

# 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, 17 JANUARY 2013** 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 6 December 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 Appeal in relation to an application for the erection of 116, two, three, four and five bedroom dwellings and 21 one bedroom bungalows together with associated landscaping, open space, drainage infrastructure, car parking and access roads at land at Mitton Road, Whalley – report of Director of Community Services – copy enclosed.
- ✓ 7. Revised Capital Programme 2012/2013 – report of Director of Resources – copy enclosed.
- ✓ 8. Proposed Capital Programme 2013/2016 – report of Director of Resources – copy enclosed.
- ✓ 9. Revised Revenue Budget 2012/2013 – report of Director of Resources – copy enclosed.
- ✓ 10. Original Revenue Budget 2013/2014 – report of Director of Resources – copy enclosed.

#### INFORMATION ITEMS

- ✓ 11. Housing Land Availability – report of Chief Executive – copy enclosed.
- ✓ 12. Core Strategy Update – Minutes of Working Group – to follow.
- 13. Appeal – Whalley Road, Billington – report of Director of Community Services – copy enclosed.
- ✓ 14. Appeals
  - a) 3/2012/0499 – Single storey side extension to dwelling at The Granary, Bulcocks Farm, Pendleton – appeal dismissed.
- 15. Report of Representatives on Outside Bodies (if any).

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

None

INDEX OF APPLICATIONS BEING CONSIDERED MEETING DATE 17 JANUARY 2013					
	<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>				
	3/2012/0937/P	1	CS	AC	The Coach House Wilpshire
	3/2012/0962/P & 3/2012/0963/P	7	JM	AC	Talbot Hotel Chipping
	3/2012/1011/P	17	GT	AC	14 Church Raik Chipping
<b>C</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL:</b>				
	3/2012/0729/P	30	GT	R	Dog & Partridge Tosside
<b>D</b>	<b>APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED</b>				
				None	
<b>E</b>	<b>APPLICATIONS IN 'OTHER' CATEGORIES:</b>				

**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, 17 JANUARY 2012  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2012/0937/P (GRID REF: SD 368891 432063)  
 APPLICATION FOR THE RENEWAL OF PLANNING PERMISSION 3/2009/0664/P FOR THE  
 ERECTION OF A FOUR BEDROOM DETACHED DWELLING ON THE FORMER TENNIS  
 COURT ADJACENT TO THE COACH HOUSE, 26 WHALLEY ROAD, WILPSHIRE

PARISH COUNCIL: No representations have been received.

ENVIRONMENT  
 DIRECTORATE  
 (COUNTY SURVEYOR): No objections to the renewal of the existing permission.

ADDITIONAL  
 REPRESENTATIONS: Letters have been received from the owners/occupiers of three dwellings on the west side of Beaver Close. These residents assume that the access track at the rear of their dwellings will be used to provide access to the proposed dwelling. They object to this for the following reasons:

1. Noise nuisance/disturbance.
2. Pollution by exhaust fumes.
3. Nuisance caused by car headlights.
4. Detriment to privacy.
5. Health and safety risk especially for children.
6. General detriment to the amenities of the residents of Beaver Close contrary to Local Plan Policy G1.
7. The build up of traffic at the junction of the lane with Hollowhead Lane which is always problematic at busy times.
8. This right of way was originally created by the owners of Hollowhead Farm for transporting cattle and farm equipment along a track rather than on main thoroughfares. The right of way therefore was intended only as an alternative access to the farm.

9. There was originally one property at the site (The Knolle) there are now two (The Knoll and the Coach House) and approval of this application would increase the number of large detached properties to three.
10. Previous applications have been refused and appeals dismissed due to effects on the amenities of the residents of Beaver Close.
11. The applicant has failed to either renounce his claim to a right of way over the lane or put a permanent barrier at the boundary of his site to make access from the lane impossible.

### **Proposal**

Permission was granted by Planning and Development Committee on 5 November 2009 for the erection of a four bed detached dwelling on the former tennis court adjacent to The Coach House at The Knolle, Whalley Road, Wilpshire (3/2009/0664/P). The approved dwelling comprises a basement, a ground floor and a first floor within the roofspace, the top floor rooms being illuminated by dormer windows. From the front (west) the building therefore has two full floors plus the roof/dormer level, and from the rear (east) it has the appearance of a dormer bungalow.

The main part of the building has external dimensions of 17m x 11m and there is an added conservatory which measures 6m x 5m. At the front elevation, the building is 5.5m to eaves and 10.4m to ridge whilst at the rear it is 2.8m to eaves and 7.7m to ridge.

The external materials comprise natural stone to the front elevation with render to the other three elevations. There will be stone quoins at all corners and stone heads and cills to the windows in all four elevations. The roof, including the dormer cheeks, would be natural blue slate.

Vehicular access to the property would be from the existing driveway onto Whalley Road that presently serves The Knoll and The Coach House. The proposal would involve the felling of three trees.

No works have been carried out on the implementation of the permission that would therefore have lapsed on 5 November 2012 had this renewal application not been submitted before that date on 16 October 2012.

### **Site Location**

The Knolle is a large detached dwelling within a large curtilage on the western side of Whalley Road, Wilpshire. To the east of the main dwelling is a building known as the Coach House for which planning permission has been granted for conversion into a dwelling. That permission has been implemented and the dwelling is now occupied. To the south east of The Coach House, and within its curtilage, is the former tennis court and garden area to which this renewal application relates.

The site of the proposed building is therefore adjoined to the west by The Knolle; to the north by The Coach House and a dwelling off the end of Beaver Close; to the east by a detached dwelling off Hollowhead Avenue; and to the south by undeveloped open land.

With renewal applications of this type, it is not necessary to resubmit the plans, elevational drawings etc that was submitted with the original application. The application site, however, as defined in red on the original application, also includes the driveway onto Whalley Road. The Coach House and the remainder of its curtilage were shown in blue as land/property also in the applicants ownership.

### **Relevant History**

3/1984/0447/P – Conversion of The Coach House into flats. Refused. Appeal dismissed.

3/1986/0143/P – Conversion of Coach House to private dwelling. Refused.

3/1986/0657/P – Change of use of The Knolle from dwelling to day school, training school and staff accommodation. Refused.

3/2002/0284/P – Extension and alterations to The Coach House to form a dwelling. Refused.

3/2002/0632/P – Change of use of The Coach House to dwelling. Refused. Appeal dismissed.

3/2003/0731/P – Change of use of The Coach House to dwelling, together with new access to Whalley Road. Refused.

3/2004/0235/P – New access and driveway onto Whalley Road and closure of existing access. Approved.

3/2008/0805/P – Change of use of The Coach House into a dwelling. Approved.

3/2009/0664/P – Erection of detached dwelling adjacent to The Coach House. Approved with conditions on 5 November 2009.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy ENV13 - Landscape Protection.

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

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

National Planning Policy Framework.

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

As previously stated, the original application 3/2009/0664/P was considered by Planning and Development Committee on 5 November 2009. The matters considered in the determination of that application were compliance or otherwise with the then applicable housing policies, and the

effects of the proposed dwelling on the amenities of nearby residents, visual amenity (including effects on existing trees) and highway safety.

With regards to the first of those considerations, the saved settlement hierarchy of the Local Plan was applicable at that time. The site is within the settlement boundary of Wilpshire, G2 settlement. Policy G2 states that within the plan area development will be mainly directed towards land within the main settlement boundaries, and for Wilpshire, the development of sites within the settlement boundary and outside the green belt would be appropriate. This proposal for one dwelling within the settlement boundary was therefore considered to be acceptable in principle.

The original application was also considered to be acceptable, as there were not considered to be any seriously detrimental effects upon the amenities of nearby residents.

With regards to highway safety, the application details showed that the proposed dwelling (along with The Knolle and The Coach House) would be served by the access onto Whalley Road that was formed following a planning permission in 2004 as a replacement for the original access which was considered to be unsatisfactory and which had been closed before 2009. The County Surveyor considered the application to be acceptable from the highway safety point of view.

In relation to all relevant considerations, the original application was therefore found to be acceptable.

In the report for that original application, reference was made to a "Further Issue". This concerned the fact that the majority of (thirteen) objection letters were based on a fear that the applicants would use the track at the rear of Beaver Close as the access to the proposed dwelling. It was explained in the report that the application, however, did not seek permission for the use of that particular access route, and that the track was not included within the application site. It was pointed out that the application (indeed any planning application) could only be determined on the basis of what had been applied for, and that any fears about what may or may not happen in the future could not be a reason for refusal of a planning application. It was commented that the previous refusals and appeal decisions referred to by many of the objectors were made legitimately as, in those cases, the development did propose the track as the sole means of access, and its intensified use for that purpose would have been detrimental to the amenities of adjoining residents. That was not, however, the case in the original application for which renewal is now sought. On the basis of the access being onto Whalley Road as applied for in the original application, the proposal would have no effects on the amenities of the residents of Beaver Close. It was therefore stated in the original Committee report that there was no legitimate reason for refusal of the application that in any way relates to the track at the rear of Beaver Close.

Having considered the relevant issues and explained why the matter raised by residents of Beaver Close was not relevant to the consideration of the application, it was concluded in the report that the application was considered to be acceptable subject to appropriate conditions. Committee resolved in accordance with the recommendation to grant permission subject to conditions.

This current application seeks to renew that existing permission. Central Government advice to Local Planning Authorities is clear that where no material change in planning circumstances has occurred, a refusal to renew planning permission would be unreasonable.

In this particular case, the matters relating to residential amenity, visual amenity/tree considerations, highway safety and the "Further Issue" are unchanged since the original permission was granted. With regards to those matters, there are therefore no reasons to refuse this renewal application.

The only relevant change since the original permission relates to the need to pay regard to the currently applicable planning policies and guidance. As a development of a single dwelling within the settlement boundary of Wilpshire, it is considered that the proposal represents sustainable development in accordance with the overriding requirement of the National Planning Policy Framework. Although the saved settlement hierarchy of the Local Plan, including Policy G2, are now considered to be out of date, the equivalent policy in the Core Strategy Submission Draft, Policy DMG2, states that development should be in accordance with the Core Strategy development strategy and should support the spatial vision; and that development proposals in defined settlements should consolidate, expand or round off developments so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in-keeping with, the existing settlement. I consider that the proposal satisfies the requirements of Policy DMG2.

Therefore, in my opinion, the proposed development remains acceptable both in principle and in relation to all relevant detailed considerations. There are therefore no reasons why permission should not be granted in respect of this renewal application.

#### SUMMARY OF REASONS FOR APPROVAL

There have been no material changes to policies or circumstances since the original permission was granted and the proposed dwelling would have no seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

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

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

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

2. This permission shall be implemented in accordance with the proposal as amended by letter and plan received on 6 October 2009 in relation to the original application 3/2009/0664/P.

REASON: For the avoidance of doubt since the original application was the subject of agreed amendments that enable the retention and protection of existing trees and shrubs in the interests of the amenities of a neighbouring property, and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

3. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.



REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

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

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

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. Prior to commencement of any development works including delivery of building materials and excavations for foundations or services, trees identified as T12 and T13 shall be protected with a root protection area of 8.5m. (measured from the centre of the main stem) in accordance with the BS5837 [Trees in Relation to Construction] the details of which shall include a tree protection monitoring schedule that shall be agreed in writing, implemented and inspected by the Local Planning Authority before any site works are begun.

The root protection zone shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble. During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone. In addition no impermeable surfacing shall be constructed within the protection zone.

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

REASON: In order to ensure that the trees within the site that are to be retained are afforded maximum physical protection from the adverse affects of development in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. Prior to the commencement of construction works, the precise siting of the dwelling and its approved finished floor slab level shall be marked out/indicated on site to be viewed and agreed in writing by the Local Planning Authority.

REASON: To ensure compliance with the submitted plans and in the interests of visual amenity and the amenities of nearby residents, and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

APPLICATION NO: 3/2012/0962/P & 3/2012/0963/P (GRID REF: SD 362283 443328)  
PLANNING CONSENT AND LISTED BUILDING CONSENT FOR REFURBISHMENT AND EXTENSION TO EXISTING HOTEL TO CREATE 9 EN SUITE BEDROOMS, FUNCTION SUITE, BISTRO RESTAURANT, BAR AREA WITH ANCILLARY HOTEL, KITCHEN AND STAFF FACILITIES; CHANGE OF USE OF EXISTING BARN TO FORM 11 EN SUITE BEDROOMS ANCILLARY TO THE MAIN HOTEL ACCOMMODATION, EXTENSION AND REFURBISHMENT OF EXISTING CAR PARK FACILITIES TO CREATE 46 PARKING SPACES AS WELL AS THE REPAIR AND REFURBISHMENT OF EXISTING COBBLED FORECOURT AT TALBOT HOTEL, TALBOT STREET, CHIPPING

PARISH COUNCIL: Strongly support this application. Welcome prospect of regeneration and restoration of an important building. A point of concern is the amount of car parking.

LANCASHIRE COUNTY COUNCIL (HIGHWAYS): No further related observations to make and refer to consultation response relating to application 3/2011/0822 in which it raised no objection and was satisfied that the level of parking provision proposed for the development. Previously raised some concerns about how coaches would be dealt with at the development but having studied the Transport Assessment submitted with the application and mindful of the likely increase in traffic concluded no objection to the proposal.

ENVIRONMENT AGENCY: Object and recommend refusal. The main concerns relate to the impact on the biodiversity and wildlife of the watercourse. Also the works would impeded on the lawful right of access to Chipping Brook which is a nearby main watercourse.

UNITED UTILITIES: Site must be drained on a separate system with only foul drainage connected into the sewer. Make reference to a public sewer crossing the site and that no building will be permitted over it. No objection subject to technical conditions.

ENGLISH HERITAGE: Welcomed the involvement at pre application and are now satisfied regarding the impact on the Listed Building and the setting of the adjacent Grade 2\* church. Accept the implications of the noise modelling report in relation to alternative locations of the function room and the implications on the listed building fabric. Conclude that the adverse impact can be outweighed by the public benefits of bringing the building back into active use.

OTHER AMENITY  
AGENCIES:

No observations received.

ADDITIONAL  
REPRESENTATIONS:

At the time preparing this report there has been three letters of support for the proposal. Considers that this type of development is needed to attract visitors and tourists to the area which would help support the existing facilities. Also the current building is in a considerable poor state and approval would allow the building to be enhanced. Recognise that this development may also provide additional employment to local people.

10 letters of objection have been received which raise the following issues:

- Highway issues and congestion to the local highway network. Often made worse due to the narrow roads.
- Inadequate parking within the site.
- Light pollution resulting from the development.
- Extensions and project is too ambitious and overlarge and unsympathetic and harms the Conservation Area. Does not reflect the character of original building.
- Concern over treatment of trees and impact.
- Consider to make the scheme viable would lead to significant events on a regular basis that impact residential amenity and highway safety.
- Noise implications to the immediate locality caused by functions as well as plant equipment such as generators.
- Harm to listed building caused by various alterations such as rooflights, windows and the extension.
- Privacy issues caused by overlooking from both open areas and the building itself.

### **Proposal**

This application seeks listed building consent and planning permission for the extension and refurbishment of the Talbot Hotel and the conversion of the adjacent barn known as the Stables to the southwest of the Talbot Hotel for en suite bedroom accommodation. The scheme is a resubmission of one previously refused on the grounds of harm to the character of the listed building and the setting. This proposal seeks to address some of the issues in relation to the previous scheme. In essence the main changes relate to more linear and single storey nature of the development and the retention of the rear the main elevations of the public house. Also Additional information has been submitted which includes an acoustic report in relation to the scheme and the implication of a function room as well as evidence to indicate why it is not practical to use the adjoining stables building as a function room.

The proposed refurbishment and extension to existing hotel would create 9 en suite bedrooms with the adjoining stables and barn to southwest of the Talbot Hotel to create a further 11 bedrooms.

It is also includes a limited amount of demolition works and external alterations including removal of render and various internal works to the main public house as well as create 46 parking spaces to the rear of the main building and a landscaped area to the rear and adjacent to the brook.

The proposed works to the historic fabric of the hotel include at ground floor the refurbishment of the passage way, new opening from the bar to lounge area, removal of existing staircase from dining area and new staircase and office area to existing Snug room. At first floor the timber staircase is removed with the floor made good, erection of internal partitions to form bedrooms as well as the blocking up and creation of new door openings. The second floor alterations include making good the existing staircase and the insertion of partition walls and other minor alterations. As a result it has not been necessary to introduce many new openings in the external envelope with the exception of some rooflights and two new doors and two new windows at the rear . The proposal also involves minor demolition of an existing toilet block and conservatory extension.

The adjoining barn which is to have 11 bedrooms has no longer any first floor which is carried out without formal consent. As a result the proposal is to create new internal partitions to create the additional accommodation. The external changes are kept to a minimum and all rooms use existing windows and door openings. The main change of the barn is the introduction of new roof lights to light the upper floor and these are to be conservation type fittings.

It is proposed to extend the hotel utilising a single storey structure with a courtyard effect on the western elevation with glazing being the predominant material on the elevation facing towards the brook. There is a single storey link building of approximately 7.5m x 5m which forms part of a dining area and this was attached to the existing pub and the new function rooms which extend further out to approximately 39m. The height of the single storey buildings would be a maximum of 5.7m. The buildings are designed with a sloping roof and the internal elevation facing the car parking area would in essence be a stone wall of a height approximately 3.7m. This would form the main entrance to the function room and there would be a single opening within that stone wall. The extensions are designed with overhanging eaves towards the brook and protecting stone spine walls to break up the bulk of the linear extension. There is also a glazed building which in effect links the function rooms with the proposed bar and reception area. Following discussions the proposal has been amended to be sure that the only opening on the elevation facing towards the brook is in the bar reception area which would then access the landscaped area adjoining the brook.

### **Site Location**

The stable and barn southwest of The Talbot Hotel and The Talbot Hotel is predominantly sited as Grade II listed buildings situated with a prominent area of the Chipping Conservation Area and also is situated in an Area of Outstanding Natural Beauty. The site borders both the brook and the church yard of St Bartholomew's which is a Grade 2\* listed building.

### **Relevant History**

3/2010/0131/P – Demolition of bulging gable wall of barn. Granted.

3/2011/0822/P and 3/2011/0821/P – Planning permission and listed building consent for extensions and alterations at the Talbot Hotel. Refused.

## **Relevant Policies**

*Planning and Listed Building Conservation Area Act 1990*

Policy ENV19 - Listed Buildings.

Policy ENV20 - Proposals Involving Partial Demolition of Listed Buildings.

Policy ENV13 - Landscape Protection.

Policy ENV7 - Species Protection.

Policy ENV16 - Development Within Conservation Areas.

Policy EMP7 - Extensions/Expansions of Existing Firms.

Policy EMP8 - Extensions/Expansions of Existing Firms.

Policy EMP9 - Conversions for Employment Uses.

Policy RT1 - General Recreation and Tourism Policy.

Policy RT3 - Conversion of Buildings to Tourism Related Uses.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

National Planning Policy Framework (NPPF).

Supplementary Planning Guidance Note – Retention of Public Houses in Rural Area.

*Core Strategy Regulation 22 Submission Draft*

DS1 – Development Strategy.

EN5 – Heritage Assets.

DM12 – Transport Considerations.

DMG1 – General Considerations.

DMG3 – Transport and Mobility.

DME2 – Landscape and Townscape Protection.

DME4 – Protection Heritage Assets.

North West of England Regional Spatial Strategy 2021.

Policy L1 – Health, Sport, Recreation, Cultural and Education Services.

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

The main considerations in the determination of the listed building application is a duty of Section 6(2) of the Planning and Listed Buildings in Conservation Area Act to have special regard to desirability of preserving the listed buildings and settings and any features of special historic interest.

The main considerations in determination of the planning application relate to the impact upon the listed buildings and their setting, its impact on the Chipping Conservation Area, residential amenity, the potential public community benefits of the scheme, visual impact, species as well as highway considerations and landscape considerations.

In relation to the listed building application I am fully aware of the previous concerns of the Council's Conservation Officer and that from English Heritage but I am of the opinion that this scheme has now addressed many of the issues in relation to the harmful damage to the listed building. I am satisfied that the extensions itself are more subservient given the reduction in height and design and have a limited effect on the listed building. The revised scheme has been altered to reduce the loss of historic fabric. Evidence has been put forward in relation to justification for the stables which has been the subject of unauthorised work to be not suitable as a function room, both from an acoustic implication and the effect it would have on adjacent residential amenity. It is clear that there is still some loss of historic fabric including multi-paned windows, cupboards and walling but I consider that it should be recognised that some change

will be inevitable to comply with both the regeneration objective and other legislation. The Council's Conservation Officer still considers the scheme inappropriate and harmful and recommends that the scheme should be resisted for reasons similar to that given last time. I note his comments as well as other objectors but in assessing the proposal and recognising the issue in relation to the harm to the listed building I am also mindful of advice contained in the National Planning Policy Framework which states that there are three dimensions to sustainable development which are economic, social and environmental and that all these need to be considered when determining planning applications. I consider that in this instance the regeneration and possible employment benefits of the site allow detailed consideration to be given when assessing the harm caused to any alterations on the listed building. This view would seem to be shared by English Heritage but they do recognise that regard should be given to the Council's own expertise. I am satisfied that the scheme has been redesigned since its initial refusal to not only reduce the impact on the listed building itself but offer a positive contribution to the setting of the Chipping Conservation Area as well as give rise to possible employment and regeneration benefits.

The site is situated within the Chipping Conservation Area and is a focal point in the locality and therefore it is essential that any scheme positively contributes to this setting. I consider that subject to the use of appropriate materials that this proposal would enhance the location and allow the building to be reused to a positive effect.

In relation to highway issues it is inevitable that the successful regeneration of this site would lead to additional vehicular movements but it is clear that the transport assessment submitted indicates that this would not adversely affect the highway network. I note the concerns of the objectors in relation to highway issues but it is evident that the County Surveyor raises no objection to this proposal on highway safety.

The issue regarding the landscape and trees has been the subject of pre-application discussion and the Council's Countryside Officer is satisfied that there is adequate root protection on the main tree within the site and that subject conditions safeguarding the tree as well as species protection, raises no objection to the scheme.

It is also important in determining the application to have regard to adjacent residential amenity. It is clear that the function rooms and the facility of the bar area which adjoin the landscaped area towards the brook could have an impact on the residential amenity of the adjacent dwellings.

In considering this proposal it should be noted that the public house itself could be reopened and some of the area could be used in a similar manner without any degree of planning control. To safeguard residential amenity I consider it appropriate to impose conditions in relation to the use of the external area and hours of use. It would also be important to limit the opening mechanism on the glazed areas and where appropriate put fixed glazing. The Council's Environmental Health Officers have commented in relation to noise and although recognise there will be some impact. I am satisfied that the effect could be minimised and adequately controlled with suitable conditions. I am satisfied that the effect could be minimised and adequately controlled with suitable conditions but it is clear that as submitted the scheme presents concerns that could be overcome further but in this instance the applicant considers this may reduce the viability of the scheme. I recognise the concern of the immediate and adjoining residents and a development of this scale may give rise to some issues that affect residential amenity due to late night activities. The scheme as submitted has predominantly glass walling and it is only the barn reception area where there is an opening onto the land at

the rear and this is the most northerly point away from the properties on Talbot Road and a reasonable distance away from the bungalow which is on the opposite side of the brook. There is also open access to a grassed area near the brook that would be close to the rear area of the properties attached I recognise there will be concern but having regard to all other issues, consider a recommendation of approval is appropriate.

An amended plan has been submitted which gives more detail in relation to the use of a yard area to the rear of No 7 Talbot Street and the landscape area adjacent to the brook. These details provide more safeguards in relation to residential amenity. In order to safeguard amenity issues and consistent with some of the advice of the Environmental Health Officer, I consider that conditions should be imposed in relation to amplified music and the hours of use of the outside area facing the brook.

#### SUMMARY OF REASONS FOR APPROVAL

3/2012/0962/P – The proposal will not create any significant harm to the effects of the visual amenity, setting of the Conservation Area or the listed building or residential amenity or highway safety.

3/2012/0963/P – The proposal will not lead to any significant harm to the listed building and will result in positive benefits to enable the regeneration of the listed building.

RECOMMENDATION 1: That planning permission be granted subject to the following conditions:

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

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

2. This permission shall relate to the development as shown on plans reference: 1723.E001, E002a, E003a, E004a, E005a, E006a, E007, E008, E009, E010, E011, E012, E013, E014, E015 and 1723.P1000, P101, P102, P103, P104, P105, P106, P107, P108 and P110. In relation to landscape details on areas facing towards the brook and the yard area at the rear of 7 Talbot Street the approval relates to the amended plans submitted on the 13/12/12 plan references...

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

3. Precise specifications or samples of walling and roofing materials including roof lights and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and DMG1 of Regulation 22 Draft Submission Core Strategy.

4. The development hereby permitted shall be in accordance with the landscaping scheme and arboricultural report dated September 2011 submitted with the application.

The 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 Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of Regulation 22 Draft Submission Core Strategy.

5. Drainage condition to be dictated

REASON: To ensure a satisfactory form of development and in the interests of land drainage in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. 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: To ensure that the development complies with approved details in the interests of the protection of controlled waters in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the Arboricultural Survey, shall be protected in accordance with the BS5837 2012 [Trees in Relation to Design, Demolition & Construction] the details of which shall be agreed in writing and implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Countryside/Tree Officer.

A tree protection - monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun. The root protection/exclusion zone shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the



protection/exclusion zone, in addition no impermeable surfacing shall be constructed within the protection zone.

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

REASON: In order to ensure that any trees affected by development and included in a Tree Preservation Order/ Conservation area/considered to be of visual, historic or botanical value are afforded maximum physical protection from the potential adverse affects of development.

In order to comply with planning policies G1, ENV13 of the District Wide Local Plan and Policies DMG1 and DMG3 of Regulation 22 Submission Draft of the Core Strategy.

