

# 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, 14 FEBRUARY 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 17 January 2013 – 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 outline application for the provision of up to 504 residential units (falling within use class C3), including affordable housing, with three new vehicular and pedestrian accesses onto Whalley Road, on site landscaping, formal and informal open space and associated infrastructure works including a new foul water pumping station at land south west of Barrow and west of Whalley Road, Barrow – report of Director of Community Services – copy enclosed.
- ✓ 7. Protocol for Non-Determination Appeals – report of Director of Community Services – copy enclosed.

#### INFORMATION ITEMS

- ✓ 8. Core Strategy Update – Minutes of Working Group – copies enclosed.
- ✓ 9. Appeals:
  - a) 3/2012/0390/P – Erection of a dwelling at land between n° 52 and n° 54 Knowsley Road, Wilpshire – appeal dismissed.
  - b) 3/2011/0892/P – Residential development of land at Milton Avenue, Clitheroe – appeal allowed.
- 10. Report of Representatives on Outside Bodies (if any).

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

None.

<b>INDEX OF APPLICATIONS BEING CONSIDERED</b>					
<b>MEETING DATE: 14 FEBRUARY 2013</b>					
	<b><u>Application No</u></b>	<b><u>Page</u></b>	<b><u>Officer</u></b>	<b><u>Recommendation</u></b>	<b><u>Site</u></b>
<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>				
	3/2012/0346/P	1	CS	AC	Land off Hey Road Barrow
	3/2012/0739/P	18	CS	AC	Barrow Brook Business Village Barrow
	3/2012/0797/P	35	CS	AC	Land at Southport House Sawley
	3/2012/0961/P	59	MB	AC	Quaker Field House Lambing Clough Lane, Hurst Green
	3/2012/0988/P & 3/2012/0989/P	64	JM	AC	The Grand, 18 York Street Clitheroe
	3/2012/1034/P	71	MB	AC	Osbaldeston Riding Centre Osbaldeston
	3/2012/1049/P	77	GT	AC	Jones Stroud Insultations Queen Street, Longridge
<b>C</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL</b>				
	3/2012/0913/P	84	CS	R	Land off Waddington Road Clitheroe
<b>D</b>	<b>APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED</b>				
	3/2012/1044/P	119	GT	DEFER	Land adjacent to The Spinney Grindleton
<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, 14 FEBRUARY 2013  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2012/0346/P (GRID REF: SD 374074 438457)  
 OUTLINE APPLICATION FOR MIXED B1, B2 AND B8 INDUSTRIAL USE INCLUDING MEANS  
 OF ACCESS ON LAND OFF HEY ROAD, BARROW

PARISH COUNCIL: The Parish Council objects to the application in order to safeguard the village and its surrounding areas.

This application is surprising as there appears to be no interest in commercial development in this area of the Ribble Valley. The applicants previously owned the print work site, part of which has now become residential after failing to attract any commercial interest. Members are concerned that a similar planning application for residential development might be made on this land if an application for change of use is approved. A planning application for residential development on an adjoining site designated for light industrial use also refers to a complete lack of commercial interest. That land should be used for its designated purpose before planning permission is granted to develop greenfield sites.

The sewerage facilities in the village are insufficient to cope with any further development. There are also concerns regarding surface water on the site and whether the development would increase the pressure on the water systems and cause flooding in the cellars on Old Row.

The application documents appear to have missed the colony of bats which live nearby. The surrounding green areas of the village must be protected as there is concern that the village is slowly losing its habitat for birds, bats and wildlife.

A public footpath runs across the land contained in the planning application and this must be retained in its present position for future use.

ENVIRONMENT  
 DIRECTORATE  
 (COUNTY SURVEYOR):

Has no objections to this proposal in principle on highway safety grounds.

The principle of development on this site was accepted when planning consent was granted for the whole complex with all vehicular access from the A59. The access to the A59 has been constructed to adoption standards and the A59 dualled between Bramley Mead roundabout and the A671 Clitheroe roundabout.

The proposed development is therefore acceptable from the highway safety aspect providing the extension of the spine road from the internal roundabout to the site entrance is constructed to full adoption standards before the site is first brought in to use.

However, this road cannot be formally adopted until the existing spine road becomes the responsibility of the Highway Authority, following the completion of all relevant S38 Agreements.

Any gates erected at the site access must either be set back 15m from the road edge so that a vehicle arriving can stand clear of the highway whilst waiting for them to open or the gates must be locked fully open at all times the premises are in use.

ENVIRONMENT  
DIRECTORATE (COUNTY  
ARCHAEOLOGY):

Comments that the site lies approximately 450m to the east of areas that have been identified as having a high potential for archaeological deposits dating to the prehistoric, Roman and Mediaeval periods. Well preserved archaeological deposits of either a prehistoric or Roman date would be likely to be considered to be of regional, and possible national, importance.

The County Archaeology Service therefore recommends that, prior to the determination of the application, an archaeological evaluation of the site should be carried out to determine if any such deposits do exist. This would comprise an initial desk based assessment and, dependent upon the results of this assessment, further non-intrusive investigation of the site and intrusive sample trial trenching may also be considered necessary. The results of the desk-based assessment would enable LCAS and the Local Planning Authority to reach a properly informed decision as to the archaeological potential of the site and the nature and extent of any further mitigation preservation in situ and/or excavation.

ENVIRONMENT AGENCY: Comments that the proposed development will be acceptable in principle subject to the imposition of a condition that the development shall not be commenced until a scheme for the disposal and attenuation of surface water has been submitted to and approved in writing by the Local Planning Authority; the scheme to be implemented fully in accordance with the approved details.

UNITED UTILITIES: Comments that, following the applicant's submission of a load and flow impact assessment, they confirm that modelling work has been completed, the results of which indicate that the proposed development is acceptable in principle. United Utilities would, however, require the imposition of three conditions to ensure the provision of any necessary infrastructure and to ensure the satisfactory drainage of the site based on sustainable drainage principles.

ADDITIONAL REPRESENTATIONS: Four letters have been received from nearby residents and a letter from a planning consultant on behalf of one of those residents. The observations and objections made in the letters are summarised as follows:

1. The proposal would totally dominate the view from the rear of an adjoining property. The plans show commercial units over the whole length of the rear boundary almost without a break. They would completely overshadow the property and other neighbouring properties.
2. The application constitutes an unnecessary and unwarranted change of use from agricultural land.
3. Noise disturbance in a rural/residential area.
4. There is no evidence of demand for industrial development in this locality.
5. The application is tactical and if approved would be followed by an application for residential development.
6. A permission for a development of this scale would be at odds with advice recently given to a neighbour that the building of one dwelling in his garden would be unacceptable as it would detract from the visual amenity of the area.
7. Previous developments at Barrow have been piecemeal. In relation to the print works, numerous applications have been approved never to materialise only to be changed and altered to allow what was clearly the original intention – to build more houses.

8. Consideration should be given to other sites before approving this application including sites that remain undeveloped at the adjoining print work site.
9. Permission has been sought for residential development on a site at the print works with 'lack of demand for industrial development' being cited in support of the application. (Permission has subsequently been granted on appeal).
10. The size of the site is disproportionate to the locality. Permission should not be granted for uses for which there is no need. This will only blight the area.
11. Loss of view, including views of Pendle Hill.
12. Devaluation of property.
13. The buildings are so large that, even if single storey, they would overshadow nearby dwellings.
14. There would be an increase in noise, vibration, dust, noxious odours, fumes, pollution, vehicular noise and vibration and degradation of the entire area during construction works.
15. As the proposal is to build commercial units, the possibility of ground pollution is introduced.
16. There is insufficient information submitted in the application for the Council to make a proper determination.
17. The site is in open countryside and would not comply with Policy G5 of the Ribble Valley Districtwide Local Plan which seeks to restrict development in the countryside to specified small-scale developments, none of which would apply to this application.
18. The proposal would not accord with the general spatial framework of the RSS which essentially seeks to guide developments to the main urban areas; in the rural areas only limited development of an appropriate scale and nature is to be located at either Key Service Centres or Local Service Centres.
20. With regards to NPPF the proposal would not amount to sustainable development as it would involve a substantial extent of new industrial development located in the open countryside adjacent to a small village.

21. The proposal does not accord with the core planning principle that planning should be plan-led. The Core Strategy Consultation Draft (CSCD) confirms that decisions were to provide the 9 hectares of additional employment land will be matters for the subsequent site allocations stages. The CSCD accordingly incorporates a wide range of options and possibilities to accommodate these requirements. It states that employment development will generally be directed to the main areas of population growth linking to the underlying strategy of aligning jobs with homes in key areas. Whilst the A59 is a preferred location, this is not the only option. Another example is the employment land within the Standen Strategic Site.
22. The reference in key statement DS1 that employment opportunities will be promoted through the development of the Barrow Enterprise site is clearly referring to the existing identified site rather than making pre-determined judgements as to where the future employment land requirements are to be located.
23. Even if an extension to the existing Barrow Enterprise Park was eventually proposed in a subsequent site allocations DPD, the site proposed in this current application is considerably larger than that for which consideration was given under the ELRS.
24. The Planning System: General Principles document remains extant and is a material consideration to be taken into account. On the issue of prematurity, this states that 'in some circumstances it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or in under review, but has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by pre-determining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD'. This proposal is to locate approximately 67% of the CSCD's stated employment requirements on this site. This is clearly relatively substantial and, if approved, would indeed prejudice the proper consideration in the emerging Core Strategy.



## **Proposal**

The application seeks outline permission for a mixed B1 (business), B2 (general industrial) and B8 (storage and distribution) development. Only the means of access is for determination at this stage, with all other matters reserved for subsequent determination.

An illustrative site layout plan (drawing no HINE/02DWG03) was submitted with the application. This has been amended by a plan received on 24 January 2013 (drawing no HINE/02DWG03 REVA) which shows an increased width of tree screening on the west/northwest site boundary.

The layout plan shown access into the site from the existing business park to the south. It shows 6 buildings ranging in size from approximately 25m x 20m to a large key shaped building close to the eastern (A59) site boundary with overall dimensions of approximately 100m x 90m. All of the units would front onto, and gain access from, the internal estate road, and sufficient car parking and servicing areas would be provided to meet the needs of each unit. At this stage, no indication is given in relation to the amount/distribution of the 3 use classes (B1, B2 and B8) throughout the site.

The submitted Design and Access Statement (DAS) states that the reserved matters application will propose the creation of a landscape buffer around the western, northern and eastern site boundaries. This is shown on the illustrative (amended) site layout plan; with the planting area being widest along the western boundary (closest to the residential properties in Barrow village). It is also stated in the DAS that the opportunity will also be taken to enhance the existing pedestrian route which crosses the site, providing a pedestrian link between the centre of Barrow village and the A59.

The heights of the buildings are stated in the submitted documents as ranging from a minimum eaves height of 5.5m to a maximum eaves height of 6m with corresponding overall ridge heights varying between 6.5m and 8m.

## **Site Location**

The rectangular application site comprises approximately 6 hectares of agricultural land. The southern half of the site comprises land in the ownership of Admiral Taverns that is referred to in the Council's Employment Land and Retail Study 2008 (ELRS) as the Barrow Brook Business Park extension. That approximately 3 hectare site is the subject of a separate application (3/2012/0739/P) a report for which is also on this agenda.

The site comprises a number of fields currently down to grass and accordingly the northern boundary is marked by an existing field boundary. The eastern edge of the site is defined by the A59. The northern half of the western boundary is adjoined by existing residential development. The southern half of the western boundary is adjoined by a parcel of land in the ownership of Admiral Taverns in respect of which an outline application for residential development was considered by Planning and Development Committee on 8 November 2012 (3/2012/0623/P). It was resolved that the application be deferred and delegated to the Director of Community Services for approval following the satisfactory completion of a Section 106 Agreement. Once that Agreement has been finalised, outline planning permission will therefore be granted for residential development on this land adjoining the current application site.

To the south, the site is adjoined by the existing Barrow Brook Business Village that is accessed directly off the A59. Hey Road links the A59 roundabout to the business park, providing access

to the existing petrol filling station, Co-operative Food Store, McDonalds restaurant, Total Food Services distribution centre, offices and to recently constructed residential developments.

In the Local Plan the site is within the open countryside outside the settlement boundary of Barrow.

### **Relevant History**

The only recent application relating to the application site was as follows:

3/2006/0631/P - Proposed change of use of land to market (car boot selling). Refused.

The following applications relating to adjoining land are considered to be relevant to this application:

3/1989/0405/P – Development of 19 hectare site to the south for offices, light industry, hotel/conference centre and housing with associated access roads and car parks. Approved with conditions.

3/1993/0316/P – Outline application for the development of the 19 hectare site for offices, light industrial use, hotel/conference centre and housing with associated access roads, car parking and landscaping (renewal of permission 3/1989/0405/P). Approved with conditions.

3/1996/0478/P – Application to extend the period for the approval of reserved matters in the respect of 3/1993/0316/P. Approved.

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

3/1999/0743/P – Application to extend a period of approval of reserved matters to 9 years in respect of outline permission 3/1993/0316/P. Approved.

3/2001/0420/P – Outline application for 5 acres of roadside services including hotel, A3 use and petrol filling station. Approved with conditions.

3/2002/0830/P – Application to extend the time limit for the approval of reserved matters in respect of outline permission 3/1993/0316/P. Approved.

3/2004/1163/P – Application to extend the period for the approval of reserved matters from 3 to 6 years in respect of outline permission 3/2001/0420/P. Approved.

3/2006/0564/P – Proposed distribution centre with offices and access (Total Foods). Full planning permission granted subject to conditions.

3/2006/0643/P – Reserved matters application for arterial road that links Hey Road with the indicative access point in this current application. Approved.

