

# RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 8 NOVEMBER 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 11 October 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. Non-Determination Appeals in relation to Listed Building Consent and Planning Re-building of extension - Variation in footprint, ridge line and roof pitches; reinstate traditional doors, windows and rainwater goods; Introduce rooflights to upper and lower pitches; Alterations to internal layout including bringing vacant roof space back into use as habitable rooms at 28 Church Street, Ribchester – report of Director of Community Services – copy enclosed.
- ✓ 7. Review of Fees and Charges – report of Director of Resources – copy enclosed.

#### INFORMATION ITEMS

- ✓ 8. Capital Monitoring 2012/2013 – report of Director of Resources – copy enclosed.
- ✓ 9. Revenue Monitoring 2012/2013 – report of Director of Resources – copy enclosed.
- 10. Appeals (if any).
- 11. Report of Representatives on Outside Bodies (if any).

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

- ✓ 12. Enforcement – Update and Priorities – report of Chief Executive – copy enclosed.

INDEX OF APPLICATIONS BEING CONSIDERED MEETING DATE 8 NOVEMBER 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>				
	3/2012/0629/P	1	SW	AC	Land off Chapel Close Low Moor, Clitheroe
	3/2012/0745/P	7	GT	AC	Brown Leaves Hotel Longsight Road, Copster Green
<b>C</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL:</b>				
	3/2012/0578/P	17	GT	R	Devil's Elbow Land off Whalley Road, Read
	3/2012/0819/P	30	CS	R	The Moorcock Slaidburn Road, Waddington
<b>D</b>	<b>APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED</b>				
	3/2012/0420/P	38	SW	DEFER	Land north and west of Littlemoor Clitheroe
	3/2012/0617/P	61	GT	DEFER	Land off Clitheroe Road Barrow
	3/2012/0623/P	71	CS	DEFER	22 and 23 to 25 Old Row Barrow
	3/2012/0784/P	87	GT	DEFER	Old Whalley Nurseries Whalley Road, 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, 8 NOVEMBER 2012  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2012/0629/P (GRID REF: SD 373073 441975)  
 PROPOSED RESERVED MATTERS APPLICATION FOR 38 MARKET DWELLINGS AND 16  
 AFFORDABLE DWELLINGS ON LAND OFF CHAPEL CLOSE, FOLLOWING OUTLINE  
 APPROVAL 3/2011/0247/P AT LAND OFF CHAPEL CLOSE, LOW MOOR, CLITHEROE

TOWN COUNCIL: No objections.

ENVIRONMENT  
 DIRECTORATE  
 (COUNTY SURVEYOR): Informally has expressed no objections.

ENVIRONMENT AGENCY: Confirm that condition 7 has been complied with. The only  
 exception is the requirement for a validation report following  
 completion of the works.

UNITED UTILITIES: No further comments to add to the application but would  
 reiterate their comments made in a letter dated 13 April 2011 in  
 relation to 3/2011/0247/P.

ADDITIONAL  
 REPRESENTATIONS: 9 letters of objection have been received. Members are  
 referred to the file for full details which can be summarised as  
 follows:

1. Concerns over flooding with the extra sewage and surface water being added to the system.
2. Comments that the dwellings are set very close together and question where residents would park.
3. Question the red edge of the site which was revised under the previous submission to remove land not belonging to the applicant.
4. Highway safety.
5. Noise disturbance.
6. Question if the number of houses proposed can be reduced.
7. Impact on wildlife.
8. The details on boundary treatment to existing properties on Meadowlands are not clear insofar as details of precise locations of fences and interaction with existing boundary structures.
9. Question positioning of proposed garage in relation to an existing building.

10. Application is silent as to the footpath access to the new development – is it to be on both sides or one side of Chapel Close.

### **Proposal**

This is a reserved matters application for the erection of 54 dwellings. The scheme proposed is a mix of detached, semi detached, terraces and apartments with accommodation ranging from 2 beds to 4 beds in the dwellings with the apartments being 2 bed. The dwellings would be constructed of reconstituted stone with grey roof tiles.

The layout put forward shows a very slight repositioning of some of the plots by a movement of building footprint by up 1m from the previously approved scheme. Heights of dwellings range from approximately 5.6m for the bungalows to 8.6m to the two storey dwellings. Detailed landscaping plans are provided including boundary treatments as part of this submission.

This proposal at the same time as applying for reserved matters consent for the site, is also seeking to provide details to meet some of the prior to commencement of development conditions imposed on the outline consent, namely carbon reduction, ground conditions, tree protection, landscape and highways. Details in respect of these will be discussed within the issues section of this report and as Members will see from the relevant history section of this report, a separate application was submitted to the Council to deal specifically with the discharge of conditions on this site subsequent to this reserved matters application being submitted.

### **Site Location**

The site lies to the north of Chapel Close outside but immediately adjacent to the settlement boundary of Clitheroe lying within land designated open countryside. The site is greenfield in nature with existing hedgerows along its eastern, northern and southern boundaries. The scheme submitted has its main area for development to the immediate east of an existing track leading from Chapel Close that heads in a northerly direction and has public footpath No 21 along its route. This larger section of land is fairly level and has the dwellings fronting Meadowlands running along its southern boundary. There are open fields beyond to the east and north with a number of allotments set to the north west of the site. The smaller section of development to the west of the track is on land which does fall away in a westerly direction towards properties on Riverside.

### **Relevant History**

3/2012/0845/P – Application for discharge of conditions 4, 5, 6, 7, 13 and 15 of 3/2011/0247/P – Application yet to be determined at time of report preparation.

3/2011/0247/P – Outline application for the erection of 38 market dwellings and 16 affordable dwellings. Approved with conditions 2 May 2012.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

*Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft*

DMG1 – General Considerations.

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

The principle of residential development on this site has already been established under the outline consent granted for 3/2011/0247/P. In respect of this reserved matters application it is important to have regard to highway safety, visual and residential amenity. In respect of highway matters, the means of access to the site has been approved previously under the outline application. I have discussed the layout of the scheme including parking arrangements with the County Surveyor and he is satisfied with the details provided. Thus no objections are raised in this respect.

Turning to visual amenity, the scheme proposes building plots of varying heights which will assist in providing a varied roofscape in the street scene. The proposed use of Marshalls Cromwell fine faced pitched buff as a principal facing material would be in-keeping with the most recently constructed dwellings on Chapel Close and Meadowlands. A landscaping scheme has been submitted and the area of public open space to the site frontage with the private access/public footpath would be bound by 1.2m high railings allowing natural surveillance of this area. The layout is generally in accordance with the previously approved details submitted under the outline consent but shows minor repositioning of some of the units, moving them further away from existing dwellings bordering the site. In terms of the six units that back on to properties on Riverside, Members will be aware of the change in levels which means that these units are shown to have minimal rear garden areas at the ground floor level of the houses with a retaining wall extending across the back of these (height of 3m to 4m difference in ground levels) and steps down leading to the lower level garden area. In considering the visual impact of this aspect, I am satisfied that having regard to the surrounding development, there would be no significant detriment caused to the visual amenities of the wider area.

In respect of potential impact on residential amenity, I consider the distances between existing and proposed built form satisfactorily so as not to adversely impact on existing amenities. I am also mindful of the relationship between the proposed dwelling houses on site and given the layout as detailed on the submitted plans, consider the scheme acceptable.

Members will note that a number of objections have been received to this reserved matters submission from nearby residents. The matter of the red edge has been addressed by a set of revised drawings received on 29 August that detail the red edge redrawn to remove the ransom strip. Comments regarding highway safety and the number of properties proposed are noted but both of these matters were considered at the time the principle of development on this site was established under the outline consent, and it would not be appropriate to revisit these fundamental issues under this application. Similarly, the effect of the development on wildlife was assessed under the previous submission and it was concluded that there was no justifiable reason to withhold consent on ecological grounds. In respect of the concerns about flooding and how the increased surface water runoff and sewage from this development will impact on the existing system, this was again assessed in principle under the previous submission. There are conditions imposed on the outline consent that require schemes to be submitted to the Local Planning Authority for prior approval of surface water drainage works and a surface water regulation system. At such time as these are submitted, United Utilities and the Environment Agency will be formally consulted to ensure that the schemes devised are appropriate to accommodate anticipated rates – indeed this has been done on application 3/2012/0845/P as detailed in the relevant planning history section with comments awaited from the statutory consultees at the time this report was drafted. There is also an informative attached to the outline consent requiring the site to be drained on separate systems with only foul drainage connected into the foul sewer. Thus, whilst recognising the concerns expressed, the relevant

statutory bodies were consulted at the time of the principle of development was established on this site and have again been consulted in respect of the discharge of conditions application which has been submitted subsequent to this application.

As stated previously, part of this submission is seeking to provide sufficient detail in order to discharge 7 conditions imposed on the outline consent as follows.

Conditions 2 and 9 concern themselves with the design and appearance of the proposal and it is considered that the documents submitted as part of this reserved matters application satisfies the requirements of those conditions in terms of the level of information required to assess the detailed aspects of the design.

Condition 4 required details to be submitted identifying how a minimum of 10% of the energy requirements of the development will be achieved by renewable energy production methods. The reserved matters application is supported by an energy statement outlining the approach to be taken and this identifies that reduction in emissions will be achieved by a combination of fabric first (ie in the construction of the dwellings by enhancing the building fabric) and solar thermal heating systems on 7 (15%) of the dwellings. This combined approach will result in a site wide energy reduction in energy demand of 10.5% and has been accepted on other sites in the borough.

Condition 7 concerns itself with ground conditions and requires site investigation works to be carried out and the submission of an associated remediation strategy. There have been some works ongoing at this site and these have, I am told, been enabling works in relation to the remediation of the site. In carrying out these works, the developer has been liaising with Council officers who deal with matters of contaminated land and Members will note that the Environment Agency have commented that sufficient details are provided to satisfy the majority of the condition requirements. However, there remains a need to submit a verification report to the Council upon completion of their remediation works and that until that has been done, the condition in its entirety has not been satisfied.

Condition 13 requires submission of a landscape management plan for landscaped areas (other than within curtilage of buildings) including the area of public open space. Details have been submitted on soft landscaping throughout the site and are considered acceptable to the Council's Countryside Officer. In terms of the area of open space, the plans denote an area bounded by railings incorporating a gates access that is grass seeded with some trees planted to one end. It would provide an informal area of public open space instead of providing a formal equipped children's play area. The development of this site in this location, this is considered an acceptable design solution and negotiations with the applicant have resulted in the addition of some seating to this area.

Condition 14 regards tree protection measures during construction works. A tree survey schedule and protection plan has been submitted and the Council's Countryside Officer is satisfied with the details.

Condition 15 requires details for the construction of the site access. Details proposed as part of this reserved matters application show the site highway works/design the County Surveyor has confirmed informally that he is satisfied with the details provided as part of this submission.

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

#### SUMMARY OF REASONS FOR APPROVAL

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

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

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

01-01REV0 – location plan amended 29 August 2012.  
02-01REVL – proposed site layout amended 29 August 2012.  
02-02REVK – proposed site layout approved plots overlay.  
06-01REVE – proposed fencing layout amended 29 August 2012.  
FD-01REV0 – fencing details sheet.  
40-07REVP1 – external works layout.  
c-820-01REVB – soft landscape proposals amended 24 October 2012.  
DW0167/S/07REVA – GA and details of retaining walls to rear of plots 1 to 6.  
12-015/2000 – proposed street scenes.  
05-01REVE – proposed materials layout amended 29 August 2012.  
BTC317-TPP – tree protection plan.  
12-015/1003 – house type H811 floor plans.  
12-015/1004 – house type H811 elevations.  
12-015/1023REVA – house type A floor plans.  
12-015/1024 – house type A elevations.  
12-015/1025REVB – house type E floor plans.  
12-015/1026REVB – house type E elevations.  
12-015/1027 – house type F floor plans.  
12-015/1028 – house type F elevations.  
12-015/1030REVB – house type G floor plans.  
12-015/1029REVB – house type G (plot 52) floor plans.  
12-015/1011 – proposed house type H floor plans.  
12-015/1012 – proposed house type H elevations.  
12-015/1013 – proposed house type J floor plans.  
12-015/1014 – proposed house type J elevations.  
12-015/1015 – proposed house type K floor plans.  
12-015/1016 – proposed house type K elevations.  
12-015/1017 – proposed house type L floor plan.  
12-015/1018 – proposed house type L elevations.  
12-015/1019 – proposed apartment block ground floor plan.  
12-015/1020 – proposed apartment block first floor plan.  
12-015/1021 – proposed apartment block elevations.  
PD49/3/PL1 – amended 17 September 2012 Downham floor plans.  
PD49/3/PL2 – amended plans 17 September 2012 Downham elevations.  
PD48/3/PL1 – amended plans 17 September 2012 Bradenham floor plans.  
PD48/3/PL2 – amended plans 17 September 2012 Bradenham elevations.

PD410/3/PL1 – amended plans 17 September 2012 Eynsham floor plans.  
PD410/3/PL2 – amended plans 17 September 2012 Eynsham elevations.  
300-GD-01 – detached single garage.

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

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

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

3. 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 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. 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.

4. 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 noise and 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.

5. 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.

NOTES

1. The applicant's attention is drawn to conditions attached by planning consent 3/2011/0247/P and the informatives that apply equally to this consent.
2. This permission shall be read alongside the legal agreement made pursuant to Section 106 of the Town and Country Planning Act as amended.

APPLICATION NO: 3/2012/0745/P (GRID REF: SD 367322 433665)  
RESERVED MATTERS APPLICATION (FOLLOWING OUTLINE APPROVAL 3/2011/0482/P)  
FOR THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR 18 NO. DWELLINGS  
AND ASSOCIATED WORKS AT BROWN LEAVES HOTEL SITE, LONGSIGHT ROAD,  
COPSTER GREEN, LANCASHIRE

SALESBURY PARISH COUNCIL: No observations received.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection in principle to the application on highway safety grounds, subject to a number of appropriate conditions being added to any subsequent approval.

ENVIRONMENT AGENCY: Following discussions on site with the Agent, the Applicant has revised the site layout to reflect what was agreed on site in terms of a reduced buffer strip. On this basis, we now have no objections to the revised site layout.

UNITED UTILITIES: No objection to the proposal provided that the certain conditions are met including, in accordance with Technical Guidance for National Planning Policy Framework (NPPF), surface water should not be allowed to discharge to foul/combined sewer as stated in the planning application. This prevents foul flooding and pollution of the environment.

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

1. Whilst the location is within the 'settlement zone', it would infill the existing area,
2. Overdevelopment of the site,
3. Concern over adequacy of access/egress to the very busy A59?

4. Impact caused by loss of mature gardens and trees and hedges,
5. Provision should be provided for surplus water flow from Albany Drive to the Brown Leaves site during periods of heavy rain/flooding,
6. Bungalows would be much more in keeping on site,
7. Inappropriate scale of development,
8. Overlooking issues/loss of privacy and loss of light and general amenity issues,
9. inappropriateness of two story dwellings built adjacent to bungalows,
10. Erosion of Green Belt,
11. Increase in traffic and noise,
12. Loss of green fields that provide a buffer to existing houses and absorb sound from the road,

### **Proposal**

This is a reserved matters application for the demolition of the existing Brown Leaves Country Hotel off Longsight Road, Clayton-Le-Dale, and the sites subsequent redevelopment for residential use. Outline permission, including access details, was granted in April 2012 and as such the reserved matters for which approval is sought are the Appearance, Landscaping, Layout and Scale of the development proposed on site. The principle of developing the site for residential use with the access position fixed is therefore accepted. The Applicant has provided a formal site layout plan showing provision for 18 dwellings on the site, as well as full details of the proposed house types and their sizes and a detailed landscaping plan for the site. The only access proposed in to, and out of, the site, remains from the A59. The applicant remains committed to providing a financial contribution towards local education facilities and to provide 5 'Affordable' homes on site as per the S106 Agreement signed in connection with the Outline application.

### **Site Location**

The site lies within the village settlement boundary of Copster Green, as defined by the Ribble Valley Districtwide Local Plan. The site is on the southern side of Longsight Road, and currently houses the Brown Leaves Country Hotel and its associated garden areas. The site is bounded on two sides by existing residential development, with agricultural fields to the southern and south-western boundaries. Longsight Road runs along the northern boundary of the site.

### **Relevant History**

3/2011/0482/P - Outline application for demolition of the existing hotel and associated outbuildings and the subsequent redevelopment of the site for residential use – Granted Conditionally.

3/1990/0227/P – Externally illuminated sign – Granted.

3/1989/0315/P – 12 bed extension to create 12-bedroom guesthouse – Granted Conditionally.

## **Relevant Policies**

National Planning Policy Framework.  
Policy G1 - Development Control.  
Policy G4 – Settlement Strategy.  
Policy ENV13 – Landscape Protection.  
Policy T7 – Parking Provision.  
SPG – “Extensions and Alterations to Dwellings”.  
Policy L4 Regional Housing Provision - Regional Spatial Strategy (RSS).  
Policy EM18 Renewable Energy – RSS.  
Affordable Housing Memorandum of Understanding (AHMU).  
The Wildlife & Countryside Act 1981 (as amended).  
The Conservation [Natural Habitats & c.] Regulations 1994.

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

The matters for consideration in the determination of this application involve the effects of the development on visual amenity given the likely scale of the development and the potential impact on the amenities of nearby residents.

### **LAYOUT/SCALE/IMPACT UPON RESIDENTIAL AMENITY**

The layout proposed on this reserved matters application differs slightly from that indicated on the outline application, however the position of the access road remains in virtually the same position. Plots 1-10 sit in roughly the same position on site, with the main difference being the orientation of the dwellings around the revised turning point at the end of the access road towards the southern boundary edge of the site. The hammerhead now separates plots 10 and 11 with only three plots (11-13) along the southern boundary, meaning that plots 13-18 face into the site mirroring those plots opposite instead of facing due southwards. The scheme promotes a relatively significant level of ‘Green Infrastructure’ through tree planting adjacent to the access road, and having considered this revised layout I remain satisfied that the re-sited dwellings do not overdevelop the site and the scheme will present an attractive, well-spaced housing development.

With regards to the scale of the proposed development, the proposal is for 18 two storey dwellings of varying designs and sizes on this site. There are nine different house types proposed, with five three-bed properties and thirteen four-bed. The design and house types chosen ensure that the development sits well in its surroundings, providing a transition from the larger semi detached dwellings to the west of the site through to the dormer bungalows and bungalows within the more central area of Copster Green. On the whole, therefore, it is considered that the variety of differing house types proposed would intersperse well with the existing housing development that borders the site without being to the visual detriment of the locality.

With regards to spacing distances on site between existing adjacent housing developments and that proposed, one of the concerns raised by the occupiers of neighbouring dwellings in regards to the proposed development is the potential overlooking/loss of privacy caused by the development of this site. Guidance provided within the SPG – “Extensions and Alterations to Dwellings” discusses a distance of 21m between existing dwellings and the proposed first floor windows of habitable rooms in new developments. The shortest distance between the rear elevations of the proposed dwellings shown on plots 1-10 to the rear elevations of properties on Albany Drive is 24m (from Plot 10) with the greatest distance being in the region of 34m (from

Plot 3). This would indicate that the scheme appears to comply with this guidance, however consideration must also be had to the difference between the two housing developments; with those on Albany Drive being bungalows and those proposed here being two storey properties. In considering this, it must be noted that each of the new properties is also afforded a relatively large garden area to the rear, with the shortest minimum distance from the boundary of a property to the rear elevation of said property being 8.3m (Plot 4) and the longest minimum distance being 10.3m (Plot 7). Added to this consideration is the length of the gardens of the properties on Albany Drive and the difference in land levels between the two sites, indicated on drawing no. PL.03 as a difference in 1.57m between finished floor levels, as well as the proposed low eaves heights; that ensure the height of the first floor windows remains low in relation to the overall height of the dwelling thereby reducing the perception of the dominance of the properties, as well as ensuring the impact on the amenity of the occupiers of the dwellings on Albany Drive is acceptable. This impact is mitigated by the retention of the hedgerow along this boundary, but unlike along boundaries on the scheme, there is no additional tree planting shown. Therefore in order to further mitigate against the perception of overlooking it is recommended that additional planting be carried out along this boundary to compensate for those trees shown to be removed.

With regards to the two proposed properties that will face onto Whalley Road (adjacent to Allengale), plan drawing PL.03 indicates the streetscene view of the site that indicates the gradual step in overall ridge heights as you enter Copster Green. On this basis, I have no objection to the visual impact upon the streetscene. There is potential for the new dwellings to have an impact upon the amenity of the occupiers of the adjacent dwelling by virtue of the potential loss of light/dominance of the property due to the difference in heights, however, having assessed the proposal using the BRE methodology, and considering the orientation of the properties to the southwest of the adjacent property, I am satisfied that the location of these two properties will have no significant impact upon the level of light afforded to the west facing elevation of this property. As such approval of this scheme would have no significant impact upon the amenity of the occupiers of the adjacent dwelling.

It is accepted that visually any development of this site will affect the streetscene, views through the site and have some impact on the amenity of the occupiers of adjacent dwellings, however in order to refuse a development the significant harm of a proposal must be demonstrated. On this basis, and with consideration to the scale and design of the dwellings proposed, the location, position and orientation of the properties on the site, the surrounding house types and the existing and proposed boundary screening afforded to the site; it is considered that the development of this site sufficiently reflects the surrounding development, in line with the requirements of the NPPF, and that any visual harm caused to the locality or impacts to the amenity of the occupiers of adjacent dwellings by virtue of approving the development would not significantly or demonstrably outweigh the benefits of granting this permission.

#### APPEARANCE/LANDSCAPING

The scheme promotes a relatively significant level of 'Green Infrastructure' through tree planting adjacent to the access road as well as additional tree planting and landscaping along the boundaries of the site. Notwithstanding this, and as highlighted earlier in this report, additional tree planting is required along the eastern boundary of the site (adjacent to properties on Albany Drive) in order to further mitigate the development of the site. Plan drawing PL.03 indicates the streetscene view of the site that indicates the gradual step in overall ridge heights as you enter Copster Green and on this basis, this mix will intersperse well with the existing housing development that borders the site.

Therefore, with consideration to the scale and design of the dwellings proposed, the location, position and orientation of the properties on the site, the surrounding house types and the existing and proposed boundary screening afforded to the site; it is considered that the development of this site sufficiently reflects the surrounding development, in line with the requirements of the NPPF.

#### ACCESS

With regards to the proposed access to the site, the LCC Highways Officer has raised no objection in principle to this application on highway safety grounds noting that this proposal has been the subject of discussions between himself and the applicant regarding the details of the highway layout, and he is happy with the submitted plans from a highway perspective. Therefore despite the concern raised by local residents, there are no objections to this reserved matters application, subject to the same conditions (Nos. 5 to 8) and note that were applied to the outline application (Ref. 3/2011/0482).

#### OTHER ISSUES

The Environment Agency had originally raised a request for a planning condition to provide an 8m wide buffer zone around the watercourse that runs through the site, however following their discussions with the applicant on site, a lesser buffer zone has been agreed (due to site and development constraints) and this is now shown on the amended plan received on the 11<sup>th</sup> of October 2012.

The applicant remains committed to providing a financial contribution towards local education facilities as well as providing five 'Affordable' homes on site as per the S106 Agreement signed in connection with the Outline application. The five homes put forward are all three bedroom properties to be sold at a 40% discount (below market value) to qualifying families/buyers, with two of the units designed to Lifetime Homes Standard which will provide adaptability for the elderly. This proposal has been discussed and agreed with the Council's Housing Officer.

Condition 9 of the Outline planning approval (3/2011/0482/P) requires that 10% of the sites energy requirement is provided by renewable technologies. Instead of the use of renewable technologies, however, the applicant has advanced a fabric first solution to sustainable design and construction that they wish to promote with this development. They have provided a Carbon & Energy Analysis Report with the application, and within this document they outline how 10.12% of the energy requirement of the development will be reduced by the fabric first solution, and that its carbon emission rate is also reduced by 8.56%, beyond the requirements of Part L 2010/Code for Sustainable Homes Level 3. This has been discussed with colleagues in the Building Control Department and they consider the report and proposed construction methods to be acceptable.