In order to ensure that trees of visual amenity/botanical/historical value are protected against adverse affects of the development.

8. There shall be no storage of equipment shown on plan reference 1723.P.00D received on 19 December 2012 adjacent to number 7 Talbot House, other than in the area hatched and any equipment or materials shall not exceed a height of 1.5m above existing ground level.

REASON: In order to comply with Policy G1 and protect adjacent residential amenity.

9. There shall be no live music or amplified music after the hours of 0100 hours and any music shall be limited to the function rooms and bar area as detailed on the submitted plans. Prior to commencement of development details of acoustic filters to mechanical extractors shall be submitted and agreed by the Local Planning Authority and thereafter implemented.

REASON: In order to comply with Policy G1 and protect adjacent residential amenity.

10. Before any works to implement this permission are commenced, details of any external alterations to the building, including any flues and extractor units to dispose of fumes from the cooking process shall be submitted to and approved by the local planning authority.

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

RECOMMENDATION 2: that Listed Building Consent be granted subject to the following conditions:

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

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

2. This permission shall relate to the development as shown on plans reference: 1723.E001, E002a,E003a,E004a,E005a,E006a,E007,E008,E009,E010,E011,E012,E013,E014,E015

and 1723.P1000,P101,P102,P103,P104.P105,P106, P107,P108 and P110. In relation to landscape details on areas facing towards the brook and the yard area at the rear of 7 Talbot Street the approval relates to the amended plans submitted on the 13/12/12 plan references...

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

3. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and DMG1 of Regulation 22 Draft Submission Core Strategy.

4. The development hereby permitted shall be in accordance with the landscaping scheme and arboricultural report dated September 2011 submitted with the application.

The 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 Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of Regulation 22 Draft Submission Core Strategy.

5. Notwithstanding any indication on the plans no development approved by this permission shall commence until the scheme for the disposal of foul and surface waters have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt surface water must drain separate from foul and no surface water would be permitted to discharge directly or indirectly in to foul or combined sewage systems. The development shall be completed and maintained and managed in accordance with the approved details.

REASON: In order to secure proper drainage and the risk of flooding and be complaint with Policy G1 of the Districtwide Local Plan.

6. 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: To ensure that the development complies with approved details in the interests of the protection of controlled waters in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the Arboricultural Survey, shall be protected in accordance with the BS5837 2012 [Trees in Relation to Design, Demolition & Construction] the details of which shall be agreed in writing and implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Countryside/Tree Officer.

A tree protection - monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun. The root protection/exclusion zone shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection/exclusion zone, in addition no impermeable surfacing shall be constructed within the protection zone. No tree surgery or pruning shall be implemented with out prior written consent, which will only be granted when the local authority is satisfied that it is necessary is in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development and included in a Tree Preservation Order/ Conservation area/considered to be of visual, historic or botanical value are afforded maximum physical protection from the potential adverse affects of development.

In order to comply with planning policies G1, ENV13 of the District Wide Local Plan and Policies DMG1 and DMG3 of Regulation 22 Submission Draft of the Core Strategy.

In order to ensure that trees of visual amenity/botanical/historical value are protected against adverse affects of the development.

8. There shall be no storage of equipment shown on plan reference 1723.P.100D received on 19 December 2012 adjacent to number 7 Talbot House other than in the area hatched and this shall be limited to the use of small crates and not stored at a height above 1.5m.

REASON: In order to comply with Policy G1 and protect adjacent residential amenity.

9. There shall be no entertainment or music after the hours of 0100 hours and any live or amplified music shall be limited to the function room and bar area as shown on the submitted plans.

REASON: In order to protect adjacent residential amenity and to comply with Policy G1 of the Districtwide Local Plan and DMG1 of the Draft Core Strategy.

10. Before any works to implement this permission are commenced, details of any external alterations to the building, including any flues and extractor units to dispose of fumes from the cooking process shall be submitted to and approved by the local planning authority.

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

Since preparation of this report and in the light of the recommendation put forward by the Environment Agency I consider that if these objections are not resolved by the time of this meeting that the application should be Deferred and Delegated to the Director of Commercial Services to refuse the application unless mitigation measures are put in place to overcome the concerns of the Environment Agency within 1 month of this meeting. The reason for refusal would relate to an inadequate buffer zone to the detriment of the local watercourse and as such be contrary to flood protection policies including biodiversity and wildlife issues and flood protection.

APPLICATION NO: 3/2012/1011/P (GRID REF: SD 362116 443430)  
PROPOSED ERECTION OF 7 NO. HOUSES COMPRISING 6 NO. SEMI-DETACHED HOUSES FOR SOCIAL RENT AND ONE DETACHED PRIVATE HOUSE (RE-SUBMISSION OF 3/2011/1003/P). LAND NEXT TO 14 CHURCH RAIKE, CHIPPING, LANCASHIRE, PR3 2QL.

CHIPPING PARISH COUNCIL: No comments have been received from the Parish Council at the time of this reports submission.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): I have examined amended Drawing 09-1441-P05 Revision A and am happy with the revised arrangements for visibility at the site access. I therefore have no objection to the proposals, subject to conditions.

ENVIRONMENT AGENCY: No comments have been received from the Environment Agency at the time of this reports submission.

UNITED UTILITIES: No objection to the proposed development providing that restrictions within the document, UUNW Guideline Reference No. 90048 Issue 1.2 Oct 2007 Distribution Manual 'Standard Conditions for Works Adj to Pipelines', are adhered to.

ADDITIONAL  
REPRESENTATIONS:

Two 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. Loss of light,
2. Three storey houses on this site are too high,
3. Appearance of the scheme is out of keeping,
4. Impact on highway safety,
5. Increase in parking,
6. Impact on bus turning area,
7. Surely the Berry's site is more suitable?
8. Impact on the character of this beautiful village,
9. Do we need 'Social Housing' in Chipping?
10. Are there not 31,000 empty houses in Lancashire? Do we need more?
11. More housing development will overcrowd Chipping,
12. Loss of view, and
13. Noise impacts.

**Proposal**

This application is a re-submission of a previously withdrawn application and has been subject to pre-submission discussions. This application seeks planning permission for the erection of seven houses on land adjacent to 14 Church Raiké, Chipping. Six of these properties will be available for social rent with the remaining property for sale on the private market. A Heads of Terms Agreement has been submitted that highlights how these properties will be let, who too and for how much. The layout plan submitted shows the six, two-storey, three bedroom, semi-detached 'Affordable' properties sited facing no's 4 – 10 Kirk Cottages, with the single, three-storey, four bedroom, detached property sited adjacent to no. 14 Church Raiké. The site slopes away from Church Raiké towards the northeast, and as such engineering works will be required to make the site level. A communal parking area for the six 'Affordable' dwellings is positioned opposite no's 1 – 4 Kirk Cottages, accessed directly off Church Raiké, and will provide 12 parking spaces (2 per property). In order to provide suitable visibility when leaving this car parking area and a new pedestrian footway, the existing hedgerow frontage to the site is to be removed and set back from the highway 1.8m. This is in the interests of highway safety, as it will provide a sufficient visibility splay in both directions as well as a new pedestrian footway from the development site towards Chipping. The properties will be built in stone and will have slate roofs, and the plans indicate they will have dark/grey uPVC window frames and timber doors. The applicants will be constructing these properties to Code for Sustainable Homes Level 3 and will follow a fabric first approach. This enhanced specification and holistic approach to sustainable design is instead of using renewable energy design solutions for energy saving.

The site is comprised predominantly of species poor improved grassland vegetation surrounded by an overgrown hawthorn hedge. There are a number of trees located on and around the site (of differing standards) and Himalayan Balsam has been recorded in small amounts on site. The Ecological Survey provided with the application highlights that there are no internationally or national designated wildlife species on this site, and there will be no such internationally or national designated sites affected by the proposed development. The habitats on site are common to this area, however there are no overriding ecological factors that would preclude development of this site. There are no structures on site.

## **Site Location**

The site is positioned adjacent to the northern edge of village settlement boundary of Chipping, previously defined by the Ribble Valley Districtwide Local Plan. It sits in-between the southern boundary of the Kirk Mills Industrial Site, opposite Kirk Cottages, and adjacent to no. 14 Church Raikie. The site lies some 45m north of the Chipping Conservation Area and 90m south of the newly designated Kirk Mills Conservation Area, however there are no Listed Buildings affected by the proposal. The site lies within the Forest of Bowland Area of Outstanding Natural Beauty.

## **Relevant History**

3/2011/1003/P - Eight houses comprising six 3 bedroom five person houses for social rent and two 4 bedroom houses for private sale – Withdrawn.

3/2002/0409/P – Proposed redevelopment of Sunny Bank Bungalow site to provide four-bedroom house and garage – Refused.

3/1998/0174/P - 3 No. Terraced Cottages with garage and car parking – Refused.

## **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 H21 – Affordable Housing – Information Needed.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy ENV3 – Development in the Open Countryside.

Policy ENV7 – Species Protection.

Policy ENV13 – Landscape Protection.

Policy ENV16 – Development within Conservation Areas.

Policy T1 – Development Proposals – Transport Implications.

Policy T7 – Parking Provision.

SPG – “Extensions and Alterations to Dwellings”.

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

Policy DMG1 – General Considerations.

Policy DMG3 – Transport and Mobility.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection.

Policy DMH1 – Affordable Housing Criteria.

Policy DMH3 - Dwellings in the Open Countryside and AONB.

Key Statement EN2 – Landscape.

Key Statement EN3 – Sustainable Development and Climate Change.

Key Statement EN4 – Biodiversity and Geodiversity.

Key Statement H1 – Housing Provision.

Key Statement H3 – Affordable Housing.

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**

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, impacts on the AONB, any potential impacts on local ecology or habitats, any potential impacts on Heritage Assets and the potential impact on the amenities of nearby residents. There are no objections from a Highway Safety point of view.

### 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 is located within the AONB on the edge of the settlement boundary of Chipping, as defined previously in the Districtwide Local Plan. The site is within easy walking distance from the village centre of Chipping, as well as being within walking distance of the nearest bus stop that provides a two hourly bus service to Longridge, Clitheroe and Blackburn. 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.

#### VISUAL ASSESSMENT/IMPACT ON AMENITY

As part of the principle of the development of this site it is also important to consider any potential visual impact of the scheme. 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 affect the street scene due to its present rural and green nature, 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, and the need for 'Affordable' properties within the Chipping area.



With regards to the layout proposed, the scheme is essentially aimed at being low key, low impact and low density, which is why the layout proposes the parking for the housing being accessed off a single access point, the replacement of the hedgerow to the front of the site with one behind the new pedestrian footway and the use of the changes in the land levels on site to soften the impact of the built form. With regards to the scale of the properties, the overall ridge height of the proposed two storey properties (1-6) is at approximately 8.5m above ground level, and whilst taller than the properties known as Kirk Cottages (at approximately 7.5m to ridge), the ridgelines of these new properties will sit over 0.5m below those opposite. The single, three storey property sits on its own, separated from the 'Affordable' units and no. 14 Church Raikie by distances of 27.8m and 11.8m respectively, and does not sit directly opposite another residential property. This property is by far the tallest dwelling proposed at 10.15m to the ridge, and at 1.66m taller than the six affordable units proposed and approximately 2.65m than no. 14 Church Raikie, will be more noticeable within this vicinity. However in order to refuse this scheme the significant visual harm of the proposal must be demonstrated and be sufficient enough to outweigh the requirement for new homes within the borough, and the need for 'Affordable' properties within the Chipping area. In this instance, having visited and assessed the site a number of times, due to the sympathetic design, the position of the dwelling on site (set back from the front elevation of no. 14), the difference in land levels between this property and the other six (the ridge levels line up due to the land sloping upwards from this property) and the large spacing gaps between this property and those adjacent, the visual impact on the streetscene is considered to be acceptable.

Having visited this location and assessed the scale and size of nearby properties and their garden areas, I am satisfied that the dwellings proposed 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 the use of the change in land levels and the replacement screen planting to the street frontage, and on this basis I consider that the development of the site will have an acceptable visual impact at this particular location.

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 front elevations of the proposed dwellings shown on plots 1-6 to the front elevations of properties on Kirk Cottages is 19.27m (between Plot 1), with the greatest distance being 19.967m (from Plot 6). Whilst being marginally less than that suggested within the SPG, consideration must also be had to the difference between the land levels and the relationship between the two housing developments. The first floor windows of the properties known as Kirk Cottages sit just above the eaves height of the proposed new dwellings so any views towards them will be at and over their roofs. This impact is mitigated by the replacement hedgerow and planting along this front boundary.

In order to consider the impact of the scheme on the character, quality or visual amenities of this sites location within the AONB, Policy ENV1 of the Local Plan must also be considered. ENV1 states that 'The landscape character of the AONB will be protected, conserved and enhanced, and development will need to contribute to the conservation of the natural beauty of the area. The environmental effects of a proposal will be a major consideration with the design, materials,

scale, massing and landscaping important factors. The protection, conservation and enhancement of the natural environment will be the most important consideration in the assessment of a proposal.' Paragraph 115 of the NPPF also advises that 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.' In addition, due to the sites close proximity to the Chipping Conservation Area, Local Plan Policy ENV16 must also be considered. It states that 'the desirability of preserving or enhancing the character and /or appearance of a Conservation Area will also be a material consideration in deciding development proposals outside the designated area which would affect its setting into or views out of the area'. The NPPF also offers the following relevant advice within paragraph 134 noting that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

Despite the site being positioned outside the Chipping village boundary and within the AONB, the site is well positioned within existing built development. It sits opposite and adjacent to residential development and to the south of two large industrial buildings that belong to the Kirk Mills site. It is accepted that visually any development of this site will affect the streetscene and views through the site, however in order to refuse a development the significant harm of a proposal must be demonstrated. Therefore in considering the scale and design of the dwellings proposed (a mixture of contemporary and traditional), the location, position and orientation of the properties on the site, the surrounding house types, the existing and proposed boundary screening afforded to the site and the siting of the development in relation to existing built development; it is considered that the proposal will have an acceptable visual impact upon the setting and character of the AON and will have no significant visual impact upon the setting or character of the nearby Chipping Conservation Area.

On this basis, the development proposed is considered to be 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.

#### 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 Chipping, 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 six of these would be 'Affordable' rental properties and this is outlined within the draft Heads of Terms Agreement.

The Agreement states that the 6 Dwellings shall be for rental and shall not be Occupied otherwise than for Occupation by tenants for Rental at Affordable rent unless otherwise agreed in writing between the Council and the Association that on completion of the Dwellings that they shall be allocated to tenants by 100% nomination arrangements to Approved Persons nominated by the Council in accordance with the Council's allocations policy. The Council's Housing Officer has discussed the Heads of Terms with the Applicant and is happy with this proposed provision for Local Needs Housing on this site.

This application has been submitted with a Heads of Terms 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 stipulates the following:

1. The total number of Affordable Housing Units shall comprise of six of the seven dwellings which may be constructed on the land pursuant to the Planning Permission,
2. The rents to be charged on the 6 Dwellings will be in accordance with the Governments Guidance on Affordable Rents, as issued by the Homes and Communities Agency or such other successor to the Homes and Communities Agency, which governs the rents to be charged by all social landlords or Registered Housing Providers, whether they be Registered Social Landlords or Local Authorities,
3. The first priority for the approved Persons section is for those who live in Chipping, and the second Priority is for the neighbouring parishes of Bowland Forest High, Thornley-with-Wheatley and Leagram, and
4. The Dwellings shall be allocated to tenants by 100% nomination arrangements to Approved Persons nominated by the Council in accordance with the Council's allocations policy.

Members will be aware that it has been agreed that where possible, conditions should be imposed in lieu of legal agreements and I consider that this is appropriate in this instance.

#### IMPACT ON LOCAL ECOLOGY/HABITATS

The site is comprised predominantly of species poor improved grassland vegetation surrounded by an overgrown hawthorn hedge. There are a number of trees located on and around the site (of differing standards) and Himalayan Balsam has been recorded in small amounts on site. The Ecological Survey provided with the application highlights that there are no internationally or national designated wildlife species on this site, and there will be no such internationally or national designated sites affected by the proposed development. The habitats on site are common to this area; however there are no overriding ecological factors that would preclude development of this site and the Council's Countryside Officer is satisfied that suitable planning conditions will suffice in controlling the future development of this site.

#### ACCESS

With regards to the access to the site, the Country Surveyor is happy with the revised arrangements for visibility at the site access, and in addition he has raised no concerns regarding the level of parking proposed on site.

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 Approved subject to the imposition of the following conditions:

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

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

2. The permission shall relate to the development as shown on Plan Drawing number's 09-1441-P01, 09-1441-P02, 09-1441-P03, 09-1441-P05 Rev. A, 09-1441-P06 Rev. A, 09-1441-P07 Rev. A, 09-1441-P09, 09-1441-L01, 09-1441-S04 Rev. A and 26192-5K02-P1.

**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 7<sup>th</sup> December 2012.

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

4. Save for clearance & site remediation, the development shall not begin until a scheme to secure the affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme, unless otherwise agreed in writing with the local planning authority, and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it. The scheme shall include:

- i. the tenure of the affordable housing provision to be made;
- ii. the arrangements for the transfer of the affordable housing to an affordable housing provider;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**REASON:** For the avoidance of doubt as the permission is subject to an agreement in relation to the affordable housing approved. In accordance with Local Plan Policies G1, H2, H20 and H21, Policies DMG1, DMH1 and DMH3 of Regulation 22 Submission Draft Ribble Valley Core Strategy and Key Statement H3, the document 'Addressing Housing Need in Ribble Valley' and guidance within the NPPF.

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies G1 and ENV1 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DME2 of Regulation 22 Submission Draft Ribble Valley Core Strategy and Key Statement EN2, and guidance within the NPPF.

6. No part of the development shall be commenced until a non-native species removal and disposal method statement has been submitted and agreed in writing the local planning authority. The details of which shall include details of the eradication and removal from the site all Himalayan Balsam.

REASON: To ensure that there is no risk of further spread of a non-native plant species and to ensure that there are no residue non-native plant species parts remaining. In accordance with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of Regulation 22 Submission Draft Ribble Valley Core Strategy and Key Statement EN2, and guidance within the NPPF.

7. As advised within the submitted Phase I Survey, no part of the development shall be commenced until a preliminary Phase II intrusive site investigation is carried out to determine the status of contamination on site and to determine the geo-technical properties of the ground for foundation design. A remediation statement detailing the recommendations in remedial measures to be implemented within the site shall be submitted to the Local Planning Authority and the developer prior to the occupation of the site shall implement such remedial works. On completion of the remedial works the developer shall submit written confirmation in the form of a site completion report to the Local Planning Authority that all works were completed in accordance with the agreed remediation statement.

REASON: To prevent pollution of the environment in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

8. The development hereby permitted shall not be commenced until details of the landscaping of the site has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs that maximises native species and wildlife friendly species. The agreed landscaping scheme shall include a Lancashire hedgerow mix consisting of appropriate species mix and tree/shrub types.

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 that is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: To compensate for the loss of native traditional hedgerow and to enhance biodiversity and to assist in offsetting the loss of existing habitats. In accordance with Policies G1, ENV7 and ENV13 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DME3 of Regulation 22 Submission Draft Ribble Valley Core Strategy and Key Statements EN2 and EN4, and guidance within the NPPF.

9. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services, all trees identified in the arboricultural/tree survey [T1 – T4 & G1 – G8 inclusive] shall be protected in accordance with the BS5837 2012 [Trees in Relation to Design, demolition & Construction]. These details shall be agreed in writing and implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Countryside/Tree Officer. A tree protection - monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun.

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

REASON: In order to ensure that any trees affected by development and considered to be of visual, historic or botanical value is afforded maximum physical protection from the potential adverse affects of development. In order to comply with planning policies G1 and ENV13 of the District Wide Local Plan, Policy DMG1 of Regulation 22 Submission Draft Ribble Valley Core Strategy and Key Statement EN2, and guidance within the NPPF. To ensure that trees of visual amenity value are protected against adverse affects of the development.

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, Policy DMG1 of Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

11. If any tree felling or hedgerow removal is carried out during the bird -breeding season [March - August inclusive] 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.

12. No development shall take place until details of the provisions to be made for building dependent species of conservation concern artificial bird nesting boxes and artificial bat roosting sites have been submitted, and approved by the local planning authority. The details shall be submitted on a building dependent bird/bat species development site plan and include details of plot numbers and the numbers of per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated -north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats. The artificial bird/bat boxes shall be incorporated into those dwellings/buildings during the actual construction of those individual identified on the submitted plan before the development is first brought into use, unless otherwise agreed in writing by the local planning authority.

REASON: 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 and to ensure that bird and bat species are protected and their habitat enhanced, in accordance with the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 and District Wide Local Plan.

13. Access to the car parking areas shall remain ungated in perpetuity.

REASON: To permit vehicles to pull clear of the carriageway of Church Raike when entering the site in the interests of highway safety. In accordance with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DMG3 of Regulation 22 Submission Draft Ribble Valley Core Strategy, and guidance within the NPPF.

14. The parking and manoeuvring areas shall be laid out in accordance with Drawing 09-1441-P05 Revision A and shall be available for use before the development is brought into use.

REASON: To provide adequate car parking facilities for the development in the interests of highway safety. In accordance with Policies G1 and T7 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DMG3 of Regulation 22 Submission Draft Ribble Valley Core Strategy, and guidance within the NPPF.

15. Before the two access points are used for vehicular purposes, the proposed access and car parking areas detailed on Drawing 09-1441-P05 Revision A shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

REASON: To prevent loose surface material from being carried onto the public highway thus causing a potential source of danger to other road users. In accordance with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DMG3 of Regulation 22 Submission Draft Ribble Valley Core Strategy, and guidance within the NPPF.

16. The existing hedge on the highway frontage of the site to Church Raike shall be removed and may be replanted not less than 2 metres back from the edge of the carriageway of Church Raike.

REASON: To ensure adequate visibility for the drivers of vehicles entering and leaving the site. In accordance with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DMG3 of Regulation 22 Submission Draft Ribble Valley Core Strategy, and guidance within the NPPF.

17. A 2 metre wide footway shall be provided along the entire frontage of the site to Church Raike.

REASON: To provide adequate facilities for pedestrians and to ensure adequate visibility at the site access points. In accordance with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DMG3 of Regulation 22 Submission Draft Ribble Valley Core Strategy, and guidance within the NPPF.

18. No part of the development shall commence until a scheme for the relocation or replacement of the three existing lighting columns that are presently situated on the site frontage has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

REASON: To ensure that street lighting levels are maintained in the interests of highway safety. In accordance with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DMG3 of Regulation 22 Submission Draft Ribble Valley Core Strategy, and guidance within the NPPF.

## 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.

Restrictions within the document United Utilities North West Guideline Reference No. 90048 Issue 1.2 October 2007 Distribution Manual 'Standard Conditions for Works Adjacent to Pipelines' shall be adhered to during the development.

Should this planning application be approved, the applicant should contact our Service Enquiries on 08457462200 regarding connection to the water mains/public sewers.

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.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should be discharged 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 UU may require the flow to be attenuated to a maximum discharge rate determined by UU.

There shall be no burning of materials on site.



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.

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

APPLICATION NO: 3/2012/0729/P (GRID REF: SD 387147 450852)  
PROPOSED CHANGE OF USE FROM PUBLIC HOUSE, BIKE HIRE AND DWELLING TO HOTEL, BIKE HIRE AND DWELLING AT DOG AND PARTRIDGE, TOSSIDE, LANCASHIRE, BD23 4SQ.

BOLTON-BY-BOWLAND,  
GISBURN FOREST &  
SAWLEY PARISH COUNCIL:

The PC object to this application and express the following significant concerns about this scheme:

1. A Public House is often the central focal point for the village community as well as being an attraction for tourists as a place to eat and drink whilst on holiday. There is a growing population of tourists, bikers and walkers in the Tosside area with the development of the cycle and walking trails in Gisburn Forest in addition to the increase in camping and holiday cottages available.
2. If the village has no Public House that is a significant disincentive for those people to want to come and may therefore detract from the area for tourism.
3. Due to the drink drive laws it is important that a Pub is within a safe and reasonable walking distance for tourists, the obvious place being within the village.
4. The Community Hall has its uses for large functions but it is not intended to be a replacement for the Pub.
5. Crowtrees Inn is much further out of the village and its sole purpose is to serve its own static caravan site.
6. Nothing is lost to the owners if it remains as a Pub, however if it is no longer a Pub, the village will have lost something they may never get back.

LCC TRAFFIC AND  
DEVELOPMENT ENGINEER:

No objections.

UNITED UTILITIES:

No observations.

ADDITIONAL  
REPRESENTATIONS:

Thirty one letters of objection have been received along with a petition containing 45 signatures and comments. The following points of objection have been summarised where possible:

1. The Community Hall is not a village pub and cannot, and will not, replace the Dog & Partridge,
2. The Community Hall actually replaced the Tosside Institute which provided similar facilities to now,
3. The Community Hall and Crowtrees were both running before the applicants purchased the pub,
4. Tosside Community Link have been careful not to set up in direct competition,
5. D&P is deliberately run to deter local/visiting trade through

- limited opening and turning away bookings,
6. D&P is closed every Christmas and New Year, and the owners do not celebrate events (Olympics/Jubilee etc.),
  7. They have made no effort to run the village pub as a local focal point,
  8. Pool and darts teams (now disbanded) were already running before the applicants took over so the claim THEY set them up to help business is false,
  9. The pub quiz HAS moved to the Community Hall through necessity due to the D&P being closed,
  10. The proposal is clear that they wish to make the property into housing,
  11. What was once a thriving pub is now a part time café/bike shop,
  12. There are no hours of opening proposed?
  13. There are already facilities to run the establishment as a hotel and this planning application seems to be a way of removing the pub area and closing it for good,
  14. Someone else should be given the chance to rebuild the D&P if they do not wish to try,
  15. Applicants have abused previous consents at the site so should not be granted further consent,
  16. The café is no longer there, as the bike shop has been extended into it, contrary to permission 3/2008/0196/P as the bike shop was not to exceed 20sq.m.
  17. An isolated village like Tosside needs a public house accessible to all,
  18. We have lost the school, our post office, our garage and if the pub goes I fear our village will die,
  19. The application appears full of flaws in terms of the plans being incorrect as well as the number of staff employed,
  20. D&P IS needed as the Community Hall can only be booked in advance, meaning that locals cannot just pop in for a drink, like they can at a pub,
  21. I know there is a recession but the village is flooded with mountain bikers and visitors so surely this establishment COULD work?
  22. When people staying at our Caravan site (10 minutes walk away) ask where the nearest pub is, due to inconsistent opening times we do not recommend the D&P,
  23. The D&P was once one of the most popular pubs in the area and with the right management could be again, how can a business in this prime tourist location not be profitable?
  24. If approved this would be detrimental to the village.