3/2012/0739/P – Outline planning application with all matters reserved for mixed use B1, B2 and B8 employment floor space with access and associated landscaping on an approximately 3 hectare site, comprising the southern part of the site of the application to which this report relates. Current application – report also on this agenda.

3/2012/0623/P – Outline application for residential development of 23 dwellings on a site to the west of the application site. Current application – minded to approve subject to an appropriate Section 106 Agreement.

### **Relevant Policies**

#### *Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy G4 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

#### *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 (NPPF).

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

This is an outline application with all detailed matters except access reserved for subsequent consideration at reserved matters application stage. The main consideration, therefore, concerns the principle of the proposed commercial development. The matters of visual amenity, residential amenity, tree/ecological considerations, archaeology, infrastructure provision, highway safety/traffic/public footpath issues and contaminated land issues do have to be given some consideration. For ease of reference these matters are broken down into the following sub-headings for discussion.

#### **Principle of Development**

The principal planning policy considerations in this case are based around the saved policies of the Local Plan, the National Planning Policy Framework (NPPF) and the Core Strategy 2008 – 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft. Whilst the North West Regional Spatial Strategy has yet to be formally abolished, it is in practice of less significance. However, as extant development plan policy it supports the promotion of sustainable economic development and the need to provide for employment land. These matters are reflected in the Local Plan, NPPF and the Core Strategy. Although consideration and weight can therefore be attached to the RSS these policies are less significant than the Local Plan, NPPF and Core Strategy in the context of this application and it is therefore against those policy documents that the application is to be assessed.

In relation to the Local Plan, the application site lies outside the defined settlement boundary of Barrow and accordingly saved Policy G5 is applicable. That policy limits development outside the settlement boundaries to small-scale development that fulfils one of a number of criteria, including that which is essential to the local economy or social wellbeing of the area. The scale of the application site is such that it does not accord with what has historically been regarded as small-scale development. However, although a saved Policy, it is not in accordance with more recent Government advice or the direction now being advocated in the Core Strategy Submission Draft.

The Council has undertaken detailed research to produce the evidence base used in the formulation of the Core Strategy. This evidence base includes:

- Employment Land and Retail Study October 2008 (ELRS);
- Employment Land Position Statement June 2011 (ELPS);
- Ribble Valley Economic Strategy 2009 – 2014 (ES) (background paper).

The ELRS was undertaken on behalf of the Council by BE Group. A number of important points in that report are relevant to the consideration of this application. Significantly, the report identified a need for the provision of an additional 6 hectares of employment land in the borough “in order to facilitate and maintain levels of economic development in the next 10 years”. It is also stated in the report that “the new supply needs to be primarily located adjacent to the A59, provide industrial premises where possible, extend and add value to existing employment areas, and be accessible to key service centres”. The ELRS included an assessment of 10 potential new employment sites with regard to their capacity to satisfy market demand and the need to identify sustainable employment solutions. Scoring of the 10 sites identified enabled the selection of those that are the most attractive to the market, accessible and developable in terms of size, shape, location and constraints. On the basis of this assessment, the land at Barrow Brook owned by Admiral Taverns (that is now the subject of application 3/2012/0739/P) was placed in the top 3. Table 84 of the ELRS, which is a summary of the Action Plan, places the land equal first in order of priority. This timescale is identified as being short, which applies to only 3 of the 10 sites, and is an indicator of the high likelihood of the site being developed for employment purposes.

The ELPS undertook a similar analysis of employment land required in the borough to that completed by BE Group for ELRS. This also predicted a requirement for a further 6 hectares of land for the 10 year period from 2010 to 2020 in addition to those sites that the BE Study identified. It is stated in the ELPS that Barrow Brook “continues its role as the Council’s principal strategic employment location”.

The ELPS noted that there are no significant additional sites to those identified by the BE Study and that “the location influences and infrastructure remain the same; it principally identified both Barrow Brook Business Park and BAE Samlesbury as flagship sites, ie sites of a scale, location, and setting capable of business park development for investment in the regional/sub-regional market place and could host B1, B2 or B8 uses. No local agents disagree with the importance of these sites”.

The full recommendations of the evidence base reports (including the June 2011 Employment Land Position Statements) have influenced the emerging Strategy in the form of the Core Strategy Submissions Draft that was submitted on 28 September 2012. It is stated in Key Statement EC1 that “the Council, in line with the evidence it has gathered, will aim to allocate an additional 9 hectares of land for employment purposes in appropriate and sustainable locations during the lifetime of this plan. Under the heading “Broad Location of New Employment Development” it is stated that “the Council considers Barrow Enterprise Park to be an employment land resource that has significant potential to provide for economic growth and deliver sustainable development for the borough”.

The plan is at an advanced stage and can therefore be given due weight in the decision-making process given that the Council has in effect determined what it proposes to put in place as the Development Plan for the area going forward. The Core Strategy identifies the significance of the Barrow Enterprise Park for economic development and the need to provide additional land is

included in the proposals. In that regard, the application does not conflict with the recognised need for additional land or the general principle of economic growth at the Barrow Enterprise site; and supporting evidence has identified the potential to expand the amount of employment land at Barrow. Fundamentally, the proposal is therefore consistent with the Council's Submission Core Strategy.

NPPF reiterates that any application must be determined against the Development Plan, unless material considerations indicate otherwise, included in those circumstances where the proposals conflict with the Development Plan; principally in this case as the site sits outside the settlement boundary. NPPF is recognised as being a material consideration in determining planning applications.

The key consideration is that of the presumption in favour of sustainable development. It is a fundamental principle on which NPPF is based. Paragraph 14 of NPPF highlights that in relation to taking decisions, where the Development Plan is "out of date" permission should be granted unless "any adverse impacts of doing so would significant and demonstrably outweigh the benefits when assessed against the policies in this framework, taken as a whole". As a principle, I do not consider that there are any policies in the framework that would specifically indicate that development (in this context) should be restricted.

The core planning principles go on to identify that planning should proactively support sustainable economic development although it is recognised in these provisions that planning should contribute to conserving and enhancing the natural environment. NPPF does go further to clearly support securing economic growth and operating to encourage sustainable growth. Similarly it is a clear thread of NPPF that economic growth in rural areas is supported. The proposal is therefore in my view supported by these key elements of NPPF.

In my opinion, given that the Local Plan is considered to be out of date, the proposed development is acceptable in principle insofar as it is in compliance with the sustainability requirements of NPPF and the recognition in the emerging Core Strategy of Barrow Brook as an important strategic location for employment development. However, consideration must be given to the extent to which it is appropriate at this stage:

1. To extend the site further on to Greenfield land ahead of Brownfield land being developed.
2. Concentrating so much of the required 9 hectares of employment land at this location ahead of the proper consideration of other sites through the allocations process.

Half of this site has been assessed against other sites in the ELRS and scored so highly that a preference for economic development at this location has been identified in the Core Strategy Submission Draft (CSSD). As such, it is considered that a refusal on prematurity grounds of an application for development on the southern half of the site would not be reasonable or sustainable (planning application 3/2012/0739/P is therefore recommended for approval in another report on this agenda).

This application relates to a site that is almost double the size of that assessed in the ELRS. In terms of employment offer, however, a key issue to the Council is having enough land to make available to support employment and business growth. As this site would provide such land in the Council's preferred location (as confirmed in the CSSD) it is not considered that a planning permission at this stage would significantly prejudice the local development framework. Therefore, it is not considered, even in relation to this larger site, that a refusal on prematurity grounds would be reasonable or sustainable.

I therefore conclude that the application is acceptable in principle, but the other matters referred to above (ie visual amenity, trees/ecology etc) still, however, need to be considered.

### Visual Amenity

NPPF defines three dimensions of sustainable development as economic, social and environmental. The environmental role is aimed at contributing to protecting and enhancing our natural environment. Saved Policy ENV3 of the Local Plan requires development in the open countryside to be in-keeping with the character of the landscape area and to reflect local vernacular, scale, style, features and building materials. The general intention to protect and, wherever possible, enhance the landscape is carried forward in Policy DME2 of the Core Strategy.

The application site is not subject to any local or national landscape designation. It is within the Undulating Lowland Landscape Character Area that is defined by farmland. The adjoining land to the south, which is within the same Landscape Character Area, has been considered appropriate for a mixture of commercial and residential development. Subject to appropriate care at reserved matters application stage in relation to the siting, size, design and external materials of the various buildings, I consider that the development would represent an appropriate extension to the business park. In relation to visual amenity, it would, in my opinion, be a development that would not be inappropriate in this location adjoining the A59, the principal traffic route in the borough.

### Residential Amenity

The southern part of the western boundary of the site is adjoined by the site of the outline application for residential development that Planning and Development Committee has resolved that it is minded to approve following the completion of an appropriate Section 106 Agreement (3/2012/0623/P). The illustrative plans submitted with that outline application show a 5m wide landscape buffer on its boundary with the current application site. On the amended illustrative layout plan submitted with this current application, an approximately 11m wide landscape/screening belt is shown on the application site side of this section of the western boundary. Through a condition to ensure the provision of the landscape/screening belt with the minimum width of 11m, and due care with the siting, use and noise insulation specifications of the buildings closest to the proposed dwellings, I consider that an appropriate level of amenity to the future occupiers of those properties can be ensured.

The central/northern section of the western site boundary is adjoined by the curtilages of three existing detached dwellings. Along this length, the proposed landscaping/screening belt ranges from approximately 11.6m to approximately 30m in width at the northwestern corner of the site.

The nearest residential property is approximately 38m away from the site boundary at its northern end, where the landscaping belt is at its widest. The building shown on this part of the site is also the smallest of the proposed buildings and it is to be approximately 35m away from the site boundary. There would therefore be a separation distance between that dwelling and proposed building of approximately 73m including a landscape belt ranging in width from approximately 18m to 30m. The other two dwellings would be approximately 66m and 78m away from the nearest proposed buildings (as shown on the illustrative layout plan). These distances include a landscaping belt of approximately 11m wide.

As stated, the layout plan is only illustrative, but it has been amended to pay more regard to the owners of nearby residents by increasing the width of the landscaping/screening buffer. I consider that, in view of the separation distances involved, the proposed landscaping/screening buffer, and with appropriate care in relation to the precise siting, specific use and noise insulation specifications of the buildings closest to those existing dwellings, an appropriate level of amenity for the occupiers of those properties can be ensured.

### Considerations Relating to Trees and Ecology

The site is not locally or nationally designated as an important ecological site. An extended Phase 1 Habitat Survey and Ecological Report by Pennine Ecological has been submitted with the application. This concludes that no protected species have been identified either on or adjoining the site; and that the site generally comprises poor grassland dominated by short grasses and displaying low species diversity.

It is, however, stated in the report that several of the shrubs/trees within the site or on its boundaries have bat roost potential and the site provides low potential foraging area for bats. It is therefore recommended that bat surveys are undertaken to confirm bat roost status in the trees, and to evaluate the site's status for foraging bats. It is also recommended that, if any trees/shrubs are to be felled, this must be done outside the bird-breeding season during September to February. Removal in the period March to August must not be undertaken unless the acting ecologist has inspected the site and deemed the trees/shrubs to be clear of nesting birds.

Appropriate conditions to cover these matters will be imposed in the event of outline planning permission being granted.

A tree survey/tree constraints plan by Bowland Tree Consultancy has also been submitted with the application. This indicates a number of trees within the site and/or close to its boundaries that are considered worthy of retention and protection. The retention and protection of these trees will be ensured through an appropriate condition in the event that outline planning permission is granted.

### Archaeology

The County Archaeologist has commented that the site lies approximately 450m to the east of areas that have been identified as having high potential for archaeological deposits dating to the prehistoric, Roman and mediaeval periods. He therefore recommends that, prior to the determination of the application, an archaeological valuation of the site shall be carried out to determine if any such deposits do exist. Similar comments were made in relation to outline application 3/2012/0623/P. In that case, it was considered unreasonable to require such works prior to the determination of an outline application. A condition will therefore be imposed on that permission requiring the works to be carried out prior to the commencement of development. This course of action is therefore recommended in relation to this current application. This will still enable account to be taken of any findings in the formulation and determination of any reserved matters application, at which time, any mitigation, preservation in situ or excavation measures could be controlled by further appropriate conditions.

### Infrastructure Provision

Both the Environment Agency and United Utilities have expressed no objections to this application subject to appropriate conditions. In this location adjoining the existing Business Park, I can see no objections to this application in relation to infrastructure provision.

### Highway Safety/Traffic/Public Footpath

As previously stated, this is an outline application with all matters except access reserved for future submission. A Transport Statement has, however, been submitted with this application. Having studied the application and the Transport Statement, the County Surveyor has no objections to the proposed development in terms of its effect upon the local transport network. He also has no objections to the proposed means of access by way of an extension of the existing road that presently gives access to the Total Food Services distribution centre. Detailed considerations in relation to the access and the internal road layout, parking provision etc will be made at reserved matters application stage. A public right of way (Wiswell FE1) crosses the application site running west to east from the rear of Barrow Primary School to the A59. The grant of planning permission would not, of course, authorise the closure or diversion of a public right of way. The applicants are aware that the development could not commence until proceedings were place either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side road orders, or if it is necessary to divert the public right of way, then the necessary orders would need to have been confirmed prior to construction.

For the avoidance of any doubt, this matter will be covered by an informative in the event that outline planning permission is granted.

### Contaminated Land

A Phase 1 (Desk Study) Contaminated Land Study by PSA Design has been submitted with the application. It is recommended in the report that an intrusive ground investigation should be carried out in order to address a number of issues which may affect the proposed development. This would need to be the subject of an appropriate condition in the event of outline planning permission being granted.