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

#### SUMMARY OF REASONS FOR APPROVAL

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

**RECOMMENDATION:** That the application be GRANTED subject to the following conditions:

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

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

2. The permission shall relate to the development as shown on Plan Reference No's PS-0709-TS 01, c-855-01 Revision A, PL.02 a, PL.03, Mou 1.7, FEN 1.7, RYD 1.7, ELW 1.7, ARU 1.7, HAD 1.7, NOR 1.7, GAR 1.7 ASH2 1.7, Win 1.7, GR 1.7, 25/SD/3, 25/SD/4, 25/SD5 and Lifetime Homes Compliance Details Dwg. No. 2.0.

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 20 August 2012 and 11 October 2012.

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

4. This permission shall be read in accordance with the Section 106 Agreement dated 27<sup>th</sup> of March 2012 (attached to 3/2011/0482/P).

REASON: For the avoidance of doubt as the permission is subject to an agreement in relation to the low cost/affordable housing approved.

5. Precise specifications and samples of walling and roofing materials and details of any window and door surrounds including materials to be used shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

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

6. There shall not at any time in connection with the development be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 metres measured along the centreline of the proposed access road from the nearer edge of the carriageway of the A59 Longsight Road to points measured 90 metres in each direction along the nearer edge of the carriageway of the A59 Longsight Road, and shall be constructed and maintained at footway level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To ensure adequate visibility at the site access.

7. Unless otherwise agreed in writing, prior to the commencement of development on site the existing Clayton-le-Dale boundary sign adjacent to the proposed access road shall be removed and relocated to a suitable alternative position at the developer's expense, the details of which shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To ensure adequate visibility at the site access.

8. The proposed access road from the site to the A59 Longsight Road shall be constructed to a width of 5.5 metres and this width shall be maintained for a minimum distance of 10 metres measured back from the nearside edge of the carriageway of the A59 Longsight Road.

REASON: To enable vehicles to enter and leave the site in a safe manner without causing a hazard to other road users.

9. The new estate road/access between the site and the A59 Longsight Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

REASON: To ensure that satisfactory access is provided to the site.

10. 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 that the site is drained on separate systems for foul and surface water to ensure a satisfactory means of drainage in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

11. Prior to the commencement of any development, details for surface water drainage, 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. 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 National and Local Planning Policies.

12. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the Arboricultural Impact and Protection Appraisal/Tree Survey [June 2012] [T3/T4/T5/T6/T7/T8/T9/T9a/G1/G2/G5] shall be protected in accordance with the BS5837: 2005 [Trees in Relation to Construction] the details of which shall be agreed in writing, implemented in full, a tree protection monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun.

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

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

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

REASON: In order to ensure that any trees affected by development and considered to be of visual, historic or botanical value is afforded maximum physical protection from the adverse affects of development. In order to comply with planning policies G1 and ENV13 of the District Wide Local Plan, and to ensure that trees of visual amenity value are protected against adverse affects of the development.

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

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

14. Notwithstanding the landscaping details proposed on drawing c-855-01 Revision A, additional trees shall be planted along the eastern boundary of the site as part of the scheme (in-between the development and those properties on Albany Drive). Specific details of the trees to be used and their location on site shall be submitted to and approved in writing by the LPA prior to the commencement of the development, and the trees shall be planted in the first planting season prior to the completion of the properties in whose gardens the trees will be planted.

REASON: A number of trees are being removed from this boundary that provide a level of screening and amenity value for the occupiers of the adjacent properties. Additional planting ensures a similar level of protection for the amenity of these occupiers, in accordance with Policy G1 of the Local Plan.

15. The dwelling(s) hereby approved shall achieve a minimum of Level 3 of the Code for Sustainable Homes, as outlined within the Carbon & Energy Analysis Report submitted with the application. 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 sustainable development in accordance with guidance contained within the NPPF and Policy G1 of the Ribble Valley Districtwide Local Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order amending, revoking or re-enacting that Order) any future extensions and/or alterations to the dwelling is 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 Policy G1 of the Ribble Valley Districtwide Local Plan.

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

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

18. The windows on the side elevations of all dwellings shall be obscure glazed to the satisfaction of the Local Planning Authority and remain that way in perpetuity.

REASON: In order to protect nearby residential amenity as required by Policy G1 of the Local Plan.

19. 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, unless otherwise agreed in writing.

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 houses identified before the development is first brought into use.

REASON: To protect the bird/bat population from damaging activities and reduce or remove the impact of development. To ensure that there are no adverse effects on the favourable conservation status of a bird/bat population before and during the proposed development. To ensure that bird and bat species are protected and their habitat enhanced, in accordance with the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 and District Wide Local Plan.

20. No development shall take place until a Demolition and 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 demolition and construction period. The Statement shall provide for:

- Specific details relating to the demolition and removal of the existing building and materials from the site,
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from construction works; and
- commencement and finishing hours of the construction activity.

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

## INFORMATIVES

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

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

2. Ribble Valley BC imposes a charge to the developer to cover the administration, and delivery costs in providing wheeled bins to each household within a new build property or provision. Details of current charges are available from the RVBC Contact Centre on 01200 425111.
3. This consent requires the improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact Lancashire County Council for further information.
4. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority.

If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

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

Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

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

APPLICATION NO: 3/2012/0578/P (GRID REF: SD 375258 434458)  
DEVELOPMENT OF OUTDOOR ADVENTURE CENTRE TO INCLUDE 1) TREETOP AERIAL ADVENTURE COURSE; 2) SEGWAY COURSE; 3) BAREFOOT TRAILS; 4) CHILDREN'S ADVENTURE PLAY/TRAIL; AND 5) EDUCATION/INTERPRETATION TRAILS. ERECTION OF BUILDING TO PROVIDE TICKETING, CUSTOMER SERVICE FACILITIES, TOILETS, RESTAURANT AND CAFÉ, COVERED SEATING AREAS AND ANCILLARY RETAIL SALES. CONSTRUCTION OF NEW ACCESS TO THE A671 WITH PARKING FOR 50 CARS (8 DISABLED SPACES), 5 COACHES, TOGETHER WITH CYCLE AND MOTORCYCLE PARKING AND ASSOCIATED ROADS AND LANDSCAPING. DEVIL'S ELBOW, LAND OFF WHALLEY ROAD (A671), READ

READ PARISH COUNCIL: No objections/observations to the scheme providing there are assurances that the proposed septic tank will be sufficient for the needs of a successful business with lots of visitors.

LCC ENVIRONMENT DIRECTORATE (HIGHWAYS OFFICER): No objection in principle to this application on highway safety grounds.

LCC ENVIRONMENT DIRECTORATE (ECOLOGY): Following the submission of revised plans, it has now been established that impacts on trees with the potential to support roosting bats can be avoided. The applicant has also agreed and proposed to exclude access from the ancient woodland area of the Biological Heritage Site, which seems likely to be adequate to prevent damaging impacts on the ancient woodland, river banks and associated protected species within this area of the site.

However, concern is raised regarding the likely impact upon a heronry within the centre of the site. The applicant has submitted mitigation/compensation measures in order to minimise impacts on the heronry, however it is not clear whether consideration has been given to the use of other sites/areas of woodland for the development proposals that would result in lesser ecological impacts. The NPPF indicates that in order to avoid significant harm consideration should first be given to locating the development on an alternative site with less harmful impacts (Para 118).

For this reason there is uncertainty as to whether or not the submitted measures would be adequate to avoid impacts on the heronry or that impacts on the heronry could be avoided without restricting the timing of construction and operational activities within the site. Without timing restrictions, it seems likely that the proposed development would significantly harm a feature of interest, which led to the identification of the site as a BHS.

On this basis, approval of the proposal would be contrary to Local, Regional and National Planning Policy, and RVBC should not approve the application.

LCC ENVIRONMENT  
DIRECTORATE  
(ARCHAEOLOGY):

The proposed development lies in an area of Ancient & Post-Medieval woodland as characterised in the Lancashire Historic Landscape Characterisation (HLC) programme. Such areas are of recognised historical or archaeological interest and considered to have the potential to contain features such as evidence for coppicing and pollarding, woodland boundaries and occasionally can include parkland wood features. Such areas in Lancashire have yet to be the subject of any systematic archaeological assessment and the potential of the woodland at Devil's Elbow remains to be quantified.

Any proposed works in this area therefore have the potential to encounter features associated with the Parish or Park boundary, as well as other previously unknown evidence for past woodland/parkland management. Such features would be considered of sufficient local significance as to merit recording and retention within the development. As such, should the LPA be minded to approve the development, LCAS recommend that the applicants be required to undertake a programme of assessment and recording on site.

ENVIRONMENT AGENCY:

Following the submission of amended plans, the Environment Agency now raise no objections to the scheme subject to the implementation of a number of specific conditions.

UNITED UTILITIES:

No objection to the proposed development.

NATURAL ENGLAND:

The national habitat inventories indicate that this development coincides with an area of Biodiversity Action Plan (BAP) Priority Habitat, and as such this should be considered in line with Para. 118 of the NPPF. On the basis of the information supplied, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts upon on the local population of Bats, Great Crested Newts and Otters an therefore avoid affecting favourable conservation status.

RSPB OFFICER:	Professional opinion has been sought on the likelihood of Grey Herons continuing to nest in the woodland at Devil's Elbow if proposals for an outdoor activity are permitted within this woodland. It is considered extremely unlikely that Grey Herons will continue to use this traditional nesting site if the proposal goes ahead. Herons commence nesting very early in the year, and disturbance during this pre-nesting period is most likely to result in site abandonment. I also consider that the noise and arboreal human activities are also likely to disturb the herons.
BURNLEY BOROUGH COUNCIL:	No objections to the planning application.
HYNDBURN BOROUGH COUNCIL:	No specific observations relating to the application.
LANCASHIRE CONSTABULARY (ARCHITECTURAL LIAISON OFFICER):	Considering security and crime prevention at the earliest stage of the development enables it to be incorporated into the design at the earliest stage, therefore security of the buildings on this site and car parking is the areas that should be concentrated on.
ADDITIONAL REPRESENTATIONS:	<p>Seventeen letters of objection to the proposal have been received. The following highlights the reasons for objecting,</p> <ol style="list-style-type: none"> <li>1. Neighbours not pre-consulted by the applicant,</li> <li>2. Impact on highway safety,</li> <li>3. Increased traffic and congestion to the area.</li> <li>4. Limited public transport accessibility,</li> <li>5. Highway improvements/controlling measures should be sought around the new junction if approved,</li> <li>6. Speed limit needs to be reduced from 50 mph,</li> <li>7. Noise impact,</li> <li>8. Light pollution,</li> <li>9. Impact on the Biological Heritage Site,</li> <li>10. Impact on protected species/habitats on site including badgers, bats, otters, foxes, birds, deer and a heronry,</li> <li>11. Impact on Sabden Brook wildlife corridor,</li> <li>12. Ecology survey provided is incorrect as the site is an active site for nesting herons,</li> <li>13. Footpath areas will destroy fauna in the woodland,</li> <li>14. Visual impact of scheme,</li> <li>15. Health and safety risk if approved,</li> <li>16. Danger to horse riders who use the main road,</li> </ol>

17. Concerns regarding litter and pollution,
18. Concern about opening hours,
19. If the scheme is approved and becomes a success, we will see more buildings being proposed,
20. Already provision of similar facilities, albeit on a smaller scale, nearby,
21. If it fails we will see empty buildings and car parking areas being a blot on the landscape,
22. If approved we will likely see an increase in other commercial ventures being applied for,
23. Approval would be contrary to the Human Rights Act.

Thirteen letters/e-mails of support for the scheme have been received. The following highlights the positive points,

1. It will be a wonderful recreational and visitor facility for the Ribble Valley and East Lancashire,
2. Any initiative that generates employment proposes an exciting place for young people to visit and get active should be supported,
3. As a resident, I am delighted that families will benefit from such an activity centre,
4. It will attract visitors to our towns so benefitting local businesses and boosting the local economy,
5. It will be a positive influence for the community,
6. It is a sensible, progressive and worthwhile proposal,
7. After the recent Olympics, this is a worthwhile venture,
8. It may even aid local education departments with access to a good recreational activity centre, and
9. Increase in profile for the area as a whole.

### **Proposal**

The site measures 7.25 hectares in size. This application seeks permission for the development of an Outdoor Adventure Centre on land on the outskirts of Read. The scheme includes a treetop aerial adventure course, a Segway course, barefoot trails, children's adventure play/trail and education/interpretation trails within woodland. The proposal also includes the associated coach and car parking, and associated buildings (gross floor area of 430sqm) to provide ticketing, customer service facilities, toilets, restaurant and cafe, covered seating areas and ancillary retail sales. The scheme also includes the construction of the formal vehicular access to the site from the A671, associated internal roadways and proposed highway and accessibility improvements. The scheme will create a minimum of five jobs, however dependant on the end site owner/user, this could increase somewhat. The application has been subject to Pre-Application discussions.

### **Site Location**

The site lies within open countryside adjacent to the A671 between Read and Whalley, approximately 1 mile from the village boundary of Read. The site comprises a mixture of rural meadow/agricultural land/woodland and lies around 800m from the AONB. The site has good

links to the nearby motorways and along a number of important 'A' roads, providing easy access to Blackburn, Preston, Burnley, Greater Manchester and beyond.

### **Relevant History**

No relevant history.

### **Relevant Policies**

National Planning Policy Framework.

Policy G1 - Development Control.

Policy G5 – Settlement Strategy.

Policy G11 – Crime Prevention.

Policy ENV3 – Development in Open Countryside.

Policy ENV7 – Species Protection.

Policy ENV9 – Important Wildlife Site.

Policy ENV10 – Development Affecting Nature Conservation.

Policy ENV12 – Ancient Woodlands.

Policy ENV13 – Landscape Protection.

Policy ENV19 – Listed Buildings.

Policy RT1 – General Recreation and Tourism Policy.

Policy T1 – Development Proposals – Transport Implications.

Policy T7 – Parking Provision.

NW of England Plan Regional Spatial Strategy to 2021 – Policy EM1.

NW of England Plan Regional Spatial Strategy to 2021 – Policy DP7.

Biological Heritage Sites – Guidelines for Site Selection.

Government Circular 06/2005: Biodiversity and Geological Conservation.

DEFRA Circular 01/2005.

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

Wildlife and Countryside Act 1981 (as amended).

Natural Environment and Rural Communities Act 2006.

The Protection of Badgers Act 1992.

Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

Key Statement EN4 of the Core Strategy (Regulation 22 Submission Draft).

Development Management Policy DME3 of the Core Strategy (Regulation 22 Submission Draft).

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

The main issues with this application relate to the principle of the development, what affect the proposed change of use and the proposed erection of the associated buildings may have with regards to its visual impact on the area, the potential visual impact on the setting of the adjacent Grade II Listed Building, the potential impact of the scheme on the amenity of occupiers of adjacent properties and the potential impact on the Biological Heritage Site on site in which a large area of this proposal will be introduced. The LCC Highways Officer has raised no objection in principle to the application on highway safety grounds subject to a number of conditions.

## PRINCIPLE OF DEVELOPMENT

This application seeks permission for the development of an Outdoor Adventure Centre on land on the outskirts of Read, including a treetop aerial adventure course, a Segway course, barefoot trails, children's adventure play/trail and education/interpretation trails within woodland, along with all the associated buildings, parking and infrastructure required.

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

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

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

However, as the proposals affect a woodland which is thought to be ancient in origin and which is part of Old Park Plantation, New Maris Wood and Sager Hey Plantation Biological Heritage Site (BHS 73SW10), where known protected species reside, paragraph 119 of NPPF, Conserving and enhancing the natural environment, is a material consideration. It advises that *'The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.'* The site has been identified as such due to its current designation and following the results of the Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment document supplied as part of the application.

Paragraph 118 of the NPPF notes that 'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

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

The question therefore is whether the potential impact upon the ecology/habitats within the Biological Heritage Site would significantly and demonstrably outweigh the benefits that the proposed employment generating, tourism related, outdoor activity centre would bring to the area.

The applicant has submitted a detailed (but confidential due to the financial details included) site appraisal for the proposed development. In considering this document, I recognise that it would add to the attraction for the Ribble Valley from a tourist and visitor point of view, but contained within paragraph 118 of the NPPF is relatively self explanatory stating that when this needs to be balanced against the likely impact in relation to visual amenity and ecology issues then planning permission should be refused.

From a Local Plan Policy perspective, the site under consideration here lies outside any saved settlement boundaries and as such when considering the proposal against the saved Local Plan Policies, Policy G5 allows for small-scale tourism developments appropriate to a rural area

subject to the development being in accordance with Local Plan Policy RT1. Policy RT1 notes that the Borough Council will approve development proposals that extend the range of tourism and visitor facilities in the Borough subject to certain criteria being met. These criteria include not conflicting with other policies in the Local Plan and that the development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design. Again, the Local Plan Policies also advise that despite the consideration that the scheme would be a small-scale development that would significantly extend the range of tourism and visitor related facilities in the area, this would potentially be in conflict with other Local Plan Policies relating to species protection and nature conservation such as Policies ENV7, ENV9, ENV10, ENV12 and ENV13. On this basis the impact on the BHS must be considered in more detail to enable a reasoned explanation for the final recommendation given.

#### IMPACT ON THE BIOLOGICAL HERITAGE SITE

As noted above, the proposals affect woodland that is part of Old Park Plantation, New Maris Wood and Sager Hey Plantation Biological Heritage Site (BHS 73SW10), indeed 70% of the area within the red edge is part of the County Biological Heritage Site. This particular BHS was identified for supporting semi-natural woodland with field evidence indicating it is ancient in origin, there was/is a heronry on site and the areas of swamp/fen on site. Ancient Woodland is considered to be an irreplaceable habitat, and as NPPF states, planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss (Para 118). Ribble Valley Districtwide Local Plan states that development proposals within a County Biological Heritage Site will only be permitted provided the development would not significantly harm the features of interest for which the site is selected (Policy ENV9) and that where permission is granted for development affecting the nature conservation value of sites, damage to nature conservation interests must be kept to a minimum (policy ENV10).

The site appears to support a number of Habitats of Principal Importance, such as Wet Woodland, Lowland Fen and Lowland Mixed Deciduous Woodland / Upland Mixed Ashwoods (with reference to the NVC types listed as present in table 1 of the EclA report). DEFRA Circular 01/2005 indicates that UK Biodiversity Action Plan Priority Habitats (Habitats of Principal Importance, NERC Act 2006) are capable of being a material consideration in the making of planning decisions. More specifically, the site is identified partly due to the presence of a heronry. The bird survey (submitted as part of the Extended Phase I Habitat Survey & Baseline Ecological Impact Assessment) recorded the presence of a Heron although it was not thought to be breeding. A site visit on 18<sup>th</sup> September by the County Ecologist revealed the presence of 6 Grey Heron nests within the area proposed to be used for the woodland high wire adventure course, and following consultation with the local bird group, they have confirmed regular records of a heronry in this location with 6 active nests being recorded in 2011. This number of active nests is considered to be a "significant population of a scarce Lancashire breeding bird" (updated BHS guideline Av3).

As highlighted, this long-standing heronry is one of the qualifying features of BHS 73SW10. The site is listed under guideline Bi2b (Any site which regularly supports a significant proportion of the breeding population of a scarce Lancashire breeding bird species), and is known to regularly support at least 3 pairs of Grey Heron, which was considered to be a significant proportion of the breeding population in Lancashire at the time the guidelines were published. The BHS bird guidelines were updated in 2006 to reflect changes in bird populations and consequently the qualifying threshold of the number of breeding Grey Heron was raised from 3 pairs to 5 pairs (updated guideline Av3). BHS listings are updated in line with revised guidelines as and when data becomes available. Although the annual Grey Heron population estimates for

the UK spanning more than 80 years show a long term increase, since 2001 the UK Grey heron population has been in a shallow decline (British Trust for Ornithology). Grey Herons are known to be susceptible to human disturbance, for example the RSPB advises that freedom from disturbance is an importance factor in the siting.

The woodland at Devils Elbow is currently largely unused and therefore largely undisturbed. In order to minimise impacts on the active heronry the following mitigation measures were submitted for consideration:

- Restriction of works to establish infrastructure to beyond 50m from the heronry during the heron-breeding season.
- Restricting use of loud or vibrating machinery within 50m of the heronry during breeding season.
- A buffer of 30m between the heronry and aerial walkway, with proposals to camouflage the walkway where it falls within 30-50m of the heronry.
- Prevention of all public access within 30m of the heronry.
- Access for day-to-day management within 30m of the heronry.

The County Ecologist has discussed the matter with the RSPB Senior Conservation Officer for the North West as well as a number of organisations around the country that are responsible for managing public access to heronries, including the National Trust, Wildlife Trusts and local bird experts. Although there does not appear to be any official guidance as to likely disturbance distances and disturbance, they advise that distances are likely to vary depending on a number of local factors (such as historic disturbance, siting of the heronry in the local landscape, physical barriers to the heronry as perceived by the Herons such as water bodies etc). However, everyone they have consulted are of the opinion that allowing public access to an undisturbed woodland supporting a heronry to within 30-50m of the Heronry would be likely to cause significant disturbance to, and likely abandonment of, the heronry (due to both visual and noise disturbance). The RSPB NW Senior Conservation Officer is of the opinion that any disturbance buffer from the heronry would need to be at least 250m, with all the organisations who manage land with heronries, restricting public access to heronry sites to varying distances of 60m, 100m, 200m and 500m depending on the local situation and site specific experience of likely disturbance distances (for example, at the site where access is allowed within 60m the public access is restricted to controlled guided walks and the public are situated on the other side of a river to the heronry; at the site where public access is prevented closer than 100m there is no access to the woodland itself). The professional opinion on the likelihood of Grey Herons continuing to nest in the woodland at Devil's Elbow if proposals for an outdoor activity are permitted within this woodland, was that it is considered extremely unlikely that Grey Herons will continue to use this traditional nesting site if the proposal goes ahead.

It is not clear if the submitted mitigation/compensation measures have considered the use of other sites/areas of woodland for the development proposals which would result in lesser ecological impacts (paragraph 118 of the NPPF 'in order to avoid significant harm, consideration should first be given to locating the development on an alternative site with less harmful impacts) as part of a reasoned justification for the mitigation measures. The County Ecologist has considered these measures however they advise that there is uncertainty as to whether or not the measures submitted would be adequate to avoid impacts on the heronry or that impacts on the heronry could be avoided without restricting the timing of construction and operational activities within the site. Without timing restrictions, it seems likely that the proposed development would significantly harm a feature of interest that led to the identification of the site as a BHS; in which case, the proposal would be contrary to Policy ENV9 of the Local Plan. The

LCC Ecologist did advise on a couple of conditions that they thought could allow the development and use of the site, namely

- There shall be no disturbance associated with the development, including construction works, site maintenance, site operation/recreational activity and dismantling, both within the woodland and within 250m of the edge of the area of Mixed Plantation Woodland as shown on the Phase 1 Habitat Map (Cameron Crook & Associates, June 2012) during the Heron breeding season (January to July inclusive) and until checks have been made to ensure that the birds have finished breeding, and
- Both the woodland and land outside the woodland within 250m of the edge of the area of Mixed Plantation Woodland as shown on the Phase 1 Habitat Map (Cameron Crook & Associates, June 2012) shall not be open to the public between January and July inclusive and until checks have been made to ensure that the birds have finished breeding.

In imposing conditions one of the tests of a 'reasonable' condition relates to whether or not it would in effect nullify any permission by rendering the scheme unviable. Bearing in mind the LCC Ecologist has confirmed that without these conditions, planning permission should not be granted, the question then is whether the potential loss of the heronry from the site and the subsequent impact upon the ecology within the Biological Heritage Site would significantly and demonstrably outweigh the benefits of the proposed employment generating, tourism related, outdoor activity centre would bring to the area.

There is no doubt that the scheme could potentially be a lucrative attraction for the Ribble Valley from a tourist and visitor point of view, however the guidance contained within paragraph 118 of the NPPF is relatively straight forward stating that when determining planning applications if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Considering this and the distinct conflict with other Local Plan Policies relating to species protection and nature conservation such as Policies ENV7, ENV9, ENV10, ENV12 and ENV13, the principle of developing the site is not considered in accordance with Local, Regional and National Policy, and this application should be refused.