### **Proposal**

The application is for full planning permission to change the use of the building from a public house with bike hire and dwelling to a hotel, bike hire and dwelling. The proposals do not involve/propose any alterations to the building. The existing internal floor space for the

business/commercial uses on site measures at 334.2 sq.m. The proposed new business/commercial floor space measures at 235.9 sq.m. a reduction of 81.5sq.m. (25%). The main changes on site include the café/bike area being changed to a guest lounge/dining room, the beer cellar and bottle store being changed to bike store and hire area and the change in the ground floor area of the public house into residential accommodation. There is no increase in the number of letting rooms on site (three). The car parking area to the rear also remains as it is at present.

### **Site Location**

The Dog and Partridge Public House is sited centrally within the village of Tosside, on the northern side of the B6478 within the AONB. It sits adjacent to the Church of St Bartholemew, and opposite the Tosside Community Hall. The property itself is a Grade II Listed building. The site lies off an access track to, and within 200m of, the edge of Gisburn Forest, a significant tourist attraction within this location of the AONB. The public house also sits within a 5km drive of a recently approved visitor centre at Stephen Park, within the heart of Gisburn Forest, that is due to be completed at opening early 2013. The nearest other Public House is the Crowtrees Inn, a Public House and Restaurant that is part of the Crowtrees Park Holiday Complex. This lies within the Holiday Complex approximately 1 mile away from this site.

### **Relevant History**

3/2008/0196/P - Change of part of existing ground floor to mountain bike storage and service area – Granted Conditionally.

3/2005/0282/P - Single storey porch on south elevation – Granted Conditionally.

3/2004/0611/P - Removal of part external stone skin on front and rebuilding, first floor extension with pitched roof, new lean-to extension to provide bottle store and other minor alterations (LBC) – Granted Conditionally.

3/2004/0323/P – Demolition and re-building of restaurant together with first floor accommodation over, alterations to lean-to toilets and construction of bottle store – Granted Conditionally.

3/1999/0110/P – Change of Use from a Pub to a single dwelling including altering car parks to form gardens – Refused.

3/1998/0595/P – Change of Use to form guesthouse with cafe/bar – Refused.

3/1998/0216/P – Change of Use from a Public House to a Private Dwelling – Refused.

3/1997/0689/P – Change of Use of a function room to living accommodation (LBC) – Granted.

3/1997/0688/P - Change of Use of a function room to living accommodation – Granted.

3/1991/0645/P – Use of land for the stationing of residential staff caravan – Refused.

3/1990/0335/P – Demolition of modern porch to main entrance to reveal original entrance (LBC) – Granted.

### **Relevant Policies**

National Planning Policy Framework.

Policy G1 - Development Control.

Policy G4 – Settlement Strategy.

Policy ENV1 – Forest of Bowland Area of Outstanding Natural Beauty.

Policy ENV19 – Listed Buildings.

Policy H15 – Building Conversions - Location.

Policy RT1 – General Recreation and Tourism Policy.

Policy S6 – Loss of Shopping Facilities in Villages.

SPG – Retention of Public Houses in Rural Areas.  
*Core Strategy 2008/2028 - A Local Plan for Ribble Valley Regulation 22 Submission Draft*  
Policy DMG1 – General Considerations.  
Policy DMG2 – Strategic Considerations.  
Policy DME2 – Landscape and Townscape Protection.  
Policy DMH3 - Dwellings in the Open Countryside and AONB.  
Policy DMH4 – The Conversion of Barns and other Buildings to Dwellings.  
Policy DMB3 – Recreation and Tourism Development  
Key Statement DS1 – Development Strategy.  
Key Statement EN2 – Landscape.  
Key Statement EN5 – Heritage Assets.  
Key Statement EC3 – Visitor Economy.

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

The main consideration with regards to this application is the loss of the remaining Public House within Tosside, whether there has been sufficient justification provided in support of this and whether the benefits of the proposed new use outweigh this loss. The scheme proposes no alterations to the property, a Grade II Listed building, as part of this application, and there are no issues in relation to the proposals impact upon the amenity of the occupiers of adjacent dwellings or its impact upon highway safety at this location.

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:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out of date, granting permission unless,*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
  - *specific policies in this framework indicate development should be restricted.*

Paragraph 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. To promote a strong rural economy, local and neighbourhood plans should:

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

The compliance with this element of the NPPF will be discussed in due course.

From a Local Planning Policy view, saved Policy S6 advises that 'The change of use of ground floor commercial premises to residential accommodation within the village boundaries will be approved providing it has been demonstrated that the change of use will not lead to adverse effects on the local rural economy.' This is due to the fact that the loss of retail uses or other community related commercial premises to residential use in villages could have a serious detrimental effect on the economic and social well being of the local rural areas served. Policy H15 also considers the conversion of buildings to dwellings stating that planning permission will be granted where there would be no detrimental effect on the rural economy.

The Council also have a saved SPG that specifically covers applications of this nature, and is called the 'Retention of Public Houses in Rural Areas'. This particular SPG deals with the issues associated with the change of use of public houses to other, non community based uses, such as residential and it is intended that the guidance is applied mainly in the rural areas of the borough, since this is where the impact of loss is most significant.

Pubs perform important social and economic functions in maintaining the viability of rural areas, and they also have important links to leisure and tourism, and contribute to the distinctiveness of rural landscapes and villages. The village pub (sic) provides an important community benefit to rural areas in that it offers a meeting place for the villagers to come together and mix informally or formally for meetings of clubs and societies, as well as having a significant impact upon the economic vitality of the village and the rural areas beyond by providing a source of employment, supplying many full time and part time jobs to villagers themselves, often in areas where jobs suitable for locals are at a premium. They can also play a vital tourism role providing an important service, offering accommodation, food etc to tourists and can provide a visitor attraction in their own right, especially in such a location as this one where it also plays an important role in the visual appearance of the village. This is particularly true where the pub is located within the AONB, as it provides a vitality and attractiveness to the village and also affords a visible social focus, which marks the centre of the village. The rural public house can also provide important environmental benefits as it cuts down the need for extra travel, as people are not forced to visit other public houses in nearby villages. The retention of public houses also accords with the general intentions of national strategic and local policies for the promotion of access to the countryside, and provisions for recreation and tourism.

It is clear that pubs play important social, economic, visual and environmental roles in rural areas, and it is therefore important that the Borough Council should seek to try and retain them. However, even with such a policy the Borough Council cannot prevent an owner or occupier from closing a public house, although it does have control over any subsequent reuse of the premises. Equally, the Borough Council cannot influence market forces or the trading ability of a business. On this basis, any submission of a planning application for a change of use of a pub to a non-community use will generally have to be accompanied with evidence to show that adequate attempts have been made to market the business as a going concern. This has not been carried out in this instance due to the applicant seeking to continue a similar 'business' from the site. The applicants have stated that they have sought to explore other avenues/uses in conjunction with the public house, namely the bike hire and café element with letting rooms above, within the extension to the rear of the main building. These elements have supported the main business, however the applicants now highlight that all elements of the current business uses on site are now failing, hence the reason and justification for the proposed application. The Applicant highlights that the Tosside Community Hall (built in 2009) now provides such a meeting place for social clubs and societies, with the Crowtrees Inn on Crowtrees Park providing the public house function for the village. They site both of these

businesses as having an impact upon their trade. Whilst these two businesses do provide a level of service for the wider local area, the following points are considered important:

1. The Crowtrees Inn lies within a Holiday Park and could, at any point, prevent visitors from off-site from using the facilities, and
2. Whilst the Tosside Community Hall provides a bookable facility for groups and societies, this is not considered to provide the same level of publically available services that a public house would.

The proposal here is to effectively extend the residential area of the property into what is the Public House at ground floor, and then subsequently concentrate on the marketing and letting of the existing B&B/guest rooms within the extension to the rear of the main building. The scheme does include the creation of a dining/lounge area below these rooms, where the bike shop was previously, and the applicant has suggested that this element will be open during the day/evenings/weekends for people not staying at the B&B/Hotel, therefore still providing elements the existing business that are doing well. However, as this proposal is not for the expansion of a tourism/visitor facility and more of a decrease in a service provided (given the significant reduction in the floor area of the commercial element on the premises), the applicant must provide sufficient and reasoned justification for this proposed change. Details have been provided that indicate that the business has been running at a loss since 2007, however a number of letters from the general public suggest that there is a demand to retain the premises in commercial use as a Public House, but that the applicant's have sought to orchestrate the demise of the business in order to then apply for the change of use now presented. The applicant's refute this suggestion, however having met with them on site and assessed the current commercial aspects of the business, I do have concerns that some elements of the commercial uses on site have not been run as a going concern for a while. This is highlighted by the lack of a cycle shop or café in the ground floor area of the rear extension and the fact that the public house itself is only open between noon and 8pm on Saturdays and Sundays. The only exception is that the rooms to let have been kept to a high standard and are being let out to holiday makers, and I do not doubt that the applicants would make every effort to run this element of the business, and which would provide a suitable income for the applicants, however if approved this business element in relation to the overall floor space on site would clearly be ancillary to its main use, namely as a residential property. Indeed there is considered to be little weight to the suggestion that it is also an employment-generating proposal as there would be significant difference in the staff required for this business compared to a pub. As a final consideration, the property has not been offered for sale on the open market as a going concern, as suggested within the SPG.

The scheme has also been discussed with the Council's Regeneration & Economic Development Officer, Craig Matthews, who advises the following. 'It is accepted that the pub sector is probably going through one of its toughest times ever, hitting those in particular located in remote and rural locations such as this where the sector is regarded as being in transition and change. Despite this it's disappointing that that this proposal has come forward on the basis of a declining or non-sustainable business. The implications of this application for change of use of the Dog and Partridge pub in particular, as well as representing loss of a functioning business and employment facility should not equally be undervalued in its role to act as an important tourism and community asset for the wider area as a whole. Whilst the public house and associated facilities currently as they stand might not be operating to the expectations of both the current owners and others, that should not be a reason to undermine their future potential. Its site and location in particular seem to suggest that the potential remains untapped, the fact it is adjacent to Gisburn Forest which has seen a dramatic surge in visitor numbers from 10,000 to

around 50,000 visitors a year and still increasing since the opening of the award-winning Gisburn Forest Mountain Bike Trail in 2009 and new investments, facilities and trails coming on stream next spring. There are also a number of areas where they seem to be missing out on marketing opportunities, as they don't appear to have a functioning website themselves or a presence on any of the main sites linked with Gisburn MTB / walking etc. However despite all this, the business should at least be marketed as a going concern if the current operators are not able to make it viable.'

In considering the proposal put forward, despite the assurances of the applicant that the business is not considered to be economically viable, the information presented is not considered sufficient to fully justify this statement. Without this, it is considered likely that the closure of the pub will have a visual impact upon the attractiveness of the village, the social and economic vitality of the village. This is therefore not considered to comply with the main thrust of the relevant local and national policies in that the more important element of this current community facility will be lost from this village. The proposal is therefore recommended accordingly.

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

1. The proposed development is contrary to Policies G1, G4 (c), ENV1, H15 (iv) and RT1 (i) of the Districtwide Local Plan, the Council's adopted Supplementary Planning Guidance Note Retention of Public Houses in Rural Areas, Policies DMG1, DMG2, DMH3, DMH4 and DMB3 and Key Statements EN2 and EC3 of the Core Strategy 2008/2028 Regulation 22 Submission Draft, and guidance within paragraph 28 of the NPPF. If approved, the development would lead to the loss of a valuable community facility, without sufficient justification, which would be to the detriment of the rural economy and vitality of the area, and would impact on the provision of suitable tourist facilities within this particular area of the Forest of Bowland AONB.



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>
3/2012/0157/P	Multi-purpose agricultural building and access track constructed of compacted hardcore to be grassed over at land adjacent	Hothersall Lane Hothersall
3/2012/0425/P	Covered midden for farmyard manure	Burholme Farm, Whitewell Clitheroe
3/2012/0692/P	Application to discharge condition 27 (provision of pedestrian/cycle link) of planning permission 3/2010/0719/P	land off Henthorn Road Clitheroe
3/2012/0715/P	Demolition of the existing building and replacement with a new dwelling and adjoining annex, with a change of use of agricultural land to form extended curtilage	Elswick Farm Mellor Brow Mellor
3/2012/0761/P	Construct a ramp for access for people with mobility problems	Salem Congregational Chapel, Martin Top Rimington
3/2012/0768/P	Application to discharge condition No 3 (materials) of planning permission 3/2012/0280/P	Moss Hall Farm Chipping
3/2012/0821/P	Erection of stable block on land adjacent	Nook House Farm Clayton-le-Dale
3/2012/0828/P	External redecoration. New signage scheme. Internal alterations including replacement lobby; removal of asbestos containing artex to the existing lounge bar area ceiling and re-skimmed and painted, with new timber beam applied; new T&G wall panelling, to all walls within the proposed dining and snug area; fixed seating to the proposed dining and snug area. New areas of flooring which include timber, stone, rugs and ceramic tiles. General redecoration throughout	Bayley Arms Hotel Avenue Road Hurst Green
3/2012/0874/P	Proposed erection of a dwelling on land adjacent	St Leonards Vicarage 11 Whalley Road Billington
3/2012/0878/P	Proposed lean-to extension to the side of West Bradford Village Hall to facilitate extended Lounge Bar and Kitchen	West Bradford Village Hall Grindleton Road West Bradford

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0886/P	New goat housing for young stock, phase 2 of a two-phase plan	Pasture House Farm West Marton
3/2012/0887/P	Proposed removal of chimney stack to rear 'outshut' roof	50 King Street Clitheroe
3/2012/0892/P	Retrospective application to take down the original garage and erect new garage	Croft Cottage (rear of Ribblesdale House) Main Street, Gisburn
3/2012/0893/P	Phase 1 of a two-phase new covered muck store	Yew Tree Farm Chipping Road, Chaigley
3/2012/0894/P	Phase 2 of a two-phase new covered muck store	Yew Tree Farm Chipping Road, Chaigley
3/2012/0896/P	Proposed single storey rear and side extension replacing existing conservatory	1 Hollowhead Close Wilpshire
3/2012/0903/P	Application for the discharge of condition 1 (Time Condition), condition 2 (Gable Windows) and condition 3 (Slab Levels) of planning permission 3/2012/0392/P	Montgomerie Gardens land off Woone Lane Clitheroe
3/2012/0905/P	Proposed erection of a detached garage and installation of permeable hardstanding	41 Whalley Road Langho
3/2012/0908/P	Proposed rear and side extension. Proposed roof lift (1.2m) to provide room in the roof space (Re-submission)	3 Arley Rise Mellor
3/2012/0911/P	Proposed two-storey extension to rear of existing house and detached single garage to rear garden area (Re-submission)	Houghton Farm Cottage Osbaldeston Lane Osbaldeston
3/2012/0912/P	Application to remove condition no. 2 of planning permission 3/2004/1184/P, to allow the annex to be used as an independent dwelling	Green End Sawley Road Grindleton
3/2012/0915/P	Proposed change of use of restaurant from Class A3 (Restaurants and Cafes) to Class C3 (Dwelling Houses)	Cottage Restaurant Main Street, Gisburn
3/2012/0918/P	Proposed single storey side extension as a garden room and one and a half storey oak frame extension at rear to provide covered parking and work from home office. Replacement of all existing uPVC windows and doors with painted timber. Work to form part of scheme to reinstate property following severe flood damage	Cross House Broad Lane Whalley
3/2012/0919/P	Change of use of land to storage of caravans with maintenance and servicing of caravans	The Garden Village Ltd Hawkshaw Farm Longsight Road Clayton-le-Dale
3/2012/0922/P	Application to remove condition 3 (occupancy period) of planning permission 3/2008/0410/P to allow the holiday accommodation to be used as a permanent residential dwelling	The Saddle Room Cross Lane Waddington

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0928/P	Proposed detached garage	3 Laneside Sabden
3/2012/0929/P	Raise height of part of the existing roof, new dormer window to front elevation and new porch	Broad Lea Ribchester Road Clayton-le-Dale
3/2012/0931/P	Replacement garage	17 Humber Street Longridge
3/2012/0932/P	Replacement detached garage to rear of property	27 Limefield Avenue Whalley
3/2012/0934/P	10KWp Solar Photocvoltaic free-standing installation	Ribblesdale Hall Annexe Sawley Road, Chatburn
3/2012/0939/P	New chimney stack	29 Redwood Drive Longridge
3/2012/0949/P	Single storey rear extension to existing restaurant and new staff access door	The Manse, Church Street Longridge
3/2012/0950/P	Replacement sign and installation of uplighters on both faces. Sign will be affixed to the ground on a black monopole and stand 2.4m high	The Manse Church Street Longridge
3/2012/0955/P	Formation of two bed flat over Tony's Chippy including erection of external rear staircase and insertion of 1 no. rooflight to front and 1 no. rooflight to rear	Tony's Chippy 23 Market Place Longridge
3/2012/0960/P	Conversion of barn/shippon to form extension to existing farmhouse	Lower Warble Hey Farm Barker Lane, Mellor
3/2012/0965/P	Two storey extension and internal alterations. Resubmission of application 3/2012/0063/P	74 Salthill Road Clitheroe
3/2012/0968/P	Extension of existing agricultural storage barn	Winckley Piggeries Stonyhurst, Clitheroe
3/2012/0969/P	Proposed demolition of existing stables and the erection of stone clad garden tools and implements store/garage	Hodgson Barn Slaidburn Road, Waddington
3/2012/0971/P	Part-retrospective application for pitched roof first floor rear extension	45 Whalley Road Sabden
3/2012/0973/P & 3/2012/0974/P	Strip out tenant fixtures and fittings. General repairs to fabric. Cutting back defective render to front elevation and re-render including shop front stall riser to wood float finish decoration. Replace shop front vestibule tiles to match existing. Remove third party signage. Renew electrical installation. Form new softwood painted plasters to shop front. Make good hardwood plaster heads. Upgrade fire protection to ground floor walls and ceiling	4 Castle Street Clitheroe
3/2012/0975/P	Proposed loft conversion with front and rear dormer, single storey rear extension	69 Preston Road Longridge

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0985/P (Retrospective application: LBC)	Removal of two redundant extract flues together with their supporting steelwork and cable stays	HJ Berry & Sons Kirkmill Chipping
3/2012/0997/P	Proposed construction of single storey side extension to provide improved living and bedroom space	Slimrow House Newton
3/2012/0998/P	Proposed conversion of the garage/games room into dwelling	Ashgrove Barn 1 Shawbridge Street Clitheroe
3/2012/0999/P	Proposed conversion of the garage/games room into dwelling	Ashgrove Barn 1 Shawbridge Street Clitheroe
3/2012/1006/P	Replacement sectional concrete garage	6 Fort Avenue Ribchester
3/2012/1009/P	Proposed two storey side extension over existing garage and utility room	1 Hazel Grove Longridge
3/2012/1017/P	Sub-division of the existing two storey flat to form 2 no single self contained flats	The Manse Church Street, Longridge
3/2012/1054/P	Application for a non material amendment to planning permission 3/2010/0929/P to (1) resite the house on plot 1, (2) realign the road at the entrance to the site to avoid moving an existing gas box, (3) provide access to the rear of 40 and 42 Henthorn Road, and (4) provide access to the rear of 32 Siddows Avenue	land accessed between 36/38 Henthorn Road Clitheroe
3/2012/1063/P	Application for discharge of condition 6 (bat survey) and condition 7 (bird survey) of planning permission 3/2011/1064/P at land to the rear	59 to 97 Woone Lane Clitheroe

#### 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>
3/2012/0704/P	Internal and external alterations to form additional accommodation in the roof	Unit 4, The Shippon, Elswick Farm, Mellor Brow, Mellor	Policies G1, H17, DMG1 and DMH4 – An excessive number of rooflights to the detriment of the appearance and character of the building
3/2012/0873/P Cont/	A retrospective application for a concrete base and a new application for the	Alston Lane RC Primary School Preston Road	Policies G1, ENV3, DMG1 and DME2 – Incongruous and

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
Cont...	installation of a paper recycle skip adjacent to an unadopted road/lane to the rear of Alston Lane RC Primary School	Longridge	over prominent feature to the detriment of visual amenity.
3/2012/0875/P	Application for one internally illuminated plastic fascia sign	Chatburn Post Office 1-3 Bridge Road Chatburn	G1 & ENV16 of DWLP, DMG1 & DME4 of Reg.22 Draft CS & NPPF – unsympathetic and incongruous feature harmful to visual amenity and the character, appearance and significance of Chatburn Conservation Area.
3/2012/0899/P	Dismantle and remove the existing timber workshop. Redevelopment of the site with a two-bedroom bungalow	6 Stoneygate Lane Knowle Green	G1, G5, ENV3, H2, H20 and H21 of DWLP, DMG1, DME2, DME3 and DMH1 of the Regulation 22 Submission Draft Core Strategy, and Paragraph 55 of the NPPF isolated home without meeting any of the special circumstance criteria listed. Also divorced from existing built form to the detriment of visual amenity.
3/2012/0901/P	Two storey extension	Tenement Farm Thornley	G1, ENV1, H10, SPG (DWLP)/DMG1, DME2, DME3 and DMH5 (Reg 22 Submission Draft C.S.) and Section 11 of DWLP – incongruous

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
3/2012/0914/P (PA) & 3/2012/0927/P (LBC)	Erection of reception classroom	St Mary's RC Primary School Longsight Road Osbaldeston	Harmful impact upon the settings and significance of the listed school and church. ENV19, G1(a) and G6.
3/2012/0947/P	Two storey extension to the rear	23 Pendle Street West Sabden	Contrary to policies; G1 and H10 of DWLP and policy DMG1 of the Draft Core Strategy.
3/2012/0959/P	Wooden shed and polytunnel	land off Higher Trapp Lane Simonstone	G1, G5, ENV3, DMG1, DMG2 and DME2 – Building not justified on agricultural grounds, therefore unnecessarily detrimental to the visual amenities of the locality.
3/2012/0970/P	Proposed insertion of two new windows in the gable end wall where no windows currently exist	4 Park Mews Gisburn	The proposed works are considered contrary to Policies G1, ENV16, DMG1 and DME4.
3/2012/0972/P	Proposed replacement of agricultural building with 4 no. holiday cottages and new package treatment plant	Shays Farm Tosside Skipton	Contrary to Policies G1, G5, RT1 and ENV1 of the Local Plan, Reg 22 Submission Core Strategy Policies DMG1, DMG2, DME2, DMH3 and DMB3 and Key Statements EN2 and EC3; and guidance within the NPPF. Unsustainable development, tantamount to the creation of four new dwellings within open countryside without

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...			sufficient justification, and the intensification of the development; and its scale, siting, material and design, would be to the visual detriment of the character and appearance of the AONB.
3/2012/0995/P	Advertisement consent application for three illuminated hanging banner signs advertising Carter Leisure Club and the Cricket Bowling and Tennis Club	Clitheroe Cricket Club/ Carter Leisure Chatburn Road Clitheroe	Policy G1 – (Development Control) of the Local Plan. Policy DMG1 – (General Considerations) of the Core Strategy Regulation 22 Submission Draft.

