental Health department raised concerns due to the potential risk to health and the likelihood of nuisance caused from products of combustion, due to the difference in land levels between the site and no. 54 Knowsley Road and the prevailing wind direction. A flue was shown within the fireplace located in the ground floor lounge of the proposed dwelling, however, this has been deleted on the amended proposals received on the 3 July 2012, therefore, this will not be issue.

In relation to the residents of number 52 Knowsley Road, having previously visited the property, I recognise that the internal layout of their property is shown incorrectly on the plan and as such the window on the gable of their property provides the sole light source for their kitchen/diner. Notwithstanding this, I consider a single storey flat roof extension located approximately 5m away from this window would have less of an impact on those neighbours than the existing 1.8m high palisade fence which currently exists within 1m of this kitchen window. Moreover, as a flat roof is proposed, the loss of sunlight would be minimised and consequently would not be significant enough to warrant refusal of the application on this ground.

With regards the neighbours concerns about loss of privacy within the rear garden area of number 52 Knowsley Road due to a first floor window in the gable of the two storey element being proposed, amended plans dated the 03 July 2012, have been received deleting the window from the proposals, leaving the first floor level of the gable elevation blank. Direct overlooking of their rear garden area would now not occur and thus the privacy of these residents would be retained.

Overall, I consider conditions can overcome the concerns raised by the residents and a dwelling could be erected without causing significant harm to highway safety, the amenities of the neighbours or the street scene and thus recommend the application be approved subject to conditions.

#### 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 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 amended by the plan received on the 03 July 2012, drawing number BS.08-076-02 Rev.G.

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

3. The development hereby permitted shall not be commenced until details of a replacement evergreen hedge have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of evergreen plants, total length and location of hedge that may be required in the event that adverse effects of the development hereby granted consent results in the loss of the existing evergreen hedge.

The approved evergreen hedge which would be planted on the northern boundary of the site shall be implemented in the first planting season following the loss of the existing hedge, whether whole or in part, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority and maintained there after at a maximum height of 3.75m. The 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 safeguarding adjacent residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

4. 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.

5. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services the evergreen hedge and weeping Elm identified in the Stage 1 Arboricultural Report & Tree Constraints Plan shall be protected in accordance with the BS5837 2012 [Trees in Relation to Construction] the details of which shall be agreed in writing and implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Countryside/Tree Officer.

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/exclusion zone identified in the Stage 1 report 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/exclusion 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 is in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor

REASON: In order to ensure that any trees affected by development and considered to be of amenity value are afforded maximum physical protection from the adverse effects of development. In accordance with planning policy G1 of the Districtwide Local Plan.

6. 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, in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. The access to the proposed development shall remain ungated.

REASON: In the interests of highway safety to enable vehicles to pull clear of the carriageway when entering the site and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

8. The vehicular parking spaces and turning area shall be laid out as detailed on the submitted plans and shall be available for use prior to the first occupation of either of the dwellings hereby permitted. Thereafter, these facilities shall be kept permanently clear of any obstructions to their designated purpose.

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

9. There shall not at any time in connection with the development be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device above a height of 0.9 metres. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 metres measured along the centreline of the proposed driveway from the nearer edge of the carriageway of Knowsley Road to the points where the neighbouring property boundaries on either side of the plot meet the highway boundary.

REASON: In the interests of highway safety to ensure adequate visibility at the site access and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking, amending 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 and to safeguard nearby residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

11. The dwelling hereby approved shall be constructed with its south facing elevation windows, serving the kitchen and lounge areas, shall be obscure glazed, details of which shall be submitted to and agreed in writing by the Local Planning Authority before development commences, and also fitted with restrictions limiting the degree of opening of each opening

light to not more than 45°. Thereafter, it shall be maintained in that condition in perpetuity to the satisfaction of the Local Planning Authority.

REASON: In order to protect nearby residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

APPLICATION NO: 3/2012/0392/P (GRID REF: SD 373764 440901)  
PROPOSED AMENDMENT OF PREVIOUSLY APPROVED RESERVED MATTERS  
APPLICATION 3/2010/0756/P AT SITE OF RECTELLA WORKS, WOONE LANE, CLITHEROE

- TOWN COUNCIL: No comments received at time of report preparation.
- ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections in principle on highway safety grounds.
- ENVIRONMENT AGENCY: Have no further comments to add to those made in their response to 3/2010/0756/P.
- UNITED UTILITIES: No objections subject to imposition of conditions.
- ADDITIONAL REPRESENTATIONS: One letter has been received which, whilst not objecting to the heights, scale or massing of the units, raises the following concerns:
1. Units 99 – 101 are too close to the existing properties on George Street. Moving these further back towards the proposed road (and spinning Unit 102) would maintain privacy to existing residents, improve the quality of the private rear gardens and help to reduce the amount of hard surface to the front of these units.
  2. Any windows to the gable of Unit 105 (facing George Street) should be obscure glazed to protect privacy rights.

### **Proposal**

This is a reserved matters application for the erection of 34 dwellings. The scheme proposes a mix of detached, semi-detached, terraces and apartments with accommodation ranging from 2 beds to 4 beds. Dwellings would be constructed of reconstituted stone, however those aligning Woone Lane would have a natural stone frontage elevation to the public highway. Dwellings are set back approximately 2m from the footpath with the frontage boundary formed by a railing and natural stone wall to a height of approximately 1.2m. Plots 105 to 116 are aligned with Woone Lane and have blocks with heights ranging from approximately 7.6m to 9.9m. There is a secondary access to serve this part of the site – a drive through to a parking courtyard. At the junction of Woone Lane and the main road into the overall development site will be an apartment block to an overall height of approximately 10.5m. In total there are 9 different house types shown (excluding the apartment building) with minimum height of approximately 7.3m to a

maximum of 10.8m. Details are provided to indicate that 9 of the plots may have conservatories erected on their rear elevations (Plots 92, 93, 94, 97, 98, 110, 111, 125 and 126). Detailed landscaping plans are provided including boundary treatments as part of this submission.

### **Site Location**

The site is approximately 0.68 hectare and is located in a western corner of the overall Primrose development site. It has a frontage onto Woone Lane and immediately adjoins the intended main site access for the wider development scheme. It is within the saved settlement boundary of Clitheroe and saved Policy A1. There are dwellings to the north of the site that front onto George Street and also set to the west with Pendleton Brook Day Centre also aligning the west of the application site.

### **Relevant History**

3/2012/0394/P – Reserved matters consent for the design and appearance of proposed residential units including adjacent access ways, roads and footpaths plus ancillary landscaping (78 units) yet to be determined.

3/2012/0379/P – Material amendments to approved scheme (3/2010/0897/P) for demolition of Primrose Mill site for residential development for 12 apartments and 2 dwellings (application relates to 12 apartments only) yet to be determined.

3/2012/0027/P – Application for discharge of condition 12 (bat report of 3/2010/0897/P) - discharged.

3/2010/0756/P – Reserved matters application for Phase 1C of the proposed redevelopment – approved with conditions 28 March 2011.

3/2010/0472/P – Adjustment of site access. Approved with conditions 8 October 2010.

3/2008/0526/P – Regeneration of sites around and including Primrose Mill for residential development (maximum 162 units) including improved site access, highway improvements and provision of public open space – approved with conditions 24 March 2010.

### **Relevant Policies**

Policy G1 - Development Control.

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

The principle of residential development on this site has already been established under the outline consent granted for 3/2008/0526/P. A reserved matters application was submitted for this site previously under 3/2010/0756/P and that detailed development blocks in general conformity with the parameters contained in the outline consent for this part of the overall site. This submission is made jointly by Beck Development and Miller Homes and follows agreement between the two companies that delivery of the overall housing site will be achieved much sooner with the involvement of Miller as a national housing provider. Members will note from the relevant planning history section of this report, three applications in total have been submitted to finalise development details for the overall site. For Members information the details submitted across these three applications would result in an overall decrease in the

originally intended number of dwellings for the site from the originally approved total of a maximum of 162 to the present intention of 151.

In respect of this reserved matters application covering the western part of the overall site, it is important to have regard to highway safety, visual and residential amenity. In respect of highway matters, the principal point of access to serve this development has been approved previously. This scheme details the proposed drive through to a parking courtyard for some of the units and this arrangement was agreed under the previous reserved matters approval. I have discussed the current layout, including parking arrangements, with the County Surveyor and he is satisfied with the details provided. Thus no objections are raised in this respect.

Turning to visual amenity, the scheme details a building line tight to the pavement edge on Woone Lane to reflect the former large stone perimeter wall. There are breaks in the frontage between development plots and these will provide glimpses of the scheme beyond the solid perimeter formed by two to three storey built form on the development frontage. The use of building plots of varying heights will break up the massing of these units and provide a varied roofscape in the street scene. In respect of the apartment block at the junction of the main site access and Woone Lane this at approximately 10.5m would be the highest building on this part of the site frontage but I am mindful of the replacement mill structure approved under 3/2010/0897/P to a height of approximately 15.8m. A revision has since been submitted to that scheme under 3/2012/0379/P which is yet to be determined but which proposes a height of approximately 13.5m. Therefore having regard to the street scene across the whole development site and that this and replacement mill building will act as a gateway into the development site I do not consider the height to be unduly dominant. In order to offer some visual relief from the front elevation, a panel of recessed brickwork is shown to the central upper floor section and again I do not raise concerns regarding the visual impact of this detailing, as art stone will remain the dominant feature. Throughout the remainder of the site heights of development blocks vary and there is a three-storey house type (three units proposed) to the rear of the site that will back onto the day centre (approximately 38m between built form).

In respect of potential impact on residential amenity I consider the distances to the aforementioned day care centre satisfactorily as to not adversely impact on existing amenities. Comments have been made regarding the relationship of the development with the dwellings that front onto George Street and that Plots 99 to 101 should be moved further away. There is a distance of approximately 21m to 22m between rear elevations and for Committee's information the previously approved reserved matters scheme detailed a similar distance. However it should be noted that the approved scheme proposed a block of units across this part of the site to heights of between 7.5m to 8.7m whereas here, three individual dwellings to heights of 7.3m to 8.4m are proposed. Having carefully considered the distance proposed and heights of the dwellings now put forward I am of the opinion that the relationship is satisfactory and would not lead to a significantly detrimental impact on existing residents of George Street. I am also mindful of the relationship between the gable of Plot 99 and the recently built property to its west that is accessed off George Street. There would be a distance of approximately 6m between the rear of the existing house (that has a ground floor dining room window and first floor bedroom window) and gable of the new dwelling that is shown to have a first floor window serving the stairwell. The distances involved reflect the existing reserved matters approval under 3/2010/0756/P and subject to condition requiring the proposed glazing be obscure glazed and fixed, I do not consider the scheme now put forward would have a significantly greater impact than that already approved. The objector has also made reference to Plot 105 and that any windows in the gable should be obscure glazed to protect privacy. There are no windows shown on the submitted drawings for windows in the gable and if any future occupant wished to

insert such a window at first floor it would need to be fixed and of obscure glaze to benefit from permitted development rights.

In assessing impact on residential amenity, I am also mindful of the relationship between the proposed dwellinghouses on the site. Given the layout put forward there is only one part of the site where there would be a reduction from the indicative separation distance of 21m as expressed in the Council's SPG on Extensions and Alterations to Dwellings – where Plots 103 and 104 face plots 94 and 95. At this point there is a distance of approximately 17m between development blocks with Plots 94 and 95 being the three-storey units. However having regard to the windows shown in the respective house types at first floor, en suite and bedroom to 103/104 and landing and bedroom to 94/95 and the fact both blocks are new development where potential purchasers will be fully aware of the relationship between blocks prior to buying, I am of the opinion that a reduction in distance is acceptable. As stated previously, this application is made with details of optional conservatory positions on a planning layout drawing. Where these are on rear elevations that face towards the day centre there would be a 1.8m high timber fence on the rear boundary of gardens to limit the impact on that facility. Between respective garden areas details provided show 900mm post and rail fencing and again I would make the comment that individual occupiers will purchase on the understanding of the development plans for the whole site and make decisions accordingly. Any prospective purchasers would be able to erect fencing under permitted development rights should they feel amenities to be compromised in any way as a result of conservatories being erected on the identified plots. On the basis of this I consider it would be unreasonable to raise any objection on residential amenity grounds to the conservatories as identified on the submitted drawings.

Given that the implementation of the scheme will necessitate the demolition of a number of buildings the previous reserved matter consent required that an updated bat night-time roost activity survey was undertaken including any mitigation measures identified as appropriate. That survey has been carried out and discharge of conditions application submitted to and approved by the Local Planning Authority. Therefore in terms of the potential impact of demolition works on protected species, the appropriate requirements previously conditioned have been satisfactorily addressed by the applicants.

Therefore having assessed this revised reserved matters application, I am of the opinion that it respects the broad layout and design principles of the previous approvals and would not lead to significant detriment in respect of visual or residential amenity. I thus recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

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

1. This permission shall be implemented in accordance with the proposal as detailed on drawings:

apt2/001	apartment type 2 elevations
apt2/002	apartment type 2 floor plans
bec/001	Beckett elevations
bec/002	Beckett floor plans



becplus/001	Beckett Plus floor plans
becplus/002	Beckett Plus elevations
car/001	Carron elevation
car/002	Carron floor plans
coo/001	Cooper elevations
coo/002	Cooper floor plans
gle/001	Glenmuir elevations
gle/002	Glenmuir floor plans
haw/001	Hawthorne elevations
haw/002	Hawthorne floor plans
hur/001	Hurston elevations
hur/002	Hurston floor plans
rol/001	Rolland elevations
rol/002	Rolland floor plans
tol/001	Tolkien elevations
tol/002	Tolkien floor plans
twain/001	Twain plot 100 elevations
twain/002	Twain plot 124 elevations
twain/003	Twain plots 102 and 123 elevations amended 2 July 2012
twain/004	Twain floor plans amended 2 July 2012
csp/001	Coloured Site Plan
loc/001	Location Plan
mat/bound/001	Material and Boundary Treatment Plan amended 2 July 2012
SD/SF1	180mm High Close Boarded Timber Fence Detail
SD/SF5	450mm High Knee Rail
SD/SF17	450MM High Post and Rail Fence
SD/SW1	180mm High Screen Wall
SD/SW7	120mm HIGH Screen Wall and Railings
PL/001	Planning Layout with optional Conservatory Positions
ss/001	Streetscenes
3244.001	Landscaping Specification
D3244.001	Landscaping Layout Plan
D3244.002	Landscaping Planting Specification
221771	Conservatory Details
sg/001	Single garage plans and elevations
tg/001	Twin garage plans and elevations
809755	1200mm high screen wall with railing plots 1-12 and 105-122
SD/SF18	Post and 2 rail fence

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

2. The gable windows to Plot 98 at ground, first and second floor levels and the first floor western gable elevation window of Plot 99 shall be obscure glazed and installed to be non-opening, details of which shall be submitted to and agreed in writing by the Local Planning Authority before development commences. Thereafter they shall be maintained in that condition in perpetuity.

REASON: In order to protect residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

3. Prior to commencement of development, precise details of the proposed slab level(s) of the units and any appropriate road and garden levels shall be submitted to and approved in writing by the Local Planning Authority with the works completed in accordance with the details so approved.

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

4. No development shall take place until details of the provisions to be made for building dependent species of conservation concern artificial bird nesting boxes and artificial bat roosting sites have been submitted to and approved in writing by the Local Planning Authority.

The details shall be submitted on a building dependent bird/bat species development site plan and include details of plot numbers and the numbers of per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated [north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats] and type and make of bird boxes and bat roof tiles i.e. lbstock.

The artificial bird/bat boxes shall be incorporated into those dwellings/buildings during the construction of those individual plots identified on the submitted plan in accordance with the approved details and under the supervision of the local RSPB Swift/Swallow Officer in liaison with the Council's Countryside Officer.

REASON: To enhance nesting/roosting opportunities for bird/bat species of conservation concern and reduce the impact of development in accordance with Policy ENV7 of the Ribble Valley Districtwide Local Plan and to ensure that bird and bat species are protected and their habitat enhanced, in accordance with the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 and the Lancashire Biodiversity Action Plan.

5. 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.

6. 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.

7. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail how the site will be drained on a separate system with only foul drainage connected into the combined sewer. Such a scheme shall be constructed and completed in accordance with the approved plans.

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

#### INFORMATIVES

1. The applicant's attention is drawn to conditions attached by planning consent 3/2008/0526/P and the informatives which apply equally to this consent.
2. This permission shall be read alongside the legal agreement made pursuant to Section 106 of the Town and Country Planning Act as amended.
3. In relation to condition 7, to mimic the existing drainage strategy, surface water must discharge directly to watercourse/pond facing the site on Woone Lane. This will ensure that the risk of flooding to the downstream network is reduced and that the impact the receiving WWTW is reduced.

APPLICATION NO: 3/2012/0395/P (GRID REF: SD 346137 4448222)  
PROPOSED AGRICULTURAL LIVESTOCK BUILDING AT KNOTT BARN, LAUND FARM,  
BOWLAND WITH LEAGRAM, PR3 2QT.

PARISH COUNCIL: No objections to the proposal.

ENVIRONMENT N/A  
DIRECTORATE  
(COUNTY SURVEYOR):

ADDITIONAL None received.  
REPRESENTATIONS:

#### **Proposal**

Permission is sought for a livestock building adjacent to Knott Barn, a barn conversion which was approved as a farm workers dwelling relating to Laund Farm. The building would be 'L' shaped and would have a floor area of 114m<sup>2</sup>. On its longest side it would have a length of 14.2m and a width of 6.35m which would provide three livestock pens and part of a feed store. The remaining part of the feed store would be provided by a south facing projection measuring 6.0m in length and 4.0m in width. This wing of the building would have a 900mm roof overhang and as well as the feed store it would provide one loose box with a stable door opening. The building would have a maximum height of 3.8m. The building would be clad with tanalised timber overlapping boards and would have a sheet metal roof in a slate blue finish.

### **Site Location**

The application site lies in the Forest of Bowland Area of Outstanding Natural Beauty and occupies an isolated location approximately one mile from Chipping village. The site forms part of a field adjacent to Knott Barn, a substantial former field barn which was converted to an agricultural worker's dwelling in 2002. The site lies adjacent to a farm track and Public Bridleway no.12 in the Parish of Bowland with Leagram which leaves Little Bowland Road approximately 760m to the south.

### **Relevant History**

3/2002/0099 – Proposed conversion of Knot barn into agricultural worker's dwelling with septic tank/ soakaway and erection of an agricultural sheep building. Approved.

### **Relevant Policies**

Policy G1 – Development Control  
Policy G5 – Settlement Strategy  
Policy ENV1 – Area of Outstanding Natural Beauty  
Policy ENV3 – Development within the Open Countryside  
Policy SPG – Agricultural Buildings and Roads

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

The principal issues for consideration include the principle of the building and the visual impact of the building on the landscape.

The proposed building is to allow the expansion of the Laund Farm's commercial sheep flock as well as having a facility to administer health care to livestock within the immediate fields surrounding this end of the farm allowing the commercial sheep flock to be kept separate from the milk flock. The building has been sited close to Knott Barn; a farm worker's dwelling associated with Laund Farm, to enable supervision.

New agricultural buildings are acceptable in the countryside where they are considered to be reasonably necessary for the purposes of agriculture. Laund Farm is an established working farm, running a sheep milking business and commercial beef and sheep flocks. The applicants farm approximately 178 hectares and have 80 head of cattle, a number of calves, and 1200 head of sheep with lambs at foot. Given the substantial nature of the enterprise I consider there to be sufficient agricultural justification for the size of building proposed.

The proposed building would be sited at the opposite end of the farm from the main farm complex and in this sense it would be isolated. However, in 2002, Members approved the conversion of an isolated field barn as a farm workers dwelling, occupied by the applicant's sister, which this building would be sited in the field adjacent. The building will therefore be seen against this barn conversion when viewing the site from the Public Bridleway when travelling in a south-westerly direction from Lower Greystoneley towards Little Bowland Road. Furthermore, the building has been sited in a natural hollow adjacent to Knott Barn, and some land will be excavated to level the site, therefore, the impact of an agricultural building on the visual amenities of the locality and when viewing the site from the adjacent bridleway would be minimal, particularly as the materials proposed would be complimentary and sympathetic to the barn conversion and the visual amenities of this part of the Area of Outstanding Natural Beauty.

For the above reasons I can see no objections to this proposed development and the proposal is recommended accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate form of development and given its design, size and location would not result in visual detriment to the surrounding countryside; nor would it adversely affect the amenities of nearby residents.

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 Drawing Numbers:

234/201 – Proposed Livestock Building, and,  
234/202 – Proposed Livestock Building – Site Plan.

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

3. The building hereby permitted shall not be used except for the purposes of agriculture at Laund Farm, Leagram Estate only as defined by section 336 of the Town and Country Planning Act 1990 (as amended).

REASON: To safeguard the amenities of the Forest of Bowland Area of Outstanding Natural Beauty in accordance with Policies G1, G5 and ENV1 of the Ribble Valley Districtwide Local Plan.

4. No development approved by this permission shall be commenced until a scheme for the containment and storage of manure has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan preventing pollution of the water environment.

#### INFORMATIVES

1. The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).

The Environment Agency must be informed of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before the structure is brought into use. Further guidance is available on our website and the applicant will need to complete WQE3: New or

improved agricultural structures form which can be obtained from the Environment Agency. Only clean surface water from roofs and paved areas should be discharged to any surface water soakaway.

2. Manure should be managed in accordance with The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). Permanent stores for solid horse manure should have bases that do not let liquids pass through and the bases should slope such that liquid run-off is contained within the store. Applicants should consider providing a roof to keep rainfall off the manure to minimise the volume of liquids produced and reduce odour by keeping the manure as dry as possible. Manure should not be stored or applied
  - within 10 metres of any ditch, pond or surface water
  - within 50 metres of any spring, well, borehole or reservoir that supplies water for human consumption or for farm dairies.

APPLICATION NO: 3/2012/0399/P (GRID REF: SD 361600 437006)  
CREATION OF A PRIVATE SWIMMING POOL FOR TEACHING PURPOSES. THE POOL WILL ONLY BE OPEN FOR PRE-BOOKED LESSONS. LAND TO THE REAR OF HIGHER COLLEGE FARM, BLACKBURN ROAD, LONGRIDGE, LANCASHIRE.

HOTHERSALL PARISH COUNCIL: No objections in principle to the proposed application. However, given the applicant's apparent success at existing leisure facilities in this area, these facilities are likely to prove popular. Additional traffic will be generated where problems are already experienced with vehicles entering and exiting this site. Currently under review is a proposal for a 40mph speed limit along this stretch of road, and it is the view of the PC that in the interests of road safety, these speed restrictions should be brought in before building work commences and before further expansion of the this site is permitted.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): The site already benefits from a good standard access road with excellent visibility in both directions along the B6243 Blackburn Road and is close to the 30mph gateway approaching Longridge between two sets of transverse red bar markings. He is satisfied with the parking and manoeuvring arrangements within the site and would expect the manner of operation of the proposed pool to generate limited additional traffic. Therefore no objection to the proposal from a highway safety aspect.

LCC ENVIRONMENT DIRECTORATE (ECOLOGY): It seems reasonably unlikely that the proposed development would have any significant ecological impacts, provided specific planning conditions are attached to any approval.

- ENVIRONMENT AGENCY: No objections to the proposed development.
- UNITED UTILITIES: No objection to the proposed development.
- SPORT ENGLAND: Sport England does not wish to comment on this application.
- ADDITIONAL REPRESENTATIONS: Three letters of objection have been received from nearby neighbours, whose points of objection have been summarised as follows:
1. As owner of the access road to the site, I will strongly contest advances on additional traffic down the road,
  2. The road to the site is already seeing a significant increase in traffic usage due to the expansion of the businesses it serves,
  3. The road is pivotal to the business's constant flow of vehicles and cannot be closed, blocked or excavated,
  4. Services to the site are currently exhausted,
  5. The application is not related to Higher College Farm,
  6. Additional development here could lead to an industrial estate, which this area is not suitable or equipped,
  7. The scheme will attract young children so there are concerns over welfare due to the nature of the neighbouring businesses,
  8. The access road is not suitable for the general public, pedestrians or cyclists,
  9. As we pay a percentage of the maintenance, are the new users going to pay this as well?
  10. We assume the parking areas will allow turning for larger vehicles dropping off children?
  11. Whilst we support the concept, we question whether this is the correct location?
  12. Visual impact of altering this green field,
  13. Loss of views,
  14. Ecological impacts on the surrounding environment through the use of a package treatment plant, and
  15. Impact on infrastructure.