### Conclusion

Approximately half of this site was reviewed in the Employment Land Study and scored highly when compared to other potential sites for commercial development. It is considered that, even this larger site, represents a logical extension to the existing business park and is compliant with the Council's recognition of Barrow Brook as an important 'strategic' location for employment development that as a principle would contribute to sustainable employment growth in the borough helping reduce the need to travel out of the borough for work, enabling the Council to deliver sustainable development. In land use terms, as a location, it is an important component of the employment offer which this site would add to, in support of the critical mass that is needed to encourage investment and attract businesses to the site and help deliver infrastructure requirements.

For all of these reasons, the application complies with the requirements of NPPF and the Council's emerging Core Strategy. The application site would, however, contribute some 6



hectares of employment land which represents the provision at this location of a significant proportion of the overall requirement in the borough for 9 hectares.

For reasons explained above, however, as the proposal is so compliant with the emphasis that is placed on employment development in this location, it is not considered that the proposal would significantly prejudice the Local Development Framework. As such, a refusal of prematurity grounds would not be reasonable or sustainable.

As there are no objections to the proposal in relation to any of the relevant detailed considerations, it is considered that outline planning permission should be granted subject to appropriate conditions.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal would provide approximately 6 hectares of land for employment development that would be of benefit to the local rural economy, in the sustainable location and without any seriously detrimental effects upon visual amenity, the amenities of any nearby residents or highway safety.

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

1. Application for approval of reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
  - (a) the expiration of 3 years from the date of this permission; or
  - (b) the expiration of 2 years from final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

2. No development shall begin until detailed plans indicating the access, appearance, landscaping, layout and scale, including a contoured site plan showing existing features, the proposed slab floor levels and road level (hereinafter called the 'reserved matters') has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft and in order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.

3. The submission of reserved matters in respect of access, layout, scale, appearance and landscaping shall be carried out in substantial accordance with the Design and Access Statement submitted in support of the application; and in substantial accordance with the submitted illustrative drawing number HINE/02DWG03A.

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

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

REASON: To ensure a satisfactory means of drainage for the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. Prior to the commencement of development, details of the foul drainage scheme including any necessary infrastructure shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the approved foul drainage system has been completed in accordance with the approved details.

REASON: To ensure a satisfactory means of drainage for the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. Prior to the commencement of development, details of surface water drainage and means of disposal, based on sustainable drainage principles and evidence of an assessment of site conditions (inclusive of how the scheme shall be maintained and managed after completion of any necessary infrastructure) shall be submitted to and approved in writing by the Local Planning Authority. No surface water shall enter the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure a satisfactory means of drainage for the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

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

REASON: To ensure and safeguard the recording and inspection of matters of archaeological importance associated with the site in accordance with Policies G1 and ENV14 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME4 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

8. No development shall begin until a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details prior to occupation of the development and thereafter retained.

REASON: In order to encourage renewable energy and to comply with Policy EM18 of the North West England Regional Spatial Strategy 2021.

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

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

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

10. Prior to the commencement of any site works, including delivery of building materials and excavations for foundations or services all trees identified for retention in the approved landscaping scheme (condition 9 refers) shall be protected in accordance with the advice contained in BS5837 2012 -Trees in Relation to Design, Demolition & Construction. A tree protection-monitoring schedule shall be submitted and agreed in writing by the Local Planning Authority and all root protection/construction exclusion zone measures shall be inspected by the Local Planning Authority before any site works are begun.

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

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

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

REASON: In order to ensure that any trees affected by development considered being of visual, amenity value are afforded maximum physical protection from the potential adverse affects of development in order to comply with policies G1 and ENV13 of the Districtwide Local Plan and Policies DMG1 and DME2 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

11. The details of the landscaping of the site (condition 9) shall include the provision of a tree planted earth mound along the western boundary of the site (which shall have a minimum width of 10m and shall be in substantial accordance with submitted illustrative layout drawing number HINE/02DWG03A). This shall include details of the number and species of trees to be planted and their distribution on the mound.

The mound shall be formed and the planting shall be carried out in accordance with the timescale that has first been agreed in writing by the Local Planning Authority. The planting shall be maintained to the satisfaction of the Local Planning Authority for a period of not less than 5 years following its implementation. This maintenance shall include the replacement of any tree which is removed or dies, or is seriously damaged or becomes seriously diseased, by a species of similar size to that originally planted.

REASON: In the interests of the amenities of the future occupiers of dwellings on the approved residential development site to the west of the application site and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

12. The submitted reserved matters relating to any of the proposed units shall include details of the sound insulation specifications of the building. The buildings shall then be constructed and permanently maintained in accordance with the agreed specifications.

REASON: In the interests of 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 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

13. Prior to the first occupation of any of the units hereby permitted in outlined, precise details of the nature of the business of the occupier and the proposed hours of use shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of 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 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

14. Prior to commencement of development, an intrusive ground investigation shall be carried out as recommended and described in Section 7 (Further Works) of the Phase 1 (desk study) Investigation Report by PSA Design that was submitted with the outline application and a report of the findings of the investigation shall be submitted for the written approval of the Local Planning Authority. Any mitigation measures that are found to be necessary shall be carried out to the satisfaction of the Local Planning Authority prior to the commencement of development.

REASON: In the interests of providing an appropriate environment for the end users of the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulations 22 Submission Draft.

15. No site clearance, site preparation or development works to commence until a fully detailed habitat creation/compensation and management plan has been submitted to and approved in writing by the Local Planning Authority in consultation with their ecological advisors.

REASON: In the interests of the ecology of the site and to comply with Policy G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulations 22 Submission Draft.

## NOTES

1. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
2. External lighting associated with the development to be designed to avoid excessive light-spill and to avoid illuminating hedgerows or trees which may adversely affect wildlife.
3. Development works that may affect nesting birds to be avoided between March and August inclusive unless the absence of nesting birds has been confirmed by appropriate surveys or inspections.
4. Japanese Knotweed and any other plants listed in Schedule 9 of the Wildlife and Countryside Act 1981 to be eradicated from the site and working methods to be adopted to prevent the spread of this species.

APPLICATION NO: 3/2012/0739/P (GRID REF: SD 374066 438394)  
OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED FOR UP TO 13,000M<sup>2</sup> OF MIXED USE B1, B2 AND B8 EMPLOYMENT FLOOR SPACE WITH ACCESS AND ASSOCIATED LANDSCAPING ON LAND NORTH OF BARROW BROOK BUSINESS VILLAGE, BARROW

PARISH COUNCIL: Objects to the application in order to safeguard the village and its surrounding areas and makes the following observations:

1. This is a greenfield site that is currently used for grazing and has never been part of the Barrow Printworks site. Members believe it should remain as agricultural land. No greenfield sites should be granted permission until all the sites already designated as employment land and contained in the nearby Enterprise Zone are developed for that purpose.
2. The application is surprising, as there does not appear to be any interest in commercial development in this area of Ribble Valley. Nearby land designated as "employment use" has recently become residential after failing to attract any commercial interest, including a recent permission for residential development granted on appeal. In the current financial situation it is very unlikely that there will be any commercial interest in the near future.
3. There is a fear that a permission for commercial development would be followed by an application to obtain residential planning permission.

4. Whilst welcoming employment opportunities for local people, it should not be at the expense of greenfield land when there is existing employment designated land nearby.
5. Permission should be refused until the results of the Core Strategy are published.
6. The industrial buildings are too close to houses at Old Row and Barrow Primary School. They would be intrusive in rural environment and have a negative impact on residential amenity.
7. There is no indication as to what the individual buildings would be used for. Any form of manufacturing could be detrimental to the local community and there would be a need for strict controls and activities regarding noise, pollution etc in order to protect nearby residents.
8. Contrary to the statement on the application forms, there is a brook within 20m of the site. This runs down the boundary with the Total Foods warehouse and Barrow Playing Field.
9. There is concern that the public footpath which runs through the site appears to have been moved around the site boundaries.
10. An arrow on the submitted plans appears to indicate a possible extension of the estate road for future development. Does this mean that even more land is to be opened up for some form of development?
11. The existing sewerage facilities are insufficient to cope with any further development. There is also concern regarding surface water on the site and whether the development would increase the pressure on the water systems and cause flooding in the cellars on Old Row.
12. The surrounding green areas of the village must be protected and Members are concerned that the village is slowly losing its habitats for birds, bats and wildlife.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Has no objections to this proposal in principle on highway safety grounds.

The principle of development on this site was accepted when planning consent was granted for the whole complex with all vehicular access from the A59. The access to the A59 has been constructed to adoption standards and the A59 dualled between Bramley Mead roundabout and the A671 Clitheroe roundabout.

The proposed development is therefore acceptable from the highway safety aspect providing the extension of the spine road from the internal roundabout to the site entrance is constructed to full adoption standards before the site is first brought in to use.

However, this road cannot be formally adopted until the existing spine road becomes the responsibility of the Highway Authority, following the completion of all relevant S38 Agreements.

Any gates erected at the site access must either be set back 15m from the road edge so that a vehicle arriving can stand clear of the highway whilst waiting for them to open or the gates must be locked fully open at all times the premises are in use.

ENVIRONMENT  
DIRECTORATE (COUNTY  
ARCHAEOLOGIST):

Comments that the site lies approximately 450m to the east of areas that have been identified as having a high potential for archaeological deposits dating to the prehistoric, Roman and Mediaeval periods. Well preserved archaeological deposits of either a prehistoric or Roman date would be likely to be considered to be of regional, and possible national, importance.

The County Archaeology Service therefore recommends that, prior to the determination of the application, an archaeological evaluation of the site should be carried out to determine if any such deposits do exist. This would comprise an initial desk based assessment and, dependent upon the results of this assessment, further non-intrusive investigation of the site and intrusive sample trial trenching may also be considered necessary. The results of the desk based assessment would enable LCAS and the Local Planning Authority to reach a properly informed decision as to the archaeological potential of the site and the nature and extent of any further mitigation preservation in situ and/or excavation.

ENVIRONMENT  
DIRECTORATE  
(COUNTY ECOLOGIST):

Comments that it appears reasonably unlikely that the proposed developments would have any significant ecological impacts provided that the following matters are dealt with at reserved matters stage or by a planning condition:

1. External lighting associated with the development to be designed to avoid excessive light-spill and to avoid illuminating hedgerows or trees which may adversely affect wildlife.
2. No site clearance, site preparation or development works to commence until a fully detailed habitat creation/compensation and management plan has been submitted to and approved in writing by the Local Planning Authority in consultation with their ecological advisors.
3. All trees and hedgerows to be retained to be appropriately protected during construction works.
4. Development works that may affect nesting birds to be avoided between March and August inclusive unless the absence of nesting birds has been confirmed by appropriate surveys or inspections. Japanese Knotweed and any other plants listed in Schedule 9 of the Wildlife and Countryside Act 1981 to be eradicated from the site and working methods to be adopted to prevent the spread of this species.

ENVIRONMENT AGENCY:

Comments that the development will meet the requirements of National Planning Policy Framework if measures detailed in the submitted Flood Risk Assessment are implemented and secured by way of appropriate planning conditions. The Environment Agency therefore has no objections to the application subject to the imposition of such appropriate conditions.

UNITED UTILITIES:

Comments that the proposed development is acceptable in principle subject to the imposition of three conditions to ensure the provision of any necessary infrastructure and to ensure the satisfactory drainage of the site based on sustainable drainage principles.



NATURAL ENGLAND: Comments that the site is in close proximity to Light Clough Site of Special Scientific Interest (SSSI) but, given the nature and scale of the proposal, Natural England is satisfied that there is not likely to be an adverse effect on the SSSI as a result of the proposal being carried out in strict accordance with the details of the submitted application. Natural England therefore advise that the SSSI does not represent a constraint in the determination of this application.

Natural England would expect the Local Planning Authority to assess and consider the possible impacts of the development upon protected species, local wildlife sites, local landscape and biodiversity enhancements.

ADDITIONAL REPRESENTATIONS: One letter has been received from a nearby resident in which some of the comments made relate to an adjoining proposed housing development (3/2012/0623/P) that was shown on the plans submitted with this application for illustrative purposes only. The comments in the letter that are relevant to this application for commercial development are as follows:

1. The development will increase road traffic, noise and pollution and will increase the risk for pedestrians. The site is close to a school and this will mean that, at school times, the roads will be exceptionally busy.
2. The Whalley Sewage Works will not cope with the increased demand resulting from a development of this scale.
3. The development will destroy the beautiful rural nature of Barrow village.
4. The proposal will have an adverse effect on local property values.

### **Proposal**

The application seeks outline permission for up to 13,000m<sup>2</sup> of mixed use Class B1, B2 and B8 employment floorspace with access and associated landscaping. All matters of detail are reserved for subsequent consideration at reserved matters application stage. In accordance with the requirements for outline applications of this type, however, documents and illustrative plans have been submitted in order to show how the site could be developed for the proposed uses whilst appropriately addressing the site context, local characteristics and relevant policies/guidance in respect of its use, amount, layout, scale, appearance, landscaping and access.

In terms of use, the development would provide a mixture of B1a offices; B1b research and development; B1c light industrial; B2 general industrial; and B8 storage and distribution. In very general terms, the submitted illustrative layout shows the B8 uses at the western end of the site (closest to Barrow Village) the B2 uses in the middle of the site and the main B1 office building

sited at the eastern end of the site (closest to the A59). This is proposed to be a high quality three storey office building to take advantage of its prime position adjacent to the A59.

In terms of amount, the total floor space of approximately 13,000m<sup>2</sup> would be divided into 16 units ranging in size from 300m<sup>2</sup> to 3,000 m<sup>2</sup> to meet the needs of small and medium sized businesses.