#### 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>
3/2012/0115/P	Application for a Lawful Development Certificate for an existing use in breach of an agricultural occupancy condition (condition no 3 of planning permission 3/1982/0046/P)	Dewhurst Farm Longsight Road Langho
3/2012/0902/P	Application for a Lawful Development Certificate for a proposed new roof dormer to the rear of the property with a roof light to the front elevation	8 Salthill Road Clitheroe
3/2012/0904/P	Application for a Lawful Development Certificate for a proposed loft conversion with 2no. conservation type roof lights to the rear elevation	67 Church Street Ribchester
3/2012/0935/P	Application for Lawful Development Certificate in respect of the proposed erection of timber stables	New Chapel House Farm Commons Lane
3/2012/0948/P	Application for Lawful Development Certificate in respect of a proposed extension	5 Main Street Bolton by Bowland
3/2012/0956/P	Application for Lawful Development Certificate in respect of a proposed extension	67 Park Avenue Clitheroe

REFUSAL OF CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2012/0994/P	Application for a Lawful Development Certificate for proposed internal alterations and provision of 2no. dormers to the existing roof. Proposed change to door and window positions and addition of small porch frontage	Valle Vista Barker Lane Mellor

APPLICATIONS WITHDRAWN

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/0835/P	Remedial works to gable wall coping stones	English Martyr's Presbytery The Sands Whalley
3/2012/0593/P	Demolition of external garage and store and construction of two residents at properties	54 Whalley Road Sabden
3/2012/0906/P	Single storey side extension	4 Commons Lane Balderstone
3/2012/1016/P	Proposed sub division of existing two storey flat to form 2 <sup>nd</sup> single storey self contained flats (LBC)	The Manse Church Street Longridge

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2010/0078	Old Manchester Offices Whalley New Road Billington	20/5/10	18	With agent and applicants solicitor
3/2012/0065	Land off Dale View Billington	24/5/12	12	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
3/2012/0420	Land North & West of Littlemoor Clitheroe	8/11/12	49	With Planning
3/2012/0617	Land off Clitheroe Road Barrow	8/11/12	7	With applicants solicitor



<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0623	Land at 23-25 Old Row Barrow	8/11/12	23	With applicants solicitor
3/2012/0179	Land at Accrington Road Whalley	6/12/12	77	With Planning
3/2012/0738	Dale View Billington	6/12/12	10	With Planning
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	6/12/12	57	With Planning

**Non Housing**

3/2011/0649	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	-	New hearing date to be agreed	
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, date 12.03.13	

<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>
3/2012/0158 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	-		APPEAL ALLOWED
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 DECISION
3/2011/0892 O	6.9.12	The Huntroyde Estate Proposed residential development Land off Milton Avenue Clitheroe	-		AWAITING DECISION
3/2012/0259 D	25.9.12	Mr A Ball Proposed new vehicle/pedestrian access to site Seven Acre Cottage Forty Acre Lane Longridge	WR	-	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	-	APPEAL ALLOWED
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	-	Awaiting site visit

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2012/0499 D	2.11.12	Miss Jilly Farthing Single storey side extension to dwelling The Granary at Bulcocks Farm Pendleton	Householder appeal	–	Notification letter sent 6.11.12 Questionnaire sent 9.11.12
3/2012/0096 D	14.11.12	Mr & Mrs D Hancox Proposed dwelling with garages, garden and landscaping Kemple Barn Whalley Road Clitheroe	WR	–	Notification letter and questionnaire sent 23.11.12 Statement to be sent by 25.12.12
3/2011/1032 D	19.11.12	Mr Peter Street Proposed 'Log Cabin' style holiday lodges Whins Lodge Whalley Old Road Langho	WR	–	Notification letter sent by 27.11.12 Questionnaire sent 28.11.12 Statement to be sent by 28.12.12
3/2011/0991 C	06/12/12	Sunderland Peacock & Associates, land rear of Hazelmere, Pimlico Road, Clitheroe	WR	-	Notification letter and questionnaire sent 11.12.12 Statement due 6.2.12
3/2012/0477 D	06/12/12	Heywood Butchers The Abattoir, Clerk Hill Road, Whalley	WR	-	Notification letter sent 10.12.12 Questionnaire sent 13.12.12 Statement due 17.1.12
3/2012/0831 D	13/12/12	Mr J Harding and Ms C Britcliffe 29 Moor Lane, Clitheroe	WR	-	Notification letter and questionnaire sent 17.12.12 Statement due 14.2.12
3/2012/0637 Undetermined		Mr Andrew Taylor, David Wilson Homes, land to the south of Mitton Road, Whalley	Inquiry		Awaiting confirmation of receipt from PI
3/2012/0842 D		Paddy Power plc, Whiteside Bakery, 10 Market Place, Clitheroe			Awaiting confirmation of receipt from PI

**LEGEND**

D – Delegated decision    C – Committee decision    O – Overturn

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 17 JANUARY 2012  
 title: NON-DETERMINATION APPEAL IN RELATION TO AN APPLICATION FOR THE ERECTION OF 116 TWO, THREE, FOUR AND FIVE BEDROOM DWELLINGS AND 21 ONE BEDROOM BUNGALOWS TOGETHER WITH ASSOCIATED LANDSCAPING, OPEN SPACE, DRAINAGE INFRASTRUCTURE, CAR PARKING AND ACCESS ROADS AT LAND AT MITTON ROAD, WHALLEY  
 submitted by: DIRECTOR OF COMMUNITY SERVICES  
 principal author: SARAH WESTWOOD – SENIOR PLANNING OFFICER

### 1 PURPOSE

- 1.1 To advise Committee in relation to the recently received non-determination appeal and request guidance on the issues relating to the Council's reasons for refusal of the scheme.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – } The matters identified raise issues associated with protecting and enhancing the local environment, delivering housing needs and promotion of economic development.
  - Corporate Priorities – }
  - Other Considerations – None.

### 2 BACKGROUND

- 2.1 This application was made valid on 20 July 2012. It was given the planning reference 3/2012/0637/P with the 13-week statutory determination period ending on 19 October 2012. After this time period applicants do have the opportunity to appeal for non-determination. It is standard practice to assess and aim to make recommendations on applications within the statutory 8 and 13-week periods, however in this case there are reasons why this has not been achieved.
- 2.2 No formal decision has yet been made in relation to this application with there being several reasons for this. There have been ongoing discussions with consultees in respect of highway and archaeological matters that arose as a result of initial consultation responses. In addition to this there has been an ongoing dialogue with colleagues at LCC in relation to the need for this site to be released for housing in order that the potential sterilization of a mineral reserve/resource can be assessed. Members will also be aware of concerns expressed previously in relation to capacity issues at the Waste Water Treatment Works serving this area and the response from United Utilities came after the 13-week period. Finally it was decided that an independent visual appraisal/landscape assessment of the site should be commissioned in order to assist in the decision-making process. The applicant was aware that an independent assessment had been commissioned and notwithstanding the fact that dialogue with various colleagues and LCC was still ongoing, and had not reached conclusions on concerns previously made, the applicant has sought to appeal against non-determination of the application.

- 2.3 The appeal for non-determination was received on 5 December 2012 and on receipt no further work can be undertaken in relation to dealing with the planning application. The Planning Inspectorate contacted us on 14 December for the Council's view on the most suitable procedure to follow in relation to this appeal.
- 2.4 The appellant has requested that the appeal be considered at a Public Inquiry which they initially estimated would sit for 4 days (indicating they would call three witnesses) but in subsequent correspondence from the Inspectorate have requested the Inquiry sit for up to 7 days based on the number of witnesses their Counsel advises. Having regard to the scale and nature of the development proposed, the issues of concern as outlined elsewhere within this report and report included as Appendix 1 and level of opposition to this scheme, I am of the opinion that the Public Inquiry procedure is the most appropriate for this application. However I would question the number of sitting days the applicant/appellant is now requesting and have suggested to the Inspectorate that 4 days is more realistic. It is important to stress to Members that whilst this is the most appropriate procedure to deal with this scheme it is also the most costly in terms of both officer time and need to engage Counsel and an expert witness. Ultimately the Planning Inspectorate will decide how the appeal is to be dealt with but I reiterate that in my opinion the Public Inquiry method is the most appropriate in this instance and this was confirmed to both the applicant/appellant and the Planning Inspectorate on 18 December as per the Inspectorate's request. As part of that response I outlined that 4 sitting days was more realistic based on the issues of concern that were being brought to Members' attention at this meeting.
- 2.5 Once the Inspectorate have decided upon the procedure and provided a start date all those persons who were notified or consulted about the application, and any other interested persons who made representations regarding the application, will be notified of the appeal.

### 3 ISSUES

- 3.1 In cases for non-determination it is important to gauge the views of Planning and Development Committee in order that Committee Members are satisfied with the officer report and are in agreement with its content and conclusions.
- 3.2 A report is include as Appendix 1 to this report providing details of the representations received and the issues arising. As Committee will note there has been a great deal of public interest in this proposal.
- 3.3 On the basis of the planning merits of the case it is considered that should a formal recommendation have been made to Planning and Development Committee it would have been one of refusal for the following reasons:
1. The proposed development by virtue of its scale and location outside the defined settlement boundary of Whalley is considered to represent an urban extension into the open countryside which would change the character of this area of countryside to the detriment of the visual amenities of the area. It is thus contrary to Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan, Policies DMG1, EN2 and DME2 of the Regulation 22 Submission Draft Core Strategy and the provisions of the National Planning Policy Framework in respect of visual amenity considerations.
  2. The proposal will be unduly harmful to the character, appearance and significance of Whalley Conservation Area, its setting and views into and out of the Conservation Area. This is contrary to Policy ENV16 of the Ribble Valley

Districtwide Local Plan, Policy DME4 of the Ribble Valley Regulation 22 Submission Draft Core Strategy and Paragraph 17 (conserve heritage assets in a manner appropriate to their significance) and Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) of the National Planning Policy Framework.

3. The proposal will be unduly harmful to the setting and significance of listed buildings, including Whalley Viaduct (Grade II), Whalley Abbey (Grade I) and Whalley Abbey North-West Gateway (Grade I). This is contrary to Policy ENV19 of the Ribble Valley Districtwide Local Plan, Policy DME4 of the Ribble Valley Regulation 22 Submission Draft Core Strategy and Paragraph 17 (conserve heritage assets in a manner appropriate to their significance) and Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) of the National Planning Policy Framework.

#### 4 RISK ASSESSMENT

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

- Resources – The Public Inquiry process is the most costly route both in terms of officer time required to provide all the relevant documentation prior to and during the Inquiry process itself and the financial cost of employing Counsel and external consultant(s) to assist the Council in defending the appeal.
- Technical, Environmental and Legal – None identified.
- Political – None identified.
- Reputation – None identified.
- Equality and Diversity – None identified.

#### 5 **RECOMMENDED THAT COMMITTEE**

5.1 Advise that they would have been minded to refuse the application for the above reasons.

SARAH WESTWOOD  
SENIOR PLANNING OFFICER

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

#### BACKGROUND PAPERS

- 1 3/2012/0637/P - Application for the erection of a 116 two, three, four and five bedroom dwellings and 21 one bedroom bungalows together with associated landscaping, open space, drainage infrastructure, car parking and access roads at land at Mitton Road, Whalley. Report included as Appendix 1 to this report.

For further information please ask for Sarah Westwood, extension 4516.

# APPENDIX 1

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

## MINDED TO REFUSE

DATE: 17 JANUARY 2013

REF: SW/CMS

CHECKED BY:

APPLICATION NO: 3/2012/0637/P

(GRID REF: SD 372748 436398)

PROPOSED ERECTION OF 116, TWO, THREE, FOUR AND FIVE BEDROOM DWELLINGS AND 21, ONE BEDROOM BUNGALOWS, TOGETHER WITH ASSOCIATED LANDSCAPING, OPEN SPACE, DRAINAGE INFRASTRUCTURE, CAR PARKING AND ACCESS ROADS AT LAND AT MITTON ROAD, WHALLEY

PARISH COUNCIL: Object to the application on the following grounds:

1. Conservation

- The fields are open countryside and this proposal would result in the destruction of the open aspect and decimation of wildlife and vegetation.
- Views to and from Whalley Nab will be diminished and the viaduct will be lost in amidst of 3 storey houses not enhanced, resulting in detracting from its setting and from that of the Abbey.
- The character of this area of countryside would be lost and replaced by urban sprawl.
- Broad Lane would become a rat run and be very dark when overshadowed on both sides.

2. Sustainability

- The proposal represents more houses with minimal contribution to the social infrastructure of the village.
- There are no local commercial gains or employment.

3. Flooding

- Flooding by the Calder in July 2012 following persistent rain resulted in surface water adjacent to the proposed building.

4. Transport Assessment

- The proposal will increase the Whalley commute to work and school and exacerbate existing problems.
- To accept the developer's claim that car usage will increase only by 0.75 cars is questioned.
- Will development of the site prevent duelling of the A59 between Bramley Meade and the Petre Roundabout if this were to be contemplated due to the increased population in Ribble Valley?

5. Transport Safety

- Question the safety of the exit from the site on a blind bend with a ghost island being inadequate.
- Walking to the village will require pedestrians to cross this busy road before the railway bridge as there is no pavement near Broad Lane with there being a history of road traffic accidents in this vicinity.

6. Education

- Primary schools in Whalley, Langho and Barrow are oversubscribed. It is untenable for Whalley village children to be bussed out of the area but this is already likely to happen with existing permissions.

7. A Cumulative Impact

- A feature of the last two years has been the succession of developers who wish to build both in the immediate environment of Whalley or within the parishes bordering the village. Should all these be successful, the accumulative impact will destroy the ambience associated with Ribble Valley. ENV3 recognised the need to protect and enhance open countryside – this development destroys those features.



DIRECTORATE  
(COUNTY SURVEYOR):

dated 27 September 2012 the following comments were made in relation to the Transport Assessment, prepared by Singleton Clamp Partnership on behalf of David Wilson Homes (North West), and the Design and Access Statement, both dated July 2012. Members are referred to the file for full details of the response received which is summarized as follows:

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. The following comments are offered regarding the anticipated highway impacts of the proposed development.

#### Access Strategy

It is proposed that there will be direct vehicular access to the site from a single point of entry on Mitton Road, utilising and developing an existing field gate.

There is no issue of capacity at the proposed access. However, the operation of the mini-roundabouts at the junctions of Station Road with King Street and King Street with Accrington Road has been the subject of recent discussions with other developers in this vicinity concerning their operational capacity.

#### Traffic Flows

The counts undertaken on behalf of the applicant on Mitton Road were carried out on representative days and provide an acceptable basis on which to develop future growth patterns.

#### Traffic Growth

I have discussed the figures provided with David Watson, LCC Strategic Highways Planning. It is not clear from the information provided as to how the figures provided by for the Transport Assessment have been and if the rates have been manually adjusted.

It may be useful if a further explanation is provided as to how the original figures have been derived. As part of this assessment I would ask that specific reference be made to the high levels of car ownership in Whalley and the high percentage of journeys to work by private car undertaken by residents. Census data from 2001 and 2011 has identified that these aspects are at specific variance with comparable National figures.

#### Trip Generation

I have investigated if the accuracy of the "number of dwellings" parameter could be better tailored to the proposed 137 property development. However, I am satisfied that the use of

a range as presented is common in order to achieve a good sample of sites.

Similarly, the date range for the sites runs from January 2004 and this is reasonable in order to get a bigger sample and the geographical locations are also satisfactory.

For the reasons stated above, it is considered that the overall trip generation presented in the TA, on the immediate local network, for all elements of the proposed development is broadly acceptable but requires revision with specific reference to the Traffic Growth element.

#### Trip Distribution

The distribution approach used in the TA indicates a strong movement exiting to the west of the site, 26% and 29% in the morning and afternoon peaks respectively. This distribution appears unduly high given the comparative attraction of local employment sites, nearby highway links to principal routes, school trips and local facilities and amenities.

The result of the approach taken in the TA is to minimise, and in my opinion, underestimate the impact of trips from the proposed development through Whalley village centre. I do not consider this approach to provide a sound basis upon which to assess the impact of this development.

#### Committed and Other Proposed Developments

The Committed developments relevant to this site, at Pendle Road, Calderstones Park (3/11/0837) and on land to the north of Riddings Lane, Whalley (3/10/0820), have been highlighted in the Transport Assessment.

#### Impact on Junctions and Junction Modelling

##### 1. Site access and Mitton Road;

The PICADY assessments provided confirm that there are no capacity issues with the proposed junction layout. While I have identified some concerns regarding the Traffic Growth figures, including reference to the high levels of car ownership (1.39 per property) and journeys to work by private car (69.3%) within Whalley, these are not sufficient to recommend a review of the anticipated operation of this junction.

##### 2. Station Road and Accrington Road mini-roundabouts;

The capacity of this junction has been identified as sensitive and operating close to capacity when examined in reference to previous applications; on land to the north of Riddings Lane (3/10/0820), and land to the east of Clitheroe Road (3/11/0111).

In my pre-application discussion with Natalie Skuse of SCP Transport Planning, I asked that considerations of the accessibility of the site should include, for example, proximity to public transport, education, significant employment sites, walking distances to village facilities, the nature of the facilities offered within the village and cycle provisions.

There were four junctions identified for further study. These were to include the mini-roundabouts at the junctions of Station Road and Accrington Road with King Street. The TA does not provide any information on the impact of this proposed development at these sensitive locations.

### Pedestrians and Cyclists Access

Public Rights of Way footpath 20 runs immediately to the south of the southern site boundary, heading north-west from Broad Lane. It is proposed to provide points of access from the site to this footpath. It is essential that these routes and their linkages are maintained to a standard and design acceptable to Public Rights of Way officers.

The Design and Access statement identifies Broad Lane as part of the "existing footpath network", with additional links "secondary route for cyclists and pedestrians", being created from the site. There are no additional measures being considered to secure enhanced provisions along this narrow section of highway, with no footways available to either side of the road and intermittent passing places.

The existing footway provision between Calderstones Park and Whalley village is not continuous along the west and south side of Mitton Road, with the footway being interrupted between No.9 Mitton Road and Broad Lane, a distance of approximately 130m. Measures should be considered to affect an improvement in provision.

It is the case that opportunities are available for pedestrians from Calderstones Park or other residential streets to the west side of Mitton Road to cross safely from positions with the potential for adequate forward visibility in both directions in advance of the break in the footway. However, from my observations it appears that there are no clear pedestrian preferences, with individuals crossing at a variety of locations.

The provision of a priority crossing to the west of the break in continuous footway provision would serve both existing pedestrians and those generated from the proposed development. This would focus crossing movements at a single location and provide improved access to the rail station and facilities at Whalley Sports Club and the Queen Elizabeth 2 Playing Fields.

I would recommend that an analysis of pedestrian and vehicular movements be undertaken to assess the viability of a

priority crossing in this vicinity. In order to provide representative data it would be appropriate to ensure that our survey included pedestrian and vehicular trips during the school term.

The other main focus for pedestrian movements from the site is at Broad Lane. There are presently no footway provisions on this road and the existing layout would not be suitable for the envisaged increase in localised pedestrian activity. Given that this route from the centre of the site to the rail station is particularly convenient, an appropriate improvement in footway provisions would be required.

The width of the existing footway provision in the vicinity of the site is inconsistent, with widths of less than 1.0m at some points and there is an opportunity to consider addressing these inconsistencies to provide a more suitable width for pedestrian, pushchairs and wheelchairs.

### Public Transport

Good access to public transport services will be important factors in helping to reduce dependence on the private car for users of this development.

Key requirements of major housing developments are that all housing is to be within 400m walking distance of a regular/frequent bus service.

There are existing bus stops on Mitton Road, located within a short distance of the proposed main site access. However, I have safety concerns regarding the suitability of the Broad Lane access and do not consider that it provides a safe means of access in its present layout. In discounting this access the route from the centre of the site to the existing bus stop locations falls outside of the recommended 400m radius.

The applicant should give consideration to additional facilities on Mitton Road and these could include bus provisions to the north of the site.

The relatively close proximity of the site to Whalley rail station is highlighted and the consequent benefit of this amenity for regular commuter and leisure journeys is recognised.

Access to the Blackburn platform is achieved from The Arches and is suitable wheelchair users and other user with limited mobility, but this level of accessibility is not available to/from the Clitheroe platform. In the past, measures have been undertaken to introduce a low-rise broad, stepped access with handrails.

However, there is considerable scope to upgrade and update this access for all users.

### Road Safety

There have been a number of serious and one fatal accident on the highway network considered within the TA.

The Police road safety record for the B6246 has been looked into, with particular emphasis on incidents involving pedestrians and/or excessive speeding. There were six collisions noted between a point 50m north of Nethertown Close and 50m east of The Arches during the five years between 1 May 2007 and 30 April 2012. The severity of all noted collisions was determined to be "slight".

### Parking Standards

The Planning Layout provides a degree of detail that includes on street parking elements and reference to garaging facilities.

The garage facilities that have been identified; CEG1-5 and CYG1-3, while not of a standard size (3.0m by 6.0m), were all capable of accommodating private vehicle(s).

Referring briefly to the internal layout, the House Types V1 and V2 are both shown with a gated approach. I would be concerned that this would restrict the use of the available driveway for these 3 bedroom units and limit the parking provision to a single vehicle.

### Travel Plan

This development is in excess of our Travel Plan submission threshold. It therefore requires an Interim Travel Plan, which should be submitted prior to occupation as a condition of planning.

For a development of this size we would normally request a contribution of £6000 to enable Lancashire County Council Travel Planning team to provide a range of services as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008.

### Internal Site Layout

Appropriate measures to secure safe, continuous and accessible pedestrian links can be achieved.

The requirement to illuminate the emergency access routes and other pedestrian links, particularly but not exclusively those to the rear of properties along the eastern edge of the site, should be discussed further.

The first four plots are shown as having direct pedestrian access to Mitton Road. I am concerned that this will encourage on street parking on Mitton Road, either for residents or visitors. This would be detrimental to highway safety given the proximity to the single point of vehicular access to the site and

the impact such parking would have on visibility for emerging motorists and the safe operation of the adjacent pedestrian refuge.

#### Servicing, Delivery, Waste Collection, Emergency Access and Routing

The internal layout shown on the Planning Layout (presentation) provides areas for manoeuvring that would appear to present safe and convenient manoeuvring for servicing, delivery and waste collections.

#### Construction Period

The impact from construction traffic for any development in this location will be significant. Careful consideration would need to be given to the routing of construction traffic and phasing of the development should planning permission be granted.

#### Planning Obligations

Should the LPA be minded to approve this development, the County Council would seek planning obligation contributions from this development to fund measures that support sustainable transport, particularly in respect of public transport. Until agreement has been reached on the Transport Assessment the LHA is unable to provide full details on the request for planning obligations relating to highways and transport.

A Highways contribution of £214,500 will be sought. This is based on 137 dwellings of unknown room size, 96 for open sale and 41 affordable, with an approximated Accessibility score of 23, as follows:- 19@ 1,100; 38@ 1,650; 39@ 2,200 = £169,400 and 41@ 1,100 = £45,100.

#### Proposed Junction Treatments

The only junction details provided relate to the site access. I have asked for additional information on other junctions and may provide further information on these matters at a later date.

Speed surveys were carried out on Mitton Road on representative days and details of the survey results are presented within Section 4 of the Transport Assessment. The measured speeds were just below 30mph in the morning peak and just over 30mph in the afternoon.

In line with these measurements and following the guidelines provided in MfS2, I am satisfied that the proposed visibility splays of 2.4m by 45.0m are acceptable. However, further to the information already provided and in order to demonstrate that safe operation can be provided at the proposed access, a Stage 1 safety audit should be provided.

Section 4.5 of the TA notes that the junction design includes,

"a pedestrian island located to the east of the proposed access to allow pedestrians to cross Mitton Road". Reference is also made on the Planning Layout drawing, with an indication that details of the junction arrangements are to be found on the "engineer's drawing". However, the junction drawing provided as part of the TA do not include a location or design detail for a refuge.

As a result of the restricted forward visibility along Mitton Road there is a length of solid white lining through the bend at the existing field gate and beyond the A59 over-bridge, between 21 Mitton Road and Nethertown Close.

This marking serves to highlight the existing deficiencies in forward visibility, prohibiting overtaking against the solid lined sections and prohibiting on street parking along its entire length. It is as a result of marking that there are no parked vehicles in the immediate vicinity of the existing field gate access.

I would welcome confirmation that an assessment of the forward visibility has been carried out based on the proposed junction layout and that the relevant details are provided.

The proposed junction design does not retain the solid white lining marking and makes no mention of its omission. It is entirely feasible that on street parking will encroach towards the site entrance as a result, particularly as the first four plots are shown as having direct pedestrian access to Mitton Road.

As I have noted earlier, I am concerned that this will encourage on street parking on Mitton Road, either for residents or visitors. This would be detrimental to highway safety given the proximity to the single point of vehicular access to the site and the impact such parking would have on visibility for emerging motorists and the safe operation of the adjacent pedestrian refuge.

#### Traffic Regulation Orders

I have not identified any TROs that will be required to secure improved highway safety benefits or to assist with the safe movement of vehicles and pedestrians as direct consequence of the proposed development.

However, the issue of on street parking in close proximity to the site access is a concern given that the existing prohibition by virtue of the solid white lining system is no longer identified as being required at this location. If this alteration in the existing highway layout is verified, as requested above, then the impact of on street parking will have to be considered in further detail and the provision of a TRO should not be discounted at this time.

### Proposed Off-Site Highway Works

The provision of the following off site highway works can be achieved without reference to an Order making process and their introduction will be agreed and scheduled by means of the Section 278 Agreement.

1. The provision of a pedestrian priority crossing on Mitton Road should be investigated. This will address a specific concern regarding the discontinuity of the existing footway provision and will also have a positive benefit in managing vehicle speeds.
2. Details to be provided of the proposed pedestrian refuge on Mitton Road, immediately to the east of the site access.
3. The proposed site access to be constructed in accordance with the layout shown on SCP/10236/SCP1, subject to any further discussions and clarification of details.
4. The provision of improved footway provisions on Broad Lane and at its junction with Mitton Road. This is to link with the introduction of a secondary pedestrian/cycle access from Broad Lane.
5. Accessibility improvements at Whalley rail station. It is not clear the full extent of the improvements that may be achieved at this location, but there is considerable scope to upgrade and update access for all users.
6. In order to maximise pedestrian access between the proposed development site and Whalley village, the provision of drop kerbs along the main pedestrian desire lines, improved surface materials and pedestrian signing to the village shall be reviewed.
7. At this time, the only junction details provided relate to the site access. I have requested additional information on other junctions that may be affected by the proposed development. Should further off-site works be required as a result, I will provide relevant information on these matters at a later date.

### Items for inclusion in a S106 Agreement

1. Travel Plan
2. Bus Service Provision

The detailed Public Transport provisions will be resolved as part of a formal Section 106 Agreement.

The applicant should give consideration to additional facilities on Mitton Road and these could include bus provisions to the north of the site.



I would initially estimate that the costs of this provision would be £20k per location plus a £2k commuted sum for future maintenance. I would require that acceptance to future maintenance of the shelters by the Borough Council is obtained as part of this process.

### Highway Conditions

There are a number of Standard Conditions that will apply to this application should consent be granted.

### Conclusion

The proposals will result in increased flows on the existing transport network in and around Whalley village. There will be increased vehicle turning movements and impacts on pedestrian movements at junctions in the vicinity of the development and at a number of junctions in Whalley village centre.

I believe that the Transport Assessment as presented underestimates the likely impact. I consider further information is required in respect of the TA to address the issues highlighted. The LHA must be satisfied that the likely level of impact has been assessed before providing support for the development and where necessary, the appropriate mitigation provided.

In summary the key issues highlighted were:

Traffic growth; trip distribution; impact on local highway network; secondary access provisions; internal site layout and elements of the site access design.

I would recommend that further discussions between LCC, your council and the developer are held in order to consider the additional information that is required. Lancashire County Council is more than willing to work with the developer's consultant to identify options that could address these concerns.