#### IMPACT ON OTHER ECOLOGY/FLORA/FAUNA

Following a number of amendments to the scheme, namely the exclusion of access to the ancient woodland area and beyond of the Biological Heritage Site and that it has been established that impacts on trees with the potential to support roosting bats can be avoided, it is considered that the measures proposed will be adequate to prevent damaging impacts on the ancient woodland, river banks and associated protected species within this area of the site.

#### HIGHWAYS ISSUES

The LCC Highways Officer raised no objection in principle to this application on highway safety grounds, and offers the following points of commentary on the submitted scheme.

#### Junction Design

He is confident that the necessary access specifications can be achieved from within the available frontage under the applicant's control. The Transport Statement (TS) accompanying the application identifies a range of 105m to 120m as being acceptable for the measured vehicle speeds on Whalley Road, and he is content that this is accurate and a reasonable basis on which to proceed. Working with the lower figure of 105m by 2.4m, the impact of construction on

adjacent planting and established hedgerows is minimised, and as such he has no objection to the introduction of the splays achieved using this figure on this section of Whalley Road, highlighting the retention of the planting as an additional benefit.

The design of the proposed access satisfies the LCC Specification for Construction of Estate Roads. An anticipated daily flow of up to 500 vehicle movements (250 journeys x 2), at the proposed access can be safely accommodated from a suitably designed priority junction, as is proposed here. The proposed access point does not appear to require the removal of any mature trees, but there will be requirements to raise the crown on some specific trees and to alter the line of hedgerows that fall within the visibility splay. In order to manage the movement of traffic arriving at and manoeuvring through the site, it would be appropriate to have in place a scheme of warning and information signage and road markings, however these details could be dealt with via a suitable planning condition.

As indicated on plan, the existing field gate access to the west of the proposed access is to be permanently closed and planting reinstated, and this too can be dealt with via a formal Highway Condition. The site plans indicate that the main vehicular access from Whalley Road is to be gated showing that site security has been considered in great detail.

#### Off site highway works

The level of vehicular activity initially envisaged would not warrant consideration of further highway engineering works, such as a right turn lane to the site, however the junction will have to accommodate coach traffic, possible agricultural traffic and potentially large maintenance vehicles.

#### Public Transport

The integration of this site into existing bus routes and scheduled services is an important consideration. An amended plan has been provided showing the location of two new bus stops and the supporting street furniture. This arrangement would improve on the existing provision, whereby there is no stop within 800/900metres of site entrance. This additional provision helps to address issues concerning the sustainability of the site and will assist in minimising the number of private car journeys to the site. The intention would be to include these stops as part of the existing Service No.26 that runs between Burnley and Clitheroe, and also serves Whalley and Padiham. In order to secure the necessary works highlighted above, the applicant will need to enter into a formal Legal Agreement.

#### Footway Provision

There is an existing footway to the south side of Whalley Road and provisions have been made for drop kerb links to and across the proposed access. Drop kerbs also now provide a link to the south side of Whalley Road to both sides of the main access and across this access, allowing pedestrians to reach the site from a continuous footway link. Short lengths of new footway are also provided to both sides of the main entrance to support pedestrian safety and to accommodate improved public transport provisions.

#### Street Lighting

Although it is proposed that the site should operate from 09:00hrs until dusk, there will be times when the entrance will be operational in darkness and there will still be some movements to/from the site outside of these times. In order to comply with the current regulations the junction would need to be lit with a minimum of 7 columns. However, this would then leave a gap of about 250m to the next lit section of the road to the northwest, towards the Devil's Elbow.

This is problematic as there could be issues with motorists adapting to the change from dark to light to dark etc.

The applicant is content to commit to provision of street lighting to meet LCC requirements and it is considered that this additional street lighting (paid for by the applicant) will assist in the case for a reduction in the speed limit to 40mph. Of course this would be a matter for the highway authority, but the applicant's proposals will help to support such a reduction. It is considered that the off-site works can all be handled through a S278 agreement, subject to details to be agreed.

#### Speed Limits

The present Speed Limit is 50mph and it is understood that some initial speed counts have been undertaken. There is a case for considering the introduction of a lower; 40mph limit with such a change impacting on visibility distances and access road construction design. That said, he could confirm that the assessments carried out on behalf of the applicant are robust and provide verification that the existing 50mph speed limit is appropriate for this section of highway. Also establishes that sightlines of 105/120metres are appropriate and can be achieved within land fronting the site that is directly within the applicant's control.

#### Signing

The introduction of appropriate new signing provisions (warning, information and/or advisory) for this site has been proposed by the applicant and conditions would ensure that is in place in advance of the completion of the development and the first paying members of the public visit to the site.

#### Car Parking

The parking standards contained within The Regional Spatial Strategy (RSS) – North West of England Plan (2008) remain the County wide standard for parking provision. Until such time as a revised policy is available, the RSS must still remain a material consideration in assessing planning applications. The plans indicate that there are 50 car parking spaces and 5 coach spaces, which would be a reasonable provision based on projected numbers attending and vehicle occupation rates.

#### Internal Layout

The design of the on-site facilities must take into account the potential visual impact on passing motorists. In particular, there must be no direct view of "in tree" activity from the "Devil's Elbow".

#### Proposed Highways Contributions

Should the Local Planning Authority be minded to approve this development, the County Council would ask that the Applicant enter into a S278 Agreement in order to secure the following off-site highways works: -

1. Prior to the opening of the site to members of the public, the provision of interactive warning signs to encourage compliance with the advisory 30mph Speed Limit to the west of the site, with the intention of encouraging reduced speeds on approach to the site entrance.
2. No part of the development shall commence until a scheme for the provision of improved street lighting provisions have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
3. The provision of new or upgraded stops would be subject to a suitable design being agreed, the intention would be to pursue stops to LCC Quality Bus Standards, including illuminated

shelters to LCC specification, raised footway (160mm kerb height) and Bus Clearway Markings.

An initial estimate of the costs of this provision would be £20k per location plus a £2k commuted sum for future maintenance.

#### VISUAL IMPACT OF SCHEME

Paragraph 60 of the NPPF advises 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', with paragraph 61 advising that 'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.' From a Local Plan Policy point of view, the site under consideration here lies outside any saved settlement boundaries and as such should be considered in accordance with Local Plan Policy G5, which allows for small-scale tourism developments appropriate to a rural area subject to the development being in accordance with Local Plan Policy RT1. Policy RT1 notes that the Borough Council will approve development proposals that extend the range of tourism and visitor facilities in the Borough subject to certain criteria being met. These criteria include not conflicting with other policies in the Local Plan and that the development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design. Local Plan Policy ENV3 is also useful when considering development within the Open Countryside, and stipulates that 'development will be required to be in keeping with the character of the landscape area and should reflect local vernacular, scale, style, features and building materials'.

The site itself is well screened by existing planting on site, and it is unlikely that the works proposed within the woodland would be visible from outside the site. The proposed car parking, access roads and turning areas closest to Whalley Road will be partially visible due to the creation of the new access into the site, however the scheme also includes substantial additional tree planting on site to help screen the infrastructure proposed. The built form on site will consist of two main buildings linked via a third covered walkway area. The buildings have all been designed with the rural background in mind, and from a distance may appear as agricultural style buildings. The buildings will have an apex roof clad in metal sheeting (to be agreed) and the sides will be clad with timber boarding above a stone plinth. The 'link' building will simply be a steel frame with a part-glazed roof. The 'Visitor Centre' will be split into two main areas with a café and toilets within one building and the ticketing office and ancillary retail sales area within the other. Due to the relatively modest overall height of the buildings (7.2m to ridge from the FFL), the simple yet modern design, the existing and proposed planting on site and around the buildings and as the buildings will be partially built into the sloping land, it is not considered that the scheme will have an adverse visual impact on the surrounding area.

#### IMPACT ON LISTED BUILDING

Read Hall Lodge is a Grade II Listed Building that sits some 110m to southeast of the new entrance to the site. The coach parking area sits some 90m from the boundary of the dwelling although additional tree planting is proposed around the parking areas.

Paragraph 126 of the NPPF advises that local planning authorities should recognise that *'heritage assets are an irreplaceable resource'* which should be conserved in a *'manner*

*appropriate to their significance*’. Paragraph 132 provides more advice when considering the impact of a proposed development on the significance of a designated heritage asset noting that great weight should be given to the asset’s conservation. It continues noting that the more important the asset, the greater the weight should be, and that the significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Bearing this in mind, the scheme is not considered to lead to significant harm to the setting of the heritage asset due to the distance between the development and the boundary of the building, with any visual impact suitably mitigated by the additional screen planting proposed around the parking area.

#### IMPACT ON RESIDENTIAL AMENITY

The proposed use on site has been discussed with the Head of Environmental Health Services, with consideration had towards the recently approved, albeit smaller in scale, Outdoor Pursuits Centre in Simonstone. The proposed use will inevitably generate noise through visitors enjoying the facilities, however how this will impact upon the occupants of nearby residential dwellings is considered difficult to quantify. The main areas of woodland that will be used by visitors to the site, at the closest point, are some 180m from the nearest residential property, Greenhurst Farm, although there is an additional large area of unused woodland area that will provide some form of a sound barrier as mitigation. The hours of use proposed are between 0900 and dusk, with site clearly being used more in the summer months than in winter, as there is no floodlighting or lighting proposed within the woodland areas.

Having visited the site with the Council’s Environmental Health Services Manager and discussed the points outlined above he raises no objections in principle to the scheme subject to a number of conditions. These conditions would seek to limit the hours of use of the site at specific times of the year, additional acoustic screening on site, consideration of the internal layout of the zip wires, rope swings etc. and a limitation of the location and type of lighting to be incorporated on site. On this basis, whilst the use of the site will be audible, it will not be to the detriment of the occupiers of adjacent/nearby residential dwellings.

#### CONCLUSION

Paragraph 28 of the NPPF advises 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, as well as promoting the development and diversification of agricultural and other land-based rural businesses, and supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.’

However, within one of the Core Planning Principles within Paragraph 17 of the NPPF is to ensure that development contributes to conserving and enhancing the natural environment, a point supported by paragraph 109 which states ‘The planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, and minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.’ This paragraph also advises that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with

less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The question then is whether the potential loss of the heronry from the site and the subsequent impact upon the ecology within the Biological Heritage Site would significantly and demonstrably outweigh the benefits of the proposed employment generating, tourism related, outdoor activity centre would bring to the area. There is no doubt that the scheme could potentially be a lucrative attraction for the Ribble Valley from a tourist and visitor point of view, however the guidance contained within paragraph 118 of the NPPF is self-explanatory. Supported by existing Local Plan guidance, with Policy ENV9 that states that development will be permitted providing it would not significantly harm the features of interest which have led to the identification of the site, the long standing heronry on the site is one of the qualifying features of BHS 73SW10, and emerging Key Statements DME3 and EN4 within the recently submitted Core Strategy, the principle of developing the site is not considered in accordance with Local, Regional and National Policy, and this application should be refused.

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

1. Approval of this scheme would be contrary to the guidance contained within Local Plan Policies ENV7, ENV9, ENV10, ENV12 and ENV13, Policy DME3 of Regulation 22 Submission Draft Ribble Valley Core Strategy and Key Statement EN3, Policies EM1 and DP7 of the RSS and paragraphs 7, 9, 14, 17, 109, 118 and 119 of the NPPF. Approval of the scheme would also be contrary to the guidance contained within the LCC document Biological Heritage Sites – Guidelines for Site Selection, Circular 06/2005, DEFRA Circular 01/2005, The Conservation of Habitats and Species Regulations 2010 (as amended), Wildlife and Countryside Act 1981 (as amended) and the NERC Act 2006. Approval of the application will have a significant and detrimental impact upon the Old Park Plantation, New Maris Wood and Sager Hey Plantation Biological Heritage Site (BHS 73SW10), as the likely impact of the development will result in the loss or deterioration of irreplaceable habitats on site, namely a long standing heronry on site (one of the qualifying features of BHS 73SW10).

APPLICATION NO: 3/2012/0819/P (GRID REF: SD 371943 446635)  
PROPOSED DEMOLITION OF THE MOORCOCK INN AND THE ERECTION OF THREE  
DETACHED DWELLINGS, THREE DETACHED GARAGES WITH ANNEX  
ACCOMMODATION OVER AND THE CREATION OF GARDEN AND LANDSCAPED AREAS  
AT THE MOORCOCK INN, SLAIDBURN ROAD, WADDINGTON

PARISH COUNCIL: No representations have been received.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): Has no objections to the application on highway safety grounds as the proposal would result in a significant reduction in vehicle movements from the volume that would result from the existing authorised use of the site.

ENVIRONMENT AGENCY: Has no comments to make on this application.

UNITED UTILITIES:

Has no objections to this application.

ADDITIONAL  
REPRESENTATIONS:

Two letters have been received from nearby residents in which comments and objections are made to the proposal as summarised below:

1. It is not made clear in the application that the access track to the Moorcock Inn leads to an agricultural track and is therefore a right of way for three farmers to access their fields. There is no other way to get to this land.
2. The proposal is entirely out of place within the Forest of Bowland AONB and would permanently change the character of Waddington Fell. The detrimental visual impact upon the AONB would be considerable in comparison to the minimal impact of the recently approved conversion scheme.
3. Whilst the Council allows the conversion of existing buildings in the open countryside, a permission for this development could set a precedent for developers purchasing farmsteads with the intention of demolishing existing agricultural buildings in order to build several houses. This would change the character of the Forest of Bowland to the detriment of the local tourist industry. If this application is approved it would also encourage the owners of other rural public houses to submit similar applications.
4. The previous application included the removal of the worst of the additions and alterations to the original building and would enhance the best part of the building that was to be retained. Has the Council's view of the preservation of parts of the building changed?
5. The applicant's opinion that the presently approved scheme is not economic is not a good reason to depart from the previously approved scheme and to approve this new application.
6. Unlike the previously approved development, this current application would not "ensure that the special characteristics of the area are preserved for future generations" as required by Policy EN2 of the Council's Core Strategy. The existing building is part of the landscape but the three new large detached houses are not.
7. The proposal is contrary to Policies DMG1, DMG2 and DMH3 of the Core Strategy as it is not appropriate or sympathetic to the existing landscape.

8. The main purpose of an AONB is to conserve and enhance the natural beauty of the Forest of Bowland. This proposal does not satisfy that requirement.
9. Three properties right up to the boundary with a neighbouring dwelling would detract from the existing “isolated” feel of that property.
10. The site is described in the application as brownfield, but part of Plot 1 is an area that has always been grassed.
11. The development does not help or benefit the housing needs of Ribble Valley when compared to the previously approved conversion that had the same number of properties and bedrooms.
12. Are three storey properties to a height of 10.82m appropriate to the locality?
13. Contrary to what is stated in the application, there is no mains water supply to the site.

### **Proposal**

Full planning permission is sought for the demolition of the existing Moorcock Inn and the erection on the site of the building and its car park of three substantial detached houses.

The properties would each contain accommodation over four floors including a basement, and bedroom accommodation at second floor level within the roof space. The dwellings each contain a swimming pool, snooker room/gym and cinema within the basement; kitchen and the usual living rooms on the ground floor; with a total of 5 bedrooms (each with en suite facilities) over the top two floors.

In addition to the accommodation described above, two of the houses would have detached garages with ancillary living accommodation at first floor level. The third house would have an attached garage, also with ancillary living accommodation above.

The main three-storey south facing front elevations of all three dwellings are approximately 20m in length (this excludes the two storey attached annex at Plot 3). The ridge heights of the properties are approximately 10.5m. The proposed external materials comprise random stone with stone quoins to principal corners and natural blue slate roofs.

Each dwelling would have its own relatively large curtilage within which a scheme of proposed landscaping is shown on the submitted plans.

### **Site Location**

The application relates to the former Moorcock Inn Public House and Hotel that is located on the northwest side of Slaidburn Road within the Area of Outstanding Natural Beauty approximately 2 miles north of Waddington Village. The buildings have not been in use since the business

was ceased in the summer of 2010. The application site comprises the area upon which the buildings stand plus the large car park which, together, give a total area of approximately 1.8 acres. There are two dwellings relatively close to the application site, one to the west and one to the south-west, otherwise there are few other buildings or properties within approximately 500m of the site.

### **Relevant History**

3/2012/0356/P – Proposed conversion and redevelopment of the building to form three private residential properties. Approved with conditions.

3/1995/0462/P – Rear extension to form lounge, bar and toilets with bedrooms over. Approved with conditions.

3/1991/0562/P – Single storey side extension and alterations to provide a lounge. Approved.

### **Relevant Policies**

#### *Saved Local Plan Policies*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy EMP11 - Loss of Employment Land.

Policy H2 - Dwellings in the Open Countryside.

#### *Core Strategy Regulation 22 Submissions Draft Policies*

DMG1 – General Considerations.

DMG2 – Strategic Considerations.

DME2 – Landscape and Townscape Protection.

DME4 – Protecting Heritage Assets.

DMH3 – Dwellings in the Open Countryside and AONB.

#### *National Guidance*

National Planning Policy Framework (NPPF).

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

Planning permission has recently been granted for the conversion and redevelopment of this former public house to form three dwellings (3/2012/0356/P). Whilst this current application must be determined on its own merits, it is considered that the previous permission constitutes relevant background information. A brief description of that previous application is therefore given below, following which this current application will be considered in relation to the relevant saved Policies of the Local Plan; the relevant policies of the Core Strategy Regulation 22 Submission Draft; and the National Planning Policy Framework. These matters will therefore be considered below under appropriate sub-headings.

#### **Previous Planning Application 3/2012/0356/P**

The agent stated in the Supplementary Statement submitted with this previous application that the buildings had started to fall into disrepair and, in the absence of any purchasers for the property for it to continue in its previous use, and in order to be able to dispose of the property, his clients have had no choice but to look at alternative uses for the property. The previous

application was therefore submitted for a scheme involving demolition, conversion and new-build in order to provide three dwellings.

The principle elevation of the existing buildings is the two-storey south facing elevation that looks down Slaidburn Road towards Waddington village. The buildings have been much altered and extended over the years with the most recent (and most inappropriate) additions being at the rear of the main south facing original part of the building.

The approved development involved the demolition of the inappropriate recent extensions, and the retention and enhancement of the older and more important parts of the building.

It is considered that the application for the demolition of the building and erection of three detached dwellings represents a more sustainable form of development than either the use of the building for its existing authorised use or for any alternative commercial use. Therefore, purely in relation to the consideration of sustainability, the application is considered to satisfy the overriding requirement of NPPF.

It is considered that saved Policy EMP11 of the Local Plan should be afforded little weight in the determination of the application but that, in any event, the requirements of that Policy have been satisfied by the unsuccessful marketing of the property that has been ongoing for a period in excess of 2 years.

In relation to general activity, traffic movements etc it is considered that the less intensive use of the site for three dwellings would in some regards improve the amenities of the two nearby residential properties. By the inclusion of the car park within the site, the proposed dwellings would be located closer to the nearest neighbouring properties than would be the case with the previously approved scheme. Whilst this might result in detrimental effects upon the general appearance and character of the locality (as will be discussed later in the report) I do not consider that the current proposal would directly result in any detrimental effects upon the privacy or general residential amenities of the occupiers of the adjoining property that would be sufficient to represent a sustainable reason for refusal of the application.

There are no highway safety objections to the proposal.

Matters upon which there is contention are discussed under sub-headings below.

### The Principle of the Development

Saved Policy H2 of the Local Plan allows the conversion of buildings to dwellings in the open countryside, subject to certain criteria. The previous proposal was therefore acceptable in principle when considered under Policy H2. That Policy also allows “residential development specifically intended to meet a proven local need”; but it does not allow new build “open-market” houses. The development now proposed, therefore, would not be acceptable in principle if considered under saved Policy H2.

The saved Policies of the Local Plan, however, whilst still applicable, can be afforded little weight due to their age. More weight can now be given to the Policies within the Core Strategy Regulation 22 Submission Draft in which Policy DMH3 relates to dwellings in the open countryside and the AONB.

This Policy states that, within such locations, residential development will be limited to:

- *developments essential for the purposes of agriculture or residential development which meets an identified local need;*
- *the appropriate conversion of buildings to dwellings provided they are suitably located and their form and general design are in keeping with their surroundings. Buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction;*
- *the rebuilding or replacement of existing dwellings subject to the following criteria:*
  - the residential use of the properties should not have been abandoned;
  - there being no adverse impact on the landscape in relation to the new dwelling;
  - the need to extend an existing curtilage.

The current application does not fall within any of the categories of residential development quoted above. Whilst there may be an extant permission for the conversion/redevelopment of the existing building to form three dwellings, the existing building is a former public house/restaurant. The application does not therefore relate to the rebuilding or replacement of an existing dwelling.

As a matter of principle, therefore, it is not considered that the proposal satisfies the requirements of Policy DMH3.

#### Effects Upon the Local Landscape/Visual Amenity

The existing building has evolved from its origins as a farmhouse with attached agricultural building. It is a highly visible building that is an established feature of the local landscape. The previous planning permission, in simple terms, involved the retention and enhancement of the best elements of the building and the demolition of the worst elements. That permission would provide three dwellings and their curtilages substantially within the footprint of the existing building with only a slight encroachment onto the adjoining car park.

Whilst providing three dwellings, it was considered that the previous application was entirely sympathetic to the existing appearance and character of the locality. As such, it complied with saved Policies G1 and ENV1 of the Local Plan and it would comply with the equivalent policies DMG1, DMG2 and DME2 of the Core Strategy.

The defined application site in the previous application had an area of approximately 0.54 acres. The current application site also includes all of the existing car park giving an area of approximately 1.8 acres. The three proposed dwellings and their curtilages would cover this larger site area. Whilst there are other dwellings in the locality, including two properties relatively close to the application site, the construction of the proposed three large and relatively high dwellings in a group is not a feature that is common to this particular part of the AONB. On the contrary, no matter how much care might be taken with landscaping and external materials, it is considered that the development would represent an inappropriate and incongruous development that would seriously detract from the appearance and character of the AONB. As

such, the proposal would be contrary to saved Policies G1 and ENV1 of the Local Plan and Core Strategy Policies DMG1, DMG2 and DME2.

#### The Existing Building as a Non Designated Heritage Asset

A Heritage Statement has been submitted with the application in which the history of the building is described from its first appearance on an 1847 map. It was initially a farm dwelling with attached agricultural building, but appears from evidence within the Heritage Statement, to have become a public house at some time before 1925. Although considerably altered in more recent years, the building is still considered to represent a non-designated heritage asset.

Paragraph 135 of NPPF states as follows:

“The effect of an application on the significance of a non designated heritage asset should be taken in to 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.”

In relation to this building, such a balanced judgement was made in relation to the previous application, with the conclusion reached that the retention and enhancement of the best elements of the building was acceptable and appropriate. In the light of the advice in NPPF, the total demolition of the non-designated heritage asset, however, is considered to be inappropriate and unjustified.

#### Additional Matter

It is stated in the Supporting Statement submitted with the application that, in comparison to the approved development, this current application has been submitted as, in the agent’s opinion, it is considered to be a much more viable proposition for the re-development of the site which, in a depressed market, he believes will have some prospect of coming to fruition. This does not, in my opinion, represent justification for granting planning permission for a development that is considered to be unacceptable and contrary to the relevant planning policies and guidance as described in this report.

#### Conclusion

The proposal involves the total demolition of a non-designated heritage asset and the construction of three large detached dwellings (a net increase of 2 dwellings as there is a manger’s dwelling within the existing building) on a site that is within the AONB and a considerable distance outside any settlement boundary. They are three very large dwellings that clearly are not intended “to meet a proven local need”. Therefore, the development is unacceptable in principle as it is contrary to saved Local Plan Policy H2 and Core Strategy Policy DMH3. The total demolition of the existing building is considered to be contrary to Section 12 of NPPF ‘Conserving and Enhancing the Historic Environment’. The proposal, by virtue of it comprising a group of three relatively large and relatively high dwellings would result in a development that is not typical of the immediate locality nor is it considered to be appropriate. It would represent an incongruous development that would detract from the local environment. The development would certainly not conserve and enhance the natural environment of the AONB as required by Section 11 of NPPF and also the relevant saved policies of the Local Plan and the relevant policies of the submissions draft of the Core Strategy.

