

# RIBBLE VALLEY BOROUGH COUNCIL

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please ask for: OLWEN HEAP  
direct line: 01200 414408  
e-mail: olwen.heap@ribblevalley.gov.uk  
my ref: OH/CMS  
your ref:  
date: 1 October 2012

Council Offices  
Church Walk  
CLITHEROE  
Lancashire BB7 2RA

Switchboard: 01200 425111  
Fax: 01200 414488  
DX: Clitheroe 15157  
www.ribblevalley.gov.uk

Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 11 OCTOBER 2012** at the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you can be there.

Yours sincerely

## CHIEF EXECUTIVE

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

## AGENDA

### Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. To approve the minutes of the last meeting held on 13 September 2012 – copy enclosed.
3. Declarations of Interest (if any).
4. Public Participation (if any).

### DECISION ITEMS

- ✓ 5. Planning Applications – report of Director of Community Services – copy enclosed.

- ✓ 6. Consultation Paper Section 106 Agreements – report of Director of Community Services – copy enclosed.
- ✓ 6(a) Non-Determination Appeal – Land at 51-53 Knowsley Road, Wilpshire – report of Director of Community Services – copy enclosed.

#### INFORMATION ITEMS

- ✓ 7. Appeals:
  - (a) 3/2011/0624/P – Refusal to grant listed building consent for secondary glazing at Vicarage House, Vicarage Fold, Wiswell – appeal dismissed.
  - (b) 3/2012/0160/P – Proposed two storey side extension and single storey rear extension. Existing shippon to be demolished at 74 Knowsley Road, Wilpshire – appeal dismissed.
  - (c) 3/2011/0095/P – Proposed 2no affordable dwellings in the garden area of the existing house at Cherry Hall, Grindleton – appeal dismissed.
  - (d) 3/2011/0703/P – Proposed erection of two storey detached dwelling with attached garage at 43 Hawthorne Place, Clitheroe – appeal dismissed.
  - (e) 3/2012/0325/P – Insertion of a window to front gable elevation at Old Chapel Barn, Preston Road, Alston – appeal allowed with conditions.
  - (f) 3/2011/1001/P – New detached dwelling at 1 Portfield Bar, Whalley – appeal dismissed.
  - (g) 3/2011/0567/P – Resubmission of erection of a holiday cottage at Pinfold Cottage, Tosside – appeal dismissed.
- 8. Report of Representatives on Outside Bodies (if any).

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

- ✓ None.

INDEX OF APPLICATIONS BEING CONSIDERED					
MEETING DATE 11 OCTOBER 2012					
	<u>Application No:</u>	<u>Page:</u>	<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>
<b>A</b>	<b>APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:</b>				
				NONE	
<b>B</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR APPROVAL:</b>				
	3/2012/0708/P	1	GT	AC	11 New Row Cottages Knowle Green
<b>C</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL:</b>				
				NONE	
<b>D</b>	<b>APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED</b>				
	3/2012/0335/P	7	SW	DEFER	Northcote Stud Northcote Road, Langho
	3/2012/0420/P	13	SW	DEFER	Land north and west of Littlemoor Clitheroe
	3/2012/0497/P	33	CS	DEFER	Strawberry Fields Main Street, Gisburn
	3/2012/0687/P	46	SW	DEFER	Lawsonsteads Whalley
<b>E</b>	<b>APPLICATIONS IN 'OTHER' CATEGORIES:</b>				
				NONE	

**LEGEND**

AC Approved Conditionally  
R Refused  
M/A Minded to Approve

JM John Macholc  
SW Sarah Westwood  
CS Colin Sharpe  
AD Adrian Dowd

GT Graeme Thorpe  
MB Mark Baldry  
CB Claire Booth

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

Agenda Item No

meeting date: THURSDAY, 11 OCTOBER 2012  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2012/0708/P (GRID REF: SD 364944 438182)  
 PROPOSED CHANGE OF USE OF GARAGE/HOME OFFICE TO RESIDENTIAL DWELLING  
 AT 11 NEW ROW COTTAGES, CLITHEROE ROAD, KNOWLE GREEN, LANCASHIRE.

RIBCHESTER PARISH COUNCIL: No objections.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection to this proposal.

ADDITIONAL REPRESENTATIONS: Six letters have been received from the occupiers of four nearby dwellings, and the following points of objection have been raised:

1. Increase in vehicular movements along the private access road,
2. Increase in wear and tear on the private road,
3. Will the new occupiers be legally bound to pay to maintain the road?
4. Detrimental to pedestrian safety,
5. The occupiers would need to provide access to the septic tank in the garden at all times,
6. Use of the septic tank must be consented by the New Row Management Group,
7. Current septic tank seems to be working at full capacity at the moment and it would not cope with new users
8. Overlooking/loss of privacy within the rear garden/yard areas of the properties on New Row,
9. Roof lights not in-keeping with New Row properties,
10. If approved roof lights should have opaque glass in,
11. It is not clear how the parking arrangements will be affected on site,
12. Impact on AONB,
13. Plans were passed for the garage without consultation with ALL occupiers of New Row,
14. Concerns regarding the previously approved proposal for the garage and its legality,
15. Concern regarding future development of the site, and damage by builders working on it.

## **Proposal**

Planning permission is sought for the conversion of a recently constructed (within the last five years) garage/home office into a separate residential dwelling. Other than the addition of two doors between the main building and single storey building to fully enclose the two as one unit, there are no other external changes proposed to the building as approved under 3/2006/0032/P. This is noted as although velux windows were approved on the west facing roof elevation of the larger garage building, they have not been inserted during the construction. As the garage has been constructed in accordance with the approved plans, these windows could be inserted at anytime as part of the extant permission.

## **Site Location**

The application site lies approximately 3.5km west of Hurst Green, approximately 3.5km east of Longridge and approximately 1.5km east of the hamlet of Knowle Green. The existing dwelling is the end terrace of a row of 12 terraced properties accessed from one access road off the B6243. The site lies within the Forest of Bowland Area of Outstanding Natural Beauty, and is currently part of the residential curtilage of no. 11 New Row Cottages. A Public footpath passes directly around the curtilage of the site but does not pass through it.

## **Relevant History**

3/2011/0694/P – Fell dead Sycamore tree – Granted.

3/2009/0492/P - Fell Sycamore T2 and replace with Silver Birch – Granted.

3/2009/0032/P - Demolition of existing outbuildings and erection of detached garage with study over and separate workshop/potting shed – Granted Conditionally.

## **Relevant Policies**

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy ENV7 – Species Protection.

Policy H2 – Dwellings in the Open Countryside.

Policy H15 - Building Conversions - Location.

SPG - "Extensions and Alterations to Dwellings".

National Planning Policy Framework.

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

This application details the proposed conversion of an existing garage building located adjacent to no. 11 New Row Cottages. The Agent states within the Design and Access Statement that the existing building has become redundant due to a change in the applicants circumstances, and the applicants now seek to convert the building into a separate residential unit. The building already has an area of garden curtilage to the rear, and areas for parking to the front. The curtilage of no. 11 New Row Cottages is entirely tarmaced to the side and rear so there are no issues with regards to the provision of parking for the existing property.

The main issues with this application relate to the principle of the development, what visual affect the proposed change of use and the external/internal alterations may have on the building, whether there will be any visual impact on the AONB, any potential impact on the residential amenity of the adjacent property.

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.*

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.

Guidance on proposals to convert buildings to dwellings is provided within Policy H2 of the Local Plan, which notes "Outside settlement boundaries, residential development will be limited to the appropriate conversion of buildings to dwellings, provided they are suitably located and their form, bulk and general design are in keeping with their surroundings. Also, that they structurally sound and capable of conversion without the need for complete or substantial reconstruction". Additional advice is also provided by Policy H15 of the Local Plan, which notes that "The conversion of appropriate buildings within settlements or which form part of already defined groups is acceptable", however this is providing that there would be no materially damaging effects on the landscape qualities of the area. Therefore, given the buildings location within an existing group of buildings and adjacent to an existing group of dwellings, I consider it to be suitably located in accordance with the above policies.

With specific regard to the proposed design, the existing and approved building benefits from a number of existing openings within all of its elevations that mean the only alteration required is the addition of two doors to link the main garage building to the potting shed. The building has already been granted with velux roof lights in the west-facing roof elevation (even if they haven't been inserted) so there are concerns with regards to their insertion, and there are no other major changes required. As such, it is considered that the proposed change of use of this building will have no significant impact on the location.

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

- the location of the building adjacent to the dwellings on New Row,
- that the building is structurally sound and capable of conversion without the need for substantial reconstruction,
- that there is an existing access into the site, and

- that given the number of openings already approved within the building, the design proposed is considered acceptable and will have no significant impact on the residential amenity of the occupiers of nearby dwellings.

As such, having assessed the scheme in regards to Local Plan Policies G1, G2, H2 and H15, and guidance within the NPPF, I am satisfied that the principle of the scheme is acceptable.

In respect of the visual impact on the A.O.N.B. and the adjacent open countryside, due to there being no significant changes to the form or appearance of the building, the visual change to the building is considered to be minimal. The garden area to the rear is already enclosed and private and Permitted Development Rights will be removed in order to retain this open, rural location. As such, the scheme is considered visually acceptable.

With regards to any potential impact on the residential amenity of the occupiers of the nearby properties, the main windows that have caused the most concern with neighbours are the roof lights in the west facing elevation of the roof. However when considering that,

- permission has previously been granted for these windows (with due consideration given to the potential impact on the amenity of the occupiers of the adjacent properties),
- the building is some 18m from the boundary of the curtilage of no. 11, and
- the majority of the rear garden areas of the New Row Cottage properties contain large, domestic sheds and outhouses,

I do not consider that they would significantly overlook the amenity areas of the New Row Cottage properties to the detriment of the enjoyment of the occupiers.

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

Finally, concern has been raised in respect to the size of the package treatment plan being unsuitable for use by another dwelling and that permission would need to be sought from the New Row Management Group for its use. Whilst the permission would be a private matter for the applicant to seek out, I can confirm that the package treatment plant is considered to be of a suitable site to cope with another dwelling attached to it. The applicant has physically measured the aerobic treatment plant, and at 4m long by 1.5m wide and with 3.2m of effluent depth, this equates to a capacity of approximately 19,200 litres. With reference to Approved Building Regulations Document H2 1.18, the minimum size for a septic tank for 4 persons is 2,700 litres, which should be increased by 180 litres per person. This proposal and all of the New Row residences that drain into the tank equates to approximately 55-60 persons; 19,200 litres provides for 95 persons according to Building Regulations Approved Document H2.

Therefore on the basis of the above information, and whilst I am mindful of the points of objection raised by the nearby neighbours, the proposal represents an appropriate form of development that would not result in visual detriment to the surrounding area, it would have no significant or adverse impact on the residential amenity of the occupiers of the adjacent properties and nor would its use have an adverse impact on highway safety, and the application is recommended accordingly.

## SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate form of development that would not result in visual detriment to the surrounding area, it would have no significant or adverse impact on the residential amenity of the occupiers of the adjacent properties 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 reference no's 2597-01, 2597-02, 2295-02 Rev.B, 2295-03 Rev. A, 2295-04 Rev. A and 2295-5.

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

3. This permission shall be implemented in accordance with the proposal as amended by letter and plan received on the 23 August 2012.

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

4. In the event that any bats are found or disturbed during any part of the development/roofing work, all work shall cease until further advice has been sought from a licensed ecologist.

REASON: To ensure that no adverse effects on the favourable conservation status of a bat population, and in order to protect the bat population from damaging activities and reduce or remove the impact of development.

5. 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 in accordance with Policies G1 and H2 of the Ribble Valley Districtwide Local Plan.

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

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

#### INFORMATIVES

1. 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.

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

APPLICATION NO: 3/2012/0335/P & 3/2012/0336/P (GRID REF: SD 370624 435190)  
PROPOSED APPLICATION FOR DISCHARGE OF A UNILATERAL UNDERTAKING RELATING TO CONDITION NO 12 OF PLANNING PERMISSION 3/2007/0029/P AND APPLICATION FOR REMOVAL OF CONDITION NO 12 OF PLANNING PERMISSION 3/2007/0029/P AT NORTHCOTE STUD, NORTHCOTE ROAD, LANGHO

PARISH COUNCIL: Object to both applications for the following reasons:

1. The applications would result in a significant increase in traffic using Northcote Road. The Parish Council has written on a number of occasions to express concerns about the volume and speed of traffic on what is essentially a country lane. There is already increased traffic from the football club and Blackburn Rovers Academy.
2. There is limited parking for the existing facilities situated on this road.
3. There are already existing equestrian facilities in this area. Therefore another similar facility is unnecessary.
4. The Parish Council also have concerns about the two dwellings that have been built and are being lived in on site.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Comments that he is pleased to note that efforts have been made in conjunction with the neighbouring football club to improve the situation regarding parking on Northcote Road. Provided therefore that the number of 'events' held, competitive or otherwise, remains broadly similar with a suitable condition attached to any consent granted raises no objections are raised to these applications.

ADDITIONAL  
REPRESENTATIONS:

An objection has been received to these applications from the neighbouring commercial premises and Members are referred to the file for full details of the representations made which can be summarised as follows:

1. Neither the traffic statement nor the noise assessment give full and proper consideration to the impact of the proposal on Northcote Manor.
2. The submission is not clear how the applicant would operate competitions, gymkhanas etc and how frequently they would occur – no suggested condition on number of events, hours of operation or noise levels

(other than for a public address system) have been made.

3. The potential increase in traffic movements is considered to have a harmful effect on highway safety.
4. Question the robustness of the acoustic survey – no assessment has been made of the impact of the proposal upon the external amenity areas of Northcote Manor.

In relation to the supplementary information submitted by the applicant, comment that this makes a number of assumptions or suggest that the stud would not operate any differently. However the measures proposed in terms of limiting the number of events to 120 (an increase) would have the potential to harm the peaceful character of the surrounding area and thus the objection to this development remains.

### **Proposal**

Consent is sought for the discharge of a unilateral undertaking dated 20 March 2007 in connection with planning permission 3/2007/0029/P and for the removal of condition 12 attached to that consent. The intention of both applications is to secure the necessary approvals in order that the indoor and outdoor arenas at Northcote Stud can be used for competitive events as currently they are prohibited by a restriction in the aforementioned Legal Agreement. Condition 12 of the previous consent requires the 2007 planning permission to be implemented in accordance with the unilateral undertaking.

The unilateral undertaking contains the following restrictions (at paragraph 2 of the schedule):

- *Not to allow the indoor and outdoor riding arenas, the subject of the development, to be used for competitive events, gymkhanas or other such events other than internal activities using the centre's own residential horses and pupils.*
- *Not to allow the new managers dwellinghouses the subject of the development, to be occupied until such time as the riding facilities have been completed and are fully operational.*

### **Site Location**

The site is located in open countryside on Northcote Road. The outdoor arena is approximately 200m to the north of Northcote Manor with the junction of the A59 approximately 300m from the access into the site. To the west of the site are the football pitches used by Langho Football Club (Langho FC) and a recently constructed building used for stabling.

### **Relevant History**

3/2010/0157/P – Proposed relaxation of a Section 106 Agreement to allow indoor and outdoor riding arenas to be used for competitive events, gymkhanas or other such events. Refused.

3/2007/0029/P – Revised application for riding centre, access, car parking and associated works. Approved with conditions.

3/2004/0750/P – Riding centre and managers dwelling. Approved with conditions.

3/2001/0565/P – Riding centre, managers dwelling, new access and car park. Refused.

3/1998/0622/P – Riding centre, managers dwelling, new access and car park. Approved with conditions.

3/1994/0107/P - Riding centre, managers dwelling, new access and car park. Approved with conditions.

3/1990/0804/P – Outline application for riding arena, stables and dwelling. Refused.

3/1989/0544/P – Outline application for riding arena, stables and dwelling. Refused – dismissed on appeal.

### **Relevant Policies**

Policy G1 - Development Control.

Policy RT1 - General Recreation and Tourism Policy.

Policy RDF2 – Rural Areas. Regional Spatial Strategy to 2021.

National Planning Policy Framework (NPPF).

Core Strategy Regulation 19 Consultation Document.

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

The key issues in relation to this application are firstly whether the proposal would lead to any significant detriment to highway safety (which is the stated reason for the condition and accompanying unilateral undertaking on the planning decision notice) and secondly the impact on the adjacent premises through potential noise disturbance.