Additional correspondence was received from LCC on 17 December in relation to ongoing dialogue with the applicants that outlined the following matters:

The additional information made available (supplementary data provided by SCP in November 2012) included a comprehensive Technical Note, revised Appendices showing traffic impact modeling, a Stage 1 Safety Audit from Madhavan Design and detailed response from Bill Booker of SCP.

In the conclusion to my original comments, I highlighted areas of concern regarding the possible detrimental highway impacts of elements of the proposal and asked that the applicant consider these aspects in greater detail in an attempt to resolve these matters.

It was my contention that the Transport Assessment underestimated the likely impact of the development and I asked that further information be provided in respect of the TA to address the issues highlighted as the LHA must be satisfied that the likely level of impact has been assessed before providing support for the development and where necessary, the appropriate mitigation provided.

Accordingly the following matters were considered in greater detail:-

### 1. Traffic Growth

As detailed in the Technical Note (WB/NS/GS/12036 of 13 November 2012), a revised figure for the traffic growth calculation for the 2013 to 2023 traffic movements has been agreed. This has resulted in a factor of 1.088 for the AM peak and 1.090 for the PM peak being incorporated into the subsequent assessment figures.

### 2. Trip Distribution

The Technical Note reviewed the original trip distribute and the revised vehicle assignment for the proposed development site is agreed as more representative of existing and anticipated vehicle movements.

### 3. Impact on the local highway network

The modelled outcomes, provided on 16 November 2012, reveal a number of issues regarding the future, safe operation of some junctions and their ability to operate effectively in response to the levels of additional vehicular movements directly attributable to traffic generated by the proposed development. These figures identify two areas of concern, the performance of the Clitheroe Road and Station Road arms in 2023. The figures for the remaining arms and time periods are consistent with normal daily fluctuations in demand.

The operation of the Clitheroe Road arm of the mini-roundabout is affected by the presence of parked vehicles on the exit and approach. Prior to the submission of this application, the possible introduction of a length of prohibition of waiting was being considered at this location as a measure to improve highway safety and the efficient operation of the mini-roundabout.

The proposal being considered would see an extension of the existing lengths of prohibition on Clitheroe Road, by 16m to the west side and 46m to the east side. This is one potential means for improving the geometry and the flow through the mini-roundabout at this arm.

In addition, the operation of this feature could be amended

through minor physical engineering measures to improve approach widths or other geometrical aspects of the mini-roundabout that would result in its improved function.

The operation of the Station Road arm of the mini-roundabout is affected by the presence of parked vehicles. There are existing lengths of prohibition of waiting to the west of the mini-roundabout that provide a clear approach in the immediate vicinity of this feature. However, the alleviation of some delay on the Clitheroe Road approach would improve the performance of this arm, particularly for vehicles turning left to access the A59 via Wiswell Lane. To assist with turning efficiency on this arm, the provision of a short flare could be investigated.

The impact of the increased activity on pedestrians and cyclists is equally significant. As well as the loss of residential amenity, the increased queuing may encourage pedestrians to cross within areas of standing traffic, where visibility is limited and protection minimal.

On this basis, it is my understanding that the development could adversely affect the operation of the local highway network to the detriment of highway safety. However, these negative impacts are based on small changes in vehicular activity and the sensitivity of the capacity calculations present in Whalley must be taken into account.

#### 4. Secondary access provisions

There is considerable merit in securing an acceptable pedestrian/cycle link from the site at Broad Lane, as it would provide a direct focus for pedestrian movements from Whalley rail station and existing bus services. At present there are no footway provisions on Broad Lane and the junction layout at Mitton Road provides for significantly substandard visibility for emerging motorists.

A sketch proposal (SCP/12036/SCP2) for a draft scheme has been included in the supplementary information. This does attempt to improve visibility by extending the kerb edge and drawing forward the STOP line. However, there are no improved provisions for pedestrians and cyclists leaving the site and no measures to assist their movement from the site to Mitton Road.

I have attached a further sketch plan (Broad Lane 3 12 637), that identifies a possible priority working arrangement. The intention of this plan is to initiate further discussions concerning the provision of a significant and realistic improvement that would allow the secondary access from the development site to Broad Lane, with links to the Mitton Road junction.

The measurements I have included are based on a rudimentary survey of the available road widths and limited

construction considerations. Such a scheme would require, as a minimum, the local widening to the west side of Broad Lane, along a section of the frontage of the site. This may impact on the existing tree growth.

#### 5. Internal site layout

The Planning Layout provides a degree of detail regarding the potential layout of the site that includes on street parking elements and reference to garaging facilities. I have every reason to anticipate that this layout will provide adequate provisions for individual properties and areas of communal activity.

#### 6. Site access design

I have no concerns regarding the capacity of the proposed junction with Mitton Road or the ability of the applicant to secure an acceptable access design that will deliver acceptable sightlines for traffic emerging from the site.

The unhindered movement of through traffic on Mitton Road as it passes the site entrance is maintained by virtue of the system of solid white lining that extends from 21 Mitton Road north and west towards Nethertown Close.

It has not yet been established by the applicant if the appropriate criteria have been met that would allow this safety treatment to be retained or if some other measure is required to control on street parking in this vicinity. There are clear limitations on the ability of the LHA to bring to conclusion proposals for the introduction of lengths of prohibition of waiting. The inclusion of Grampian style clauses does not provide any party with confidence regarding its outcome and I am content to avoid the use of such a condition in this instance where more comprehensive and deliverable measure remains available.

Wherever possible these issues should be addressed through the engineering and design of a scheme. In this instance, retaining the solid white line system would be desirable and the applicant should submit drawings identifying an appropriate road marking arrangement, subject to a survey of the road layout satisfying the relevant Department of Transport requirements.

Reference is made in the Safety Audit to restricted visibility on the north side of Mitton Road for pedestrians utilizing the proposed refuge to the east of the access. The suggested maintenance of the foliage that falls within the highway will be beneficial, but even this will provide approaching motorists with a maximum 50m forward visibility of pedestrians approaching the kerb edge to cross at this point. Pedestrian confidence could be further undermined by motorists failing to indicate when turning into the right turn lane towards the proposed site.

In order to improve forward visibility of pedestrians, the location of the refuge and the associated drop kerbs should be reviewed, as a significant benefit could be derived from a relatively minor alteration in their position.

In conclusion, there remain some outstanding matters but the opportunity exists to resolve these issues through further discussion. Therefore, subject to the applicant providing suitable measures designed to provide mitigation against the detrimental impact of the additional site generated traffic, I continue to have no objection in principle to this application on highway safety grounds.

LANCASHIRE COUNTY  
COUNCIL (PLANNING  
CONTRIBUTIONS):

**Transport**

The application is being assessed by the transport team. However, precise details have yet to be verified.

**Education**

This consultation response seeks to draw the Council's attention to impacts associated with the development and propose 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 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 41 primary school places and 29 secondary school places.

Calculated at 2012 rates, this would result in the following claim:

Development details: 116 dwellings

Primary place requirement: 41 places

Secondary place requirement: 29 places

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

WHALLEY CHURCH OF ENGLAND PRIMARY SCHOOL  
LANGHO AND BILLINGTON ST LEONARD'S COFE VA  
PRIMARY

BARROW PRIMARY SCHOOL

Projected places in 5 years: -28

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

ST AUGUSTINE'S ROMAN CATHOLIC HIGH SCHOOL

## BILLINGTON

Projected places in 5 years: -34

### **Education requirement:**

#### **Primary**

*Latest projections*<sup>1</sup> for the local primary schools showing there to be a shortfall of 28 places in 5 years' time, the shortfall will occur without the impact from this development. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield **of this development**, i.e. 41 places.

#### **Secondary**

*Latest projections*<sup>1</sup> for the local secondary schools showing there to be a shortfall of 34 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. 29 places.

### **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 41 primary school places and 29 secondary school places.

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

Primary places:

$(£12,257 \times 0.9) \times \text{BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)}$   
= £11,635.65 per place  
£11,635.65 x 41 places = **£477,062**

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 29 places = **£508,449**

This response is based on the latest information available at the time of writing and circumstances may change over time, as other applications come forward. Consequently this response may require re-evaluation if the determination of the application is delayed significantly.

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

LANCASHIRE COUNTY  
COUNCIL (ARCHAEOLOGY):

Initially commented on 7 September 2012 that the site of a possible Roman Villa identified as work as part of an undergraduate dissertation had been brought to the attention of the County Archaeology Service. The surviving remains of such a site have the potential to be of national importance and would be considered to be worthy of preservation in situ. This would have undoubted ramifications on the proposed layout of the site and consequently LCAS therefore requested that further predetermination archaeological investigation of the site was necessary both in the form of an assessment of the dissertation evidence and its primary sources and further geophysical survey of the area in accordance with Section 128 of the NPPF.

An update position was sought from LCC on 11 December 2012 at which time they advised nothing was found in the trenches excavated to suggest that there is any archaeological interest in the site. However, at that time a report detailing the investigations undertaken by the applicants' archaeological contractors was still awaited.

LANCASHIRE COUNTY  
COUNCIL (PLANNING):

In a response dated 17 August 2012 comment the application is a mineral safeguarding area as defined by emerging policy M2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies (DPD) and proposals map, and protected by Policy CS1 of the Adopted Joint Lancashire Minerals and Waste Local Development Framework Core Strategy. They suggest in line with national policy, the Core Strategy and the emerging policy M2 of the Site Allocations and Development Management Policies document that a site survey is carried out by a competent geological consultant in respect of this scheme. This would assess the extent and quality of the reserves and whether sand and gravel could be extracted prior to development through reference to the criteria set out in Policy M2. If this survey shows the application has a potential to sterilize sand and gravel reserves, Ribble Valley Borough Council will need to consider whether the need for development outweighs the need to safeguard or extract the mineral resource, and whether the mineral resource can be extracted prior to the development without increasing flood risk to the site.

Further correspondence was received on 11 October 2012 following the submission of further information from the applicant. The information provided identified the presence of sand and gravel, it does not discount it as workable in principle. The information provides an estimated volume of 140,400m<sup>3</sup> of sand and gravel which represents a modest supply in the context of the county's annual production rates. Most sand and gravel quarries occur near rivers as this is where the greatest share of workable sand and gravel resources are found, extraction of this mineral could exacerbate flooding in the local area.

The local issue of proximity to nearby housing would be a matter for the Council's Environmental Health Officer. The scale of this development means it cannot be seen as temporary in nature as it would permanently sterilize the mineral resource. On the basis of this Lancashire County Council therefore comment again that in this context it is for Ribble Valley to consider whether the development is contrary to the Development Plan, through reference of the criteria set out in emerging policy M2, and specifically whether there is an overarching need for the incompatible development that outweighs the need to avoid sterilization of the mineral resource.

ENGLISH HERITAGE: Have considered the information and do not wish to offer any comments on this occasion – it should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

NATURAL ENGLAND: From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals maybe able to help the LPA to fully take account of the environmental value of this site in the decision making process. LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

CPRE: Object to the application with their concerns summarised as follows:

1. Views from two AONBs and Conservation Area – the impacts of development here on the visual landscape should be fully considered. The use of appropriate scaling and materials that fit into the local context is important and we remain unconvinced that the current designs represent the best quality and designs that could be achieved for this site.



2. Loss of pasture land.
3. Access and transportation.
4. The scale and nature of the village would be significantly impacted by the proposed number of houses.
5. Developer contributions – RVBC should maximise developer contributions on high value land in high value locations to provide much needed community facilities.
6. Absence of an up to date Local Plan – CPRE Lancashire are concerned that in the absence of an adopted Core Strategy and the Districtwide Local Plan being significantly out of date, RVBC decision makers may too readily permit development.
7. CPRE want reassurance that the cumulative impact of this and other housing development is being fully considered by officers and elected Members when making their decisions.

**ENVIRONMENT AGENCY:** Initially objected to the proposed development as submitted until further investigation work was undertaken to ensure that flooding risk is not increased on the site and elsewhere (response dated 22 August 2012).

A subsequent response dated 3 October 2012 states they are in a position to remove their original objection to the proposal (following receipt of additional information) subject to the imposition of conditions.

**UNITED UTILITIES:** Commented on 19 November 2012 that there is capacity within the waste water infrastructure to serve this proposal on the basis of planning permissions granted up to 1 October 2012. However, there are a number of applications/appeals under consideration in the catchment area for the waste water treatment works by both the Planning Inspectorate and Local Planning Authority. If further planning permissions have been granted or appeals allowed since this date, the position may change.

On the basis of the information available at the date of response, there is no objection to the proposal subject to the attachment of a number of conditions on any consent granted.

**ADDITIONAL REPRESENTATIONS:** A total of 146 letters of objection have been received to this development including a representation made on behalf of the Save Whalley Village Group. Members are referred to the file for full details of the concerns raised which can be summarised as follows:

1. As RVBC has reached its five-year supply of land

allocated for building, the application is premature in advance of the Core Strategy. The five-year supply has been achieved under the proposed number of 200 units per year.

2. The proposed development is outside the settlement boundary and would represent an urban extension into the open countryside to the detriment of the visual amenities of the area contrary to Policies G1 and ENV3.
3. It is not in keeping or character with the rest of the village which has historically grown along its main artery.
4. The modern housing proposed is bland and characterless.
5. The proposed development would be the largest single development in the village.
6. The application is not sustainable under the terms of NPPF as it proposes only the building of houses and offers nothing by way of infrastructure improvements, employment opportunities or economic provision.
7. Brownfield should be developed before greenfield.
8. There is opportunity for further smaller developments that should be considered that would have less impact than developments of this scale and be more in keeping with the character of the village.
9. It is green belt land.
10. A critique of the submitted TA which questions the methodology, assumptions and data submitted.
11. Development would have a detrimental impact on the local highway network if this development is approved and added to the traffic generated by other developments already approved since 2008.
12. It is likely that foot traffic generated by the proposals will head towards The Sands, via Broad Lane to access the village centre – there is very limited provision for pedestrians with no pavements and poor street lighting and how would the emergency access on Broad Lane be policed?
13. Access to the proposed site is on a blind bend and as numbers 15, 17, 19 and 21 Mitton Road have only on-street parking they use the area proposed for access as a turnaround.
14. Traffic will use Broad Lane to avoid the junction of

Mitton Road and King Street.

15. Increased parking difficulties.
16. The site contributes to the significance of the Conservation Area and its loss to development would have a significant adverse effect on the setting of the Conservation Area and listed buildings including the Abbey and viaduct.
17. The development contravenes a statutory duty to protect the Conservation Area and listed buildings and does not conform to national or local plan policy.
18. The views into and out of the Conservation Area will be severely affected by the construction of this development, particularly from The Sands/Broad Lane/Ridding Lane. This is one of the most popular views of Whalley and features in publicity material, photographs and postcards. It forms an important component of the rural backdrop beyond the viaduct and defines a clear visual boundary.
19. The development will lead to the perception that the viaduct is enclosed in housing for almost the entire valley north of the river. The rural setting as viewed from the west, or across Whalley from the Nab will be lost thereby destroying this highly recognisable landscape.
20. The development would lead to the merging of Whalley, Nethertown and Calderstones as one community – the individual character of these smaller communities will be completely lost.
21. Question impact on archaeological remains.
22. The loss of views of the village by building on this open land will have a detrimental impact on the number of visitors and in turn the businesses in the village that rely on tourism.
23. Agricultural land should be kept for agriculture – the field has been used by local farms for sheep and/or cattle during winter and then for hay or laylage during the spring and summer months (photographs have been provided to show the field in agricultural use).
24. Sustainability – to build on land which may soon be needed to feed people is short-sighted and unsustainable.
25. Three-storey terraced houses will detract from the imposing and dramatic nature of the viaduct.

26. Question the design as dwellings are to be mainly brick whereas Cross House is stone with a stone/slate roof and the nearest houses on Mitton Road have red tiled roofs and are rendered.
27. It is an area subject of flooding (surface water from drains and the sewers and river bursting its banks) and the FRA does not recognise this.
28. Question capacity of sewage works to accommodate development.
29. The geo-environmental site assessment says the land is not suitable for building houses with normal foundations – it would not be the first time unsuitable land has been used for building in Whalley.
30. Concerns regarding education – the difficulties of finding a primary school place in Whalley school are well known within the community. Lancashire has no plans to build any new schools at present.
31. Reference to Calderstones and the proposed school that never happened.
32. Too great a strain will be placed on the health care.
33. Loss of privacy from building on higher ground to existing houses.
34. Noise disturbance.
35. Pollution.
36. Loss of sunlight from garden areas.
37. There is an abundance of wildlife that resides on the site – Herons have been spotted on the site.
38. Loss of view.
39. Concerns that the application was submitted in the holiday period and only 3 weeks to provide comments.
40. Consent has been refused previously for building on this land.
41. Effect on house prices.
42. Whalley does not need any more housing – there are plenty of existing ones for sale.
43. Whalley will lose its status as a village and become a town.

## **Proposal**

The proposed application seeks full planning permission for the residential development of the site comprising 137 dwellings (116, two, three, four and five bedroom dwellings and 21, one bedroom bungalows) together with associated landscaping, open space, drainage infrastructure, car parking and access roads. The 137 dwellings comprise a mix of types and sizes including provision of 21 bungalows arranged in mews style courtyards for accommodation by older people. 30% (41 units) of the development would also be provided as affordable housing comprising 2 and 3 bedroom properties and half of the older persons' 1 bedroom bungalows.

In terms of layout the existing hedgerow and tree line running broadly from east to west across the site is to be retained and form a green corridor through the proposed scheme, with development parcels located to the north and south. These areas are in turn divided into three character areas defined in the submitted documentation as courtyard (development enclosing street and courtyards); viaduct (higher density and taller development located along the Broad Lane edge) and country edge (lower density housing forming the south western edge of the development). The layout provides for a number of bungalows offering specialist older persons accommodation, set out in two mews style arrangements around central courtyards. One is located to the north of the central green space and one is proposed at the southern edge of the development. The development is laid out with a hierarchy of streets and routes including main streets, shared surface routes, cycle paths and pedestrian footpaths linking to the surrounding area and perimeter roads and footpaths.

The scale and design of development ranges from single storey bungalows (approximately 5.6m) to three storey dwellings nearer to the viaduct (approximately 9.1m). The courtyard character area will include predominantly two storey dwellings; the country edge will contain 2 to 2½ storey properties and the viaduct area will comprise predominantly 3 storey properties to reflect the form and scale of the arches. This approach provides for a decrease in scale away from the viaduct. In terms of facing materials, the 'courtyard' house types will provide a mix of red and buff bricks, render and stone detailing with materials grouped around the main street spaces and key corners; 'country edge' house types will similarly use red and buff brick, stone and render and the 'viaduct' dwellings will be red brick with smooth red brick detailing.

The 2.3 hectare balance of the undeveloped site area (3.8 hectare of a site being used for residential development) will be laid out and managed as open space to serve the proposed dwellings and preserve the landscape appearance of the river corridor to either side of Ridding Lane between the viaduct and the A59 embankment. This area will also preserve the part of the site outside the zone 1 flood risk area. A locally equipped area for play (LEAP) will be provided in close proximity to the proposed housing, along with more informal recreation space and landscaping. The landscaping strategy for the site will also allow for ecological enhancement.

A new vehicular access will serve the development from Mitton Road. The access proposals include the formation of a ghost island in the Mitton Road carriageway and a pedestrian island located to the east of the proposed access to allow pedestrians to cross. There will be no vehicular access into Broad Lane (except for emergency vehicle access) or Ridding Lane. Pedestrian access will be provided to Broad Lane/Mitton Road and Ridding Lane to provide access to the railway station, bus stops and village centre.

## **Site Location**

The application site is approximately 6.2 hectare in size and comprises two fields separated by a central hedgerow and tree line that roughly follow a change in land levels as the land falls away towards the River Calder. The site levels slope from approximately 49.39m AOD on the north western boundary to 43.13m AOD on the south eastern boundary. The site is bounded by

the A59 by-pass at an elevated level to the west, Mitton Road to the north, Broad Lane to the east and Ridding Lane to the south with the River Calder beyond. There is a single dwelling and its associated garden area adjacent to the southern corner of the site at the junction of Ridding Lane and Broad Lane with Whalley Viaduct (Grade II listed structure) to the east beyond Broad Lane. The whole of the site lies outside the settlement boundary of Whalley within land designated open countryside.

### **Relevant History**

3/86/0391/P – Two dwellings and garages. Refused. Appeal dismissed.  
3/84/0552/P – Two dwellings and garages. Refused 10 January 1985.  
3/80/1180/P – Residential development, stables and riding school. Refused.  
6/10/0850/P – Residential development. Refused 28 November 1960.  
6/10/0542/P – Residential development. Refused 24 June 1957.  
6/10/1259/P – Residential development. Refused 27 April 1964.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan Adopted June 1998*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy G11 - Crime Prevention.

Policy ENV3 - Development in Open Countryside.

Policy ENV6 - Development Involving Agricultural Land.

Policy ENV7 - Species Protection.

Policy ENV9 - Important Wildlife Site

Policy ENV10 - Development Affecting Nature Conservation.

Policy ENV13 - Landscape Protection.

Policy ENV16 - Development Within Conservation Areas.

Policy ENV17 - Details Required with Proposals in Conservation Areas.

Policy ENV19 - Listed Buildings.

Policy H20 - Affordable Housing – Villages and Countryside.

Policy H21 - Affordable Housing - Information Needed.

Policy RT8 - Open Space Provision.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

*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.  
Whalley Conservation Area Appraisal and associated Management Guidance.  
Historic Environment Planning Practice Guide.  
Lancashire Minerals and Waste Local Plan 2006.  
Lancashire Minerals and Waste Development Framework Core Strategy.  
Emerging Policy M2 Lancashire Minerals and Waste Site Allocations and Development Management Policies DPD.

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

This application was made valid on 20 July 2012, with the 13-week target period ending on 19 October 2012. No formal decision has yet been made in relation to this application with the delay due to ongoing discussions in respect of numerous aspects of the scheme. Despite these ongoing discussions, the applicant has sought to appeal against non-determination of the application. Therefore the purpose of this report is to gain Council and Planning and Development Committee support/approval for the following reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case.

The matters for consideration are the principle of development, highway safety, infrastructure provision, ecological considerations, visual and heritage impacts on 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 a number of elements at the current time - the RS (whilst soon to be abolished remains extant), the Districtwide Local Plan (Saved Policies) and the Regulation 22 Submission Draft of the Core Strategy.

The RS provides a position in relation to the housing requirements, affordable housing and the broad focus of development. Primarily, Policies 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 plan 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 with a judgement being made in relation to the weight to be attached to the key material considerations.

In terms of the saved Local Plan policies the site lies outside but immediately adjacent to the existing settlement boundary. However, it is noted that Whalley is a settlement within the emerging Core Strategy that has been identified as a key service centre where a level of growth is to be accommodated in future years. In that regard it is considered that the settlement will need to expand beyond its existing boundaries to accommodate the level of growth envisaged in the Regulation 22 Submission Draft of the Core Strategy.

Similarly, it is recognised that 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 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, given the outstanding objections to the emerging Core Strategy in respect of housing numbers and apportionment of growth, 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 are considered out of date granting permission 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.

However, I am mindful of the comments provided by colleagues at LCC in respect of the relationship of this development with a modest mineral reserve at this site and that if there is a need for the housing to be built then this would outweigh the need for safeguarding the minerals. If however there is no need for this site to be developed for housing then in accordance with LCC emerging policy the minerals should not be sterilised. In this respect, given the comments made above regarding housing land supply, further guidance has been sought from the Council's Head of Regeneration and Housing who has commented that the 'need' question now has to be looked at in a number of revised scenarios, namely the five year supply position being revisited following the Barrow appeal decision, need for land in Whalley being looked at in the context of our current Core Strategy proposals and SHLAA opportunities together with the wider issue of need for housing to meet requirements within the borough. Work is currently being undertaken to update the SHLAA but as yet progress is yet to be taken forward on allocations. Until this additional work is concluded, he is unable to give a definitive answer to the question posed by LCC on the need issue. Discussions are ongoing with LCC



regarding this to ascertain whether they would recommend a refusal on minerals grounds that could be substantiated at appeal.

At the time of drafting, further clarification had not been received and thus I conclude that 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. 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 H20 and H21 of the DWLP, H3 and DMH1 of the Regulation 22 Submission Draft of the Core Strategy and the Council's housing document entitled Addressing Housing Needs.

The scheme is submitted with 30% of the site being offered as affordable units (41 units) with this then split between 2-bed housing (21 units), 3-bed housing (10 units) and the remaining 10 units being offered as 1-bed bungalows. These details have been discussed by the Strategic Housing Working Group who have commented that the affordable offer meets the requirements set out within the Addressing Housing Needs Policy Document but in terms of house types have asked if 4 of the bungalows could be provided as 2-bedroom units instead of the 10, 1-bed bungalows as put forward in the draft Heads of Terms Document.

In terms of tenure type the request has been made that there are 21 affordable rent units across each of the house types and 20 shared ownership units in total.

There have also been negotiations regarding the phasing of the affordable units in terms of number of market dwellings that can be occupied before a registered provider is secured and number of market dwellings that can be completed before 100% of the affordable properties are completed. Initially there was a fallback mechanism proposed by the applicants to the effect that had the affordable units not have been purchased by an affordable housing provider they could then be sold on the open market free of restrictions. This was not acceptable and the Council's Housing Strategy Officer suggested an alternate clause whereby in the event that no registered provider is secured, the affordable units being delivered as private rented property (with the rent set within local housing allowance rate) and as discount sale at 40% from open market value.

As Members can see there have been ongoing negotiations in respect of the affordable housing element of this scheme since submission with the Legal Agreement content sub-heading later within this report providing specific details for the clauses covering affordable housing. (It should be noted that the only formal response made by the applicant to the requests from the housing working group was to query the request for two bedroom accommodation for the over 55's.)