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

1. The proposal involves the construction of three large detached dwellings (a net gain of two dwellings as there is a manager's dwelling within the existing building) on a site that is within the Forest of Bowland Area of Outstanding Natural Beauty and a considerable distance outside any settlement boundary. By virtue of their size, the dwellings are clearly not intended 'to meet a proven local need'. The proposed development is therefore contrary to saved Policy H2 of the Ribble Valley Districtwide Local Plan and Policy DMH3 of the Core Strategy 2008 – 2028 'A Local Plan for Ribble Valley' Regulation 22 Submission Draft.
2. The proposed development involves the demolition of a non-designated heritage asset and is therefore contrary to the intentions of conserving the historic environment as contained in Section 12 of the National Planning Policy Framework.
3. The proposed group of three dwellings by virtue of their size and height and the extent of their curtilages would represent a development not typical of the locality, and would appear as an incongruous development that would detract from the appearance and character of the Forest of Bowland Area of Outstanding Natural Beauty. As such, the proposal does not conserve and enhance the natural environment as required by Section 11 of the National Planning Policy Framework and is contrary to saved Policies G1 and ENV1 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DMG2 and DME2 of the Core Strategy 2008 – 2028 'A Local Plan for Ribble Valley' Regulation 22 Submission Draft.

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

APPLICATION NO: 3/2012/0420/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 include in any subsequent S106 agreement:-

a. The provision of enhanced and improved bus stop facilities on Whalley Road and/or Littlemoor Road at an estimated cost of £20,000 (a letter dated 5 October indicates the bus stop to the east side of Whalley Road outside the former Barkers Nursery site and the opportunity to provide improved bus posts, incorporating relevant route information at two locations to the southern side of Parker Avenue and/or Park Street).

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 presently 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.*

LANCASHIRE COUNTY  
COUNCIL (ARCHAEOLOGY):

The scheme raises no significant archaeological implications.

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 objected 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.

Further correspondence dated 5 October 2012 confirms that they find the drainage principles outlined in the Drainage Strategy Report written by Amec dated October 2012 acceptable. They therefore withdraw their initial objection subject to the imposition of conditions on any consent granted.

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.

An amended illustrative layout was received on 5 October 2012 which incorporates the provision of an attenuation pond to the rear of numbers 157 and 159 Whalley Road. This has resulted in some amendments to the illustrative layout of dwellings at the south/south-west areas of the site.

### **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**

### *Ribble Valley Districtwide Local Plan Adopted June 1998*

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 ENV19 - Listed Buildings.  
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.

### *Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft*

DS1 – Development Strategy.  
EN3 – Sustainable Development and Climate Change.  
EN5 – Heritage Assets  
H1 – Housing Provision.  
H2 – Housing Balance.  
H3 – Affordable Housing.  
DMI1 – Planning Obligations.  
DMI2 – Transport Considerations.  
DMG1 – General Considerations.  
DMG2 – Strategic Considerations.  
DMG3 – Transport and Mobility.  
DME2 – Landscape and Townscape Protection.  
DME4 – Protecting Heritage Assets.  
DME5 – Renewable Energy.  
DME6 – Water Management.  
DMH1 – Affordable Housing Criteria.  
DMB4 – Open Space Provision.

### *North West of England Regional Spatial Strategy to 2021*

Policy DP1 – Spatial Principles.  
Policy DP2 – Promote Sustainable Communities.  
Policy DP7 – Promote Environmental Quality.  
Policy L1 – Health, Sport, Recreation, Cultural and Education Services.  
Policy L4 – Regional Housing Provision.  
Policy L5 – Affordable Housing.  
Policy EM18 – Decentralised Energy Supply.  
National Planning Policy Framework.  
Technical Guidance to the National Planning Policy Framework.  
Addressing Housing Needs.

## **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 6.01 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. However the Council can demonstrate a 5.12 year supply against this requirement. It should be borne in mind that whilst a five year supply can be demonstrated against both the RS and emerging Core Strategy requirements, these are 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.

This scheme was initially presented to Committee at the 11 October meeting at which time Members raised questions in relation to the former Barker's Garden Centre and highway improvement works associated with that proposal. That application was for a development comprising 30 apartments, 2 houses and a 40 bed nursing home. Vehicular access was detailed from Littlemoor Road with the works of highway improvement comprising the provision of a pavement leading from the proposed access back to the junction of Littlemoor Road/Whalley Road. No actual road widening was proposed, the works involved the footway only. The County Surveyor has been asked for clarification as to why the footway works were necessary for the Barker's development but not requested in relation to this submission and he has provided the following explanation:

*From my response of July 2010 to the application 3/2010/0550, I commented as follows concerning the provision of additional footway along the north side of Littlemoor Road:-*

*This development will result in a significant increase in vehicular activity at the junction of Littlemoor Road and Whalley Road. However, this proposal will provide significant improvements through the increased footway provisions. This will improve both the perception and operation of the existing junction, as while the existing carriageway width is satisfactory it is undermined by the encroachment of foliage and planting and the lack of a useable footway.*

*As the principal route from the Barker's Nursery site to Whalley Road the introduction of the improved footway was considered appropriate given the limited provisions available, the ability to achieve the improvement with no detriment to highway safety or the existing junction capacity and the strong likelihood that it would be a convenient and well utilised new link, improving the sustainability of the site.*

*In my supplementary response of 5 October 2012 to application 3/2012/0420, I specified the public transport improvements that it would be appropriate to secure under and S106 Agreement. Central to this was the provision of a new pedestrian link through the site, linking to Whalley Road and the existing public transport facilities.*

*I have previously identified that the S106 Agreement should include an item for;*

*The provision of two enhanced and improved bus stop facilities on Whalley Road and/or Littlemoor Road at an estimated cost of £20,000.*

*Through the proposed link via Park Road, the pedestrian access from the Littlemoor Road site to Whalley Road is secured along a route that has a continuous footway provision.*

*The improvements associated with application 3/2010/0550 remain valid as they will address the anticipated pedestrian demand from the proposed development, providing a seamless transition between the site and the established facilities served from Whalley Road.*

*However, I do not consider that there is any conflict in my position regarding these two schemes, as there is no direct transfer of highway safety justifications that would support the improvements associated with 3/2010/0550 being transposed to 3/2012/0420.*

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 3 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 initially 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) the applicant has carried out the additional survey work and United Utilities have confirmed that this does 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 and have agreed the evidence and calculation of the 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 and subsequently amended 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 indicated elsewhere within this report the illustrative master plan has been revised to accommodate a pond to the area of the site at the rear of 157 and 159 Whalley Road for surface water attenuation as part of SUDS strategy. This has involved some repositioning of proposed dwellings but I do not consider that the amendments shown to the illustrative layout in these respects would prove significantly detrimental to the amenities of properties bordering the site. 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 3 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 Drwg No SP(90)\_022 rev C.

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 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 Policy EM18 of the North West of England Regional Spatial Strategy to 2021.

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 individually 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. Notwithstanding any indication on the approved plans, no development shall be commenced unless and until a drainage strategy for the disposal of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme which shall be completed prior to the permitted dwelling being first occupied

REASON: To secure proper drainage and to reduce the risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

16. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into the public foul, combined or surface water sewerage systems.

REASON: To secure proper drainage and to reduce the risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

17. Notwithstanding any indication on the approved plans, no development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system incorporating SUDS which restricts surface water discharge into existing watercourses to 5 l/s or Greenfield runoff whichever is the greater, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

REASON: To secure proper drainage and to reduce the risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

18. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until such a scheme has been constructed and completed in accordance with the approved details

REASON: To secure proper drainage and to reduce the risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

19. No building shall be erected within 6.5 metres of the public sewer that runs through the site.

REASON: To protect existing service infrastructure in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

NOTE(S):

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserved the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Executive Director at PO Box 9, Guild House, Cross Street, Preston PR1 8RD in the first instance to ascertain the details of such an agreement and the information to be provided.

2. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.
3. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act.
4. This outline planning permission shall be read in conjunction with the Legal Agreement accompanying this application.

APPLICATION NO: 3/2012/0617/P (GRID REF: SD 373581 437708)  
 OUTLINE APPLICATION FOR A PROPOSED RESIDENTIAL DEVELOPMENT OF SEVEN DWELLINGS ON LAND OFF CLITHEROE ROAD, BARROW, CLITHEROE

WISWELL PARISH  
 COUNCIL:

The Parish Council OBJECT to this development for the following reasons:

1. Proposal is outside the main settlement and village boundary of Barrow on agricultural land.
2. Does not conform to infill criteria.
3. Sewerage facility at Barrow at present is inadequate.
4. No infrastructure proposed to support an increase in population in Barrow.
5. Insufficient infrastructure in Barrow to support existing community let alone more housing (education/shops).
6. Increase in traffic movements in the vicinity.
7. Local transport system cannot cope and is at full capacity.
8. A public footpath runs through the site and must be maintained.
9. If approved there is a concern this could cause a precedent for further applications.

WHALLEY PARISH  
 COUNCIL:

The Parish Council will support any objection forwarded by RVBC, LCC Officers or any statutory consulters on the following issues:

1. Education – The lack of places in Whalley and the RV schools is the norm for both primary and secondary pupils. The PC is strongly opposed to the education of local pupils away from the local community as appears the likely outcome of this development.

2. Traffic – The PC is strongly of the opinion that it is not appropriate to add to the traffic using Clitheroe Rd and the attendant negative impact on Whalley centre.
3. Existing Policy – The development is ribbon development and with the cumulative impact of all the approved and proposed developments in the locality, it will quickly destroy the local ambiance.

LCC ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

These comments refer to an Outline Planning Application for a development of up to 7 residential dwellings from a single point of access on Whalley Road with all matters reserved for future determination. I have no objection in principle to this application on highway safety grounds. As all matters are reserved at this time, I will comment more fully on the specific highway implications and impacts as and when appropriate.

ENVIRONMENT AGENCY:

No comments to make.

UNITED UTILITIES:

No objection to the proposal subject to the attachment of various conditions to any subsequent approval.

ADDITIONAL  
REPRESENTATIONS:

1. Twelve letters of objection have been received from the occupiers of properties close to the site. The points of objection raised have been summarised as follows:
2. Site is not an 'infill' site, and is clearly ribbon development.
3. Further developments of such a nature could result in a joined up Barrow and Whalley.
4. The proposal for 5 detached and 2 semi-detached bungalows in NO WAY compliments the terraced and semi-detached houses opposite.
5. Cumulative impact of housing developments will have an impact on highway safety on Clitheroe Road.
6. Scheme is trying to circumvent the Core Strategy.
7. Impact on visual amenity by removing the hedgerow.
8. Concerns regarding construction work/noise as well as wildlife.
9. Unsustainable site.
10. The site is susceptible to flooding during periods of heavy rain, mainly due to the watercourse overflowing.
11. A culvert runs under part of the site so how would this be protected?
12. Concerns that surface water will not be sufficiently mitigated if the land is developed.
13. Barrow is saturated with new housing.
14. Layout proposed is poor.

15. Application does not mention that the proposed entrance is used by an existing business, which has a high volume of traffic visiting, including heavy goods vehicles. If approved, provision must be made to keep the entrance suitable.
16. Noise from this business and other users on Whalley Industrial Park may be something to consider before building residential units nearby.
17. Loss of light to properties opposite.
18. Loss of view.

## **Proposal**

This is an outline application for residential development on land off Clitheroe Road, Barrow for which all matters are reserved, and as such the Applicant seeks a view to establishing the principle of developing the site for residential use. The Applicant has provided an indicative layout plan showing provision for 7 dwellings on the site, as well as scale parameters, indicative house mix types and sizes and a draft S106/Legal Agreement in order to provide the requisite 'Affordable Housing' as part of the development. The plan proposed five detached dwellings and two semi-detached, 'Affordable' bungalows for over 55s. The access point noted on the plan is not being considered as part of the application (dealt with as part of the reserved matters), however it has been assessed by the LCC County Surveyor to establish whether a suitable access point can be achieved at the site.

## **Site Location**

The site lies to the south of the village settlement boundary of Barrow, previously defined by the Ribble Valley Districtwide Local Plan, and sits adjacent to Whalley Industrial Park and opposite residential properties, including Bramley View. The site extends to some 0.45 hectares and is maintained as a grassed area. There are no trees on site, however a maintained hedgerow runs along the Clitheroe Road site frontage, with a post and rail fence and a low stone wall to the northern entrance. Other site boundaries are either undefined or marked by a post and rail fence. There are no structures on site however there is an existing watercourse that runs through the site.

## **Relevant History**

No relevant history.

## **Relevant Policies**

National Planning Policy Framework.

Policy G1 - Development Control.

Policy H2 – Dwellings in the Open Countryside.

Policy H20 – Affordable Housing – Villages and Countryside.

Policy ENV3 – Development in the Open Countryside.

Policy ENV7 – Species Protection.

Policy ENV13 – Landscape Protection.

SPG – “Extensions and Alterations to Dwellings”.

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

Policy L5 Affordable Housing – RSS.

Wildlife & Countryside Act 1981 as amended.  
The Conservation [Natural Habitats & c.] Regulations 1994.  
Addressing Housing Need in Ribble Valley.

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

This is an outline application for residential development on land off Clitheroe Road, Barrow for which all matters are reserved, and as such the Applicant seeks a view to establishing the principle of developing the site for residential use. The Applicant has provided an indicative layout plan, as well as scale parameters, indicative house mix types and sizes and a draft S106/Legal Agreement in order to provide the requisite 'Affordable Housing' on site. The access point noted on the plan would normally be dealt with as part of the reserved matters application, however it has been assessed by the LCC County Surveyor to establish whether a suitable access point can be achieved at the site.

The matters for consideration in the determination of this application therefore involve an assessment of the application in relation to the currently applicable housing policy, the effects of the development on visual amenity given the likely scale of the development and the potential impact on the amenities of nearby residents. In addition, whilst the access details are not formally part of this application, the LCC County Surveyors view of the access will still be discussed.

#### PRINCIPLE OF THE 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 October 2012, Ribble Valley can demonstrate a 6 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 5 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 6-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.

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, i.e. 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, including that within paragraph 54 of the NPPF that provides more specific guidance on housing in rural areas noting that local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

The site lies outside but within 170m of the settlement boundary of Barrow, as defined previously in the Districtwide Local Plan, within land designated open countryside. The site is an acceptable distance from the local service centre, local amenities and services, and is within 150m walk of the nearest bus stops. 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, subject to supporting infrastructure, it is concluded that the development of this site for residential purposes 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 a Regulation 22 Submission Draft

Stage, thus the weight to be attached to that document is greater now than at previous Committee Meetings.

As part of the principle of the development of this site it is also important to consider any potential visual impact of the scheme. The proposal is in Outline form with all matters reserved however the visual impact of developing the site for housing is still a material consideration. Policy H2 of the Local Plan states that the impact of proposals on the countryside will be an important consideration in determining all planning applications, and that development should be appropriately sited and landscaped. In addition, scale must reflect the character and nature of the area. Visually any development of this site will partially affect the streetscene, however in order to refuse a development the significant visual harm of the proposal must be demonstrated and be sufficient enough to outweigh the requirement for new homes within the borough. With regards to the indicative layout proposed the Applicant notes that the scheme is essentially aimed at being low key, low impact and low density, which is why the indicative layout proposes housing accessed off a single access point with family housing in relatively large plots. Having visited this location and looked at the size of nearby properties and their garden areas, I am satisfied that the scale parameters indicated within the design and access statement would allow a development of a suitable height and massing on the site without being to the visual detriment of the area or the detriment of the amenity of the occupiers of the dwellings opposite. The minimisation of the visual impact of the development of this site is further supported by it essentially being enclosed by development on all sides, whether it be housing or industrial uses, as I do not consider the site to be isolated. In addition, due to the retention of the green boundaries surrounding the site, the visual impact of the scheme will be suitably mitigated, and on this basis I consider that the development of the site will have an acceptable visual impact at this particular location.

On this basis, and bearing in mind the above details, the principle of developing this site for housing is acceptable in principle.

#### AFFORDABLE HOUSING PROVISION ON SITE

In relation to the level of affordable housing required on the site, a percentage of housing on the site would have to meet an identified housing need. The document 'Addressing Housing Need in Ribble Valley', which is a material planning consideration, is intended to be both complementary with and supplemental to the relevant policies contained within the Districtwide Local Plan with the later clearly placing the site within open countryside where Policy G5 would normally require development to be 100% affordable. However as the site is considered to be closely related to the settlement of Barrow, in such an instance having regard to the current 5 year housing land supply situation and requirements of the NPPF, the Council would adopt the approach outlined in paragraph 3.1 of the document, i.e. *In all other locations in the borough [not Clitheroe or Longridge] on developments of 5 or more dwellings (or sites of 0.1 hectares or more irrespective of the number of dwellings) the council will seek 30% affordable units on the site.* This approach is taken because of the particular location of the site in relation to the identified settlement boundary and not because it is a qualifying development under the saved settlement strategy of the Districtwide Local Plan. Within the supporting documentation the Applicant proposes an indicative layout of seven dwellings, noting that two of these would be 'Affordable' bungalows for over 55s, and this is outlined within the draft S106/Legal Agreement.

The Section 106 Agreement states that 'the two bungalows of the seven to be built shall not be sold by the owners other than to an Approved Person as defined at Clause 5, and the sale price shall be at a 40% discount to the Open Market Value'. Clause 5 consists of buyers who are

over 55 years of age. The local connection requirements and order of preference are as requested in that priority is give to residents of Whalley or Wiswell, then Read, Sabden, Little Mitton, Billington and Langho, and finally for a Ribble Valley connection. The phasing of the affordable units delivery in the agreement is considered acceptable in accordance with the Council's standard request that not more than 50% of the open market units shall be occupied until 100% of the affordable units are available. The Council's Housing Officer has discussed the S106 with the Applicant and is satisfied with this proposed provision for Local Needs Housing on this site.

## ACCESS

With regards to the access to the site, despite the submitted details not being part of the formal application, the Council must still be satisfied that an access can be achieved. The LCC County Surveyor raises no objection in principle to this application on highway safety grounds.

## CONTENT OF LEGAL AGREEMENT

This application has been submitted with a draft Legal Agreement to cover matters of affordable housing. This report has outlined in detail these aspects and taken account of comments from respective consultees/officers of this Council who are responsible for those matters. To clarify for members, the Legal Agreement will stipulate the following:

1. The total number of Affordable Housing Units shall comprise of two of the seven dwellings which may be constructed on the land pursuant to the Planning Permission.
2. The Affordable Housing Units shall comprise two bungalows for over 55s.
3. The Affordable Housing Units shall comprise of Discount Sale Units (available to purchase at a 40% discount of its open market value).
4. No more than three of the open market units shall be occupied until 100% of the affordable units are available for occupation.
5. The strategic housing working group are satisfied with regards to the terms of nomination rights and approved person's criteria.

## OTHER ISSUES

Aside from other non-material planning considerations raised by nearby neighbours, there is concern that the site is in an unsustainable location given the distance to the nearest services/amenities in Barrow (in this instance the Co-operative store). The location of the site has been considered earlier in this report, and with the site less than 100m from an existing Bus Stop on Whalley Road, where approximately 20 buses stop heading in either direction (to Clitheroe and Whalley), in principle the site is considered to comply as being an accessible and sustainable location. Therefore, I do not consider this is sufficient a concern that would warrant the refusal of this proposal.

There has also been concern raised by the flooding that occurs on site during heavy periods of rain. United Utilities have recommended a number of conditions, if the application is approved, that will seek to control the surface water drainage of the site. On this basis, I am satisfied that the current issues relating to flooding will be accounted for when the full planning of the site is developed.

Concern has also been raised in light of the close proximity of the site to the nearby Whalley Industrial Estate, a concern also shared by the Council's Environmental Health Officer, however

he has requested that a noise assessment be undertaken on site to assess the impact of the units on the proposed development in order to see whether any mitigation measures are required at full plans stage. I have requested a survey to be submitted which the details will be reported verbally.

Therefore, bearing in mind the above comments and whilst I am mindful of the points of objection from nearby neighbours, I am satisfied that any adverse impacts of granting this proposal will not significantly or demonstrably outweigh the benefits, and as such I recommend the scheme accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

**RECOMMENDATION:** That the application be Deferred and Delegated to the Director of Community Services for approval subject to satisfactory completion of a Section 106 Agreement within a period of six months to deal with the matters of affordable housing and the imposition of the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
  - (a) The expiration of three years from the date of this permission; or
  - (b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The permission shall relate to the development as shown on Plan Drawing number TRI-0880\_02.

**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 read in accordance with the Section 106 Agreement dated...

**REASON:** For the avoidance of doubt as the permission is subject to an agreement in relation to the low cost/affordable housing approved.

4. Detailed plans indicating:
  - i. the access onto the site including sight lines,
  - ii. the layout of the site,
  - iii. the external appearance and scale of the dwellings,
  - iv. the landscaping and boundary treatments,
  - v. parking and manoeuvring arrangements of vehicles, including a contoured site plan showing existing features, and
  - vi. the proposed slab floor level and road level,

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

REASON: To comply with Policies G1 and ENV3 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.

5. With reference to any future reserved matters application, the approved dwellings shall be within the scale parameters highlighted within the Design and Access Statement submitted with the application.

REASON: In the interests of visual amenity and the potential impact upon the amenity of the occupiers of the adjacent neighbouring properties, in accordance with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

6. The development hereby approved shall not exceed 7 dwelling units in accordance with the submitted application forms.

REASON: To ensure that there is no ambiguity in the decision notice over the amount of development hereby approved.

7. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the LPA. No housing shall be occupied until the approved foul drainage scheme has been completed 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.

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 that the site is drained on separate systems for foul and surface water 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 any development, details for surface water drainage, 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. 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 National and Local Planning Policies.

10. If any tree felling or hedgerow removal is carried out during the bird -breeding season it shall be preceded by a pre-clearance nesting bird survey by an experienced

ecologist/ornithologist. If nesting birds are found an exclusion zone shall be maintained around any occupied nest and these areas shall not be cleared until declared free of nesting birds by an ecologist/ornithologist.

REASON: To ensure that bird species are protected and their habitat enhanced in accordance with the Wildlife & Countryside Act 1981 as amended, the conservation [Natural Habitats & c.] Regulations 1994 and the District Wide Local Plan. To protect species protected in law/of conservation concern against harmful activities of development, as trees and hedgerows are important for bird species as identified on the RSPB register of birds of conservation concern/East Lancashire Ornithological database.

11. Prior to commencement of any works on site, a noise assessment shall be undertaken by a competent acoustic practitioner to assess the impact of the Industrial Units on the proposed development, and where necessary detail any mitigation measures required. Once completed the assessment shall be submitted to the Local Planning Authority for written approval.

REASON: In the interests of safeguarding residential amenity and where necessary detail any mitigation measures required, in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

12. If works are required in the proximity of the watercourse, the contractor must provide a method statement to ensure that any silt or other pollutants including hydrocarbons are not released into the water feature, with extra vigilance considered during periods of wet weather or high flows. Any dewatering works must pass through adequate silt removal apparatus prior to returning to the watercourse.

REASON: All works within the vicinity of any watercourse should be in accordance with the EA Pollution Prevention Guidance.

13. With reference to any future reserved matters application, measures to enhance the biodiversity of the site, as referenced at paragraph 4.8, shall be submitted as part of the reserved matters for the site.

REASON: In accordance with paragraphs 109 and 118 of the NPPF, and to ensure that species are protected and their habitat enhanced in accordance with the Wildlife & Countryside Act 1981 as amended, and the Conservation [Natural Habitats & c.] Regulations 1994.

## INFORMATIVES

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

Surface water run-off can be managed through the use of sustainable drainage systems (SUDS), and the EA advocate their use. SUDS are a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands that attenuate the rate and quantity of surface water run-off from a site, and contribute to a reduced risk of flooding. SUDS offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building

Regulations 2000 sets out a hierarchy for surface water disposal that encourages a SUDS approach. Further information on SUDS can be found in the following documents:

- C522: Sustainable Urban Drainage Systems - Design Manual for England and Wales (CIRIA)
- Interim Code of Practice for Sustainable Drainage Systems (SUDS Working Group)

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

If approved, the applicant should contact UU Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

There shall be no burning of materials on site.