The Agent has also supplied seven letters of support from schools near to the site that all say they would benefit from this development. They can be found within the Annex to the Design and Access Statement and they note the following,

1. This would be a fantastic resource,
2. Due to its location, a great amount of time could be saved by using this pool as opposed to travelling to Clitheroe,
3. Reducing carbon footprint by reducing travel times,
4. Will provide a great service for young people with learning difficulties,
5. Reducing travel costs, and
6. Will support our current curriculum and will encourage exercise and health and safety aspects within our school.

## **Proposal**

Planning permission is sought for the construction of a private swimming pool for teaching purposes on land currently in agricultural use. The new facility with associated car parking and vehicular turning facilities will be constructed within a triangular piece of land to the rear of the large industrial building adjacent to Higher College Farm, Blackburn Road, Longridge. The proposed building to house the facility will have a footprint of approximately 12.7m x 23m, and will measure 3m to the eaves, and 4.75m to the ridge. It will house a pool measuring 6.7m (w) x 16.7m (l), male, female and disabled changing rooms, an office and storerooms, as well as a small entrance porch measuring 3.5m (w) x 2m (d) x 2.2m (eaves). The building will be of breezeblock construction clad with timber and a small stone plinth measuring 0.5m in height, with a steel profile sheet roof with roof lights. All windows and doors will be aluminium frames. The scheme also includes the addition of solar panels on the southern facing roof elevation of the building. The perimeter of the site is bounded by trees and hedgerows and has it a Public Right of Way (Footpath 23) that passes through the site. Additional trees and planting will provide additional screening to the site as part of the development. All traffic will access the site via an existing access road to the north that serves other businesses at Higher College Farm.

## **Site Location**

The entrance to the site in question sits approximately 500m east of the Longridge settlement boundary, approximately 180m west of the Corporation Arms.

## **Relevant History**

No relevant applications.

## **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 – Development in Open Countryside.

Policy ENV13 – Landscape Protection.

Policy RT1 – General Recreation and Tourism Policy.

Policy RT19 - Development Which Prejudices Footpaths.

Policy T7 – Parking Provision.

Policy T7 – Parking Provision.

The Conservation of Habitats and Species Regulations 2010 (as amended).

Wildlife & Countryside Act 1981 as amended.

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 size, scale and location of the scheme and whether or not there is an impact on highway safety. There will be no impact on the residential amenity of nearby neighbours due to the existing adjacent businesses and the distance between the site and the nearest 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.*

Chapter 3, Supporting a prosperous rural economy, of the NPPF is also considered to be an important consideration given the nature of the proposal, noting within paragraph 28 that ‘*To promote a strong rural economy, local and neighbourhood plans should, amongst other things:*

- *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and*
- *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.*

Paragraph 73 of the NPPF considers the delivery of sporting facilities and notes that ‘*Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities.*

An existing hedgerow with trees surrounds the site and as such Chapter 11 of the NPPF, Conserving and enhancing the natural environment, should also be considered. Paragraph 109 states that ‘*The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.*’

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 any saved settlement boundaries, therefore Policies RT1 and 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. The circumstances that are prevalent now require developments to meet the requirements of NPPF and as such this site is considered to meet the three dimensions of sustainable development as outlined in NPPF – economic, social and environmental, and bearing in mind the current use of the adjacent land, is considered acceptable in principle.

The Local Plan Policies still provide detailed guidance to assessing the size, scale and location of the scheme of the scheme and the impact on the amenities of the occupiers of the neighbouring dwellings. Local Plan Policies G1, G5 and ENV3 are still considered important materials considerations, and they state the following,

- G1 - Development must be sympathetic to existing and proposed land uses in terms of size, intensity and nature, and that the density, layout and relationship between nearby buildings is of major importance, with particular emphasis placed on visual appearance and the relationship to the surroundings.
- G5 – Outside the main settlement boundaries and the village boundaries, planning consent will only be granted for small-scale developments, which are small-scale recreational developments subject to RT1, with the Policy recognising the need to protect the countryside from inappropriate development.
- ENV3 – In the open countryside outside the AONB and areas immediately adjacent to it, development should be required to be in keeping with the character of the landscape area, and should reflect local vernacular, scale, style, features and building materials. Whilst the Borough Council has no wish to unnecessarily restrict development, it is essential that only development that has benefits to the area be allowed. Even when such development is accepted, it must acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting.

The proposed private swimming pool facility is a family business run by the applicant, and provides a specific function of private swimming tuition for local schools and youth groups in the surrounding area. At present the business is reliant on a number of existing leisure facilities including Beacon Fell View Park site pool and the Marriot Hotel at Broughton, and the applicant highlights that these are designed for leisure uses as opposed to teaching, and none of them are designed to cater for full disabled use. This location has been chosen not only due to its proximity to Longridge, but also as the land owner is willing to offer a 20yr lease to the applicant to provide this facility on a long term basis which will supplement his agricultural income base. The scheme will therefore provide a development that will provide many community benefits to Longridge and also the wider area, as well as providing additional employment for the area; and as the scheme involves incorporating solar thermal heating systems, it will also minimise its carbon footprint. The principle of the scheme is therefore considered fully in compliance with paragraphs 28 and 73 of the NPPF and in accordance with the relevant Local Plan policies.

From a visual point of view, the building and associated car parking and vehicular turning facilities will be constructed within a triangular piece of land to the rear of the large industrial building adjacent to Higher College Farm, Blackburn Road, Longridge. Due to its location and its relatively small scale, it will be effectively screened from the highway by the existing buildings to the north of the site, and its visual impact further mitigated by the existing and proposed landscape and boundary treatments. The building will be constructed in materials that will blend in well with those used by other developments nearby, and will therefore have an acceptable visual impact on the area.

With specific regard to the impact of the construction of the development on the trees and hedgerows surrounding the site, the County's Ecologist has assessed the submitted details and has noted that it is unlikely that the proposed development would have any significant ecological impacts, subject of course to specific conditions being adhered to. The main consideration is the construction of the car parking area adjacent to the boundary hedgerow, however providing the boundary hedges are protected in accordance with the BS5837 2012 [Trees in Relation to Design, Demolition & Construction] standard and the layout reflective of that, there are no objections in principle subject to a more detailed layout being presented and the applicant adhering to the strict tree protection, construction and monitoring conditions.

With regards to the impact of the scheme on the Public Right of Way that runs through the site, the layout of the site has been designed to ensure that there will be no formal diversion

required. However, during the construction of the proposal there must remain free passage along this PROW at all times and this shall be conditioned.

The final main area of concern to neighbours is the access road to the site and the potential problems this scheme may create for the area and adjacent businesses. The LCC Highways Officer notes that the site already benefits from a good standard access road with excellent visibility in both directions along the B6243 Blackburn Road and is close to the 30mph gateway approaching Longridge between two sets of transverse red bar markings. He is satisfied with the parking and manoeuvring arrangements within the site and would expect the manner of operation of the proposed pool to generate limited additional traffic. He therefore raises no objection to the proposal from a highway safety aspect.

National Planning Policy and guidance states given a presumption in favour of sustainable development, advising that where the development plan is absent, silent or relevant policies are out of date, Local Planning Authorities should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The proposal seeks to meet a clear local need by providing a modern, purpose built facility for private use by the local community; therefore as I do not consider there to be any adverse impacts from approving this scheme, as the scheme is not considered harmful or detrimental to either the visual amenity of the area or the residential amenity of the occupiers of the neighbouring dwellings and nor will it have an adverse impact on highway safety, 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, it would not have an adverse impact on the adjacent protected trees, it would not have a significant detrimental impact on nearby residential amenity and nor would its use have an adverse impact on highway safety.

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

3. 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.

4. The permission shall relate to the development as shown on Plan Drawing Reference Number's HCF/PG/01, HCF/PG/02, HCF/PG/03, HCF/PG/04 and HCF/PG/05.

**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 Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

4. The use of the premises in accordance with this permission shall be restricted to the hours between 0830 to 2100 on weekdays and 0830 to 1700 on Saturdays and there shall be no operation on Sundays or bank holidays.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan. The use of the premises outside these hours could prove injurious to the character of the area and in order to safeguard residential amenities.

5. This permission shall inure for the benefit of Mrs Paula Glover and Glover Swim School in connection with the use of the pool hereby approved to provide private swimming lessons only and not for the benefit of the land nor any other person or persons, whether or not having an interest in the land. The pool shall not be open for general use by the public.

REASON: Permission may not have been given for the development as proposed but for the circumstances applying in this case. The use of the pool for any other purpose would require further consideration as it may be considered contrary to Policies G1, G5, T1, ENV3 or RT1 of the Ribble Valley Districtwide Local Plan or indeed guidance within the NPPF.

6. 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.

7. Precise specifications and details of the proposed solar panels to be used, including their exact layout and position on the south elevation of roof, shall be 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 panels to be used will have an acceptable visual impact on the locality in accordance with Policies G1, ENV3 and ENV24 of the Ribble Valley Districtwide Local Plan, and the guidance contained within the NPPF.

8. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services, all trees and hedgerows that border the site shall be protected in accordance with the BS5837 2012 [Trees in Relation to Design, Demolition & Construction]. Details of all protection measures shall be agreed in writing and implemented under the supervision of a qualified Arboriculturalist in liaison with the Countryside/Tree Officer for Ribble Valley Borough Council.

A tree protection-monitoring schedule shall be submitted, agreed in writing and monitored by the local planning authority. The local planning authority will inspect all tree protection measures before any site works are begun.

The root protection/construction exclusion zone shall be 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 works shall be implemented without the local planning authority's prior written consent. All tree works shall be in accordance with BS3998 2010 for tree work, and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development and included in a Tree Preservation Order are afforded maximum physical protection from the adverse affects of development. In order to comply with planning policies G1 and ENV13 of the District Wide Local Plan, to ensure that trees of visual amenity/botanical/historical value are protected against adverse affects of the development.

9. Notwithstanding the submitted site plan, prior to the commencement of development, including delivery of building materials and excavations for foundations or services, a fully detailed site plan and construction statement highlighting the method of forming the car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The details shall include indicating the exact layout of the car park, including specifically the areas of hardstanding, the areas of soft landscaping and the areas to remain undeveloped, with the construction statement including the full engineering works involved. The details shall be constructed, with out excavations, soil stripping or site grading under the supervision of, or in liaison with the local authority Countryside Tree Officer.

REASON: In order to prevent root damage and ground compaction near to the trees/hedgerows to be retained and in order to maintain an established healthy Rhizosphere thereby safe guarding their long term survivability. In accordance with planning policy ENV13 of the Local Plan and the BS5837 2012 [Trees in Relation to Design, Demolition & Construction].

10. If the presence of any protected species that may be affected by the proposed works is detected or suspected at any stage before or during the proposed works, then works should cease until ecological advice has been sought.

REASON: To protect species habitats in accordance with the Wildlife & Countryside Act 1981 as amended.

11. Prior to the commencement of any built development, a lighting scheme shall be submitted for approval by the Local Planning Authority. The plans shall detail the position of any external lights, whether attached to the building or within the car park, and highlight their luminance levels. Any external lighting associated with the development should be designed to avoid excessive light spill, which may affect bats foraging/commuting in nearby habitats. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2008).

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

12. Any works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.

REASON: To protect the breeding habitats of the local bird population in accordance with the Wildlife & Countryside Act 1981 as amended.

13. 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.

14. The parking and manoeuvring areas approved as per condition 9 shall be laid out in accordance with the approved plans and shall be available for use before the development is brought into operation.

REASON: To provide adequate car parking facilities for the site in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

15. The granting of this 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 23 in the Parish of Hothersall runs through the site and shall remain passable at all times during the construction unless the appropriate consent has been granted.

REASON: In order to comply with Local Plan Policy RT19.

## INFORMATIVES

1. Should this planning permission be approved, the applicant should contact the United Utilities Service Enquiries Team on 0845 7462200 regarding connection to the water mains/public sewers.

Sewage treatment is to be via a package treatment plant, the discharge from this may require an Environmental Permit (discharge consent) for discharge to either surface water or ground water from the Environment Agency.

There must be no discharges of chlorinated water from the pool directly to any surface water drains or watercourses. Chlorinated water is highly polluting and would require proper treatment prior to discharge.

APPLICATION NO: 3/2012/0417/P (GRID REF: SD 362823 444633)  
COVERED HANDLING AREA – PHASE 2. RETROSPECTIVE FITTING OF 17 NO. SOLAR PANELS (1645 X 987 MM). THE LAUND, LEAGRAM, PRESTON, LANCASHIRE, PR3 2GS.

PARISH COUNCIL: The Councillors have considered the above-mentioned application and fully support it.

ADDITIONAL REPRESENTATIONS: No additional representations have been received.

### **Proposal**

The application seeks permission for the erection of two areas of additional roof covered handling facilities, directly attached to existing and proposed buildings on site. The existing buildings on site are all full to capacity for their existing uses (e.g. Livestock, machinery, storage etc.), and the applicant requires additional space to allow the handling of his additional flock under cover without prejudicing the bio security between the milking and commercial flocks on site. These covered areas will also reduce surface water contamination in line with the European Directive as the farm is within the Catchments sensitive area. The covered areas/buildings will be constructed with concrete panels at the base of the walls with timber space boarding panels above, and the roof will be standard grey cement sheeting, thereby matching the existing buildings on site. Retrospective consent is also sought for the attachment of 17 Solar PV panels to the south facing roof elevation of the existing storage building on site to help compensate for the high electricity usage involved in the milking process. The panels sit well below the ridgeline of this building once the covered area is added/constructed. The applicant also includes the extension of an existing belt of screen planting to the south of the existing milking parlour along the southern boundary of the buildings in order to provide additional screening to mitigate long distance views of the site.

### **Site Location**

Laund Farm is a large farm holding (approximately 440 acres) situated within the Forest of Bowland Area of Outstanding Natural, approximately 1 mile north of the village of Chipping. The new building will be sited to the northeastern corner of the existing group of buildings, to the rear of an existing building.

### **Relevant History**

3/2012/0378/P – New livestock building for housing a flock of milking sheep – Application for consideration on this agenda.

3/2010/0612/P - Change of use and re-build from an agricultural storage building to an education building for farm visits – Granted Conditionally.

3/2009/0221/P - Storage building for farm use – Granted.

3/2007/0935/P - Extension of existing sheep housing and proposed new manure store – Granted Conditionally.

3/2006/0739/P - To roof over current feeding area and to extend height 3m to eaves – Granted.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy ENV24 - Renewable Energy.

Policy ENV25 - Renewable Energy.

National Planning Policy Framework.

Forest of Bowland AONB Renewable Energy Position Statement (April 2011).

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

The application seeks permission for the erection of two areas of additional roof covered handling facilities, directly attached to existing and proposed buildings on site, as well as retrospective consent being sought for the attachment of 17 Solar PV panels to the south facing roof elevation of the existing storage building on site. The main issues concerning this application are with regards to the visual impact of the proposal on the area.

With regards to the visual impact on the area by the proposal, the site itself is in an isolated location and can only be partially seen from long distance views. With regards to the proposed covered areas, as they will be infilling between existing and proposed buildings on site, their impact will be mitigated somewhat. In addition, due to the proposed extension of the planting belt to the south of the buildings and given the sympathetic use of materials proposed, it is considered that the proposed extensions will not be visually detrimental to the surrounding area.

With specific regard to the proposed solar PV panels, paragraph 98 within the NPPF advises that 'When determining planning applications relating to renewable energy proposals, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

This is supported within paragraph 4.7.2 of the Forest of Bowland AONB Renewable Energy Position Statement, which notes that small scale installations, usually up to 10kW arrays, on commercial, farm or community buildings that have minor landscape and visual impacts should not normally be objected to within the Forest of Bowland AONB, as careful siting can minimise the visual impact of arrays. On this basis, the small, linear array of the solar panels is not considered to be of visual detriment to the wider AONB due to their position on the roofscape of the agricultural buildings.

Therefore considering the above points, it is recommended that this application be granted conditionally.



## SUMMARY OF REASONS FOR APPROVAL

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

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

1. The development must be begun 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. The permission shall relate to the development as shown on Plan Drawing No's 235/301, 235/302, 235/303 and the Phase 2 – Location Plan.

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

3. The development hereby permitted shall not be commenced until details of the proposed landscaping to the south 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 approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

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

4. This permission shall expire after 25 years following the date that electricity generated from the PV modules is first connected to the grid. The Local Planning Authority shall be notified of such date in writing not later than one month from the making of such connection. After this 25-year period, all the modules hereby authorised shall be removed from the building and the roof restored to its former condition, unless the Local Planning Authority has granted a further permission for this development.

REASON: In order to prevent the modules remaining on site after its use has terminated, in the interests of the visual amenity of the area and in order to avoid conflict with the Local Planning Authority's control of development within the AONB. In accordance with the guidance contained within the NPPF and the ENV1, ENV25 and ENV26 of the Districtwide Local Plan.

5. Within 12 months of the cessation of electricity generation, or if the modules cease to be operational for a continuous period of 6 months, they shall all be removed from the building, and the roof restored to its former condition.

REASON: In order to prevent the modules remaining on site after its use has terminated, in the interests of the visual amenity of the area and in order to avoid conflict with the Local Planning Authority's control of development within the AONB. In accordance with the guidance contained within the NPPF and the ENV1, ENV25 and ENV26 of the Districtwide Local Plan.

APPLICATION NO: 3/2012/0501/P (GRID REF: SD 371843 438589)  
PROPOSED ERECTION OF BUILDING TO BE USED FOR THE MANUFACTURE OF  
KENNELS, DOG GROOMING AND CARE OF SMALL ANIMALS AT MITTON HALL KENNELS,  
2 MITTON HALL COTTAGES, MITTON ROAD, MITTON

PARISH COUNCIL: Whalley Parish Council has expressed no comments on the application except to point out that the site is within Mitton Parish.

Bashall Eaves and Mitton Parish Council objects to the application because:

1. The scale is out of proportion to any surrounding building. From Mitton Church it is clearly visible and destroys the otherwise rural scene.
2. A building of this scale is intended as a rather major manufacturing enterprise (much more significant than the 'dog kennel manufacture' I the application). Several employees conducting metal working and associated activities will lead to unacceptable noise and disturbance in a rural environment.

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

UNITED UTILITIES: Has no objection to the proposed development.

ADDITIONAL REPRESENTATIONS: Four letters have been received from local residents and one from a resident of Clitheroe who is the owner of one of the dwellings immediately adjoining the application site. The objections contained in the three letters are summarised as follows:

1. The proposed building, due to its size, height, appearance and materials of construction is inappropriate for this rural location and would be detrimental to visual amenity.

2. The noise resulting from the proposed manufacturing use of the building and additional traffic associated with this use would be detrimental to the amenities of nearby residents.
3. A building of this type and size should not even be considered in this location when there are more appropriate locations on industrial estates in Clitheroe.
4. A previously approved building (planning permission now lapsed) had a height of 3.6m. The building now proposed is 6.4m high.
5. Although stated to be for the applicants own use, a building of this size could be split into a number of separate units which could be used by businesses such as car repairs and haulage etc that would be further detrimental to the amenities of the locality and its residents.
6. Construction of this building was not started in 2002 as stated in the application.
7. The reference in the application to the use of the building for the care of small animals is too vague. Is the building to be used as a veterinary surgery or for the breeding of small animals?

A letter has also been received from the CPRE. The points made in the letter that are in addition to the points in the letters summarised above, are as follows:

1. The actual main purpose of the building is the construction of large steel dog enclosures for Police, armed services, hunts etc. The building will, in fact, be a sheet metal fabrication workshop with all the associated noise and activity of an industrial unit. This would be quite inappropriate in this rural/agricultural location.
2. Due to its scale and magnitude, this structure will be openly visible (despite landscaping) from surrounded listed buildings including Great Mitton Hall, Mitton Mediaeval Church and Little Mitton Hall (now Mitton Hall Country House Hotel) across the road from the site.

3. Although it is stated that the unit will be used Monday to Friday, if business increases it is likely to be at weekends also; and there was a suggestion of taking on more staff with the resultant extra noise from staff cars.
4. If the applicant leaves the area, the building would no doubt be advertised as an industrial unit because the precedent will have been established.
5. For the reasons outlined above, the proposed development is not in accordance with the general development control requirements of Policy G1 of the Local Plan.

### **Proposal**

In January 2000 planning permission was granted for a workshop and storage building attached to the existing cattery building at this site (3/1999/0770/P). That approved building had dimensions of approximately 19m x 12.8m and a maximum height of 3.6m. It was to be constructed of block work to the lower part of the walls with Juniper green profiled cladding to the upper walls and to the roof. In the Council's opinion no works were carried out on the implementation of that previous permission which therefore lapsed in January 2005.

The applicant, however, recently commenced the construction of a building of approximately the same footprint and in the approximate same location as the previously approved building. The works carried out so far involve the construction of the steel framework of the building. Upon the advice of the Local Planning Authority, the applicant has ceased construction works and submitted this application for the building that he now wishes to complete.

The building as now proposed has dimensions of 12.8m x 21.2m (slightly longer than the previously approved building) and the proposed materials of construction are exactly the same as in the previously approved building. It is, however, higher than previously approved having an eaves height of 5m and a ridge height of 6.4m.

The main part of the building would be used as a workshop for the manufacture of kennels, but it would also contain a storage room, office, kitchen, toilet, grooming room and small animals room.

It is stated in the application that screen planting would be carried out on the north and west boundaries of the site.

### **Site Location**

The application site is on the eastern side of Mitton Road within the open countryside between Whalley and Mitton opposite the Mitton Hall Country House Hotel.

The application site as outlined in red on the submitted location plan includes No 2 Mitton Hall Cottages (a semi detached property owned by the applicant) and the land and buildings presently used by the kennels business that is located at the rear of that property and also

extending to the rear of No 1 Mitton Hall Cottages (that is in separate ownership). The site is adjoined to the east, north and south by agricultural land.

### **Relevant History**

3/1999/0770/P – Proposed workshop and store attached to existing cattery building. Approved with conditions.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

National Planning Policy Framework (NPPF).

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

With the exception of the increased height of the building, this application seeks permission for a development that was considered in 2000 to be in accordance with Policies G1, G5 and ENV3 of the Local Plan. The permission granted in 2000, however, was subject to conditions covering the following:

1. The submission for approval of details of the proposed external materials.
2. Making the permission personal to the applicant.
3. Restricting the hours of use of the building to between 0800 and 1800 on weekdays with no operations at weekends or Bank Holidays.
4. Requiring the implementation of a scheme of screen planting.

As similar conditions could be imposed on any new planning permission that is granted, the only considerations relate to the effects of the increased height of the building and a consideration of the application in relation to the recently published NPPF.

The applicant states that the increased height of the building is necessary to allow his lorry access into the workshop for loading and maintenance purposes. He also states that the building will be used to manufacture dog kennels and also for dog grooming and the care of small animals. He adds that the building is necessary for him to continue the manufacture of the kennels which is presently based in Clitheroe in a rented unit; that he currently employs four people, but this is no longer feasible. He states therefore that, if this application is refused, this side of his business will have to close with the loss of those jobs.

Although the building would be higher than the existing buildings, it is of a similar appearance and would be viewed within the context of those existing buildings. As such, subject to appropriate screen planting (to be secured by an appropriate condition) I do not consider that the proposed building would seriously detract from the appearance of the locality.

The building would be approximately 40m away from the rear elevation of No 1 Mitton Hall Cottages, and there would be a mound and screen planting on the rear boundary of that dwelling. As such, even with its increased height, I do not consider that the building would have

any detrimental effects upon light to that property, nor would it have any overbearing effects. Any potential noise nuisance to that dwelling could, in my opinion, be covered by a restriction on the hours that the building could be used for the manufacturing element of the business.