### Highway Safety

It is clear from the observations of the County Surveyor that from the outset he has raised no objections in principle to the proposal on highway safety grounds. There were questions raised about some of the data submitted in the initial Transport Assessment (TA) and there has been ongoing dialogue between the respective highway professionals to clarify these areas with additional information submitted for due consideration. As Members will note many of the objections to this development relate to matters of highway safety and the ability of the existing road network within the area to cope with the level of traffic generated by this development.

The scheme provides for a new vehicular access to serve the development site from Mitton Road. The access scheme includes a ghost island right turning lane and includes a pedestrian island located to the east of the proposed access to allow pedestrians to cross Mitton Road. In order to accommodate the ghost island right turning lane, Mitton Road would be widened marginally. No vehicular access is shown on to Broad Lane (other than the route of an emergency access in the north east corner of the site) or Ridding Lane. Pedestrian access is available to both Broad Lane and Ridding Lane.

The TA submitted in support of the application make reference to the committed developments at Calderstones and Hayhurst Road and provides information on proposed trip generation. Discussions led to the inclusion of the Lawsonsteads development which was approved after the submission of the initial TA with these proposals estimated to result in less than 1.5 vehicles per minute on average entering the highway network in the AM and PM peak hours. Junction capacity test data has been provided for the following locations – site access/Mitton Road; Station Road/King Street/Clitheroe Road/Brookes Lane; King Street/Accrington Road and Clitheroe Road/Wiswell Lane.

It is proposed that should consent be forthcoming, a travel plan would be provided (by imposition of a condition) to promote sustainable modes of travel. The Transport Assessment references that bus stops are within a 5 minute walk of the site and Whalley Train Station is in close proximity. The village centre is within a 10 minute walk of the site.

Concerns over the assessment of the safe and efficient operation of the immediate highway network through Whalley village are understandable. The nature of on street parking patterns, the volume of through traffic and the operation of the two mini-roundabouts make for a complex set of highway parameters with sensitive outcomes.

Therefore, while the data provided confirms that individual junctions in Whalley are operating close to their theoretical capacity and can experience periods of delay with the existing demands being placed on the highway infrastructure, these delays appear to be very localised and typical of a compact road network serving a large village where the main street has to serve the conflicting interests of deliveries, public transport, parking, pedestrians and through traffic.

The updated response from the County Surveyor to the additional information submitted clearly specifies he concludes that whilst at this time there remain some outstanding matters the opportunity exists to resolve these issues through further discussion. Therefore, subject to the applicant providing suitable measures designed to provide mitigation against the detrimental impact of the additional site generated traffic, he continues to have no objection in principle to this application on highway safety grounds.

Having regard to paragraph 32 of NPPF development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. On the basis of the very detailed observations and advice offered by the County Surveyor in respect of this development, I must conclude that implementation of this scheme subject to appropriate mitigation measures would not prove significantly detrimental to the local highway network and as such, should not be resisted on highway safety grounds.

### Play and Open Space

On a site of this size under Policy RT8 of the DWLP and DMB4 of the Regulation 22 Submission Draft Core Strategy the layout of the development is expected to provide adequate and useable public open space. In this development the approach taken is to layout the 2.3 hectare balance of the undeveloped area of the site as open space to serve the proposed dwellings and preserve the landscaped appearance of the river corridor.

The proposed layout denotes a locally equipped area for play (LEAP) to the southern part of the site adjacent to, but outside flood zone 1, that runs alongside Ridding Lane, along with more informal recreation space and landscaping. A landscaped strategy for the site will also allow for ecological enhancement particularly in connection with the proposed surface water balancing pond and habitat are proposed adjacent to the existing watercourse to the west of the site entrance road. The precise details of all of these would be subject to further detailed design specifications required in order to discharge appropriately worded conditions should consent be granted. On the basis of this I am satisfied that the open space and landscaping put forward would comply with the requirements of plan policy.

### Infrastructure Provision

Members will note from the consultation responses section of this report that concerns have been expressed by both Parish Council and objectors about the ability of the existing infrastructure of Whalley to cope with the additional demands generated by this development.

In respect of education the consultee response from LCC identifies that a scheme of this size generates 41 primary and 29 secondary school places. This cannot be accommodated within the existing schools and thus a sum of £477,062 is sought towards primary and £508,449 towards secondary provision. They have commented that failure to secure these contributions would mean they are unable to guarantee that children living on this development would be able to access a school place within a reasonable distance from their homes. At this stage they are unable to specify the school(s) which would have additional places provided due to the statutory processes surrounding school expansion and the need for consultation. The applicant is aware of the need for a contribution and included provision for it within their draft proposed Section 106 Head of Terms document appended to their submitted Planning Statement. Objectors have referred back to a historic situation with the redevelopment of the Calderstones Hospital site and potential school site there. Whilst mindful of events that have occurred in the past it is important for Committee to focus on the response that colleagues at LCC in response of this particular scheme. In their opinion and financial contribution is the appropriate way forward to provide enhanced primary and secondary provision and Members should be satisfied that due consideration has been given to this matter in reaching that conclusion.

There have been objections made to this development on the grounds of flood risk with reference made to recent flooding on site that has impact upon the dwelling at the southern boundary of the site – Cross House. Indeed when the Environment Agency initially commented on this scheme, they stated that the Flood Risk Assessment submitted with the application incorrectly stated that the site never floods and made reference to July 2012 when the site flooded as the River Calder came out of bank and flowed through the site. They therefore at that stage objected to the proposed development as submitted until further investigation work was undertaken to ensure that flooding risk is not increased on this site and elsewhere as a result of this development.

The majority of the site lies in flood zone 1, an area to the south lies within flood zone 2 and the land adjacent to the River Calder lies within flood zone 3. Correspondence from the applicant to the Environment Agency dated 30 August 2012 clarified that the development layout does not include any residential development within zones 2 and 3 ie all residential plots are located within flood zone 1. It also made reference to the proposed floor levels of the development which are to be set no lower than 44.50m AOD, some at 1.37m above the one in 1,000 year event and 2.31m above the one in 100 year flood level including allowance for climate change. Reference was also made to the fact that the site may have been impacted by flooding from overland flows due to the impermeable soils and that this has been considered in the surface water drainage design put forward. The surface water network for the site being designed to attenuate flows to the green field run-off rate and a detention pond to retain flows on site with overland flow routes considered to ensure that the proposed properties do not flood. By

ensuring that the post development run-off rates do not exceed the pre-development run-off rate, the applicants are of the opinion that flood risk as a result of the development will not be exacerbated and not impact on the existing properties or land. The Environment Agency studied the additional information submitted and responded on 3 October stating that having regard to that they were in a position to remove their original objection subject to the imposition of conditions on any consent granted. Therefore in respect of the potential implications of this development on flood risk issues I am of the opinion that this has been examined in detail by our statutory consultee on this matter and that Committee should be guided by them. Thus notwithstanding concerns raised in this by objectors, I must conclude that, subject to the safeguards requested by the Agency, development should not be resisted on this ground.

Reference has been made to the capacity of the existing treatment works to accommodate this scale of development and as Members will be aware from previous submissions within the catchment area for work this is something that has been, and continues to be, examined closely by United Utilities. The response received in relation to this application clearly states that on the basis of permissions granted up to 11 October 2012, there is considered to be capacity within the network to accommodate this development. Thus no objection is raised and Committee should be guided by our consultee on this technical matter.

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

This is a greenfield site and there are trees and hedgerows within and aligning the site boundaries. As part of the application an ecological survey and assessment, tree report and agricultural land classification (ALC) report have been submitted to help inform design and site layout considerations. The ALC report identifies the land as Grade 3b – moderate quality agricultural land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops. Objectors have provided photographic evidence to demonstrate that the site is still in agricultural use but at Grade 3b it would not be classed as the best and most versatile agricultural land that Policy ENV6 of the Districtwide Local Plan seeks to safeguard.

A total of 25 trees and five groups of trees were surveyed as part of the assessment submitted in support of the proposal. Trees across the site are Sycamore, occasional Ash and Oak and classed as fair in terms of quality. Construction of the development would result in the loss of 4 trees with the layout being designed around the natural features of the site thereby maintaining key hedgerows and trees throughout.

The ecological report submitted does not detect any rare or uncommon plant species on site. The hedgerows and tree lines being linear habitats have some function as wildlife links for bats, bird and small mammal movements and no evidence of protected species was detected at the site or in the immediate surroundings. The Council's Countryside Officer has examined the submitted information and has raised no concerns to indicate that, subject to appropriate safeguards, there are any justifiable reasons to withhold consent on nature conservation grounds.

#### Heritage

The application site extends to approximately 6.2 hectare and is located to the west of the centre of Whalley. The site abuts Whalley Conservation Area at its south eastern corner and can be regarded as being within the setting of that and listed buildings including the viaduct (grade II).

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development that affect a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving

the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

National guidance contained within the NPPF, specifically Chapter 12, details conserving and enhancing the historic environment. Paragraph 131 provides advice when determining planning applications, noting that Local Planning Authorities should take account of:

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

Paragraph 132 provides more advice when considering the impact of a proposed development on the significance of a designated heritage asset, with paragraph 133 noting that where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against public benefit of the proposal, including securing its optimum viable use (paragraph 134). Paragraph 137 comments that '*Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting make a positive contribution to or better reveal the significance of the assets should be treated favourably*'.

Local Planning Policy ENV16 is of relevance noting that within Conservation Areas development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials. Trees, important open spaces and natural features will also be protected as appropriate, and the desirability, preserving or enhancing the character or appearance of the Conservation Area will also be a material consideration in deciding development proposals outside the designated area which would affect its setting or views into or out of the area.

Policy ENV19 concerns itself with 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 that setting may be limited to ancillary land, but may often include land some distance away from it.

The basis of the above Local Plan policies have been carried forward into the Regulation 22 Submission Draft of the Core Strategy document in Policy DME4 and also key statement EN5.

The relevant sections of NPPF have already been quoted within this report and it is also important to have regard to guidance offered within HEPPG (A practice guide to PPS5, which remains valid as a government endorsed document pending its review of guidance supporting national planning policy as set out in its response to the select Committee). Paragraph 76 states that ... *the key to sound decision making is the identification and understanding of the*

*differing, and perhaps conflicting heritage impacts accruing from the proposals and how they are to be weighed against both each other and any other material planning considerations that would arise as a result of the development proceeding.*

Paragraph 80 'New development: design in context' of the Practice Guide states *A successful scheme will be one whose design has taken account of the following characteristics of the surroundings, where appropriate:*

- (i) The significance of nearby assets and the contribution of their setting.*
- (ii) The general character and distinctiveness of the local buildings, spaces, public realm and the landscape.*
- (iii) Landmarks and other features that are key to a sense of place.*
- (iv) The diversity or uniformity in style, construction, materials, detailing, decoration and period of existing buildings and spaces.*
- (v) The topography.*
- (vi) Views into and from the site and its surroundings.*
- (vii) Green landscaping*
- (viii) The current and historic uses in the area and the urban grain.*

Having regard to the relationship of the site with the Conservation Area, listed viaduct and other buildings of historic interest (both designated and non designated) the Council's Design and Conservation Officer has been consulted on this scheme. Members are referred to the file for his full response but to summarise, in his opinion the proposal would be unduly harmful to the character, appearance and significance (including setting and views into/out) of Whalley Conservation Area and the character (setting) and significance of Whalley Viaduct (Grade II listed) and Whalley Abbey (Grade I listed).

It is acknowledged that (i) the proposed development site is outside of Whalley Conservation Area and (ii) Whalley Conservation Area has been recently extended to include the most obvious omissions. However, in his opinion, the considerations of special architectural and historic interest above apply to the development site in consideration of its impact upon the setting and views into and out of Whalley Conservation Area. He concludes that:

*In summary, this land is very important in maintaining the attractive, rural and tranquil historic and architectural context of Whalley Conservation Area which is formed by the immediately adjacent felicitous combination of fields, historic structures and the River Calder.*

*From the A59 it is the viaduct which dominates the otherwise bucolic landscape (recent additions at the historic textile mill site are unfortunate). Its value is primarily aesthetic and is sublime. In my opinion, the proposed development will be incongruous, conspicuous and visually intrusive and will dominate and detract from the setting and significance of the listed building.*

#### Layout/Scale/Visual Amenity

As stated previously this is a full application with details submitted of layout and design of all built elements. In respect of the layout and scale of the scheme I would comment that in the main a scheme has been brought forward that has regard to its surroundings in terms of scale and massing in the 'courtyard' and 'country edge' areas. The design of these areas picks up on features throughout the village and would not in themselves lead to detailed concerns in relation to the house types put forward. The remaining built form area is classified by the applicants as 'viaduct' in the submitted details and consists of 3 storey town houses immediately in front of the viaduct. Reference has been made under the heritage sub heading of this report to the viaduct and potential impact of this scheme on the setting of that listed structure. It is these proposed 3

storey units that would have the greatest visual impact not only on the heritage asset(s) identified within this report but also have a significant impact on the wider landscape.

In light of the concerns being raised in relation to the visual impact of this proposal in relation to both the heritage asset(s) and wider landscape area the Council have commissioned an independent and impartial landscape assessment of the site by a chartered landscape architect. The assessment has been carried out in accordance with the Guidelines for Visual and Landscape Assessments produced by the Landscape Institute and the Institute for Environmental Management and Assessment and provides the following observations:

Whalley lies at the boundary of two landscape character areas as described by Natural England, Character Area 35, Lancashire Valleys to the south and Character Area 33 Bowland Fringe and Pendle Hill to the north. The landscape type classification is undulating lowland farmland. Historically the land is classed as Ancient Enclosure. The setting of the village of Whalley is physically constrained on two sides by man made features, the A59 and the railway viaduct to the west and the A671 to the east, and by the River Calder to the south.

The proposals for the site are for mixed residential use, with a combination of high and low density housing, in three main styles, low density country edge, and high density courtyard terraces and viaduct influenced three storey town houses.

The proposed development site lies on the western outskirts of Whalley, on gently sloping ground to the south of Mitton Road, which is the main route from the village to the north east side. It is tightly defined by the A59 (T) bypass to the west, Ridging Lane, a public footpath, and thence the River Calder, to the south, and the railway viaduct and Broad Lane to the east.

Mitton Road for the most part has properties on either side, and those on the south side have rear gardens which immediately bound the development site. The bypass sits on a low, sparsely planted embankment raising the road above the floodplain, which offers some screening of the site from the west. The huge Victorian brick viaduct dominates the east side of the site, reaching a height of 70 feet (21 m) above the River Calder.

The south eastern most corner of the site brushes the edge of the Whalley Conservation Area, and the dramatic medieval stone Abbey gateway lies just the other side of the viaduct, marking the medieval edge of the village. Ancient earthworks just outside the eastern boundary of the site are thought to include the remains of another gateway.

The site lies very close to two important listed structures that are of great significance in the landscape. The first of these is the iconic Victorian brick viaduct which strides across the floodplain from Billington. North of the River Calder, unimpeded views of its' dramatic west elevation can be seen from the bypass and vantage points on many well used local footpaths. The second structure is the medieval north eastern gateway to the Abbey, which lies to the east of the viaduct within the Conservation Area. The ancient stone gateway still marks the western edge of Whalley, and the ancient village boundary is still intact in this south eastern corner of the village.

The drama of the viaduct crossing the floodplain, would inevitably be reduced by any development which takes place on its western side, impeding the views of the viaduct itself on the west side, and from the east side, removing the clear view through the arches of green fields beyond.

The impact upon the medieval gateway is more subtle, as direct views of the development will be limited, its setting will be affected, as its whole *raison d'être* comes into question if the site is developed: for over 700 years it has stood at the edge of the village with no development beyond it, save the viaduct itself.

The site, and the impact of any development here would be seen from a number of footpaths and lanes to the south, south east and west of Whalley, including from within the Conservation Area on Whalley Nab.

The development will have an impact on users of both the bypass and the railway where there is little vegetation to screen views into the site.

Views of the site from within Whalley village will be limited, as it lies at comparatively low level, and the viaduct largely screens it from the east, views into the site from travellers on Mitton Road will be limited to those at the site entrance, and longer views south eastwards from the entrance to Calderstones.

The proposals will have an effect in terms changes to visual amenity for residents with properties backing directly onto the Mitton Road site and those of properties not immediately adjacent to the site but with views into the site.

There are many footpaths south and west of Whalley some well used and others less so, those leading from the centre of the village are popular with local people and visitors alike. South of Whalley FP 20 along Ridding Lane will be most affected by the proposals, and visual intrusion will be very significant as part of the route follows the southern boundary of the proposed site, and the development will be very conspicuous from the bypass eastwards. At present the paved route along the lane is surrounded by open country on both sides, and apart from the underpass beneath the bypass, the path provides a pleasant walk along the River Calder, linking into a number of other routes. Views north from FP40 further south, on the opposite side of the river will be moderately to significantly affected by the Mitton Road development. There will be a slight impact to views from FPs 18 and 19 at Nethertown, as the bypass, and existing vegetation would screen much of the development from view. Because of its elevated position, overlooking Whalley, many views north and east from Whalley Nab will be affected. There are a number of footpaths and small lanes that are used by walkers here that will look over the Mitton Road site, some of these, on the lower sections of Moor Lane for instance, are within the Conservation Area, and the visual impact of the proposals here would be moderate.

In terms of the visual impact of this scheme for both local residents and visitors of roads and public open space around Whalley the greatest visual impact will be to users of the bypass. This could be described as very significant as the proposals will not be screened by any additional planting. Any tree planting along the edge of the bypass would screen out the prospect of the viaduct and is considered undesirable. The proposals are designed to present an attractive frontage to the bypass, however this will detract from the dramatic views of the western side of the viaduct. Furthermore the taller town houses, to be built in red brick, and running parallel to the viaduct, use similar materials to the viaduct, and their location immediately in front of the arches will give a confused and weakened view of the viaduct. The development of the Mitton Road site, spreads the footprint of the village beyond its existing bounds, extending the suburban sprawl in to open countryside.

The proposals will have a lesser impact on other roads in and around Whalley and will only be conspicuous from Broad Lane, where its visual impact will be very significant, Riddings Lane and Mitton Road.

The impact of street lighting and the increased light pollution which would be caused by the proposed development, should be considered. Even if methods are put in place to keep light pollution to a minimum level, lighting will be introduced into an area which has previously been dark.



In summary, the proposed development on Mitton Road would be a sizeable addition to the village of Whalley, which would be beyond the compact village boundary, significantly altering the perception of the whole settlement from the west, where the viaduct is currently perceived as defining the edge of the village.

From footpaths and lanes around Whalley and properties in Billington, the landscape character of the western side of Whalley will become suburban, the development will visually link Whalley to Netherton, which is currently seen as a separate settlement.

The proposals offer minimal mitigation measures to reduce the visual impact of the scheme: aside from the buffer planting around Cross House, there is no other screen planting proposed. There could be scope for some planting along the rear boundaries of properties on Mitton Road as a buffer to the existing back gardens. Treatment of and opportunities for mitigation on the open space in the south western corner of the site and the proposed balancing pond is unresolved. The design of the town houses running parallel to the viaduct are visually inappropriate, and rather than attempting to create a scheme that uses the viaduct as a dramatic backdrop, attempts to compete with it architecturally. This will be visually confusing and very detrimental to views of the viaduct.

The setting and character of the viaduct, a grade II listed structure, will be seriously affected by these proposals, the simple form of the viaduct stepping across the flood plain will be cluttered up with new buildings, from the east the backdrop of green seen through the arches will be lost or substantially reduced, while from the west the scale and symmetry of the arches will be reduced and weakened.

Therefore, having very carefully assessed the visual impact of the development proposal as put forward it is concluded that the scheme would prove detrimental to the visual amenities of the area and thus contrary to the saved policies of the Ribble Valley Districtwide Local Plan, the emerging policies of the Regulation 22 Submission Draft Core Strategy and provisions of the NPPF.

### Residential Amenity

In considering residential amenity it is important to assess the relationship with properties outside the site as well as between the units proposed as part of this scheme. To the north of the site are properties fronting Mitton Road whose rear buildings lines are between approximately 33m – 47m from the rear elevations of the proposed dwellings and at the north-eastern corner approximately 37m front to rear separation distances and 23m between the gable of one of the three-storey dwellings and side elevation of number 4 Broad Lane. Having regard to the scale and massing of the dwellings proposed, I consider there to be sufficient separation distance so as to not significantly compromise existing amenities.

To the south east corner of the site is Cross House and the layout denotes bungalows set approximately 43m distant and 2-storey dwellings some 45m away. There would be landscaped area between respective built structures and thus the relationship is again not considered to prove significantly detrimental.

The final aspect of existing residential accommodation to consider is the development of Abbey Fields to the eastern side of Broad Lane, the grassed verge and viaduct. I am mindful that the proposal shows 3-storey dwellings on this eastern boundary but given the distance between proposed and existing dwellings (distances between approximately 47m to 57m) and the intervening structures and uses, I do not consider the existing amenities of those residents would be significantly compromised.

Having regard to the internal relationship of the development, I am mindful of the various designs put forward for different house types and on the basis of the details submitted, consider that separation distances are acceptable throughout.

### Section 106 Agreement Content

The application has been submitted with a draft heads of terms document to cover matters of affordable housing and education contributions. This report as outlined in detail these aspects and taken account of comments from respective consultees/officers of this Council who are responsible for those matters. Members will note the dialogue in respect of a highways contribution and therefore to clarify the Legal Agreement will stipulate the following:

#### 1. Affordable Housing

- 30% of the dwellings to be constructed on the site shall be affordable housing (41 units).
- 21 of the units shall be affordable rent.
- 20 of the units shall be shared ownership.
- 15% of the dwellings will be bungalows for the over 55's and built to lifetime home standards of which half of these shall be included as part of the affordable housing provision.
- Not more than 25% of the market dwellings shall be occupied until the affordable housing units have been offered to an affordable housing provider.
- Not more than 50% of the market dwellings shall be occupied before 100% of the affordable housing units have been practically completed.
- The affordable housing units to be used as affordable housing in accordance with the priority order (ie a cascade of a categories of persons in housing need) which is to reflect the qualifying persons criteria to be defined in writing by RVBC.

#### 2. Education Contribution

- A sum of £477,062 to be paid in phases to be agreed with Lancashire County Council towards primary school provision.
- A sum of £508,449 to be paid in phases to be agreed with Lancashire County Council towards secondary school provision.

#### 3. Highways

There are likely to be contributions in respect of sustainable transport measures, travel plan and bus stop provision. At the time of drafting negotiations have not concluded on the highways aspect of the scheme and thus these need to be resolved prior to finalising the sum to be requested and any phasing of such payments.

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

1. The proposed development by virtue of its scale and location outside the defined settlement boundary of Whalley is considered to represent an urban extension into the open countryside which would change the character of this area of countryside to the detriment of the visual amenities of the area. It is thus contrary to Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan, Policies DMG1, EN2 and DME2 of the Regulation 22 Submission Draft Core Strategy and the provisions of the National Planning Policy Framework in respect of visual amenity considerations.

2. The proposal will be unduly harmful to the character, appearance and significance of Whalley Conservation Area, its setting and views into and out of the Conservation Area. This is contrary to Policy ENV16 of the Ribble Valley Districtwide Local Plan, Policy DME4 of the Ribble Valley Regulation 22 Submission Draft Core Strategy and Paragraph 17 (conserve heritage assets in a manner appropriate to their significance) and Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) of the National Planning Policy Framework.
  
3. The proposal will be unduly harmful to the setting and significance of listed buildings, including Whalley Viaduct (Grade II), Whalley Abbey (Grade I) and Whalley Abbey North-West Gateway (Grade I). This is contrary to Policy ENV19 of the Ribble Valley Districtwide Local Plan, Policy DME4 of the Ribble Valley Regulation 22 Submission Draft Core Strategy and Paragraph 17 (conserve heritage assets in a manner appropriate to their significance) and Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) of the National Planning Policy Framework.

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 7

meeting date: 17 JANUARY 2013  
 title: REVISED CAPITAL PROGRAMME 2012/13  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: LAWSON ODDIE

## 1 PURPOSE

- 1.1 To approve the revised capital programme for the current financial year for 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 needs
  - Other Considerations – none identified

## 2 BACKGROUND

- 2.1 The one scheme for this committee was approved by Policy and Finance Committee in June 2012 as an additional approval.
- 2.2 Regular reports have been presented quarterly to this committee on progress with the capital programme.

## 3 REVISING THE CURRENT YEAR'S PROGRAMME

- 3.1 We have now discussed in some detail each scheme in the programme with budget holders and revised the programme to reflect likely expenditure this year. This is shown below alongside the original estimate.
- 3.2 Updated capital evaluation forms completed by the responsible officers, for all these schemes were reported to committees in the previous cycle.
- 3.3 In summary, the revised programme is:

Cost Centre and Scheme	Original Estimate 2012/13 £	Additional Approvals 2012/13 £	Total Approved Budget 2012/13 £	Revised Estimate 2012/13 £	Expenditure to Date £
SCANR: Replacement Plotter/Scanner	0	11,900	11,900	11,900	11,896

## 4 RISK ASSESSMENT

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

- Resources – approval of the revised capital programme would see no change to the level of financing resources needed.
- Technical, Environmental and Legal – None
- Political – None
- Reputation – Sound financial planning for known capital commitments safeguards the reputation of the council
- Equality and Diversity – Equality and Diversity issues are examined as part of the capital bid appraisal process.

## 5 CONCLUSION

### 5.1 There has been no change from the previously approved capital budget for this committee and the scheme is now fully completed.

## 6 RECOMMENDED THAT COMMITTEE

### 6.1 Approve the revised capital programme for 2012/13 as set out at paragraph 3.3

HEAD OF FINANCIAL SERVICES

DIRECTOR OF RESOURCES

PD3-13/LO/AC  
2 January 2013

For further background information please ask for Lawson Oddie extension 4541

BACKGROUND PAPERS – None

**RIBBLE VALLEY BOROUGH COUNCIL** DECISION  
**REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**

Agenda Item No 8

meeting date: 17 JANUARY 2013  
 title: PROPOSED CAPITAL PROGRAMME 2013/16  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: LAWSON ODDIE

**1 PURPOSE**

1.1 To approve the proposed future three-year capital programme (2013/14-2015/16) for this committee.

**2 BACKGROUND**

2.1 This report will review the draft programme of schemes to be carried out in the following three years (2013/14 to 2015/16) based on the bids that have been received from Heads of Service.