APPLICATION NO: 3/2012/0623/P (GRID REF: SD 373872 438434)  
OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR RESIDENTIAL DEVELOPMENT OF 23 DWELLINGS WITH ACCESS, PARKING AND ASSOCIATED LANDSCAPING FOLLOWING DEMOLITION OF NO'S 22 & 23-25 OLD ROW ON LAND AT 22 & 23-25 OLD ROW, BARROW

PARISH COUNCIL:

Objects to the proposal on the following grounds:

1. Only a small part of the site is within the settlement boundary and covered by Policy G4 of the Local Plan the remainder is either outside the settlement boundary and covered by Policy G5 or is designated as a G6 Essential Open Space.
2. The development on the Essential Open Space area would compromise the visual quality and value and general openness of the site for nearby residents contrary to Policy G6.
3. A permission in this case would set a precedent for other sites in the area allowing them to be opened up for development.
4. A strong objection is expressed to the demolition of 25 Old Row which the Parish Council considers to be important to Barrow's industrial heritage. The Parish Council is investigating the possibility of registering the property under the Townscape Merit Scheme or as a Listed Building. It is understood that the property was originally built before 1830 as a house for the first Barrow Printworks owner.
5. Rather than demolishing this building it should be returned to use as a public house or converted into a house preserving its external appearance and retaining the unified appearance of the properties on Whalley Road.

6. How will the adjoining property, number 21, be protected when the buildings attached to it are demolished?
7. The existing cottage, number 23 that is also to be demolished) has been vacant for some years but is capable of refurbishment to make a perfectly good home.
8. The proposal would exacerbate existing highway safety and parking problems in the locality.
9. The sewage facilities in Barrow are inadequate. United Utilities have advised that the application contains insufficient information to support the proposal. United Utilities must be fully consulted, especially in view of the sewage problems recently experienced by Barrow residents.
10. Barrow does not have sufficient infrastructure to support the current community and cannot accommodate further residential development as the majority of residents travel to Whalley or Clitheroe or even further to obtain the services they require.
11. There are insufficient education or vacancies at Barrow Primary School (or surrounding schools) to accommodate this development.
12. A public footpath runs through the site and must be maintained and protected.
13. The provision of parking spaces at the rear of Old Row for existing properties is welcomed and if the application is approved this should be included within a Section 106 Agreement.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

These comments relate to the outline planning application for 23 dwellings and also to the Transport Statement (dated June 2012) prepared by OPUS International Consultants (UK) Ltd prepared on behalf of the applicants. 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. Following this consideration, 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.

ENVIRONMENT  
DIRECTORATE  
(COUNTY  
ARCHAEOLOGIST):

The application site lies immediately adjacent to areas that have been identified as having a high potential to contain previously unknown archaeological deposits dating to prehistoric, roman and medieval periods. In view of this, the County Council Archaeology Services considers that an archaeological evaluation of the site needs to be carried out to determine whether such deposits do exist. This would initially comprise a desk based assessment of the site but, dependent on the result of that assessment, further stages of non intrusive investigation of the site and intrusive sample trial trenching may also be considered necessary.

This matter should therefore be the subject of an appropriate condition in the event of planning permission being granted.

ENVIRONMENT  
DIRECTORATE  
(COUNTY  
CONTRIBUTIONS):

Based upon the latest information available a request is made for a contribution towards the provision of 8 primary places and 6 secondary school places. The sum for the primary school places is  $8 \times \text{£}11,635.65 = \text{£}93,085$ . The sum for the secondary school places is  $6 \times \text{£}17,532.74 = \text{£}105,196$ . This gives a total requested contribution of  $\text{£}198,281$ .

No request has been made in relation to contributions towards waste management or sustainable transport measures.

ENVIRONMENT  
DIRECTORATE  
(COUNTY ECOLOGIST):

Comments that it seems reasonably unlikely that the proposed development would have any significant ecological impacts and therefore has no objections subject to the imposition of a number of conditions.

ENVIRONMENT AGENCY:

Initially objected to the application as it was not accompanied by a Flood Risk Assessment (FRA). An FRA was subsequently submitted and, following its consideration, the Environment Agency now has no objections to the application subject to a condition to ensure that the proposed development is carried out fully in accordance with the details comprised in the FRA.

UNITED UTILITIES:

Comment that recent investigations have confirmed that the Whalley Waste Water Treatment Works (WWTW) and the sewer network serving the area is nearing capacity. To ensure that there is a consistent and fair approach taken by United Utilities, they ask that all development applications include an indicative layout plan, a schedule showing the type of housing to be built, a programme of works showing build rate, a Load and Flow Impact Assessment, preferred discharge points and proposed rates of flow for each discharge point so that United Utilities can determine the full impact that the development would have on their assets. Therefore, United Utilities object to the application pending the submission of the required additional information.

ADDITIONAL  
REPRESENTATIONS:

Eleven letters (from 9 different households) have been received from nearby residents in which objections are made to the proposed development on grounds that are summarised as follows:

1. The proposal would exacerbate existing parking traffic congestion and highway safety problems in the locality which are particularly bad at school opening and closing times.
2. Whilst the application involves the provision of parking spaces for the houses on Old Row there is no provision for the existing properties on the opposite side of the road on Cockerill Terrace who also presently experience parking problems.
3. Loss of open countryside and adverse effects on wildlife.
4. There are not enough places in the local school to serve the proposed new development.
5. Sewage facilities in the locality are inadequate and the proposal will exacerbate existing flooding problems.
6. The existing former public house and cottage should be retained and enhanced rather than demolished as they are part of the heritage of the village.
7. With the publication of the Core Strategy imminent, this application is attempting to circumvent local community involvement.

**Proposal**

The application seeks outline permission for a development of 23 dwellings with all matters of detail reserved for subsequent consideration at reserved matters application stage. In accordance with the Council's requirements, 7 of the dwellings would be "affordable".

The proposal would involve the demolition of the former King Charles public house and the attached cottage. Three of the proposed dwellings would be constructed on the area made available by this demolition.

The proposal also involves the provision of a car park to the rear of the existing houses on Whalley Road to replace the existing public house car park that would be built upon under the proposal.

Although all matters are reserved, the application includes details of the scale and appearance of the development as follows:

- *All houses will be no higher than two stories in height at varying ridges and eaves height throughout the development. All roofs will be pitched and primarily gable ended although the use of hipped roofs may be appropriate to some plots.*
- *The affordable housing dwellings will be indistinguishable in appearance from the market housing.*

- *A mixture of dwelling types, building lines, heights and frontage widths are required to reflect the edge of settlement semi rural character and appearance, while providing continuity to the appearance through the use of design features and materials.*
- *Suitable facing materials for the proposed elevations will include red/brown brick or reconstituted stone.*
- *Roofs are to be tiled with slate type material appropriate to this location.*

### **Site Location**

The rectangular application site that has an area of approximately 1.13 hectares is associated with the former King Charles public house that more recently traded as the La Taverna Italian Restaurant for about 4 years but is now closed. The site comprises two distinct parts. The two storey former public house/restaurant is located on the western side of the site covering an area of approximately 0.3 hectares. To the south of the building is a vehicle access leading to a car park that also provides access to the rear of other properties on Old Row. This western part of the site is within the settlement boundary of Barrow but is also designated as a G6 Essential Open Space.

The eastern section of the site, to the east of the former restaurant car park, comprises undeveloped agricultural land with an area of approximately 0.79 hectares. There is no separate vehicle access to this part of the site although access can be gained via a 3 bar gate on the western side of the existing car park. A public right of way runs to the north of the site from the rear of Barrow Primary School to the A59 to the southeast. This part of the site is generally flat and its boundaries are defined by mature trees and hedgerows. This part of the site is outside the settlement boundary of Barrow.

The northern boundary of the site is formed by a low fence with open agricultural land beyond. The northwest corner of the site is adjoined by the playing fields for Barrow Primary School. To the southwest of the site is Washbrook Close, a small housing estate containing semi-detached and terraced houses and bungalows. A small children's play space separates Washbrook Close from the existing former restaurant car park.

### **Relevant History**

3/2006/0631/P – Change of use to car boot sales on 26 Sundays per year. Refused.

### **Relevant Policies**

Policy G1 - Development Control.  
 Policy G4 - Settlement Strategy.  
 Policy G5 - Settlement Strategy.  
 Policy G6 – Essential Open Spaces.  
 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.

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**

This is an outline application with all detailed matters reserved for subsequent consideration at reserved matters application stage. The main matter for consideration in the determination of this outline application is therefore the principle of the development. The matters of highway safety, ecological interest, infrastructure provision, affordable housing, public open space and visual and residential amenity, however, do have to be given some consideration. For ease of reference, these matters 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 October 2012, Ribble Valley can demonstrate a 6 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 5 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 6 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 western part of the site is within the settlement boundary of Barrow but is also designated as a G6 Essential Open Space; and the eastern part of the site is outside the settlement boundary.

Saved Policies G4 and G6 of the Local Plan are therefore relevant to the western part of the site. Policy G4 relates to development taking place within defined village boundaries and allows for "infill" development subject to other relevant policies. The definition of infill development in the Local Plan is "the filling of small gaps within small groups of houses". Although the development site is situated between the houses along the roadside, the proposal also involves development of land to the rear of existing houses. In the strictest terms, therefore, this would not be defined as infill development. If considered purely in relation to the Policies of the Local Plan, any development not defined as infill would need to contribute to the solution of a particular local housing need in accordance with Policy H20 of the Local Plan. Policy G6 states a presumption against any development "unless it does not compromise the visual quality and value of general openness or the recreational value of the site, or unless warranted by overriding material considerations in the public interest".

Policies G5 and ENV3 are relevant to the eastern part of the site. If considered purely in relation to these saved Policies of the Local Plan, the development on this part of the site would not be acceptable in principle as it 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 Settlement Strategy 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 both parts of this site 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.

The Parish Council and a number of nearby residents object in particular to the development of the land designated as 'Essential Open Space' by Policy G6 of the Local Plan. However, in addition to the Settlement Strategy of the Local Plan being considered out of date in relation to Settlement Boundaries, the development constraints that are set out (such as Policy G6) are also now considered to be out of date. Having said that, Policy G6 presumes against development 'unless it does not compromise the visual quality and value of general openness or the recreational value of the site, or unless warranted by overriding material considerations in the public interest'. It is not considered that this brownfield car park has any significant recreational or environmental value to warrant its protection from development. However, in any event, it is considered that the underlying principle of development now falls 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 will be granted unless any adverse impacts of doing so would significantly and demonstrably 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.

Within this context of the requirements of NPPF taking precedence over the Policies of the Local Plan, it is considered that residential development is acceptable in principle on both parts of the application site.

### Affordable Housing

It is stated in the submitted application documents that, in accordance with the Council's usual requirements, 30% of the proposed houses will be provided as affordable housing to meet local housing needs; and that the affordable housing units would include an appropriate mixture of dwelling sizes and tenures – affordable rent and intermediate housing – to be negotiated with officers. A draft Section 106 Agreement including reference to affordable housing provision has been submitted with the application.

The Council's Strategic Housing Officer has commented that the Council would request 7 affordable properties comprising 4 x 2 bed units and 3 x 3 bed units. The Council would require the developer to work in partnership with a registered provider and this should be secured as soon as possible and in any event before 25% of the market units are completed. The construction of the affordable units should also be completed before 50% of the market units are occupied. The Council's tenure preference would be to have 4 affordable rent and 3 shared ownership properties.

### Highway Safety/Traffic Issues

As previously stated, this is an outline application with all matters reserved for future submission. A Transport Statement has, however, been submitted with this application. Having studied the application and the Transport Statement, the County Surveyor has no objections to the proposed development in terms of its effects upon the local transport network. Detailed considerations in relation to the access and internal road layout etc will be made at reserved matters application stage.

### Public Open Space

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

The illustrative layout submitted with this outline application does not include any on site public open space provision. There is, however, reference in the submitted application document to the possible alternative option that is available to the Council of requiring a payment of a financial contribution towards the provision or improvement/maintenance of existing open space areas in the locality.

This option has been used in relation to other recent housing developments in Barrow and would be the Council's preferred option in this case. In line with those previous decisions, the contributions should be £781 per property (23 x £781 = £17,963). This benchmark figure has been accepted by other applicants/developers.

### Nature Conservation/Protected Species/Trees

The site is not locally or nationally designated as an important ecological site. A Phase 1 Habitat Study is provided in support of this application because of the current grassland status of part of the site. The report by Bowland Ecology concludes that no protected species have been identified either on or adjoining the site; the site has an inherent low ecological value and

no ecological mitigation measures are considered necessary to enable the proposed residential development.

The County Ecologist has studied the application and the Ecology Report and generally concurs with its findings as conclusions. She therefore has no objections to the application subject to a number of conditions. The Council's Countryside Officer similarly has no objections subject to appropriate conditions.

#### Contaminated Land

In accordance with the requirements of PPS23, a Phase 1 (desk study) Contaminated Land Study by Opus has been submitted in support of this application. It is recommended in the report that an intrusive ground investigation should be carried out in order to address a number of issues which may affect the proposed development. This would need to be the subject of an appropriate condition in the event of planning permission being granted.

#### Infrastructure Provision

The County Council has made a request for a contribution towards education provision.

Following consideration of the submitted Flood Risk Assessment, the Environment Agency has no objections to the application subject to an appropriate condition.

United Utilities have requested further details that the Council considers can be the subject of an appropriate condition in the event of outline planning permission being granted.

Given the relatively small size of the development there would not appear to be any reasons relating to infrastructure provision that would represent sustainable planning reasons for refusal of this outline application.

#### Proximity of Total Food Service Distribution Depot

The distribution depot of Total Food Service Ltd adjoins the south eastern corner of the application site. This building faces away from the site such that noise from vehicle movements, loading etc is screened to a considerable extent by the building itself. Nevertheless, in view of the potential noise nuisance from this building to the proposed dwellings, the applicants were requested to submit a Noise Impact Assessment Report.

Such a report has been submitted and concludes that, through appropriate mitigation measures (including an acoustic fence on the boundary between the site and the distribution depot building and appropriate glazing and ventilation details) dwellings on the site would achieve acceptable noise levels as defined in BS8233: 1999. It is suggested in the report that the implementation of an appropriate noise mitigation scheme could be ensured by the imposition of an appropriate condition in the event that outline permission is granted. Such a condition is included in the recommendation at the end of this report.

#### Layout/Scale/Visual Amenity/Residential Amenity

Precise details of the layout will, of course, be considered at reserved matters application stage. However, the illustrative layout submitted with the application when combined with the submitted details of scale and appearance (as described previously in this report) would appear

to represent a development that would be appropriate for the locality without any serious detrimental to visual amenity.

In terms of residential amenity, the separation distances etc between the proposed dwellings, in relation to the level of privacy and general residential amenities that would be provided to their future occupiers, is a matter to be fully considered at reserved matters application stage.

The provision of the residents' parking area along the western edge of the site would increase the separation distance between any proposed dwelling and the existing houses on Whalley Road. It can also easily be ensured that the proposed dwellings are appropriately sited and orientated so as to respect the privacy/amenities of the existing properties in Washbrook Close that adjoin the southern boundary of the site.

The position of the dwellings in the southeastern corner of the site might need adjusting from what is shown on the submitted illustrative layout in order to mitigate against any potential noise nuisance from the adjoining distribution depot.

Overall, it is considered that the provision of an appropriate level of amenity can be ensured for the occupiers of all proposed dwellings and also the nearest existing neighbouring properties through the submission of an appropriate layout at reserved matters application stage.

#### Demolition of Existing Buildings

Wiswell Parish Council has objected to the demolition of the former public house and the attached cottage as they consider the building to be important to Barrow's industrial heritage. It is not, however, a listed building and nor is it within a Conservation Area. Barrow comprises a mixture of properties of various types, designs and age. Subject to care being taken at reserved matters application stage, it is considered that a building of high quality design in this prominent position would provide a visually more pleasing feature at the entrance to the new development than would be presented by the retention of the existing building.

This aspect of the proposed development is therefore considered to be acceptable. It is not considered that the existing building is of sufficient merit that a reason for refusal containing an objection to its demolition would be reasonable or sustainable.

#### Section 106 Agreement Content

A draft Section 106 Agreement has been submitted with the application in which reference is made to affordable housing provision; the payment of a financial contribution to the Borough Council in respect public open space provision; and the payment of a financial contribution to the County Council towards education provision.

The draft Agreement will need to be amended/completed to include the following:

1. The provision of 7 affordable dwellings comprising 4 x 2 bed and 3 x 3 bed units with a tenure split of 4 affordable rental and 3 shared ownership units – all in accordance with the Council's usual requirements.
2. The payment of a sum of £17,963 to the Borough Council towards the provision/improvements/maintenance of existing public open space facilities in the locality.

3. The payment of a sum of £198,281 to the County Council in respect of the provision of 8 primary school places and 6 secondary school places.
4. A clause, to ensure the provision of the residents' parking area at the rear of Old Row.

### Conclusion

The proposal represents sustainable development that is of an appropriate scale for the village of Barrow. It will provide 23 dwellings (including 7 affordable units) without having any seriously 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 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 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') 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 access, layout, scale, appearance and landscaping shall be carried out in substantial accordance with the Design Statement (Section 10) and Access Statement (Section 11) of the Planning Statement submitted by Caldecotte Consultants in support of the application; and in substantial accordance with the submitted illustrative drawing numbers 5251/05REVE and 5251/06REVA.

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

4. The development hereby permitted shall not exceed 23 dwellings (use class C3) in accordance with the submitted application form and illustrative layout plan.

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. Prior to the commencement of the development, a strategy outlining the general system of drainage for foul and surface water flows arising from the site shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall include a programme of works showing build rates, a load and flow impact assessment, preferred discharge points, the proposed rates of flow for each discharge point and details of any necessary infrastructure. Thereafter the detailed scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and no dwelling hereby permitted in outline shall be occupied until after the drainage system has been provided in accordance with the approved details.

REASON: In order to ensure the satisfactory drainage of the development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. Prior to the commencement of development, details of how foul and surface water shall be drained on separate systems shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure a satisfactory means of drainage for the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. The development hereby permitted in outline shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by AAH Planning Consultants dated June 2012 and in accordance with the following mitigation measures detailed within the FRA:

1. Limiting the surface water runoff generated by the 1 in 100 year critical storm so that it will not exceed the runoff 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 time/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 the interests of flood prevention and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

8. No development shall take place until the applicant, or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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.

9. Prior to the commencement of any demolition works on the former public house (no 25) or the attached cottage (no 23) precise details of the means of making good the exposed gable wall of no 21 Old Row, including details of the external finish of that wall, shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out to the satisfaction of the Local Planning Authority in accordance with the timescale that has first also been submitted to and approved in writing by the Local Planning Authority.

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

10. Prior to the commencement of development, an intrusive ground investigation shall be carried out as recommended and described in Section 7 (Further Works) of the Phase I (desk study) Investigation Report by Opus that was submitted with the outline application; and a report of the findings of the investigation shall be submitted for the written approval of the Local Planning Authority. Any mitigation measures that are found to be necessary shall be carried out to the satisfaction of the Local Planning Authority prior to the commencement of development.

REASON: In the interests of providing an appropriate environment for the end users of the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

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

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

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

13. Prior to the commencement of any site works, including delivery of building materials and excavations for foundations or services all trees identified for retention in the approved landscaping scheme (condition 12 refers) shall be protected in accordance with the advice contained in BS5837 2012 -Trees in Relation to Design, Demolition & Construction. A tree protection-monitoring schedule shall be submitted and agreed in writing by the Local Planning Authority and all root protection/construction exclusion zone measures shall be inspected by the Local Planning Authority before any site works are begun.

The root protection zone 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.

14. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services the trees identified for retention in the approved landscaping scheme 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.

15. 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.

16. 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.

17. All existing habitat features, hedgerows/streams shall be retained and protected during the lifetime of the development from the adverse effects of development works by maintaining construction exclusion zones the details of which shall have first been submitted to and approved in writing by the Local Planning Authority prior to commencement of 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.

18. No development shall begin until details of a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme 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.

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

19. 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.

20. Prior to the commencement of the development hereby permitted in outline, a scheme of noise mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details.

REASON: To ensure a satisfactory level of amenity for the future occupiers of the proposed dwelling in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

21. 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

The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

APPLICATION NO: 3/2011/0784/P (GRID REF: SD 373573 437504)  
OUTLINE APPLICATION FOR SIX DWELLINGS, FOUR 4/5 BEDROOM HOUSES AND TWO 1 BEDROOM BUNGALOWS FOR OVER 55'S. LAND AT OLD WHALLEY NURSERIES, LAMB ROW, CLITHEROE ROAD, WHALLEY, LANCASHIRE

WHALLEY PARISH  
COUNCIL:

The Parish Council OBJECT to this development for the following reasons:

1. Proposal is in conflict with Local Plan Policies,
2. Dwellings proposed should be 100% affordable needs housing on the site,
3. There is no need for the family houses proposed within the scheme,
4. The site is useful, accessible, Brownfield land used for employment/business. Given the loss of such land within the Ribble Valley, should this not be retained?

5. Parish Council identified this land within the Core Strategy consultation as being a possible location for a school to serve expanding local communities, and
6. This site could be better used for a social use or other such similar function, but this would need the borough and county authorities to engage with the landowners.

LCC ENVIRONMENT  
DIRECTORATE (HIGHWAYS  
OFFICER):

No objections in principle to this proposal on highway safety grounds.

ENVIRONMENT AGENCY:

Following the recent confirmation from United Utilities that foul drainage for the development can be connected to the public sewer, and that this is the intended method to be used by the developer, EA withdrew their initial objection to the proposed development.

UNITED UTILITIES:

After completing a flow and load assessment of the site, United Utilities have no objections to this development.

ADDITIONAL  
REPRESENTATIONS:

Three letters of objection have been received from the occupiers of properties close to the site. The points of objection raised have been summarised as follows;

1. Core Strategy and Local Framework are not completed yet so why is this site being considered?
2. Development does not provide local people with affordable housing options,
3. Impact on highway safety,
4. Increase in traffic will exacerbate existing problems,
5. Unacceptable 'ribbon development' which is a threat to the character of the neighbourhood,
6. Increase the pressure on infrastructure,
7. Impact on ecology on site,
8. The land is of vital importance to us as a community,
9. As the scheme is at outline, there are fears more changes could be sought at a later date,
10. Applicant is trying to get the thin wedge by applying for six homes to then apply for the larger field behind,
11. This land should stay as commercial land,
12. The use of local supermarkets and out of town shopping centres as examples that have destroyed the applicants business cannot surely be used as justification? Other local businesses have flourished (notes Shackletons/Hansons/Carr Hall),
13. The applicants claim that the land has been for sale for the last two years is not the case,

14. The site is rarely open and is in fact simply a field with a greenhouse, so to clean up an otherwise unsightly area is not a reasonable justification to approve!
15. This not a vacant site as the applicant took delivery of Christmas trees in December.

### **Proposal**

This is an outline application for residential development on land off Lamb Row, Clitheroe Road, Whalley for which all matters are reserved, and as such the Applicant seeks a view to establishing the principle of developing the site for residential use. The Applicant has provided an indicative layout plan showing provision for 6 dwellings on the site, as well as scale parameters, indicative house mix types and sizes and a draft S106 in order to provide the requisite 'Affordable Housing' as part of the development. The access point noted on the plan is not being considered as part of the application (would be dealt with as part of the reserved matters), however it has been assessed by the LCC County Surveyor to establish whether a suitable access point can be achieved at the site.

### **Site Location**

The site lies outside the village settlement boundary of Barrow, as defined by the Ribble Valley Districtwide Local Plan. The site sits opposite The Eagle at Barrow and adjacent to Pendle Garage, and is currently home to Old Whalley Nurseries, a business operated by the applicants for over 25 years. The site contains a large greenhouse and associated smaller buildings, and is bounded by a large agricultural field to the eastern and southern boundaries heading towards the A59. The site is partially screened along its boundaries by existing mature hedgerows and trees, all of which will be retained. The scheme retains an existing agricultural access track on the southern boundary of the site that will maintain continued access to the fields beyond for the applicant.