Subject to appropriate conditions, I therefore consider that the building now proposed would not have any seriously detrimental effects upon visual amenity or the amenities of nearby residents. As such, it would comply with the relevant saved policies of the Local Plan.

The principle element of the NPPF is a presumption in favour of sustainable development which is defined as having the three dimensions of economic, social and environmental. The economic role is explained as 'contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation'. The application relates to an expansion of an existing business in a situation where there could be a loss of jobs if permission was refused. Although not within an existing settlement, the site is not too distant from the settlement of Whalley and the siting of the building at the existing associated kennels/cattery business does represent a form of 'sustainability'.

The social role of sustainability relates to the provision of housing and services etc and is not therefore of any particular relevance to this application.

The environmental role relates to the protection and enhancement of the natural and built environment. Subject to appropriate conditions, I do not consider that the development would seriously detract from the environment.

Overall, given the economic benefits, I consider the proposal to comply with the requirements of the NPPF. Therefore, I can see no objections to this application subject to similar conditions to those imposed on the permission granted in 2000.

#### SUMMARY OF REASONS FOR APPROVAL

The proposed development would not have any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

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

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

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

2. This permission shall relate to the proposal as shown on drawing numbers CS/12/0501/1, 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. This permission shall inure for the benefit of Mr CJ Entwistle only and not for the benefit of the land nor any other person or persons, whether or not having an interest in the land.

REASON: Permission has been granted to the applicant as an expansion of the existing cattery/kennels business operated from the site. Permission would not have been granted but for the specific circumstances applying in this case as a permission for a separate business by a different operator could prove injurious to the character of the area and the amenities of its residents contrary to Policy G1 of the Ribble Valley Districtwide Local Plan.

5. The building hereby permitted shall be used for the manufacture of kennels for dog grooming and for the boarding/care of small animals as an ancillary part of the kennels/cattery business that is presently operated from the site. The building shall not be used for any other uses unless a further planning permission has first been granted in respect thereof.

REASON: To comply with the terms of the application and because the use of the building for any other purpose could prove injurious to the character of the area and the amenities of its residents contrary to Policy G1 of the Ribble Valley Districtwide Local Plan.

6. The use of the building for the manufacturing purposes hereby permitted shall be restricted to between the hours of 0800 and 1800 Monday to Friday with no manufacturing taking place on Saturday, Sunday or Bank Holidays.

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

7. In the first planting season following this permission, a scheme of screen planting on the northern and western boundaries of the site shall be carried out in accordance with precise details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the planting shall be maintained 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 visual amenity and the amenities of nearby residents and to comply with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

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

APPLICATION NO: 3/2012/0386/P (GRID REF: SD 360361 437760)  
PROPOSED FIRST FLOOR SIDE EXTENSION AND DORMERS TO FRONT ELEVATION  
(RESUBMISSION OF 3/2011/1079P) AT 3 REDWOOD DRIVE, LONGRIDGE, PR3 3HA.

TOWN COUNCIL: The Town Council object to this proposal on the grounds of the scale of development and the massing of the development not being in keeping with the surrounding properties.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): No objections to the proposal.

ADDITIONAL  
REPRESENTATIONS: Eight letters of representation have been received from six nearby properties which raise the following concerns:

- Adverse impact on appearance of original property
- Over dominant
- Overbearing impact
- Out of keeping and unsightly additions
- Three storey property out of keeping with street scene as non have a third storey or dormers
- Concerned a precedent would be set for similar proposals to the detriment of visual amenity diluting the character and appearance of the estate.
- The footprint and size of the extensions has not been changed from the refused scheme – still too large
- Exaggerate sense of enclosure affecting enjoyment of private amenity space
- Loss of sunlight and over shadowing
- Overlooking from rear windows of a neighbouring rear windows and rear garden areas
- Loss of light
- Intrusion upon public open space
- Concerns a commercial business will be run from the property - the need for planning permission and the potential impact on neighbouring amenity and highway safety
- Concerned the applicant is trying to extend the property in line with the initial scheme which was refused by the Council due to the present scheme and the grant of a Lawful Development Certificate for a rear extension and a rear dormer.
- Concerned about overlooking from the rear flat roof dormer.

The letters received are available to view on the application file.



## **Proposal**

Permission is sought for two piked dormers to the front (north-western) roofslope of the existing dwelling and for a first floor side extension above an existing integral garage.

The proposed piked dormers would project 2.5m from the roofslope, 1.35m in height to the ridge and 2.1m in width. These dormers would be set down from the main ridge 0.45m. No details of what these dormers would be clad with have been submitted.

The first floor side extension would effectively create a two storey side extension measuring 6.9m x 2.8m x 7.6m in height to the ridge. The extension would be set down from the main ridge by 0.3m and the first floor portion would be set back from the front elevation by 0.67m. The existing garage door would be changed to a set of three paned doors (which can be done without the need for planning permission) with a small horizontal window to serve a bedroom positioned above the existing garage roof. A rooflight is shown on the front roof slope of the side extension proposed, however, the plans do not illustrate whether this would serve bedroom 1 at first floor level or bedroom 5 at second floor level.

## **Site Location**

The application relates to a two-storey detached property with an integral garage located within the main settlement of Longridge on a large residential estate to the south side of Redwood Drive. The property backs on to Public Footpath no. 45 in the Parish of Longridge, which is used to link the town's heritage trails.

## **Relevant History**

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. Granted.

3/2011/1079/P – Two storey side extension and dormers to front elevation, dormers to rear elevation and single storey rear extension following demolition of existing conservatory. Refused.

## **Relevant Policies**

Policy G1 - Development Control  
Policy ENV7 – Protected Species  
Policy H10 – Residential Extensions  
Policy SPG – “Extensions and Alterations to Dwellings”  
National Planning Policy Framework (NPPF)

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

*Before considering the planning merits of this current application, I consider it important to refer to the Council's consideration of the previous planning application 3/2011/1079/P and the recent Lawful Development Certificate 3/2012/0283/P. The first application, 3/2011/1079/P sought permission for a two storey side extension, pitched roof dormers to the front elevation, a large flat roof dormer to the rear elevation, a single storey rear extension, and conversion of the integral garage to a habitable room. This application was refused by the Council due to the size, scale and design of the proposed two storey side extension and rear flat roof dormer*

*appearing as prominent additions which were not subservient to the original dwelling resulting in additions detrimental to the appearance of the property and street scene, contrary to Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and the Councils SPG 'Extensions and Alterations to Dwellings' and secondly due to the proposed dormer having a harmful impact upon the amenity of neighbouring residents as a result of overlooking and loss of privacy.*

*The second application received, 3/2012/00283/P, sought a Lawful Development Certificate for a flat roof dormer on the rear roof slope of the dwelling and for a single storey rear extension which would replace the existing conservatory. Having assessed this application against the requirements of the Town and Country Planning (General Permitted Development) Order 2008, these works were considered to constitute permitted development in accordance with the Schedule to Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and as such can be carried out without the need of planning permission.*

The matters for consideration in the determination of this application involve an assessment of whether the application has addressed the previous reasons for refusal in relation to the potential effects on the aesthetics of the host dwelling in relation to the two aspects being applied for, and the impact on visual and residential amenity.

In terms of the visual impact of the extensions the Councils Supplementary Planning Guidance (SPG) 'Extensions and Alterations to Dwellings' states that *'there should be a good visual relationship between the original dwelling and any other subsequent additions.....as a general rule any extension should not dominate the original house'* and in relation to size *'over-large extensions can dominate the original dwelling, they are also more likely to harm the amenities of neighbours'*. In addition, Policy G1 of the Ribble Valley Districtwide Local Plan requires all development proposals to provide *'a high standard of building design and landscape quality'*, that *'development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature'* and that *'particular emphasis will be placed on visual appearance'*. Policy H10 of the same plan states *'proposals to extend or alter existing residential properties within the plan area will be considered on the basis of the scale, design and massing of the proposal in relation to the surrounding area'*. The recently published National Planning Policy Framework also promotes good design.

In relation to visual amenity, the previous application was refused due to the scale and massing of the proposals with the decision notice specifically stating that the two-storey side extension would cause harm to the visual amenities of the property itself and the wider street scene. Within the delegated file report written to accompany the reasons for refusal it was suggested that a set down and set back of the extension from the main roof ridge and front elevation respectively may address the concerns by creating an extension which was subservient. Notwithstanding this, I still have serious concern with regards the visual impact of the two-storey side extension and the proposed front dormers would have upon the appearance of the property. Redwood Drive is characterised by substantial detached properties, albeit of various house types, which due to their staggered and angled siting appear to be set in open plots, creating a feeling of openness between the dwellings as the road of the estate sweeps round towards Thornfield Drive. A first floor addition would detract from the current openness between the properties when viewed from the street scene and from the public footpath which exists at the rear. Furthermore, despite the first floor addition having been set down from the ridge of the existing roof and set back from the front elevation, as suggested within the Council's SPG on extensions, the first floor extension as designed would appear as an uncomfortable and awkward addition which would detract visually from this substantial detached property and the

wider street scene. In addition, having visited the property and walked round the estate it is apparent to me that the proposed piked dormers would also appear as additions which are out of character with other properties on the estate. The main type of dormer on Redwood Drive are single large piked dormers positioned above the integral garages of properties, therefore, the two small piked dormers would be out of keeping with the estate, and cumulatively the proposed dormers along with the two storey side extension, and lone rooflight would create a cluttered and complicated roofscape which would be detrimental to the visual appearance of the property itself and the visual qualities of the area and recommend the application be refused on this basis.

With regards residential amenity, I note the concerns from neighbouring residents regarding the sense of enclosure they would feel when using their rear gardens, and the loss of the visual gap at first floor level would result in the loss of sunlight being received in to their garden areas, however, I do not consider that the enclosure created by the addition of a first floor extension would be so harmful to the amenities of these neighbours to justify refusal of the application on this ground. In relation to potential overlooking of surrounding dwellings, I note the concern raised from the resident of no. 44 Poplar Drive about the increased overlooking from the creation of another window on the rear elevation, however, the plans denote that the first floor window being created on the rear elevation would serve a bathroom and as such serious overlooking would not occur from this non habitable room. The properties opposite the front dormers are in excess of 21 metres away as required in the SPG, and given the angled/ staggered siting of these properties direct overlooking of habitable rooms would not occur. I thus conclude that the proposed additions would not have a detrimental impact on neighbouring amenity.

It is important to also assess the impact of the proposals on protected species, namely bats. A scoping report has been submitted with the application, dated the 16 December 2011, which found no evidence of roosting bats at the property, therefore there would be a very low risk of disturbing roosting bats during building works. The impact of the proposed development on protected species would therefore likely be negligible or low, and thus this aspect of the application is considered acceptable.

In view of all of the above, it is considered that the two two-storey side extension and front dormers would result in prominent extensions by virtue of their scale, design, siting and massing to the visual detriment of both the property and street scene and thus recommend accordingly.

#### SUMMARY OF REASONS FOR REFUSAL

The two-storey side extension and front dormers would result in prominent extensions by virtue of their scale, design, siting and massing creating a cluttered and complicated roofscape to the visual detriment of both the property and street scene, and thus the application is recommended accordingly.

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

1. The two two-storey side extension and front dormers would result in a cluttered and complicated roofscape by virtue of the scale, design, and massing of the proposals resulting in prominent additions to the detriment of visual amenity, contrary to policies G1 and H10 of the Districtwide Local Plan and the Council's SPG on extensions and alterations to dwellings.

APPLICATION NO: 3/2012/0490/P

(GRID REF: SD 370369)

PROPOSED ALTERATIONS AND EXTENSIONS TO EXISTING TRAINING BARN AT TRAINING CENTRE, CLOUGH BOTTOM, RABBIT LANE, BASHALL EAVES

PARISH COUNCIL: No observations received at the time of preparing this report.

LANCASHIRE COUNTY COUNCIL: No observations received at the time of preparing this report.

NORTH WEST WATER: No objections.

ENVIRONMENT AGENCY: No objection.

ADDITIONAL REPRESENTATIONS: Two letters of objection have been received which raise concern regarding highway issues and the conflict with existing residential amenity caused by users of the site, as well as damage to highway verge.

### **Proposal**

The scheme seeks detailed consent to extend the existing field barn which has been part of the overall complex building used as a training facility to create a single building for the training centre. Previously, this building was one of two buildings used for such purposes. In order to create a suitable complex for the training centre, the barn is to be extended with a lean-to extension and a link building to an oval shaped new building to the side of field barn. The lean-to extension would involve an increase in floor space of the original field barn and measures approximately 5m x 12m with an external covered area incorporating an additional 0.5m along the full length of the building. The scheme also includes a link building to a purpose built oval shaped extension and link building which will be of a flat roof construction and predominantly glazed measures approximately 6.5m with a width of approximately 5m. The oval shaped building which has a slight sloping roof and overhanging eaves, has a maximum area of 16.5m x 11m and would have a grass roof. The gable elevation is to be predominantly glazed with the side elevations of stone construction. The maximum height of the building is 4.5m. The overall floor area of the glazed link and oval building would be approximately 150m<sup>2</sup>. The application itself is part of the rationalisation of the overall complex and Members will be aware that planning permission has been granted to convert part of the existing training complex to residential purposes., which has not yet been implemented.

### **Site Location**

The site is located within the Forest of Bowland Area of Outstanding Natural Beauty to the east of Bashall Eaves approximately 1½ miles west of the village boundary of Waddington. The barn itself is located in an elevated position in relation to the existing farm building and separated from the existing main complex which also includes a grade II listed building, which is the dwellinghouse associated with this development.

### **Relevant History**

3/1995/0193 – conversion of part barn to office and obstacle course. Granted.

3/1996/0304 – conversion of barn into office, reception and group activities for management training centre. Granted.

3/2010/0353 – proposed change of use of barn currently used as office to two residential dwellings and detached garage. Approved with conditions.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy EMP8 - Extensions/Expansions of Existing Firms.

Policy H17 - Building Conversions - Design Matters.

NPPF.

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

The main issues with this application relate to the principle of development and in particular issues relating to the visual impact of the proposed alterations and also any highway considerations. It is also important to have regard to the impact of the changes in relation to the effects on the Area of Outstanding Natural Beauty and the non designated heritage asset. In relation to highway safety, I note the concerns regarding possible amenity issues resulting from this development and it should be noted that there would be little change in vehicular activity as a result of this scheme. There is an established business currently operating from the site and this proposal should not result in a significant change in vehicular activity. The highway authority has been consulted on this proposal and although no formal observations have been received at the time of preparing this report. I am satisfied that there will be no objections as a result of this proposal in relation to highway matters. It should be noted that previously when the highway authority considered the scheme to convert the existing office and training centre for residential use, the highway authority had no objection.

In relation to the employment issues regarding the site, any proposal that safeguards existing employment activities should be welcomed. I am satisfied that given the nature of this proposal and its established use, that there is no reason to resist the principle of the continued use of such a business activity.

The final considerations relate to the visual impacts and including harm to the character of the existing buildings and the need to safeguard of the Area of Outstanding Natural Beauty from inappropriate visual development. In examining this criteria, it is important to have regard to recent guidance in the form of the National Planning Policy Framework.

The NPPF seeks to encourage sustainable development having regard to the economic role, social role and the environmental role of all such developments. I am of the opinion that although the building is situated in the open countryside and in an isolated location, that given the existing activities, it would not cause harm in relation to any further harm in relation to issues of sustainability. In relation to the social and economic role, it is evident from the additional supporting document that the current enterprise does contribute to the local economy and not only relating to immediate employment of one full time and six part time staff, with five associated trainers. It has been indicated that approximately £200,000 is generated to the local economy with the use of accommodation hotel facilities for people using the site. I consider that this must be welcomed and is an important consideration in the overall balance of the proposal.

I am mindful of the need to balance the social, economic and environmental role but in this instance, I consider that the extension to the out barns coupled with the resultant new buildings would result in significant harm to the character of both a non designated heritage asset and the visual impact of the Area of Outstanding Natural Beauty.

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. I am of the opinion that the alterations would result in harm to the Area of Outstanding Natural Beauty as well as the impact on the character of the original out barn.

In relation to the design, I am aware that the proposal has been the subject of pre-application advice and there has been an improvement from the original scheme in that the modern addition is now of a more contemporary design and would not conflict significantly with the original outbuilding. The proposal involves a significant increase in size to the outbuilding itself with the introduction of a lean-to roof which although I accept, can be regarded as a common agricultural feature in certain circumstances, which is referred to in the Heritage Statement, I am of the opinion that this would significantly harm the original character of the building. The lean-to building which includes an open canopy area at the rear and the introduction of domestic type window openings would ruin the simplicity of the existing field barn features. The wagon door opening would be no longer visible which is an important feature of the existing building.

I recognise the need to balance economic, social and environmental issues but consider that the harm to the Area of Outstanding Natural Beauty and a non designated heritage asset renders the scheme inappropriate.

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

1. The proposed development by virtue of its alterations and extensions to a non designated heritage asset would result in the visual harm to the detriment of the character of the building and as such, be contrary to NPPF and in particular paragraph 135 as well as Policies G1, ENV1 and H17 of the Districtwide Local Plan.
2. The development due to the alterations and extensions would have an adverse visual impact on the character of the AONB and as such be contrary to NPPF and in particular paragraph 115 and Policy ENV1 of the Districtwide Local Plan.

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

APPLICATION NO: 3/2011/1071/P (GRID REF: SD 360406 436613)  
PROPOSED FULL PLANNING PERMISSION FOR ACCESS, LANDSCAPING AND THE ERECTION OF 52 NEW BUILD RESIDENTIAL PROPERTIES, THE CONVERSION OF THE FORMER BARN TO ONE DWELLING UNIT AND REFURBISHMENT OF EXISTING RESIDENTIAL UNIT (53 CHAPEL HILL) AT LAND AT CHAPEL HILL, LONGRIDGE

TOWN COUNCIL: Object to the application and in doing so acknowledge and support the material planning considerations identified by local residents in their submissions to RVBC in opposing this development. Specific reference is made to the scale of the unacceptable infringement into the Conservation Area.

The Town Council highlight the following issues in the event that RVBC are minded to approve the application:

1. Whilst the application relates to a significantly reduced number of dwellings from that originally proposed, there is little confidence that this position will be sustained. Subsequent applications could seek to increase the number of houses on site and develop that part of the site currently planned as landscaped area with a pond.
2. The Town Council strongly support the proposals made by objectors that the landscaped area with pond needs to be protected as public open space in perpetuity by an appropriate covenant and financial provision for maintenance.
3. The Town Council requests the LPA make the applicant aware that this site of the landscaped area represents an opportunity to address an acute need within Longridge for allotment gardens and in the longer term provide an additional burial ground.
4. If the application is recommended for approval the LPA must be satisfied that access to the site is located effectively and of the optimum design and that highway improvements maximise the potential for a higher level of safety for all users.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

The County Surveyor has commented that the access from Chapel Hill into the development site is suitable for a development of this size and for the characteristics of the immediate highway network. He is pleased to note that a ghost island for turning traffic with integral pedestrian refuge island is proposed to allow for the safe movement of vehicles and pedestrians entering and leaving the site. The access road, width, radii and visibility splays are all satisfactory. Pedestrian accessibility will also be enhanced with the provision of a new 2m wide footway along the southern side of Chapel Hill from the western edge of the site to number 53 Chapel Hill where it will link into the development site.

Traffic surveys suggests that vehicle speed passing the site access are generally compliant with the 30mph speed limit on Chapel Hill and the County Surveyor is satisfied that the traffic generated by the proposed development will not cause any capacity issues on the immediate highway network.

Therefore there are no objections raised to this proposal on highway safety grounds subject to the imposition of conditions.

LANCASHIRE COUNTY  
COUNCIL (PLANNING  
CONTRIBUTIONS):

Have made the following comments on a planning contribution request for Lancashire County Council services based upon the policy paper 'Planning Obligations in Lancashire'.

#### Transport

There is likely to be a contribution request for sustainable transport measures in relation to this development.

#### Waste Management

Based on the policy paper Methodology for Waste Management, the request is £24,960.

COUNTY ARCHAEOLOGY:

The first edition OS1:10560, Lancashire Sheet 53, surveyed 1844 shows a cluster of three buildings in the area of 53 Chapel Hill, two of which may be an existing dilapidated house and barn, as well as another now demolished building to the south. The standing buildings are therefore considered to be of some historical interest, most likely dating from the first half of the 19<sup>th</sup> century or earlier, having undergone a number of changes in response to changes in agricultural practices and economic.



Consequently should the LPA be minded to grant planning permission to this or any other scheme the Lancashire Archaeology Service would recommend the recording of the buildings prior to conversion, as well as an archaeological watching brief on works in the area of the former demolished building, and that such work to be secured by means of a planning condition.

LANCASHIRE COUNTY  
COUNCIL (ECOLOGIST):

Have questioned whether there is sufficient information submitted with the application to allow consideration of the impact on birds using Alston Reservoir's Biological Heritage Site. Conditions are requested should consent be forthcoming.

ENVIRONMENT AGENCY:

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

UNITED UTILITIES:

Have no objection to the proposal subject to the imposition of conditions.

ENGLISH HERITAGE:

Are now satisfied that the proposed development will preserve the character of the Conservation Area such that (with suitable conditions) the statutory duty at S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 could be discharged and Government guidance in PPS5 met.

Are pleased that the application is a full application rather than an outline and accepts the applicant's assertion that the impact of their development on the significance of the heritage asset represents "less than substantial harm", PPS5 Policy HE9.4 is therefore the correct one to apply. It is English Heritage's view the public benefit as set out within the applicant's PPS5 Statement, such as the repair and reuse of the derelict barn and house and the potential landscape enhancement are compelling and sufficient to outweigh the limited harm resulting from setting impacts. They also believe that the embedded design code principles are robust enough to apply to any minor amendments which may result from the sale and subsequent redevelopment of the land.

ADDITIONAL  
REPRESENTATIONS:

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

1. Contrary to PPS5, Policies G1, ENV16 and ENV18 of Ribble Valley Districtwide Local Plan.
2. The development does not accord with Policy G2 – it is not wholly within the built up part of the settlement or rounding off and exceeds 1 hectare.

3. Express disappointment that this land bounded by the St Lawrence Conservation Area has been allowed to proceed so far down the SHLAA/development route by RVBC.
4. Reference to the Conservation Area Appraisal and Management Guidance that make reference to the field behind the cottages being important to the rural character and setting of the historic buildings, the church and its churchyard also that developments which have a detrimental effect on the Character of the Conservation Area will be resisted.
5. Reference to the change of designation to settlement boundary was not properly consulted with residents at the time the Districtwide Local Plan was drawn up and comments made by the Inspector at that time into the Districtwide Local Plan are relevant today.
6. There has been an unseemly haste to lodge planning applications for housing development prior to the LDF being ratified.
7. The conurbation of Preston is creeping ever closer and the preservation of open space in the Conservation Area on the southern end of the Longridge settlement is an important factor in the retention of the identity of the settlement and to prevent it merging into Preston.
8. Reference to the need to consider development submitted to Preston Borough Council and a decision on this site should be delayed until decisions have been taken on large sites in that area.
9. The SHLAA cites a greater number of units and following the consultation exercise the number of units was reduced to appease complainants. What guarantee is there that the scheme will stay at 52?
10. There will be an oversupply of housing in Longridge due to other large developments proposed and approved – Dilworth Triangle and Preston Road.
11. Brownfield land should be developed before greenfield.
12. Concerns over traffic congestion.
13. The scheme does not provide sufficient sightlines around the bad bends at the point of access to the site.

14. Concerns over highway safety given relationship with nearby school and problems experienced with parked cars and dropping off/collecting of children at certain times of the day.
15. Question the limited number of garages as the vast majority of households own cars and people need outside storage/working area. Open parking around the site does not meet this need.
16. The site drawing shows a road spur to the bottom of the access road. If there is no intention to build towards the east and nearer the pond location why has this road been prominently been included?
17. Inability of health and school infrastructure to cope with additional demand.
18. Question if housing would be a bad neighbour for the adjacent reservoir.
19. Potential safety issues of proximity to the reservoir for younger children living on the site.
20. Pollution to the reservoir.
21. The suggestion of building a large wall or wire fence around the reservoir is inconceivable in an area with such a beautiful/open aspect.
22. Visually detrimental to the approach to a most historic and attractive area of Longridge.
23. There is no maintenance regime included for the landscaped area.
24. Longridge Town Council should take over the site for allotments in the short term followed by a change of use to an extension of the adjoining graveyard.
25. Reference to another site in Longridge that has grown since its original approval.
26. Potential impact on wildlife.
27. Loss of privacy.
28. Lack of clearly reported evidence of local need.
29. Devaluation of house prices.