The illustrative layout shows access into the site from the existing business park to the south. The units front onto the internal estate road, and sufficient car parking and servicing area would be provided to meet the needs of each unit. Pedestrian access would be provided to the surrounding area; and the road layout would allow for a future extension onto the adjoining land to the north. With regards to scale and appearance, the following points are made in the submitted Design and Access Statement:

1. The buildings would primarily be two storeys high with the exception of the three-storey office block on the eastern part of the site.
2. Typical widths of individual buildings extend from a minimum of 15m to a maximum of 60m. The buildings may be joined in which case a higher width may be feasible.
3. Typical lengths of buildings extend from a minimum of 15m to a maximum of 40m.
4. Typical heights of buildings to the eaves extend from a minimum of 6m to a maximum of 10m. The height of the ridges will vary depending on the roof profile, whether pitched or curved.
5. The appearance of the employment units will complement existing approved and planned development within the business village.

With regards to landscaping, the principles that will be taken into account in the submission of reserved matters are:

1. Opportunities for soft landscaping will exist within the development to help break up the surface car parking and new tree planting will be important as the site currently has no important natural features.
2. A landscape buffer will be created to the site boundaries, particularly the west to provide an appropriate screen for the employment buildings.

In relation to access requirements, it is stated in the Design and Access Statement that the following principles will be taken into account in the submission of reserved matters:

1. The design of the access will accord with Lancashire County Council Highway Standards.
2. A turning head will be provided within the site to ensure cars, articulated lorries a fire appliance and pantecnicon can turn.
3. Car parking will be provided in accordance with the relevant adopted standards, or as detailed in an approval travel plan at the time of the reserved matters.

4. Secure cycle storage will be provided within the site for employees to encourage travel to work by means other than the car.
5. Sufficient space will be provided for each business unit for waste and recyclable waste storage.
6. In accordance with Part M of the Building Regulations, level access thresholds will be provided at the building entrances. Within building all requirements for Part M of the Building Regulations will be met.

### **Site Location**

The rectangular 3.05 hectare application site comprises agricultural land. The northern, southern and western boundaries are defined by the existing field boundaries and hedges whilst the eastern boundary is formed by the A59. Part of the western boundary is undefined on the ground and is drawn in line with the barbed wire fence which extends to the north.

The site is adjoined to the west by a parcel of land, also within the applicant's ownership, in respect of which an outline application for residential development was considered by the Planning and Development Committee on 8 November 2012 (3/2012/0623/P). It was resolved that the application be deferred and delegated to the Director of Community Services for approval following the satisfactory completion of a Section 106 Agreement. Once that Agreement has been finalised, outline planning permission will therefore be granted for residential development on this land adjoining the current application site.

To the south, the site is adjoined by the Barrow Brook Business Park which is accessed directly off the A59. Hey Road links the A59 roundabout into the Business Park, providing access to the existing petrol filling station, Co-operative Food Store, McDonalds Restaurant, Total Food services distribution centre, offices and to recently constructed residential developments.

The northern site boundary is formed by a low fence with open agricultural land beyond. The northwest corner of the site is adjoined by the playing fields for Barrow Primary School. To the southwest is Washbrook Close, a small housing development containing semi-detached and terraced houses and bungalows.

In the Local Plan, the site is within the open countryside outside the settlement boundary of Barrow.

### **Relevant History**

The only recent application relating to the application site was as follows:

3/2006/0631/P - Proposed change of use of land to market (car boot selling). Refused.

The following applications relating to adjoining land are considered to be relevant to this application:

3/1989/0405/P – Development of 19 hectare site to the south for offices, light industry, hotel/conference centre and housing with associated access roads and car parks. Approved with conditions.

3/1993/0316/P – Outline application for the development of the 19 hectare site for offices, light industrial use, hotel/conference centre and housing with associated access roads, car parking and landscaping (renewal of permission 3/1989/0405/P). Approved with conditions.

3/1996/0478/P – Application to extend the period for the approval of reserved matters in the respect of 3/1993/0316/P. Approved.

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

3/1999/0743/P – Application to extend a period of approval of reserved matters to 9 years in respect of outline permission 3/1993/0316/P. Approved.

3/2001/0420/P – Outline application for 5 acres of roadside services including hotel, A3 use and petrol filling station. Approved with conditions.

3/2002/0830/P – Application to extend the time limit for the approval of reserved matters in respect of outline permission 3/1993/0316/P. Approved.

3/2004/1163/P – Application to extend the period for the approval of reserved matters from 3 to 6 years in respect of outline permission 3/2001/0420/P. Approved.

3/2006/0564/P – Proposed distribution centre with offices and access (Total Foods). Full planning permission granted subject to conditions.

3/2006/0643/P – Reserved matters application for arterial road that links Hey Road with the indicative access point in this current application. Approved.

3/2012/0346/P – Outline application for mixed B1, B2 and B8 industrial use on a 5.96 hectare site comprising the site of this application (3/2012/0739/P) plus adjoining land to the north. Current application – report also on this agenda.

3/2012/0623/P – Outline application for residential development of 23 dwellings on a site to the west of the application site. Current application – minded to approve subject to an appropriate Section 106 Agreement.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy G4 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

*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 (NPPF).

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

This is an outline application with all detailed matters reserved for subsequent consideration at reserved matters application stage. The main consideration, therefore, concerns the principle of the proposed commercial development. The matters of visual amenity, residential amenity, tree/ecological considerations, archaeology, infrastructure provision, highway safety/traffic/public footpath issues and contaminated land issues do have to be given some consideration. For ease of reference these matters are broken down into the following sub-headings for discussion.

### **Principle of Development**

The principal planning policy considerations in this case are based around the saved policies of the Local Plan, the National Planning Policy Framework (NPPF) and the Core Strategy 2008 – 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft. Whilst the North West Regional Spatial Strategy has yet to be formally abolished, it is in practice of less significance. However, as extant development plan policy it supports the promotion of sustainable economic development and the need to provide for employment land. These matters are reflected in the Local Plan, NPPF and the Core Strategy. Although consideration and weight can therefore be attached to the RSS these policies are less significant than the Local Plan, NPPF and Core Strategy in the context of this application and it is therefore against those policy documents that the application is to be assessed.

In relation to the Local Plan, the application site lies outside the defined settlement boundary of Barrow and accordingly saved Policy G5 is applicable. That policy limits development outside the settlement boundaries to small-scale development that fulfils one of a number of criteria, including that which is essential to the local economy or social wellbeing of the area. The scale of the application site is such that it does not accord with what has historically been regarded as small-scale development. However, although a saved Policy, it is not in accordance with more recent Government advice or the direction now being advocated in the Core Strategy Submission Draft.

The Council has undertaken detailed research to produce the evidence base used in the formulation of the Core Strategy. This evidence base includes:

- Employment Land and Retail Study October 2008 (ELRS);
- Employment Land Position Statement June 2011 (ELPS);
- Ribble Valley Economic Strategy 2009 – 2014 (ES) (background paper).

The ELRS was undertaken on behalf of the Council by BE Group. A number of important points in that report are relevant to the consideration of this application. Significantly, the report identified a need for the provision of an additional 6 hectares of employment land in the borough “in order to facilitate and maintain levels of economic development in the next 10 years”. It is also stated in the report that “the new supply needs to be primarily located adjacent to the A59, provide industrial premises where possible, extend and add value to existing employment areas, and be accessible to key service centres”. The ELRS included an assessment of 10 potential new employment sites with regard to their capacity to satisfy market demand and the need to identify sustainable employment solutions. Scoring of the 10 sites identified enabled the selection of those that are the most attractive to the market, accessible and developable in terms of size, shape, location and constraints. On the basis of this assessment, this land at Barrow Brook owned by Admiral Taverns was placed in the top 3. Table 84 of the ELRS, which

is a summary of the Action Plan, places the land equal first in order of priority. This timescale is identified as being short, which applies to only 3 of the 10 sites, and is an indicator of the high likelihood of the site being developed for employment purposes.

The ELPS undertook a similar analysis of employment land required in the borough to that completed by BE Group for ELRS. This also predicted a requirement for a further 6 hectares of land for the 10 year period from 2010 to 2020 in addition to those sites that the BE Study identified. It is stated in the ELPS that Barrow Brook “continues its role as the Council’s principal strategic employment location”.

The ELPS noted that there are no significant additional sites to those identified by the BE Study and that “the location influences and infrastructure remain the same; it principally identified both Barrow Brook Business Park and BAE Samlesbury as flagship sites, ie sites of a scale, location, and setting capable of business park development for investment in the regional/sub-regional market place and could host B1, B2 or B8 uses. No local agents disagree with the importance of these sites”.

The full recommendations of the evidence base reports (including the June 2011 Employment Land Position Statements) have influenced the emerging Strategy in the form of the Core Strategy Submissions Draft that was submitted on 28 September 2012. It is stated in Key Statement EC1 that “the Council, in line with the evidence it has gathered, will aim to allocate an additional 9 hectares of land for employment purposes in appropriate and sustainable locations during the lifetime of this plan. Under the heading “Broad Location of New Employment Development” it is stated that “the Council considers Barrow Enterprise Park to be an employment land resource that has significant potential to provide for economic growth and deliver sustainable development for the borough”.

The plan is at an advanced stage and can therefore be given due weight in the decision-making process given that the Council has in effect determined what it proposes to put in place as the Development Plan for the area going forward. The Core Strategy identifies the significance of the Barrow Enterprise Park for economic development and the need to provide additional land is included in the proposals. In that regard, the application does not conflict with the recognised need for additional land or the general principle of economic growth at the Barrow Enterprise site; and supporting evidence has identified the potential to expand the amount of employment land at Barrow. Fundamentally, the proposal is therefore consistent with the Council’s Submission Core Strategy.

NPPF reiterates that any application must be determined against the Development Plan, unless material considerations indicate otherwise, included in those circumstances where the proposals conflict with the Development Plan; principally in this case as the site sits outside the settlement boundary. NPPF is recognised as being a material consideration in determining planning applications.

The key consideration is that of the presumption in favour of sustainable development. It is a fundamental principle on which NPPF is based. Paragraph 14 of NPPF highlights that in relation to taking decisions, where the Development Plan is “out of date” permission should be granted unless “any adverse impacts of doing so would significant and demonstrably outweigh the benefits when assessed against the policies in this framework, taken as a whole”. As a principle, I do not consider that there are any policies in the framework that would specifically indicate that development (in this context) should be restricted.

The core planning principles go on to identify that planning should proactively support sustainable economic development although it is recognised in these provisions that planning should contribute to conserving and enhancing the natural environment. NPPF does go further to clearly support securing economic growth and operating to encourage sustainable growth. Similarly it is a clear thread of NPPF that economic growth in rural areas is supported. The proposal is therefore in my view supported by these key elements of NPPF.

In my opinion, given that the Local Plan is considered to be out of date, the proposed development is acceptable in principle as it is in compliance with the emerging Core Strategy and the general sustainability requirements of NPPF. The other matters referred to above (ie visual amenity, trees/ecology etc) still, however, need to be considered.

### Visual Amenity

NPPF defines three dimensions of sustainable development as economic, social and environmental. The environmental role is aimed at contributing to protecting and enhancing our natural environment. Saved Policy ENV3 of the Local Plan requires development in the open countryside to be in-keeping with the character of the landscape area and to reflect local vernacular, scale, style, features and building materials. The general intention to protect and, wherever possible, enhance the landscape is carried forward in Policy DME2 of the Core Strategy.

The application site is not subject to any local or national landscape designation. It is within the Undulating Lowland Landscape Character Area that is defined by farmland. The adjoining land to the south, which is within the same Landscape Character Area, has been considered appropriate for a mixture of commercial and residential development. Subject to appropriate care at reserved matters application stage in relation to the siting, size, design and external materials of the various buildings, I consider that the development would represent an appropriate extension to the business park. In relation to visual amenity, it would, in my opinion, be a development that would not be inappropriate in this location adjoining the A59, the principal traffic route in the borough.

### Residential Amenity

The southern part of the western boundary of the site is adjoined by the site of the outline application for residential development that Planning and Development Committee has resolved that it is minded to approve following the completion of an appropriate Section 106 Agreement (3/2012/0623/P). The illustrative plans submitted with that outline application shows a 5m wide landscape buffer on its boundary with the current application site. On this current application, additional screening is indicated close to that boundary, but no width of the planting belt is specified. Through a requirement for additional screening on the application side of this boundary, and care with the siting, use and noise insulation specifications of the buildings closest to the proposed dwellings, I consider that an appropriate level of amenity for the future occupiers of those properties can be ensured.

In my opinion, there are no existing dwellings that are close enough to the site for the amenities of their occupiers to be in any way seriously harmed by the proposed development.

### Considerations Relating to Trees and Ecology

The site is not locally or nationally designated as an important ecological site. An ecology report has been submitted in support of the application because of the current grassland status of the site. The report by Bowland Ecology concludes that no protected species have been identified either on or adjoining the site and that the site has an inherent low ecological value.

The County Ecologist has studied the application and the Ecology Report and has no objections to the application subject to a number of matters being addressed at either reserved matters application stage or by appropriate conditions.

The Tree Survey and Arboricultural Constraints Appraisal by Bowland Tree Consultancy has also been submitted with the application. This indicates a number of trees within the site and/or close to its boundaries that are considered worthy of retention and protection. The retention and protection of these trees will be ensured through an appropriate condition in the event that outline planning permission is granted.

### Archaeology

The County Archaeologist has commented that the site lies approximately 450m to the east of areas that have been identified as having high potential for archaeological deposits dating to the prehistoric, roman and mediaeval periods. He therefore recommends that, prior to the determination of the application, an archaeological valuation of the site shall be carried out to determine if any such deposits do exist. Similar comments were made in relation to outline application 3/2012/0623/P. In that case, it was considered unreasonable to require such works prior to the determination of an outline application. A condition will therefore be imposed on that permission requiring the works to be carried out prior to the commencement of development. This course of action is therefore recommended in relation to this current application. This will still enable account to be taken of any findings in the formulation and determination of any reserved matters application, at which time, any mitigation, preservation in situ or excavation measures could be controlled by further appropriate conditions.