### **Relevant History**

3/1991/0551/P – Garden Centre – Granted Conditionally.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G5 – Settlement Strategy.

Policy H20 – Affordable Housing – Villages and Countryside.

Policy ENV7 – Species Protection.

Policy ENV13 – Landscape Protection.

Policy T7 – Parking Provision.

SPG – “Extensions and Alterations to Dwellings”.

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

Policy L5 Affordable Housing – RSS.

Addressing Housing Need in Ribble Valley.

National Planning Policy Framework.

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

Members will be aware that all larger applications for housing that require the signing of a S106/Legal Agreement are Deferred and Delegated to the Director of Community Services for approval subject to the satisfactory completion of the Section 106 Agreement within a period of six months. This application is presented to you again (previously minded to approve in April 2012) as the S106 relating to the application remains unsigned. The applicant has been contacted on a number of occasions and I am led to believe that it will be signed shortly, however the agreement has yet to be returned to the Legal Department.

The matters for consideration in the determination of this application remain virtually the same as before however there have been a number of changes with regards to advancements with the Core Strategy and as such these must be highlighted. Views relating to the visual impact of the development, the potential impact on the amenities of nearby residents and matters relating to the access to the site have not changed, however for clarification these will again be discussed.

### **PRINCIPLE OF THE 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 October 2012, Ribble Valley can now demonstrate a 6 year supply of housing (there was no five year supply when previously considered) which includes 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 5 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 6-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.

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, i.e. 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, including that within paragraph 54 of the NPPF that provides more specific guidance on housing in rural areas noting that local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

The site lies outside the settlement boundary of Barrow, as defined previously in the Districtwide Local Plan, within land designated open countryside. The site is an acceptable distance from the local service centre, local amenities and services, and is within 50m walk of the nearest bus stops. 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, subject to supporting infrastructure, it is concluded that the development of this site for residential purposes as a principle remains 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 a Regulation 22 Submission Draft Stage, thus the weight to be attached to that document is greater now than at previous Committee Meetings.

As part of the principle of the development of this site it is also important to consider any potential visual impact of the scheme. The proposal is in Outline form with all matters reserved however the visual impact of developing the site for housing is still a material consideration. Policy H2 of the Local Plan states that the impact of proposals on the countryside will be an

important consideration in determining all planning applications, and that development should be appropriately sited and landscaped. In addition, scale must reflect the character and nature of the area. Visually any development of this site will partially affect the streetscene and views from the A59, however in order to refuse a development the significant visual harm of the proposal must be demonstrated and be sufficient enough to outweigh the requirement for new homes within the borough. Given the sites current use, and that the scheme will the green boundaries surrounding the site, the visual impact of the scheme will be suitably mitigated, and the development of the site will have an acceptable impact at this particular location.

With regards to the indicative layout proposed the Applicant notes that the scheme is essentially aimed at being low key and low impact. This is why the indicative layout proposes housing accessed off a single access point with family housing in relatively large plots. Having visited this location and looked at the size of nearby properties and their garden areas, I am satisfied that the scale parameters indicated within the design and access statement would allow a development of a suitable height and massing on the site without being to the visual detriment of the area. However given the more traditional scale of two storey properties within the surrounding area, it is recommended that on any subsequent reserved matters applications these properties be no taller than a maximum of 8.2m, and not 9.14m as proposed.

On this basis, and bearing in mind the above details, the principle of developing this site for housing remains acceptable in principle, providing of course that the housing proposed for this site reflect the character of the village in terms of scale, design and density and do not have any detrimental visual impact on the locality. As this is an Outline Application with all details reserved, these elements will be considered as part of a Reserved Matters Application.

#### AFFORDABLE HOUSING PROVISION ON SITE

The Section 106 Agreement states 'that two of the six houses to be built shall not be sold by the owners other than to an Approved Person as defined at Clause 5, and the sale price shall be at a discount to the Open Market Value'. Clause 5 consists of buyers who are over 55 years of age. The local connection requirements and order of preference are as requested by the Council's Housing Officer, and the phasing of the affordable units delivery in the agreement is in accordance with the Council's request that not more than 50% of the open market units shall be occupied until 100% of the affordable units are available.

#### LOSS OF EMPLOYMENT LAND

As highlighted earlier in this report, 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, i.e. 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 scheme proposes a mixture of residential units on site, including 'affordable' dwellings, in place of the existing commercial use on site. The applicant has submitted a statement justifying the loss of potential employment land, noting that it has been a family run business for over 25 years but due to larger chains opening nearby their trade has dropped significantly. The applicants are currently at retirement age, and they operate the business themselves. On this basis, I do not envisage the loss of the business to cause any economic or social damage through loss of employment. The sales particulars for the site have been with Atherton's Estate Agents in Whalley for over three years now and the efforts to sell the land have been

unsuccessful. Alternative uses for the site have also been investigated, with the offers mainly coming from housing developers.

In conclusion, it is considered that the best future use of the site is for residential development that will provide a range of homes for the locality and be in keeping with the surrounding land uses.

#### ACCESS

With regards to the access to the site, despite the submitted details not being part of the formal application, the Council must still be satisfied that an access can be achieved. Following the submission of an amended plan and further information the LCC County Surveyor raises no objection in principle to this application on highway safety grounds.

The dimensions of the existing access, as agreed in 1991 for the previous garden centre use, provide an acceptable basis for the access to the proposed site. A more detailed site plan has been submitted to confirm that sightlines of 2.4m by 90m in both directions will be achieved and secured from this access, with all planting and construction in the areas shown within the relevant visibility splays to be controlled at below 900mm. The plan also includes the addition of footways to either side of the access, minimum width 2.0m, with drop kerb links to the existing footway opposite.

#### CONTENT OF LEGAL AGREEMENT

This application has been submitted with a draft Legal Agreement to cover matters of affordable housing. This report has outlined in detail these aspects and taken account of comments from respective consultees/officers of this Council who are responsible for those matters. To clarify for members, the Legal Agreement will stipulate the following:

1. The total number of Affordable Housing Units shall comprise of two of the six dwellings which may be constructed on the land pursuant to the Planning Permission,
2. The Affordable Housing Units shall comprise two, one bedroom bungalows,
3. The Affordable Housing Units shall comprise of Discount Sale Units (available to purchase at a 40% discount of its open market value),
4. No more than 50% of the open market units shall be occupied until 100% of the affordable units are available for occupation,
5. The strategic housing working group are satisfied with regards to the terms of nomination rights and approved person's criteria, and
6. The S106 shall include 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 provision.

#### OTHER ISSUES

Aside from other non-material planning considerations raised by nearby neighbours, there is concern that the site is in an unsustainable location given the distance to the nearest services/amenities in Barrow (in this instance the Co-operative store). The location of the site has been considered earlier in this report, and with the site less than 50m from an existing Bus Stop on Whalley Road, where approximately 20 buses stop heading in either direction, having carefully assessed the proposal against these it is considered that the development would accord with the requirements of the NPPF, including that within paragraph 54.

There has also been concern raised by the loss of more employment land, however I am satisfied that sufficient has been made to market and sell the land and given the struggles larger

land owners have had selling employment land in a recession, this should not stifle the development of a housing site at this location.

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

#### SUMMARY OF REASONS FOR APPROVAL

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

**RECOMMENDATION:** That the application be Deferred and Delegated to the Director of Community Services for approval subject to satisfactory completion of a Section 106 Agreement within a period of six months to deal with the matters of affordable housing and the imposition of the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates.
  - (a) The expiration of three years from the date of this permission; or
  - (b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The permission shall relate to the development as shown on Plan Reference 'Additional Details to Entrance' and 'Site 239 Garden Centre – Existing and Proposed'.

**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 read in accordance with the Section 106 Agreement dated...

**REASON:** For the avoidance of doubt as the permission is subject to an agreement in relation to the low cost/affordable housing approved and the requested financial contributions toward wheeled bins.

4. Detailed plans indicating,
  - i. the access onto the site including sight lines,
  - ii. the layout of the site,
  - iii. the external appearance and scale of the dwellings,
  - iv. the landscaping and boundary treatments,
  - v. parking and manoeuvring arrangements of vehicles, including a contoured site plan showing existing features, and
  - vi. the proposed slab floor level and road level,

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

REASON: To comply with Policies G1 and ENV3 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.

5. With reference to any future reserved matters application, and notwithstanding the details submitted with the application, the preferable maximum height of the proposed two storey dwellings on site shall be at 8.2m only.

REASON: In the interests of visual amenity and the potential impact upon the amenity of the occupiers of the adjacent neighbouring properties, in accordance with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

6. Any access point on the site shall provide a suitable visibility splay. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 metres measured along the centreline of the proposed access road from the nearer edge of the carriageway of Whalley Road to points measured 90 metres in each direction along the nearer edge of the carriageway, and shall be constructed and maintained at footway level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To ensure adequate visibility at the site access.

7. If any tree felling or hedgerow removal is carried out during the bird -breeding season it shall be preceded by a pre-clearance nesting bird survey by an experienced ecologist/ornithologist. If nesting birds are found an exclusion zone shall be maintained around any occupied nest and these areas shall not be cleared until declared free of nesting birds by an ecologist/ornithologist.

REASON: To ensure that bird species are protected and their habitat enhanced in accordance with the Wildlife & Countryside Act 1981 as amended, the conservation [Natural Habitats & c.] Regulations 1994 and the District Wide Local Plan. To protect species protected in law/of conservation concern against harmful activities of development, as trees and hedgerows are important for bird species as identified on the RSPB register of birds of conservation concern/East Lancashire Ornithological database.

## INFORMATIVES

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

This consent requires the improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact Lancashire County Council for further information.

Surface water run-off can be managed through the use of sustainable drainage systems (SUDS), and the EA advocate their use. SUDS are a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands that attenuate the rate and quantity of surface water run-off from a site, and contribute to a reduced risk of

flooding. SUDS offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal that encourages a SUDS approach. Further information on SUDS can be found in the following documents:

- C522: Sustainable Urban Drainage Systems - Design Manual for England and Wales (CIRIA)
- Interim Code of Practice for Sustainable Drainage Systems (SUDS Working Group)

The EA also recommend that the developer consider the following, as part of the scheme:

- Water management in the development, including, dealing with grey waters,
- Use of sustainable forms of construction including recycling of materials, and
- Energy efficient buildings

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

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>
3/2012/0016/P (PA) & 3/2012/0017/P (LBC)	Internal repairs following an extensive plumbing leak and external repairs and maintenance	6-8 Castle Street Clitheroe
3/2012/0339/P	Demolition of existing stone clad single storey flat roof extension to gable side of building and rebuild on same footprint with a pitched roof and first floor dormers	Mouse House Clitheroe Road Knowle Green, Longridge
3/2012/0340/P	Combined sewer separation works, new sewage treatment plant, new grease trap and general modifications to existing drainage	Edisford Bridge Hotel Edisford Bridge Clitheroe
3/2012/0422/P	Application to discharge condition no.5 (materials), condition no.8 (gateposts/visibility splays), condition no.9 (access road materials), condition no.12 (contamination report), condition no.13 (disposal of foul and surface water) and condition no.14 (landscaping) of planning permission 3/2008/0036P	Cragg House Out Lane Chipping
3/2012/0488/P	Development of two detached dwellings on land belonging to and adjacent	Radley, Ribblesdale Avenue Clitheroe
3/2012/0493/P	Application for discharge of condition no. 4 (fencing and ground protection relating to trees) of planning consent 3/2012/0203/P	Red Rock House Sabden Road Padiham
3/2012/0538/P	Erection of stable block, tack room, feed store and ménage for private use only	Harling House Malt Kiln Brow, Chipping
3/2012/0540/P (LBC)	Combined sewer separation works, new sewage treatment plant, new grease trap and general modifications to existing drainage	Edisford Bridge Hotel Edisford Bridge Clitheroe
3/2012/0577/P	Change of use from offices to two shop units with two flats at first floor and alterations to forecourt including; alteration of existing entrance steps and repositioning of gateposts, addition of matching stone steps and pair of gateposts with the installation of metal railings at the north-west corner of the forecourt	44-46 Berry Lane Longridge

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0595/P	One detached dwelling	Roefield Reach Edisford Road, Clitheroe
3/2012/0615/P	Amendment to steps to first floor over garage block. Retrospective application. substitution of house type	Hillside, Brockhall Village Langho
3/2012/0620/P	Proposed two-storey extension to provide a dining room at ground floor and bedroom and bathroom at first floor	84 Ribchester Road Clayton-le-Dale
3/2012/0622/P	Application to discharge condition No 4 (walls/roof materials), condition No 8 (building recording) and condition No 10 (boundary treatment) of planning permission 3/2011/0008/P	Carr House Farm Longsight Road Clayton-le-Dale
3/2012/0655/P	Change of use from garage/depot to Class A1 retail with ancillary warehouse	Townson Bros (Fuel Services) Ltd Pendle Trading Estate Clitheroe Road, Chatburn
3/2012/0656/P	Proposed display of fascia advertisement signs to north facing gable	Townson Bros (Fuel Services) Ltd Pendle Trading Estate Clitheroe Road, Chatburn
3/2012/0683/P	First floor space – previously gym and office usage, proposed change to offices and art gallery/studio (painting) open to the general public for art sales and marketing business	Lee Carter House Lowergate Clitheroe
3/2012/0693/P	Application to vary condition no.4 of planning permission 3/2012/0201/P, to allow the business to be open from 0600 to 2100 on Monday to Thursday	3 Albion Court Waterloo Road Clitheroe
3/2012/0695/P	Application for the renewal of planning permission 3/2009/0756/P for a first floor bedroom extension at the rear of the property	2 Eccles Terrace Grindleton
3/2012/0700/P	Proposed 20kW Micro Wind Turbine on a 20m monopole for business use, sited on agricultural land	Paradise Farm Horton-in-Craven
3/2012/0706/P	Application for a non-material amendment to planning permission 3/2011/0980/P to allow new first floor windows x 3, reposition of the external steps and access to the store, adjustment in the location of the ground floor patio doorset and window	Eastham House Farm Clitheroe Road Mitton
3/2012/0721/P	Application for the variation of condition no 3 of planning permission 3/2012/0535/P to allow Class A3 Café/Restaurant use to operate between the hours of 9am to 7.30pm 7 days a week (current permitted	Maureen Cookson Ltd George Street Whalley
Cont/		

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
Cont...	hours of Benedict's – approval reference 3/2009/0956/P)	
3/2012/0724/P	Revised layout to existing approval (3/2009/0542/P). Ridge height reduced by 375mm, eaves height increased by 1150mm, solar panel added to achieve part L1A building regulations	47 Knowsley Road West Clayton-le-Dale
3/2012/0725/P	Proposed single storey rear extension, garden store and decking	3 Wheatley Drive Longridge
3/2012/0726/P	Single storey garden room infill rear extension	Banks House Back Lane, Chipping
3/2012/0727/P	Double garage and workshop and summerhouse and new interlinking glazed canopy	10 Chapel Hill Longridge
3/2012/0734/P	Conversion of commercial office and manufacturing space to residential use, domestic extensions, and erection of triple garage with new commercial office space above	Ashwood Brockhall Village Old Langho
3/2012/0736/P	Proposed conversion of integral garage into a habitable room and formation of entrance door. Improved vehicular access. Re-submission of refused application 3/2012/0438P and withdrawn application 3/2012/0604P	Austin House Slaidburn Road Waddington
3/2012/0742/P	Proposed alteration to the existing window opening including new replacement window	Edisford Hall Farmhouse Edisford Bridge, Clitheroe
3/2012/0752/P	Substitution of house types on plots 4 and 7	Stalwart Lodge Primrose Road, Clitheroe
3/2012/0753/P	Demolition of existing outbuilding, construction of detached dwelling (incorporating work from home space) and associated external works including installation of LPG storage	Chorley House Back Commons Lane Clitheroe
3/2012/0754/P	Retrospective planning for partial demolition of existing structures and erection of covered canopy and terrace, and the insertion of doors and windows to the rear (west) elevation on vacant land adjacent	Enterprise Works Warwick Street Longridge
3/2012/0755/P	Application to discharge condition no. 5 (programme of archaeological work) of planning consent 3/2012/0310/P	Pasture House Farm West Marton
3/2012/0756/P	Application to discharge condition no. 5 (window and door details) and condition no. 12 (details of benches, railings and fencing) of planning consent 3/2011/0971/P	Cobden Mill Whalley Road Sabden

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0758/P	Side and rear single storey extensions	2 Chapel Close, Old Langho
3/2012/0759/P	Redevelopment of the existing summerhouse into a family annex within the garden curtilage	Sunnyside Longsight Road Clayton-le-Dale
3/2012/0760/P	Creation of additional car parking	Holmstead Whalley Road, Wilpshire
3/2012/0769/P	Application to demolish the existing car port and rear porch/conservatory. Provide a new car port and new single storey sunroom to rear	11 Kirkdale Road Langho
3/2012/0770/P	Formation of off-road parking and drop kerb at land off Fairfield Avenue next to the gable of	1 Lilac Grove Clitheroe
3/2012/0771/P	Proposed demolition of the existing rear extension. Provide new single storey rear and part side extension	Amberley Beechthorpe Avenue Waddington
3/2012/0772/P	Application to discharge condition no 3 (Tree Protection Measures), condition no 4 (Site Reinstatement), condition no 5 (Monitoring Measures in Respect of Erosion) and condition no 6 (Crayfish Survey) of planning permission 3/2012/0524/P	Holden Waste Water Treatment Works Bolton-by-Bowland Road Holden
3/2012/0774/P	Part retrospective application for proposed change of use of agricultural land to form a compound to house solar panels for domestic use	Lower Monubent Farm Barn Hellifield Road Bolton-by-Bowland
3/2012/0782/P	Application for discharge of condition no. 2 (materials – walls and roofing) of planning consent 3/2011/1048/P	The Skaithe Slaidburn
3/2012/0783/P	Proposed change of use of agricultural land to domestic to accommodate proposed domestic garage. Change of use of domestic land to agricultural land to include the demolition of two existing outbuildings	Wallbanks Farm Chipping Road Chaigley
3/2012/0784/P	Proposed amendment to single storey rear extension. Amendment to planning application 3/2009/0390/P	53 St Mary's Drive Langho
3/2012/0787/P	Proposed extension of the existing agricultural building 12.2m long x 9.15m wide with the eaves and ridge height to match existing	Radcliffe View Goose Lane Chipping
3/2012/0791/P	Proposed dormer window to the front of the house	8 Shetland Close, Wilpshire
3/2012/0793/P	Proposed vehicular crossing	The Bungalow Queen Street, Clitheroe

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0795/P	Proposed orangery to the rear	23 Asturian Gate Ribchester
3/2012/0799/P	Application to part discharge condition no. 6 (materials) of planning permission 3/2011/0946/P	Stonebridge Mill Kestor Lane Longridge
3/2012/0809/P	1 no. Internally Illuminated Wall Mounted Display Unit	Co-op Service Station Holm Road, Barrow
3/2012/0815/P	Application for a non-material amendment to planning permission 3/2011/0417/P to change the South West ground floor window into a door to allow improved means of escape for the approved annex building providing 5 no. Bed and Breakfast rooms with ancillary space	Clerk Laithe Barn Newton-in-Bowland Slaidburn
3/2012/0816/P	Demolition of prefabricated garage followed by the erection of a single storey extension incorporating a garage with utility/toilet area and increased width to existing vehicular access. Resubmission of 3/2012/0605/P	6 Valley View Grindleton
3/2012/0825/P	Change of use of garden to car parking area (Retrospective Application)	50 Derby Road Longridge
3/2012/0857/P	Application for the discharge of condition No.2 (Materials) of planning permission 3/2012/0621P	123 Highfield Road Clitheroe
3/2012/0877/P	Application for a non-material amendment to planning permission 3/2012/0060/P, to change the proposed wind turbine from the Zeres 12Kw 22.25 metres to the tip, to a C&F 20Kw 21.55 metres to the tip	Crawshaw Farm Newton-in-Bowland Clitheroe
3/2012/0900/P	Application to discharge condition No.4 (Materials) of planning permission 3/2012/0649P	4 Fleming Square 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>
3/2012/0402/P	Erection of a 50kW wind turbine (32.4m to tip height) to supply electricity to the farming operations	Mason House Farm Clitheroe Road Bashall Eaves	Contrary to Policies G1, G5, ENV2, ENV3, ENV19, ENV24, ENV25, ENV26 of the Local Plan, Forest of Bowland AONB Renewable Energy Position Statement, guidance contained within the NPPF, The Conservation of

Cont/

**Plan No:**

Cont...

**Proposal:**

3/2012/0602/P Conversion of barn and  
(LBC) & outbuildings into two no  
3/2012/0608/P dwellings, incorporating new  
(PA) garden room, entrance  
extension and package  
treatment plant

**Location:**

Bailey Hall Barn  
Hurst Green

**Reasons for Refusal**

Habitats and Species  
Regulations 2010 and  
the Planning (Listed  
Buildings and  
Conservation Areas) Act  
1990.

The proposal would be unduly harmful to the agricultural character (including setting) and significance of the listed building and the setting of other listed buildings within the manorial complex because of the loss of the barn's open interior with its impressive proportions, long sight lines and interesting juxtaposition of contemporary cruck - frame and box-frame traditions, the break-up of its large and unbroken roof slopes by prominent, conspicuous and visually intrusive rooflights, and the introduction of prominent, conspicuous, visually intrusive and overtly domestic fenestration and garden room and glazed link extensions. This would be contrary to Policies ENV20 and ENV19 of the Ribble Valley Districtwide Local Plan.

Insufficient information has been submitted to establish the impact of residential conversion upon the fabric, character and significance of the listed building's timber

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<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
Cont...			framing. This is contrary to Policy ENV20 of the Ribble Valley Districtwide Local Plan which states that the most important features of any listed building will be preserved.
3/2012/0696/P	Change of use from Class B1 to Class C3 – 4 domestic dwellings including creation of some external openings and associated garden areas	Root Hill Yard Estate Dunsop Bridge	Contrary to G1, Env12, Policies H12, H17 and NPPF-visual impact and loss of employment opportunities and precedent.
3/2012/0718/P	Proposed stable block with feed store at land adjacent	Abbott Barn Back House Lane Chipping	Policy ENV1 – incongruous and prominent addition detrimental to visual amenities of AONB
3/2012/0723/P	Demolish the existing stable block and erect 2 no. two-storey, four bedroom detached houses and garage block on site of former stable	Trapp Lane Simonstone	Unsustainable development, and by definition, inappropriate development. Adverse visual impact on the character, setting and appearance of the locality to the visual detriment of the area. Impact on the residential amenity of the occupiers of the nearest dwellings. Contrary to Local Plan Policies G1, G5, ENV3 and H2 and guidance contained within the NPPF.
3/2012/0743/P	Proposed loft conversion with dormer to side elevation	3 Grindleton Road West Bradford	G1, ENV1 of DWLP and SPG “Extensions and Alterations to Dwellings” – discordant and incongruous feature to the detriment of the street scene and the visual amenities of the AONB. Also harmful to
Cont/			

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
Cont...			residential amenity by virtue of overlooking.
3/2012/0757/P (LBC)	Installation of 2 No conservation style 'Lumen' rooflights and vents, and installation of replacement windows to dwelling	4 Church Raike Chipping	The proposal has an unduly harmful impact upon the character (including setting) and significance of the listed building, the setting of St Bartholomew's Church (Grade II* listed) and the character, appearance and significance of Chipping Conservation Area because the proposed roof lights and vents are conspicuous, incongruous and visually intrusive in the prominent and otherwise unbroken roof slope and disruptive to the visual coherence of the church yard boundary.
3/2012/0780/P	Erection of a detached garage and carport	Lower Monubent Farm Barn Hellifield Road Bolton by Bowland	G1, ENV1 and H17 of the DWLP and sections 11 and 12 of the NPPF - detrimental impact on the original character and setting of barn the visual amenities of the AONB.
3/2012/0792/P	Replacement of wood front door and two side panels with a UPVC front door and side panels. New PVC material colour to be an antique Oak wood grain effect, ie the same as the other windows and doors at the property	Hodder Bank Hodder Court Knowles Brow Stonyhurst	The retention of traditional and complimentary materials at Hodder Place's prominent west elevation is important to the conservation of the historic building's aesthetic significance. The proposed replacement door is unduly harmful to the character (including
Cont/			

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
Cont...			setting) and significance of the listed building because it is prominent, incongruous and visually intrusive as a result of the consistency and sterility of finish, smooth machined texture and mitred jointing of the proposed synthetic material.
3/2012/0794/P	Proposed two-storey side extension and demolition of existing garage in rear garden, to provide garage with bedroom over	6 Holly Grove Longridge	Policies G1, ,H10, SPG on Extensions and Alterations to Dwellings – detrimental impact upon streetscene and residential amenity.