30. Reference to a history of a refusal.
31. Reference to the Localism Bill that will give people most affected a greater say in the planning developments in their area.
32. No objection to the barn conversion and refurbishment of empty property.

### **Proposal**

This is a full planning application for access, landscaping and the erection of 52 new build residential properties, the conversion of a former barn to one dwelling and the refurbishment of an existing residential unit.

The application details a single access point from Chapel Hill to the east of the school entry and recycling centre connected to a hierarchy of vehicle, cycle and pedestrian routes within the site with defined parking spaces. The plans incorporate a ghost island right turn for vehicles turning into the site and recycling centre access as well as an uncontrolled pedestrian crossing. The scheme includes realignment of the existing stone wall along Chapel Hill to increase visibility and this will allow the construction of a new 2m wide footway along part of the site frontage to Chapel Hill.

The 52 new build dwellings will be constructed in the form of linked units and groups of houses. In terms of scale the proposal contains a mix of units some bungalows in the southern area up to 2½ storey focal buildings within the central area of the site but with the majority of units being 2 storey in height. In terms of materials dwellings within the Conservation Area are all 2 storey and built in natural stone with stone detailing and natural slate roofs. The remainder of the site being a mix of stone, some render detailing and also brickwork but all under slate roofs. The scheme also details a small number of single storey garages of stone and slate construction. The proposal as put forward will provide 30% affordable housing across the site. A substantial area of public open space is proposed at the eastern end of the site and along the southern boundary with a public square proposed in the centre of the development.

In respect of the barn conversion, the scheme details the retention and reuse of existing openings and insertion of some new ones with the works resulting in the creation of a four-bed detached dwelling.

The property to be refurbished is currently boarded up and vacant with the work shown again making good use of existing openings throughout.

The proposal involves the demolition of three small outbuildings within the curtilage of number 53 Chapel Hill.

A revised site layout plan was received on 2 July 2012 that details revised parking arrangements within the site.

### **Site Location**

The site is located to the south of Chapel Hill within the defined settlement limit of Longridge. The majority of land is greenfield with two substantial buildings within the site (53 Chapel Hill an

existing unoccupied dwelling and a former barn which was last used for purposes ancillary to the residential use of number 53) and some small outbuildings. The land falls up to 8m from north to south across the site and up to 1.5m from east to west. To the north of the site are an existing industrial unit, a recycling centre, St Cecilia's RC High School and residential properties. Alston Reservoir is to the south of the site (a designated County Biological Heritage Site) with residential properties to the east of the site that front onto Chapel Brow. Part of the site falls within the St Lawrence's Conservation Area with number 53 and the former barn designated as Buildings of Townscape Merit.

### **Relevant History**

3/2007/0776/P – Certificate of Lawfulness for the existing use of former barn for ancillary purpose and use of part of property for residential curtilage. Approved 25 February 2008.

3/1988/0297/P – Conversion of barn to dwelling. Withdrawn.

### **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 ENV13 - Landscape Protection.

Policy ENV16 - Development Within Conservation Areas.

Policy ENV17 - Details Required with Proposals in Conservation Areas.

Policy H15 - Building Conversions - Location.

Policy H16 - Building Conversions - Building to be Converted.

Policy H17 - Building Conversions - Design Matters.

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 2008-2009 – A Local Plan for the Ribble Valley Regulation 19 Consultation Draft.

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

DP2 – Promote Sustainable Development - North West of England Regional Spatial Strategy to 2021.

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

L1 – Health Sport Recreation Cultural and Education Services - North West of England Regional Spatial Strategy to 2021.

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

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

National Planning Policy Framework.

Technical Guidance to National Planning Policy Framework.

Historic Environment Planning Practice Guide.

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

The matters for consideration in the determination of this application are the principle of development, highway safety, infrastructure provision, ecological considerations, impact on heritage assets, 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 and there are no provisions within the NPPF to advocate resisting development 'in principle' once a five year supply of deliverable sites is achieved.

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 Longridge. As such, Policy G2 of the DWLP allows for development wholly within the built part of the settlement or the rounding-off of the built up area. 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 plan's 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 (see discussion elsewhere within this report). Whilst part of the site is within a recently designated Conservation Area that designation does not as a matter of principle preclude any development from taking place. Due consideration needs to be given to conservation interests and these are discussed elsewhere within this report. In respect of the barn conversion and refurbishment of the empty property on site, policies of the DWLP would be supportive of such developments in this location subject to detailed matters of design which are again considered under a separate heading.

Contained within the settlement boundary as it is, and being of a scale that is not considered inappropriate to the locality (Longridge being a 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 that 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 Districtwide Local Plan and the Council's Addressing Housing Need in Ribble Valley document which was adopted by Health and Housing Committee in January to supersede the Affordable Housing Memorandum of Understanding (AHMU). In respect of how the updated document affects this submission, it places a requirement on developers to provide for 15% of the units on site to be for the elderly (of these a minimum of 50% to be affordable and included within the affordable offer of 30%; the remaining 50% could be market housing and sold at market value or rent but with a local connection requirement applied).

The scheme has been submitted with 30% of the site being offered as affordable units and has been the subject of negotiation with the Council's Housing Strategy Officer.

The Section 106 Agreement heading of this report gives a breakdown of the types of property and Members will note that the phasing proposed does deviate from that usually requested by the Strategic Housing Working Group – ie instead of not more than 50% of the market units being occupied until the affordable units are provided this agreement states 75%. The applicants have stated that the reason for a higher percentage is because they intend the affordable units (16 in total) to be pepper potted throughout the site with a plan submitted to indicate which those units would be. On the basis of this, the Council's Housing Strategy Officer has informed me that she is satisfied with this arrangement and thus is prepared to relax the normal phasing arrangements. There has also been ongoing discussion about a clause to deal with the possibility that a registered provider cannot be secured to deliver the affordable units.

As submitted, the draft agreement would have allowed for the units to be disposed of as housing discounted to open market value. However, we have offered alternate wording that would mean the Council must be approached to approve private delivery. The same affordable housing offer in terms of housing type will be delivered but the affordable rent will be delivered as private rent at local housing allowance rates and the shared ownership properties to be delivered as discount sale units at a 40% discount. The applicants have agreed to the revised wording.

### Highway Safety

It is evident from the observations of the County Surveyor that notwithstanding the concerns expressed by objectors there is no objection to this scheme on highway safety grounds. This scheme would provide a ghost island for turning traffic with integral pedestrian refuge island for the safe movement of vehicles and pedestrians entering and leaving the site. Pedestrian accessibility will be enhanced with a 2m wide footway along the southern side of Chapel Hill that would link into the footways within the development. In terms of the internal site layout arrangements the scheme as revised on 1 July provides sufficient parking through a mix of garages, 'drive under' type spaces and parking courtyards. Reference has been made by objectors to a road spur at the bottom of the access road into the site and questions raised as to why this has been included. For Committee's information that feature does appear on some of the drawings submitted in support of the application to show how the design has progressed and comments taken on board during the pre-application process. It is the site layout plan as proposed 08/107 0008revC that is the plan to consider in the determination of this application and that plan does not show such a spur. Thus on the basis of advice from the County Surveyor it is considered that there would be no significant detriment to highway safety as a result of this scheme's implementation.

### 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 useable public open space. The layout put forward for this development provides for an area of open space in the easterly section of the site which will be accessible to members of the public. A pond is proposed with footpath network that will then extend around the southern site perimeter adjacent to the reservoir. The detailed landscape and planting plans show that these areas would be a mix of ornamental planting, amenity and species rich meadowland grassland. Whilst not providing a formally laid out play area, it is considered that the extensive amenity space provided would comply with the requirements of Policy RT8. The open space will act as a buffer between built form and the dwellings on Chapel Brow and the treatment of the grassland and pond areas would have added ecological benefit.

### Nature Conservation/Trees/Landscaping/Ecology

This is a predominantly greenfield site and an arboricultural impact assessment and ecological appraisal have been submitted in support of the proposals. These reveal that 49 individual trees, 7 groups of trees and 3 hedges were surveyed for the purposes of the appraisal. In the main trees run north/south down the centre of the site from Chapel Hill to the reservoir with a row then running in an east/west direction across the site. There are isolated trees on the southwest roadside boundary and hedgerows running up to the former barn and additional hedgerow with trees to the east of the linear group of trees towards Chapel Brow. Submitted details indicate that the construction of the development as per the site layout plan can be achieved with the removal of one high quality tree, two moderate quality trees, two low quality



trees and two low quality hedges. Although two of the trees to be removed are part of the aforementioned visually important linear group, their loss is not considered to have a significant impact on the landscape given the vast majority of the most visually important trees can be retained. The scheme also provides for additional planting as part of a detailed landscape plan which I shall refer to later.

The ecological survey outlines that habitats within the site are grassland, buildings, semi-mature and mature trees, ruderal vegetation and scrub. There are no ponds on site and both buildings show evidence of bat use by a small number of common Pipistrelles with the application site being used by foraging bats. Nesting bird habitat is present and the site is considered to be of value within the zone of influence only for common species of nesting birds. The survey identifies that habitats within the site are considered to be important for waders and wild fowl using Alston Reservoir's Biological Heritage Site. However, the adjacent Alston Reservoir's Biological Heritage Site is of county value on the basis of ornithology. Detailed mitigation requirements and recommendations for enhancement for the site are identified in the submitted documentation. Subject to the mitigation enhancement advice being implemented there is considered to be no significant detrimental impact on nature conservation interests.

As stated the scheme has also been submitted with a very detailed planting plan including a scheme for aquatic planting of the proposed pond to the east of the site. Features throughout the site in general amenity areas will be a mix of structure, ornamental, hedgerow and marginal aquatic planting with areas of general amenity/species rich and wet grassland planting and bulb planting. This, together with the introduction of a range of bird boxes on retained trees throughout the site would provide appropriate mitigation measures for this site.

#### Heritage/Layout/Scale/Visual Amenity

As stated previously part of the application site lies within the St Lawrence's Church Conservation Area and the buildings at 53 Chapel Hill (house and detached barn) are identified as Buildings of Townscape Merit.

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 benefit that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designed heritage asset, this harm should be weighed against the public benefit of the proposal, including securing its optimum viable use (paragraph 134). Paragraph 137 comments that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Local Plan Policy ENV16 is of relevance noting that within Conservation Areas, 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, preserving or enhancing the character or appearance of the 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.

For Committee's information the St Lawrence's Church Conservation Area was designated on 3 April 2007. The Conservation Area Appraisals undertaken by the Conservation Studio recommended in respect of Longridge that, amongst other things, a Conservation Area should be designated at this location. It was at the request of the Town Council that the area around St Lawrence's Church was surveyed as part of the appraisal exercise with the following given as part of the reason for its suggested designation:

*"Around the Church, small groups of 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> century cottages and houses provide a cohesive and attractive townscape. The field behind the cottages leads down to the reservoir and is important to the rural character and setting of the historic buildings, the Church and its Churchyard."*

In relation to the buildings at 53 Chapel Hill, both of these properties are in a state of disrepair and have been identified on the priority list of the Council's Empty Property Register since 2006. The existing dwelling will be refurbished with no significant alteration to the existing external appearance. The barn is proposed to be converted into a four-bedroom dwelling and it is important to assess these works against Policies H15, H16 and H17 of the Districtwide Local Plan as well as those that directly concern Conservation Areas and designated heritage assets. Again the works involved in this aspect of the scheme would result in minimal alterations to the external fabric of the building as it already has a significant number of existing openings which will be fully utilised in the conversion works. Only a few new window openings are proposed and I do not consider that these would detract from the character of the existing building. Windows and doors will be timber as will those on the refurbished house, and thus the works would accord with the provisions set out in the aforementioned policies regarding the conversion of barns and other buildings to dwellings and also the Management Guidance that forms part of the Conservation Area Appraisal. Having regard to the location of these two buildings within the Conservation Area there is a stated requirement to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. Having regard to the works shown in respect of the house and barn at 53 Chapel Hill, I am of the opinion that their conversion and refurbishment will ensure the retention of their significance to the Conservation Area and that the contribution which they make to the character and appearance of the area will be preserved and enhanced.

The overall scheme involves the demolition of three small outbuildings within the curtilage of 53 Chapel Hill but given they are all less than 115m<sup>3</sup> they will not require Conservation Area Consent. The structures lie to the east and southeast of the barn to be converted which will assist in opening up the view into the site from Chapel Hill. The third outbuilding is of brick and concrete construction and is set to the east of the house at 53 Chapel Hill being tight up against the roadside boundary. I am of the opinion that the removal of these outbuildings would have a beneficial impact on the character and appearance of the Conservation Area.

Given that part of the site falls within a Conservation Area the application has been submitted with a Conservation Statement that considers the impact on the significance of the Conservation Area and its setting. It outlines that the aim of the proposed layout is to preserve or enhance the character of the Conservation Area by creating a transition across the site reflecting the nature of the Conservation Area and retaining views from established locations along Chapel Hill and Chapel Brow. This is a prominent site within Longridge and is visible in the wider area given its relationship with the reservoirs to the south and public right of way/bridleway network. The land falls away towards the reservoirs with the main views across the site being at its western extreme where the use of railings as a boundary treatment to the site enables vistas towards the reservoirs. However, much of the development site is not visible from public spaces – the high boundary wall to the road frontage, presence of built form (house and barn), dense tree/hedgerow planting and dwellings on Chapel Brow mean that the area of the site that lies within the Conservation Area has limited views into it and out of it from the north, east and west. In terms of views from the south into the Conservation Area, the reservoirs are set beyond the site with the public footpath and bridleway network encircling them. The embankments to the reservoir immediately to the south of the site prevent open views into the area with only glimpses of the Church on the horizon.

On the basis of this it is considered that at present, views are towards rather than from the Conservation Area as that part of the site is largely invisible except from within it – to which there is no public access. Even so, the extensive tree coverage that runs north to south down the site does severely limit/restrict any views into the Conservation Area beyond the barn to be converted. Discussions about the potential development of this site have been ongoing between the applicant and English Heritage for a number of years and Members will note from the comments earlier within this report, that English Heritage are now satisfied that the proposed development will preserve the character of the Conservation Area and that the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 could be discharged and that the requirements of PPS5 (which was the national planning policy document in force at the time of their response) have been met. The Council's Design and Conservation Officer has also been consulted on this scheme and has come to a different conclusion to the national heritage advisors as follows:

In my opinion, the proposed development is unduly harmful to the character, appearance, significance, setting and views out of St Lawrence's Church Conservation Area because of the loss of the rural and agrarian historic landscape innate to the character of St Lawrence's Church village (including the farmland historically associated with 53 Chapel Hill and the land to the west of the Conservation Area which is part of the Conservation Area's setting) and loss of the views out the countryside which maintain the village's link to its wider rural context.

*The development is less intense immediately to the south of Chapel Brow. However, the formal landscaping echoes an urban park and this is incongruous.*

*In my opinion the harm to the Conservation Area is substantial (including isolation and loss of context to 56 Chapel Hill.*

The relevant sections of NPPF have already been quoted within this report and it is also important to have regard to guidance offered within the HEPPG which states in paragraph 76 that “... *the key to sound decision making is the identification and understanding of the differing, and perhaps conflicting, heritage impacts accruing from the proposals and how they are to be weighed against both each other and any other material planning considerations that would arise as a result of the development proceeding*”. Paragraph 79 of HEPPG outlines a number of potential heritage benefits that could weigh in favour of a proposed scheme and amongst other things, this cites securing optimum viable use of the heritage asset in support of its long term conservation, it better reveals the significance of the heritage asset and therefore enhances our enjoyment of it and the sense of place, and it makes a positive contribution to economic vitality and sustainable community. NPPF refers to the three dimensions of sustainable development and I consider it is important to assess the proposal against those as follows:

**Economic role** – this scheme would ensure that sufficient land of the right type is available and in the right place in terms of the site’s location in relation to the amenities of Longridge. Consultation responses have indicated that infrastructure provision can accommodate this level of growth at this time in this location.

**Social role** – the provision of land for housing to meet the needs of future and present generations by creating a high quality design scheme that is accessible to local services and accommodates market and affordable housing for different household sizes and ages. It is also relevant to note that the dwelling on site is on the Council’s empty property register and identified on the priority list. This scheme details the refurbishment of the dwelling which is welcomed by the Council’s Housing Strategy Officer.

**Environmental role** – Committee will note that the Council’s Design and Conservation Officer has made reference to the landscaping scheme and considers it to reflect an urban park. The environmental role of NPPF has, as one of its component parts, improving biodiversity. The landscaping plan brought forward for the eastern area of the site that backs on to Chapel Brow has been designed to not only provide a new open space for the use of the wider public but also to increase biodiversity of the site. The opening up of the site to the public with footpath links throughout will, I consider, still enable views out across the reservoirs but also afford more direct views into the Conservation Area which at the moment are very limited due to the site boundary treatments and tree/hedgerow planting within it. Development should also contribute to protecting and enhancing the natural, built in historic environment and it is this latter respect that due regard needs to be given to the level of harm of loss of significance to a heritage asset and then weighing any harm against the public benefits of the proposals. I am conscious that the Council’s Design and Conservation Officer has expressed concerns about the level of harm and considers this to be significant. However, I am also mindful of the response from English Heritage and presumption in favour of sustainable development advocated in NPPF unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed the policies in the Framework. The site has been subject of discussions between the applicant and English Heritage over a number of years and in light of that and the views expressed about assessing significance, a full planning application was submitted and not an outline as they had initially intended. English Heritage are clearly now satisfied with the scheme that has evolved since 2009 and having regard to the wider benefits of the scheme, I would concur that this represents an acceptable development scheme. It would be sustainable development and has been designed to conserve heritage assets in a manner appropriate to

their significance. In terms of the layout and scale of the development, I am of the opinion that a sympathetically designed scheme has been brought forward, which in the main will involve the use of natural stone to reflect and respect the Conservation Area setting of the site. Having regard to the overall layout put forward, I am of the opinion that this would produce a varied street scene and would not prove significantly detrimental to the visual amenities of the area.

### Residential Amenity

In considering residential amenity it is important to assess the relationship with properties outside the site as well as between the units proposed as part of this scheme. To the east of the site are properties fronting Chapel Brow and I am satisfied that at between 40m to 70m between properties sufficient separation distance is provided. As stated previously there is an area of open space to the east of this site which acts as a buffer with existing built form and given the proposed layout of this area as a predominantly species rich meadow grassland, I consider this would not have a significantly detrimental impact on existing residential accommodation.

To the north of the site on the opposite side of Chapel Hill are residential properties and these are off-set from the barn to be converted. I do not consider that any of the works shown in respect of the barn conversion would have a detrimental impact on the residential amenity of those dwellings. The remaining dwellings surrounding the site are to the north western corner and would be set approximately 30m from the gable elevation of proposed plot number 34. Again I consider this relationship to provide sufficient separation distance.

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

### Section 106 Agreement

The application was submitted with a draft Section 106 Agreement that covered matters of affordable housing and a financial contribution towards the provision of wheeled bins on the site. That document has been the subject of negotiation since initial submission and now stipulates the following:

#### 1. Affordable Housing

- 16 units on site to be constructed as affordable housing units to be delivered as 6 x 2 bed houses; 8 x 3 bed houses and 2 x 4 bed houses.
- 8 of the units to be offered on a shared ownership basis.
- 8 of the units to be offered for affordable rent.
- Of the total number of units on site, 8 will be built to lifetime home standard and available to households where at least 1 member of the household is aged over 55 years.
- Delivery of the affordable units to be phased with the provision of market units to ensure that not more than 75% of the market housing is occupied until the owner has entered into a binding contract and commence construction of the affordable housing units.
- In terms of eligibility this relates to a borough wide connection.

#### 2. Wheeled Bin Provision

- To pay a wheeled bin contribution to the Council (£90 per dwelling).

## SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity, adverse effects upon the setting of the Conservation Area, nor would it 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 1-2 under the Section 106 Agreement sub heading within this report and subject to the following conditions:

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

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

2. This permission shall be implemented in accordance with the proposal as detailed on drawings:

HT-P-01 Rev A	Proposed plans and elevations Plot 1
HT-P-02 Rev A	Proposed plans and elevations Plot 2
HT-P-03 Rev A	Proposed plans and elevations Plot 3
HT-P-04 Rev A	Proposed elevations Plots 4 & 5
HT-P-05 Rev A	Proposed plans Plots 4 & 5
HT-P-06 Rev A	Proposed plans and elevations Plot 6
HT-P-07 Rev A	Proposed elevations Plots 7 & 8
HT-P-08 Rev A	Proposed plans Plots 7 & 8
HT-P-09 Rev A	Proposed elevations Plots 9 & 10
HT-P-10 Rev A	Proposed plans Plots 9 & 10
HT-P-11 Rev A	Proposed elevations Plots 11 & 12
HT-P-12 Rev A	Proposed plans Plot 11 & 12
HT-P-13 Rev A	Proposed plans and elevations Plots 13-16
HT-P-17 Rev A	Proposed elevations Plots 17-19
HT-P-18 Rev A	Proposed plans Plots 17-19
HT-P-20 Rev A	Proposed plans and elevations Plots 20 & 21
HT-P-21 Rev A	Proposed plans Plots 20 & 21
HT-P-22 Rev A	Proposed plans and elevations Plots 22 & 23
HT-P-23 Rev A	Proposed plans Plots 22 & 23
HT-P-24 Rev A	Proposed plans and elevations Plot 24
HT-P-25 Rev A	Proposed elevations Plots 25-26
HT-P-26 Rev A	Proposed plans Plots 25-26
HT-P-27 Rev A	Proposed elevations Plots 27-30
HT-P-28 Rev A	Proposed plans Plots 27-30
HT-P-31 Rev A	Proposed elevations Plots 31-34
HT-P-32 Rev A	Proposed plans Plots 31-34
HT-P-35 Rev A	Proposed elevations Plots 35-37
HT-P-36 Rev A	Proposed plans Plots 35-37
HT-P-38 Rev A	Proposed elevations Plots 38-41
HT-P-39 Rev A	Proposed plans Plots 38-41

HT-P-42 Rev A	Proposed elevations Plots 42-46
HT-P-43 Rev A	Proposed plans Plots 42-46
HT-P-47 Rev A	Proposed plans and elevations Plot 47
HT-P-48-01 RevA	Proposed elevations Plot 48
HT-P-48-02 RevA	Proposed plans Plot 48
HT-P-49-01 RevA	Proposed elevations Plot 49
HT-P49-02 Rev A	Proposed plans Plot 49
HT-P-50 Rev A	Proposed plans and elevations Plot 50
HT-P-51 Rev A	Proposed elevations Plots 51-53
HT-P-52 Rev A	Proposed plans Plot 51-53
HT-P-54 Rev A	Proposed plans and elevations Plot 54
HT-G01 Rev A	Proposed plans and elevations Two bay garage
HT-G02 Rev A	Proposed plans and elevations Three bay garage
0001	Site Plan
0008 RevC	Amended 2 July 2012 Site layout plan as proposed
0009	Floor levels as proposed
0010	Site sections
0011	Street Scenes
0016	Details of alterations to existing walls,& demolition of existing outbuildings within Conservation Area
1031	Site Layout Plan as Proposed Affordable Units
D3100.001B	Landscape Strategy Plan
D3100.002A	Planting Plan

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

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 Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan ensuring a satisfactory standard of appearance given the location of the property in a Conservation Area.

4. Notwithstanding the submitted details no development approved by this permission shall be commenced until design details and specifications of the internal streetscape and its associated lighting, street furniture, walls and fences has been submitted to and approved in writing by the Local Planning Authority. The works shall then be completed in accordance with the approved details.