As Members will see from the planning history there is a protracted list of applications associated with this site and its development as a riding centre with manager's dwelling including a dismissed planning appeal. When the appeal was dismissed, it was purely on highway safety grounds as indeed was the case for the application submitted under 3/1990/0804/P. In order to secure consent under 3/1994/0107/P a legal agreement was submitted to limit the use of the facilities thereby preventing competitive events at the site and this was considered to satisfactorily address the previous highway concerns. Subsequent applications have been accompanied by the same agreement with the applicant now stating that since the site became operational in June 2008 it has become clear to them that there is no justification not to allow competition to take place at their site. The inability to hold competitions is they say undermining the viability of the business on site.

In order to assist in the determination of these applications, the applicant has, in their planning policy compliance statement, provided an explanation of the current operations undertaken at Northcote Stud as follows.

The centre offers a broad range of facilities including a 60m x 30m indoor school and a 60m x 60m outdoor school specially adapted for all weather conditions. In addition the centre has a

full set of professional show jumps, dressage boards, stables and secure individual tack room. The centre provides stabling for the applicants own horses and commercial livery. It also plays host to a number of training events. Since June 2009 the applicant has been running regular training days for dressage and show jumping and these events cover a range of ages, skills and disciplines within dressage and show jumping. The premises are also rented out for a number of outside groups including the Pony Club and riding clubs. These events are non-competitive and thus the applicant cannot charge an entry fee that will make the business viable in the medium to long-term. An increased revenue, it is claimed, will mean there are funds available to potentially create up to 10 additional part-time employment opportunities.

In specifics the current operations are summarised by the applicant as:

- *Generally two events held by Northcote Stud each week (104 per calendar year).*
- *There are two event types (usually one of each held per week) dressage training and show jumping.*
- *Hours of operation tend to take place between 12pm and 8pm.*
- *Approximately 150 people attracted to each event spread throughout the day over an 8 hour period.*
- *Each event attracts up to 50 horse boxes (majority under 7.5 tonne).*
- *The internal site layout allows vehicle traffic to route around both arenas if required as well as having adequate drop off/pick up and turning facilities within the curtilage for circa 100 cars, trailers and horse boxes.*

Against this background of how the site currently operates it is now necessary to consider the potential implications of the relaxations governing the use of the site and resultant issues identified in respect of highway safety and amenity of the adjacent business in terms of potential noise nuisance.

Turning to matters of highway safety first it is important to have regard to the observations of the County Surveyor.

It is clear from the observations given above that subject to suitable conditions being imposed on any consent granted the highway engineer is satisfied that there would be no significant detriment to highway safety were the Stud to be allowed to hold competitive events. The County Surveyor has seen the objections raised by the adjacent property in reaching this conclusion and been aware of the condition suggested by the applicant regarding limiting the number of days in any one calendar year for this purpose. On the basis of these observations I must conclude that, notwithstanding concerns raised, this matter has been satisfactorily addressed within the submission documents.

In respect of potential disturbance to the neighbouring commercial business, comments were sought from one of the Council's Environmental Health Officers in relation to the scheme as originally submitted. He reviewed the noise assessment submitted in support of this application and the letter of objection and whilst he could not comment on the validity of the traffic assessment, providing LCC were happy with the assessment, he stated that it is unlikely for

there to be any increase in noise from the additional traffic movements. In relation to public address system, he commented that it would be appropriate to reduce the noise level of the PA system to ensure that the boundary noise levels are not excessive and therefore not affect the amenity of the area. It is thus suggested that a condition be imposed restricting the PA system noise levels at the boundary of the property between Northcote Stud and Northcote Manor. Furthermore he considers the use of the PA system should be restricted, except for emergencies, to the hours of 0900 to 1900 on any day. Therefore whilst it is acknowledged that the use of the site for competitive events may lead to an increase in noise over and above the impact already experienced, subject to the imposition of conditions it is considered that notwithstanding the concerns raised by Northcote Manor there would be no significant increase in noise disturbance to the Manor buildings.

The Parish Council raise concerns about the dwellings that have been built on site. Application 3/2012/0335/P seeks to discharge the unilateral undertaking covering the site and this does have a clause regarding occupation of the manager's dwellinghouse being phased with the construction of the overall facilities. Members should note that control remains over the occupancy of the manager's dwelling by a condition on the planning approval (at the moment 3/2007/0029/P but should consent be forthcoming here, 3/2012/0336/P) that restricts occupancy to persons solely or mainly employed in the equestrian centre.

Therefore having carefully considered the above I am of the opinion that the use of Northcote Stud for competitive events would not prove significantly detrimental to either highway safety or to the amenities of the surrounding land uses. In reaching this conclusion, I am mindful that appropriately worded conditions need to be imposed on any consent granted to give the LPA appropriate mechanisms to control use of the premises hereby detailed. Thus these two applications are brought forward together for consideration to Members as 3/2012/0335/P would remove the legal agreement in place to limit usage of the site and 3/2012/0336/P would afford the Council opportunity to impose conditions on the application premises to limit the extent of future activities. Subject to the conditions on the latter consent being imposed, I recommend accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

**RECOMMENDATION 1:** That application 3/2012/0335/P be DEFERRED AND DELEGATED to the Director of Community Services for approval subject to a Deed of Release

**RECOMMENDATION 2:** That application 3/2012/0336/P be APPROVED subject to the following conditions.

1. The use of Northcote Stud (the application site) for the purposes of holding competitive events shall be limited to no more than 120 days in total in any calendar year.

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

2. Within 1 month of the date of this decision, details of the proposed tannoy/PA system to be installed, including details of the location of any speakers, shall be submitted to and approved in writing by the Local Planning Authority. It shall only be this approved system

that is used for the purposes of public address/announcement/playing of music or any other sound, unless otherwise agreed in writing by the Local Planning Authority.

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

3. The system approved in condition 2 above shall only be used between the hours of 9am and 7pm unless otherwise agreed in writing by the Local Planning Authority.

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

4. Any noise emitted from the tannoy/PA system, as approved under condition 2, shall be restricted to the measured and reported background noise levels at each octave (as identified in the submitted Noise Impact Assessment accompanying this application dated April 2012) at the boundary of the property between Northcote Stud (the application site) and Northcote Manor

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

5. The occupation of the dwelling shall be limited to persons solely or mainly employed in the equestrian centre on site.

REASON: Since the Local Planning Authority would not normally grant permission for a dwelling in such a location without specific justification and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. No more than 25 of the stables shall be used for commercial livery purposes.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Development Order) 1998, there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter any building, wall, fence, hedge, tree, shrub or other device which will obstruct the view above a plane 1m above the ground level of the adjoining highway. The piece of land affected by this condition shall be that part of the site in front of a line drawn from the point 2.4m along the centre line of the access and the continuation of the near edge of the carriageway some 160m in a northerly direction and 120m in a southerly direction along Northcote Road from the intersection of the centre line of the access point.

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

8. There shall be no external lighting at the paddock area unless otherwise agreed in writing by the Local Planning Authority as low lighting units.

REASON: In order to minimise light pollution and comply with Policies G1 and G8 of the Districtwide Local Plan.

9. Prior to being discharged into any watercourse, surface water, sewer or soakaway system or surface water drainage and parking areas shall be sealed through trapped gullies with an overall capacity compatible with the site being drained.

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

10. The proposed landscaping scheme submitted under drawing 06/963/003 in respect of tree planting shall be implemented at a timescale to be agreed by the Local Planning Authority. The landscaping 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 replacement of any tree or shrub which is removed or dies or is seriously damaged or becomes seriously diseased by a species of a similar size than that originally planted.

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

APPLICATION NO: 3/2012/0420/P (GRID REF: SD 374206 440894)  
PROPOSED OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT ON LAND  
NORTH AND WEST OF LITTLEMOOR, CLITHEROE

TOWN COUNCIL:

Object for the following reasons:

1. The site is identified in the Districtwide Local Plan as G6 Land (Open Space).
2. Extra traffic that will be generated if the development goes ahead will use Littlemoor Road and this will introduce traffic safety problems at the narrow junction of Littlemoor Road with Whalley Road.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Has no objections in principle to this outline proposal on highway grounds and offers the following detailed observations on this Outline Planning Application with all matters reserved for future determination except for the means of access.

Access from Littlemoor Road

The initial design contained in Drawing 9W7186 SK016 Revision A, 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 at this location has to be viewed with caution as the carriageway

meanders through bends where there are accesses to existing properties and the footway provision is unbroken.

However, the development is for a total of 49 properties and the impact of the anticipated additional traffic will be relatively low. The traffic modeling results indicate an additional 17 vehicles during the peak hour.

The initial access design indicates that visibility splays of 2.4m by 43m can be achieved from the site onto Littlemoor Road. I am satisfied that this is a suitable provision and that it can be achieved in this instance. In addition, the recent implementation of a 20mph Speed Limit on Littlemoor Road will assist with compliance.

#### Highway Safety

There have been no reported collisions involving personal injury during the last five years, 28 February 2007 to 1 March 2012 on Littlemoor Road from its junction with Whalley Road through to Copperfield Close.

No additional off-site highway works are recommended 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.

#### Provision of Footways

There is intermittent footway provision along Littlemoor Road and it is not the intention to require the applicant to provide comprehensive new off-site footway provisions.

There is a proposed footway link within the site providing a continuous route from Littlemoor Road through to Park Road.

A sum of £10,000 is requested to enable this link to be completed.

#### PROW

There are no Public Rights of Way within or bordering this site.

#### Public Transport

There are existing scheduled service stops operating along Whalley Road and further to the east on Littlemoor Road. However, these facilities could realistically be enhanced and improved to attract additional passengers and reduce the reliance of the site on journeys by private vehicle.

A sum of £20,000 is requested to meet this need.

#### Cycling

There is 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. A contribution to the proposed 20mph Speed Limit on Littlemoor Road has previously been discussed, but this matter has already been progressed by Lancashire County Council as part of its ongoing programme of works.

#### Committed Development

There are two committed developments on the old Barkers Nursery site (3/10/0550 and 3/10/0236) that will have a potential impact on highway activity in this vicinity.

#### Standard Conditions

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

#### S106 Agreement

The following items should be included in any subsequent S106 agreement:-

- a. The provision of two enhanced and improved bus stop facilities on Whalley Road and/or Littlemoor Road at an estimated cost of £20,000.
- b. The provision of a new footway within the site to provide a continuous link from Littlemoor Road through to Whalley Road, via Park Road. The cost of completion of this work is estimated at £10,000.

In addition, there is a section of footway within the adopted highway, at present poorly defined, to the east side of Littlemoor Road across the entrance to Numbers 7 and 15. This link must be reinstated to a suitable standard, with the existing materials, including some cobbles, removed. This will have no impact on the available width of Littlemoor Road.

LANCASHIRE COUNTY  
COUNCIL (PLANNING  
CONTRIBUTIONS):

The Planning Contribution request for Lancashire County Council Services based upon the Policy Paper 'Planning Obligations in Lancashire' is as follows:

## **Transport**

The application is being assessed by the transport team.

## **Education**

This consultation response seeks to draw the Council's attention to impacts associated with this development and proposes mitigation for these impacts through a planning obligation. The contribution described is directly linked to the development described and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development.

The latest information available at the time of this assessment (11 June 2012) was based upon the 2012 annual pupil census and resulting projections.

Based upon the latest assessment, LCC would be seeking a contribution for 17 primary school places with the detailed breakdown of the assessment as follows:

Development details 49 dwellings  
Primary place requirement: 17 places  
Secondary place requirement: 12 places

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

ST JAMES' CHURCH OF ENGLAND PRIMARY CLITHEROE  
ST MICHAEL AND ST JOHN'S RC PRIMARY CLITHEROE  
CLITHEROE EDISFORD PRIMARY SCHOOL  
CLITHEROE BROOKSIDE PRIMARY SCHOOL  
CLITHEROE PENDLE PRIMARY SCHOOL  
BARROW PRIMARY SCHOOL  
WADDINGTON & WEST BRADFORD C O F E VA PRIMARY

Projected places in 5 years: -7

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

RIBBLESDALE HIGH SCHOOL/TECHNOLOGY COLLEGE  
CLITHEROE GRAMMAR ACADEMY

Projected places in 5 years: 62

## **Education requirement:**

### Primary

*Latest projections*<sup>1</sup> for the local primary schools show there to be a shortfall of 7 places in 5 years' time, the shortfall will occur without the impact from this development. 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. 17 places.

### Secondary

*Latest projections*<sup>1</sup> for the local secondary schools show there to be approximately 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 a number of planning applications have already been approved in this area and these have an effect upon the places available.

These developments are:

- Barkers Garden Centre
- Former Cobden Mill

Therefore, the number of remaining places would be 62 less 19 = 43 places. With an expected pupil yield of 12 pupils from this development, it is expected that there would be sufficient places.

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

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

- Land of Milton Avenue
- Woone Lane
- Site 2 Barrow Brook Business Village
- Lawsonsteads
- Victoria Mill

**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 70 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 2012 annual pupil census and resulting projections.

Based upon the latest assessment, LCC would be seeking a contribution for 17 primary school places.

Calculated at 2012 rates, this would result in a 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  
 £11,635.65 x 17 places = £197,806

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

Calculated at 2012 rates, this would result in a maximum secondary 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  
 £17,532.74 x 12 places = £210,393

*1 Latest projections produced at spring 2012, based upon Annual Pupil Census January 2012.*

ENVIRONMENT AGENCY: Have no objection in principle to the proposed development subject to the inclusion of conditions.

UNITED UTILITIES: In their initial response dated 10 August 2012 object to the application pending the submission of additional information including the need for a Load and Flow Impact Assessment, preferred discharge points and proposed rates of flow for each discharge point so that United Utilities could determine the full impact the development would have on their assets.

ADDITIONAL REPRESENTATIONS: 18 letters of objection have been received. Members are referred to the file for full details which can be summarised as follows:

1. Concerns over the inadequate provision for access to the site through the Whalley Road/Littlemoor junction in particular:
  - *the existing Whalley Road/Littlemoor junction/initial length of Littlemoor has a substandard layout which constrains traffic movements and impacts on the safe and free flow of traffic;*
  - *the proposed development would add to traffic flows on Littlemoor and through the junction thereby exacerbating the highway dangers;*
  - *the proposal makes no provision for improvement of the junction and Littlemoor and on that basis should be refused planning permission.*
2. Concerns regarding the capacity of infrastructure provision to support additional residential development – water/waste water, hospital, GP's, schools, leisure, car parks within the town.
3. The proposed access faces an area where there is no safe pedestrian walkway and thus with increased traffic it will increase the danger for pedestrians.
4. Impact on residential amenity through the construction process in terms of noise and dirt.
5. The site is designated as Essential Open Space (G6) in the Districtwide Local Plan. There appears to be an assumption that this designation need not be considered relevant any longer for this site, however the site is worthy of retention as open space to prevent coalescence in the area.
6. The site acts as an essential buffer in maintaining the character of the Grade II listed buildings adjacent to the site. The development would harm the setting of these buildings.

7. Concerns regarding wildlife, trees hedgerow retention/protection.
8. Loss of view.
9. Devaluation of property.
10. Loss of light.

### **Proposal**

This is an outline application for up to 49 dwellings with associated roads, open space, landscaping and related elements. All matters are reserved for future submission with the exception of the proposed means of access.

A single point of vehicular access is shown into the site from Littlemoor at a point just to the east of the existing field gate. Two additional pedestrian/cycle access points are shown on the illustrative master plan – one towards the eastern end the Littlemoor frontage to link into the footpath that runs down the site boundary and a second to the north end of the site adjacent to Littlemoor View. A parking area is shown to the eastern corner of the site (adjacent to the Rugby field) to serve residents of the houses on the opposite side of Littlemoor.

The 49 dwellings are shown to consist of 8 bungalows, 31 semi-detached/terraced houses and 10 detached houses offering a range of 2-4 bed accommodation. An area of open space is shown adjacent to the Rugby field.

### **Site Location**

The site is approximately 1.75 hectare of grazing land within the identified settlement boundary of Clitheroe. It is bounded to the south-east by Littlemoor, to the north-east by playing fields and the residential development of Copperfield Close, Littlemoor View and the back of properties fronting Whalley Road (including a petrol filling station) to the west and the former Barkers Nursery site and residential properties to the south. The land is designated as essential open space (saved Policy G6) in the Ribble Valley Districtwide Local Plan. There are listed buildings (grade II) fronting Littlemoor in the immediate vicinity of the site.

### **Relevant History**

None.