### Infrastructure Provision

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

United Utilities have confirmed that the proposed development is acceptable in principle subject to the imposition of three conditions to ensure the provision of any necessary infrastructure and to ensure the satisfactory drainage of the site based on sustainable drainage principles.

Given the location of the site adjoining the existing enterprise park, and the support expressed for commercial development in this location by the emerging Core Strategy, there would not appear to be any reasons relating to infrastructure provision that would represent sustainable planning reasons for refusal of this outline application.

### Highway Safety/Traffic/Public Footpath

As previously stated, this is an outline application with all matters reserved for future submission. A Transport Statement has, however, been submitted with this application. Having studied the application and the Transport Statement, the County Surveyor has no objections to



the proposed development in terms of its effects upon the local transport network. Detailed considerations in relation to the access and internal road layout, parking provision etc will be made at reserved matters application stage.

A public right of way (Wiswell FP1) crosses the application site running west to east from the rear of Barrow Primary School to the A59. The grant of planning permission would not, of course, authorise the closure or diversion of a Public Right of Way. The applicants are aware of this and it is stated in the submitted planning statement that 'development will not commence until proceedings are in place, either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side road orders, or if it is necessary to divert the public right of way, then the necessary orders would be confirmed prior to construction'.

For the avoidance of any doubt, this matter will be covered by an informative in the event that outline planning permission is granted.

### Contaminated Land

A phase I (desk study) Contaminated Land Study by OPUS has been submitted in support of this application. It is recommended in the report that an intrusive ground investigation should be carried out in order to address a number of issues which may affect the proposed development. This would need to be the subject of an appropriate condition in the event of outline planning permission being granted.

### Conclusion

This site was reviewed in the Employment Land Study and scored highly when compared to other potential sites for commercial development. It represents a logical extension to the existing enterprise park and is compliant with the Council's recognition of Barrow Brook as an important 'strategic' location for employment development that as a principle would contribute to sustainable employment growth in the borough helping reduce the need to travel out of the borough for work enabling the Council to deliver sustainable development. In land use terms, as a location, it is an important component of the employment offer which this site would have to in support of the critical mass that is needed to encourage investment and attract business to the site and help deliver infrastructure requirements.

For all of these reasons, the application complies with the requirements of NPPF and the Council's emerging Core Strategy. The application site would, however, contribute some 3 hectares of employment land which represents the provision at this location of a relatively significant proportion of the overall requirements in the borough for 9 hectares.

In terms of employment offer a key issue for the Council is having enough land to make available to support employment and business growth. However, the extent to which it is appropriate to extend the site further on to Greenfield land at this stage, ahead of the existing brownfield land being developed, and the impact that this may have upon the phasing and delivery of existing committed brownfield sites, is important. There is concern about the degree to which the release of further greenfield land ahead of brownfield would contribute to true sustainable land release and how this would service to encourage the reuse of brownfield land first. It is worthy of note that NPPF retains the brownfield first priority that applies equally to employment land provision as it does to housing.

Notwithstanding this concern, due to the compliance of the proposed development with NPPF and the emerging Core Strategy, and in the absence of any objections in relation to any of the relevant detailed considerations, I do not consider that a refusal of this application on 'prematurity' grounds would be reasonable or sustainable. I therefore consider that outline planning permission should be granted subject to appropriate conditions.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal would provide approximately 3 hectares of land for employment development, that would be of benefit to the local rural economy, in the sustainable location and without any seriously detrimental effects upon visual amenity, the amenities of any nearby residents or highway safety.

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

1. Application for approval of reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
  - (a) the expiration of 3 years from the date of this permission; or
  - (b) the expiration of 2 years from final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.

**REASON:** In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

2. No development shall begin until detailed plans indicating the access, appearance, landscaping, layout and scale, including a contoured site plan showing existing features, the proposed slab floor levels and road level (hereinafter called the 'reserved matters') has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

**REASON:** To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft and in order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.

3. The submission of reserved matters in respect of access, layout, scale, appearance and landscaping shall be carried out in substantial accordance with the Design Statement (Section 9) and Access Statement (Section 10) of the Planning Statement submitted by Caldecotte Consultants in support of the application; and in substantial accordance with the submitted illustrative drawing number 5251/09REVA.

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

4. The development hereby permitted in outline shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by AAH Planning Consultants dated June 2012 and in accordance with the following mitigation measures detailed within the FRA:
  1. Limiting the surface water runoff generated by the 1 in 100 year critical storm so that it will not exceed the runoff from the undeveloped site and not increase the risk of flooding off site.

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

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

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

REASON: To ensure a satisfactory means of drainage for the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. Prior to the commencement of development, details of the foul drainage scheme including any necessary infrastructure shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the approved foul drainage system has been completed in accordance with the approved details.

REASON: To ensure a satisfactory means of drainage for the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

7. Prior to the commencement of development, details of surface water drainage and means of disposal, based on sustainable drainage principles and evidence of an assessment of site conditions (inclusive of how the scheme shall be maintained and managed after completion of any necessary infrastructure) shall be submitted to and approved in writing by the Local Planning Authority. No surface water shall enter the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure a satisfactory means of drainage for the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

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

REASON: To ensure and safeguard the recording and inspection of matters of archaeological importance associated with the site in accordance with Policies G1 and ENV14 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME4 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

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

REASON: In the interests of providing an appropriate environment for the end users of the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

10. No development shall begin until a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details prior to occupation of the development and thereafter retained.

REASON: In order to encourage renewable energy and to comply with Policy EM18 of the North West England Regional Spatial Strategy 2021.

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

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

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

12. Prior to the commencement of any site works, including delivery of building materials and excavations for foundations or services all trees identified for retention in the approved landscaping scheme (condition 11 refers) shall be protected in accordance with the advice contained in BS5837 2012 -Trees in Relation to Design, Demolition & Construction. A tree protection-monitoring schedule shall be submitted and agreed in writing by the Local

Planning Authority and all root protection/construction exclusion zone measures shall be inspected by the Local Planning Authority before any site works are begun.

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

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

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

REASON: In order to ensure that any trees affected by development considered being of visual, amenity value are afforded maximum physical protection from the potential adverse affects of development in order to comply with policies G1 and ENV13 of the Districtwide Local Plan and Policies DMG1 and DME2 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

13. The details of the landscaping of the site (condition 11) shall include the provision of a tree planted earth mound along the western boundary of the site. This shall include details of the number and species of trees to be planted and their distribution on the mound.

The mound shall be formed and the planting shall be carried out in accordance with the timescale that has first been agreed in writing by the Local Planning Authority. The planting shall be maintained to the satisfaction of the Local Planning Authority for a period of not less than 5 years following its implementation. This maintenance shall include the replacement of any tree which is removed or dies, or is seriously damaged or becomes seriously diseased, by a species of similar size to that originally planted.

REASON: In the interests of the amenities of the future occupiers of dwellings on the approved residential development site to the west of the application site and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

14. The submitted reserved matters relating to any of the proposed units shall include details of the sound insulation specifications of the building. The buildings shall then be constructed and permanently maintained in accordance with the agreed specifications.

REASON: In the interests of 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 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

15. Prior to the first occupation of any of the units hereby permitted in outlined, precise details of the nature of the business of the occupier and the proposed hours of use shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of 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 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

16. No site clearance, site preparation or development works to commence until a fully detailed habitat creation/compensation and management plan has been submitted to and approved in writing by the Local Planning Authority in consultation with their ecological advisors.

REASON: In the interests of the ecology of the site and to comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

## NOTES

1. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
2. External lighting associated with the development shall be designed to avoid excessive light-spill and to avoid illuminating hedgerows or trees which may adversely affect wildlife.
3. Development works that may affect nesting birds to be avoided between March and August inclusive unless the absence of nesting birds has been confirmed by appropriate surveys or inspections.
4. Japanese Knotweed and any other plants listed in Schedule 9 of the Wildlife and Countryside Act 1981 to be eradicated from the site and working methods to be adopted to prevent the spread of this species.

APPLICATION NO: 3/2012/0797/P (GRID REF: SD 377750 446181)  
PROPOSED STATIC CARAVAN/LODGE PARK AT LAND AT SOUTHPORT HOUSE,  
SAWLEY

### Introduction

A report relating to this application appeared on the agenda of the Committee meeting on 6 December 2012. The report however was withdrawn from the agenda by Officers and was not therefore considered by Members. Local residents were then re-notified of the application and given the opportunity to make further representations if they wished. The following report contains much of the original report but amended and updated as appropriate. The representations are divided into those originally received followed by those received after the re-notification/consultation exercise.

### Representations Originally Received

PARISH COUNCIL: The Parish Council originally expressed "no objections" to this application but expressed serious concerns in relation to the disposal of sewage, the ever-present threat of flooding and highway access and, especially, egress.

The application was the subject of discussion and public participation at a Parish Council meeting on 5 November 2012 when a letter and petition were presented to the Parish Councillors by members of the public. Following that meeting, the Parish Council confirmed its support for the views expressed by the objectors and contained in the letter and petition.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Originally commented that the introduction of 11 caravan units onto this site would result in additional vehicular activity to and from the site and onto Sawley Road but he had no issue with the impact of this development on the safe operation of the adjacent local highway network.

He also commented, however, that, on exiting the site, visibility to the north of the site is restricted by the gable end of Southport House. He was concerned that the visibility from the access shown on the originally submitted plans might not be consistent with the stopping sight distance (SSD) set out in the Manual for Street 2 and might not therefore be acceptable. He did say however that he would consider any further detailed submissions from the applicant concerning this visibility splay.

An amended plan was received on 20 November 2012 that (amongst other things) shows the position of the access moved further away from the gable of Southport House in order to achieve a 43m visibility splay based on the adjusted stopping sight distance at 30mph Manual for Streets. The County Surveyor has confirmed that, following consideration of the amended plan, he has no objections to this application on highway safety grounds.

ENVIRONMENT  
DIRECTORATE  
(MINERALS PLANNING):

Comments that the application site is in a mineral safeguarding area as defined by the emerging Policy M2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies and Proposals. They comment that the minerals safeguarding area indicates that sand and gravel and limestone may be present but that, in certain circumstances, a caravan park could be taken to constitute development of a temporary nature, given the likely degree of engineering that it would entail. It is further noted that there is no quarry nearby that would be immediately affected by this development.

Therefore no objection is raised to this development.

ENVIRONMENT  
DIRECTORATE  
(COUNTY ECOLOGIST):

Comments that the application area appears to be of relatively low biodiversity value and significant impacts on protected or priority species or habitat therefore seem reasonably unlikely.

It is advised, however, that the applicant will need to be aware of the legislative protection afforded to nesting birds by the Wildlife and Countryside Act 1981 and any works that would disturb nesting birds must be avoided until nesting is complete (the young have fledged and left the nest and the nest has been abandoned). Therefore, work that would affect potential nesting habitat should be avoided during the bird-nesting season (March to August inclusive) unless the absence of nesting birds has been confirmed. The ecology report submitted with the application indicates that no nesting bird habitat would be removed so in this case this could perhaps form the basis of a planning informative. The proposals offer the opportunity to enhance site boundaries, and it is noted that the plans indicate that trees will be planted. It should therefore be ensured that all hedgerow and tree planting comprises native species appropriate to the local area only.

**ENVIRONMENT AGENCY:** Has no objection in principle to the proposed development subject to the inclusion of conditions relating to the following:

1. The submission for approval and subsequent implementation of a scheme to dispose of surface water.
2. The implementation of appropriate remediation works in the event that contamination not previously identified is found to be present at the site.

**UNITED UTILITIES:** Has no objection to the proposed development subject to the imposition of conditions concerning the following:

1. Surface water to drain separately from the foul with no surface water permitted to discharge directly or indirectly into existing foul or combined sewerage systems.
2. No development to commence until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority; and the scheme to be

**ENGLISH HERITAGE:** Do not wish to offer any comments on this occasion (letter dated 27 November 2012).

**ADDITIONAL REPRESENTATIONS:** The following representations have been received by the Local Planning Authority in relation to this application:

1. Copies of a letter and a petition signed by 91 residents that was presented to Sawley Parish Council on 5 November 2012.



2. A copy of a letter from the Sawley Traffic, Road Safety and Environment Group to the Chair of the Planning and Development Committee.
3. A total of 76 individual letters from 58 local addresses.

These representations are available on file for viewing by Members but a summary of the objections that they contain is as follows:

1. Highway Safety – the proposal would considerably increase the vehicular activity from the current low level traffic usage entering and leaving the site and would create a serious safety problem. The site would constitute a cul de sac. For vehicles leaving the site there is limited visibility to the driver's right along the road towards the Abbey. The volume of traffic coming through the village has increased considerably and most of this traffic, including large agricultural vehicles, exceeds the speed limit. With restricted visibility at the entry/access point an accident is highly likely. As there are no pavements in Sawley, this adds to the highway safety problem. The proposal would also increase the use of the dangerous junction on to the A59.
2. Noise Disturbance – there is a strong possibility of noise disturbance associated with potentially 11 family units on site at the same time. Occupancy could be for 11 months out of 12 and would be equal to allowing the building of 11 houses.
3. Visual Amenity – the site would be highly intrusive when seen from the main road through the village. The caravan and lodge units with tiled roofs and UPV doors and windows would have a far greater visual impact than the existing weathered timber buildings. The caravans and lodges are of no architectural merit and would detract from the listed and other historic buildings. This would have detrimental visual impacts in this Area of Outstanding Natural Beauty for both residents and visitors.