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

5. All buildings shall be roofed in natural blue slate unless alternative materials have first been agreed in writing with the Local Planning Authority.

REASON: In accordance with Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan ensuring a satisfactory standard of appearance given the location of the site within and adjoining a Conservation Area.

6. Notwithstanding the submitted details precise specifications of windows and doors, including cross-section drawings of window frame form and method of opening shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order to safeguard the character and appearance of the Conservation Area in accordance with Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan.

7. All doors and windows shall be in timber and retained as such in perpetuity. They shall be painted within one month of their insertion in accordance with details which have first have been submitted to, and agreed in writing by, the Local Planning Authority.

REASON: In order to safeguard the character and appearance of the Conservation Area in accordance with Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan.

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

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy ENV14 of the Ribble Valley Districtwide Local Plan.

9. No dwellings within the development shall be occupied until the highway improvement works referred to in conditions 10 and 11 have been constructed and completed in accordance with the agreed scheme.

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

10. Highway improvement works to Chapel Hill at the site access shall be implemented as shown on drawing number CBO-0037-001 RevA providing a ghost island for turning traffic with running lanes and a turning lane of not less than 3 metres width. A pedestrian refuge island and associated dropped kerbs will be provided within the ghost island as indicated on the plan.

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

11. The existing pedestrian footway along the southern side of Chapel Hill shall be replaced by a new 2 metre wide footway from the western edge of the development site to no. 53 Chapel Hill and at that point link into the footways within the development site.

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



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

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

13. The proposed access road shall be constructed to a minimum width of 5.5 metres with continuous 2 metre wide footway provision on both sides from Chapel Hill into the site for a minimum length of 10 metres.

REASON: To enable vehicles and pedestrians to enter and leave the site in a safe manner in the interests of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

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

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

15. The stone wall immediately to the west of no.53 Chapel Hill shall be taken down and relocated away from the carriageway edge as indicated on drawing number CBO-0037-001 RevA prior to commencement of development unless otherwise agreed in writing with the Local Planning Authority.

REASON: To improve forward visibility in the interests of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

16. There shall not at any time in connection with the development be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 4.5 metres measured along the centreline of the proposed access road from the nearer edge of the carriageway of Chapel Hill to points measured 70 metres to the west and 74 metres to the east along the nearer edge of the carriageway of Chapel Hill, and shall be constructed and maintained at footway level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

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

17. The development shall be carried out in strict accordance with the mitigation and recommendations for enhancement as identified in Table 4 pg 26-29 of the Ecological Appraisal prepared by Bowland Ecology dated December 2011. The works shall be implemented in accordance with those details and completed in full prior to the substantial completion or the first bringing into use of the development hereby approved, whichever is sooner. The proposed lighting scheme and site management and maintenance plan as referred to within those measures shall be submitted to the Local Planning Authority for

written approval in consultation with the County Ecologist prior to implementation. The mitigation measures so identified shall be permanently maintained and retained in accordance with details contained in the management and maintenance plan which shall also detail timing of the works, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings).

REASON: To safeguard, enhance and maintain biodiversity in accordance with Policies G1, ENV7, ENV9 and ENV10 of the Ribble Valley Districtwide Local Plan

18. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the arboricultural impact assessment/tree survey/tree constraints plan dated December 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 and included in a Tree Preservation Order/ Conservation area/considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse affects of development in accordance with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan.

19. The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

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

20. No development shall take place until details of the provisions to be made for building dependent species of conservation concern artificial bird nesting boxes and artificial bat roosting sites have been submitted, and approved by the local planning authority.

The details shall be submitted on a building dependent bird/bat species development site plan and include details of plot numbers and the numbers of per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the

above provisions shall be incorporated –i.e. north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats.

The artificial bird/bat boxes shall be incorporated into those dwellings/buildings during the actual construction of those individual plots identified on the submitted plan before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that there are no adverse effects on the favourable conservation status of a bird/bat population before and during the proposed development in the interests of biodiversity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

21. 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 submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

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

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

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

23. No development shall take place on any phase of development until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority for that phase. 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.

24. 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.

25. This 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.

26. No development shall begin on any phase of development until a scheme identifying how a minimum of 10% of the energy requirements generated by that phase of development will be achieved by renewable energy production methods, has been submitted to and approved in writing by the Local Planning Authority. The scheme for that phase of development 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.

27. The proposed 'drive under' type spaces shown to some of the dwelling types shall not be used for any purpose (including any purpose ordinarily incidental to the enjoyment of the dwelling house as such) which would preclude their use for the parking of a private motor vehicle.

REASON: In the interests of amenity to facilitate adequate vehicle parking to serve the dwellings in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

28. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order amending, revoking or re-enacting that Order) any future extensions, external alterations to the dwelling formed as a result of the barn conversion (Plot 48) 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 consent of the Local Planning Authority.

REASON: In order that the Local Planning Authority shall retain effective control over the development to ensure compliance with Policies G1 and H18 of the Ribble Valley Districtwide Local Plan.

29. In relation to Plot 48 notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking or re-enacting that Order) any future additional structures, hard standing or fences as defined in Schedule 2 Part I Classes E, F and G, and Part II Class A, shall not be carried out without the formal consent of the Local Planning Authority.

REASON: In order that the Local Planning Authority shall retain effective control over the development to ensure compliance with Policies G1 and H18 of the Ribble Valley Districtwide Local Plan.

30. The works to Plot 48 must be begun not later than the expiration of two years beginning with the date of this permission.

REASON: In accordance with the requirements of Policies G1 and H16 of the Ribble Valley Districtwide Local Plan in order that the Local Planning Authority shall retain effective control of the development and to ensure the continued structural integrity of the building.

31. All the external works of the development permitted in relation to Plot 48 shall be completed before the expiration of three years from the date of this permission.

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

32. No work on site shall commence until an Arboricultural Method Statement and a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority detailing procedures, working methods and protective measures to be used in relation to retained trees in order to ensure that they are adequately protected during the construction process.

REASON: To ensure that retained trees as identified on the detailed approved plans are afforded the maximum protection from the adverse effects of development in accordance with Policy ENV13 of the Ribble Valley Districtwide Local Plan.

#### INFORMATIVES

1. This consent requires the 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 Lancashire County Council for further information.
2. 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 may also wish to implement their right to design all works within the highway related to this proposal. The applicant should be advised to contact the Environment 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.

APPLICATION NO: 3/2012/0014/P

(GRID REF: SD 373281 441769)

OUTLINE APPLICATION FOR THE CONSTRUCTION OF 30 N<sup>O</sup> DWELLINGS ON LAND OFF GREENFIELD AVENUE, WITH A SUGGESTED BREAKDOWN OF 16 N<sup>O</sup> HOUSES WITH 3-4 BEDROOMS, 8 N<sup>O</sup> LOW COST HOUSES AND 6 N<sup>O</sup> BUNGALOWS WITH 2 BEDROOMS ON LAND ADJACENT GREENFIELD AVENUE, LOW MOOR, CLITHEROE

TOWN COUNCIL:

Object to the application on grounds of over intensive development in a village environment. Also with existing developments there will be pressures placed on roads into Low Moor without any further roads being constructed.

ENVIRONMENT

DIRECTORATE

(COUNTY SURVEYOR):

I have no objections in principle to this outline proposal on highway grounds. However, my comments refer to an Outline Planning Application with all matters reserved for future determination except for the means of access and appearance.

### Access from Greenfield Avenue

The vehicular access to the site will be extended from Greenfield Avenue onto the development site. The design contained in Drawing 370/1/2 provides an indication of the highway parameters for the design of a suitable vehicular access.

The proposed access road and internal layout will be designed to adoptable standards. With this in mind, the applicant can anticipate preparations for Section 38/Advance Payments Code should consent be granted.

The introduction of additional vehicle movements onto Queen's Street is a concern, as there are parked vehicles to the terrace side and this can delay through traffic and cause some minor congestion at either end. However, the development of the land off Greenfield Avenue for a total of 30 properties would have a relatively low impact on traffic flows at peak times.

### Highway Safety

There has been one reported collision involving personal injury during the last five years, 28 February 2007 to 1 March 2012 on the route from the proposed site to Edisford Road, via Greenfield Avenue, Queen Street and St Paul's Street.

In order to secure appropriate measures to enhance safe manoeuvring to and from the site should the application be successful, I would recommend the introduction of junction markings at Queens Street and Greenfield Avenue on any subsequent site plans. This would establish the correct priority working at this junction.

I would not recommend any additional off-site highway works to accommodate the anticipated additional turning traffic.

However, there are some aspects of the initial site layout that should be revised to enhance highway safety.

1. Reduce the carriageway width from Greenfield Avenue (6.84m) onto access road (shown as 7.0m). For the scale of development being considered a carriageway width of 5.5m is sufficient. The use of a 7.0m carriageway width would encourage on street parking and provide for an unnecessary crossing width.
2. The larger amenity space is in an isolated location, requiring pedestrians to access the site across service roads.
3. A narrow service road (3.6m) provides two-way access for 6 properties and additional amenity car parking for 5 vehicles.

Utilising the reduced carriageway width identified above in Item 1, the width of the service road could be increased to 4.5m, sufficient for the safe two-way movement of residential traffic.

4. Consider the introduction of a narrowing feature to draw the carriageway width down from 6.8m on Greenfield Avenue into the site, with a 5.5m width.

5. The provision of continuous footway links through the development is welcomed. These footways should be a minimum width of 1.8m throughout.

#### PROW

There is a Public Right of Way, Footpath 18 that borders the site to the east. This route must be maintained throughout any construction period, with no alteration to their path or accessibility.

Consideration should also be given to the lighting of the footpath as it runs to the rear of the proposed units along the eastern edge of the site.

#### Public Transport

There are existing "hail and ride" services operating along Union Street and St Paul's Street that fall within a convenient distance of the centre of the site. I do not propose to make any further request for contributions in this regard.

#### Cycling

I have no request for specific cycle provisions from this development.

#### Traffic Regulation Orders

There are no TRO's being proposed as a part of this application.

#### Committed Development

There is one committed developments on Chapel Close, Low Moor (3/2011/0247) that will have an impact on this application.

#### Standard Conditions

There are a number of Standard Conditions that will apply to this application.

ENVIRONMENT AGENCY:

No objections in principle to the application subject to the imposition of a number of conditions and the inclusion of a number of advisory informatives on any planning permission notice.

UNITED UTILITIES: Comments that, as this site is situated within a critical area, United Utilities would have to object to the proposals pending the submission of a detailed drainage strategy outlining how surface water and foul discharges will be dealt with so that United Utilities can understand the intentions of the developer and the full impact to the public sewer network.

ENVIRONMENT  
DIRECTORATE (COUNTY  
ARCHAEOLOGIST): Comments that the application site has been identified as one that is considered to have a high potential for previously unrecorded prehistoric activity to be found on the site, with a medium potential for activity dating to the Roman and Mediaeval periods. A condition is therefore recommended that no development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

LANCASHIRE COUNTY  
COUNCIL PLANNING  
CONTRIBUTIONS: As stated in the separate response from the County Surveyor no contribution is sought towards transport measures.

Based on the latest assessment, Lancashire County Council are seeking a contribution for 11 primary school places which amounts to £11,635.65 x 11 = £127,992.

Latest projections for the local secondary schools show that there would be approximately 62 places available in 5 years time. With an expected pupil yield of 8 pupils from this development, LCC is not seeking a contribution from the developer in respect of secondary places.

In its consultation response on this application, no mention is made by the County Council of any required contribution towards waste management.

ADDITIONAL  
REPRESENTATIONS: 34 letters have been received that are either from local residents or from agents acting on behalf of local residents. The objections contained in the letters are summarised as follows:

1. The proposal would be detrimental to highway safety. The roads between Edisford Road and the application site have parked cars along most of their length. Driving down these roads is therefore already difficult and dangerous and the proposed additional 30 dwellings would exacerbate the situation. There would be a particular danger to the children who play in these streets. Construction traffic would also represent a serious highway safety problem.
2. The proposal will also put further pressure on the existing wider highway network of Clitheroe.



3. Loss of privacy as existing houses that present have an open outlook would be overlooked by the proposed dwellings.
4. The application does not make adequate provision of play area for children.
5. The density of development is excessive. 30 dwellings is too many for a site of this size.
6. A similar application was refused and dismissed on appeal in 1980 (3/79/1226/P). This application should be similarly refused.
7. The proposal would lead to the loss of further natural countryside. The flora and fauna of the locality should be protected.
8. The electricity sub-station and the mains sewage system would be overloaded by the proposed additional houses.
9. Contrary to what is said in the application, there have been instances of flooding in this field in the past that have caused problems on Meadow View.
10. A permission on this application could lead to further fields beyond this one also being developed for housing in the future.
11. The application does not appear to recognise the existence of a private right of way across the site.
12. The submitted Design and Access Statement does not give sufficient detail.
13. A flood risk assessment should have been submitted with the application.
14. The submitted layout plan fails to demonstrate a high quality layout or standard of development. As such, the proposal conflicts with the advice in Policy G1 of the Local Plan. The appeal for 270 dwellings at Henthorn Road was successful as the Council were unable to demonstrate an up to date 5 year supply of housing land, although there was a claim 3.3 year supply. The grant of permission for those 270 houses has therefore increased the supply by 1.7 years and therefore the Council can now identify a 5 years supply. Even it is held that Council does not have a 5 year supply as required in the NPPF, it is considered that, in its present form, this application is still unacceptable for a number of reasons, particularly in relation to its impact on the local highway network.
15. Decisions on the scale and location of further housing in Clitheroe should be through the Council's Core Strategy and its sister publications.

### **Proposal**

This application seeks outline permission for development of 30 dwellings comprising 16, two-storey houses with 3-4 bedrooms; 8 "affordable" two-storey houses; and 6 bungalows with 2 bedrooms.

As originally submitted, permission was sought for the matters of access and appearance, with scale, landscaping and layout reserved for subsequent consideration at reserved matters application stage. The agent, however, has amended the application so that the matters of access, appearance and layout are now to be considered at this outline application stage.

The access into the site is in the form of a continuation of the existing 6.84m wide carriageway of Greenfield Avenue. As originally submitted, the highway into the development continued with the same width as the existing Greenfield Avenue. In accordance with the requirements of the County Surveyor, however, an amended access/road width has been shown on an amended plan received on 29 June 2012. As amended, the road is narrowed initially to 6.5m and then to 5.5m throughout the site.

The submitted layout includes a main road running south to north across the site with 11 detached/link detached houses down its eastern side; a “crescent” to the west of this main road would serve the 6 bungalows and result in an “island” amenity area; and a cul-de-sac, also running off the western side of the main highway would serve the 8 proposed affordable houses and 5 detached/link detached houses. The layout also includes a second small amenity area.

Elevations and floor plan drawings have been submitted for each of the house types.

### **Site Location**

The application relates to an agricultural field within an area of approximately 1.4 hectares to the north of Greenfield Avenue, Low Moor. The site is adjoined to the south by existing houses in Greenfield Avenue and to the west by a bungalow on Greenfield Avenue and houses on Meadow View. To the south east, it is adjoined by a single dwelling within a large curtilage, whilst the rest of the eastern boundary and the whole of the northern boundary is adjoined by other undeveloped agricultural land.

The existing adjoining dwellings in Meadow View and Greenfield Avenue are within the settlement boundary of Clitheroe, but the application site is wholly outside that boundary.

### **Relevant History**

3/79/1226/P – Outline application for residential development on this site. Refused and appeal dismissed.

### **Relevant Policies**

Policy G1 - Development Control.  
Policy G5 - Settlement Strategy.  
Policy G11 - Crime Prevention.  
Policy ENV3 - Development in Open Countryside.  
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 outline application are the principle of the development, highway safety, ecological matters, infrastructure, visual amenity and residential amenity. For ease of reference, these are broken down into the following sub-headings for consideration:

#### **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 but this is without any detailed site adjustments for delivery. Members must also bear in mind that irrespective of the five year supply issue, some of the policies of DWLP are considered out of date (in particular the settlement strategy) and thus 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 is at this time the overriding consideration. There are no provisions within the NPPF to advocate resisting development 'in principle' once a five year supply of deliverable sites is achieved.

This current application site is just outside the settlement boundary of Clitheroe and is therefore covered by Policy G5 of the Local Plan. That Policy would not support a housing development of this scale. However, the Policies of the DWLP were formulated during the 1990's with the Plan being adopted in 1998 and the basis of the plan's formulation was framed around the strategic framework set in 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 now prevalent, 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 defined in NPPF – Economic, Social and Environmental. Although this site is located on land designated as Open Countryside, it is immediately adjacent to the settlement boundary of Clitheroe (the key service centre in the borough). It is concluded that the use of the site for residential development would, as a principle, be consistent with the national policy framework, extant Regional Strategy and, at the scale proposed, the principle of the emerging Core Strategy, together with relevant considerations which the Council must currently take into account.

### Affordable Housing

The application proposes a mix of 16 market houses, 8 affordable properties and 6 bungalows. This offer of affordable housing meets the requirements of the document Addressing Housing Needs as the 8 affordable properties represents 30% of the overall provision.

Within the draft Section 106 Agreement submitted with the application, Schedule 1 sets out that no more than 25% of the market dwellings shall be occupied until the owners enter into a contract with the registered provider; and that no more than 50% of the market units shall be occupied before the affordable housing units are completed. This is also in accordance with the document Addressing Housing Needs.

However, the agent was requested to provide further detail within the Agreement, particularly in relation to the tenure mix of the 8 affordable units. A minimum of 4 of the units would be required to be affordable rent with the remainder being shared ownership. The local connection requirement to the Ribble Valley and the eligibility criteria were also requested to be incorporated within the draft Agreement.

A standard template Section 106 Agreement setting out these requirements was provided to the agent. However, the agent does not consider this level of detail to be properly a requirement of an outline application. He is of the opinion that progress should be made by the outline application being approved and that the detail of the Section 106 Agreement should be left until the full application is made. The agent therefore proposes that the application be granted outline permission and he points out that the application form sets out the number and type of affordable housing proposed, and in accordance with the current guidelines, the plans indicate the drawn detail of this matter. Approval of the outline, he says, will no doubt reserve the drafting of a satisfactory Section 106 Agreement as a matter necessary before the grant of full planning permission.

Therefore, although the scheme delivers 8 affordable units, the lack of detail which normally ensures that the units meet local need, means that it is not possible for the Council's Strategic Housing Officer to confirm that she fully supports the proposal. Therefore, whilst noting the agent's comments, the recommendation at the end of this report will be, in accordance with our normal practice in relation to applications of this type, that permission be deferred and delegated pending the completion of an appropriate Section 106 Agreement.

### Highway Safety

Members will note that most of the objections received to the development include reference to matters of highway safety. The response of the County Surveyor has been given in full earlier in this report in order that Members can see the range of issues that have been examined in forming the conclusion that there are no objections in principle on highway safety grounds. The County Surveyor's main concerns relate to the introduction of additional vehicle movements on Queen's Street. However, he concluded that the proposed development of 30 dwellings would have a relatively low impact on traffic flows at peak times.

Following the receipt of amended plans on 29 June 2012, the detailed design of the access into the site and the internal road layout are now to the satisfaction of County Surveyor.

The route of the footpath that crosses the site is not affected by the proposed development. The submitted amended plans also show the retention of the existing private farm track along the eastern boundary of the site.

Overall, the proposed development is considered to be acceptable from the point of view of highway safety.

### 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 useful public open space or for the developer to provide a contribution towards sports and recreational facilities within the area where the overall level of supply is inadequate. In this case, two amenity areas are shown on the submitted layout plan. If these areas are to be provided, the responsibility for their maintenance would rest with the developer, as the Council no longer accepts the maintenance liability for such areas of open space.

Whether or not these areas are provided, the Council's Head of Cultural and Leisure Services would require, in accordance with our current policy, a financial contribution towards the improvement/maintenance of the existing playground at Edisford playing fields (that is within easy walking distance of this site). As the full contribution would not be sought (in view of the on site provision) the Head of Cultural and Leisure Services considers that the sum should be agreed through discussions and negotiations with the applicant/agent. The recommendation to defer and delegate will allow this course of action to be followed.

#### 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 and drainage.

However, the Environment Agency has no objections in principle to the residential development of this site subject to the imposition of two conditions. These conditions state that no development shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority, and that the scheme shall be constructed and completed in accordance with the approved details; and that no development 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, again stating that the scheme must be completed in accordance with the approved details.

The reasons given for these conditions are to ensure a satisfactory means of drainage and to reduce the risk of flooding.

The submission of the details required by these conditions would also allow the impact of the development on the public sewer network to be fully assessed, in order to address the requirements of United Utilities. In the event of any upgrades being required to the existing sewer network, this would be at the expense of the developer. Subject to the imposition of appropriate conditions, the application is therefore considered to be acceptable in relation to flooding/drainage considerations.

In relation to education, as previously stated, Lancashire County Council has requested a contribution towards primary education.

#### Nature Conservation/Trees/Landscaping/Ecology

The application relates to the development of a greenfield site that has hedgerows on its boundary within which there are a number of hedgerow trees. In this case, a Phase I Habitat Survey has not been submitted with the application. The Countryside Officer, however, does not consider there to be any overriding reasons why this site could not be developed for housing. He is therefore satisfied that outline permission could be granted subject to conditions requiring the submission for approval of a Phase 1 Habitat Survey, a tree survey and hedgerow survey.

#### Layout/Scale/Visual Amenity

As stated previously, this is an outline application with the matters of access, appearance and layout being considered at this stage.

The County Surveyor has confirmed that the means of access as shown on the submitted amended plan is satisfactory.

The matter of appearance is covered by the submission of floor plan and elevational drawings of all three house types. The properties are shown as having Bradstone walls and Marley Modern roof tiles (but precise details of external materials could be reserved by condition for subsequent approval). All the house types are of straightforward design having pitched roofs. The two storey dwellings have eaves/ridge heights of approximately 5m/7.2m and the bungalows have eaves/ridge heights of approximately 2.5m/5.9m.

The dwellings would not be dissimilar in design, scale or appearance to other relatively recently constructed dwellings in the locality. I therefore consider the appearance of the development to be acceptable.

I consider the basic form of the layout, with a row of houses down the eastern side of the site and a shorter row along the northern edge to be appropriate. When viewed from the surrounding countryside, this would appear little different to the existing "edge of development" formed by the houses on Meadow View.

This also means that the houses on the eastern side of Meadow View will not be adjoined by a continuous row of dwellings. Whilst the layout, however is basically acceptable, the separation distance between the existing houses on Meadow View and the bungalows and houses on the western part of the application site needs to be given further consideration. This can be covered by an appropriately worded condition in the event that outline permission is granted.

### Residential Amenity

Subject to appropriate attention at reserved matters stage (as described above) the proposed development would not result in any seriously detrimental effects upon the amenities of the residents of Meadow View. The layout of the dwellings on the southern part of site is such that there should be no detrimental effects upon the amenities of existing residents on Greenfield Avenue.

### Section 106 Agreement

As previously stated, a draft Section 106 Agreement was submitted with the application. The applicants agent, however, considers the completion of a Section 106 Agreement prior to the grant of outline planning permission to be unnecessary, and he was therefore unwilling to make amendments/additions to the draft Agreement to satisfy the requirements of the Council's Strategic Housing Officer. Notwithstanding the agent's views, Members will be recommended to defer and delegate this application (in accordance with our usual practice) for the satisfactory completion of a 106 Agreement. To clarify for Members, the required Agreement would stipulate the following:

#### 1. Affordable Housing

- The development to include 6 bungalows.
- The development to include 8 affordable houses of which 4 would be affordable rental and 4 shared ownership.

- Delivery of the affordable units to be phased with the provision of market units to ensure that not more than 50% of the market housing is occupied until the affordable dwellings are developed.
- In terms of eligibility for the properties, this shall relate to a borough wide connection.

## 2. Education

- A sum of £127,992 towards the provision of primary education.

## 3. Off-Site Open Space Contribution

- A contribution to be made, the precise amount of which will be the subject of discussions and negotiations with the developer as described in the report.

## 4. 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 1-4 under the Section 106 Agreement sub-heading within the 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 details of the external materials of the proposed 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. Insofar as the appearance of the dwellings are concerned, this outline permission shall relate to the development as shown on drawing numbers 370/1/3, 4 and 5.