### **Relevant Policies**

Policy G1 - Development Control.  
Policy G2 - Settlement Strategy.  
Policy G6 - Essential Open Space.  
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.  
Addressing Housing Needs.  
Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 19 Consultation Draft.  
Policy DP1 – Spatial Principles. North West of England Regional Spatial Strategy to 2021.  
Policy DP2 – Promote Sustainable Communities North West of England Regional Spatial Strategy to 2021.  
Policy DP7 – Promote Environmental Quality North West of England Regional Spatial Strategy to 2021.  
Policy L1 – Health, Sport, Recreation, Cultural and Education Services North West of England Regional Spatial Strategy to 2021.  
Policy L4 – Regional Housing Provision North West of England Regional Spatial Strategy to 2021.  
Policy L5 – Affordable Housing North West of England Regional Spatial Strategy to 2021.  
National Planning Policy Framework.  
Technical Guidance to the National Planning Policy Framework.

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

The matters for consideration in the determination of this application are the principle of development, highway safety, nature conservation 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 starting point in relation to policy principles is the development plan. This has two elements, the RS (whilst soon to be abolished remains extant) and the Districtwide Local Plan – Saved Policies. The policies of the recently published NPPF must then be considered with a judgement being made in relation to the weight of the key material considerations.

The RS provides a position in relation to the housing requirements, affordable housing and the broad focus of development. Primarily, Policy L4 and L5 are significant policies in this case.

For decision making purposes, the Council has adopted the RS housing requirement pending its review through the preparation of the Core Strategy. The RS requirements plans for some 161 units per year against which the Council can demonstrate a 5.82 year supply at present. The Core Strategy seeks to plan for 200 units per year, however the scale of requirement has been subject to significant and extensive objections that remain to be resolved through the examination process and at this time, the Council attaches less weight to this element of the Core Strategy. The Council cannot however demonstrate a five year supply against this requirement. It should be borne in mind that whilst a five year supply can be demonstrated against the RS requirement, this is not a maximum or ceiling and development needs to be considered against the principles established in NPPF around the presumption in favour of sustainable development.

In terms of the saved Local Plan policies, in general terms the proposal site is within the existing settlement boundary and is located in a settlement where development would be directed. In that regard, it is consistent with the Local Plan, however the Plan does seek to restrict development on open land greater than 1 hectare. The site also falls under the designation of

essential open space (Policy G6) which although a saved policy, is not carried forward in the submission Core Strategy.

A number of representations have been made to the Core Strategy in relation to the need to designate essential open space. These objections focus on a particular issue in Longridge, but as yet are not resolved and will be considered as part of the examination process. In terms of quantity, a similar number of representations also relating to Longridge support the Council's approach to Policy G6. If we look at the extent of the objections as required by the transitional arrangements of NPPF in order to assign relevant weight, this highlights a number of aspects.

The objections relating to essential open space are focused around specific areas in Longridge and a desire to include private gardens within an open space designation. In response it is noted that other policies exist to protect the aspects raised as concerns. In general, there is not a significant weight of objections to the Council's approach in the Core Strategy but they are unresolved objections. The Council's Head of Regeneration and Housing does not consider that the level of objections outweighs the position with the G6 designation that it is considered out of date and by virtue of the Core Strategy, has been reviewed and not carried forward in the form that exists in the saved Local Plan policy. He therefore considers less weight should be attached to this policy. Similarly, the settlement strategy in the Districtwide Local Plan as a principle, is considered out of date in relation to both settlement boundaries and the development constraints that are set out. This is because that plan which was formed in the early 1990s and premised upon the relevant Lancashire Structure Plan policies applicable at that time, was established to control development, including housing growth against the strategic framework existing at that time. The adopted Local Plan (adopted 1990) had its strategic basis superseded by the Regional Strategy in 2008 and has been the subject to a review process as a consequence of the Core Strategy and with the Council's current position reflected in the submission Core Strategy. For these reasons it is considered that the development principles, including the application of Policy G6 must be considered out of date. That is not to say that the consideration of the impact of the development upon visual amenity, character of the area and impact upon relevant heritage assets should not be considered. However, the underlying principle of development falls now to be determined against the NPPF.

NPPF emphasises the need to base decisions on the development plan, unless material considerations indicate otherwise. The NPPF is clearly a material consideration as up to date national planning policy. The most significant material consideration is that of the presumption in favour of sustainable development. NPPF at paragraph 49 also highlights that housing applications should be considered in the context of that presumption.

The presumption confirms that where the relevant policies of a development plan is considered out of date, permission be granted unless:

Any adverse impacts of doing so would *significantly* (my emphasis) and *demonstrably* (my emphasis) outweigh the benefits when assessed against the policies of the framework.

The site is considered to be in a sustainable location, would contribute to the supply of housing including affordable provision and market choice. It would be consistent with the policies of NPPF to proactively drive and support economic growth. The impact upon overall housing supply and development strategy would not be so significant to the overall provision to cause harm to the submission Core Strategy and consequently overall is not considered to either significantly or demonstrably outweigh the benefits listed above as a matter of principle.

The development of the site in principle would therefore accord with the presumption in favour of sustainable development and is consequently consistent with the provisions of NPPF which has relevant material consideration, given the view that relevant policies of the development plan are out of date lead to a conclusion that permission should be granted. However, there are other material considerations that would need to be satisfied in relation to the application as a whole and these are examined within the remainder of this report.

### 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 document entitled Addressing Housing Needs.

The scheme is submitted with 30% of the site being offered as affordable units. The initial offer made was that 15 units in total be provided with a split of 7 shared ownership ( 2 x bungalows & 5 x 2 or 3 bedroom houses) and 8 as affordable rented housing (2 x bungalows & 6 x 2 or 3 bedroom houses)

The scheme has been considered by the Strategic Housing Working Group and revisions sought to the submitted agreement.

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.

The Transport Assessment (TA) submitted in support of this application does make reference to the committed development on the former Barkers Nursery site but in terms of potential highway impacts assesses these on the basis of the existing layout remaining in place until 2013. The County Surveyor has studied the TA and does not dispute the conclusions reached therein which state that the Whalley Road/Littlemoor junction is considered acceptable in operational terms for this scale of development.

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 to upgrade 2 bus stops on Whalley Road and to enhance the footway connection to Park Street. On the basis of securing these, notwithstanding the concerns raised, there is no objection raised to this scheme on highway safety grounds.

### 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 (POS) or for the developer to provide a contribution towards sport and recreational facilities within the area where the overall level of supply is inadequate.

The site layout provides for an area of public open space adjacent to the rugby pitch at a location adjacent to the entrance into the site and this area comprises both an element of public open space and car parking for the benefit of existing properties along Littlemoor. After having discussed the area of land set aside for this use with the Council's Head of Cultural and Leisure Services it was concluded that the area was not sufficient for the number of houses proposed. Negotiations with the applicant have resulted in the approach to this site in terms of POS being a mix of some on site provision and a commuted sum to be used towards improving facilities elsewhere within the town. The basis for calculating the off site contribution has been to exclude the over 55 yrs bungalows and say that the small area of open space on site would meet that particular need. The accompanying legal agreement sets out that the area of on site POS would be maintained by the developer for a period of one year with after which arrangements will be made to provide for future maintenance ie be privately managed.

In terms of the total sum of money to be paid for off site works the applicant's agent has agreed to the sum of £32,021 (based on a calculation used at Barrow Brook phases 1 and 2 and applied to properties for the under 55yrs). The Council's Head of Cultural and Leisure Services will make an assessment as to how this will be apportioned between the town's existing facilities to ensure that needs are met across different age ranges within a suitable distance of the site. He has recently undertaken an audit of such facilities and will use that information to finalise such details within the Section 106 Agreement should Committee be minded to approve the application.

Having regard to all the above I am of the opinion that the requirements of Policy RT8 of the plan have been met in respect of this scheme by a combination of on site and off site contributions towards open space provision.

#### 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 water/wastewater 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. The Environment Agency are satisfied with the assessment submitted and have requested a condition to require the development be carried out in accordance with the mitigation measures identified within that report regarding limiting surface water run off. United Utilities objected to the application pending submission of additional information in order that they could determine the full impact which this development would have on their assets given that recent investigations had confirmed that the sewer network serving the area is nearing capacity. It is understood that the applicant has carried out the additional survey work and is liaising direct with United Utilities in order to satisfy their concerns.

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 £197,806 towards primary places but with no contribution towards secondary provision. The applicants are fully aware of the contribution sought and accept the principle of making payments to reflect the legitimate education requirements of this scheme and to this end are seeking confirmation from LCC regarding this matter. The latest draft version of the Section 106 Agreement includes provision for a sum of money, as yet not agreed, to cover this request but the applicant has advised that until they

receive further clarification on the methodology underlying the calculation for the potential financial contribution they are not in a position to agree the actual sum of money requested by LCC. It is hoped this matter will be resolved prior to Committee.

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

As stated previously, this is a greenfield site and the application has been submitted with an Ecological Survey and Assessment – the scope of which includes an Extended Phase 1 Habitat Survey and Assessment. The site comprises improved grassland grazed by cattle. There are areas of boundary hedgerow and trees and whilst these are assessed as not being of high ecological value they are likely to support breeding birds and possibly roosting bats. The survey identifies that the key ecological impacts of the development will include potential impacts to nesting birds and roosting bats within trees, hedgerows and scrub. 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 and on the basis of the information provided to date, the scheme is not considered at this stage to significantly affect the established trees bordering the site. Members will note that should they be minded to approve the application conditions are suggested in this respect to seek further clarification on this matter to ensure that adequate protection zones are provided to all established trees. Should there prove to be issues when such details are provided then the layout may need minor revisions to take account of those matters. As Members will be aware the layout is an indicative layout at this stage and the submission of reserved matters would allow for the minor repositioning of dwellings – this is reflected in the suggested conditions.

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

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 roughly three quarters of its site boundaries with the site access and parking and area of public open space to the eastern corner. The layout proposed with these open areas along the Littlemoor frontage provide a green buffer between the built part of the site and grade II listed buildings. In visual terms I am mindful of the site's relationship with the aforementioned listed structures and this has been raised by a number of objectors. Thus the Council's Design and Conservation Officer has offered comments on the Heritage Assessment submitted in relation to this application as follows:

*Despite nearby encroachment, a visitor to Littlemoor is suddenly given the impression of being within an isolated rural hamlet. The twists and turns of the road provide continuously interesting and changing views which end upon the former Littlemoor Mill to the south and the hill top barn to the east. Views of Whalley Road, St James Church and Clitheroe Castle are marred by modern development to some degree but compliment the experience. This character and appearance is also evident in views from the public footpath on the hill top to the east – an*

*historic barn in the foreground, Littlemoor in the middle distance and Longridge Fell and Parlick Pike as backdrop.*

*In my opinion, the building of a housing estate will be incongruous and very harmful to the historic agricultural setting and significance of the listed buildings and is thus contrary to Policies ENV19 and G1 of the Local Plan. In respect to ENV19(v) there would not appear to be a substantial (or any) enhancement of the environment; whilst there will be welcome immediate economic benefit from construction I am not convinced that this can be considered to be substantial, of direct benefit to the community or of such a magnitude to outweigh the harm to designated heritage assets of national importance.*

National guidance contained within NPPF specifically chapter 12 details conserving and enhancing the historic environment. Paragraph 131 provides advice when determining planning applications noting that LPAs should take account of

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

Paragraph 132 provides more advice when considering the impacts 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, or total loss of significance of a designated heritage asset, LPAs should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

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 proposal 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 heritage asset and therefore enhances our enjoyment of it and 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 will 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 Clitheroe.

**Social Role** – the provision of land for housing to meet the needs for 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.

**Environmental Role** – development should contribute to protecting and enhancing the natural, built and historic environment and it is this latter respect that due regard needs to be given to the level of harm or loss of significance to a heritage asset and then weighing any harm against

public benefits of the proposal. 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 presumption in favour of sustainable development advocated in NPPF unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of an assessed in the context of the policies in the framework.

In terms of assessing this scheme against the saved Local Plan policies in respect of heritage, it is important to have regard to Policy ENV19 which concerns itself with the development proposals on sites within the setting of listed buildings. It advises that proposals which cause harm to the setting of the building will be resisted and offers a number of factors to take into account including the desirability of preserving the setting, the effect of the proposed development on the character of the listed building and the contribution which the listed building makes to the townscape or countryside and extent to which the proposal would bring substantial benefits to the community including economic benefits and enhancement of the environment. It comments the setting may be limited to ancillary land, but may often include land some distance away from it.

As Members can see, there is thus a judgement to be made between the need to protect designated heritage assets and the wider benefit to be gained from allowing a development of this nature to proceed. I have outlined the three elements of sustainable development above and do conclude that this scheme would accord with those provisions. After careful consideration in this respect, and having regard to the duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is concluded that the layout put forward on the illustrative Masterplan has been design to conserve heritage assets in the manner appropriate to their significance. A green buffer is provided on the road frontage to the site and the overall layout and design details of the proposal are available at this outline stage do, in my opinion, have regard to the setting and significance of this group of buildings.

In respect of scale parameters the height limits of a maximum of 9m for 2.5 storey properties and 6m for 1.5 storey units 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. These do however enable a judgement to be made on relationship with adjoining properties to the development site at this time.

Therefore, having carefully considered the scheme as put forward I am of the opinion that in respect of visual amenity there would be no significant detriment to be caused to the visual qualities of the area were this development to proceed.

### 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 and the garage forecourt and service station that fronts onto Whalley Road.

To the east of the site is the rugby pitch with residential development to the north east (Copperfield Close), Little Moor View to the north west and a petrol filling station to the west of

the site. To the south and south east there is also residential development. 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 in terms of distances between facing properties within the site I consider there to be sufficient distance between built form so as not to have a detrimental impact in terms of overlooking/overbearing/cramped nature of development.

Due to the location of the petrol filling station and its car wash facilities immediately adjacent to the western site boundary a noise impact assessment has been submitted in support of the application in order to assess the specifics of that relationship. That has been assessed by colleagues in the Environmental Health section with the conclusion reached that suitable mitigation measures can be provided within the construction of the new dwellings in order to address any potential adverse impacts from that commercial activity on new residential accommodation.

Turning to properties on Little Moor View this is a terrace of properties that lie to the east of the site which front onto the proposed development. The indicative masterplan shows 3 bungalows in this part of the overall site. Approximate distances between residential accommodation is shown as 20m and in relation to properties on Copperfield Close approximately 24m. In respect of other properties bordering the site I consider separation distances acceptable. 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.

Comments have been received about loss of light and loss of view. The distances between respective built form has already been referred to and I do not consider that any adjacent properties would suffer any significant detriment from potential loss of light or overbearing/oppressive nature of development were this scheme to proceed. In terms of loss of view Members will be aware that there is no right to a view. The important consideration here is view in the context of the setting of the listed buildings that are adjacent to the site and this has been discussed elsewhere within this report.

### Section 106 Agreement

The applicant has submitted a draft Legal Agreement that covers matters of affordable housing provision, highways contributions, public open space and education. 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.
- 7 of the units shall be shared ownership properties.
- 8 of the units shall be affordable rental properties.

#### 2. Education

- A sum of £'xxx' to be paid in two equal instalments, the first of which being payable on the occupation of xx of the units and the remainder on completion of the scheme.

This matter is under discussion with LCC to finalise the figures.

3. Highways

- A sum of £30,000 to be paid for sustainable transport measures would be used to upgrade 2 bus stops on Whalley Road and to enhance the footway connection to Park Street.

4. Open Space Provision

- A sum of £32,021 to be paid in respect of the administration and upgrading and management of public open space within the town,
- The on site area of open space to be maintained by the developer for a period of not less than one year after which arrangements will be made to provide for future maintenance by means of a scheme to be approved by the Council.

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 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, email dated 7 September 2012 providing additional information on parameters of scale and Masterplan Drawing No SP(90)\_022 rev A.

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 in accordance with drwg 9W7186 SK016 Rev B 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 Littlemoor shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

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

6. The development permitted by this permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

7. Any application for the submission of reserved matters shall include a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area) must be shown.

The details of each tree (in a separate schedule of tree works for all the trees in the above) specifying the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection /Construction Exclusion Zone of any tree, including those on neighbouring ground, and a statement setting out the

principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure and a shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement of any works on site.

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

8. The building envelope of plots with elevations facing towards Whalley Road/Little Moor View shall be constructed so as to provide sound attenuation against external noise with windows shut in accordance with the mitigation measures outlined in section 4.3 of the submitted Noise Impact Assessment dated 16 July 2012.