4. Heritage/Conservation – the oldest part of the village consists of the standing ruins and earthworks of Sawley Abbey which stands on the eastern side of the main road. This side of the road also has Sawley Arch, the school, an 18<sup>th</sup> century farmhouse (Southport House) and a house converted from the Abbots House. The introduction of the static caravans and lodges would blight this uninterrupted line of ancient and historic structures and undermine this major feature of the Sawley Conservation Area. Although the site is outside the Conservation Area, it is considered that, due to its immediate boundary with historic Sawley, the application should be considered as if it were to comply with planning policies for the Conservation Area.

The Sawley Conservation Area Appraisal identifies the existing poultry buildings on the application site as a principle negative feature. Under the heading 'Opportunities within the Sawley Conservation Area' it is stated that the hen units could be demolished and removed if they are no longer required, and the lane could be tidied up and used as a footpath or bridle track. Any future development should enhance the special characteristics of the village. The proposal would not enhance but rather it would use the site already identified as negative by allowing another generation of negative buildings.

It is stated in the Conservation Area Appraisal document that the westerly views across Sawley Park and down on to the Abbey from Noddle Hill Road are of particular merit and should be protected. The siting of the proposed caravans and lodges within this landscape would seriously compromise this view.

The site abuts an area designated as a Scheduled Monument. The application proposal is unacceptable, inappropriate and doesn't enhance the special characteristics of this Conservation Area and Area of Outstanding Natural Beauty.

5. Flooding – a brook runs along the edge of the access road to the poultry cabins. This has been subject to flash flooding severe enough at times to cover the main road through the village and cause flooding to property. The application site itself has been subject to severe flooding.

6. The Ribble Valley is well served with caravan sites at Edisford, Gisburn Park, Roughlea, Shireburn, Eaves Hall, Holden, Tosside, Paythorne, Rimington and Todber, but none are sited in such a prominent village setting.
7. The proposal is tantamount to building 11 houses with all the corresponding considerations of services and waste disposal without the benefits of a feeling of community.
8. Contrary to what is shown on the submitted plans, the applicants only own half of the width of the existing lane not the whole of it.

Representations Received Following Re-consultation/Notification

PARISH COUNCIL:

Comments that at a Parish Council meeting on Monday, 7 January 2013, full support was given to the Sawley village objectors in their endeavours to overturn the recommendation to grant planning permission for this proposed development. In particular, the Parish Council recognises the speed of traffic on this section of highway and is extremely concerned that if permission is granted the possibility of road traffic accidents will increase many fold. With restricted visibility at the entry/exit point there is a high risk for both vehicles and pedestrians. The Parish Council has purchased a Traffic Speed Indicator Device and regularly deploy it on two sections of this section of highway.

Flooding on Hollins Syke is a depressing situation and confusion reigns as to how (if at all) it can be addressed. This is a very serious issue and directly affects this application.

Also of concern and again fundamentally supporting the objectors is the detrimental impact on the local conservation area, the AONB and the village community. The site would be highly visually intrusive when viewed from the road for both residents and visitors. Also of concern is the over-development of the units resulting in a solid blockhouse appearance.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Comments in an email dated 17 January 2013 as follows:

There continue to be discussions in relation to this application following additional correspondence and requests for information. As a result of our ongoing review of this matter could I request that an explicit highways condition defining the agreed visibility splay is included in any future report to your Planning and Development Committee?

The sightlines identified in Drawing SUTT/01 Rev03B indicate that visibility splays of 43 metres can be achieved to either side of the realigned vehicular access onto Sawley Road, when measured from 2.4m back from the edge of carriageway. The height of any planting or construction that falls within these splays must be permanently maintained at a height no greater than 1.0m above the crown level of the adjacent carriageway of Sawley Road. This is to ensure that adequate visibility is maintained for motorists entering and leaving the site.

The Council has also been copied into a letter dated 24 January 2013 to a local resident from the Lancashire County Council Executive Director for the Environment. The following extracts from that letter are considered to be of relevance:

- The traffic information provided as part of the application was suitable to evaluate the impacts of this development considering both its scale and type. This information remains relevant with regard to the re-advertised application.
- LCC is satisfied with the visibility provided in the revised access layout and this will be secured by a suitable planning condition. I have also been informed that a suitable planning condition has been requested to ensure that the visibility splays in the control of the landowner are maintained.
- The costs of the provision of a footway between Southport House and the A59 would be disproportionate to the scale and impact of the development.

LANCASHIRE COUNTY  
COUNCIL (SENIOR  
LANDSCAPE ARCHITECT):

Commented as follows in an email dated 21 January 2013 (all cases of emphasis by bold type is that of the Senior Landscape Architect):

a) The applicant's assessment of landscape and visual impacts is inadequate. Given the small scale of the proposals it would not be appropriate to submit a full-blown landscape and visual impact assessment but something more detailed than the cursory references to landscape issues in the *Design and Access Statement* should have been provided in support of the application.

b) According to the *Forest of Bowland AONB Landscape Character Assessment, September 2009* (Lancashire County Council) the site is situated within the **Undulating Farmland Landscape Character Type** and **Dudland and Gisburn Landscape Character Area**. The characteristics of these landscapes are well represented in the Sawley area and the

historic village of Sawley has a rich cultural heritage. These important and valuable landscape attributes are to some extent offset by – at a local level – the visual intrusion created by the application site's relatively large sheds and feed hopper silos which are inadequately screened and obviously close to the end of their useful life. In addition the existing sheds are situated at right angles to (and extend off into open fields), the north - south linear grain of Sawley village. There are also other landscape quality issues in Sawley which have diminished its character, particularly infill of more modern residential development which does not reflect the local building vernacular or materials. A fairly recently constructed play area lies adjacent to the southern boundary of Sawley Abbey detracting from its setting and character. At a larger scale, the Castle Cement Works and large modern farm buildings impact on the landscape character and detract from views of the wider landscape and, erode landscape tranquillity.

For all these reasons I conclude that, overall, Sawley and its surrounds have a **moderate** landscape character sensitivity and **moderate** visual sensitivity to the type and amount of development proposed. This judgement of sensitivity is supported by the *Forest of Bowland AONB Landscape Character Assessment* which considers the Undulating Farmland Landscape Character Type that the site is situated within to have a **moderate** level of both landscape sensitivity and visual sensitivity.

c) The proposals would involve the removal of all existing sheds and feed hopper silos at the site and their replacement with 11 timber clad caravans and supporting infrastructure such as a new access road, tree/hedge planting, grass and lighting bollards. Removal of the sheds and silos would in landscape terms be a significant benefit of the proposed scheme. The scale of the sheds is too large for the site and impacts on views from the north of the site looking southwards have not been adequately mitigated. Given the small scale of the timber clad caravan units proposed, the moderate level of landscape sensitivity identified above, the presence of boundary trees and hedging which could form the basis of a robust screen to mitigate visual impacts and, the view filtering effects of existing field boundary hedgerows and trees I think that, in principle, the application site has the capacity to accommodate the type of development proposed without having significant landscape and visual impacts. However there is a caveat to this and that is the **amount** of development which must be limited at the site to avoid further disruption of the village's linear grain of development and extension into the open fields to the east of the main village road. The scheme as proposed – occupying the whole of the application site with 11 caravans – is too extensive and of course duplicates the

unsatisfactory extension into the surrounding landscape (which forms much of the setting to the historic village of Sawley) of the existing sheds/silos. With this in mind, I recommend that only a portion of the site currently occupied by the two most western sheds is developed for timber-clad caravans/lodges (6 in total). I recommend this limit as this would ensure that the eastern edge of the site would be in line with that of Sawley Abbey which is the other most eastern extension of development off Sawley Road in the main part of the village. Crucial to the success of this revised scheme would be the removal of the other sheds, silos, etc. within the site to the east of the 'developable area' referred to above.

d) If the site is developed in the way outlined above there would be only minor impacts on the setting and character of Sawley Abbey and Sawley Conservation Area. The setting of Sawley Abbey is very much one with built development – this is not some isolated monument in a remote windswept landscape. Visibility of the application site from within the abbey is extremely limited with the best viewpoint being from the remains of a flight of steps. From areas to the north, west and south of the abbey visibility of it is limited by the view filtering effects of the village buildings and vegetation. The abbey is also bounded by a substantial stone wall which also restricts visibility. It is only from areas to the east of the village e.g. the lane close to Noddle Hill, that the application site and the abbey can be seen in combination simultaneously. In broad views from this eastern area, the abbey is seen in the context of village development, Castle Cement Works and modern farm buildings, some of which are relatively large. The proposed development, situated within screen planting, would appear as a relatively minor feature in a rural village context. For essentially the same reasons I also consider that the proposed development would have minor impacts on the setting and character of Sawley Conservation Area.

e) There are some elements of the proposed scheme's detailed design which have not been successfully resolved, the principal being:

**Access road**

Surfacing with tarmac as proposed should be avoided as it would have an urbanising effect on the rural landscape. Local gritstone is in visual terms a more appropriate surfacing material for the main access road and is in keeping with the area's landscape character.

**Northern Site Boundary**

The location of the access road adjacent to the site's northern boundary prevents any form of mitigation planting along this crucial boundary. Some hedge planting is proposed within the

site closer to the caravans but this would have a very limited mitigating effect as it would be too fragmented and too close to the caravans. To address this issue, I recommend that the proposed access road is located 3m. away from the northern boundary to provide space for an *uninterrupted* native boundary hedge with native tree planting.

### **Bollard Lighting**

Some lighting within the site is necessary but providing 8 lights along the access road would result in too much light pollution.

### **ENGLISH HERITAGE:**

English Heritage copied to the Council a letter that they had sent to a local resident, in which they commented as follows:

“As noted in my previous letter we do not believe that the new development would cause substantial harm as set out in the National Planning Policy Framework to the setting of Sawley Abbey and the Conservation Area. This is why we chose to make no observations to Ribble Valley Borough Council on the planning application except to advise that they should determine the application in line with planning legislation, policy and guidance. I am afraid that our view on this has not changed.

However it should be clear that our decision not to provide detailed advice to the Council does not mean that we actively support the proposed development. We do not and would like to see only the removal of the current agricultural buildings as suggested in the Conservation Area Appraisal as this would enhance the setting of the Conservation Area. The replacement of the chicken sheds with the caravans and lodges is not something that we welcome and we share your views about the design and materials. An opportunity to enhance the setting of the Abbey and Conservation Area will be lost if this planning application is approved.

It would be for Ribble Valley Borough Council to decide, in the light of all relevant planning considerations (not just heritage) whether or not there are sufficient grounds to refuse an application that lies outside the boundary of the Conservation Area and the scheduled part of Sawley and which, in our view, will cause less than substantial harm to the setting of the these heritage assets.”

CPRE LANCASHIRE:

Comments in a letter dated 22 January 2013 as follows:

*“CPRE wishes to positively support rural businesses with appropriate farm diversification, understanding the economic and environmental benefits this can have, so we are not against the principle of tourism or leisure being located at the farm, per se. We do see the benefit of opening up access to visitors to enjoy the character of the Ribble Valley countryside and see the potential positives for the local economy if an increased number of visitors are attracted to the area.*

*That said, protecting the beauty of the local landscape as a principal tourism asset is crucial, and this has to be the priority in this case. The development will be visible from the Forest of Bowland AONB as it is situated near to the boundary. The Ribble Valley Policy ENV2 of the Local Plan concerns development proposals immediately adjacent to the AONB stating they should be assessed against criteria such as environmental and visual impact.*

*The plans submitted with the application show a current linear arrangements of lodges on the ground, which is likely to cause significant harm as cumulatively they appear to form a continuous large block. Consequently CPRE believes that an important local view is likely to be adversely impacted and for this reason we object to the development.”*

ENVIRONMENT AGENCY:

In a letter dated 20 December 2012 to a local resident (copy sent to the Local Planning Authority by Sawley Village Enhancement Group) the Environment Agency comments as follows:

*“In the planning application, the applicant has said that surface water will be disposed of to a soakaway. Provided that ground conditions are appropriate, the disposal of clean, contaminated surface water to soakaway would be the most sustainable option and ensure that surface water runoff from the proposed development will be no greater than it is now.*

*In the event that ground conditions are not appropriate for a soakaway, development would not be able to commence until a satisfactory alternative had been agreed. We have recommended to the Local Authority that a condition be applied to any grant of planning permission that insists on the submission and agreement of a detailed drainage scheme prior to the start of any development. This condition will ensure that nothing is developed until the applicant has satisfactorily addressed how the surface water will be managed.*



*Please be assured that any alternative solution such as disposal to adjacent watercourse would not be acceptable unless the applicant could demonstrate that the rate of runoff from the south site would be no more than it is now so that flood risk off-site would not be increased. Any surface water drainage scheme that increases flood risk off the site would not be an acceptable method of disposal.*

ADDITIONAL  
REPRESENTATIONS:

Following the re-notification/consultation exercise the Council has received the following representations:

1. A letter dated 21 January 2013 from a planning consultancy instructed by the Sawley Village Enhancement Group (SVEG).
2. A letter dated 23 January 2013 with attached documents from the Sawley Village Enhancement Group.
3. A copy of an email dated 21 January 2013 sent by a local resident to all Members of the Planning and Development Committee.
4. A total of 51 individual letters from 39 local addresses.

These representations are available on file for viewing by Members. Many of the points and objections in the representations were made in the representations that were originally received and are therefore summarised above. Thirty-five of the letters are identical and contain the following:

1. Even after modifications to the original site plan there is still highway safety issues including significant sightline problems. A significant increase in vehicular activity would create serious safety problems. With restricted visibility at the entry/exit point there would be a high risk of accidents for both vehicles and pedestrians.
2. Detrimental impact on the Sawley Conservation Area, the AONB and the village community of Sawley. The site adjacent to the Conservation Area would be highly intrusive when seen from the main road through the village. This would have a detrimental visual impact on the Area of Outstanding Natural Beauty for both residents and visitors.
3. The planning application proposal overdevelops the site. There is insufficient "look through" space between the units resulting in the sold "blockhouse" appearance when viewed from even a slight angle, eg the main road through Sawley.