REASON: For the avoidance of doubt and to ensure that the outline permission relates to the submitted plans.

4. Insofar as the access and road layout are concerned, this outline permission shall relate to the development as shown on drawing number 370/1/2 REVA (as clarified by condition number 5 below).

REASON: For the avoidance of doubt and to ensure that the outline permission relates to the submitted plans.

5. Whilst the submitted road layout is considered to be acceptable, the precise positions of the individual dwellings are not approved at this stage. Any reserved matters application shall therefore include a plan that shows the proposed dwellings in relation to the existing dwellings that adjoin the site boundary.

REASON: In order to ensure the protection of the amenities of existing adjoining residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. 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.

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

REASON: To ensure a satisfactory means of drainage 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 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.

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. Any reserved matters application shall include the submission of a tree survey, hedgerow survey, and Phase 1 habitat survey.

REASON: In order that any necessary mitigation measures or tree/hedgerow retention/protection measures can be ensured through the imposition of appropriate conditions at reserved matters stage, in the interests of nature conservation and to comply with Policies G1, ENV10 and ENV13 of the Ribble Valley Districtwide Local Plan.

11. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:

- (a) A Desk Study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.
- (b) If the Desk Study identifies potential contamination and ground gases, a detailed Site Investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property.

The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.

- (c) A Remediation Statement, detailing the recommendations and remedial measures to be implemented within the site.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings. On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a Verification Report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

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

12. 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.

13. 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.

14. 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. 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.

APPLICATION NO: 3/2011/0892/P (GRID REF: SD 374095 442172)  
 PROPOSED RESIDENTIAL DEVELOPMENT AT LAND OFF MILTON AVENUE, CLITHEROE

Committee will recall that this application was initially presented at the meeting held on 21 June 2012 with a recommendation of Defer and Delegate to the Director of Community Services for approval subject to the satisfactory completion of a S106 Agreement and subject to appropriate conditions.

Notwithstanding the recommendation, following a debate, Members were minded to refuse the application and expressed concerns about highway issues. As per the guidance in the revised Development Management Protocol (modified May 2012) the decision was deferred to the Head

of Planning Services to formulate a precise wording for the reason for refusal to the brought back to Committee. Having regard to the concerns raised by Members in their debate on this matter the following reason is offered:

1. The proposed development is considered contrary to Policy G1 of the Ribble Valley Districtwide Local Plan in that it would have an adverse impact on the operation of the highway network to the detriment of highway safety and to the general amenities of the area.

The report that was initially presented to Committee for consideration on 21 June is detailed below for Members to consider. There were two additional letters of objection received in relation to this prior to the meeting that were reported as late items and the day following Committee a copy of a highway report undertaken on behalf of objectors was submitted. Copies of both of these are on the file should Members wish to view that information.

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 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.

## LANCASHIRE COUNTY COUNCIL PLANNING CONTRIBUTIONS:

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*<sup>1</sup> 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*<sup>1</sup> 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 85 letters of objection have been received and a petition with 235 signatures presented at the Planning and Development Committee meeting on 24 May 2012. 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 south-east 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**

Members will recall that this application was initially brought before them for determination at the meeting on 24 May 2012. However, in light of concerns raised in relation to the dates on which the survey incorporated into the Transport Assessment was undertaken and other associated highway matters, the application was deferred for officers to obtain further clarification from the County Surveyor. The issues identified in the following text are as previously presented but with the highway safety section amended to reflect the wishes of Committee in terms of clarification on highway related matters.

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 but this is without any detailed site adjustments for delivery. Members must also bear in mind that irrespective of the five year supply issue, some of the policies of DWLP are considered out of date (in particular the settlement strategy) and thus 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 is at this time the overriding consideration. There are no provisions within the NPPF to advocate resisting development 'in principle' once a five year supply of deliverable sites is achieved. 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.

Reference has already been made to the fact that Members expressed concern over highway related matters and that they wished officers to seek clarification on such matters. Firstly, the date of the survey included in the submitted Transport Assessment was in July 2011. The County Surveyor has confirmed that LCC operated schools would have been in term time and thus the date of survey was not questioned by him in giving observations on the scheme. Objectors commented that Moorland School was on holiday on that particular date and in light of questions raised regarding the validity of that survey, given the nearest school was not in session that day, the applicants have undertaken another survey on Tuesday, 29 May 2012. The results of that survey were provided to the LPA on 30 May 2012. The County Surveyor has examined the new survey data and commented that

*I have looked through the details of the surveys, both July 2011 and May 2012, with particular reference to any additional turning traffic relating to Moorlands School on Eastham Street, and the sensitivity of the Railway View Road/Waddington Road junction.*

*The May 2012 survey includes the main periods of traffic activity to/from Moorlands School. Although all LCC schools were operating at the time of the previous count, traffic associated with this school did not form part of the original data. The additional traffic amounted to;*

*In the am, 94 vehicles exiting from Eastham Street, with 93 entering from Waddington Road (South) and 6 from the north.*

*In the pm, 122 vehicles exiting from Eastham Street, with 99 entering from Waddington Road (South) and 8 from the north.*

*The inclusion of this data earlier in the application process would have been helpful as it clearly reflects a more comprehensive and verifiable representation of the existing distribution of turning movements at this junction. However, the impact of the additional highway activity shown in the more recent count confirms that the junction is operating comfortably within its capacity and that the inclusion of the Moorlands School movements is not significant in terms of the capacity of the existing highway infrastructure.*

*Furthermore, I am satisfied that the level of anticipated traffic generated by the proposed development at Waddow View and accessed via Milton Avenue will not be significant in terms of the existing junction capacity. This is also true in respect of the available capacity of the main through route, B6478 Waddington Road, where there is no evidence of any detrimental impact on its safe and efficient operation.*

Questions were also raised at the meeting about the response of the County Surveyor in respect of a potential TRO. This section of the report has already explained that the County Surveyor does not consider a TRO necessary in this instance. His response as detailed earlier within this report does indeed make reference to a potential TRO but this was in response to the offer made by the applicants in the submission documents. This is an application made in outline with detailed matters of access being applied for at this time. Therefore, it was in examining the detailed submission in respect of access that the need or not of a TRO was considered and dismissed by the Council's highway expert. There are strict guidelines in terms of contributions that can be asked for in legal agreements. Having discussed the highway implications of this development against those explicit guidelines in terms of what is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to a development, the conclusion initially reached was and remains that there is no place for insisting on a TRO to protect the junction of Milton Avenue with Waddington Road as a direct result of this development.

It is noted that the objector who spoke at the meeting which this scheme was initially presented to, made reference to the use of Catterick in the Transport Assessment submitted in support of the application and questioned whether that was appropriate. Again, clarification has been sought from the County Surveyor on this matter and he has provided comments on this which outline that TRICS is the national system of trip generation analysis used in the UK and Ireland. It contains details of over 6,000 transport surveys and over 100 types of development. It is a very powerful and flexible system, and allows great variation in the calculation of both vehicular and multi-modal trip rates.

Where there is no direct analysis available for a location, the TRICS system provides guidance on the selection criteria for appropriate, comparable sites that will allow reference to robust and reliable data.

This is one of the tools used to examine the data contained in the Transport Assessment in order to determine the proposal's level of impact on the existing local highway infrastructure.

Catterick Garrison has been chosen as a comparison for Clitheroe by virtue of similarities in a number of relevant factors. The use of Catterick Garrison as a comparable location to Clitheroe as a means of determining transport assessment questions appears reasonable to the County Surveyor. The TRICS system is not intended as a means of direct comparison, but looks to provide a robust basis for a variety of possible development scenarios. Whilst the County Surveyor has not gone into the particulars of the locations in great detail, there are a number of

important factors that recommend them for comparison. Therefore use of the Catterick Garrison comparator is in line with standard highway practice in assessing development schemes.

### 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 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 without prior written consent, which will only be granted when the local authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse effects of development in 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.

16. No development shall commence until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail how the site will 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. Such a scheme shall be constructed and completed in accordance with the details so approved.

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

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. 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: 3/2012/0327/P (GRID REF: SD 373629 436607)  
PROPOSED MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL (C3); NURSING HOME (C2); CAR PARKING; OPEN SPACE AND ANCILLARY LANDSCAPING AT LAND TO THE EAST OF CLITHEROE ROAD (LAWSONSTEADS) WHALLEY

Committee will recall that this application was initially presented at the meeting held on 21 June 2012 with a recommendation of defer and delegate to the Director of Community Services for approval subject to the satisfactory completion of a S106 Agreement and subject to appropriate conditions.

Notwithstanding the recommendation, following a debate, Members were minded to refuse the application and expressed concerns about the visual impact of the proposal, its effects on the Conservation Area as well as its setting and highway issues. As per the guidance in the revised Development Management Protocol (modified May 2012) the decision was deferred for the Head of Planning Services to formulate a precise wording for the reasons for refusal to be brought back to Committee. Having regard to the concerns raised by Members in their debate on this matter the following reasons are offered:

1. The proposed development by virtue of its location outside the defined settlement boundary of Whalley is considered to represent an urban extension into the open countryside which would change the character of this area of open countryside to the detriment of the visual amenities of the area. It is thus contrary to Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.
2. The proposed development by virtue of its detrimental impact on the setting of and views into and out of Whalley Conservation Area would have an unduly harmful impact upon the character, appearance and significance of the Conservation Area. It is thus considered contrary to Policy ENV16 of the Ribble Valley Districtwide Local Plan.
3. The proposed development is considered contrary to Policy G1 of the Ribble Valley Districtwide Local Plan in that it would have an adverse impact on the operation of the highway network, particularly in terms of congestion, to the detriment of highway safety.

The report that was initially presented to Committee for consideration on 21 June is detailed below for Members to consider. There were 2 additional items reported at the meeting – a letter from LCC agreeing the revised sum to be included in the S106 Agreement for education and an explanation that should Committee have been minded to approve the application some of the suggested conditions would need slight revision to allow for the potential of a phased development coming forward. Copies of relevant correspondence are on the file should Members wish to view that information.

PARISH COUNCIL:

Is mindful that this application differs from the previously rejected application, yet it is evident that attempts to alleviate the concerns expressed previously by the Parish Council have not been and the Parish Council would support any objection forwarded by RVBC, LCC or any statutory consultee on the following issues:

1. Education – The lack of places in Whalley and the Ribble Valley schools is the norm for both primary and secondary pupils. The resultant transport of pupils out of the area is financially and environmentally flawed. The Parish Council is strongly opposed to the education of local pupils away from the local community as appears the likely outcome of this proposed development.
2. Traffic in the village – the Parish Council seek a plan that provides adequate parking for long-stay motorists that enable time limited parking to be introduced in the village. Any increase in traffic in the village centre has an impact and the cumulative effect of this proposal, (and those that already have planning permission) cannot be disregarded as a triviality.
3. Traffic on the village extremities – the Parish Council is strongly of the opinion that it is not appropriate to add to the traffic using the already hazardous junction at the top of Wiswell Lane where it joins the A671.
4. Consultation – Public meetings in response to Core Strategy and the earlier dismissed application from this developer have demonstrated emphatically that this development is not wanted by the people of Whalley.
5. Drainage – As previously noted the amount of water passing through the watercourses and the inadequate culvert under King Street will be exacerbated by this scheme.
6. Existing policy – Policy G5 contemplates only small-scale development outside the settlement boundaries and the village boundaries. This is not a small-scale development. Policy ENV3 recognises the need to protect and enhance open countryside, protect and conserve natural habitat and traditional landscape features. This development destroys these features. A development abutting Clitheroe Road will fill the only open space when approaching the village from Clitheroe and will obscure the views of Whalley Nab from this approach.

7. Ribble Valley village – Whalley Parish Council has no confidence that the second tier of Local Government, RVBC, (despite the imminent publication of plan for consultation of the Ribble Valley Core Strategy 2008/2028) or the third tier LCC, aren't providing the rationale, leadership or resources to combat this accumulation of development and attendant problems to the village.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Has no objection in principle to this application on highway safety grounds. As all matters are reserved at this time there are no detailed comments to make on the specific highway implications and impact as these will be provided as and when appropriate.

COUNTY ARCHAEOLOGY:

No objections subject to the imposition of conditions.

LANCASHIRE COUNTY  
COUNCIL PLANNING  
CONTRIBUTIONS:

The consultation response from the Planning Contributions Team at LCC outlines contributions based upon their policy paper 'Planning obligations in Lancashire'.

#### TRANSPORT

Precise details will be provided by the transport team.

#### EDUCATION

Development details: 55 dwellings

Primary place requirement: 19 places

Secondary place requirement: 14 places

#### Local primary schools within 2 miles of development:

WHALLEY CHURCH OF ENGLAND PRIMARY

LANGHO AND BILLINGTON ST LEONARD'S C of E VA  
PRIMARY

BARROW PRIMARY SCHOOL

Projected places in 5 years: 27

#### Local Secondary schools within 3 miles of the development:

ST AUGUSTINE'S ROMAN CATHOLIC HIGH SCHOOL  
BILLINGTON

RIBBLESDALE HIGH

Projected places in 5 years: 16

### Education requirement:

#### *Primary*

*Latest projections*<sup>1</sup> for the local primary schools show there to be 27 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. 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 as follows:

Old Manchester Offices

Woone Lane

Effect on number of places:

The proportion of the expected yield from these developments which is expected to impact upon this group of primary schools is 9 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.

#### *Secondary*

*Latest projections*<sup>1</sup> for the local secondary schools show there to be approximately 16 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, Victoria Mill, Petre House Farm and Barkers Garden Centre 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 16 less 24 = -8 places. With a potential yield of 14 pupils from this development, there would be a shortfall of places and this would be the number of places for which a contribution would be sought.

Summary of response:

The latest information available at this time was based upon the 2012 annual pupil census and resulting projections.

Based upon the latest assessment, LCC would be seeking a contribution for 14 secondary school places.

Calculated at 2012 rates, this would result in a claim of:

Secondary places:

$(£18,469 \times 0.9) \times \text{BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)}$

= £17,532.74 per place

Total Contributions: £17,532.74 x 14 places = £245,458

NB: If any of the pending applications listed above are approved prior to a decision being made on this development a claim for primary school places could be made to a maximum of 8 places

(Primary - 27 places less 7 approved applications = 20 less yield of 19 = 1 place less 9 pending applications = shortfall of 8 places)

Calculated at 2012 rates, this would result in a maximum primary claim of:

Primary places:

$(£12,257 \times 0.9) \times \text{BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)}$

= £11,635.65 per place

£11635.65 x 8 places = £93,085

The total of the claim would therefore increase to a maximum of: £338,543

ENVIRONMENT AGENCY:

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

UNITED UTILITIES:

Have no objection to the proposal subject to the imposition of conditions. United Utilities does have capacity within its waste water infrastructure to serve this proposal on the basis of planning permissions granted up to Thursday, 12 April 2012. If further planning permissions are granted before this application is determined the position may change.

ADDITIONAL REPRESENTATIONS:

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

1. No such planning applications should be considered until the results of the Core Strategy are decided and finalised.
2. Does not comply fully with guidance in NPPF. The approach has been to make token concessions only with the main emphasis on maximising the built up area.

3. It is outside the development boundary for the village.
4. Loss of a green field – preference should be for brown field development.
5. This is not a mixed use application contributing no more than residential accommodation.
6. The application has not been subject to community scrutiny as they are required to do so.
7. The applicant has failed to demonstrate the merits of developing this site at the present time. There are other sites which are preferable in sequential and rural sustainability terms.
8. Reference to the SHLAA.
9. Allowing any development on this land will ultimately result in a loss of all the land. CEG needs this foothold in order to expand the site later as it does not make economic sense for them with only 55 houses.
10. The application does not provide for any dedicated new public accessible open space.
11. Impact on heritage assets, listed buildings and conservation area.
12. Impact on landscape and visual amenity.
13. The principle concerns that lead the Council to refuse the previous application have not been overcome by this revised proposal.
14. Given existing traffic situation call for a complete moratorium on all applications until mitigation measures are drawn up and implemented by the highways authority paid for by means of a community infrastructure levy on developments.
15. The development will increase traffic at the Wiswell Road turning and indeed throughout the village to the detriment of health, the quality of life for pedestrians as well as highway safety.
16. Question whether bus stop will be re-sited.
17. The proposed car park is a long way from the village for shoppers.
18. Will destroy habitats for wildlife.



19. Reference to need to conserve public views across the site. Genuine attempts have been made to mitigate the damage to views from public footpaths but no consideration given to people who cannot use the footpaths.
20. Pollution – river and sewage systems will be overburdened and an increased risk of flooding.
21. Question capacity of primary and secondary schools to cope with the development.
22. Noise both during construction and after when people are living there.
23. Question impact on health service provision.
24. Adverse effect on tourism. If Whalley becomes congested and is turned into a town the people will not visit and businesses will be impacted upon.
25. The nursing home will be an oppressive three-storey structure and a blot on the landscape.
26. Loss of view.
27. Loss of light.
28. There is an abundance of properties for sale so why need to build more.
29. Devaluation of property.

## **Proposal**

This application seeks outline permission with all matters reserved for a residential led mixed use scheme. The proposed development would comprise up to 55 dwellings (including 30% affordable), a 50 bed space nursing home with ancillary car parking and landscaping associated with that use and open space throughout the development.

The dwellings would be a mix of sizes and types including new family and affordable homes including 2, 3, 4 and 5 bed accommodation in a mix of detached, semi detached, terraces and apartments. Precise details of siting, design, layout and landscaping of the residential elements of the proposal will be provided at reserved matters stage. The Design and Access Statement submitted in support of the application refers to 2.5 storey dwellings at a maximum height of approximately 9m and minimum height of approximately 7.5m.

In respect of the nursing home, this will be a maximum of three storeys in height approximately 2000m<sup>2</sup> in floor space and occupy part of the site closest to the proposed entrance on to Clitheroe Road.

Whilst the application is not seeking approval of access details at this stage, it is envisaged that access to the development would take the form of a single priority controlled junction on to Clitheroe Road.

### **Site Location**

The application site lies to the east of Clitheroe Road having a frontage approximately 95m long between Nos 34 Clitheroe Road and No 2 Wiswell Lane. To the north of the site lie Oakhill College, playing fields and residential development on Wiswell Lane, to the east open fields with the A671 beyond and to the south and west existing residential properties. TPO No 1 1957 covers trees to the northern boundary of the site with Oakhill College with the Haweswater Aqueduct running north west/south east through the southern edge of the site as it extends from Hayhurst Road to Spring Wood. The site is greenfield extending to approximately 3.8 hectare in size and has a topography rising west to east from Clitheroe Road across the site. It is outside the defined settlement boundary of Whalley within land designated open countryside in the Ribble Valley Districtwide Local Plan.

### **Relevant History**

3/2011/0111/P – Proposed 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. Refused 13 January 2012.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy G11 - Crime Prevention.

Policy ENV3 - Development in Open Countryside.

Policy ENV6 - Development Involving Agricultural Land.

Policy ENV7 - Species Protection.

Policy ENV9 - Important Wildlife Site

Policy ENV13 - Landscape Protection.

Policy ENV16 - Development Within Conservation Areas.

Policy ENV17 - Details Required with Proposals in Conservation Areas.

Policy H2 - Dwellings in the Open Countryside.

Policy H20 - Affordable Housing - Villages and Countryside.

Policy H21 - Affordable Housing - Information Needed.

Policy RT8 - Open Space Provision.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Affordable Housing Memorandum of Understanding.

Addressing Housing Needs.

Whalley Conservation Area Appraisal and Management Guidance.

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

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

DP2 – Promote Sustainable Development - North West of England Regional Spatial Strategy to 2021.

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

L1 – Health Sport Recreation Cultural and Education Services - North West of England Regional Spatial Strategy to 2021.

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

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

National Planning Policy Framework.

Technical Guidance to National Planning Policy Framework.

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

Matters for consideration in the determination of this application are the principle of development, highway safety, ecological interests, infrastructure provision, impact on heritage assets, 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, but this is without any detailed site adjustments for deliverability. Members must also bear in mind that irrespective of the 5 year supply issue, some of the policies of the DWLP are considered out of date (in particular the settlement strategy and thus 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 is at this time the over riding consideration. There are no provisions within the NPPF to advocate resisting development 'in principle' once a 5 year supply of deliverable sites is achieved. In assessing this application therefore it is important to look at the component parts in turn having regard to the above considerations as follows.

The site lies outside but immediately adjacent the settlement boundary of Whalley as defined in the DWLP within land designated open countryside. This proposal would bring forward 55 dwellings and a 50 bed care home and at this scale would, I consider, fall outside the scope of small-scale developments envisaged within Policy G5 that essentially seeks to protect the countryside from inappropriate development. By virtue of the change it would bring to the landscape, consideration will need to be given to Policy ENV3 with a view taken on the extent to which the proposal may impact upon landscape character and this is covered elsewhere within this report.

It is important to remember, however, that the Policies of the DWLP were formulated during the 1990's with the Plan being adopted in 1998. The basis of the Plan's formulation was framed around the strategic framework set by the Lancashire Structure Plan against which the Plan established its settlement boundaries to reflect the applicable planned housing requirement and the necessary allocation of land to meet that at that time. It should be acknowledged that clearly we are some time on from when those boundaries were established. There will be a need therefore to identify how any boundaries would need to address identified requirements that are relevant now and that have been set, in our instance, through the RS whilst at the same time being mindful of the aforementioned work undertaken as part of the plan making process in terms of housing numbers and the Development Strategy of the emerging Core Strategy that is out for consultation.

Therefore in establishing whether the development of this parcel of land for residential purposes would in principle be acceptable it is the requirements of NPPF that take precedence over the dated policies of the DWLP in respect of this site ie a presumption in favour of sustainable development as outlined above and granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The NPPF outlines that there are three dimensions to sustainable development – economic, social and environmental and these give rise to the need for the planning system to perform a number of roles. In terms of an economic role NPPF comments that LPA's should ensure that sufficient land of the right type is available in the right places and at the right time and also identify and co-ordinate development requirements including the provision of infrastructure. A social role is ensured by providing the supply of housing required to meet the needs of present and future generations and an environmental role by contributing to protecting and enhancing the natural, built and historic environment. Having carefully assessed the proposal against these it is considered that the development would accord with the requirements of the NPPF.

Therefore having examined the potential development as submitted under this application it is considered that being of a scale that is not inappropriate to the locality (Whalley being a key service centre in the borough) subject to supporting infrastructure, it is concluded that the

development of this site for residential purposes and the provision of a care home 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 consideration that the Council must currently take into account.

### Affordable Housing

In considering the affordable housing element of the proposal it is important to have regard to Policies H20 and H21 of the Ribble Valley Districtwide Local Plan and the Council's 'Addressing Housing Need in Ribble Valley' document that is an update to the previous document entitled 'Affordable Housing Memorandum of Understanding'. The updated document requires that on sites of five dwellings or 0.2 hectare or more the Council will seek 30% of the units on site to be affordable. It also requires that on sites of 30 units or more 15% of the units to be for the elderly. Of the 15% elderly accommodation a minimum of 50% to be affordable and included within the affordable offer of 30%. The remaining 50% of the elderly accommodation could be market housing and be sold at market value or rent but with a local connection requirement applied to these units.

The scheme is made in outline for 55 units. A draft Heads of Terms document was been submitted outlining that 30% (17) of these will be affordable comprising a mix of two bedroom dwellings (60%) and three bedroom dwellings (40%). The tenure split offered being one third social rented, one third affordable rent and one third intermediate (shared ownership). The submitted document provided details in terms of phasing and a fallback mechanism to address circumstances in which, despite reasonable endeavours having been used by the owners, the affordable dwellings had not been purchased by an Affordable Housing Provider. In those circumstances the affordable dwellings would be sold on the open market.