REASON: In the interests of residential amenity in accordance 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. 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 -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 Districtwide Local Plan

11. Prior to commencement of any works, a detailed mitigation plan for species identified in the ecological survey and assessment dated June 2011 [April 2012] including measures for protecting breeding sites or resting places shall be submitted to and approved in writing by the local planning authority.

The measures as detailed in the approved mitigation plan shall also include details of measures to enhance the ecological and biodiversity of the site through appropriate

landscape planting and long - term management. All details shall be implemented in accordance with an agreed specified timetable and thereafter shall be permanently maintained in accordance with the approved details.

REASON: In order to reduce the impact of the development on biodiversity and safeguard the natural habitats of those species of conservation concern 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 under the requirements of condition 7 shall be protected in accordance with the BS5837 2012 [Trees in Relation to Construction] the details of which shall be agreed in writing, implemented in full, a tree protection monitoring schedule shall be agreed and tree protection measures inspected by the Local Planning Authority before any site works are begun.

The root protection zones shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

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

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

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

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

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

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

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

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

15. This outline planning permission shall be read in conjunction with the Legal Agreement dated ...

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

NOTE(S):

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserved the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Executive Director at PO Box 9, Guild House, Cross Street, Preston PR1 8RD in the first instance to ascertain the details of such an agreement and the information to be provided.
2. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.
3. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act.

APPLICATION NO: 3/2012/0497/P

(GRID REF: SD 383284 448966)

OUTLINE APPLICATION FOR THE ERECTION OF 7 NO AFFORDABLE HOUSING DWELLINGS AND 14 NO OPEN MARKET DWELLINGS AT STRAWBERRY FIELDS, MAIN STREET, GISBURN

PARISH COUNCIL:

No objections to the outline application on the understanding that precise details of the dwellings will be the subject of a future planning application if the outline permission is granted.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Initially expressed no objections to the outline application in principle subject to a number of conditions, but stated that there were a number of matters that required clarification or amendment as follows:

1. The extent of the footway provisions within the site.
2. The lack of footway provision to Unit 10.

3. The proposed extent of any proposed highway adoption.
4. The provision of a turning facility to the west of the site.
5. Details of the distribution of housing types and sizes to assist with the determination of appropriate parking provisions.

The County Surveyor confirmed that, as there are bus stops within 150m of the centre of the site that linked to scheduled services along the A59 corridor no request is made for financial contributions in this regard; that no request is made for any specific cycle provision for this development; no Traffic Regulation Orders (TRO's) are necessary in relation to this application; and that no contribution is required towards sustainable transport measures.

Amended plans were received on 16 August 2012 that have addressed all the points made by the County Surveyor. He therefore has no objections to the application as amended subject to a number of conditions.

ENVIRONMENT  
DIRECTORATE (COUNTY  
CONTRIBUTIONS):

Confirm that no requests for contributions are made in respect of Education, Children and Young People, Adult and Community Services and Environment.

ENVIRONMENT AGENCY:

Has no objections in principle to the application subject to a condition relating to remediation measures in the event that ground contamination is found during development works. The Environment Agency also advises that foul sewage from the proposed development should discharge to the existing nearby public sewer.

UNITED UTILITIES:

Has no objections to the proposals subject to conditions requiring the submission of precise drainage details for the Council's approval prior to the commencement of development; and specifying that the site must be drained on a separate system, with only foul drainage connected into the combined sewer; with surface water discharging to a soakaway or directly to a watercourse.

ADDITIONAL  
REPRESENTATIONS:

Seven letters have been received from nearby residents (one of which was signed by persons from three households) in which concerns and objections are expressed to the application as summarised below:

1. No objections to the development on the footprint of the existing premises but the houses on green field land (in particular Plots 10-14 and Plot 19) will have a serious detrimental impact on the amenities of existing dwellings.

2. Plot 10 (as originally proposed) would be overbearing, cause overshadowing and would adversely affect the privacy of adjoining houses on both sides.
3. Unit 19 would directly overlook the rear gardens of no's 1-3 End House Cottages.
4. This is not a sustainable site for housing development as it is 8 miles away from Clitheroe and 15 miles away from Burnley.
5. Increased risk of flooding to existing dwellings.
6. The application (as originally submitted) did not contain a suitable turning area at the western end of the site which would cause problems for residents served by the existing access track.
7. The proposal would result in the loss of a local business that was profitable up until its closure. This would be contrary to Policy EMP11 of the Local Plan. The development cannot therefore be considered to be sustainable if it denies the opportunity for future generations to obtain employment in the local area.
8. The loss of a retail site would be contrary to Policy S6 of the Local Plan.
9. The proposal would be contrary to numerous references to employment provision/sustainability in the Council's Draft Core Strategy.
10. There is a strong case for the retention of the site for employment use in the hospitality, retail and tourism sectors and the rejection of the application for housing. However if there is a real identified need for affordable housing in the area then the village could benefit from a mixed use on the site with a continuation of the café bar alongside the provision of a smaller number of houses.
11. Noise disturbance to local residents during construction works.
12. Reduction in property values (this is not a legitimate planning consideration).

### **Proposal**

The application seeks outline permission for a development of 21 dwellings, 14 of which would be for open market sale, and 7 would be affordable houses. The matters of access and layout

are submitted for consideration at this stage, with appearance, landscaping and scale reserved for consideration at reserved matters application stage.

The access into the site is in the position of the existing access that served the previous businesses on the site. The County Surveyor has confirmed that he has no objections to the proposed access on highway safety grounds.

The layout comprises the central access into the site which then branches to the west and east with both roads (as shown on the amended plans received 16 August 2012) terminating with a turning head. The turning head on the eastern section of the road is adjoined to the north by undeveloped agricultural land, whilst to the west, an existing private access road serving two existing dwellings would be retained and accessed off the turning head.

In the south eastern corner of the site are three pairs of semi-detached houses which will face the internal estate road with their rear gardens extending towards the A59. Between the existing Police Houses and the access road into the site is a proposed terrace of three dwellings that would also face the internal access road with their rear gardens extending towards the A59. Four of the semi-detached houses and all three of the terraced houses would be affordable.

On the north side of both legs of the internal access road there would be 7 detached two-storey houses and 2 detached bungalows. In the north eastern corner of the site, to the rear of the existing properties End House Cottages, there would be 3 detached bungalows. All properties would have appropriate garages and/or off-street parking spaces and private front and rear gardens.

### **Site Location**

The application relates to the site of the former Gisburn Diner (previously Strawberry Fields) and an additional parcel of land to the west, situated on the north side of the A59. The site is an area of approximately 0.87 hectares and is partly within and partly outside the Settlement Boundary of Gisburn.

The front part of the site is adjoined by existing dwellings, the Police Houses to the west and End House Cottages to the east. The north western corner of the site is adjoined to the west by existing dwellings that are (and will continue to be) served by a private access track. To the north the site is adjoined by a woodland and undeveloped agricultural land; and there is agricultural land to the south of the site on the opposite side of the A59.

### **Relevant History**

3/2001/0112/P – Outline application for a glasshouse. Granted conditionally.

3/2003/0856/P – Construction of new staff facilities and store facilities, new landscaping, paths, parking etc, retention of existing portakabin and three new polytunnels. Granted conditionally.

3/2004/0972/P – The siting of a portakabin to be used as temporary office accommodation. Granted conditionally.

3/3006/0976/P – The siting of a portakabin to be used as temporary office accommodation (renewal). Granted conditionally.

3/2007/0151/P – Portakabin to be used as temporary office/classroom accommodation and two steel containers for the storage of tools and equipment. Granted conditionally.

### **Relevant Policies**

Policy G1 - Development Control.  
Policy G4 - Settlement Strategy.  
Policy G5 - Settlement Strategy.  
Policy ENV3 - Development in Open Countryside.  
Policy ENV7 - Species Protection.  
Policy ENV13 - Landscape Protection.  
Policy H2 - Dwellings in the Open Countryside.  
Policy H20 - Affordable Housing - Villages and Countryside.  
Policy H21 - Affordable Housing - Information Needed.  
Policy RT8 - Open Space Provision.  
Policy EMP11 – Loss of Employment Land.  
Addressing Housing Need in Ribble Valley.  
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 and 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 July 2012, Ribble Valley can demonstrate a 5.82 year supply of housing, including a 10% allowance for slippage and 20% buffer for previous years under delivery but no detailed

site adjustments for deliverability of the sites identified when measured against the previously adopted Regional Strategy figure. In terms of the five year supply based on the emerging Core Strategy requirement, this is 4.97 years.

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 5.82 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. This application is therefore considered below within the context of the current policy situation as described above.

As previously stated, the site is partly inside the Settlement Boundary of Gisburn (and therefore covered by Policy G4 of the Local Plan) and partly outside the Settlement Boundary (and therefore subject to Policies G5 and ENV3). The frontage part of the site, that is within the Settlement Boundary, is also adjoined on both sides by existing dwellings. This part of the development could therefore be regarded as an infill site and therefore in compliance with Policy G4. The proposed development beyond the Settlement Boundary, would not fall within any of the categories of development that are defined as acceptable under Policy G5.

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.

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.

Of particular relevance to this application are paragraphs 24 and 55 of NPPF. The former states that “planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development”. The latter states that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, eg, where there are groups of smaller settlements, developments in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances”.

This proposal will provide 21 dwellings (7 of them “affordable” within the village of Gisburn. The new dwellings will help to support existing rural businesses both in the village and in the general locality.

Having carefully considered the proposal it is considered that it would satisfy the sustainability requirements of NPPF. It would also be consistent with the extant Regional Strategy and, at the scale proposed, it would not seriously conflict with the principle of the emerging Core Strategy. Members are reminded that the Core Strategy is at submission stage after both Planning and Development Committee and Full Council have resolved to submit following the Regulation 19 consultation stage. This increases the weight to be afforded to that document in the determination of planning applications.

#### Affordable Housing

The application proposes that 7 of the dwellings will be “affordable”. Within the draft Section 106 Agreement submitted with the application it is stated that shared ownership and affordable rental would be offered; but later in the draft there is reference only to 7 x 2 bed affordable rented properties.

The Council’s Strategic Housing Officer has commented on the application and has no objections subject to minor changes and considers that a minimum of 3 units should be shared ownership.

#### Highway Safety

Following the receipt of amended plans that have addressed a number of initial concerns, the County Surveyor has no objections on highway safety grounds to the proposed access into the site or to the internal road layout and parking provision.

### Public Open Space

As originally submitted, it was proposed to provide a Public Open Space (POS) area in the woodland adjoining the northern boundary of the site. The Countryside Officer did not consider this to represent an appropriate use of the woodland, and the Head of Cultural and Leisure Services commented that we would not, in any event, want on-site open space provision in this particular case but, rather, we would be seeking to negotiate a financial sum (in lieu of on-site POS provision) on behalf of the Parish Council towards the improvement/maintenance of the existing playground in the village. This requirement to be included within an appropriate Section 106 Agreement. In the submitted amended plans, the POS within the woodland has been deleted, and the agent has confirmed his client's acceptance of a requirement to pay a capital contribution towards improvement to existing Public Open Space provision elsewhere in the village in line with the Council's requirements.

The Head of Cultural and Leisure Services has subsequently stated that, in line with decisions made in relation to recent applications elsewhere, the contribution should be £781 per property (21 x £781 = £16,401). This benchmark figure has been accepted by other applicants/developers.

### Nature Conservation/Protected Species/Trees

The submitted application documents include a Bat Survey Report, an extended Phase I Habitat Survey and Ecological Evaluation and a Tree Survey/Schedule. Having considered the contents of these documents, the Council's Countryside Officer has no objections to the application subject to the imposition of appropriate conditions.

### Infrastructure Provision

Subject to appropriate conditions, neither the Environment Agency or United Utilities have expressed any objections to the proposed development. The County Council has confirmed that it is not making any requests for financial contributions towards either education provision or sustainable transport measures. There would therefore appear to be no objections to this application in respect of infrastructure provision.

### Loss of an Existing Employment Generating Site

Policy EMP11 of the Local Plan details criteria against which proposals for the conversion of or redevelopment of industrial or employment generating sites are assessed as follows:

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

The applicant's agent has stated in a letter that the former operator of the business on the site was offered a further 3 year lease but chose not to take up that offer. The agent states that, following the formal closure of the premises only one further genuine enquiry has been received from an interested party but that, regrettably, negotiations failed in terms of securing terms acceptable to both parties.

It cannot be denied as a matter of fact that developing the whole of the former Gisburn Diner site as proposed in this application would result in the loss of that existing facility. It is, however, considered important to view the application in the wider context of sustainability and the benefits to the rural economy as comprised in the up-to-date guidance of NPPF. The agent states that any financial gain from this development would be reinvested into the applicant's existing business at Ribblesdale Park Holiday Complex at which an additional 23 lodges could be provided under an extant planning permission, however, these cannot be enforced as part of this application. Any additional buildings would not be sold but would be utilised as part of the short-break partnership arrangement with Hoseasons. Irrespective of these potential benefits, the occupiers of the dwellings proposed in this application would also support existing local businesses.

It is therefore considered that the loss of the former business use of the site would be more than compensated in terms of the overall economy by the provision of the proposed 21 dwellings. It would therefore comply with NPPF which it is considered should, in any event, take precedence over the "older" Policy EMP11.

#### Layout/Scale/Visual Amenity

As previously stated, the scale of the development is considered to be appropriate for the location and a general layout is defined by the shape of the site.

The northern boundary of the site is partly screened by the existing woodland that will be retained, and indicative screen planting is shown for the rest of that boundary. Details of screen planting/landscaping would be a reserved matter in the event of this outline permission being granted.

Nine of the proposed units have their rear gardens facing the A59. Existing trees are to be retained on this southern boundary of the site, however, and further planting will be required by a condition. Subject, additionally, to appropriate boundary treatment, I do not consider that this aspect of the layout would be detrimental to visual amenity.

Overall, I can see no objections to this outline application in relation to visual amenity. The precise design and external materials of the dwellings will, of course, be agreed at reserved matters application stage.

#### Residential Amenity

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

With regards to the proposed dwellings, the layout is relatively spacious such that the separation distances between dwellings considerably exceed the usual minimum guidelines in all cases.

As originally submitted, a dwelling was proposed in the gap between number 3 Sunny Meade and number 1 Police Houses. It was considered that a dwelling in that position would have had detrimental effects upon the amenities of the occupiers of both adjoining properties (as well as resulting in a cramped layout). On the amended plans, however, there is no dwelling in that location, and a gap is retained as an open area with a footpath linking the western cul-de-sac head to the A59. Three dwellings are proposed in the north-eastern corner of the site to the

rear of End House Cottages. These dwellings, however, are all bungalows and the separation distance between the rear elevation of the existing dwellings and the side elevation of the nearest bungalow is approximately 18.5m. A belt of screen planting is also shown on the boundary between the existing dwellings and the proposed bungalow. I consider that the combination of all these elements is such that the amenities of End House Cottages are satisfactorily protected.

Overall, I consider that the submitted layout would result in a satisfactory level of amenity for the occupiers of all the proposed dwellings and the nearest existing properties.

### Section 106 Agreement Content

A draft Section 106 Agreement submitted with the application covers the matters of:

1. affordable housing provision;
2. the payment of a contribution to the County Council towards education provision;
3. the payment of a contribution to the Borough Council towards wheeled bin provision. The County Council, however, have not requested an education contribution and this Council will not require a payment towards wheeled bin provision.

The Section 106 Agreement will therefore be amended to require the provision/retention of 7 affordable units of which at least 3 shall be shared ownership – all in accordance with the Council's usual requirements.

There will also be a clause requiring the payment of £16,401 towards the improvement/maintenance of the existing playground in the village.

### Conclusion

The proposal represents sustainable development that is of an appropriate scale for the village of Gisburn. It will provide 21 dwellings (including 7 affordable units) the occupiers of which will help to support existing rural businesses; and would not have any significant detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

### SUMMARY OF REASONS FOR APPROVAL

The proposal represents sustainable development that would benefit the local rural economy whilst not having any significant detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

**RECOMMENDATION:** That the application be DEFERRED AND DELEGATED to the Director of Community Services for approval following the satisfactory completion of a Legal Agreement within a period of 6 months from the date of this decision as outlined in the Section 106 Agreement sub-heading within this report and subject to the following condition(s):

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 appearance, landscaping and scale, including a contoured site plan showing existing features, the proposed slab floor levels and road level (hereinafter 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. In relation to the matters of access and layout, the development shall be carried out in accordance with the amended plan received by the Local Planning Authority on 16 August 2012 (Drawing No HIN/17Dwg03A).