#### AGRICULTURAL NOTIFICATIONS WHERE PLANNING CONSENT **WILL** BE NECESSARY

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0837/P	Lean to extension to cover the Livestock gathering area, approx 22.5m x 9.5m x 4.5m (to ridge height)	Lambing Clough Farm Clough Lane, Hurst Green
3/2012/0907/P	Roof over the existing stock yard	Higher Brundhurst Farm Preston New Road, Mellor

#### 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>
3/2012/0674/P	Application for a Lawful Development Certificate for existing use of a domestic garage	13 Grindleton Road West Bradford
3/2012/0762/P	Lawful Development Certificate for existing use of part of car park for parking of touring caravans by members	Gliding Club Lower Cockhill Farm Fiddlers Lane, Chipping

#### APPLICATIONS WITHDRAWN

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/201200648/P	Proposed erection of garden walls, gates and store and renewal of existing conifers and storage shed	Showley Fold Farm Dixon Road Longridge
3/2012/0765/P	15kw turbine on a 15m mast, 5m blades total finished height of 21m	Old House Farm Birks Brow Thornley

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0829/P	(observations to another authority) 50k wind turbine on an 18m monopole (total height 27m) and ancillary works (Resubmission)	Rattenclough Farm Wesley Street Sabden

SECTION 106 APPLICATIONS

<b><u>Plan No</u></b>	<b><u>Location</u></b>	<b><u>Date to Committee</u></b>	<b><u>Number of Dwellings</u></b>	<b><u>Progress</u></b>
3/2010/0078P	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 Lancashire County Council
3/2011/1071	Land at Chapel Hill Longridge	19/7/12	53	With applicants solicitor
3/2012/0014	Land adj Greenfield Avenue Low Moor, Clitheroe	19/7/12	30	With applicants solicitor
3/2012/0379	Primrose Mill Woone Lane, Clitheroe	16/8/12	14	Deed of Variation With applicants agent
3/2012/0497	Strawberry Fields Main Street, Gisburn	11/10/12	21	With Legal
3/2012/0687	Land East of Clitheroe Road, Whalley	11/10/12	55	With Lancashire County Council
<b><u>Non Housing</u></b>				
3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures Lancashire County Council to draft Section 106
3/2012/0455	Shireburn Caravan Park Edisford Road Waddington	7/8/12		Deed of Variation With applicants solicitors

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
3/2011/0025 O	25.6.12	J-J Homes LLP Outline planning application for residential development (ten dwellings) Land off Chatburn Old Road Chatburn	-	Procedure has now been changed – appeal will be dealt with via a Public Inquiry	Notification letter to be sent by 2.11.12 Statement to be sent by 30.11.12
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	-		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	-	APPEAL ALLOWED 2.10.12
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	—	APPEAL ALLOWED 9.10.12 APPLICATION FOR COSTS FAILED
3/2012/0390 O	28.8.12	Mr Julian Hindle, Haydock Developments 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	
3/2011/0892 O	6.9.12	The Huntroyde Estate Proposed residential development Land off Milton Avenue Clitheroe	—	Hearing – to be held 21 November 2012	
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	—	APPEAL DISMISSED 11.10.12

<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>
3/2012/0259 D	25.9.12	Mr A Ball Proposed new vehicle/pedestrian access to site Seven Acre Cottage Forty Acre Lane Longridge	WR	—	Awaiting site visit
3/2012/0584 D	28.9.12	Mr Peter Kenrick Proposed rear extensions and alterations to existing dwelling 2 Blackburn Road Ribchester	Householder appeal	—	AWAITING DECISION
3/2012/0401 Non-determination	12.10.12	Phillips Property Limited Outline application for the proposed re-development of the site for residential purposes 51-53 Knowsley Road Wilpshire	WR	—	Notification letter sent 23.10.12 Questionnaire sent 26.10.12 Statement to be sent by 23.11.12

#### LEGEND

D – Delegated decision  
C – Committee decision  
O – Overturn

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 8 NOVEMBER 2012  
title: NON-DETERMINATION APPEALS IN RELATION TO LISTED BUILDING CONSENT AND PLANNING. RE-BUILDING OF EXTENSION – VARIATION IN FOOTPRINT, RIDGE LINE AND ROOF PITCHES. REINSTATE TRADITIONAL DOORS, WINDOWS AND RAINWATER GOODS. INTRODUCE ROOFLIGHTS TO UPPER AND LOWER PITCHES. ALTERATIONS TO INTERNAL LAYOUT INCLUDING BRINGING VACANT ROOF SPACE BACK INTO USE AS HABITABLE ROOMS AT 28 CHURCH STREET RIBCHESTER, LANCASHIRE  
submitted by: DIRECTOR OF COMMUNITY SERVICES  
principal author: ADRIAN DOWD

## 1 PURPOSE

- 1.1 To advise Committee in relation to the recently received Non-determination Appeals, and request support for the reasons for refusal to be presented to the Planning Inspectorate.

## 2 BACKGROUND

- 2.1 This application was submitted and made valid on the 28 May 2012, with the eight-week target period ending on the 23 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 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 information requirements and possible amendments to the scheme. There were difficulties in arranging a mutually convenient site meeting time with the agent. Despite on-going discussions, the applicant has sought to appeal against non-determination of the applications, 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 appeals for non-determination were received on the 8 October 2012, and upon receipt no further work has been carried out in relation to dealing with the listed building and planning applications. Once the appeals have been formally recognised by the Planning Inspectorate, all those persons who were notified or consulted about the applications, and any other interested persons who made representations regarding the applications will be written to and advised that the appeals have been made.
- 2.4 The appellant has requested that the appeals be considered under the Written Representations procedure. In my opinion and having regard to the nature of these applications, this would be an appropriate method of dealing with the appeals. 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/commentators 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/comments will be sent to the Inspectorate.
- 2.6 The Planning Inspectorate would make the ultimate decision on how the appeals are to be 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 Officer's 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 under Appendix A is included for Members' information.
- 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:

#### Planning Application 3/2012/0478/P

- (1) The proposal has an unduly harmful impact upon the character (including fabric and setting) and significance of the listed building and the character, appearance and significance of Ribchester Conservation Area because: the proposed extension is incongruous and dominating as a result of its asymmetric form and visually intrusive detailing (roof lights; French doors); the proposed roof lights to the original build are conspicuous, incongruous and visually intrusive in the prominent roof slope; the disruption to important plan form and/or fabric from the blocking and obscuring of the rear first floor window, removal of the staircase, modifications to re-use the attic including new staircase, and knock-through of ground floor walling, and lack of compelling evidence to suggest the appropriateness of 8/8 pane sash window installation. This is contrary to Policies ENV20, ENV19 and ENV16 of the Ribble Valley Districtwide Local Plan.
- (2) The proposal has an unduly detrimental impact upon the residential amenities of Old Croft and 27 Church Street because of undue overlooking from the two-storey extension bedroom window and the gable wall second storey window. This is contrary to Policy G1 of the Ribble Valley Districtwide Local Plan.
- (3) Insufficient information has been submitted to establish the impact of development upon the fabric, character and significance of the listed building, important buried archaeology, species protection and flood risk. This is contrary to Policies ENV20, ENV14, ENV7 and G1 of the Ribble Valley Districtwide Local Plan.

Listed Building Consent Application 3/2012/0479/P

- (1) The proposal has an unduly harmful impact upon the character (including fabric and setting) and significance of the listed building and the character, appearance and significance of Ribchester Conservation Area because: the proposed extension is incongruous and dominating as a result of its asymmetric form and visually intrusive detailing (roof lights; French doors); the proposed roof lights to the original build are conspicuous, incongruous and visually intrusive in the prominent roof slope; the disruption to important plan form and/or fabric from the blocking and obscuring of the rear first floor window, removal of the staircase, modifications to re-use the attic including new staircase, and knock-through of ground floor walling, and lack of compelling evidence to suggest the appropriateness of 8/8 pane sash window installation. This is contrary to Policies ENV20, ENV19 and ENV16 of the Ribble Valley Districtwide Local Plan.
- (2) Insufficient information has been submitted to establish the impact of development upon the fabric, character and significance of the listed building. This is contrary to Policy ENV20 of the Ribble Valley Districtwide Local Plan.

**4 RECOMMEND THAT COMMITTEE**

- 4.1 Advise that they would have been minded to refuse the applications for the above reasons.
- 4.2 Advise the Inspectorate that the Council have no objections to the Written Representations procedure in connection within these appeals.

ADRIAN DOWD  
PRINCIPAL PLANNING OFFICER (DESIGN AND CONSERVATION)

JOHN HEAP  
DIRECTORY OF COMMUNITY SERVICES

**BACKGROUND PAPERS**

Application Reference Numbers 3/2012/0479/P (LBC) and 3/2012/0478 (PA).

For further information please ask for Adrian Dowd, extension 4513.

REF: 081112-P&D/AD/EL

## APPENDIX

APPLICATION NO: 3/2012/0479/P (LBC) & 3/2012/0478/P (PA)  
(GRID REF: SD 364979 435279)

PROPOSED REBUILDING OF EXTENSION – VARIATION IN FOOTPRINT, RIDGE LINE AND ROOF PITCHES. REINSTATE TRADITIONAL DOORS, WINDOWS AND RAINWATER GOODS. INTRODUCE ROOFLIGHTS TO UPPER AND LOWER PITCHES. ALTERATIONS TO INTERNAL LAYOUT INCLUDING BRINGING VACANT ROOF SPACE BACK INTO USE AS HABITABLE ROOMS AT 28 CHURCH STREET, RIBCHESTER

PARISH COUNCIL: No objection. The Council supports the applicants' efforts in bringing this property back into use.

LCC (ARCHAEOLOGY): Initial informal comments 29 June 2012:  
There are 2 issues with the current application:

1. Mention is made of a new footprint to the rear; will this require excavation and if so have details been supplied as to what they will entail?
2. The assessment of the significance of 28 Church Street amounts to a statement that the interior is not of interest, it is not supported by any written description or photographic evidence. I would therefore suggest that the information falls short of what would be needed in a Heritage Statement, and further information is needed.

As for the statement (Statement of Significance – Preambles(a)) that as PPS5 has been replaced by NPPF 'new guidance is pending on recording and assessing significance', this is incorrect as the PPS5 Practice Guide was not cancelled, and still remains in place.

Formal Comments 25 July 2012:

28 Church Street is a designated heritage asset, a grade II listed building, recorded on the County Historic Environment Record, PRN 18053. The site also lies within the limits of the Roman *vicus*, or civilian settlement at Ribchester known as *Bremetenacum*.

Details available on the Council planning web pages, supplied with the application are limited, failing to adequately show the nature and extent of the internal alterations proposed, and how they might affect the original plan-form and circulation patterns through the building. A statement that the interior contains no surviving historic features is not adequately supported by any written or photographic documentation. It must however be said that the reinstatement of features such as doors, windows and rainwater goods is to be welcomed. There is no indication of the nature and extent of the works required for the rebuilding of the extension bar that it will see a variation in the footprint. In which case there is a potential that such works might be of such a nature as to encounter archaeological remains associated with Roman, medieval or post medieval Ribchester.

Consequently, should the Local Planning Authority be minded to grant planning permission to this or any other scheme, Lancashire County Archaeology Service would recommend that a detailed archaeological record of the building be made prior to conversion, and that a programme of archaeological work be needed for any groundworks required for the proposed rebuilding of the extension.

Please can you confirm that you have received this response.

LCC (HIGHWAYS):

No objection to this proposal.

ENVIRONMENT AGENCY:

Use the information behind Box E2 of the Flood Risk Standing Advice Consultation Matrix to make your decision. This states:

We recommend that:

**Planning Authorities:**

- 1) Refer the applicant to the standing advice pages on the Environment Agency website or provide them with a copy of this page for them to include as part of the planning application submission.
- 2) Check the planning application to ensure that one or other of the mitigation measures from the table below has been incorporated.

**Applicants:**

Complete the table below and include it with the planning application submission. The table, together with the supporting evidence, will form the Flood Risk Assessment (FRA) and will act as an assurance to the Local Planning Authority (LPA) that flood risk issues have been adequately addressed.

Applicant to choose one or other of the flood mitigation measures below	Applicant to provide the LPA with the supporting Information detailed below as part of their FRA	Applicant to indicate their choice in the box below. Enter 'yes' or 'no'
Either;  Floor levels within the proposed development will be set no lower than existing levels AND, flood proofing of the proposed development has been incorporated where appropriate.	Details of any flood proofing / resilience and resistance techniques, to be included in accordance with ' <i>Improving the flood performance of new buildings</i> ' CLG (2007)	
Or;  Floor levels within the extension will be set 300mm above the known or modelled 1 in 100 annual probability river flood (1%) or 1 in 200 annual probability sea flood (0.5%) in any year. This flood level is the extent of the Flood Zones	This must be demonstrated by a plan that shows finished floor levels relative to the known or modelled flood level. All levels should be stated in relation to Ordnance Datum <sup>1</sup>	

RVBC COUNTRYSIDE OFFICER:

Protected species mitigation plan required before determination to:

- i Ensure that there are no adverse effects on the conservation status of a bat population; and
- ii Protect the bat population from damaging activities and reduce or remove the impact of development.

ADDITIONAL REPRESENTATIONS:

None received.

**Proposal**

The drawing 'Proposed Floor Plans' was not submitted to the Borough Council until 6 September 2012 (the agent was advised of the omission of this essential information at the site meeting). The receipt of the Non-Determination Appeal has curtailed the necessary consultation and site re-assessment in respect to this information.

Discussions on site (in respect to the apparent loss of historic features from the interior and the provenance of the apparently modern window opening pattern to the south-east gable) and in a letter from the agent of 6 September 2012, suggest that the applications are intended, in part, to act in lieu of a certificate of lawfulness and to 'give the LPA opportunity to clarify the planning history'.

The submitted information (including the plan of 6 September 2012) proposes the demolition of a rear two-storey extension (traditional cat-slide roof; described only as 'modern' in the

submission) and a single storey flat-roofed extension, and the construction of a replacement two-storey extension. The proposed extension shares maximum depth (5.3m) and maximum width (5.33m) with the existing and is shown to be 1.7m<sup>2</sup> larger in area. The proposal has a distinctly asymmetric profile, is of double-pitch form and protrudes 0.3m above the eaves of the original building. It is shown to be constructed of masonry with roughcast render finish and Welsh slate roof. The extension is proposed to have parallel rooflights to elevation facing the car park road and French doors to its gable. A first floor bedroom window is proposed in a similar location to the obscure-glazed bathroom window in the existing extension.

It is proposed to replace existing front elevation windows in the original build with 'traditionally styled' 8/8 multi-pane sash windows (no details or discussion of restoration philosophy submitted). Four symmetrically arranged rooflights are proposed in the rear roofslope of the original build (one adjoining the eaves is to replace an existing traditional glass slate; the elevation plans omit the recently installed rooflights and roof vents at 29 Church Street). A rear elevation first floor window (historic splayed reveal) to the original build is shown to be blocked without memory. In the original build gable, three openings are shown to be blocked and a new window created (second floor/attic). Alterations to the interior of the historic build include removal of the ground-first floor staircase (not historic fabric but historic location?) and insertion of a new staircase through first – second/attic floor (shown on 6 September plan but no other details of proposal or impact on significance submitted).

### **Site Location**

28 and 29 Church Street is a Grade II listed pair of houses (one entry in the list; 11 November 1966) from 1745. The brick walling, pleasing Georgian details (although the list description notes that the windows to the front of No. 28 are modern) and roadside location ensure prominence and interest within Ribchester Conservation Area. The Ribchester Conservation Area Appraisal (The Conservation Studio, December 2006; adopted by the Borough Council following public consultation April 2007) suggests "*the houses are fairly large and impressive, and brick would have been used to make a statement about the status and quality of the buildings*".

The adjoining 30 and 31 Church Street, a stone outbuilding to the rear of 29 Church Street, 27 Church Street, The Old Barn and Old Croft are identified as Buildings of Townscape Merit making a positive contribution to Ribchester Conservation Area in the Ribchester Conservation Area Appraisal.

The facing or nearby 8-26 (consecutive) and 50-58 (consecutive) Church Street are rows of late C18 Grade II listed houses.

Below ground archaeological investigation of land at 32-33 Church Street (Lancashire Historic Environment Record PRN 25462) in 2001 encountered evidence of both Roman and mediaeval occupation in the form of pottery finds, whilst further evidence of the Roman occupation of Ribchester has come from work at the Black Bull (PRN 4216), Church Street, Garage (PRN 1847), Pope Croft (PRN 23740) and Fort Avenue (PRN 15101), where medieval finds were also again recovered.

### **Relevant History**

#### **28 Church Street**

No pre-application advice was sought in respect to the proposals  
There is no history for this site in the planning record.

### 29 Church Street

3/2011/0425/P (PA) & 3/2011/0426/P (LBC) - Demolition of existing timber garage and stone outbuilding to provide improved vehicular access, parking spaces and new double garage for no 29 and two new single garages and private amenity/garden space for nos 30 and 31. Listed Building Consent and planning permission refused 22 September 2011. *The submitted historic building assessment suggests: there is a local tradition that 29 Church Street was once a public house known as The Kings Arms; nos 30 and 31 appear to be late 18<sup>th</sup> century or early 19<sup>th</sup> century additions to the 1745 (no 29) building, which probably combined domestic and industrial or warehouse functions, and until very recently remained part of the parent property.*

3/2010/0090/P (LBC) & 0091 (PA) - Demolition of existing rear outbuildings and construction of new extension. Internal alterations and general repairs to update house to modern living requirements/standards. Listed Building Consent and planning permission granted 21 July 2010 and 22 July 2010. *Includes a historic building assessment by Stephen Haigh, Buildings Archaeologist.*

3/2006/0909 – five replacement windows. LBC granted 25 June 2007.

3/1997/0573 – rebuild of chimney owing to dangerous condition. LBC granted 29 September 1997.

### **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990.  
Policy ENV20 - Proposals Involving Partial Demolition/Alteration of Listed Buildings.  
Policy ENV19 - Listed Buildings (Setting).  
Policy ENV16 - Development Within Conservation Areas.  
Policy ENV14 - Ancient Monuments and Other Important Archaeological Remains.  
Policy G1 - Development Control.  
Policy ENV7 - Species Protection.  
Ribchester Conservation Area Appraisal.  
Policy SPG – “Extensions and Alterations to Dwellings”.  
NPPF.  
HEPPG.

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

The main consideration in the determination of the listed building consent application is the duty at Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the (listed) building, its setting and any features of special architectural or historic interest which it possesses. There is no statutory requirement to have regard to the provisions of the development plan for decisions on applications for listed building consent.

The main considerations in the determination of the planning application relate to: the impact upon the listed building and its setting (including Section 66[1] of the above Act which requires that special regard be given to the desirability of preserving the listed building, its setting and

any features of special architectural or historic interest and Ribble Valley Districtwide Local Plan Policies ENV20 [alteration/demolition] and ENV19 [setting]); the impact upon Ribchester Conservation Area (including Section 72[1] of the above Act which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area and Ribble Valley Districtwide Local Plan Policy ENV16); the impact upon residential amenity; the impact upon buried archaeology (including Policy ENV14 of the Ribble Valley Districtwide Local Plan); the impact on protected species (including Policy ENV7 of the Ribble Valley Districtwide Local Plan) and flood risk (including Policy G1[a] of the Ribble Valley Districtwide Local Plan).

Mindful of the status of the emerging LDF, note is made of the opinions in Mynors C., 'Listed Buildings, Conservation Areas and Monuments' (2006) and the discussion of 'Applications for planning permission' and 'Overlapping statutory duties' at 14.2 ff. He concludes that *'the order of preference must be:*

- (1) the development plan, so far as material;*
- (2) the effect of the proposed development on any listed buildings or their setting or on any conservation area;*
- (3) the responses to publicity and consultation; and then*
- (4) any other material considerations'.*

Mynors states that *'It follows that the duties under the Listed Buildings Act are subordinate to the duty to have regard to the plan, but that they are still more important than the duty to have regard to any other material consideration'*. Other material considerations would appear to include the NPPF.

Policy ENV20 of the Local Plan states that *"Proposals involving the demolition or partial demolition of listed buildings will be refused unless the demolition is unavoidable ... Proposals for the alteration or repair of listed buildings should be sympathetic to their character and appearance. The most important features of any listed building will be preserved"*.

Policy ENV19 of the Local Plan states that *"development proposals on sites within the setting of buildings listed as being of special architectural or historic interest, which cause visual harm to the setting of the building, will be resisted"*.

Policy ENV16 of the 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"*. The accompanying text at 4.7.8 states that *'the main elements of Council policy are retention and enhancement'*.

Policy G1 of the Local Plan states *"In determining planning applications the following criteria will be applied:*

- (a) Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature;*
- (h) Materials used should be sympathetic to the character of the area"*.

Policy ENV7 of the Local Plan states *"Development proposals which would have an adverse effect on wildlife species protected by law will not be granted planning permission, unless arrangements can be made through planning conditions or agreements to secure the protection of the species"*.

*Policy ENV14 of the Local Plan states “In considering development proposals, the Borough Council will apply a presumption in favour of the preservation of ancient monuments and other nationally important archaeological remains and their settings. The case for preservation of archaeological remains will be assessed having regard to the intrinsic importance of the remains which will be weighed against the need for the proposed development”.*

The National Planning Policy Framework (27 March 2012) is particularly relevant at:

Paragraph 17 “*within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:*

*... conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”*

Paragraph 56 “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”;*

Paragraph 60 “*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 “*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”;*

Paragraph 126 that local planning authorities should recognise that ‘*heritage assets are an irreplaceable resource*’ which should be conserved in a ‘*manner appropriate to their significance*’. Local planning authorities should also take into account ‘*the desirability of sustaining and enhancing the significance of heritage assets ... the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring ... (and) ... the opportunities to draw on the contribution made by the historic environment to the character of a place*’;

Paragraph 128 “*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”.*

Paragraph 131 “*In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

- *the desirability of new development making a positive contribution to local character and distinctiveness*".

Paragraph 130 *"Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision"*.

Paragraph 132 *"When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification"*;

Paragraph 134 *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the **public benefits** of the proposal, including securing its optimum viable use"*.

Paragraph 153 *"Even the most minor repairs can sometimes have an impact on the archaeological interest of a heritage asset and may reveal new information relating to the significance of that asset"*.

Paragraph 188 'Pre-application engagement and front loading' states *'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'*.

Paragraph 192 *"The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations Assessment and Flood Risk Assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible"*.

English Heritage (web-site 23 April 2012) advises *"Following the publication of the National Planning Policy Framework, PPS5 was deleted. However the Practice Guide remains a valid and Government endorsed document pending Government's review of guidance supporting national planning policy as set out in its response to the select committee. The references in the document to PPS5 policies are obviously now redundant, but the policies in the NPPF are very similar and the intent is the same, so the Practice Guide remains almost entirely relevant and useful in the application of the NPPF"*.