4. The proposal is not commercially viable and is therefore not economically sustainable.

New points/objections made in the other representations are summarised as follows:

1. Concern that this could become a travellers' site.
2. As the proposal is not economically viable, the application would lead to something bigger. The total site area is over 20 acres and could accommodate over 400 caravans and lodges. If any larger proposal was refused, the park of 11 units would have to close due to unviability leaving the village with a site that would be a "white elephant".
3. Visitors to the development may wish to use public transport and there is no safe pedestrian route to the bus stops on the A59.
4. If families are to be accommodated there is no provision of a safe and secure playing area away from the main road through the village.
5. Residents of Sawley do not want a caravan site in the centre of the village, but there might not be the same objections to a development of say 5 houses.
6. A permission for this development would be inconsistent with the decision to refuse a similar application in a much more remote area (Whalley Old Road, York Village) for reasons similar to those raised by Sawley residents: loss of visual amenity, proximity to housing, noise distance, volume of traffic and possible escalation of the business.
7. There is presently no light pollution in Sawley. This would change with this application as all caravan parks have lighting.
8. The site could not be screened by trees as the fire officer would not agree to this.
9. The application does not contain an assessment of the impact of the proposal on heritage assets and does not therefore satisfy the requirements of NPPF.
10. Substantial harm would be caused to the heritage assets by virtue of the design and layout of the buildings and the site being alien to the landscape and subsequently being incongruous and out of place in this

location. Permission should therefore be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. It is contended that no such substantial public benefits exist in this case.

11. A landscape visual impact assessment should have been required as the site immediately adjoins the AONB.
12. Important views from the AONB will be harmed by the development.
13. The proposal does not comply with the requirements of saved Local Plan Policy ENV3 that requires the detailed design of development to be in keeping with the character of the landscaped area and to reflect the local vernacular architectural style.
14. The economic benefits claimed in the applicants Design and Access Statement are not supported by a robust business plan (what happens if the business fails?). Also NPPF in any event requires development to introduce “well designed buildings” and that the expansion of tourist facilities should be based on “supporting the provision of such facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres”.
15. To address the flooding issue by condition is inappropriate. Full drainage information and proposals, including any necessary remediation and mitigation measures, should be included with the application in order to comprehensively assess the impact of the proposed development.
16. An economic appraisal carried out on behalf of SVEG (and submitted to the Local Planning Authority) indicates that the development costs are such that there would be a loss of £7,000 on each unit sold. The estimated annual ground rent of £21,000 would be insufficient to cover any meaningful employment and to operate the park. This demonstrates that the application could be a precursor to a further application to extend the development onto some of the 20 acres of land within the applicant’s ownership. Such an application might make development viable but would have a huge detrimental impact on the environment of Sawley.

17. The proposal would obstruct access to the existing access track over which a local landowner has a legal right of way. (The proposal does not in any way block the existing access track and a planning permission would not, in any event, have any effects upon a private legal right of way.)

### **Proposal**

Permission is sought for a development comprising static caravans/lodges following the demolition of the existing chicken sheds on the site.

There would be eleven identical units that meet the definition of a caravan as set out in the Caravan Sites Act 1969. The units comprise two sections that are joined together on site. The units have dimensions of 12.35m x 6m with an eaves height of 2.5m and a ridge height of 3.7m. They would have an external finish of timber cladding with tiled roofs. Each of the units would have timber decking constructed at one end and part way down one of the side elevations. This would give maximum dimensions (including the decking) for each unit of 15.4m x 7.1m. The proposed units would be laid out in linear form due to the rectangular shape of the site.

As shown on amended plans received by the Local Planning Authority on 19 November 2012, the proposal involves the formation of a tarmac surfaced access road entirely within the site and to the south of the existing lane. The junction of the new road onto the main road would also be separate from the existing lane. There would be an approximately 1m wide grass stretch on the boundary between the proposed road and the existing lane upon which would be constructed a low post and rail fence.

The submitted plans also show that each individual unit would have its own gravel surfaced parking area. Details of a hedge planting/landscaping scheme are also submitted with the application.

An amended site location plan has also been submitted in which the northern half of the existing lane is outside the site boundary, as that half of the land is not owned by the applicant.

### **Site Location**

The application site is located on the east side of the main road through Sawley village. It is a rectangular piece of land measuring approximately 170m x 45m, plus an area that provides the access from the main road. It is presently occupied by four timber poultry sheds each measuring approximately 40m x 14m with associated steel feed hoppers.

The site represents the first built development on the east side of the road when approaching the village from the A59 junction that is approximately 320m to the south of the site. The northern boundary of this site is immediately adjoined by an existing lane that, itself is immediately adjoined by a small brook, Hollins Syke. There is then an area of open land before the boundary to the Abbey is reached approximately 175m north of the application site. The application site is therefore adjoined to the north, east and south by undeveloped agricultural land. There are residential properties to the west of the site on the opposite side of the road through the village and Southport House itself adjoins the north western corner of the site.

The site is within the open countryside outside the settlement boundary of Sawley. It is also outside the Conservation Area, the Scheduled Ancient Monument and the Area of Outstanding

Natural Beauty, although the southern boundaries of all three of those designations are immediately to the north of the site on the opposite side of the lane and Hollins Syke.

### **Relevant History**

None.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV2 - Land Adjacent to Area of Outstanding Natural Beauty.

Policy ENV3 - Development in Open Countryside.

Policy ENV14 - Ancient Monuments and Other Important Archaeological Remains.

Policy ENV16 - Development Within Conservation Areas.

Policy RT1 - General Recreation and Tourism Policy.

Policy RT5 - New Static Caravan Sites and Extensions to Existing Sites.

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

DMG1 – General Considerations.

DMG2 – Strategic Considerations.

DME2 – Landscape and Townscape Protection.

DME4 – Protecting Heritage Assets.

DMB1 – Supporting Business Growth and the Local Economy.

DMB3 – Recreation and Tourism Development.

*National Planning Policy Framework*

Section 3 – Supporting a Prosperous Rural Economy.

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

The matters for consideration in the determination of this application relate to compliance or otherwise with the advice contained in the National Planning Policy Framework; and the effects of the proposal upon visual amenity, heritage/conservation, wildlife/ecology, flooding, residential amenity and highway safety. These matters are discussed under appropriate headings below. In each case, the general content of the original report is followed, as appropriate, by updated comments in relation to the further representations that have been received since that report was drafted.

#### **National Planning Policy Framework**

The application site currently operates as a chicken farm but it is stated in the submitted Design and Access Statement that the buildings are almost at the end of their working life and, following changes in governing legislation, there would have to be substantial investment in the site if it was to continue in its present use. It is stated that these circumstances have led the site owners to consider alternative uses for the site involving its comprehensive redevelopment. Hence the submission of this application for a tourism related alternative use of the site.

The principle of the proposal needs to first be considered in relation to the advice comprised in the National Planning Policy Framework. The basic intention of the Framework is the achievement of sustainable development. Section 3 of the Framework relates to supporting a prosperous rural economy. Paragraph 28 advises Local Planning Authorities to 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, Authorities should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- 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;
- 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 proposal amounts to the diversification of an agricultural business and it would result in increased business for local shops, public houses, restaurants etc to the general benefit of the local rural economy. The proposal, in my opinion, therefore satisfies the intention of NPPF to support a prosperous rural economy.

A representation has been made that the application does not satisfy the requirements of NPPF because it does not contain a Heritage Statement or a Landscape Visual Impact Assessment.

As the site is not within the AONB and proposes replacement of existing unattractive buildings and structures with new buildings of much reduced floor area, the Council does not consider that a Landscape Visual Impact Assessment was necessary in this case. In relation to the requirement for a Heritage Statement, English Heritage has made comments about the application in the absence of such a Statement. English Heritage has now advised the Council that such a statement should have been submitted. For reasons that will be explained later in this report, the Council does not consider that a Heritage Statement was necessary in this case.

The Council considers that the application contains sufficient detail/information for a properly informed decision to be made, and that, in that particular respect, the requirements of NPPF have not been contravened.

### Visual Amenity

Whilst accepting that they are agricultural buildings/structures that are appropriate to the rural location, the existing buildings and silos are old and in a poor state of repair. As such, in my opinion, they detract from the appearance of the locality when viewed from close range. In terms of longer range views, the buildings are very well screened by existing trees and hedges from many viewpoints, although they are visible from the higher ground of Sawley Brow.

The proposed caravan/lodges will have timber walls and tiled roofs. Subject to approval (achieved by a condition) of the precise colour stain of the timber and colour of the roof tiles, this

would not be dissimilar to the external appearance of the existing buildings. The combined floor area of the 11 lodges will be less than the combined area of the four agricultural buildings that they will replace. The 11 units would therefore result in a more “fragmented” development with open spaces and landscaping between the units, than the approximately 105m combined length of the row of three of the agricultural buildings that is broken only by two gaps between the buildings.

Overall, in view of the existing natural screening of the site, and subject to the implementation of the proposed additional landscaping/screen planting, and the approval of the precise external colour of the walls and roofs, I consider that, with regards to visual amenity, the proposal would represent an improvement on the existing situation. As such, it would not detract from either the open countryside within which it is situated or the AONB that it immediately adjoins, and would therefore comply with relevant Policies ENV2, ENV3 and DME2.

As the site is not within the AONB, the Lancashire County Council Senior Landscape Architect (SLA) was not consulted on this application. A representation from the SLA has, however, now been received by the Local Planning Authority. It is noticed firstly that, by his own emphasis (bold type) he considers Sawley and its surrounds to have a “moderate” landscape character sensitivity and “moderate” visual sensitivity to the type and amount of development proposed. He also considers that the removal of the existing sheds and silos would “in landscape terms be a significant benefit of the proposed scheme”. Furthermore, he considers that “the site has the capacity to accommodate the type of development proposed without having significant landscape and visual impacts”. He does however consider that the amount of development should be limited in order to avoid further disruption of the linear grain of development and the extension into the open fields to the east of the main village road. He therefore recommends a reduced development occupying approximately two thirds of the site for a reduced number of units. This would amount to the two sheds at the eastern end of the site being demolished but with no new development on the area that they occupy. In my opinion, the development as proposed (ie 11 units occupying the whole site) would represent an improvement in visual amenity terms over the existing situation. I therefore consider that it would be unreasonable and unsustainable to refuse this application for visual amenity reasons whilst accepting that a proposal for a reduced number of the same units on two thirds of the site would be acceptable. In my opinion, if 6 units of this size, design and external materials are acceptable in respect of their effect on the local landscape (as suggested by the SLA) then, within the context of the redevelopment of this brownfield site, the 11 units proposed in the application are also acceptable.

I do not therefore consider that the comments made by the SLA represent a sustainable reason for refusal of the application.

The SLA’s specific comments concerning the surface of the access road and the bollard lighting are accepted. Conditions are therefore recommended that, notwithstanding the submitted details, precise details of the external surface of the access road, and of any proposed external lighting, are submitted for the approval of the Local Planning Authority.

CPRE have commented that they support rural business with appropriate farm diversification; and they recognise the importance to the local economy of an increased number of visitors to the area. They do, however, consider that the proposed lodges would “appear to form a continuous large block” as previously stated, the 11 units with gaps between each unit, would result in a much more “fragmented” development than the existing approximately 105m combined length of the row of 3 agricultural buildings that is broken by only two gaps.

Having considered these additional representations, both in isolation and within the context of the economic benefits of the proposal, I remain of the opinion that the proposed development is acceptable with regards to its effects upon visual amenity.

### Heritage/Conservation

English Heritage was consulted on this application and commented initially that, as the site was outside the Scheduling boundary, the chances are that the application would not be of interest to them. By letter dated 27 November 2012, English Heritage then confirmed that their specialist staff had considered the information received and that they did not wish to offer any comments on this occasion. They therefore advised that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

The Council's opinion is that, due to the separation distance of approximately 175m and the existing and proposed natural screening, the proposed development would not affect the setting of the Abbey. If, however, it was considered that the development did have an effect on the setting of the Abbey, it is considered that the effect would be at worst neutral and at best it would represent an improvement.

The property, Southport House, and other dwellings on the opposite side of the road are within the Conservation Area. The application site, however, is screened from these properties by existing trees such that, in my opinion, the existing buildings on the site are not viewed as part of the Conservation Area, nor do they have any detrimental effects upon its appearance. In my opinion that will continue to be the case in the event that this application was approved and implemented. As such, the proposal would not contravene the requirements of relevant Policies ENV14, ENV16 and DME4.

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

Whilst Sawley Abbey is obviously a heritage asset of the highest category of importance, for reasons already stated, I do not consider that the proposed development would have any detrimental effects upon its setting or significance. The requirements of NPPF in relation to this specific consideration are therefore not contravened.

English Heritage has copied to the Local Planning Authority a letter dated 21 January 2013 that was sent to a local resident. In that letter English Heritage confirms that they do not believe that the new development would cause substantial harm, as set out in the NPPF, to the setting of Sawley Abbey and the Conservation Area; which is why they responded to the LPA as described above. They do, however, now say that their comments do not mean that they actively support the proposed development; and that the replacement of the chicken sheds with caravans/lodges is not something that they would welcome.

English Heritage, however, concludes by saying that it is for RVBC to decide, in the light of all relevant planning considerations, whether or not there are sufficient grounds to refuse the application that lies outside the boundary of the Conservation Area and the schedule part of



Sawley Abbey and which, in their opinion, will cause less than substantial harm to the setting of these heritage assets.

For reasons previously given, when all relevant matters are taken into account, the Council remains of the opinion that there are not sufficient grounds to refuse this application.