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

4. If, during development, contamination not previously identified was found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and shall obtain written approval from the Local Planning Authority. The remediation strategy shall be implemented in its entirety in accordance with the approved details.

REASON: To protect the water environment from contamination and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. The site must be drained on a separate system with only foul drainage connected into the combined sewer. Due to downstream flooding issues, surface water should discharge to the soakaway or directly to watercourse and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public sewer system the flow will need to be attenuated to a maximum discharge freight that has first been agreed by United Utilities.

REASON: In order to ensure satisfactory drainage of the site and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. Prior to the commencement of development a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed and completed in accordance with the approved details.

REASON: In order to ensure the satisfactory drainage of the site and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services the trees identified in the arboricultural impact and protection appraisal:  
[W1/T1/T5/T6/T7/T8/T9/T11/T12/T13/T14/T18/T19/T21/T22/T23/T24/T27/G3/H1-southern boundary/H2] shall be protected in accordance with the BS5837 2012 [Trees in Relation to Construction] the details of which shall be submitted to and agreed in writing with the local planning authority.

All protection measures shall be implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Countryside/Tree Officer. A tree protection-monitoring schedule shall also be submitted and agreed and tree protection measures inspected by the local planning authority before any site works are begun.

The root protection/exclusion 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/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 considered being of visual, amenity value are afforded maximum physical protection from the potential adverse affects of development in order to comply with policies G1 and ENV13 of the Districtwide Local Plan.

8. The development hereby permitted shall not be commenced until details of the landscaping of the site, including details of the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, have been submitted and approved in writing.

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.

9. Site contractors & site project managers shall be made aware of the legal protection afforded all species of bats in the UK. The building contractors shall take additional care when removing fascia boards, verge tiles and ridge tiles. The removal of roofing materials

between May & August should be avoided, and lower roof tiles, battens & under felt shall be removed carefully by hand.

In the event that any bats are found or disturbed during any part of the development/roofing work, all work shall cease until further advice has been obtained from a licensed ecologist.

REASON: To ensure that no adverse effects on the favourable conservation status of a bat population; to protect the bat population from damaging activities and reduce or remove the impact of development; and to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan.

10. No development shall take place until details 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 include a plan that identifies the plot numbers on which the boxes/sites are to be provided and specifies the precise elevation or roof slope into which the provisions shall be incorporated. This shall be north/north east elevation for birds & elevations with a minimum of 5 hours morning sun for bats.

The artificial bird/bat boxes shall be incorporated into the building during the actual construction of the relevant dwellings and before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that no adverse effects on the favourable conservation status of the bird/ bat population; to protect the bird/bat population from damaging activities and reduce or remove the impact of development; and to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan.

11. No part of the development hereby permitted in outline shall commence until a scheme for the construction of the site access and 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: In order to ensure that the final details of the highway scheme/works are acceptable before development commences on site, in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

12. The development hereby permitted in outline shall not be commenced 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 implemented in accordance with the approved details prior to occupation of development and thereafter retained.

REASON: In order to encourage renewable energy and to comply 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

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 reserve the right to provide the highway works within the highway associated with this proposal. Provision for the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is 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.

APPLICATION NO: 3/2012/0687/P (GRID REF: SD 373629 436607)  
PROPOSED MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL (C3); NURSING HOME (C2); CAR PARKING; OPEN SPACE AND ANCILLARY LANDSCAPING (RESUBMISSION OF REFUSED APPLICATION 3/2012/0327/P) AT LAND TO THE EAST OF CLITHEROE ROAD (LAWSONSTEADS) WHALLEY

PARISH COUNCIL: The Parish Council is dismayed to be presented with a resubmission which does not take on board the Council's previous objections as follows:

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):

This application is a direct resubmission of 3/2012/0327 and there have been no subsequent alterations, amendments or improvements made in the immediate local highway infrastructure or significant changes in previously observed traffic patterns.

These comments refer to an Outline Planning Application with all matters reserved for future determination and comments relate to the Transport Assessment (dated March 2012). Lancashire County Council is responsible for providing and maintaining a safe and reliable highway network. With this in mind the present and proposed traffic systems have been considered in and around the area of the proposed development.

On the basis of this the following comments are offered regarding the proposed development and the consequent high safety and capacity impacts.

I have no objection in principle to this application on highway safety grounds. However, as all matters are reserved at this time, I will comment more fully on the specific highway implications and impacts as and when appropriate.

The "Heads of Terms" document identifies potential items for inclusion in a Draft S106 agreement, with Section 8 referring to "TRO Contributions". I have not requested and will not be seeking to pursue any TRO Contributions in relation to this outline application.

Similarly, in the Transport Assessment, under "Section 7; The Proposed Development", reference is made to various highway measures, with specific items highlighted for consideration. At this time and in relation to the outline application, I have made no demands for highway measures.

The following comments are made with regard to the transport report prepared by Capita Symonds, following a commission from Save Whalley Village Action Group.

Given the nature of the current application being considered (an outline application with all matters reserved for future determination) it is not appropriate or necessary to introduce a specific reference to the Capita Symonds report at this time.

Comprehensive comments on the specific highway implications and impacts of this proposal will be provided as and when appropriate. For example, a series of detailed and specific transport assessments were considered in relation to a previous application at this site, D3/2011/0111.

It is the statutory role of the Highway Authority to consider the highways impacts of a proposed development and their longer-term sustainability in relation to the local highway network. In this instance, the proposed use of this site and the scale of development do not recommend, or provide an opportunity for, further detailed comments at this time.

Although PPG13 has now been replaced by the National Planning Policy Framework (NPPF), this current document still states that –

'All developments which generate significant amounts of movement should be required to provide a Travel Plan...Until any new local standards or criteria are determined and agreed it would be sensible to refer to the previous thresholds'.

The Residential Institution element of this mixed use development is on the limit of the DfT guidelines at which a Travel Plan is required. Although the dwelling houses

component is below the limit, it should be included otherwise it is a missed opportunity.

Application 3/2012/0687 has included a Framework Travel Plan as part of their application for Outline Planning Permission.

In general, this Framework Travel Plan is good, but concentrates on the residential element and gives little focus to the Care Home aspects of the proposed development.

We would request that the production of a Full Travel Plan for each individual element (or a combined plan) be made a condition of planning approval. The Travel plan(s) should include an element of co-ordination between the various elements and should adhere to the stated timescales and content.

In addition to the elements outlined for the Framework Travel Plan (which should be developed to provide further detail), the Full Travel Plan should also include the following as a minimum -

- *Details of the appointed Travel Plan Co-ordinator(s)*
- *Details of resident's and employee travel surveys*
- *SMART Targets for non-car modes of travel*
- *Action plan of measures to be introduced and appropriate funding*

A contribution of £6,000 would be requested 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).

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: 51 dwellings

Primary place requirement: 18 places

Secondary place requirement: 13 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: -28

Local Secondary schools within 3 miles of the development:  
ST AUGUSTINE'S ROMAN CATHOLIC HIGH SCHOOL  
BILLINGTON  
RIBBLESDALE HIGH SCHOOL/TECHNOLOGY COLLEGE  
Projected places in 5 years: 16

Education requirement:

*Primary*

*Latest projections*<sup>1</sup> for the local primary schools show there to be a shortfall of 28 places in 5 years' time, the shortfall will occur without the impact from this development. 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 request of the full pupil yield of this development ie 18 places.

*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, two planning applications have already been approved in this area at Petre House Farm and Britannia Street and these will have an effect upon the places available with a yield of 7 pupils. Therefore, the number of remaining places would be 16 less 7 = 9 places. With an expected pupil yield of 13 pupils from this development it is expected that there would be a shortage of 4 places. Therefore we would be seeking a contribution from the developer in respect of the full pupil yield required to support this development ie 4 places.

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

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

- *Old Manchester Offices*
- *Land off Dale View*
- *Land adjacent Greenfield site*
- *Littlemoor, Clitheroe*

Effect on number of places:

The proportion of the combined expected yield from these developments which is expected to impact upon this group of primary schools is 16 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 2012 annual pupil census and resulting projections.

Based upon the latest assessment, LCC would be seeking a contribution for 18 primary school places and 4 secondary school places.

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

Primary places:

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

= £11,635.65 per place

£11,635.65 x 18 places = £209,442

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

£17,532.74 x 4 places = £70,131

NB: If any of the pending applications listed above are approved prior to a decision being made on this development the claim for secondary school provision would increase up to a maximum of 13 places.

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

Secondary places:

(£18,469 x 0.9) x BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)

= £17,532.74 per place

£17,532.74 x 13 places = £227,926

*Latest projection*<sup>1</sup> produced at Spring 2012 based upon Annual Pupil Census January 2012.

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, 6 September 2012. However please note that there are now a number of applications/appeals under consideration in the catchment for the waste water treatment works. If further planning permissions have been granted since this date or are granted before this application, the position may change.

ADDITIONAL REPRESENTATIONS: Ninety one individuals have submitted letters of objection (discounting duplicate letters from the same individual) as well as an objection submitted by the Save Whalley Village Action Group. 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 regarding social, environmental and economic roles for the planning system.
3. It is outside the development boundary for the village.
4. Loss of a green field – preference should be for brown field development.
5. How can it be that the same application can be allowed to proceed when a refusal decision has already been issued. The same principles pertain to this application.
6. RVBC has reached its 5 year supply of land for building and thus the application is premature.
7. There are other sites which are less intrusive.

8. Allowing any development will be a precursor to further applications and ultimately result in a loss of all the land.
9. There are no employment opportunities in the village so vehicular traffic will increase as people commute.
10. Whalley does not have the facilities to provide sporting facilities for more residents. The application does not provide for any dedicated new publicly accessible open space.
11. Impact on heritage assets, listed buildings and conservation area.
12. Impact on landscape and visual amenity – this development would change the character of the village.
13. The principle concerns that led the Council to refuse the previous applications have not been overcome by this 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. Will destroy habitats for wildlife.
17. Pollution – river and sewage systems will be overburdened and an increased risk of flooding.
18. Question capacity of primary and secondary schools to cope with the development. A financial contribution to provide new school places (if necessary) does not solve the problem.
19. Noise both during construction and after when people are living there.
20. Question impact on health service provision.
21. 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.

22. The nursing home will be an oppressive three-storey structure and a blot on the landscape and questions are raised as to the need for another nursing home in the village.
23. Loss of view.
24. Loss of light.
25. There is an abundance of properties for sale so why need to build more.
26. 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. It is a resubmission of 3/2012/0327/P which was refused by Planning and Development Committee on 20 July 2012.

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**

3/2012/0327/P – Mixed use development comprising residential (C3); nursing home (C2); car parking, open space and ancillary landscaping – refused 20 July 2012. Appeal submitted and public inquiry to commence 15 January 2013.

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.

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 July 2012, Ribble Valley can demonstrate a 5.82 year supply of housing, including a 10% allowance for slippage and 20% buffer for previous years under delivery but no detailed site adjustments for deliverability of the sites identified when measures against the previously adopted Regional Strategy figure. In terms of the five year supply based on the emerging Core Strategy requirement, this is 4.97 years.

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 5.82 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.

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. Members are reminded that the Core Strategy is at submission stage – both Planning and Development Committee and Full Council having resolved to submit following the Regulation 19 consultation stage. Thus, the weight to be attached to that document is greater than when this scheme was last brought before Committee for consideration under application 3/2012/0327/P.

### 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 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. This draft Heads of Terms document was submitted under the previous application at which time 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.*

That draft Heads of Terms document was subject of dialogue between the applicants and the Council's Housing Strategy Officer and in light of that it was agreed that the phasing could be as indicated in the originally submitted document. The applicant has submitted details to the Local Planning Authority in relation to this resubmitted scheme to indicate that 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 details have taken note of the concerns expressed previously 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 are as agreed previously 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 sought clarification from him on this matter in regard to the last submission when he 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 a 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.

The County Surveyor 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. In respect of the request for £6000

to be used for matters related to a Travel Plan, the applicant was in discussions with LCC over this at the time this report was drafted. 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.

### 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 are aware that it is not 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 at present capacity within the wastewater infrastructure to serve this development. Members may recall that in relation to a 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 capable of being accommodated within the existing network at this time. Again, UU have requested very detailed and stringent 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 £209,442 towards primary places and £70,131 towards secondary places. To clarify, the response from LCC makes reference to 51 properties as the calculation does not take into account those properties for the over 55 years. The applicant is aware of the contributions and it should be noted by Committee that this is a changed position from their response to the previously submitted and refused application at which time LCC education were seeking a contribution of £245,458 towards secondary places. The applicant is agreeable to the principle of making an education contribution but at the time of drafting this report, they were awaiting further explanation from LCC as to why the education requirement has been revised in the manner outlined from their previous position. It is hoped that the exact figure will be agreed between the applicant and LCC prior to the Committee meeting.

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 (yet to be agreed) 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 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*'.

Notwithstanding the concerns raised by Members in relation to 3/2012/0327/P, of which this is a resubmission, 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 as 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.

### 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. 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 a 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 before Members here 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 3.8ha. 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 (3/2011/0111/P) 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 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.

Concern is expressed that this application would, if allowed, ultimately result in the loss of all the land at Lawsonsteads. 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 document has been the subject of discussions to take account of consultee responses as outlined earlier within this report with dialogue ongoing with various teams at LCC. 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

- Under discussion with LCC

## 3. Highways

- Under discussion with LCC

## Conclusion

I am conscious that concerns were raised in relation to previously proposed developments regarding the site's relationship with the Conservation Area, and that the development proposed would prove harmful not only to the Conservation Area but the visual amenities of the wider area. The proposal before Members for consideration here is a resubmission of a previously refused scheme for a proposal that is reduced in size and nature and considered to have addressed concerns raised in relation to the previous larger submission under 3/2011/0111/P. This reduced scheme was refused by Members in July for three reasons – visual impact, highways and effect on the Conservation Area. However, notwithstanding that, as Committee will see from the report above, I remain of the opinion that this scale of development 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. 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.

- 3. 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.

- 4. The development hereby approved shall not exceed 55 dwelling units (Use Class C3) in accordance with the submitted Parameter Plan reference PL1158.M.104 and dated 28 March 2012. In accordance with the submitted application forms, the nursing home (Use Class C2) shall not exceed 50 beds.

REASON: For the avoidance of doubt to ensure there is no ambiguity in the decision notice over what amount of development has been approved.

- 5. 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.

6. Prior to the commencement of development, a strategy outlining the general system of drainage for foul and surface water flows arising from the entire site shall be submitted to the local planning authority and approved in writing. This strategy shall include details of any necessary infrastructure. Thereafter the detailed schemes for foul and surface water drainage for any phase of the development shall be submitted for approval in accordance with the strategy for the entire site approved under this condition.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan in order that an overall strategy for the entire site is agreed prior to the commencement of development of any phase so that the subsequent detailed drainage schemes for each phase are capable of forming part of a general system for the entire site in accordance with an overall strategy.

7. Prior to the commencement of any phase of development, details of the foul drainage scheme for that phase including any necessary infrastructure shall be submitted to and approved in writing by the local planning authority. No housing shall be occupied for that phase until the approved foul drainage scheme for that phase has been completed in accordance with the approved details. Unless otherwise agreed in writing, the approved foul drainage scheme shall only connect to the foul sewer network at the two connection points identified in the flood risk assessment submitted by Weetwood Environmental Engineering reference 1695/FRA\_v1.1 dated 30 March 2012 and the amount of development connecting to each of the two chosen connection points shall be in accordance with the email from Rebecca Ellis of Weetwood Environmental Engineering to Andrew Leyssens of United Utilities dated 9 May 2012 sent at 17.16.

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

8. Prior to the commencement of any phase of development, details for how foul and surface water shall be drained on separate systems shall be submitted to the local planning authority and approved in writing for that phase. The development shall be completed, maintained and managed in accordance with the approved details.

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

9. 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.

10. Prior to the commencement of any phase of the development, details for surface water drainage and means of disposal for that phase, based on sustainable drainage principles and evidence of an assessment of site conditions (inclusive of how the scheme shall be maintained and managed after completion and any necessary infrastructure) shall be submitted to and approved in writing by the local planning authority. For the avoidance of

doubt, no surface water shall discharge into the public sewerage system, directly or indirectly, in accordance with the submitted application form and the flood risk assessment submitted by Weetwood Environmental Engineering reference 1695/FRA\_v1.1 dated 30 March 2012. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure that surface water is dealt with by the most sustainable means in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and to reflect the submitted application form and section 5.4.3 of the submitted flood risk assessment.

11. 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.