2.2 Schemes were previously requested at this time last year for the 2013/14 and 2014/15 financial years. However, no bids have previously been requested for the 2015/16 financial year. No schemes have previously been submitted or approved for this committee for the 2013/16 period.

2.3 In the same manner as last financial year, all Heads of Service were asked to submit capital bids, bearing in mind the limited financial resources that are available to finance the capital programme. Heads of Service were asked to put forward schemes that were the absolute basic requirement to keep the council's services running.

**3 DRAFT PROGRAMME 2013/14 TO 2015/16**

3.1 Heads of Service were asked to review the current programme and submit any new scheme bids for consideration. Annex 1 shows the scheme bids for this Committee in detail and how each particular scheme links to the Council's ambitions.

3.2 It should be noted that at this stage these are only potential bids that will also require further consideration by the Budget Working Group and by Policy and Finance Committee who will want to make sure that it is affordable, both in capital and revenue terms.

3.3 Members should therefore consider the forward programme as attached and put forward any amendments you may wish to make at this stage.

3.4 A summary of the proposed three-year programme for Planning and Development Committee, based on the bids received, is shown below:

Schemes	2013/14 £	2014/15 £	2015/16 £	TOTAL £
New Bid – MVM Software		16,000		<b>16,000</b>
New Bid – Community Infrastructure Levy (CIL) Consultancy Work		100,000		<b>100,000</b>
<b>Total of all Bids</b>	<b>0</b>	<b>116,000</b>	<b>0</b>	<b>116,000</b>

3.5 None of the bids submitted for this committee are supported by external funding. The level of the council's capital resources available to fund these bids is currently low.

3.7 It must also be noted that the bids shown here represent only those that have been submitted with regard to this committee's services. Other committees will be receiving similar reports, and all bids will finally be considered alongside each other by the Budget Working Group and Policy and Finance Committee in relation to the limited internal funding available.

#### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – The proposals as submitted in the bid forms would require a substantial level of funding from council resources of £116,000.
- Technical, Environmental and Legal – None
- Political – None
- Reputation – Sound financial planning for known capital commitments safeguards the reputation of the council
- Equality and Diversity – Equality and Diversity issues are examined as part of the capital bid appraisal process.

#### 5 CONCLUSION

5.1 Bids were initially invited for the 2015/16 financial year, however bids have been submitted for the 2014/15 financial years for this committee. None of the schemes submitted have any associated external funding. The Council's existing capital resources to fund such schemes are currently low.

#### 6 RECOMMENDED THAT COMMITTEE

6.1 Consider the future three-year programme for 2013/14 to 2015/16 as shown at paragraph 3.4 and agree any amendments you wish to make.

6.2 Recommend to Policy and Finance Committee a future three-year capital programme for this committee's services.

HEAD OF FINANCIAL SERVICES

DIRECTOR OF RESOURCES

PD4-13/LO/AC  
2 January 2013

For further background information please ask for Lawson Oddie extension 4541.

BACKGROUND PAPERS – None

**Planning and Development Committee  
New Capital Bid Submissions**

## BID 1: *MVM Software*

Service Area: Planning Services

Head of Service: John Macholc

**Brief Description:**

Purchase of computer software to enable importation of NLPG data to the Planning system and the installation of the module.

**Overriding aim/ambition that the scheme meets:**

To be a well-managed council

**Government or other imperatives to the undertaking of this scheme:**

None

**Improving service performance, efficiency and value for money:**

Enable the planning administration system in relation to planning applications to be more efficient with the creation of an up to date address data base.

**Consultation:**

None

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

Commencement would be on purchase of software and project for implementation dependent on IT support staff.

**Financial Implications – CAPITAL:**

Breakdown	2013/14 £	2014/15 £	2015/16 £
Software and Installation	-	16,000	-
<b>Total</b>	-	16,000	-

**Financial Implications – ANNUAL REVENUE:**

Breakdown	£
Maintenance Costs	875

**Useful economic life:**

No comment made.



**Planning and Development Committee  
New Capital Bid Submissions**

**Additional supporting information:**

No comment made.

**Impact on the environment:**

None

**Risk:**

- **Political:** *None.*
- **Economic:** *None.*
- **Sociological:** *None*
- **Technological:** *None*
- **Legal:** *None.*
- **Environmental:** *None.*

**Planning and Development Committee  
New Capital Bid Submissions**

## *BID 2: Community Infrastructure Levy (CIL) Consultancy Work*

Service Area: Planning Services

Head of Service: John Macholc

**Brief Description:**

Production of document and report for Community Infrastructure Levy evidence base to support the Council in the adoption of a CIL.

**Overriding aim/ambition that the scheme meets:**

To sustain a strong and prosperous Ribble Valley

**Government or other imperatives to the undertaking of this scheme:**

The failure to produce a CIL by April 2014 would make it more difficult to obtain planning contributions for a range of services and ultimately lead to substandard infrastructure provisions throughout the borough.

**Improving service performance, efficiency and value for money:**

The eventual adoption of a CIL would make the system more transparent for developers and e a more efficient way of achieving financial contributions and assist in the determination of decisions on planning applications due to the less likely need for detailed 106 Agreements.

**Consultation:**

None

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

No comment made.

**Financial Implications – CAPITAL:**

Breakdown	2013/14 £	2014/15 £	2015/16 £
Fees (External	-	100,000	-
Net impact to the Council	-	100,000	-

**Planning and Development Committee  
New Capital Bid Submissions**

**Financial Implications – ANNUAL REVENUE:**

Breakdown	£
Existing Service – no change	-

**Useful economic life:**

No comment made.

**Additional supporting information:**

No comment made.

**Impact on the environment:**

Not applicable.

**Risk:**

- **Political:** *Political pressures exists in that there is now often an argument that inadequate infrastructure exists to support new development and so the creation of a levy would be subject to strict scrutiny.*
- **Economic:** *The economic situation has led to developers challenging the requests for financial contributions and any scheme would be challenged and would need to be robustly tested through any EIP. Any levy would also need to be applied and modified to reflect a changing economic situation.*
- **Sociological:** *None.*
- **Technological:** *None.*
- **Legal:** *Any changes in legislation including boundary alterations could impact on the need for CIL.*
- **Environmental:** *None*

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

DECISION

Agenda Item No 9

meeting date: 17 JANUARY 2013  
title: REVISED REVENUE BUDGET 2012/13  
submitted by: DIRECTOR OF RESOURCES  
principal author: TRUDY HOLDERNESS

## 1 PURPOSE

- 1.1 To agree a revised revenue budget for 2012/13 for consideration at Special Policy and Finance Committee.

## 2 BACKGROUND

- 2.1 The original estimate for this current financial year was set in March 2012. As members will be aware, there can be numerous variations to the budget that come to our attention as the year progresses, particularly through the budget monitoring process.
- 2.2 At this time of year we take the opportunity to revise the estimates for the current financial year in order to better assess the level of movement anticipated within our earmarked reserves and balances, and to allow us to better forecast for the coming financial year.
- 2.3 At the time of setting the current year's budget, the Government had announced substantial reductions in the level of funding that it would provide to local authorities from 2011/12 and in to 2012/13, with no indication of what level of funding would be provided in the longer term.
- 2.4 Based on the information known at the time, a full service review was undertaken in 2011 in order to identify areas of potential saving. All of those put forward were considered and approved by Policy and Finance Committee on 22 November 2011.
- 2.5 Following the grant settlement in December 2011, the revised budget forecast estimated the amount of savings needed for 2012/13 as £635,000, which was fully achieved from the service review savings identified.
- 2.6 The budget was prepared for the current financial year after allowing for the service review savings package. The 2012/13 budget included provision for price increases of 2.5%. No allowance was made for pay increases. Where possible budgets were cash limited.

## 3 RESTATING OF ORIGINAL ESTIMATE

- 3.1 The original estimate that was approved in March 2012, and which is shown in the budget book, does not show the movements that were needed in the budget following the service reviews. One of the main areas of impact for this has been the movement of staffing into the Contact Centre service, from other departmental cost centres.
- 3.2 To allow a better comparison of the budget to the revised estimate within this report, the budget that was originally approved in March has been restated, to include the impact of the service review and the supplementary estimate for the core strategy approved by this committee in March 2012.

3.3 Overall the total net budget for the council has not changed, but at a committee level this has the impact of increasing or decreasing the budget levels on a number of service cost centres, which for this committee results in a net increase in budget.

3.4 The impact of this restatement has been summarised in the table below:

Service Area	Original Estimate £	Restated Original Estimate £
Planning	337,520	422,480
Building Control	54,240	54,240
Environmental Enhancements	88,860	88,860
Conservation	11,880	11,880
Grants & Subscriptions	15,280	15,280
Public Transport	7,030	7,030
<b>NET COST OF SERVICES</b>	<b>514,810</b>	<b>599,770</b>
Earmarked Reserves	-1,080	-87,080
<b>Net Expenditure</b>	<b>513,730</b>	<b>512,690</b>

#### 4 REVISED REVENUE BUDGET 2012/13

4.1 The revised budget is £30,300 higher than the original estimate. This is decreased to £59,910 lower than the original estimate after allowing for transfers to and from earmarked reserves. A comparison between the restated original and revised budgets for each cost centre is shown below.

Cost Centre	Cost Centre Name	Restated Original Estimate 2012/13 £	Movement in Expenditure £	Movement in Income £	Movement in Support Services £	Revised Estimate 2012/13 £
PLANG	Planning Control & Enforcement	146,090	42,420	-118,290	84,540	154,760
PLANP	Planning Policy	190,390	0	-40	-22,310	168,040
CORES	Core Strategy	86,000	-8,370	0	0	77,630
BCSAP	Building Control SAP Fees	360	10	0	-1,830	-1,460
BLDGC	Building Control	53,880	-5,280	39,730	-12,600	75,730
AONBS	Area of Outstanding Natural Beauty	11,890	-560	0	100	11,430
COMMG	Community Groups	21,800	0	0	10	21,810
COUNT	Countryside Management	48,670	0	-100	10	48,580
FORBW	Forest of Bowland Bridleways	0	34,640	0	0	34,640
FPATH	Footpaths & Bridleways	4,440	0	0	1,710	6,150
HIGHH	High Hedges	2,060	0	0	50	2,110
PENDU	Pendle Hill Users	0	4,450	-190	0	4,260
CONSV	Conservation Areas	11,880	0	0	-2,420	9,460

Cost Centre	Cost Centre Name	Restated Original Estimate 2012/13 £	Movement in Expenditure £	Movement in Income £	Movement in Support Services £	Revised Estimate 2012/13 £
PLSUB	Grants and Subscriptions	15,280	-5,280	0	0	10,000
CINTR	Clitheroe Integrated Transport Scheme	7,030	-140	10	30	6,930
<b>NET COST OF SERVICES</b>		<b>599,770</b>	<b>61,890</b>	<b>-78,880</b>	<b>47,290</b>	<b>630,070</b>
PLBAL H336	Planning Reserve	0	0	-37,500	0	-37,500
PLBAL H358	Core Strategy Reserve	-86,000	0	8,370	0	-77,630
PLBAL H234	Building Control Reserve Fund	-1,080	0	-22,180	0	-23,260
PLBAL H274	Forest of Bowland Bridleways	0	0	-34,640	0	-34,640
PLBAL H273	Pendle Hill Users	0	190	-4,450	0	-4,260
<b>NET BALANCES AND RESERVES</b>		<b>-87,080</b>	<b>190</b>	<b>-90,400</b>	<b>0</b>	<b>-177,290</b>
<b>NET EXPENDITURE</b>		<b>512,690</b>	<b>62,080</b>	<b>-169,280</b>	<b>47,290</b>	<b>452,780</b>

4.2 The difference between the revised and restated original estimate is an estimated decrease in net spending of £59,910 after allowing for transfers to or from earmarked reserves. The main reasons for this are shown at Annex 1. However, a summary of the main variances is given below:

- Increase in planning consultant's costs of £37k as a result of anticipated costs on planning appeals for Whalley New Rd, Billington, Land East of Clitheroe Rd, Whalley, Mitton Rd, Whalley, Land off Chatburn Rd, Chatburn and site off Mitton Ave, Clitheroe. This expenditure will be met from a contribution from the planning earmarked reserve fund.
- Increase in planning application fee income of £120k due to several major applications being received such as Land off Hey Rd, Barrow, Woone Lane, Clitheroe, Land SW and West of Whalley Rd, Barrow, Land Chapel Close, Clitheroe, Land Mitton Rd, Whalley, Clitheroe Hospital, Chatburn Rd, Clitheroe, Land off Waddington Rd, Clitheroe, Land at Whalley Rd, Hurst Green, Higher Standen Farm and part Littlemoor Farm, Clitheroe.
- Reduced income from building regulation fees of £42k offset by contribution of £32k from reserve fund. This is mainly due to current economic climate and also due to some organisations using private competitors
- Increase in support costs of £47k, which is largely due to an increase in support from legal services as a result of their involvement with the planning appeals.

5 CONCLUSION

5.1 The difference between the revised and restated original estimate is an estimated decrease in net expenditure of £59,910 after allowing for transfers to and from earmarked reserves.

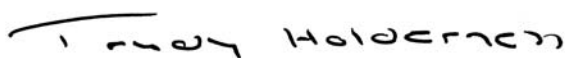
6 RISK ASSESSMENT

6.1 The approval of this report may have the following implications

- Resources – approval of the revised estimate would see a reduction in net expenditure of £30,300, or £59,910 after allowing for transfers to and from earmarked reserves.
- Technical, Environmental and Legal – none identified
- Political – none identified.
- Reputation – sound financial planning safeguard the reputation of the council.
- Equality and Diversity – equality and diversity issues are considered in the provision of all council services.

6 RECOMMENDED THAT COMMITTEE

6.1 Approve the revised budget for 2012/13 and submit this to the Special Policy and Finance Committee subject to any further consideration by the Budget Working Group.



SENIOR ACCOUNTANT

PD1-13/TH/AC  
20 December 2012



DIRECTOR OF RESOURCES

For further background information please ask for Trudy Holderness extension 4436.

BACKGROUND PAPERS – None

**PLANNING AND DEVELOPMENT COMMITTEE  
VARIANCES FROM RESTATED ORIGINAL ESTIMATE TO REVISED ESTIMATE 2012/13**

	MOVEMENT IN EXPENDITURE £	MOVEMENT IN INCOME £	MOVEMENT IN SUPPORT £	TOTAL MOVEMENT £
<b><i>Planning Control &amp; Enforcement</i></b>				
Additional part year cost of employing a temporary planner	5,420			
Increase in planning consultants fees as a result of anticipated costs on planning appeals for Whalley New Rd, Billington, Land East of Clitheroe Rd, Whalley, Mitton Rd, Whalley, Land off Chatburn old Rd, Chatburn and site off Mitton Ave, Clitheroe (funded from earmarked reserve fund)	37,500			
Reduction in GIS service costs, as a result of transfer of suppliers for the GIS service from LCC to One Connect.	-500			
Increase in support service costs mainly from community services and legal services due to changes in cost allocations from these services			84,540	
Reduction in income from decision notices and pre application advice offset by increase in planning history income		1,400		
Increase in planning application fees from several major applications due to pressure for development coming forward. This is particularly due to applications for Land off Hey Rd, Barrow, Woone Lane, Clitheroe, Land SW and West of Whalley Rd, Barrow, Land Chapel Close, Clitheroe, Land Mitton Rd, Whalley, Clitheroe Hospital, Chatburn Rd, Clitheroe, Land off Waddington Rd, Clitheroe, Land at Whalley Rd, Hurst Green, Higher Standen Farm and part Littlemoor Farm, Clitheroe.		-119,690		<b>8,670</b>
<b><i>Planning Policy</i></b>				
Reduction in support service costs mainly from community services, legal and chief executives due to changes in cost allocations from these services			-22,310	<b>-22,310</b>



**PLANNING AND DEVELOPMENT COMMITTEE  
VARIANCES FROM RESTATED ORIGINAL ESTIMATE TO REVISED ESTIMATE 2012/13**

	MOVEMENT IN EXPENDITURE £	MOVEMENT IN INCOME £	MOVEMENT IN SUPPORT £	TOTAL MOVEMENT £
<b><i>Core Strategy</i></b>				
Employee started part way through 2012/13. This has also resulted in a lower contribution from earmarked reserves being needed.	-8,370			-8,370
<b><i>Building Control SAP Fees</i></b>				
Reduction in support service costs mainly from financial services due to changes in cost allocations from this service			-1,830	-1,830
<b><i>Building Control</i></b>				
Reduction in tuition fees, professional fees and car allowances as a result of staff coming to the end of their fixed term contract.	-3,900			
Reduction in subscriptions due to removal of provision for subscription to Lexis Nexis publications on building control law and practice	-1,420			
Reduction in support service costs mainly from the Chief Executives Department due to trainee building surveyor transferring to another temporary post. This is offset by an increase from community services due to changes in cost allocations from this service.			-12,600	
Additional income from DEFRA in respect of staff involved with the administration of the flood grants scheme		-1,750		
Reduced Income from building regulation fees and search fees. This is mainly due to current economic climate and also due to some organisations using private competitors.		41,680		22,010
<b><i>Area of Outstanding Natural Beauty</i></b>				
Contribution to Forest of Bowland AONB fixed at 2011 level which itself was a reduction on the 2010 subscription	-560			

**PLANNING AND DEVELOPMENT COMMITTEE  
VARIANCES FROM RESTATED ORIGINAL ESTIMATE TO REVISED ESTIMATE 2012/13**

	MOVEMENT IN EXPENDITURE £	MOVEMENT IN INCOME £	MOVEMENT IN SUPPORT £	TOTAL MOVEMENT £
Increase in support service cost from community services due to changes in cost allocation from this service			100	-460
<b><i>Forest of Bowland Bridleways</i></b>				
Expenditure on project work on Whitendale bridleway and Hodder roadside path. This is fully funded from an earmarked reserve fund.	34,640			34,640
<b><i>Footpath &amp; Bridleways</i></b>				
Increase in support service costs mainly from community and legal services due to changes in cost allocations from these services			1,710	1,710
<b><i>Pendle Hill Users</i></b>				
Expenditure on the repair of footpaths at Brown House, Barley and chainsaw training for parish lengths-men. These costs will be met from earmarked reserve	4,450			
Contributions received during year (to be added to earmarked reserve fund)		-190		4,260
<b><i>Conservation areas</i></b>				
Reduction in support service costs from community due to changes in cost allocations from this service			-2,420	-2,420
<b><i>Planning Subscriptions</i></b>				
Removal of provision for payment of Lancashire Economic Partnership subscription for 2012/13. Function taken over by Lancashire County Council	-5,280			-5,280
<b><i>Other</i></b>	-90	-330	100	-320
<b>Sub-Total</b>	<b>61,890</b>	<b>-78,880</b>	<b>47,290</b>	<b>30,300</b>

## ANNEX 1

**PLANNING AND DEVELOPMENT COMMITTEE  
VARIANCES FROM RESTATED ORIGINAL ESTIMATE TO REVISED ESTIMATE 2012/13**

	MOVEMENT IN EXPENDITURE £	MOVEMENT IN INCOME £	MOVEMENT IN SUPPORT £	TOTAL MOVEMENT £
<b>MOVEMENT IN EARMARKED RESERVES</b>				
<b>Planning Reserve</b> - increase in contribution from reserve fund to appeal costs		-37,500		<b>-37,500</b>
<b>Building Control Reserve</b> - increase in contribution from reserve to fund the reduction in income which is partly offset by reduced expenditure		-22,180		<b>-22,180</b>
<b>Core Strategy Reserve</b> - reduced contribution from reserve fund due to expenditure slipping into 2012/13	8,370			<b>8,370</b>
<b>Forest of Bowland Bridleway reserve</b> - contribution from reserve to fund expenditure		-34,640		<b>-34,640</b>
<b>Pendle Hill Users Reserve</b> - contribution from reserve to fund repair work and training cost offset by contribution to the reserve from donations received during the year.	190	-4,450		<b>-4,260</b>
<b>Total Movement</b>	<b>70,450</b>	<b>-177,650</b>	<b>47,290</b>	<b>-59,910</b>

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

DECISION

Agenda Item No 10

meeting date: 17 JANUARY 2013  
title: ORIGINAL REVENUE ESTIMATE 2013/14  
submitted by: DIRECTOR OF RESOURCES  
principal author: TRUDY HOLDERNESS

1 PURPOSE

1.1 To agree the draft revenue budget for 2013/14, for consideration at Special Policy and Finance Committee.

2 BACKGROUND

2.1 The three year forecast to Policy and Finance Committee in September highlighted the uncertainty surrounding the level of Government funding that will be received by local authorities in 2013/14 and onwards, under the Business Rates Retention Scheme.

2.2 In July the Government began consultation on the detail of how the Business Rates Retention Scheme will work, including consultation on the baseline funding for each local authority. This on-going consultation made it extremely difficult to calculate future Government funding with any degree of accuracy.

2.3 The Government announced its Provisional Grant Settlement for 2013/14 and 2014/15 on December 19<sup>th</sup>. This was much later than in previous years and (3 Jan 2013) much of the detail is still not available.

2.4 The headline changes to our funding shows a reduction in our spending power of 1.3% with a further reduction of 3.2% the year after.

2.5 The Government's definition of spending power includes other income in addition to our Formula Grant e.g. New Homes Bonus, Council Tax Freeze Grant and shows the total funding being given to local authorities.

2.6 If however, we compare the 2012/13 Grant Settlement with the announcement of 2013/14 and 2014/15 on a like for like basis the cash reduction in our grant is £288,000 and a further £377,000. This is particularly disappointing when it had looked a few months ago as if rural authorities such as ourselves would have been treated more favourably in this settlement.

2.7 The Rural Services Network is campaigning vigorously to get the settlement changed. As far as the Council is concerned the position for 2013/14 is more manageable than the one for 2014/15 and whilst it is too early to give Committees any savings targets I would ask you to look closely at your estimates.

2.8 The Budget Working Group will be meeting over the coming weeks to examine our overall Budget position and will ultimately make recommendations to Special Policy and Finance on 12 February 2013.

3 RESTATING OF ORIGINAL ESTIMATE

3.1 The original estimate that was approved in March 2012, and which is shown in the budget book, does not show the movements that were needed in the budget following

the service reviews. One of the main areas of impact for this has been the movement of staffing into the Contact Centre service, from other departmental cost centres.

- 3.2 To allow a better comparison of the budget to the revised estimate within this report, the budget that was originally approved in March has been restated, to include the impact of the service review and the supplementary estimate for the core strategy approved by this committee in March 2012.
- 3.3 Overall the total net budget for the council has not changed, but at a committee level this has the impact of increasing or decreasing the budget levels on a number of service cost centres, which for this committee results in a net increase in budget.
- 3.4 The impact of this restatement has been summarised in the table below:

<b>Service Area</b>	<b>Original Estimate £</b>	<b>Restated Original Estimate £</b>
Planning	337,520	422,480
Building Control	54,240	54,240
Environmental Enhancements	88,860	88,860
Conservation	11,880	11,880
Grants & Subscriptions	15,280	15,280
Public Transport	7,030	7,030
<b>Net Cost of Service</b>	<b>514,810</b>	<b>599,770</b>
<b>Earmarked Reserves</b>	<b>-1,080</b>	<b>-87,080</b>
<b>Net Expenditure</b>	<b>513,730</b>	<b>512,690</b>

#### 4 2012/13 DRAFT REVENUE BUDGET

- 4.1 As far as your budget is concerned, the estimates have been prepared on the current levels of service, and they allow for a pay and prices increase of 2.5%. Any pay award for local government will be agreed nationally, and whilst this is still being negotiated, indications are that any settlement will be nearer 1%.
- 4.2 Detailed in the following section of the report are the individual budget areas under this committee. Shown are the movements from the 2012/13 Restated Original Estimate, to the proposed Original Estimate for 2013/14. Comments are also provided on the main variances.

## 5 COMMITTEE SERVICE ESTIMATES

### 5.1 PLANNING CONTROL AND ENFORCEMENT

Service Description							PLANG
<i>Determination of planning applications, pre-application advice and investigation of authorised development.</i>							
Link to Ambitions							
To protect and enhance the existing environmental quality of our area.							
Budget Analysis	Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
	£	£	£	£	£	£	£
Supplies and Services	57,130	1,430	-400	0	0	0	58,160
Third Party Payments	9,710	250	10	0	0	0	9,970
Support Services	535,350	0	0	0	81,590	0	616,940
Depreciation and Impairment	0	0	0	0	3,970	0	3,970
<b>Total Expenditure</b>	<b>602,190</b>	<b>1,680</b>	<b>-390</b>	<b>0</b>	<b>85,560</b>	<b>0</b>	<b>689,040</b>
Customer and Client Receipts	-456,100	-11,410	-47,060	50,380	0	0	-464,190
<b>Total Income</b>	<b>-456,100</b>	<b>-11,410</b>	<b>-47,060</b>	<b>50,380</b>	<b>0</b>	<b>0</b>	<b>-464,190</b>
<b>NET</b>	<b>146,090</b>	<b>-9,730</b>	<b>-47,450</b>	<b>50,380</b>	<b>85,560</b>	<b>0</b>	<b>224,850</b>
Comments							
<p>There are inflationary increases in supplies and services and third party payments.</p> <p>There has been an increase in support costs from the Community Services department, Legal services and Financial services due to changes in cost allocations from these services</p> <p>Nationally planning fees have risen by 15% from November 2012. The Planning Fee Income is estimated based on a 3 year average and thus at this stage we are not assuming the significant increase in income experienced in 2012/13 will necessarily continue. There has been a slight drop in anticipated income from decision notices and pre app advice based on current trends.</p> <p>A review of the Planning section staffing structure is underway and this will be reported to Committee in due course. The budget implications of this are therefore not included in these figures.</p>							

## 5.2 PLANNING POLICY

Service Description							PLANP
<i>To set an overall framework for improving housing delivery, employment and the protection and enhancement of the environment of the area.</i>							
Link to Ambitions							
To protect and enhance the existing environmental quality of our area.							
Budget Analysis	Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
	£	£	£	£	£	£	£
Support Services	190,620	0	0	0	-33,860	0	156,760
Total Expenditure	190,620	0	0	0	-33,860	0	156,760
Customer and Client Receipts	-230	-10	0	0	0	0	-240
Total Income	-230	-10	0	0	0	0	-240
NET	190,390	-10	0	0	-33,860	0	156,520
Comments							
Support service costs from the chief executive's department have been reduced mainly due to the fixed term senior (forward) planning officer post ending. There is also a reduction in support service costs from the Community Services department and Legal services due to changes in cost allocations from these services.							