The Historic Environment Planning Practice Guide is most pertinent at:

179 *The fabric will always be an important part of the asset's significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new.*

182 *The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (where decorated or plain, principle or secondary) and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new*

*openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations.*

*185 the insertion of new elements such as doors and windows, (including dormers and roof lights to bring roof spaces into more intensive use) is quite likely to adversely affect the building's significance ...new elements may be more acceptable if account is taken of the character of the building, the roofline and significant fabric.... In some circumstances the unbroken line of a roof may be an important contributor to its significance'*

*152 Doors and windows are frequently key to the significance of a building.*

*178 it would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting.*

*64 understanding the significance of affected heritage assets is vital to a successful scheme – one that proposes the optimum viable use to a design that takes advantage of the asset's significance while also conserving it. Early engagement can lead to an agreed understanding of the nature, extent and the importance of the significance of the asset or assets affected by a proposal, and identify the likely impacts before the details of the scheme are firmed up.*

*180 The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting... New openings need to be considered in the context of the architectural and historic significance of that part of the asset. Where new work or additions make elements with significance redundant, such as doors or decorative features, there is likely to be less impact on the asset's aesthetic, historic or evidential value if they are left in place'.*

*187 Small-scale features, inside and out, such as historic painting schemes, ornamental plasterwork, carpenters' and mason's marks, chimney breasts and stacks, inscriptions and signs, will frequently contribute strongly to a building's significance and removing or obscuring them is likely to affect the asset's significance.*

*188 Extant flooring materials will often be of interest in themselves.*

*114 'the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and by our understanding of the historic relationship between places.*

*117 'the contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting... Nevertheless, proper evaluation of the effect of change within the setting of a heritage asset will usually need to consider the implications, if any, for public appreciation of its significance.*

*Paragraph 161, Restoration, states Restoration works are those that are intended to reveal or recover something of significance that has been eroded, obscured or previously removed. In some cases, restoration can thus be said to enhance significance. However, additions and changes in response to the changing needs of owners and occupants over time may themselves be a key part of the asset's significance.*

Paragraph 160, Restoration, states *Restoration is likely to be acceptable if:*

- (1) *The significance of the elements that would be restored decisively outweigh the significance of those that would be lost.*
- (2) *The work proposed is justified by compelling evidence of the evolution of the heritage asset, and is executed in accordance with that evidence.*
- (3) *The form in which the heritage asset currently exists is not the result of a historically-significant event.*
- (4) *The work proposed respects previous forms of the heritage asset.*
- (5) *No archaeological interest is lost if the restoration work could later be confused with the original fabric.*
- (6) *The maintenance implications of the proposed restoration are considered to be sustainable.*

'Extensions and Alterations to Dwellings: Ribble Valley Borough Council supplementary planning guidance' (adopted September 2000) states:

*'As a general rule any extension should not dominate the original house. This is particularly important in relation to buildings of historic or architectural importance' (5.2);*

*'In Conservation Areas and open countryside size controls will be more strictly applied. Extensions which lead to properties becoming significantly more prominent will not be allowed .. it should be noted that even small extensions can be prominent if they are not carefully sited and designed' (5.2);*

*'Windows and doors - The type of windows and doors used, and their positioning are an important part of any development' (5.2).*

The Ribchester Conservation Area Appraisal 'SWOT' analysis states:

Weaknesses: The principal *negative* features of the Ribchester Conservation Area are:

- Loss of architectural detail (original windows, doors etc);
- Insensitive alteration of historic buildings spoiling the conservation area's historic character and appearance

Threats to the Ribchester Conservation Area

- Continuing loss of original architectural details and use of inappropriate modern materials or details.

Many of the unlisted, and some of the listed, buildings in the conservation have been Adversely affected by the use of inappropriate modern materials or details.

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

*'the cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development' (4.5).*

*.. arguments about the sensitivity of a setting to change should not be based on the numbers of people visiting it. (2.4).*

'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment' (English Heritage, 2008) identifies four groups of heritage values: Evidential, Historical, Aesthetic and Communal.

'Constructive Conservation in Practice' (English Heritage, 2008) states "*Constructive Conservation is the broad term adopted by English Heritage for a positive and collaborative approach to conservation that focuses on actively managing change.*

*The aim is to recognise and reinforce the historic significance of places, while accommodating the changes necessary to ensure their continued use and enjoyment ...*

*... The Principles also underline the importance of a systematic and consistent approach to conservation. In order to provide this consistency, we are guided by a values-based approach to assessing heritage significance".*

Guidance on new development within Conservation Areas has also been considered within the Ribchester Conservation Area Management Guidance and the 'Building in Context Toolkit: New Development in Historic Areas' (CABE, EH, the architecture centre).

Note is made of the Planning Inspector's comments on appeal APP/T2350/E/08/2072213, Rodhill Lodge, Bolton By Bowland (8 August 2008; Grade II listed building) "*I accept that views of the proposed conservatory from the public realm would be very limited but listed buildings are protected for their intrinsic value. The fact that the conservatory would be barely visible to anyone but the appellants is not a matter to which any great weight can be attached, therefore"* (paragraph 6).

Note is made of the Planning Inspector's comments on appeal APP/T2350/E/03/1123798, 2 The Square, Whalley (26 November 2003; Grade II listed building; attic conversion) "*The Council raises no issue in relation to the internal works proposed to provide access and I have considered whether it would be possible to make a split decision, permitting these works, without the roof lights. However, I do not believe that to be a reasonable approach because there is insufficient detail on the scheme drawings to demonstrate how the existing ceiling joists would be adapted to provide a floor loading capacity or how what appears to be a new staircase would be supported. In this context it is not possible, in my view, to reach a conclusion that the works would not harm the special architectural or historic interest of the listed building"* (paragraph 8).

## Conclusions

I note from site inspection that the existing two-storey extension and the 'original build' south-east gable wall appears to be constructed, at least in part, in C20 brickwork. It is therefore possible that some of the demolition/alteration works could be undertaken without harm to the historic fabric and significance of the listed building. However, as commented upon by LCC

(Archaeology), the paucity of information submitted in respect to the significance of the surviving historic fabric (and explanation for the extensive modernisation of the property; see NPPF paragraph 130) makes it difficult to assess the proposals with confidence and undertake the duty at sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The limitations of the submission extends to the very late production of proposed floor plans, no recognition of the impact of development upon the Roman *vicus* and below ground archaeology, no provision of mitigation strategies for the presence of bats (a risk, albeit low, has been identified) and no submission of a Flood Risk Assessment. These issues would normally be identified and discussed at pre-application stage.

I am also concerned at:

- (i) the proposed demolition of /alteration to historic fabric at the existing two-storey extension (although unlikely), the rear first floor window, installation of the new stairs, ground floor wall knock-through and new attic floor loadings/modifications;
- (ii) the proposed loss of plan form from removal of stairs (modern fabric) and obscuring of the rear first floor window;
- (iii) the replacement of a traditional 'cat-slide' roofed extension with an incongruous and dominating extension of asymmetric form and visually intrusive detailing (rooflights; French doors) visible from the car park road;
- (iv) the justification for 8/8 pane sash windows – see HEPPG paragraph 160 and 161;
- (v) the number, regularity of arrangement and relationship to works at the roof slope of 29 Church Street (although it is noted that this differs to that shown on the approved plans for 3/2010/0090 & 0091) of original build rooflights visible from the car park road;

It would be beneficial to re-visit the site in possession of the proposed floor plans to confirm initial concerns that:

- (i) the proposed first floor bedroom window (presumably not obscure-glazed) would be harmful to the residential amenities of Old Croft;
- (ii) the proposed attic gable wall window would be harmful to the residential amenities of 27 Church Street (it would appear to look directly down upon a rooflight).

Mindful of NPPF paragraph 134 I do not believe the proposed works will result in any public benefits to outweigh the harm to the designated heritage assets.

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: 8 NOVEMBER 2012  
title: REVIEW OF FEES AND CHARGES  
submitted by: DIRECTOR OF RESOURCES  
principal author: TRUDY HOLDERNESS

### 1 PURPOSE

- 1.1 To seek member approval on proposals to increase this committee's fees and charges with effect from 1 April 2013.
- 1.2 These proposals are the first stage in the review of this committee's budget for the forthcoming 2013/14 financial year.

### 2 BACKGROUND

- 2.1 The Council's fees and charges are reviewed on an annual basis as part of the budget setting process.
- 2.2 This report requests that members consider proposals for the increase in fees and charges for this committee's services. Such charges would be implemented with effect from the 1 April 2013 and would operate for the duration of the 2013/14 financial year.
- 2.3 The council's latest budget forecast allows for a 2.5% increase in the level of income raised from fees and charges. The review aims to increase budgeted income for 2013/14 by this amount as a minimum.
- 2.4 After applying this percentage increase, proposed charges have generally been rounded up to the nearest 5p to minimise any problems with small change. This inevitably impacts on the individual percentage rise for each separate charge, particularly when the current charge is low.

### 3 ADVICE OF BUDGET WORKING GROUP

- 3.1 In September 2012, a report was taken to Budget Working Group on the review of the council's fees and charges for 2013/14.
- 3.2 The report asked for a steer on the level of increase that should be sought in the review, whether there were any areas of charging that they thought should not be reviewed this year, and conversely whether there were any areas that should be increased at a higher rate.
- 3.3 At their meeting, Budget Working Group agreed with the proposals to increase the council's fees and charges for 2013/14 by 2.5%, allowing for roundings to the nearest 5p which may result in higher increases.

3.4 Budget Working Group gave guidance to service committees that all charges should be reviewed and increased, but with the suggestion that **all** car parking charges, under Community Services Committee, remain at the level charged in 2012/13.

#### 4 REVIEW OF THE FEES AND CHARGES

4.1 The review of the fees and charges is coordinated by financial services, working together with heads of service and budget holders. The main Building Control fees and charges will be brought to committee in January for consideration.

4.2 Following discussions a **proposed** set of fees and charges for implementation from 1 April 2013 has been produced for this committee and is shown at Annex 1. This annex provides details of:

- the current charge for 2012/13
- an estimate of the level of 2012/13 income raised by each charge (Net of VAT)
- the proposed charges for implementation from 1 April 2013
- an indication of the potential income that may be achieved in 2013/14, should the proposals be agreed (Net of VAT)
- the resulting percentage increase from 2012/13 to 2013/14
- Date that each charge was last increased (They are all reviewed annually, but may not necessarily be increased)

4.3 The indication of potential income which is shown throughout Annex 1 is provided for guidance purposes only and is based on past and current activity levels. No account is taken of any change in service use which may be influenced by a change in charge levels.

4.4 Work is still underway on forecasting income budget levels for 2013/14 and such budget proposals will be reported back to this committee in January 2013 for approval.

#### 5 RISK ASSESSMENT

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

- Resources – Fees and Charges provide a key income source for the Council. Fees and charges also provide a mechanism to target concessions, and also to charge service users directly rather than allowing the financial burden of certain service provision to fall on the council tax.
- Technical, Environmental and Legal – The Local Government Acts of 2000 and 2003 extended authorities' powers to charge for discretionary services.
- Political – none
- Reputation – Substantial increases to charges can generate adverse publicity.

- Equality and Diversity – One of the aims of the fees and charges mechanism on many services is to pass on service concession in order to increase inclusivity.

6 CONCLUSION

- 6.1 Substantial work has been undertaken by financial services, heads of service and budget holders in reviewing the fees and charges operated by this committee. This review has now been completed as part of the budget process, for implementation from 1 April, should the proposals be approved.

7 RECOMMENDATION THAT COMMITTEE

- 7.1 Consider the charges at Annex 1 and approve them for implementation with effect from the 1 April 2013.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

CM/TH/AC  
25 OCTOBER 2012

For further information please ask for Trudy Holderness extension 4433

**PLANNING AND DEVELOPMENT COMMITTEE – PROPOSED FEES AND CHARGES FOR IMPLEMENTATION FROM 1 APRIL 2013**

<b>PLANNING - PLANG</b>	<b>Ledger Code</b>	<b>VAT</b>	<b>Date of Last Change</b>	<b>Current Charge 2012/13 £</b>	<b>Budgeted Income Net of VAT for 2012/13 £</b>	<b>Proposed Charges for 2013/14 £</b>	<b>Indication of Potential Income Net of VAT for 2013/14 £</b>	<b>Percentage Increase in Charge %</b>	
<i>Planning Decision Notices</i>	PLANG/8231m	Non Vatable	01 April 2012	15.50	5,070	17.50	5,720	12.90%	
<i>Pre- Application Fees</i>	Site History	PLANG/8496n	VAT Inclusive	01 March 2012	36.00	100	110	11.11%	
	Permitted Development Rights (check if removed)	PLANG/8495n	VAT Inclusive	01 March 2012	36.00	32,620	40.00	33,990	11.11%
	Minor Developments	PLANG/8495n	VAT Inclusive	01 March 2012	180.00		185.00		2.78%
	Intermediate Developments	PLANG/8495n	VAT Inclusive	01 March 2012	360.00		370.00		2.78%
	Major Developments - up to two meetings	PLANG/8495n	VAT Inclusive	01 March 2012	720.00		750.00		4.17%
	- additional meeting	PLANG/8495n	VAT Inclusive	01 March 2012	360.00		370.00		2.78%
	Householders - Without Meeting	PLANG/8495n	VAT Inclusive	01 March 2012	48.00		50.00		4.17%
	- With Meeting	PLANG/8495n	VAT Inclusive	01 March 2012	90.00		90.00		0.00%
	High Hedge or Tree Issues	PLANG/8495n	VAT Inclusive	01 March 2012	48.00		50.00		4.17%
	Advertisement Advice	PLANG/8495n	VAT Inclusive	01 March 2012	48.00		50.00		4.17%
	Prior Notification and Telecommunications	PLANG/8495n	VAT Inclusive	01 March 2012	90.00		95.00		5.56%
	Repair Works				No Charge		No Charge		No Charge
	Listed Buidings/Conservation Areas:	PLANG/8495n	VAT Inclusive	01 March 2012	90.00		95.00		5.56%

**PLANNING AND DEVELOPMENT COMMITTEE – PROPOSED FEES AND CHARGES FOR IMPLEMENTATION FROM 1 APRIL 2013**

<b>HIGH HEDGES - HIGHH</b>	<b>Ledger Code</b>	<b>VAT</b>	<b>Date of Last Change</b>	<b>Current Charge 2012/13 £</b>	<b>Budgeted Income Net of VAT for 2012/13 £</b>	<b>Proposed Charges for 2013/14 £</b>	<b>Indication of Potential Income Net of VAT for 2013/14 £</b>	<b>Percentage Increase in Charge %</b>
<b>Submission of High Hedges Complaint</b>	HIGHH/8460u	Non Vatable	01 April 2012	515.00	0	530.00	0	2.91%

<b>BUILDING CONTROL – BLDGC</b>	<b>Ledger Code</b>	<b>VAT</b>	<b>Date of Last Change</b>	<b>Current Charge 2012/13 £</b>	<b>Budgeted Income Net of VAT for 2012/13 £</b>	<b>Proposed Charges for 2013/14 £</b>	<b>Indication of Potential Income Net of VAT for 2013/14 £</b>	<b>Percentage Increase in Charge %</b>
<b><i>Building Control Decision Notices</i></b>	BLDGC/8231m	Non Vatable	01 April 2012	15.50	820	17.50	930	12.90%

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

INFORMATION

Agenda Item No

meeting date: 8 NOVEMBER 2012  
 title: CAPITAL MONITORING 2012/13  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: NEIL SANDIFORD

### 1 PURPOSE

1.1 To provide members with information relating to the progress of the approved capital programme for the period April to September 2012 with regards schemes which fall under the responsibility of this committee.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – none identified
- Corporate Priorities – to continue to be a well managed Council, providing efficient services based on identified customer need.
- Other considerations – none identified

### 2 BACKGROUND

2.1 There is only one scheme in place for this committee, which was approved by Policy & Finance committee at their meeting dated 12 June 2012 as an additional approval to the 2012/13 capital programme. This resulted in a total planned capital spend for this Committee for the current year of £11,900, which is shown below.

### 3 SCHEMES

3.1 The table below shows the total approved programme together with actual expenditure to date. The one scheme for this committee has been completed within budget. Annex 1 shows information about the scheme in more detail.

Cost Centre and Scheme	BUDGET			EXPENDITURE	
	Original Estimate 2012/13 £	Additional Approvals 2012/13 £	Total Approved Budget £	Actual Expenditure as at end September 2012 £	Variance as at end September 2012 £
<b>SCANR:</b> Replacement Plotter/Scanner	0	11,900	11,900	11,896	-4

### 4. CONCLUSION

4.1 The current year capital scheme for this committee has been completed within budget.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PD6-12/NS/AC  
 24 October 2012

For further background information please ask for Neil Sandiford extension 4498.

BACKGROUND PAPERS – Policy and Finance Committee report 12 June 2012

## Planning and Development Committee Individual Scheme Details

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### SCANR Replacement of Scanner/Plotter in Planning

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**Service Area: Planning Services**

**Head of Service: John Macholc**

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**Brief Description:**

To replace the HP Designjet 815 MFP large format colour plotter/scanner in the Planning Section with an Océ ColorWave 300.

The HP machine was over eight years old, out of warranty and no longer supported by HP "Care Packs". It was also becoming less reliable.

A reliable large format scanner / plotter is essential for the smooth running of the Planning function in order to produce plans and maps, and for scanning large format documents onto our website. It is also a necessary piece of corporate equipment.

**Start Date, duration and key milestones:**

Start Date – June 2012

Anticipated Completion Date – June 2012

**Financial Implications – CAPITAL**

	£	Actual to end September £	Variance to end September £
<b>Total Approved Budget 2012/13</b>	<b>11,900</b>	11,896	-4
<b>ANTICIPATED TOTAL SCHEME COST</b>	<b>11,900</b>		

**Financial Implications – REVENUE**

There is a service support charge over 7 years of £5880 (£840pa). This will be met from the existing maintenance budget PLANG/ 2884, which the maintenance for the HP machine was paid from. The existing budget is enough to cover this.

Inks and paper will continue to be paid from the printing and stationery budget COMMD/2971.

**Useful Economic Life**

7 to 10 years.

**Progress - Budget Holder Comments**

This project has now been completed. Total capital spend £11,896.

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

INFORMATION

Agenda Item No 8

meeting date: 8 NOVEMBER 2012  
 title: REVENUE MONITORING 2012/13  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: TRUDY HOLDERNESS

### 1 PURPOSE

1.1 To let you know the position for the first six months of this year's revenue budget as far as this committee is concerned.

1.2 Relevance to the Council's ambitions and priorities:

- ❖ Community Objectives – none identified
- ❖ Corporate Priorities – to continue to be a well managed Council providing efficient services based on identified customer need and meets the objective within this priority, of maintaining critical financial management controls, ensuring the authority provides council tax payers with value for money.
- ❖ Other Considerations – none identified

### 2 FINANCIAL INFORMATION

2.1 Shown below, by cost centre, is a comparison between actual expenditure and the original estimate for the period. You will see an overall underspend of £81,402 on the net expenditure, after allowing for estimated transfers to and from earmarked reserves. Please note that underspends are denoted by figures with a minus symbol.

Cost Centre	Cost Centre Name	Net Budget for the full year £	Net Budget to the end of the period £	Actual including Commitments to the end of the period £	Variance £	
CORES	Core Strategy	86,000	9,632	5,858	-3,774	A
PLANG	Planning Control & Enforcement	147,130	-197,683	-275,151	-77,468	R
PLANP	Planning Policy	190,390	-116	-196	-80	G
BCSAP	Building Control SAP Fees	360	-1,750	-1,674	76	G
BLDGC	Building Control	53,880	-86,075	-63,321	22,754	R
AONBS	Area of Outstanding Natural Beauty	11,890	0	0	0	G
COMMG	Community Groups	21,800	6,100	4,000	-2,100	A
COUNT	Countryside Management	48,670	17,503	16,174	-1,329	G
FPATH	Footpaths & Bridleways	4,440	146	0	-146	G
HIGHH	High Hedges	2,060	0	0	0	G
CONSV	Conservation Areas	11,880	0	0	0	G
PENDU	Pendle Hill User Group	0	0	4,450	4,450	A
PLSUB	Grants and Subscriptions	15,280	0	0	0	G
CINTR	Clitheroe Integrated Transport Scheme	7,030	5,350	5,161	-189	G
	<b>Total net cost of services</b>	<b>600,810</b>	<b>-246,893</b>	<b>-304,699</b>	<b>-57,806</b>	

Items added to / (taken from) balances and reserves					
PLBAL H234	Building Control Reserve Fund	-1,080	91,274	68,354	-22,920
PLBAL H273	Pendle Hill User Reserve Fund	0	0	-4,450	-4,450
PLBAL H358	Core Strategy Reserve Fund	-86,000	-9,632	-5,858	3,774
<b>Net Balances and Reserves</b>		<b>-87,080</b>	<b>81,642</b>	<b>58,046</b>	<b>-23,596</b>
<b>Net Expenditure</b>		<b>513,730</b>	<b>-165,251</b>	<b>-246,653</b>	<b>-81,402</b>

- 2.2 The variations between budget and actuals have been split into groups of red, amber and green variance. The red variances highlight specific areas of high concern, for which budget holders are required to have an action plan. Amber variances are potential areas of high concern and green variances are areas that currently do not present any significant concern.

Key to Variance shading	
Variance of more than £5,000 (Red)	R
Variance between £2,000 and £4,999 (Amber)	A
Variance less than £2,000 (Green)	G

- 2.3 We have then extracted the main variations for the items included in the red shaded cost centres and shown them with the budget holder's comments and agreed action plans, in Annex 1.
- 2.4 The main variations for items included in the amber shaded cost centres are shown with budget holders' comments at Annex 2.
- 2.5 In summary the main areas of variance which are unlikely to rectify themselves by the end of the financial year are summarised below. Please note favourable variances are denoted by figures with a minus symbol.

Description	Variance to end of September 2012 £
<b>BLDGC - Building Control</b> – reduced income from applications	29,161
<b>PLANG – Planning Control</b> – Significant number of major applications received to date due to pressure for development coming forward. This is particularly due to applications for Land off Hey Rd, Barrow, Land at Primrose Mill, Woone Lane, Clitheroe, Land SW and West of Whalley Rd, Barrow, Land at Chapel Close, Clitheroe, Land at Mitton Rd, Whalley, Clitheroe Hospital, Chatburn Rd, Clitheroe	-78,923

### 3 CONCLUSION

- 3.1 The comparison between actual and budgeted expenditure shows an under spend of £81,402 for the first six months of the financial year 2012/13.
- 3.2 The main reasons for the underspend is the additional income of £78,923 from major planning applications.
- 3.3 The main area of concern for this committee is the reduced income from building regulation fees. Total income received for building regulation fees for the half of this year was £76,879, which does not compare favourably with the estimate of £106,040. Building regulation fee income is also significantly lower than that achieved in the same period last year (£92,053) and highlights a trend of continuingly falling income levels in this service area.

TRUDY HOLDERNESS  
SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

#### BACKGROUND WORKING PAPERS

Planning & Development Committee budget monitoring working papers 2012/13

PD5-12/TH/AC  
19 OCTOBER 2012

For further information please ask for Trudy Holderness, extension 4436

## PLANNING &amp; DEVELOPMENT COMMITTEE

## RED VARIANCES

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance		Reason for Variance	Action Plan as agreed between the Budget Holder and Accountant
BLDGC/8405n	Building Regulation Fees	-212,000	-106,040	-76,879	29,161	R	Reduced income from applications.	Expenditure on employee costs and other expenditure items being reduced to partly offset shortfall in income
PLANG/8404u	Planning Control / Planning Fees	-418,310	-209,240	-288,163	-78,923	R	Significant number of major applications have been received to date due to pressure for development coming forward. This is particularly due to applications for Land off Hey Rd, Barrow, Land at Primrose Mill, Woone Lane, Clitheroe, Land SW and West of Whalley Rd, Barrow, Land at Chapel Close, Clitheroe, Land at Mitton Rd, Whalley, Clitheroe Hospital, Chatburn Rd, Clitheroe	No action at present

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## AMBER VARIANCES

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance		Reason for Variance
COMMG/4678	Community Groups / Grants to Voluntary Organisations	4,100	4,100	2,000	-2,100	A	RSPB to confirm project is still continuing.
PENDU/2881	Pendle Hill Users / Purchase of Equipment & Materials	0	0	2,800	2,800	A	Chainsaw training & assessment for 4 Parish Lengthsmen to be funded from Pendle Hill user reserve fund
PLANG/3261	Planning Control / Statutory Notices	12,090	6,048	8,345	2,297	A	Increase in types of applications that require statutory notices adverts placed in local newspapers