12. 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 for each phase 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 that phase 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.

13. Prior to the 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 for each phase 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.

14. 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.

15. 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.

16. 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 in writing by the Local Planning Authority. The details shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type within that phase. 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 and elevations with a minimum of 5 hours morning sun for bats. The artificial bird/bat boxes shall be incorporated into those individual dwellings/buildings during the actual construction of those individual dwellings/buildings identified on the submitted plan before each such dwelling/building 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.

17. 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.

18. Prior to the commencement of any site works within each phase of development 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 for each phase 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 within each phase.

The root protection zone within each phase shall remain in place until all building work within that phase 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

19. 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 each phase 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.

20. No development shall begin on any phase of development until details of a lighting scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme for each phase shall include 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 for each phased.

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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

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>
3/2012/0092/P	Proposed extension to two agricultural buildings – Building 1 for hay and straw, building 2 for a workshop	Out Lane Head Farm Out Lane, Chipping
3/2012/0231/P	Creation of accessible and sustainable composting toilet facility externally to the rear (north) of the Church. Adaption of lower section of existing window to form level access to accessible toilet from inside the Church. Associated creation of level approach to the perimeter of the Church by improvements made to existing north and west facing paths	St John's Church Shire Lane Hurst Green
3/2012/0274/P	Proposed agricultural building for the storage of manure	Cuthbert Hill, Garstang Road, Chipping
3/2012/0318/P	Demolition of two storey wing and two storey outbuilding, demolition of single storey rear porch, conservatory, outbuilding and greenhouse and construction of single storey extension and alterations to windows of house, reroofing and construction of three new car underground garage facility at Holden Clough, Holden, Bolton by Bowland	Holden Clough Holden Bolton by Bowland
3/2012/0429/P	Application to discharge condition no. 4 (paint samples), condition no. 6 (external window frames, glazing and doors) and condition no. 8 (method statements) of planning permission 3/2012/0032/P relating to	5 Church Street Clitheroe
3/2012/0443/P	Application to discharge condition no. 4 (paint samples), condition no. 6 (external window frames, glazing and doors) and condition no. 8 (method statements) of planning permission 3/2012/0019/P (LBC) relating to	5 Church Street Clitheroe
3/2012/0481/P	Proposed erection of a single storey timber and double glazed conservatory	Ribblesdale Hall, Chatburn
3/2012/0508/P	Replacement dwelling and attached barn including link to detached barn all to create a single dwelling including detached	Halton Hill Garstang Road Chipping
Cont/		

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
Cont...	garage and annex, replacement agricultural building and demolition of agricultural buildings	
3/2012/0509/P	New driveway and access from Clitheroe Road	19 Clitheroe Road Whalley
3/2012/0583/P	Amendment to Section 106 Agreement dated February 2012 (planning permission 3/2011/0307/P)	Barrow Brook Phase II Barrow
3/2012/0585/P	Amendment to Section 106 Agreement dated 4 April 2012 (planning permission 3/2011/0541/P)	Dilworth Lane Longridge
3/2012/0601/P	Proposed two storey side extension and first floor extension over existing single storey area, alterations to vehicular access	Myerscough House Longsight Road Clayton-le-Dale
3/2012/0603/P	Proposed change of use of existing shop and living accommodation to provide 1 no. 3-bedroom house and 1 no. Hairdressing Salon with 1 no. 1 bedroom flat above. First floor extension to east elevation	6 Church Lane Mellor
3/2012/0611/P	Retrospective application for two pole mounted 4m x 3m signboards and two pole mounted 2.5m x 3.75m signboards. Non illuminated at land bounded	Dilworth Lane and Lower Lane Longridge
3/2012/0612/P	Proposed erection of a holiday cottage at land opposite	3 Elker Mews Billington
3/2012/0616/P	Proposed first floor extension to side over existing ground floor extension. The first floor extension to be half the width of the ground floor extension. Loft conversion with dormer window to the rear	24 Moorland Crescent Clitheroe
3/2012/0621/P	Proposed extension to side elevation, new gates, new garden store, new driveway and porch	123 Highfield Road Clitheroe
3/2012/0641/P	New lobby and headmasters office with relocation of boys WC, staffroom and classroom	Grindleton C of E School Sawley Road Grindleton
3/2012/0642/P	Earth banked slurry lagoon	Winckley Hall Farm off Whalley Road, Stonyhurst
3/2012/0647/P	Change of use from Warehouse to mix of kitchen showroom, offices and warehouse, extension to mezzanine floor and external alterations including installation of windows along the road frontage and relocation of customer access with new ramp	Unit 5 Friendship Mill Whalley Road Read
3/2012/0649/P	Proposed conservatory to the rear of a mid-terraced dwelling	4 Fleming Square Longridge
3/2012/0650/P	Installation of 1 No non illuminated noticeboard	Newton Village Hall Newton-in-Bowland Clitheroe

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0651/P	Proposed new building to cover existing midden/manure store	Grange Farm Parsonage Road, Wilpshire
3/2012/0654/P	Proposed demolition of garage, single storey lean-to to the rear elevation (north east) and single storey utility room to the side elevation (north west). Proposed construction of a single storey extension to the rear elevation (north east), bedroom extension at first floor level to the rear (north east) and two storey (first floor in roof void) extension to the side elevation (north west) incorporating four hipped pitched roof dormer windows. Associated external works including widening of the vehicular access to George Lane and the extension of the drive to incorporate a turning area. Resubmission of approved scheme 3/2009/1066 with design amendments	Pendle House 17 George Lane Read
3/2012/0657/P	Proposed change of use of existing shop premises (Class A1) to a day nursery (Class D1)	24 – 28 Garnett Road Clitheroe
3/2012/0658/P	Proposed lounge, kitchen and bedroom extension including (including rooms in roof space) and a detached two car garage	22 St Peter's Close Clayton-le-Dale
3/2012/0659/P	Re-submission of planning application 3/2011/1068/P for the formation of a new car park in Balderstone – re-location of vehicle entrance/exit	Land opposite Balderstone C of E Primary School Commons Lane Balderstone
3/2012/0661/P	Proposed side and rear extension	21 Mayfield Whinney Lane, Langho
3/2012/0662/P	Application for discharge of condition no. 3 (relating to obscure glazing) of planning consent 3/2012/0100/P	2 Hazel Grove Longridge
3/2012/0664/P	Proposed two-storey side extension	2 Halton Place Longridge
3/2012/0665/P	Relining existing chimney	Edisford Hall Farmhouse Edisford Bridge, Clitheroe
3/2012/0667/P	Proposed single storey extension to the property (Re-submission)	Meadow Bank Sawley Road, Grindleton
3/2012/0668/P	Demolition of existing workshop, store and garage	54 Whalley Road Sabden
3/2012/0670/P (LBC)	Proposed reconstruction of existing stone boundary wall (partially collapsed) to Kirk Beck	Coach and Horses Hotel Main Street Bolton by Bowland
3/2012/0671/P	Application to vary condition no.3 (times of opening) of planning permission 3/2011/0761P, so that they are the same	2 Swan Courtyard Clitheroe
Cont/		

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
Cont...	as the Premises Licence - Mon-Fri 11am-10.30pm, Sat 11am-11.30pm and Sun 10am-10.30pm	
3/2012/0673/P	Proposed demolition of the existing double garage and single storey sunroom. Construction of a new two-storey side extension to main house comprising ground floor kitchen/dining area with bedroom at first floor	Hardene House Hesketh Lane Chipping
3/2012/0675/P	Application to discharge condition no. 4 (sound insulation) of planning permission 3/2011/0466/P	142 Woone Lane Clitheroe
3/2012/0676/P	Replacement entrance porch	2 Little Ease, Bowfield Lane Balderstone
3/2012/0678/P	Proposed erection of 16 solar panels mounted on the roof on a farm building to generate electricity for the farmhouse and for feeding into the national grid	Fellside Farm Catlow Road Slaidburn
3/2012/0679/P	Proposed replacement boundary fencing and internal security fencing and gates	St Cecilia's RC High School Chapel Hill, Longridge
3/2012/0680/P	Render from window sill height above, change of window configuration at ground floor and insertion of two windows within the front facing gable at first floor	2 Bushburn Drive Langho
3/2012/0681/P	Proposed reconstruction of existing stone boundary wall (partially collapsed) to Kirk Beck	Coach and Horses Hotel Main Street Bolton by Bowland
3/2012/0686/P	Proposed covered silage clamp	Hillcrest Farm Startifants Lane, Chipping
3/2012/0694/P	Replace two wood single glazed windows with wood double glazed windows	14 Church Street Ribchester
3/2012/0697/P	Discharge of condition 4 relating to removal of existing render on listed building consent ref 3/2012/0366 which involved removal of render, replacement rainwater goods and window changes	Red Syke Farm Twiston
3/2012/0698/P	Outline application for the erection of four bungalows	Grimbaldeston Farm Preston Road, Longridge
3/2012/0710/P	Proposed replacement of flat roof structure with dual pitched roof construction with natural slate finish	Cross A Leys Cottage Moorside Lane, Wiswell
3/2012/0711/P	Change of use from offices to self-contained flats	1 & 2 Swan Mews off Castle Street, Clitheroe
3/2012/0712/P	Proposed construction of a new flat-roofed single storey extension to form rear porch	1 Mount Pleasant, Chatburn
3/2012/0714/P	Demolition of existing conservatory, Replacement sun lounge, replacement windows and doors and re-roofing works plus internal remodelling	87 Higher Road Longridge

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0719/P	Application for a non-material amendment to planning permission 3/2011/0662/P to allow handing of upper floor offices/meeting room to western elevation and small enlargement to provide ground floor	Fort Vale Engineering Calder Vale Park Simonstone Lane Simonstone
3/2012/0730/P	Application for a non material amendment to planning permission 3/2011/0837/P for (1) erection of entrance feature wall (2) substitution of main brickwork facing material (plots 1 to 6, 8 to 19, 21, 23 to 36 and 38 to 46) and (3) substitution of door types	Land off Pendle Drive Calderstones Park Whalley
3/2012/0731/P	Prior notification for demolition of part of the north light building of	Stonebridge Mill Preston Road, Longridge
3/2012/0740/P	Proposed change of use of existing bungalow to offices (Class A2)	Roefield Reach Edisford Road, Clitheroe
3/2012/0744/P	Application to discharge condition no. 1 (timescale) and condition no. 2 (materials) of planning permission 3/2009/0874/P relating	Cuthbert Hill Garstang Road Chipping
3/2012/0750/P	Application for non-material amendment to planning consent 3/2009/0022P – additional windows to front elevations at	Craven Fold Moorside Lane Wiswell
3/2012/0812/P	Application for the discharge of condition no. 3 (materials – glass, stonework and finishing materials) of planning permission 3/2012/0051/P	41 Dilworth Lane Longridge

#### 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>
3/2012/0089/P	Proposed conversion of a barn to residential unit	Lanshaw Barn Woodhouse Lane Slaidburn	Policies G1, ENV1 and H17 of the Districtwide Local Plan and the NPPF, by virtue of the size and position of the rooflights, the cumulative impact of further window openings, and the treatment of existing openings, is unsympathetic to the building's historic character and appearance.

Cont/

**Plan No:**

**Proposal:**

**Location:**

**Reasons for Refusal**

Cont...

Approval would thus be detrimental to the building's historic fabric, its setting, and the visual amenities of the Area of Outstanding Natural Beauty.

Policies H16 and ENV1 - Extent of rebuild would be tantamount to a new dwelling in the AONB without special justification and as such would be to the detriment of the visual amenities of the locality. Given the buildings isolated location it would also result in the creation of a dwelling in an unsustainable location and as such be contrary to Paragraph 55 of the NPPF.

Policies G1, ENV1 and H17 - harmful effect from the likely impact of domestic paraphernalia such as sheds, washing lines, children's play equipment and fence lines on this part of the open countryside representing an urban encroachment to the detriment of the surrounding countryside and the setting of the field barn.

Cont/

If allowed the

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
Cont...			development would set a dangerous precedent for the acceptance of similar unsympathetic proposals destroying the character and appearance of other barn conversions which would be both contrary to policy and to the detriment of the visual amenities of the AONB.
3/2012/0477/P	Erection of 2no residential dwellings following demolition of the existing abattoir (outline application for access only)	The Abattoir Clerk Hill Road Whalley	Policies G5, H2, ENV1 and National Planning Policy Framework – the site represents an inappropriate and unsustainable location for residential development to the detriment of the character of the locality.
3/2012/0619/P	Demolition of existing garage and erection of new larger garage	Ribblesdale House Main Street Gisburn	Contrary to Policies G1, ENV16, and ENV19 of the DWLP and Section 12 of the NPPF - The proposed detached garage by virtue of its scale, size, design and materials would result in a prominent and incongruous feature within the public realm to the detriment of the character, appearance and visual qualities of the conservation area and the significance
Cont/			

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
Cont...			and setting of adjacent Listed Buildings.
3/2012/0691/P	Proposed pitched roof first floor rear extension	45 Whalley Road Sabden	Policies G1, H10 and ENV16 of the Ribble Valley Districtwide Local Plan, the SPG "Extensions and Alterations to Dwellings" and the NPPF - unsympathetic and incongruous additions, out of keeping with the style, character and appearance of the original dwelling, which would be harmful to the character, appearance, and significance of Sabden Conservation Area.
3/2012/0717/P	Proposed pitched roof first floor rear extension	43 Whalley Road Sabden	Policies G1, H10 and ENV16 of the Ribble Valley Districtwide Local Plan, the SPG "Extensions and Alterations to Dwellings" and the NPPF - unsympathetic and incongruous additions, out of keeping with the style, character and appearance of the original dwelling, which would be harmful to the character, appearance, and significance of Sabden Conservation Area.

## CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0646/P	Application for a Lawful Development Certificate for the proposed building of a 3.32m x 8.32m single storey extension to the rear of the property, with vaulted ceiling 3.47m high. Materials will be similar to existing construction. The extension will be used as a family room/kitchen	2 Hippings Way Clitheroe

## TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2001 PART 24 - TELECOMMUNICATION CODE SYSTEM OPERATORS - PRIOR NOTIFICATION – GRANTED

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0632/P	Installation of 1 x BT DSLAM cabinet measuring 750(w) x 407(d) x 1308 (h) at land opposite	1 Irwell Street Longridge
3/2012/0633/P	Installation of 1 x BT DSLAM cabinet measuring 750(w) x 407(d) x 1308 (h) and dark green in colour at land opposite	47-49 Berry Lane Longridge
3/2012/0634/P	Installation of 1 x BT DSLAM cabinet measuring 750(w) x 407(d) x 1308 (h) and dark green in colour at land opposite	108 Derby Road Longridge
3/2012/0635/P	Installation of 1 Green Cross Cabinet measuring 1410mm (w) x 370mm (d) x 1210mm (h) at land opposite	6 Dilworth Lane Longridge
3/2012/0636/P	Installation of 1 replacement green cabinet measuring 1410mm (w) x 370mm (d) x 1210mm (h) at land adjacent	junction of Berry Lane and Towneley Road Longridge
3/2012/0685/P	Installation of 1x BT DSLAM Cabinet measuring 750 (w) x 407 (d) x 1308 (h) in dark green colour	Dale Head/New haven Dilworth Lane Longridge

## APPLICATIONS WITHDRAWN

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0362/P	Six illuminated sign boards to east elevation	Stonebridge Off-Licence 1 Whittingham Road Longridge
3/2012/0561/P	Engineering expectations to form earth, banked slurry lagoon and laying of concrete railway sleepers to form cow track across land	Hodder Bank Farm Dunsop Road Whitewell
3/2012/0599/P	Erection of agricultural building	Little Middop Farm Burnley Road Gisburn

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2012/0643/P	Demolition of two outbuildings and the erection of domestic garage to include 14 solar panels to the south elevation for domestic use only.	Wallbanks Farm Chipping Road Chaigley
3/2012/0741/P	Proposed garage conversion into a kitchen. Modifications to existing property. New garage	2 Spinney Croft Longridge

#### SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>	
3/2010/0078	Old Manchester Offices Whalley New Road Billington	20/5/10	18	With agent and applicants solicitor	
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 applicants solicitor	
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 and Lancashire County Council	
3/2011/1071	Land at Chapel Hill Longridge	19/7/12	53	Negotiations on going	
3/2012/0014	Land adj Greenfield Avenue Low Moor Clitheroe	19/7/12	30	With Agent	
3/2012/0379	Primrose Mill Woone Lane Clitheroe	16/8/12	14	Deed of Variation With applicants agent	
<b><u>Non Housing</u></b>					
3/2011/0649	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures so no progress on Section 106	
3/2012/0455	Shireburn Caravan Park Edisford Road Waddington	7/8/12		Deed of Variation With applicants solicitors	
<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Time from first going to Committee to Decision</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2010/0929	Land between 36 & 38 Henthorn Road Clitheroe	14/7/11	62 weeks	8	Decision 18/9/12