The Council's Housing Strategy Officer examined the details submitted and consulted with the Strategic Housing Working Group. As a result of that the following issues were identified;  
*The affordable housing offer is accepted, however there is no provision for over 55 year olds. 8 units should be built to lifetime home standards for over 55 year olds. Of the 8 units, four of these would be included within the affordable housing offer and the remaining four would be required to be offered at open market value with the local connection requirement.*

*That no more than 75% of the market dwellings can be occupied. This should be reduced to no more than 50% of the market dwellings to be occupied.*

*The affordable properties would need to remain affordable in perpetuity and therefore we would not accept the fallback mechanism of if no Affordable Housing Provider purchases the units then they will be sold on the open market free from restriction. If after 6 months of marketing no registered provider is secured and all reasonable effort has been made to secure the registered provider and this can be demonstrated to the Council, then with approval by the Council the shared ownership units can be sold at 40% discount to open market and rental units can be rented at local housing allowance rate.*

*The standard local connection and approved person criteria should be applied. This would give Whalley residents first priority for two months, neighbouring parishes of Read, Sabden, Wiswell, Little Mitton and Billington and Langho for 2 months and finally Ribble Valley wide priority for 2 months. After 6 months the units can be sold to households not meeting the approved person criteria.*

*The mortgagee in possession clause should be inserted into the final agreement.*

Since submission of the Draft Heads of Terms document there has been ongoing dialogue between the applicants and the Council's Housing Strategy Officer. In light of that it has been agreed that the phasing can be as indicated in the originally submitted document. It is now proposed that 4 of the affordable homes are built to Lifetime Homes Standards and in terms of the open market element of the elderly requirement this is addressed by virtue of the provision of the nursing home as part of the overall proposal. The submitted draft S106 Agreement has taken note of the concerns expressed about a fall back mechanism and that is no longer included. The S106 sub heading later within this report sets out the exact details of the affordable offer but its contents have been agreed in principle by the Council's Housing Strategy Officer as meeting the requirements of the most up to date housing policies.

### Highway Safety

As Members will note this is an outline submission with all matters reserved for future submission. An Illustrative Masterplan has been provided and a Transport Assessment submitted in support of the application. Whilst the application is not seeking approval of access details at this stage, it is envisaged that access to the site will take the form of a simple priority control junction on to Clitheroe Road with the Masterplan also showing potential provision for driveway entrances on to the classified road to serve the properties fronting on to it. The latter is a point mentioned by the County Surveyor in his formal observations to this scheme where he has commented that whilst this may be in-keeping with the frontage development further to the east, the driveways shown would encourage turning movements and potential on-street parking close to the site of the proposed access road. Whilst he concludes that he would wish to see vehicular access to the development limited to a single point with turning movements focused at a junction designed and constructed to the appropriate specification, he is mindful of the outline nature of the application. I have sought clarification from him on this matter and he has stated that should the individual driveways provide turnaround facilities within private garden areas to enable vehicles to access/exit in forward gear, then this may be an acceptable solution. However, this is a matter to be addressed under a future submission and not within this outline application.

It is also important to bring to Members' attention section 7.3 of the submitted Transport Assessment where reference is made to the proposals including further measures to reduce potential for accidents and comprising the following:

- *The introduction of gateway feature signs at the existing point of speed limit change some 250m north of the Wiswell Lane priority control junction.*
- *Localised widening along site frontage on Clitheroe Road to widen the footways on the western side.*
- *Variable speed message (VSM) sign on the approach to the junction with Wiswell Lane.*

These are some of the measures that were put forward in relation to the previous proposal on this site which detailed a different scale and overall nature of development. Similarly, the draft Heads of Terms document that was submitted with the application identified financial contributions towards Traffic Regulation Orders to reduce the speed limit on Clitheroe Road (part) and extend existing restrictions within the vicinity of Clitheroe Road/Brookes Lane/B6246/King Street/B6246 Station Road mini roundabout; within the vicinity of B6246 King Street/B6246 Accrington Road/King Street mini roundabout, and a general TRO to restrict on-street parking within the centre of Whalley to a maximum stay of 2 hours.

Clarification has been sought from the County Surveyor on these matters as they were not referenced to in his initial response to this outline application. Correspondence dated 24 May 2012 confirms in relation to the Heads of Terms document that identifies potential items for inclusion in a Section 106 Agreement that he has not requested and will not be seeking to pursue any TRO contributions in relation to this outline application. Similarly, in respect of the measures outlined above regarding the highway measures highlighted in the Transport Assessment at this time and in relation to the outline application, there are no demands for highway measures. In light of these comments a submitted draft Section 106 Agreement does not make reference to a TRO contribution or any measures of highway improvement. As all matters are reserved at this time, the County Surveyor will comment on the specific highway implications and impacts when these matters are addressed by the applicant in future submissions. However, as indicated in his initial comments, there are no objections in principle to this application on highway safety grounds.

I am aware of the 'Whalley Transport Study 2012' which was commissioned by Save Whalley Village to look at how traffic would grow under a number of different development scenarios. Whilst that survey looks at sites beyond the confines of the development proposed here, the County Surveyor has taken into account the Capita Symonds study and considered that given the nature of this application, it was unnecessary to refer to the report. He emphasises that his role is to consider the highway impacts of the proposed development and their long term sustainability in relation to the local highway network.

#### Public Open Space

Policy RT8 of the Districtwide Local Plan requires that residential sites over 1 hectare provide adequate and usable public open space. The supporting text notes that community open space within new residential areas provides a useful informal recreational facility for residents of the neighbourhood and a particular requirement will be for the provision of children's play areas. The site layout does not specify any areas set aside for formal or informal play but contains a network of green open spaces which have the potential to provide both dedicated and informal play facilities for younger and older children. The supporting documentation indicates the total area to be set aside for such a use would be approx 1.17ha with an area of approximately 0.17ha of this being within the main developed area of the site with the remainder wrapping round the site's southern and eastern boundaries. Subject to details of the layout of these areas being submitted at reserved matters stage I am of the opinion that in principle the amount of public open space provided is adequate and thus the requirements of Policy RT8 of the plan have I consider been met.

The applicants have been made aware that it would not be the intention of the Council to take on any management/maintenance responsibilities for such areas and that a separate management/maintenance regime will need to be arranged. They have not made reference to such facilities within the submitted draft Section 106 Agreement and thus appropriate conditions would need to be imposed on any consent granted to ensure the continued provision of such facilities for the benefit of future residents.

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

This is a greenfield site and there are trees and hedgerows within and aligning the site's established field boundaries. As part of the application an Arboricultural Report has been submitted which reveals a total of 9 items of vegetation (3 individual trees, 3 groups of trees and 3 hedges) within the site. The Illustrative Masterplan seeks to retain all of the trees and

makes provision for landscaping within the site including an area of open space focussed around the stream running across the site

Species surveyed include Sycamore, Elm, Ash, Elder, Hawthorn and Oak. There is a tree preservation order on this site (TPO No 1 1957) with the survey indicating that 2 protected trees are in the north eastern corner of the site.

The application is also accompanied by a Phase 1 Habitat Survey that identifies the site consists of an improved pasture field. Other habitats include streams, hedgerow and scattered shrub. There were no signs of water vole or badgers during the survey. The habitat assessment of the stream on site and off site to the south shows that they have some limited potential for crayfish but it is considered unlikely that they would be present due to the small size and shallowness of the stream. The survey report identifies that in respect of breeding birds there are eight species of bird confirmed or probably breeding on the site with a further 14 species possibly breeding. Those habitats with the greatest value to breeding birds within the current application area are the hedgerows and trees and these also serve as important connective habitat linking to the wider landscape. In respect of bats there are no trees within the site that support features that may be used by roosting bats. Common pipistrelle and soprano pipistrelle bats were observed flying along the northern boundary of the site with a higher number observed off site to the south commuting from Whalley village, along a stream and riparian habitat and exiting housing further south, towards Spring Wood. It is considered unlikely that the development proposed would have an adverse impact towards local bat populations. Mitigation measures are recommended which to summarise include avoidance of unnecessary light spill and the retention of existing features used by foraging/commuting and possibly roosting bats.

### Infrastructure Provision

There have been objections to the development on the grounds that drainage is inadequate and there would be potential increased risk of flooding.

United Utilities were consulted on the application and as Members can see from their response to this development there is capacity within the wastewater infrastructure to serve this development. Members may recall that in relation to the previous larger scale scheme comments were received regarding the capacity of the Whalley Treatment works and that UU initially stated it would not be able to accept the additional flows generated. Following extensive discussions with the applicant stringent conditions were suggested in order to phase the development. As already explained the scheme here is of a smaller scale and as such is considered to be accommodated within the existing network. Again, UU have requested detailed conditions to limit the extent of development to that stated in the application details ie 55 dwellings and that the care home not exceed 50 beds. The reason for this is to ensure that there is no ambiguity in the decision notice over what amount of development has been approved. It is worth noting that this response from United Utilities is a reflection of the current position in respect of committed developments.

The application has been submitted with a Flood Risk Assessment. The site is in flood zone 1 which is defined as having little or no probability of flooding. The Environment Agency have raised no objection in principle to the development and have requested conditions be imposed on any consent granted on the basis of the conclusions of the FRA to ensure the mitigation measures outlined in that document are implemented.



Questions have also been raised about education and it is clear from the observations from LCC on this matter that a scheme of this size would result in a claim of £245,458 towards secondary places. The applicant is aware of the contributions and has included this provision within their submitted draft S106 Agreement. They have made an adjustment to the figure now that the exact numbers of properties for the over 55 years has been agreed with the Council's Housing Strategy Officer and at the time of drafting this report, confirmation was awaited from LCC on the revised figure.

Therefore, on the basis of the responses received to this application from statutory consultees I must conclude that notwithstanding the concerns raised by objectors, the development of this site in the manner outlined would not lead to significant issues in respect of flooding and drainage. With regards to education subject to appropriate clauses in a S106 Agreement to secure the necessary financial contribution there are no objections to the development in principle raised by colleagues at LCC to the proposed educational aspects of the proposal.

### Heritage

Members will recall that one of the reasons for refusal of the previously submitted scheme on the larger Lawsonsteads site was that the proposed development would, by virtue of its detrimental impact on the setting of and views into and out of Whalley Conservation Area, have an unduly harmful impact upon the character, appearance and significance of the Conservation Area. That scheme extended across the rear of the Woodlands Park development towards the edge of the Conservation Area boundary and then extended in an easterly direction towards the A671. The Council's Design and Conservation Officer concurred with the conclusions of The Conservation Studio (which led to extension of the Conservation Area to the south of the River Calder – see Appraisal 'Green Spaces, Trees, Hedges') that there are impressive and important views over the rest of the Conservation Area from the public vantages of Nab Wood, Moor Lane and the land above Painter Wood Farm. A striking and significant feature of these views is the containment of the built heritage by undulating open countryside. Whalley being framed to the east by the previous application site that rises in elevation to meet Spring Wood. He also expressed concerns at the loss of the important backdrop to ambulatory views on Brookes Lane which emphasise the proximity of surrounding hills and the rural, open character of the Conservation Area. The applicant has had regard to these concerns in the resubmitted scheme and reduced the site area of the proposal. It no longer extends in a southerly direction towards the Conservation Area but limits itself to the road frontage area between Nos. 34 Clitheroe Road and 2 Wiswell Lane and land to the rear of Nos. 34 and 32 Clitheroe Road extending in an easterly direction on the lower slope of the field.

The site's southern boundary is now approximately 40m from the boundary of the Conservation Area but I am conscious of the relationship with that area. Policy ENV16 of the Ribble Valley Districtwide Local Plan states '*Within conservation areas 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. The desirability of preserving or enhancing the character or appearance of a Conservation Area will also be a material consideration in deciding development proposals outside the designated area which would affect its setting or views into or out of the area*'.

The Council's Design and Conservation Officer has always stated that he believed it may be possible to develop the land to the north of Lawsonsteads barn and immediately to the east of Clitheroe Road without undue harm to the setting or views into/out of Whalley Conservation Area. Having made an assessment of the visual impact of the scheme now proposed on site I

am of the opinion that the proposal would not prove significantly detrimental to the character, appearance and significance of Whalley Conservation Area. The reduced scale of development now put before Members for consideration has addressed previous concerns raised in respect of harm to its setting and views into and out of the Conservation Area.

### Layout/Scale/Visual Amenity

As stated previously this is an outline application with all matters being reserved for future submission. 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 and Parameters Plan have been submitted to show how the scheme would fit into the immediate surroundings.

In respect of the actual layout of the scheme, there are a number of potential issues that the County Surveyor has raised that would need further consideration at reserved matters stage. For completeness these are summarised here but Members are reminded that the layout as put forward is indicative at this stage. The Illustrative Masterplan shows a small number of properties shown facing directly onto Clitheroe Road and the comments made by the County Surveyor in respect of this in relation to highway safety have been discussed under the appropriate heading of this report. Next he has noted that the level of car parking for the nursing home appears excessive in that for a 50 bed nursing home he would anticipate no more than 10 car parking spaces. It would appear from some of the representations received that people have been under the impression that the car parking shown within the site would be available for use as a public car park for the village. That is not the intention and any parking provided on site would be as ancillary parking in association with the residential care home use. Comments have also been made about the Masterplan and Design and Access Statement where reference is made to a separate 1.2m pedestrian route being established through the site heading broadly northwards from the proposed junction with Clitheroe Road. This may be considered in addition to, but not as an alternative, to the provision of appropriate footway links to and within the site. These are matters for the applicant to have regard to in any future submission should the principle of development be approved under this outline scheme.

The layout of the development has been designed to make use of the topography of the site and reflect the characteristics of adjacent development through the adoption of character areas within the scheme. There is a strong frontage to Clitheroe Road with the character then changing to a more agricultural/rural feel adjacent to the open countryside. The latter being achieved by providing buildings that adopt basic barn and agricultural farmhouse proportions randomly organised around courtyard spaces. Whalley itself does not consist of just one type or style of housing but a range from small terraces to large detached properties and the scheme put forward here makes attempts to reflect that and respond to the edge of settlement location by having a mix of house types that graduate from a tighter urban grain close to Clitheroe Road to a more open character progressing to the east. The Design and Access Statement recognises that the care home is likely to be the tallest element and this is why it has been placed on the lower areas of the site. In addition the roof form would vary within its design in order to break up the potential long linear mass of the building. The dwellings would be a maximum of 2<sup>1</sup>/<sub>2</sub> storeys in height with a maximum height given not being dissimilar to those on Woodlands Park. Clearly detailed matters of design are reserved for future submission and

Members should use the indicative layout and scale parameters as a guide in the determination of this application.

The proposed development site lies to the north east of the village of Whalley, on pasture that is contiguous to the existing village. The site slopes from northeast to south/southwest towards Whalley falling from 68.00m AOD in the northeast to 58.00m AOD in the south/southwest. Access and egress is provided via Clitheroe Road where levels are in the region of 55-59m AOD.

The proposals neatly abut the edge of the existing built area of the village, retaining a compact settlement pattern, responding to the existing landscape features including a buffer zone to reduce the impact of the new development on the backs of the existing residential properties on Clitheroe Road – it is proposed to have a sensory garden at the interface of the care home with the back of No. 34 Clitheroe Road and open space along the site's southern boundary to the Lawsonsteads farm complex.

Members will recall that in relation to the previous submission for 300 dwellings, a nursing home, school site, and associated access, car parking and ancillary landscaping the Council commissioned an independent and impartial landscape assessment of the site. That study identified that the open landscape of Lawsonsteads is important to the whole village, forming part of the rural setting of Whalley, and this is an intrinsic feature of Whalley's village identity. In relation to the previous larger scale proposal it was considered that this rural setting would have been substantially affected by the proposals extending the built area on the east side of the village to the edge of the A671 and thus taking away the function of the open land as a breathing space for the village. This was illustrated by the views from Bridleway /footpath 34 on Whalley Nab where the green swathe of pasture curving round the east side of the village would be lost. The significance of this view over Whalley has been reinforced by the recent extension to the Conservation Area to include the fields in this section of Whalley Nab because they are so important for views in to and out of the Conservation Area.

The scheme now before Members is substantially reduced in terms of both scale and nature – 55 houses instead of 300, no reservation of a school site, no offer of parking facilities for the village but there is still proposed a care home, landscaping and provision of open space proportionate to the development now put forward. Whereas previously the development was to rise up the slope of Lawsonsteads to the edge of Spring Wood it now extends some 230m to the east beyond Clitheroe Road (the built form would encroach approximately 200m into the open countryside) – a reduction in site area from approximately 14.6ha to 3.9ha. The proposed development is now contained on the lower slopes of the site on the area between No. 34 Clitheroe Road and 2 Wiswell Lane extending in a south easterly direction away from the roadway to a point roughly level with the rear of the development at Woodlands Park to its south.

The Lawsonsteads site is overlooked from a number of points both within the village and beyond its bounds. The nature of the development site now confined to the lower ground adjacent to Clitheroe Road would in my opinion reflect the character of the rest of the village which utilises the flat ground beside the Calder.

The footpath network east of Whalley is very well used by both local people, walking dogs etc, and visitors who may be using this section of the footpath network to link into other areas such as Spring Wood or the weir on the River Calder so are an important resource for the whole of

the village. Within Spring Wood, the proposals would not I consider be visible but the proposed development would be visible from the footpaths around the north side of Whalley Nab.

The views into Lawsonsteads are limited from Clitheroe Road / King St, the main north south route through Whalley, because of a high hedge bounding the east side of the road, on the north side of the village, and the urban fabric itself interrupting views. The Illustrative Masterplan shows that some of this hedgerow will be lost to facilitate access to the site and potentially individual driveways to properties fronting Clitheroe Road. This will open up long views to Spring Wood, and while this will enable drivers and pedestrians to appreciate the longer view, the proposed development in the foreground will be then become visible. However, concentrated on the lower ground as it is I am of the opinion that any sense of openness will remain so locally the landscape character, whilst changed, would not be so significantly compromised as to warrant an unfavourable recommendation on visual amenity grounds.

The proposed development is considered to be of a scale relative to the size of Whalley village. The greatest landscape impact will be on users of the public rights of way between Whalley and Spring Wood; users of the public rights of Way on Whalley Nab and residential properties which abut the proposed development site. The impact on each of these is now substantially reduced from that of the former proposal and indeed there are only a few properties that now border the proposed site given its revised form. Given the reduction in size of the proposal from the previously submitted scheme and containment of development to the lower slopes of the Clitheroe Road frontage section of the wider Lawsonsteads site I am of the opinion that the landscape character of this swathe of countryside bounding the eastern side of Whalley will not be so significantly changed from rural to suburban as to warrant an unfavourable recommendation on visual amenity grounds. The development will be apparent to people walking or driving around the eastern areas of Whalley and I am of the opinion that the effects may be no more than moderately intrusive and would not fundamentally alter the way local people perceive Whalley as a village within a rural setting.

Therefore, having very carefully assessed the visual impact of this scale of development it is concluded that the scheme would not prove significantly detrimental to the visual amenities of the area.

### Residential Amenity

In considering residential amenity it is important to assess the relationship with properties outside of the site as well as that between units proposed as part of this scheme. To the west of the site are properties on Clitheroe Road and to the north are dwellings that front onto Wiswell Lane.

The proposed nursing home is to be set to the south east of properties fronting Clitheroe Road and at this outline stage again I am of the opinion that in terms of separation distances between built form the distances are acceptable.

I am mindful of the topography of the site and fact that there is a rise in levels of approximately 13m from Clitheroe Road to the eastern site boundary. However, the application has been submitted with illustrative site sections to show the relationship between new built form and those existing on Clitheroe Road. On the basis of these I do not consider that the levels immediately adjoining existing built form would mean the development would have an overbearing and oppressive impact on existing residents. It is noted that the Flood Risk Assessment makes reference to the fact that some site raising may be necessary within the vicinity of the proposed nursing home to facilitate drainage but at this outline stage we do not

have such details. If consent were to be granted conditions could be imposed requiring submission of such details in order to properly assess the potential impact on adjoining areas.

Properties to the north on Wiswell Lane are I consider set sufficient distance away so as not to be significantly affected by the development in terms of privacy.

In respect of the internal relationship of the development site, the illustrative layout shows properties facing onto internal access roads leading from the main through route onto Clitheroe Road that terminate around courtyard spaces. From the submitted Illustrative Masterplan it would appear that the separation distance between facing blocks of development are less than the 21m advocated in the Council's SPG on Extensions and Alterations to Dwellings being approximately 16m. However, it is important to remember that this is a new development and that potential purchasers will be fully aware of the relationship between various residential blocks prior to buying a certain property. It is also worth remembering that this is an outline scheme with matters of layout reserved for future submission. Whilst the details submitted set the broad parameters of development there would be scope for a minor repositioning of the blocks to achieve a greater separation distance if considered necessary at reserved matters stage.

#### Miscellaneous

There are a number of points raised by objectors that do not sit easily within the headings given above to consider the main issues associated with this scheme as follows.

Reference is made by objectors to community scrutiny and that the applicants may not have complied with the requirements regarding this. A Statement of Community Involvement has been submitted in support of the application which outlines that they consider the nature and scale of this reduced scheme to be in accordance with the previous proposals (that were subject of consultation processes with stakeholders) – in particular the site specific issues remain the same and the principle of development in this location has, they consider, not changed. It is for this reason that they have not undertaken a further public consultation event but they have had pre application advice with the LPA and this is in accordance with the guidance offered in NPPF.

There is also a concern expressed that this application would, if allowed, ultimately result in the loss of all the land at Lawsonsteads as the current scheme would not make economic sense. I would remind Members that the proposal before Committee should be considered on its own merits and that should an application be submitted at a later date for other parts of the wider site they too would be assessed against plan policy and material considerations relevant at that time. The scheme here is for a development comprising 55 dwellings and a care home with ancillary landscaping and parking and should be determined having regard to the issues covered within this report and the advice offered by our statutory consultees on technical matters.

In respect of the suitability of other sites within the district for housing Committee need to treat each application on its own merits. It may be that sites objectors consider to be more suitable may not be held to comply with policy.

Reference has been made to the ability of Whalley to cope with the additional properties in terms of medical facilities. Whalley is identified as a high ranking settlement in Settlement Strategy outlined in the saved policies of the Districtwide Local Plan which reflects the level of

services it has to offer. In relation to the previously submitted application for 300 properties I made enquiries with the Whalley Practice who commented that the Practice is aware of all the potential building. They had already terminated some outside GP work to match their appointment capacity and also had a very large extension and created 2 extra consulting room to cope with the future additional demand. On the basis that they were not raising any issues in relation to a substantially larger scheme I am satisfied that the Practice would be able to cope with additional demand arising as a result of this reduced development.

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

### Section 106 Agreement Content

The application was submitted with a draft Heads of Terms document that covered matters of affordable housing provision and potential contributions towards wheeled bins, primary and secondary education and a TRO contribution. That document has been the subject of discussions to take account of consultee responses as outlined earlier within this report. Having regard to those responses, a draft Section 106 Agreement has since been submitted to the Council which draws together those responses. To clarify for Members, the Section 106 Agreement will stipulate the following.

#### 1. Affordable housing

- 30% of the total number of dwellings to be constructed to be provided as affordable homes – 17 units.
- In terms of tenure, the following will apply:
  - 5 social rented units*
  - 6 affordable rented housing units*
  - 6 intermediate affordable housing units*
- Delivery of the affordable units to be phased with the provision of market units to ensure that not more than 75% of the market housing is occupied until the affordable units are completed.
- 4 of the affordable units to be built to lifetime homes standards.
- In terms of eligibility for the properties, the first priority shall be a Whalley connection, in the second instance to the neighbouring parishes of Read, Sabden, Wiswell, Little Mitton, Billington and Langho. The criteria then cascade to a boroughwide connection and finally somebody satisfying the affordable housing providers own eligibility criteria.

#### 2. Education

- A sum of £227,925 to be paid towards secondary school provision in two equal instalments. The first of which payable prior to occupation of any dwelling and the remainder to be paid prior to occupation of more than 40 dwellings.

\*the sum of money detailed above represents a recalculation undertaken by the applicant on the revised number of properties eligible for contributions to take account of the properties being for over 55s). At time of report preparation it was yet to be confirmed by LCC education that this was the correct figure as their initial calculation based on 55 properties was £245,458.

### 3. Wheeled Bin Provision

- To pay the wheeled bin contribution (£90 per dwelling) prior to occupation of any of the dwellings.