## 5.3 CORE STRATEGY

Service Description							CORES
<i>This budget is to meet the cost of producing the Local Development Framework and associated Core Strategy.</i>							
Link to Ambitions							
To match the supply of homes in our area with the identified housing need							
Budget Analysis	Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
	£	£	£	£	£	£	£
Employee Related	20,000	500	-500	-20,000	0		0
Transport Related	200	10	-10	-200	0		0
Supplies and Services	65,800	1,650	-1,650	-65,800	0		0
Total Expenditure	86,000	2,160	-2,160	-86,000	0	0	0
NET	86,000	2,160	-2,160	-86,000	0	0	0
Comments							
In March 2012 this committee approved a budget request for funding anticipated expenditure for the Core Strategy. An earmarked reserve was established from residual planning delivery grant monies and planning earmarked reserve. The balance in this reserve is anticipated to be £9,780 as at 31 March 2013. Further necessary work is required to update the evidence base and a working group has been established to progress the Local Development Framework. At this stage no budget has been prepared for the additional resources required as a request for these resources is still to be considered by Policy and Finance Committee.							

## 5.4 BUILDING CONTROL SAP FEES

Service Description							BCSAP
<i>Procedure for estimating energy performance of dwellings</i>							
Link to Ambitions							
To protect and enhance the existing environmental quality of our area							
Budget Analysis	Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
	£	£	£	£	£	£	£
Employee Related	1,340	30	0	110	-	-	1,480
Supplies and Services	350	10	0	0	0	0	360
Support Services	3,860	0	0	0	-1,800		2,060
Total Expenditure	5,550	40	0	110	-1,800	0	3,900
Customer and Client Receipts	-5,190	-130	0		0	0	-5,320
Total Income	-5,190	-130	0	0	0	0	-5,320
NET	360	-90	0	110	-1,800	0	-1,420
Comments							
<p>Only accredited staff can carry out these inspections, the increase in employee costs is offset by an inflationary increase in income.</p> <p>Support service costs from Financial services have reduced due to changes in cost allocations from the service.</p>							



## 5.5 BUILDING CONTROL

Service Description							BLDGC
<i>Determination of all types of building control applications and related legislation and standards, including dangerous buildings and elements of licensing</i>							
Link to Ambitions							
To protect and enhance the existing environmental quality of our area							
Budget Analysis	Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
	£	£	£	£	£	£	£
Employee Related	4,630	110	0	-120	0	0	4,620
Transport Related	19,420	490	-90	-3,340	0	0	16,480
Supplies and Services	20,010	510	-90	-1,620	0	0	18,810
Support Services	225,200	0	0	0	-12,920		212,280
<b>Total Expenditure</b>	<b>269,260</b>	<b>1,110</b>	<b>-180</b>	<b>-5,080</b>	<b>-12,920</b>	<b>0</b>	<b>252,190</b>
Customer and Client Receipts	-215,380	-5,380	-50	20,060	0	0	-200,750
<b>Total Income</b>	<b>-215,380</b>	<b>-5,380</b>	<b>-50</b>	<b>20,060</b>	<b>0</b>	<b>0</b>	<b>-200,750</b>
<b>NET</b>	<b>53,880</b>	<b>-4,270</b>	<b>-230</b>	<b>14,980</b>	<b>-12,920</b>	<b>0</b>	<b>51,440</b>

Comments
<p>The reduction in employee costs and transport costs is due to a reduction in professional fees and car allowances. There has also been a reduction of the support service cost from the Chief Executive's department, these reductions relate to the end of the trainee building surveyor fixed term post.</p> <p>The decrease in supplies and services relates to a reduction in the provision for microfilm maintenance as the backlog of microfilming comes to an end and subscriptions to Lexis Nexis for building control law and practice publications is terminated.</p> <p>In addition to the reduction in support service costs from the Chief Executive's department there has been a reduction in support service costs from the Community Services department and Computer services, due to changes in cost allocations of these services and a reduction in staffing in the Chief Executive's department.</p> <p>The reduced income from building control fees is anticipated to continue due to the current economic conditions and competition from private surveyors.</p>

## 5.6 AREA OF OUTSTANDING NATURAL BEAUTY

Service Description							AONBS
<i>This relates to the cost of membership of National AONB Organisation and the annual contribution to the Joint Advisory Committee Partnership. Funding contributes to managements work and projects</i>							
Link to Ambitions							
To protect and enhance the existing environmental quality of our area.							
Budget Analysis	Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
	£	£	£	£	£	£	£
Third Party Payments	7,360	180	-180	-560	0	0	6,800
Support Services	4,530	0	0	0	-200	0	4,330
Total Expenditure	11,890	180	-180	-560	-200	0	11,130
NET	11,890	180	-180	-560	-200	0	11,130
Comments							
Our contribution to the AONB has been fixed at 2011 levels.							
Support service costs from the Community Services department shows a small decrease due to changes in cost allocations from this service.							

## 5.7 COMMUNITY GROUPS

Service Description							COMMG
<i>Support funding for biodiversity, conservation and environmental community projects.</i>							
Link to Ambitions							
To help make peoples lives safer and healthier.							
Budget Analysis	Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
	£	£	£	£	£	£	£
Transfer Payments	6,100	150	0	0	0	0	6,250
Support Services	15,700	0	0	0	320	0	16,020
Total Expenditure	21,800	150	0	0	320	0	22,270
NET	21,800	150	0	0	320	0	22,270
Comments							
There has been a small increase in support service costs from the Chief Executive's department offset by a reduction from the Community Services department due to changes in cost allocations from these services.							

## 5.8 COUNTRYSIDE MANAGEMENT

Service Description							COUNT
<i>The Council provides advice on countryside management matters and gives grants for trees, woodlands, hedgerows planting and environmental projects.</i>							
Link to Ambitions							
To protect and enhance the existing environmental quality of our area.							
Budget Analysis	Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
	£	£	£	£	£	£	£
Premises Related	10,000	250	0	0	0	0	10,250
Supplies and Services	8,530	210	0	0	0	0	8,740
Transfer Payments	16,400	410	0	0	0	0	16,810
Support Services	21,240	0	0	0	160	0	21,400
Total Expenditure	56,170	870	0	0	160	0	57,200
Miscellaneous Recharges	-7,500	-190	0	0	0	0	-7,690
Total Income	-7,500	-190	0	0	0	0	-7,690
NET	48,670	680	0	0	160	0	49,510
Comments							
There have been Inflationary increases to emergency tree work costs, purchases of equipment and grants.							
Small increase in support service costs from Financial Services is offset by small decrease in support service costs from the Community Services department due to changes in cost allocations from these services.							

## 5.9 FOOTPATHS AND BRIDLEWAYS

Service Description							FPATH
<i>The Council provides assistance in footpath and diversion orders</i>							
Link to Ambitions							
To protect and enhance the existing environmental quality of our area.							
Budget Analysis	Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
	£	£	£	£	£	£	£
Premises Related	290	10	0	0	0	0	300
Supplies and Services	1,500	40	0	0	0	0	1,540
Support Services	4,150	0	0	0	1,900	0	6,050
Total Expenditure	5,940	50	0	0	1,900	0	7,890
Other Grants and Contributions	-1,500	-40	0	0	0	0	-1,540
Total Income	-1,500	-40	0	0	0	0	-1,540
NET	4,440	10	0	0	1,900	0	6,350
Comments							
There have been inflationary increases in repairs to footpaths, statutory notices and footpath diversion orders.							
There is also an increase in support costs from the Community Services department and an introduction of support costs from Legal services due to changes in cost allocations from these services.							

## 5.10 HIGH HEDGES

Service Description							HIGHH
<i>The Council adjudicate on whether a hedge adversely affects a complainant's reasonable enjoyment of their property.</i>							
Link to Ambitions							
To protect and enhance the existing environmental quality of our area.							
Budget Analysis	Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
	£	£	£	£	£	£	£
Support Services	2,060				110		2,170
Total Expenditure	2,060	0	0	0	110	0	2,170
NET	2,060	0	0	0	110	0	2,170
Comments							
A small increase in support service costs from the Community Services department due to changes in cost allocations from this service.							

## 5.11 CONSERVATION AREAS

Service Description							CONSV
<i>The Council has the power to designate areas as Conservation Areas, these are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.</i>							
Link to Ambitions							
To protect and enhance the existing environmental quality of our area.							
Budget Analysis	Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
	£	£	£	£	£	£	£
Support Services	11,880	0	0	0	-2,160	0	9,720
Total Expenditure	11,880	0	0	0	-2,160	0	9,720
NET	11,880	0	0	0	-2,160	0	9,720
Comments							
Reduction in support service costs from the Community Services department due to changes in cost allocations from this service.							

## 5.12 GRANTS AND SUBSCRIPTIONS – PLANNING AND DEVELOPMENT COMMITTEE

Service Description							PLSUB
<i>Within this budget are various Grants, Contributions and Subscriptions paid by the Council from this committee</i>							
Link to Ambitions							
To protect and enhance the existing environmental quality of our area.							
Budget Analysis	Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
	£	£	£	£	£	£	£
Supplies and Services	15,280	380	0	0	0	0	15,660
Total Expenditure	15,280	380	0	0	0	0	15,660
NET	15,280	380	0	0	0	0	15,660
Comments							
There is an inflationary increase in the subscriptions paid to Lancashire Archaeological Service and the East Lancashire Partnership.							

## 5.13 CLITHEROE TRANSPORT INTERCHANGE

Service Description							CINTR
<i>The council makes a small contribution to the running costs of the County Council's bus and rail interchange in Clitheroe</i>							
Link to Ambitions							
To protect and enhance the existing environmental quality of our area							
Budget Analysis	Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
	£	£	£	£	£	£	£
Premises Related	100	0	0	-10	0	0	90
Supplies and Services	30	0	0	0	0	0	30
Transfer Payments	5,280	130	0	-130	0	0	5,280
Support Services	570	0	0	0	30	0	600
Depreciation and Impairment	1,180	0	0	0	0	0	1,180
Total Expenditure	7,160	130	0	-140	30	0	7,180
Customer and Client Receipts	-130	0	0	10	0	0	-120
Total Income	-130	0	0	10	0	0	-120
NET	7,030	130	0	-130	30	0	7,060
Comments							
The changes in transfer payments relates to the contribution paid to the Clitheroe Line Rail Partnership being maintained at 2011/12 for 2012/13, and a provision for inflation in 2013/14.							

## 6 SUMMARIES

6.1 The draft budget is summarised in two ways. One over the cost of the service (objective) provided by the committee. The other is over the type of expenditure and income (subjective).

### a) *Cost of Services Provided (Objective)*

Cost Centre	Service Name	BUDGET ANALYSIS						
		Restated Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
PLANG	Planning Control & Enforcement	146,090	-9,730	-47,450	50,380	81,590	3,970	224,850
PLANP	Planning Policy	190,390	-10	0	0	-33,860	0	156,520
CORES	Core Strategy	86,000	2,160	-2,160	-86,000	0	0	0
BCSAP	Building Control SAP Fees	360	-90	0	110	-1,800	0	-1,420
BLDGC	Building Control	53,880	-4,270	-230	14,980	-12,920	0	51,440
AONBS	Area of Outstanding Natural Beauty	11,890	180	-180	-560	-200	0	11,130
COMMG	Community Groups	21,800	150	0	0	320	0	22,270
COUNT	Countryside Management	48,670	680	0	0	160	0	49,510
FPATH	Footpaths & Bridleways	4,440	10	0	0	1,900	0	6,350
HIGHH	High Hedges	2,060	0	0	0	110	0	2,170
CONSV	Conservation Areas	11,880	0	0	0	-2,160	0	9,720
PLSUB	Grants and Subscriptions	15,280	380	0	0	0	0	15,660
CINTR	Clitheroe Integrated Transport Scheme	7,030	130	0	-130	30	0	7,060
<b>NET COST OF SERVICES</b>		<b>599,770</b>	<b>-10,410</b>	<b>-50,020</b>	<b>-21,220</b>	<b>33,170</b>	<b>3,970</b>	<b>555,260</b>

Cost Centre	Service Name	BUDGET ANALYSIS						
		Restated Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
<b>ITEMS ADDED TO/(TAKEN FROM) BALANCES AND RESERVES</b>								
PLBAL H234	Building Control Reserve Fund	-1,080	0	0	5,250	0	0	4,170
PLBAL H358	Core Strategy Reserve	-86,000	0	0	86,000	0	0	0
<b>NET BALANCES AND RESERVES</b>		<b>-87,080</b>	<b>0</b>	<b>0</b>	<b>91,250</b>	<b>0</b>	<b>0</b>	<b>4,170</b>
<b>NET EXPENDITURE</b>		<b>512,690</b>	<b>-10,410</b>	<b>-50,020</b>	<b>70,030</b>	<b>33,170</b>	<b>3,970</b>	<b>559,430</b>

**b) Type of Expenditure/Income (Subjective)**

	Restated Original Estimate 2012/13	Inflation at 2.5%	Inflation above or below 2.5%	Unavoidable Changes to Service Cost	Support Services	Capital	Original Estimate 2013/14
Employee Costs	25,970	640	-500	-20,010	0	0	6,100
Premises Costs	10,390	260	0	-10	0	0	10,640
Transport Costs	19,620	500	-100	-3,540	0	0	16,480
Supplies and Services	168,630	4,230	-2,140	-67,420	0	0	103,300
Third Party	17,070	430	-170	-560	0	0	16,770
Transfer Payments	27,780	690	0	-130	0	0	28,340
Support Services	1,015,160	0	0	0	33,170	0	1,048,330
Depreciation & Impairment	1,180	0	0	0	0	3,970	5,150
<b>TOTAL EXPENDITURE</b>	<b>1,285,800</b>	<b>6,750</b>	<b>-2,910</b>	<b>-91,670</b>	<b>33,170</b>	<b>3,970</b>	<b>1,235,110</b>
Customer & Client Receipts	-1,630	-40	0	10	0	0	-1,660
Other grants and reimbursements	-676,900	-16,930	-47,110	70,440	0	0	-670,500
Miscellaneous Recharges	-7,500	-190	0	0	0	0	-7,690
<b>TOTAL INCOME</b>	<b>-686,030</b>	<b>-17,160</b>	<b>-47,110</b>	<b>70,450</b>	<b>0</b>	<b>0</b>	<b>-679,850</b>
<b>NET COST OF SERVICES</b>	<b>599,770</b>	<b>-10,410</b>	<b>-50,020</b>	<b>-21,220</b>	<b>33,170</b>	<b>3,970</b>	<b>555,260</b>
<b>ITEMS ADDED TO/ (TAKEN FROM) BALANCES AND RESERVES</b>							
PLBAL/H234 : Building Control Reserve Fund	-1,080	0	0	5,250	0	0	4,170
PLBAL/H358: Core Strategy Reserve Fund	-86,000	0	0	86,000	0	0	0
<b>NET BALANCES AND RESERVES</b>	<b>-87,080</b>	<b>0</b>	<b>0</b>	<b>91,250</b>	<b>0</b>	<b>0</b>	<b>4,170</b>
<b>NET EXPENDITURE</b>	<b>512,690</b>	<b>-10,410</b>	<b>-50,020</b>	<b>70,030</b>	<b>33,170</b>	<b>3,970</b>	<b>559,430</b>

6.2. Net costs for this committee have increased by £46,740 after allowing for transfers to and from earmarked reserves. The main reasons for this are summarised below:

- ❖ Decrease in net expenditure of £60k due to inflationary increases on income, offset by inflationary increase on expenditure.
- ❖ Decrease in building regulation fees of £15k due to continuing difficult current economic climate
- ❖ Increase in support service costs of £33k from other committees due to changes in cost allocations from services within those committees.
- ❖ New depreciation charge of £4k brought in following the purchase of the new printer/ scanner in 2012/13 in the capital programme.
- ❖ Decrease in Planning Application fees of £48k based on 3 year average

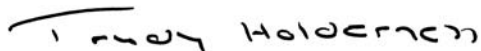


7 FEES AND CHARGES

- 7.1 Fees and charges for this Committee were agreed in November 2012, and have been increased by 2½% or more if the increase could be sustained. Detailed rates will be contained in the Council's fees and charges book and the new rates will be applicable from 1 April 2013.

8 RECOMMENDED THAT COMMITTEE

- 8.1 Agree the revenue budget for 2013/14 and to submit this to the Special Policy and Finance Committee subject to any further consideration by the Budget Working Group.

Trudy Holderness

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PD2-13/TH/AC  
2 January 2013

For further background information please ask for Trudy Holderness extension 4436.

BACKGROUND PAPERS – None

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 17 JANUARY 2013  
title: HOUSING LAND AVAILABILITY  
submitted by: CHIEF EXECUTIVE – MARSHAL SCOTT  
principal author: JOANNE MACHOLC - PROJECT OFFICER – POLICY

### 1 PURPOSE

1.1 To advise the Committee of the need to amend elements of the method by which the 5 year housing land supply is calculated in view of guidance in the National Planning Policy Framework (NPPF) and the recent appeal decision in relation to Site 2 at Barrow Business Village.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – The information in this report relates to a number of community objectives but is particularly relevant to the broad objective of conserving our countryside and enhancing the local environment.
- Corporate Priorities - This information is relevant to the Local Development Framework which is the spatial expression of the Community Strategy.
- Other Considerations – None.

### 2 INFORMATION

2.1 Successive national planning policy guidance, most recently encompassed in the NPPF, has required local authorities to maintain a five year supply of housing land, calculated from the overall housing requirement set out in the development plan. Members will be aware of successive reports to this committee which set out the latest position (the most recent being 6 December 2012). Specifically, NPPF requires authorities to, "identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement ....." (paragraph 47).

2.2 The Council's agreed approach to calculating the housing land supply against the 5-year requirement has not involved assessment of the deliverability of individual sites. However it has included a 10% allowance for slippage i.e. in recognition that not all sites may come forward or deliver the number of dwellings stated. Although long established, this approach is now at variance with the NPPF which requires the 5-year supply to be made up from "specific deliverable sites".

2.3 As members will recall the Council has only recently moved to a position where housing land supply under the agreed methodology has attained a five-year supply. A recent appeal in relation to Site 2 at Barrow Business Park was the first that tested the Council's methodology. The following points were highlighted in the appeal decision where the Inspector considered:

- 1) whether all sites could be considered "deliverable". The Inspector concluded that two sites had deliverability issues and should not be included in the 5 year supply; and
- 2) even if the 10% allowance for slippage could take the place of specific analysis of the deliverability of sites, in relation to these two sites, the number of dwellings equates

to more than 10%. Therefore a 10% allowance for slippage cannot be used to compensate for the shortfall in the 5 year housing land supply.

Accordingly, the Inspector concluded that the Council cannot demonstrate that it had a 5-year supply of land.

- 2.4 Subsequent housing land reports will need to include an individual assessment of deliverability of the specific sites which have planning permission rather than including the 10% allowance for slippage. In relation to deliverable sites, NPPF states,

“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.” (NPPF para 47, footnote 11)

Assessing deliverability will involve dialogue with owners and developers as well as an appraisal of viability and is unlikely to be completed fully to inform the next report. Until such assessments are complete it is considered prudent to retain the 10% allowance for slippage on sites which are not yet assessed and to make the specific site adjustments identified by the Inspector. Once assessments of deliverability are complete, it should no longer be necessary to apply a 10% allowance for slippage.

- 2.5 The Barrow Brook appeal utilised information from the April 2012 Housing Land availability situation (based on an annualised requirement of 161 dwellings per year). If the two sites were discounted from the calculation and a 10% allowance for slippage were applied to the latest survey (at 1<sup>st</sup> October 2012) as reported on 6<sup>th</sup> December 2012 which uses an annualised requirement of 200 dwellings per year, the position would be that there is planning permission for 1294 dwellings in comparison with a requirement of 1380 dwellings equating to a 4.69 year supply (see Appendix 1). The requirement of 1380 dwellings includes the 20% buffer to allow for undersupply in previous years as required by the NPPF (para. 47). Members will be aware however that since 1<sup>st</sup> October, further planning permissions for housing have been granted (including the appeal site). These will be captured within the next report.
- 2.6 Surveys will continue to be undertaken on a quarterly basis to monitor the situation. Further appeal decisions may also inform the process.
- 2.7 Although not related to housing land availability, in determining the appeal, the Inspector also concludes that the loss of the appeal site from the employment land supply would not lead to significant harm in this instant as it could be compensated for by identifying alternative sites.

JOANNE MACHOLC  
PROJECT OFFICER – POLICY

MARSHAL SCOTT  
CHIEF EXECUTIVE

#### BACKGROUND PAPERS

1. National Planning Policy Framework, 2012, Communities and Local Government.
2. Appeal Decision, ref APP/T2350/A/12/2176977 Site 2 Barrow Brook Business Village, Clitheroe.

For further information please ask for Joanne Macholc, extension 3200.

## APPENDIX 1

### Five year supply (2008-2028) based on proposed Core Strategy requirement including permissions, completions and commitments up until 1 October 2012

a) Housing provision 2008/2028	4000	200/yr
b) Net dwellings completed 2008/2012 (4.5 yrs)	439	98 (439/4.5)
c) Net dwellings required 2012-2021 (15.5 years) (adjusted to a revised annual rate)	3561/15.5	230/yr
d) Adjusted Net 5 yr requirement 2012-2017 (5yrs)	1150	230 x 5 (annual equivalent smoothed over plan period)
e) Add Buffer of 20%	1380	20% NPPF guideline (230 + 20% = 276) x 5

- a) Strategic housing provision based on previously proposed Core Strategy requirement.
- b) Actual completions in monitoring period divided by number of years.
- c) Residual requirements based on completions and plan period remaining. This figure gives the annualised requirement to attain planned figure.
- d) Five year requirement based on the revised/adjusted annualised rate.
- e) Buffer to allow for previous years under delivery 20% para. 47– NPPF.

#### Identified Supply

Supply of deliverable sites over 5 years (Housing Land Availability Survey October 2012)

Sites subject to Section 106 agreements		232 dwellings
Affordable units		240
Sites with Planning permission		<u>893</u>
	Sub total	1365
Less 2 sites <sup>1</sup> not deliverable in 5 years	minus	<u>133</u>
	Sub total	1232
Less 10% buffer	minus	123
	Sub total	1109
Plus sites under construction		<u>185</u>
	<b>TOTAL</b>	<b>1294</b>

1294 ÷ 276 = **4.69 year supply** at 01/10/12

<sup>1</sup> Site at Dale View Billington (23 units) and part of site at Henthorn Road which will be built beyond the 5 year period (110 units)

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

Agenda Item No.

meeting date: 17 JANUARY 2012  
 title: PLANNING APPEAL AT WHALLEY ROAD, BILLINGTON  
 submitted by: DIRECTOR OF COMMUNITY SERVICES  
 principal author: JOHN MACHOLC

### 1 PURPOSE

1.1 To advise Committee in relation to the application for costs following the allowed planning appeal at Whalley Road, Billington.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – }
- Corporate Priorities – } To be a well-managed Council providing efficient services based on identified customer need.
- Other Considerations – }

### 2 BACKGROUND

2.1 This application was originally recommended for approval at the Planning and Development Committee dated 20 January 2011. Notwithstanding the officer's recommendation, it was to approve the scheme subject to appropriate conditions, Planning and Development Committee overturned the officer's recommendation and refused the application for the following reason:

The proposed development is considered contrary to Policy G1 of the Ribble Valley Districtwide Local Plan in that the proposal would be detrimental to highway safety due to individual access points on Whalley Old Road and also would lead to an over burden on existing infrastructure provision in terms of drainage, health and education facilities.

2.2 Following the refusal, a planning appeal was submitted and the appeal was allowed on the 25 November 2011. As part of the appeal process, the applicant made an application for costs against the Council based on unreasonable behaviour and the Inspector considered the application with costs and granted full costs.

2.3 The applicant has now submitted a claim for costs which is now the subject of payment.

### 3 ISSUES

3.1 I am of the opinion that the actual submitted cost is excessive having regard to the fact that certain elements of the work such as unilateral undertaking and solicitor's fees would have been required in relation to the planning application irrespective of the appeal. On this basis, I wish to advise Members that I have requested further consideration as to the amount of costs but it is clear that eventually the Council will

have to pay a significant proportion of the submitted costs. The current claim is for around £20,000.

#### 4 RISK ASSESSMENT

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

- Resources – No significant impact other than additional time of officers defending the cost claim.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – If the Council continues to receive cost awards in relation to appeals this would reflect badly on the overall service and reputation.
- Equality & Diversity – No implications identified.

#### 5 CONCLUSION

5.1 That Committee note the report.

JOHN MACHOLC  
HEAD OF PLANNING SERVICES

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

#### BACKGROUND PAPERS

1. Planning application 3/2010/0751/P – residential development, Whalley New Road, Billington.
2. Appeal decision APP/T2350/A/11/2156765.

For further information please ask for John Macholc, extension 4505.

REF: JM/EL/170113/P&D