APPEALS UPDATE

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2011/0300 O	17.1.12	Mr & Mrs Myerscough Outline application for the erection of a country house hotel and spa Land adjacent to Dudland Croft Gisburn Road Sawley	-	Hearing adjourned on 12.7.12	Awaiting response from The Planning Inspectorate
3/2011/0624 D	17.2.12	Mr Ken Dobson Fit secondary glazing (Listed Building Consent) Vicarage House Vicarage Fold Wiswell	WR	-	APPEAL DISMISSED 28.8.12
3/2011/0567 D	16.3.12	Mr D Ashton Proposed erection of a holiday cottage (Re-submission) Pinfold Cottage Tosside	WR	-	APPEAL DISMISSED 21.9.12
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	-	APPEAL DISMISSED 12.9.12
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	-	APPEAL DISMISSED 6.9.12
3/2011/1001 D	30.5.12	Ms Pamela Oliver New detached dwelling within the curtilage of 1 Portfield Bar Whalley	WR	-	APPEAL DISMISSED 19.9.12

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2011/0025 O	25.6.12	J-J Homes LLP Outline planning application for residential development (ten dwellings) Land off Chatburn Old Road Chatburn	WR	-	Awaiting site visit
3/2012/0158 C	6.7.12	LPA Receiver for Papillion Properties Ltd Outline application for the erection of 73 open market detached dwellings and 31 social housing properties Site 2 Barrow Brook Business Village Barrow	-	Hearing to be held 9.10.12	AWAITING DECISION
3/2011/0729 D	9.7.12	Mrs Joan H Porter Demolition of redundant agricultural sheds. Conversion and extension of existing barns to 1no. new dwelling and improvements to existing access Lawson House Farm Bolton-by-Bowland Road Sawley	WR	-	AWAITING DECISION
3/2011/0893 D	10.7.12	Mr F P Cherry Outline application for one dwelling situated in the old car park at Hodder Place Old Car Park Hodder Place Stonyhurst	WR	-	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>
3/2012/0164 D	15.8.12	Mr J Shaw Proposed garage extension with accommodation in the roof to the Southern gable elevation with dormer to the front and rear roof slope. Proposed dormer to front elevation of main property and single storey lean-to extension to the rear 8 Rogersfield Langho	Householder appeal and Application for costs	-	AWAITING DECISION
3/2012/0325 D	17.8.12	Mr Lee Dolman Retrospective application for the insertion of a window to the front gable elevation. Re-submission of application 3/2011/0779P Old Chapel Barn Preston Road Alston	Householder appeal	-	APPEAL ALLOWED 18.9.12
3/2012/0390 O	28.8.12	Mr Julian Hindle, Haydock Develoments Ltd Proposed erection of a dwelling Land between 52 & 54 Knowsley Road Wilpshire	WR	-	Awaiting site visit
3/2012/0327 O	31.8.12	Commercial Estates Group (CEG) Mixed use development comprising residential (C3); nursing home (C2); car parking; open space and ancillary landscaping Land to the East of Clitheroe Road (Lawsonsteads), Whalley	-	Inquiry – to be held 15 <sup>th</sup> January 2013, scheduled to last for three days	Notification letter sent 5.9.12 Questionnaire sent 14.9.12 Statement to be sent by 12.10.12

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2011/0892 O	6.9.12	The Huntroyde Estate Proposed residential development Land off Milton Avenue Clitheroe	-	Hearing – date to be arranged	Notification letter sent 13.9.12 Questionnaire sent 20.9.12 Statement to be sent by 18.10.12
3/2012/0386 C	6.9.12	Mr Ashley Burgon First floor side extension and dormers to front elevation (Re-submission of 3/2011/1079P) 3 Redwood Drive Longridge	Householder appeal	-	Notification letter sent 10.9.12 Questionnaire sent 13.9.12 AWAITING DECISION
3/2012/0259 D	25.9.12	Mr A Ball Proposed new vehicle/pedestrian access to site Seven Acre Cottage Forty Acre Lane Longridge	WR	-	Notification letter and questionnaire to be sent by 9.10.12 Statement to be sent by 6.11.12

#### LEGEND

D – Delegated decision  
C – Committee decision  
O – Overturn

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 11 OCTOBER 2012  
title: CONSULTATION DOCUMENT/RENEGOTIATION OF SECTION 106  
AGREEMENTS  
submitted by: DIRECTOR OF COMMUNITY SERVICES  
principal author: JOHN MACHOLC, HEAD OF PLANNING SERVICES

## 1 PURPOSE

- 1.1 To request Committee's ratification in relation to the consultation document on renegotiation of Section 106 Agreements and also to agree a mechanism which would defer and delegate the responses of future consultation documents to the Head of Planning Services in conjunction with the Chairman and Vice Chairman of Planning and Development Committee or an appropriate working group at a later date.
- 1.2 Members will be aware of various recent consultation documents, many of which are aimed at relaxing planning restrictions and focused at kick starting development schemes. This specific document relates to the ability for developers to seek formal modifications of a Section 106 Agreement.
- 1.3 Relevance to the Council's ambitions and priorities:
  - Council Ambitions – The delivery of affordable housing and economic growth are key ambitions of the Council and the renegotiations of Section 106's to kickstart development could assist in this regards.
  - Community Objectives – To encourage appropriate economic development throughout the borough. The need to reconsider stalled developments could aid the economic growth
  - Corporate Priorities – The promotion of suitable balanced developments is a key priority and the need to reassess proposals in the light of economic circumstances is an important consideration.
  - Other Considerations – to be a well managed council, to provide an efficient services based on identified customer need.

## 2 BACKGROUND

- 2.1 The document was published on 13 August 2012 with a closing date for consultation responses by 8 October 2012. It is for that reason that the Head of Planning Services has forwarded comments which are attached to this report and Committee are asked to ratify the response.
- 2.2 This is one of many recent consultation documents issued by the DCLG inviting stakeholders to comment. It is often difficult for a consultation document to be taken to a Planning and Development Committee for a formal decision within the

timeframe and therefore it is suggested that when it is not possible to take reports to Planning and Development, that authorisation be given to the Director of Community Services or Head of Planning Services in consultation with the Chairman and Vice Chairman of Planning and Development Committee or a subsequent working group to respond on behalf of the Council. It is then suggested that any response should just be reported as an information item similar to how planning appeals are reported.

### 3 ISSUES

- 3.1 In November 2011, the government's Housing Strategy 'Laying of Foundations: A Healthy Strategy for England' was published, which set out a number of proposals to help unlock stalled developments. One of the issues related to planning obligations that would have been negotiated in different economic conditions which now make the sites economically unviable which has resulted in no development or subsequent benefits to the community.
- 3.2 Although it is possible to alter Section 106 Agreements prior to five years from the date of the Agreement on a voluntary basis, the consultation document advocates that developers should be able to formally request reconsideration of planning applications prior to the five year period. It is suggested that this would apply to planning obligations agreed prior to 6 April 2010 and Agreements outside of that date would remain the subject of current legislation.
- 3.3 Currently Section 106a of the Town and Country Planning Act allows voluntary renegotiation of a planning obligation anytime. Where voluntary agreement cannot be reached, there may be a formal request to reconsider an obligation when obligation is five years old. It is to be noted that the department has, in many instances, accepted minor changes to Section 106 Agreements within this period on various schemes but has not formally altered any schemes relating to significant changes to affordable housing. Members will be aware that minor modifications such as alterations to the tenure has been agreed by Committee, in certain circumstances prior to the five year period lapsing.
- 3.4 One of the suggested changes is that obligations prior to 6 April 2010, should be possible for the applicant to formally renegotiate the terms of the Section 106 Agreement after one month after introduction of a new regulations. It is important to emphasise that for agreements after 6 April 2012, the period of five years would remain but there is still the option of renegotiations on a voluntary basis.
- 3.5 The intent of the change is to assist in bringing forward developments. It is advocated there must be strong justification for any change. The consultation document poses three questions.

Q1. Is the Government's objective to encourage formal reconsideration of Section 106s on stalled development supported by the shortened relevant period given in the draft regulations?

In relation to this question, I am of the opinion that the current regulations are adequate given that there is still scope to modify any Section 106 Agreement on a voluntary basis. There is also some concern that there may be unreasonable requests to modify agreements which will put further pressure on existing

resources and result in unnecessary applications. Although it is recognised that every effort should be made to encourage development to take place, I am of the opinion that the imposition of Section 106 Agreements themselves which would have an effect on the viability of the scheme, is not the only reason for development being stalled. It is clearly evident that there is a raft of other economic issues such as low market demand, difficulty in obtaining finance as well as the general economic condition. On that basis, I recognise that there is a need to make every effort to encourage sustainable development proposals which would assist in the creation of affordable housing units, I remain of the opinion that this minor change would not have a significant effect on the Borough Council's ability to provide affordable housing.

Q2. Does the 6 April 2010 represent a reasonable cut off for a proposed change?

It is my opinion that although there may be a need for a starting date, it needs to recognise that many councils such as Ribble Valley Borough Council continue to consider reasonable requests for renegotiation of Section 106s irrespective of any date. In the specific case of the date suggested, this would have little impact to developments within the borough as there are very few Section 106 Agreements within the proposed time frame.

Q3. What approaches could be taken to secure affordable housing delivery through revised obligations?

It is essential that there is a need for the borough to secure affordable housing and that given the high market prices, it makes it difficult for people to enter into the housing market and therefore any reduction in delivery, would exacerbate the problem. In assessing the affordable housing element, the Council continues to examine the best way in delivering the service and has modified agreements to enable units to be occupied when it has not been possible for people to obtain mortgages. It is also important that some affordable housing is provided at an early stage but realistic phasing needs to be considered.

It is therefore suggested that it is proper to examine all alternatives and options that would help promote the development of affordable housing but this should not lead to an inappropriate development scheme.

## 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – This report is a consultation response and therefore the implications would not have any significant effects on existing resources. No implications identified.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – No implications identified.

- Equality & Diversity – No implications identified.

**5 RECOMMENDED THAT COMMITTEE**

5.1 Ratify the attached report.

5.2 Authorise the Director of Community Services and/or Head of Planning Services to formally respond to key consultation documents as appropriate in conjunction with the Chairman and Vice Chairman of the Planning and Development Committee or any designated working group.

JOHN MACHOLC  
HEAD OF PLANNING SERVICES

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

**BACKGROUND PAPERS**

Renegotiation of S106 Consultation document DCLG  
Head of Planning response dated 25/09/12

For further information please ask for John Macholc, extension 4502.

REF: JM/EL/P&D111012

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 11 OCTOBER 2012  
title: NON-DETERMINATION APPEAL IN RELATION TO OUTLINE APPLICATION FOR 21 DWELLINGS ON LAND AT 51-53 KNOWSLEY ROAD, WILPSHIRE  
submitted by: DIRECTOR OF COMMUNITY SERVICES  
principal author: GRAEME THORPE – SENIOR PLANNING OFFICER

## 1 PURPOSE

- 1.1 To advise Committee in relation to the recently received Non-determination Appeal, and request guidance on the issues relating to the Council's reasons for refusal.

## 2 BACKGROUND

- 2.1 This application was submitted and made valid on the 1 May 2012, with the thirteen-week target period ending on the 31 July 2012. After this time period, applicants do have the opportunity to appeal for non-determination however it is rare that this happens. It is standard practice to assess and aim to make recommendations on applications within 8 and 13-week periods, however in this case there is a good reason why this was not achieved.
- 2.2 No formal decision has yet been made in relation to this application, with the delay due to on-going discussions with the Agent in respect of possible amendments to the scheme. Despite these on-going discussions, the applicant has sought to Appeal against Non-Determination of the Application, therefore the purpose of this report is to gain Council and Planning and Development Committee support/approval for the following reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case.
- 2.3 The Appeal for non-determination was received on the 28 September 2012, and upon receipt no further work will be carried out in relation to dealing with the Planning Application. Once the Appeal has been formally recognised by the Planning Inspectorate, all those persons who were notified or consulted about the Application, and any other interested persons who made representations regarding the Application will be written to and advised that the Appeal has been made.
- 2.4 The Appellant has requested that the Appeal be considered under the written representations procedure. I am of the opinion that having regard to the nature of this application and despite the level of objections that this would still be an appropriate method of dealing with this particular application. It should be noted that an appeal under written representations would not only involve less officer time due to the additional work required in preparing for a Hearing but also a speedier decision. In addition, the reasons for refusal are not considered to require expert deliberation through a Hearing procedure.
- 2.5 It is important to emphasise that objectors are still allowed sufficient time to respond formally to the Inspectorate, and as such any comments received will form part of the appointed Inspectors deliberations. All existing objections will be sent to the Inspectorate.

2.6 The Planning Inspectorate would make the ultimate decision on the how the appeal is dealt with, but it is my opinion that a written representation method is appropriate.

### 3 ISSUES

3.1 In cases on Non-determination Appeals, it is important to gauge the views of the Planning and Development Committee in order that Committee Members are satisfied with the Officers Report. The Report will partially form the basis of the Council's Statement of Case in regards to the Appeal.

3.2 To advise Committee a report has been quickly produced and appended to this Report giving details of the representations received and the issues arising. As Committee will note, there has been a great deal of public interest with this proposal.

3.3 On the basis of the merits of the case, it is considered that should a formal recommendation have been made to Planning and Development Committee, it would have been one of refusal for the following reasons:

1. The proposed development given its layout, scale and siting would have a detrimental impact on the adjacent residential amenity by virtue of overlooking and thus impacts on the privacy and as such be contrary to Policy G1 of the Districtwide Local Plan and guidance contained within the NPPF.
2. The proposed layout of the scheme is considered to be excessive in its density, it would create a cramped layout out of keeping with the locality and its approval would be an over-development of the site to the visual detriment of the locality and the streetscene. Approval of the scheme would be contrary to the guidance provided within paragraphs 53, 58, 60 and 64 of the NPPF, and Policy G1 of the Local Plan.
3. With regards to the protected species survey for both properties, as they do not comply with the guidance contained within the Bat Surveys Good Practise Guidelines 2nd edition, the application should be refused as approval of the proposal without the site being formally and appropriately assessed would be contrary to the provisions of the Conservation of Habitats and Species Regulations 2010.

### 4 **RECOMMEND THAT COMMITTEE**

4.1 Advise that they would have been minded to refuse the Application for the above reasons.

4.2 Advise the Inspectorate that the Council have no objections to the Written Representations procedure in connection within this Appeal.

GRAEME THORPE  
SENIOR PLANNING OFFICER

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

### BACKGROUND PAPERS

Application Reference Number 3/2012/0401/P

For further information please ask for Graeme Thorpe, extension 4520.

## APPENDIX

### RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

#### **MINDED TO REFUSE**

**DATE: 11 OCTOBER 2011**

**REF: GT**

**CHECKED BY:**

APPLICATION NO: 3/2012/0401/P

(GRID REF: SD 368515 432290)

OUTLINE APPLICATION FOR THE PROPOSED RE-DEVELOPMENT OF THE SITE FOR RESIDENTIAL PURPOSES AT LAND AT 51-53 KNOWSLEY ROAD, WILPSHIRE, LANCASHIRE, BB1 9PN

WILPSHIRE PARISH  
COUNCIL:

Wilpshire Parish Council OBJECT to this application for the following reasons:

1. 3 storey development is totally out of character in Wilpshire,
2. Inappropriate development for the site,
3. Over development of the site,
4. Increased volume of traffic onto Knowsley Road, and
5. Parking issues.

They also believe there is Japanese Knotweed on the site.

BLACKBURN WITH  
DARWEN BOROUGH  
COUNCIL:

No comments to make on the application.

ENVIRONMENT AGENCY:

No comments to make on the application.

LCC PLANNING  
CONTRIBUTIONS:

No formal request for contributions at the time of the applications submission.

LCC ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Whilst no formal comments have been received at the time of the reports submission, I am aware that the LCC Highways Officer raises no objection to the principle of development on the site and he is satisfied that suitable access and parking arrangements can be achieved without causing any highway safety or capacity issues.