### Conclusion

I am conscious that concerns were raised in relation to the previously proposed development regarding the site's relationship with the Conservation Area, that the scale of development proposed then would prove harmful not only to the Conservation Area but the visual amenities of the wider area and indeed be contrary to the spatial vision set out in the adopted and saved policies of the Ribble Valley Districtwide Local Plan and of the emerging Core Strategy. It was for those reasons that the larger scheme was refused. However, as explained above the proposal now put before members for consideration has taken note of the concerns raised and brought forward a scheme that is reduced in size and nature and considered to have addressed those concerns raised in relation to the previous submission.

Therefore, having carefully considered all of the above matters, I am of the opinion that the scheme would not prove significantly detrimental to visual and residential amenity, nor would it prove detrimental to the Conservation Area or highway safety. I thus recommend accordingly.

### SUMMARY OF REASONS FOR APPROVAL

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

RECOMMENDATION: That 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 1-3 under the Section 106 Agreement sub heading within this report and subject to the following conditions:

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

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

2. No development shall begin on any phase of development until detailed plans indicating the access, appearance, landscaping, layout and scale, including a contoured site plan showing existing features, the proposed slab floor levels and road level (hereinafter called the 'reserved matters') for each phase of development has been submitted to and approved in writing by the Local Planning Authority. The development of each phase 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 access, layout, scale, appearance, landscaping and implementation of development shall be carried out in substantial accordance with the Design and Access Statement, Parameters Plan PL1158M.104 and Illustrative Masterplan PL1158.M.103.

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

4. Prior to the commencement of each phase of development, a scheme for foul and surface water drainage for that phase shall be submitted to the Local Planning Authority for written approval. The drainage scheme for that phase shall be implemented in accordance with the approved details. Unless otherwise agreed in writing, the approved foul drainage scheme for each phase shall only connect to the foul sewer network at the two connection points identified in the Flood Risk Assessment submitted by Weetwood (dated 30 March 2012, Final Report v1.1) and the amount of development connecting to each of the two chosen connection points shall be in accordance with the details provided by Weetwood (dated 9 May 2012).

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

5. The site must be drained on a separate system with only foul drainage connecting into the public sewer. No surface water shall be allowed to drain into the public sewer.

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

6. Prior to the commencement of each phase of development, a scheme for the improvement, protection and maintenance of existing flood defences for that phase as outlined in Section 4.1.2 of the Flood Risk Assessment (FRA) by Weetwood (dated 30 March 2012; Final Report v1.1) shall be submitted to and approved in writing by the Local Planning Authority. The scheme for each phase of development shall be completed in accordance with the approved plans.

REASON: To reduce the risk of flooding by maintaining existing flood defences in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. Prior to the commencement of each phase of development, a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of that phase of development, shall be submitted to the Local Planning Authority. The scheme shall demonstrate how surface water run-off generated by that phase will be managed and limited in accordance



with the Flood Risk Assessment (FRA) by Weetwood (dated 30 March 2012; Final Report v1.1) and it will not exceed the run-off from the undeveloped site and it will not increase the risk of flooding elsewhere.

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

8. No more than 55 dwellings (Use Class C3) and a nursing home of 50 bed spaces (Use Class C2) is hereby permitted within the application site.

REASON: In order to ensure that there is sufficient capacity for foul flows from the development at the Whalley Wastewater Treatment Works in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

9. No phase of development shall begin until a scheme identifying how a minimum of 10% of the energy requirements generated by that phase of development will be achieved by renewable energy production methods, has been submitted to and approved in writing by the Local Planning Authority. The scheme relevant to each phase shall then be implemented in accordance with the approved details prior to occupation of the development and thereafter retained.

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

10. Prior to commencement of each phase of development details of the landscaping of that phase of development shall 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 for each phase of development shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed by the Local Planning Authority, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

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

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

REASON: In the interests of residential and visual amenity and to ensure that appropriate provision is made for public open space in accordance with Policies G1 and RT8 of the Ribble Valley Districtwide Local Plan.

12. Prior to any phase of development undertaken post March 2013 affecting natural bankside habitat such as outfalls or culverting, a further survey of the watercourse should be carried out to establish the presence of water voles within the phase. The findings of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority. Any necessary and approved measures for the protection of water voles shall thereafter be implemented in full as part of the development of the relevant phase.

REASON: To ensure protection of water voles and their habitat in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

13. Any application for the approval of reserved matters which includes development adjoining the watercourses on site shall include a scheme for the provision and management of a buffer zone alongside the watercourses, to be submitted to and agreed in writing by the Local Planning Authority. Thereafter each phase of development shall be carried out in accordance with the approved scheme in so far as it relates to that phase of development and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

REASON: To protect ecological, recreation and amenity interests by providing a buffer between the development and the watercourse in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

14. No development shall take place on any phase of development until details of the provisions to be made for building dependent species of conservation concern artificial bird nesting boxes and artificial bat roosting sites for that phase have been submitted to, and approved by the Local Planning Authority. The details shall be submitted on a building dependent bird/bat species development site plan and include details of plot numbers and the numbers of per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated -north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats. The artificial bird/bat boxes shall be incorporated into those dwellings/buildings during the actual construction of those individual identified on the submitted plan before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

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

15. All construction work that might directly impact upon breeding birds shall be implemented outside of the main breeding season of February to September.

The actions, methods & timing details included in the mitigation notes attached to the habitat survey [078.02\_rep\_001] shall be adhered to and in the event that any protected species are found or disturbed during any part of the development, work shall cease until further advice has been sought from a licensed ecologist. Mitigation refers to practices adopted to reduce or remove the risk of disturbance, injury or death of a protected species

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.

16. 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 [JCA Ref: 9759/C/RG – Individual Trees T3/4/5/7, Groups of Trees G5/8/9 & Hedgerows H1/2/6 inclusive] shall be protected in accordance with the Tree Constraints Plan [BS5837 2012 -Trees in Relation to Design, Demolition & Construction. A tree protection-monitoring schedule shall be submitted and agreed in writing by the Local Planning Authority and all root protection/construction exclusion zone measures inspected by the Local Planning Authority before any site works are begun.

The root protection zone shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

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

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

REASON: In order to ensure that any trees affected by development and included in a Tree Preservation Order/ Conservation area/considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse affects of development in accordance with policies G1, ENV13 of the Ribble Valley Districtwide Local Plan and to protect trees included in the Whalley 1957 Tree Preservation Order

17. All existing habitat features, hedgerows/streams shall be retained and protected during the lifetime of the development from the adverse effects of development works by maintaining construction exclusion zones the details of which shall have first been submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

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

18. No development shall begin on any phase of development until details of a lighting scheme have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include to details to demonstrate how artificial illumination of important wildlife habitats (trees with bat roost potential and hedgerows used by foraging areas bats) is minimised. The approved lighting scheme shall be implemented in accordance with the approved details.

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.

19. No phase of development shall take place until the applicant, or their agent or successors in title has secured the implementation of a programme of archaeological work for that phase in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological importance associated with the site in accordance with Policies G1 and ENV14 of the Ribble Valley Districtwide Local Plan.

20. No phase of development shall begin until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority for that phase. 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.

21. Construction activities shall only be carried out between the hours of 07.00 to 17.00 Monday to Friday, 08.00 to 13.00 Saturday and no activities on Sundays or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

22. No burning of waste shall be permitted on site.

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

23. 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.

24. 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.

25. The reserved matters application(s) shall include details of phasing of development across the whole development site. The phasing scheme shall include the following matters:

- a) a plan demarcating the development phases;
- b) details of the number of development plots for both market and affordable housing units;  
and
- c) a programme of delivery of development phases.

All reserved matters applications and consequent development shall be made in accordance with the approved phasing scheme or any subsequent submitted and approved amendments to the scheme.

REASON: For the avoidance of doubt and to ensure that the Local Planning Authority are satisfied with the details and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

ITEMS DELEGATED TO DIRECTOR OF COMMUNITY SERVICES UNDER SCHEME OF DELEGATED POWERS

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

APPLICATIONS APPROVED

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2011/0870/P (LBC)	Demolition of existing garden store and erection of new garden store attached to existing fuel store	25 Church Street Ribchester
3/2012/0125/P (LBC)	Timber clad workshop to the north & elevation	Thistle Manor Edisford Road Clitheroe
3/2012/0126/P (PA)		
3/2012/0166/P	Construction of earth bank slurry store	Smalley Fold Farm Commons Lane, Balderstone
3/2012/0215/P	Application to discharge condition 4 (survey method statement) of planning consent 3/2010/0897/P	Primrose Mill, Woone Lane Clitheroe
3/2012/0250/P	Proposed demolition of the existing side garage. New two-storey extension to side to form garage and utility on ground floor and master bedroom with en-suite on first floor. New two-storey extension to principle entrance to form study on ground floor and bedroom on first floor. New part two-storey, part single storey extension to rear to form enlarged living/dining/kitchen. New external timber decking area. Erection of new chimneybreast to gable end. Some internal alterations	11 Bosburn Drive Mellor Brook
3/2012/0268/P	Proposed two-storey side and rear extension and single storey sun room extension to rear	8 Parsonage Avenue Ribchester
3/2012/0280/P	Single storey extension to existing dwelling	Moss Hall Farm, Chipping
3/2012/0293/P	Demolition of existing external stores and erection of one larger external store	22 Shawbridge Street Clitheroe
3/2012/0294/P	Proposed demolition of single storey extension to the rear to be replaced with a two-storey extension. Re-submission of 3/2012/0012P	11 Manor Avenue Ribchester
3/2012/0295/P	Proposed demolition of single storey extension to be replaced with a two-storey extension. Re-submission of 3/2012/0013P	12 Manor Avenue Ribchester
3/2012/0298/P	Installation of flue equipment on a existing fish and chip shop	59 Woone Lane Clitheroe

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0315/P	Change of use of Unit 5, from Class B8 to Class D2	Fairfield Business Park Longsight Road Clayton-le-Dale
3/2012/0317/P	Revised planning application for alterations, extensions and change of use to the public house as follows: Basement – split residential accommodation with extension and beauty salon with extension. Ground Floor – beauty salon with extensions and optional change of use to Part 4 Classes A1, A2 or D1 dentistry. 1 <sup>st</sup> & 2 <sup>nd</sup> Floor – split into 2 no apartments with roof terrace (resubmission)	Pendle Hotel Clitheroe Road Chatburn
3/2012/0343/P	New covered agricultural manure store	Parsonage Farm Parsonage Lane, Chipping
3/2012/0347/P	Raising the existing eaves wall plate level by no more than 1m to create bedroom and dressing/en-suite to the first floor. Existing roof pitch will not be altered	11 Kirkdale Road Langho
3/2012/0348/P	Proposed change of use from Class A1 to Class D2 for the creation of a Pilates Studio	Enterprise House Warwick Street Longridge
3/2012/0349/P	Demolition of existing bay window and porch and construction of new bay window and porch	51 Chaigley Road, Longridge
3/2012/0351/P	Proposed two-storey side extension to create extended lounge and additional bedroom	51A Derby Road Longridge
3/2012/0364/P	Proposed change of use from retail premises to retail and private dwelling	2 West View, Clitheroe
3/2012/0365/P	Dormer extension to rear elevation, first floor extensions to front elevation and internal alterations	Carniola Whins Lane Simonstone
3/2012/0366/P	Replacement of cement render with hydraulic lime roughcast; structural stabilization to the north-east corner; removal of redundant 20 <sup>th</sup> century chimney stack; reopening of 20 <sup>th</sup> century infill to rear elevation of existing garage; replacement of inappropriate rainwater goods; repairs to a replacement of steel framed windows; internal alterations to include formation of home office within existing garage/boiler room and formation of en suite compartments at first floor level	Red Syke Farm Twiston

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0385/P	Temporary widening of an existing access from the public highway to facilitate the construction of a new water supply pumping station and the laying of a new water supply main, and permanent access road to proposed new water supply pumping station	The Skaithes Slaidburn
3/2012/0387/P	Demolition of contemporary porches, garage, utility room and games room extensions and construction of new garage/store/utility/rear hall/front porch (work from home office) and snug/kitchen with bedroom accommodation at first floor level. Construction of lean-to canopy to new internal courtyard area. Construction of stone canopy to front entrance door (south east elevation). Alteration to existing window (south east elevation). Alteration to existing door opening to form new window opening (north east elevation). Alteration to existing window opening to form new door and window opening (north west elevation). Association external works and installation of new sewage treatment plant (resubmission of approved scheme 3/2006/0193/P with the design amendments)	Broomhill Farm Smalden Lane Grindleton
3/2012/0391/P	Porch extension and new driveway	9 Greenacres Read
3/2012/0404/P	Enlarged velux rooflight on rear roofslope	September Cottage 6 Elker Mews, Billington
3/2012/0408/P	Proposed single storey extension to form family room and utility room	Higher Studlehurst Osbaldeston Lane Osbaldeston
3/2012/0411/P	Demolition of existing garage and office previously used as a Police House/ Office and erection of a semi-detached dwelling (Resubmission)	127 Padiham Road Sabden
3/2012/0418/P	Demolition of existing garage and erection of porch and detached garage	Broad Lea, Ribchester Road Clayton-le-Dale
3/2012/0419/P	Application for variation of condition no. 2 of planning permission 3/2010/1023/P, so that the condition is amended to include drawing no/4 (in order to alter the materials on both gable ends to block and render instead of cut stone)	Higher Mill Farm Mill Lane Slaidburn Road Waddington



<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0421/P	Amendments and an addition to approved plan 3/2010/0497P, to bring the existing garage and approved plan for the first storey extension forward by 2m at the front of the property; a material change from glass to block and render on the North elevation of the approved ground floor and first floor extension to the principal entrance; erection of a single storey extension to the rear of the garage aligned with the building line of the existing dwelling with obscure glazing to the South elevation	9 Bosburn Drive Mellor Brook
3/2012/0430/P	Proposed extension to existing dairy cattle unit	Slack Farm, Newsholme Gisburn
3/2012/0433/P	Ground floor internal remodelling with associated external openings changed and proposed conversion of attic to first floor with the creation of dormer escape windows	8 Somerset Avenue Clitheroe
3/2012/0435/P	Two storey side and single storey rear extension	16 Hesketh Road Longridge
3/2012/0436/P	Application for discharge of condition no. 3 (materials) of planning consent 3/2011/0275/P	Shays Cottage Tosside
3/2012/0437/P	Application for discharge of condition no. 4 (materials) of planning consent 3/2011/0276/P	Shays Farm Tosside
3/2012/0441/P	Part demolition and extension of animal shed	Gisburn Auction Mart Gisburn
3/2012/0454/P	Proposed ground floor extension to existing porch (resubmission)	Lower Greenbank Barn Whalley Road, Sabden
3/2012/0456/P	Change of house type for proposed detached two-bedroom bungalow on vacant land approved under application 3/2011/0965/P including Discharge of Conditions approved under application 3/2012/0162/P. Land adjacent	14 Crumpax Avenue Longridge
3/2012/0457/P	Application for a non-material amendment to planning permission 3/2009/0683P, for an increase in height of the property from 8100mm to 8564mm (464mm increase). The actual ridge height will be lowered by 36mm, as the proposed ground floor level will be dropped by 500mm.	Prospect House Sawley Road Grindleton
3/2012/0460/P	Application for a non-material amendment to planning permission 3/2011/0378/P for changing the external wall finish on the	10 Fell Brow Longridge
Cont/		

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
Cont...	rear and parapet elevations from full stonework to stone plinth with random 'Quoin' corners and cement render finish main walling on blockwork (The gable and 2m return elevations to remain stonework as approved)	
3/2012/0461/P	Application for the renewal of planning permission 3/2009/1061/P for the conversion of a redundant barn to form a single 2 bed dwelling	17 Dilworth Lane Longridge
3/2012/0518/P	Application for a non material amendment to planning permission 3/2011/0307/P to allow minor alterations to Dean house types on plots 67, 68, 76, 77 and 98 to improve the appearance, accommodation and overall ground floor layout	Barrow Brook Business Village Barrow

#### APPLICATIONS REFUSED

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
3/2012/0155/P & 3/2012/0156/P	New pub signs comprising 3 No sets of individual letters (non illuminated), 1 No amenity board (non illuminated), 1 No illuminated menu unit, 1 No lantern and 5 No flood lights	White Bull Church Street Ribchester	The part implemented scheme has an unduly harmful impact upon the character (including historic fabric and setting) of the listed building and the character and significance of Ribchester Conservation Area because of (i) the number, siting, illumination, visual intrusiveness, conspicuousness and incongruity of adverts and resulting domination of the facade and detracting from/obscuring of important architectural features, (ii) the damage to important historic stonework

Cont/

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
Cont...			resulting from the attachment of adverts and (iii) use of incongruous modern materials. This is contrary to Policies ENV20, ENV19, ENV16 and G1 of the Ribble Valley Districtwide Local Plan.
3/2012/0247/P	Proposed formation of a new car park to serve the residents of Sycamore Bungalows, and to allow better access for emergency vehicles. Including installation of a new access road and entrance alterations to the main highway at land at rear of	Sycamore Bungalows Gisburn	Policy G1 - it would lead to conditions to the detriment of highway safety due to the limitations of the access width and the visibility splays by not providing the safe movement of vehicles to and from the highway. Policies G1, ENV3, ENV16 and H12 and the National Planning Policy Framework - incongruous feature representing an urban encroachment to the detriment of the surrounding countryside, visual amenity, and the character, appearance and setting of Gisburn Conservation Area.
3/2012/0275/P	Proposed extension to provide new first floor to existing dormer bungalow and roof lift	14 Moorfield Whalley	Contrary to paragraph's 14, 60 and 64 of the NPPF and Local Plan Policies G1, H10 and SPG. Prominent extension to the visual detriment of the street scene. Loss of privacy.

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
3/2012/0354/P	Proposed conversion of stone barn to residential dwelling	Watt Close Farm Gisburn	Contrary to paragraphs 55, 131 and 133 of NPPF, and Policies G1, ENV3, H16 and H17 of the Local Plan. The proposal by virtue of the location of the building, the principle and design of the additions to the roof, the unsympathetic enlargement of existing openings and the new materials proposed, would be visually detrimental of the character of the building, and would visually affect the character, appearance and setting of this location.
3/2012/0388/P (PA)	Erection of steel storage building to the rear	St Leonard's Church Commons Lane Balderstone	The proposal has an unduly harmful impact upon the harmonic setting of the listed buildings and the character of the open countryside landscape area because the shed is incongruous, conspicuous and visually intrusive as a result of its prominent siting, size (including projection above wall copings), orientation (perpendicular to the long and linear wall) and materials (steel sheeting). This is

Cont/

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
Cont...			contrary to Policies ENV19, G1 (a & h) and ENV3 of the Ribble Valley Districtwide Local Plan.
3/2012/0405/P	Garage	1 Edisford Hall Cottages Edisford Bridge Clitheroe	<p>The proposal will be unduly harmful to the setting of the Grade II listed 'Edisford Hall Farmhouse and 2 cottages to north' because of its size, prominence, incongruity of design and materials and detachment from the historic farm steadings. This is contrary to Policies ENV19 and G1(a) &amp; (h) of the Ribble Valley Districtwide Local Plan.</p> <p>The proposal will be unduly harmful to the character of the open countryside and the setting of the Grade II listed 'Edisford Bridge Farmhouse and Edisford Bridge Cottage' and 'Edisford Bridge Inn' because of its prominence resulting from its size, incongruity of design and materials, roadside siting, damage to hedgerow/tree screening and detachment from existing building groups. This is</p>
Cont/			

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
Cont...			contrary to Policies ENV3, ENV13, ENV19 and G1(a) & (h) of the Ribble Valley Districtwide Local Plan.
3/2012/0412/P	Advertisement application for two sign boards set in a 'V' facing both directions of Whalley Road set 1.5m from ground level	Land adjacent Whalley Road Hurst Green	Policy G1 – detriment to the visual amenities of the locality.
3/2012/0413/P	Application for the discharge of condition 5 (surface water regulation system) and condition 6 (surface water drainage) of planning permission 3/2011/0286/P	Stalwart Lodge Primrose Road Clitheroe	N/A
3/2012/0438/P	Conversion of integral garage into a habitable room and formation of entrance door with overhead canopy on side elevation	Austin House Slaidburn Road Waddington	Policy G1 and ENV16 – proposals detrimental to both highway safety and visual amenity.
3/2012/0445/P	Two storey extension to dwelling (including demolition of existing conservatory)	34 Water Street Ribchester	The proposal has an unduly harmful impact upon the residential amenity of No 35 Water Street because of the two storey extension's overbearing and overshadowing impact. This is contrary to Policy G1 of the Ribble Valley Districtwide Local Plan.  The first floor door is an incongruous and conspicuous feature which does not preserve the character or appearance of Ribchester
Cont/			

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
Cont...			Conservation Area. This is contrary to Policy ENV16 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>
3/2012/0414/P	Application for a Lawful Development Certificate for the proposed installation of 6 no. solar panels on the front elevation roofslope	Parsonage Cottage Church Street Ribchester
3/2012/0498/P	Application for a Lawful Development Certificate to run a one man taxi hire business from the property	Higher House Farm Back Lane Newton

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>
3/2012/0444/N	Proposed works to progressively maintain and upgrade internal forest roads and to create 2 new stretches of forest road in order to allow the planned harvesting and haulage of timber from the site	Longridge Fell Forest off Birdy Brow Stonyhurst
3/2012/0500/N	Mono-pitch storage building	Mill House Barn Grunslagill, Tosside
3/2012/0532/N	Application for a steel portal frame building (18.29m x 13.71m) for the storage of bulk feeds.	Lower Lees Farm Cow Ark, Clitheroe

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2010/0078P	Old Manchester Offices Whalley New Road Billington	20/5/10	18	With Legal
3/2010/0929P	Land between 36 & 38 Henthorn Road Clitheroe	14/7/11	8	Not Signed yet With applicants solicitor
3/2011/0776	Land off Whiteacre Lane Barrow	12/4/12	7	With Legal

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2011/0784	Old Whalley Nurseries Clitheroe Road Whalley	12/4/12	6	With Applicant
3/2012/0065	Land off Dale View Billington	24/5/12	12	With Legal
3/2011/1064	Sites off Woone Lane a) rear of 59-97 Woone Lane & b) Land to South-West of Primrose Village phase 1, Clitheroe	21/6/12	113	With Legal
<b><u>Non Housing</u></b>				
3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures so no progress on Section 106

#### 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>
3/2011/0820 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 DECISION
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	-	Procedure altered by The Planning Inspectorate - will now follow the Hearing procedure Hearing to be held on 11.7.12	AWAITING DECISION
3/2011/0624 D	17.2.12	Mr Ken Dobson Fit secondary glazing (Listed Building Consent) Vicarage House Vicarage Fold Wiswell	WR	-	Site visit 4.7.12 AWAITING DECISION



<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2011/0620 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	—	APPEAL DISMISSED 28.6.12
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
3/2011/0703 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	—	Awaiting site visit
3/2011/0095 D	11.5.12	Mr & Mrs S Cherry Re-submission of refused application application 3/2010/0002P for two affordable dwellings in garden area of existing house, demolition of outbuilding, realigning of vehicular access to Cherry Hall and removal of part of wall to site Cherry Hall Grindleton	WR	—	Awaiting site visit
3/2011/0849 D	16.5.12	Mr K Kay Proposed new detached garage, boundary wall, gates and hard landscaping Great Mitton Hall, Mitton Road, Mitton	Householder appeal	—	AWAITING DECISION

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
D 3/2012/0168	23.5.12	Mr G Marsden Single storey conservatory extension 3.60m x 3.70m to the rear of the property (Re-submission) Hill House Hesketh Lane Chipping	Householder appeal	–	APPEAL ALLOWED 4.7.12
D 3/2011/1001	30.5.12	Ms Pamela Oliver New detached dwelling within the curtilage of 1 Portfield Bar Whalley	WR	–	Awaiting site visit
O 3/2011/0025	25.6.12	J-J Homes LLP Outline planning application for residential development (ten dwellings) Land off Chatburn Old Road Chatburn	WR	–	Notification letter sent 27.6.12 Questionnaire sent 9.7.12 Statement to be sent by 6.8.12

#### LEGEND

D – Delegated decision  
C – Committee decision  
O – Overturn