ADDITIONAL  
REPRESENTATIONS:

Ninety six (96) letters/e-mails have been received in relation to this application all sent in objection to the proposal. The letters sent all strongly object to this proposal, however due to the vast number of letters, the points of objection have been simplified as follows:

1. The site will be forever changed from a two beautiful family dwellings to a concrete jungle,
2. The apartment block will dominate the streetscene,
3. Surely a scheme for bungalows would be more in keeping with this location in Wilpshire,

4. Serious impact on highway safety,
5. Serious over-development of the site/density proposed is excessive,
6. Three storey development is out of keeping,
7. Loss of light to neighbouring properties,
8. Impact on amenity of occupiers of neighbouring properties/Loss of privacy,
9. Over-bearing development that would be to the visual detriment of the street scene,
10. Surely a transport assessment should have been carried out before submitting the scheme,
11. Design of the scheme is entirely out of character with the area,
12. Submitted plans are inaccurate,
13. Loss of a heritage asset from the site,
14. No. 53 should be Listed,
15. Surely 53 could be converted into flats?
16. Insufficient notification has been sent out in relation to the proposed application,
17. Contrary to National and Local Planning Policies,
18. Bulk, massing, detailing and materials are all out of keeping with the locality,
19. Noise impact,
20. Increase in congestion on Knowsley Road,
21. No open/recreational space provided,
22. The developer has not consulted with the community prior to the application being submitted,
23. Infrastructure here is unsuitable for more dwellings,
24. The modern design of the proposals is unsuitable,
25. Loss of trees on site,
26. Detrimental to pedestrian safety,
27. No demand for two bed apartments in Wilpshire,
28. Construction process presents potential hazards,
29. Insufficient parking proposed for the site,
30. Knowsley Road is used as a 'rat run' and thanks to its recent refurbishment is now a speeding death trap,
31. The new entrance will be too close to the vehicular access to nos 47 and 49,
32. Will the affordable houses ACTUALLY be affordable?
33. The newly laid Knowsley Road would need to be dug up causing further disruption,
34. The bat survey indicates that the roofs were not properly inspected so surely a further survey is required before being approved?
35. No ecological survey provided for the site,
36. Loss of habitats, and
37. Impact on school places.

### **Proposal**

This is an Outline Application for the proposed re-development of a site currently home to two dwellings for residential purposes. The application proposes the demolition of these two large dwellings in order to erect 21 dwellings. These will take the form of one detached four bedroom dwelling; 4 no. three bedroom dwellings in a short terrace; 2 no. pairs of three bedroom semi-

detached dwellings; and 12 two bedroom apartments in the form of two three storey blocks linked together. The reserved matters for which approval are sought are the 'Access, Layout and Scale', and the plans highlight the proposed layout and access point to be created/used from Knowsley Road.

### **Site Location**

The application concerns the re-development of a site that extends to approximately 0.35 hectares, that is largely rectangular in shape and that is currently home to two large residential properties. The site lies within an established residential area, with houses to either side and on the opposite side of Knowsley Road. The site slopes from the northern boundary of the site southwards at a steady fall, with a difference in land levels being approximately 3.7m from the northern boundary to the southern most part of the site. The site lies wholly within the old Local Plan settlement boundary of Wilpshire, and is bounded by Green Belt to the western boundary edge.

### **Relevant History**

3/2003/0936/P – Extension and refurbishment of existing dwelling – Granted Conditionally.

### **Relevant Policies**

Policy G1 - Development Control.  
Policy G2 – Settlement Strategy.  
Policy H10 - Residential Extensions.  
Policy T1 – Development Proposals – Transport Implications.  
Policy T7 - Parking Provision.  
Policy ENV7 – Species Protection.  
Policy ENV13 – Landscape Protection.  
SPG 'Extensions and Alterations to Dwellings'.  
Policy L4 of the Regional Spatial Strategy (RSS).  
Policy L5 of the Regional Spatial Strategy (RSS).  
National Planning Policy Framework.  
Conservation of Habitats and Species Regulations 2010.  
Bat Surveys Good Practise Guidelines 2nd Ed

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

This application was submitted and made valid on the 1 May 2012, with the thirteen-week target period ending on the 31 July 2012. No formal decision has yet been made in relation to this application, with the delay due to on-going discussions with the Agent in respect of possible amendments to the scheme. Despite these on-going discussions, the applicant has sought to Appeal against Non-Determination of the Application, therefore the purpose of this report is to gain Council and Planning and Development Committee support/approval for the following reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case.

This is an Outline Application for the proposed re-development of a site currently home to two dwellings for residential purposes. The reserved matters for which approval are sought are the 'Access, Layout and Scale'. The application proposes the demolition of these two large dwellings in order to erect 21 dwellings. These will take the form of one detached four bedroom dwelling; 4 no. three bedroom dwellings in a short terrace; 2 no. pairs of three bedroom semi-detached dwellings; and 12 two bedroom apartments in the form of two three storey blocks linked together. The application site lies within an established residential area, with houses to

either side and on the opposite side of Knowsley Road. The site lies wholly within the old Local Plan settlement boundary of Wilpshire, and is bounded by Green Belt to the western boundary edge.

The scale parameters for each of the different residential unit types are as follows:

- Unit 1: Four bed detached house.
  - Height to eaves 5.8m. Height to ridge 8.8m.
- Units 2-5: Four no. three bedroom townhouses.
  - Height to eaves 5.3m. Height to ridge 9m.
- Units 6-9: Two pairs of three bedroom semi-detached dwellings.
  - Height to eaves 6.1m. Height to ridge 9.6m.
- Units 10-21: Twelve no. two bedroom apartments.
  - Height to eaves 7.1m. Height to ridge 10.1m.

## PRINCIPLE OF DEVELOPMENT

The starting point in relation to policy principles is the development plan. This has two elements, the Regional Spatial Strategy (whilst soon to be abolished remains extant) and the Districtwide Local Plan – Saved Policies. The policies of the recently published NPPF must then be considered with a judgement being made in relation to the weight of the key material considerations. The RSS provides a position in relation to the housing requirements, affordable housing and the broad focus of development. Primarily, Policy L4 and L5 are significant policies in this case.

For decision-making purposes, the Council has adopted the RSS housing requirement pending its review through the preparation of the Core Strategy. The RSS requirements plans for some 161 units per year against which the Council can demonstrate a 5.82 year supply at present. The Core Strategy seeks to plan for 200 units per year, however the scale of requirement has been subject to significant and extensive objections that remain to be resolved through the examination process and at this time, the Council attaches less weight to this element of the Core Strategy. Whilst the Council cannot demonstrate a five-year supply against this requirement, it should be borne in mind that whilst a five-year supply can be demonstrated against the RSS requirement, this is not a maximum or ceiling and development needs to be considered against the principles established in NPPF around the presumption in favour of sustainable development.

In terms of the saved Local Plan policies, in general terms the proposal site is within the existing settlement boundary and is located in a settlement where development would be directed. In that regard, it is consistent with the Local Plan.

Similarly, the settlement strategy in the Districtwide Local Plan as a principle is considered out of date in relation to both settlement boundaries and the development constraints that are set out. This is because that plan which was formed in the early 1990s and premised upon the relevant Lancashire Structure Plan policies applicable at that time, was established to control development, including housing growth against the strategic framework existing at that time. The adopted Local Plan (adopted 1990) had its strategic basis superseded by the Regional Strategy in 2008 and has been the subject to a review process as a consequence of the Core Strategy and with the Council's current position reflected in the submission Core Strategy. For these reasons I consider that the development principles must be considered out of date. That is not to say that the consideration of the impact of the development upon visual amenity and the character of the area should not be considered. However, I do consider that the underlying principle of development falls now to be determined against the NPPF.

NPPF emphasises the need to base decisions on the development plan, unless material considerations indicate otherwise. The NPPF is clearly a material consideration as up to date national planning policy. The most significant material consideration is that of the presumption in favour of sustainable development, with paragraph 49 of the NPPF highlighting that housing applications should be considered in the context of that presumption. The presumption confirms that where the relevant policies of a development plan is considered out of date, permission be granted unless:

- Any adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits when assessed against the policies of the framework.

In assessing this site, it is considered to be in a sustainable location, would contribute to the supply of housing including affordable provision and market choice, and it would be consistent with the policies of NPPF to proactively drive and support economic growth. In addition, the impact upon overall housing supply and development strategy would not be so significant to the overall provision to cause harm to the submission Core Strategy and consequently overall is not considered to either significantly or demonstrably outweigh the benefits listed above as a matter of principle. The development of the site in principle would therefore accord with the presumption in favour of sustainable development and is consequently consistent with the provisions of NPPF which has relevant material consideration, given the view that relevant policies of the development plan are out of date. However, there are of course other detailed development management considerations such as access, visual impact and such like that would need to be satisfied in relation to the application as a whole.

#### LAYOUT/VISUAL IMPACT/SCALE

The current layout of the site comprises two large detached dwellings within quite substantial grounds that add a sense of openness to this particular location on Knowsley Road. Indeed it is considered that relatively large dwellings on large plots typify the layout and density of this particular area of Knowsley Road. The scheme submitted is to demolish these two dwellings, create one single access point from Knowsley Road and erect nine dwellings plus 12 apartments on the site, a net gain of 19 new residential units on this area of land.

There are two elements of the scheme that are considered appropriate and acceptable, namely the pair of semi-detached units at the rear (to the west) of the site and the new-detached property on the Knowsley Road frontage. These two elements are considered suitably located and to an appropriate scale that they would have no significant impact on the occupiers of neighbouring dwellings.

The other two blocks of housing, namely the block of terraced properties in the centre of the site and the three storey block of apartments on the Knowsley Road frontage, do not accord with the locality and appear misplaced and out of keeping. The overall scale of the proposed three storey apartments, whilst not too dissimilar to the scale of the existing property on this site (no. 53), is considered excessive, and due to its prominent location on the street frontage of Knowsley Road, would impact on the character of the street scene to its visual detriment. With specific regard to the block of terraced properties within the centre of the site, due to their position on site, the short distance between the most easterly positioned unit and the corner of the apartment block, the small amenity areas to the rear of the buildings and the large number of private and shared parking spaces in front of the dwellings, these units appear cramped and ill-conceived. The spacing and density on site is particularly worsened by these units in particular as they require the access road and parking spaces to be tightly positioned to the boundaries and also reducing the openness for the two pairs of units at the rear of the site.

Paragraph 58 of the NPPF notes that ‘Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments (amongst other things):

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 60 provides further guidance on assessing schemes noting that ‘Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.’ Paragraph 64 continues such advice stating that ‘Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.’

On this basis, and considering the advice within paragraph 53 of the NPPF that ‘Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area’, whilst the site would comfortably house more units than the existing two in situ, the proposed scheme to erect nine dwellings plus 12 apartments on the site is considered to be excessive and would be an over-development of the site. Its approval would be contrary to the guidance provided within paragraphs 53, 58, 60 and 64 of the NPPF, and Policy G1 of the Local Plan, and it would be to the visual detriment of the locality and the streetscene.

## ACCESS

Whilst no formal comments have been received at the time of the reports submission, I am aware that the LCC Highways Officer raises no objection to the principle of development on the site and he is satisfied that suitable access and parking arrangements can be achieved without causing any highway safety or capacity issues. A more detailed response will be presented to Committee on the night.

## IMPACT ON RESIDENTIAL AMENITY/LOSS OF PRIVACY

Policy G1 of the Districtwide Local Plan advises that ‘Developments should provide adequate daylight and privacy’ and that ‘Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature’. This is also supported by paragraph 53 of the NPPF. With regards to appropriate spacing distances, the SPG ‘Extensions and Alterations to Dwellings’ advises that a distance of 21m (direct) should be adhered to between habitable room windows, and that first floor habitable room windows should not be positioned to allow unrestricted views into neighbouring gardens.

There are two elements of the scheme that provide most concern, namely the views from the rear elevation of the row of terraces in the centre of the site, and the views from the three-storey apartment block. Recent appeal decisions have supported the Council's concern for developments causing a loss of privacy and in this case given the distance of 8.2m between the rear elevation of the most easterly positioned end terrace unit and the northern boundary of the site that borders the rear garden of no. 55 Knowsley Road. It is considered that any rear facing bedroom windows in the proposed house would afford views into rear garden area of this property, with the potential also for views into habitable rooms, despite the orientation, leaving the occupiers with a strong sense of intrusion. The views from the three-storey apartment block also raise concern despite the building being over 21m from the front elevations of numbers 49 and 54 Knowsley Road. The proposed first and second storey windows within the apartments would directly overlook the front garden areas of these properties, which are both, clearly used for enjoyment. It is appreciated that the front-facing rooms and garden at no. 54 can already be seen to some extent from the road, however it is considered that the proposed development would result in an unacceptable increase in actual and perceived loss of privacy at both properties. Landscaping would not overcome the harm, because any planting on the boundary high enough to screen first/second floor windows would be likely to block light to those windows and would therefore prejudice the living conditions of future occupiers of the development.

On this basis, it is considered that the development would have an unacceptable impact on the amenity of the occupiers of the adjacent dwellings.

#### LOSS OF NO. 53

A number of letters of objection concern the loss of no. 53 Knowsley Road, mainly due to its age and considerations regarding its character. Having considered the age of the property (it appears on the 1940s aerial views on the LLC Mapzone website) the building could be considered a non-designated heritage asset. Paragraph 135 in the NPPF advise that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' Having visited the site and having assessed the building, I do not consider that the significance of the non-designated heritage asset is sufficient enough to outweigh its retention on site as part of any redevelopment on this site. Whilst having an attractive streetscene frontage, the northern and western elevations of the building have been altered so significantly that the building has very little of its original character remaining. I would therefore not recommend the refusal of this scheme on the basis of the loss of this building.

#### IMPACT ON ECOLOGY/TREES

Having discussed the scheme with the Council's Countryside Officer, he notes that the majority of the trees within the red edge and identified in the tree survey details are classified as category C2 trees. These are trees that are considered to be of low quality and value with limited conservation or other cultural benefits, and as such are not usually retained where they would impose a significant restraint on development. There are also 6 trees identified that are growing outside the red edge but that are within influencing distance of the proposed development, of these it is recommended that one, a Norway maple should be removed due to its condition. For the remaining trees it is recommended that some remedial pruning is carried out but there is a question mark over ownership and some aspects of the proposed development does encroach into the Root Protection Area by around 30% [20% is the recommended max for open grown trees], which technically the ones in question are not.

He notes that the previously felled trees on site were probably of most visual amenity value and as such the trees within the red edge to be lost may not have a significant impact on the visual amenity value of the wider treescape. However, the loss of trees outside the red edge will have more of an impact and therefore in order to ensure their longer-term survivability it is important to ensure that they are afforded maximum physical protection. He notes that this is not made clear on the proposed plans and that this should be confirmed before any formal decision is made.

With regards to the protected species survey for both properties, whilst they do not record presence of bats an updated and more detailed survey will be required if any part of the development/demolition is delayed beyond September 2012, in order to eliminate possibility of mating/hibernation roost [In the instance of no 51 Knowsley road a dusk survey will be required]. On this basis, as the submitted reports do not comply with the guidance contained within the Bat Surveys Good Practise Guidelines 2nd edition, then it could be considered that the application should be refused as it does not comply with the Conservation of Habitats and Species Regulations 2010.

As the land is residential curtilage for the existing dwellings on site, there was considered to be no requirement for a Phase One Ecological Survey to be carried out on this site prior to the determination of this Outline Application.

## CONCLUSION

In conclusion, on the basis of the above, the application as proposed cannot be considered acceptable due to it being at variance with the relevant local and national planning policies and guidance, and it is respectfully requested that Members of the Planning Committee endorse the following reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case in the forthcoming Appeal relating to this proposal.

**RECOMMENDATION:** That Committee endorse the reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case.

1. The proposed development given its layout, scale and siting would have a detrimental impact on the adjacent residential amenity by virtue of overlooking and thus impacts on the privacy and as such be contrary to Policy G1 of the Districtwide Local Plan and guidance contained within the NPPF.
2. The proposed layout of the scheme is considered to be excessive in its density, it would create a cramped layout out of keeping with the locality and its approval would be an over-development of the site to the visual detriment of the locality and the streetscene. Approval of the scheme would be contrary to the guidance provided within paragraphs 53, 58, 60 and 64 of the NPPF, and Policy G1 of the Local Plan.
3. With regards to the protected species survey for both properties, as they do not comply with the guidance contained within the Bat Surveys Good Practise Guidelines 2nd edition, the application should be refused as approval of the proposal without the site being formally and appropriately assessed would be contrary to the provisions of the Conservation of Habitats and Species Regulations 2010.