Reference is made in another representation to the effects of the proposal on Southport House (Grade II listed). If it was considered that the existing sheds and silos affect the setting of Southport House, that effect could only be “negative”. The proposed demolition of the structures and their replacement by the proposed lodges, in the Council’s opinion, would, due to the separation distance and intervening tree screening, have either no material effects upon the setting of the listed building or would have represented an improvement.

### Wildlife/Ecology

An extended Phase 1 Habitat Survey and Protected Species Assessment and a Tree Survey Schedule and Arboricultural Impact Assessment have been submitted with this application. The County Ecologist has considered the first of these documents and has concluded that “the application area appears to be of relatively low biodiversity value, and significant impacts on protected or priority species or habitat therefore seem reasonably unlikely”. She therefore has no objections to the application subject to an advisory note relating to the protection afforded to nesting birds by the Wildlife and Countryside Act 1981.

This Council’s Countryside Officer has studied both of these documents and has no objections to the application subject to the imposition of conditions relating to tree protection and landscape implementation.

I have no reasons to question the conclusion of the specialist officers and, in the event that planning permission is granted, the recommended advisory note and conditions will be included on the planning permission notice.

### Flooding

A number of local residents have referred a problem of flash flooding from the brook that adjoins the northern boundary of the application site.

The application has been considered by both the Environment Agency and United Utilities, neither of who have any objections to the proposed development subject to appropriate conditions. One of the required conditions would state that the development hereby permitted should not be commenced until such time as the scheme for the disposal of surface water had been submitted to and approved in writing by the Local Planning Authority and that the scheme should subsequently be implemented in accordance with the approved details. In the event of permission being granted, the Council would liaise with the Environment Agency and United Utilities in order to ensure that the surface water drainage scheme required by that condition would not in any way increase the risk of flash flooding.

In a letter dated 20 December 2012 to a local resident, the Environment Agency has confirmed that the condition to be imposed on any planning permission “will ensure that nothing is developed until the applicant has satisfactorily addressed how the surface water will be managed” and that “any surface water drainage scheme that increases flood risk off site would not be an acceptable method of disposal”.

In a letter dated 24 January 2013 to a local resident, the Lancashire County Council Executive Director for the Environment made the following comments:

- Lancashire County Council as lead local flood authority will initiate an investigation into this localised flooding and will report the findings in due course following the investigation.
- However, I must point out that whatever the outcome of this investigation concerning the road culvert capacity and condition and the effectiveness of the associated surface water system, this is related to flood water capacity and surface run-off which is currently occurring, which are not influenced by the proposed development to be considered shortly by Ribble Valley Borough Council (my emphasis).

### Residential Amenity

The proposed lodges are sufficiently distant from the nearest dwellings, and screened from them by existing trees, that the proposal would not result in any detrimental effects upon the privacy or general residential amenities of any nearby residents.

It is also not considered that the level of traffic movements generated by this proposal would result in any noise nuisance to the nearest residents on the opposite side of the main road.

### Highway Safety

As originally submitted, the County Surveyor had concerns that the site access might be too close to Southport House in order for adequate visibility to be provided for drivers exiting the site. This matter was addressed by an amended plan received by the Local Planning Authority on 19 November 2012 that shows the access moved away from Southport House in order to provide a 43m visibility splay that satisfies the relevant guidance. The County Surveyor therefore had no objections to the application on highway safety grounds.

The County Surveyor has confirmed his original comments and suggested a condition that is more explicit in its requirements for the retention of the visibility splays (condition no 5 in the recommendation below has therefore been amended accordingly).

The County Council Executive Director for the Environment has also confirmed that she is “satisfied that our strategy consultation response to the Local Planning Authority is based on a considered evaluation of the impacts of the proposal and is in line with the principles of the National Planning Policy Framework”.

### Conclusion

It was originally considered that the proposed development would represent an appropriate alternative use for this site that would support the rural economy as required by NPPF and would not result in any seriously detrimental effects of any of the relevant interests as described in this report. It was therefore considered that permission should be granted subject to appropriate conditions.

Following further consideration of all relevant matters, and having taken account of all additional representations received since the original report was drafted, for the reasons explained in this amended report, the Council remains of the opinion that this proposal is acceptable subject to appropriate conditions.

One of the required conditions will specify that the units shall be occupied for holiday purposes only. In accordance with the Good Practice Guide on Planning for Tourism (2006) and also to be consistent with numerous decisions recently made by this Council in relation to holiday occupancy conditions, the condition will not specify a closure period.

Two conditions (relating to surface materials for the internal access road and details of lighting to be submitted) have been added having taken account of specific comments of the County Council Senior Landscape Architect. A condition preventing the erection without planning permission of any additional structures such as sheds or fences has also been added.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate alternative development for this site that would benefit the local rural economy and would not have any detrimental effects upon visual amenity, heritage/conservation interests, wildlife and ecology, residential amenity or highway safety.

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

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

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

2. This permission shall relate to the development as shown on Drawings Numbers SUTT/01/01REVB and SUTT/01/03REVB (both amended plans received by the Local Planning Authority on 19 November 2012) and SUTT/01/04REVA.

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

3. The terms of occupancy of the 11 caravans/lodges hereby permitted shall be as follows:

1. The caravans/lodges shall be occupied for holiday purposes only.
2. The caravans/lodges shall not be occupied as a person's sole or main place of residence.
3. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of the individual caravans/lodges, and of their main home address, and shall make this information available at all reasonable times to the Local Planning Authority.

**REASON:** In accordance with the requirements of Policies G1 and RT5 of the Ribble Valley Districtwide Local Plan and Policies DMG2 and DMB3 of the core Strategy 2008-2028 'A Local Plan for Ribble Valley' Regulation 22 Submission Draft. In order to ensure that the approved holiday accommodation is not used for unauthorised permanent residential accommodation. The register required in 3 above shall normally be collected by the caravan site licence holder or his/her nominated person.

4. Prior to the commencement of development, details of the precise colour finish of the timber walls and the colour and profile of the roof tiles of the caravans/lodges shall be submitted to

and approved in writing by the Local Planning Authority. Thereafter, there shall be no alterations to the external colour finishes of the units without the prior written permission of the Local Planning Authority.

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

5. Prior to the first use of any other caravans/lodges hereby permitted, the access into the site and its visibility splay shall have been provided to the satisfaction of the Local Planning Authority in accordance with the details shown on Drawing Number SUTT/01/03REVB. Thereafter, the access and visibility splays shall be permanently retained clear of any obstruction to their designated use and purpose. Specifically, nothing shall be constructed, placed, planted or allowed to remain within the visibility splays that is in excess of 1m above the crown level of the adjacent carriageway of Sawley Road.

REASON: In the interests of highway safety 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.

6. Prior to the commencement of development, a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall involve surface water draining separately from the foul as no surface water shall be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. No part of the development shall be occupied or brought into use until such a scheme has been constructed and completed in accordance with the approved details.

REASON: To secure proper drainage, to prevent pollution of the water environment and to reduce the risk of flooding and to comply with the requirements of 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.

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

REASON: To ensure that risk to controlled waters is addressed and mitigated if necessary 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.

8. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the arboricultural impact assessment [T1 – T7 & G2/G3/H1 inclusive] dated 18<sup>th</sup> May 2012 shall be protected in accordance with the BS5837 2012 [Trees in Relation to Construction] the details of which shall be agreed in writing and implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Countryside/Tree Officer.

A tree protection - monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun. The root protection/exclusion zone 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 the development that are 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 Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME2 of the Core Strategy 2008-2028 'A Local Plan for Ribble Valley Regulation 22 Submission Draft.

9. The submitted landscaping scheme [Drawing No. SUTT/01/03B dated 10/11/12] shall be implemented in the first planting season following occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub that 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.

10. Precise details of the surface material for the internal access road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. (The tarmacadam surface stated on drawing SUTT/01/DWG03B is not approved.)

REASON: In the interests of visual amenity 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.

11. Precise details of the height, type and location of any external lighting installations shall be submitted to and approved in writing by the Local Planning Authority prior to their installation at the site. Thereafter, there should be no alterations to the approved details without the prior written permission of the Local Planning Authority. (The nine bollard lights indicated on drawing no SUTT/01/DWG03B is not approved.)

REASON: REASON: In the interests of visual amenity 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.

12. There should be no extensions or alterations to the holiday caravans/lodges hereby permitted, and no additional structures (including walls, fences, sheds or additional raised decking areas) shall be constructed unless a further planning permission has first been granted in respect thereof.

REASON: In the interests of visual amenity 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.

NOTES

- 1. Hollins Syke watercourse flows adjacent to the northern boundary of the site. This watercourse is within 5m of the site with a narrow buffer strip of at least 1.5m between the watercourse and the application site boundary (the existing access track). As the existing access track is to be retained but will not encroach any further towards the watercourse, the developer is advised to ensure that the scheme does not detrimentally impact upon the existing buffer strip and that the watercourse is protected during development works.
- 2. The applicant is advised of the need to be aware of the legislative protection afforded to nesting birds by the Wildlife and Countryside Act 1981 (as amended) and any works that would disturb nesting birds must be avoided until nesting is complete (ie the young have fledged and left the nest and the nest has been abandoned). Therefore, works that would affect potential nesting habitat should be avoided during the bird-nesting season (March to August inclusive) unless the absence of nesting birds has been confirmed.

APPLICATION NO: 3/2012/0961/P (GRID REF: SD  
PROPOSED RETENTION OF DETACHED ANNEX AT QUAKER FIELD HOUSE, LAMBING CLOUGH LANE, HURST GREEN, CLITHEROE

PARISH COUNCIL: Object on the following grounds:

- Approval would set a dangerous precedent.
- It is not on the original site.
- It is also outside the core village area.
- The site of the cabin form part of the field and not the curtilage.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections.

ADDITIONAL REPRESENTATIONS: Two letters of objection have been received from two separate addresses, their objections are summarised below:

- Ratification of a dwelling built without regard to due process.
- Materials are not in keeping with the other properties, which are brick or stone.
- What are the drainage arrangements?
- The property directly overlooks my property.
- Development would be contrary to the advice we have previously obtained from RVBC regarding similar development proposals.
- Contrary to Policy G5.
- Various inaccuracies detailed in application form.
- The building is located outside of the curtilage of the existing dwelling.
- Represents an attempt to secure consent for an additional dwelling in the open countryside.
- Approval would create a precedent.

### **Proposal**

The proposal has been described on the submitted forms as the retention of a detached annex. The annex is already in situ on site and as such this application may be considered to be retrospective.

The annex is a prefabricated type structure not too dissimilar to a holiday lodge/cabin type building in design and appearance. The cabin was erected on site in September 2011. Within the details submitted the applicant has stated that the development has not yet been completed. However, having visited the site it would appear that the cabin is predominantly complete. It was noted during my site visit that the cabin appeared to be fully furnished and capable of occupation. The cabin measures 10.5m x 6.1m and stands to an overall height of 2.9m. The cabin is finished with brown timber cladding and a shingle dual pitched roof. In addition to this, an area of hard standing has been created up to the cabin to provide level paved access. Low-level lighting columns have also been installed along the edge of the hard standing.

### **Site Location**

Quaker Field House is a detached bungalow that stands within its own curtilage which extends out into paddocks. The dwelling is located to the west of Lambing Clough Lane, Hurst Green. The development site is located outside of the settlement boundary for the village of Hurst Green, as defined by the Ribble Valley Districtwide Local Plan. As such, the site is considered to be within the open countryside. As a point of reference, the boundary for the Forest of Bowland AONB and the Hurst Green Conservation Area are under 150m away to the north of the site.

The cabin is located approximately 25m to the west of the existing dwelling adjacent to the western boundary of the area defined as domestic curtilage. Beyond this there is an area of open paddocks, which are within the ownership of the applicant.

The land that falls within the ownership of Quaker Field House is substantial. The domestic curtilage area from the boundary with Lambing Clough Lane extends some 95m to the west. The curtilage forms an 'L' shape and within which there is the main dwelling, a timber open

sided outbuilding, glass greenhouse and the cabin structure which is the subject of this application. Beyond this a paddock extends in excess of 150m further west. The area of curtilage in which the cabin is sited is a narrow offshoot section that forms the western boundary of the curtilage.

### **Relevant History**

3/1980/1108/P – Proposed alterations and extensions to bungalow to form self contained flat. Approved.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy ENV3 - Development in Open Countryside.

Policy H2 - Dwellings in the Open Countryside.

Policy H9 - Extended Family Accommodation.

Policy H12 - Curtilage Extensions.

*Ribble Valley Core Strategy 2008-2028 (Regulation 22 Submission Draft)*

DMG1 – General Considerations.

DME2 – Landscape and Townscape Protection.

DMH3 – Dwellings in the Open Countryside.

DMH5 – Residential and Curtilage Extensions.

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

In determining this application, there are several issues which have to be considered; they are the lawful use of land as domestic curtilage, the formation of such annexed accommodation and its use for an elderly relative and finally its impacts, if any, a development of this nature will have upon the character and setting of the area and residential amenity. In the interests of clarity I will deal with each issue individually.

Within the submitted details, the applicant states that the cabin is located within the domestic curtilage of the existing dwelling. However, the area of land on which the cabin is sited is a small offshoot which overlaps with the adjoining paddock. This would, in my opinion, suggest that at some point previously, the curtilage may have been extended into the adjoining paddock in order to form the area in which the cabin is sited.

This opinion is formed on the basis that the boundary of the curtilage does not follow a uniform boundary line with the surrounding properties. The boundary for the neighbouring property Sunnyhurst, to the south, has a curtilage boundary that runs north towards Quaker Field House and then continues to run north. However, when the fence line reaches the site of the cabin, it then deviates west at a right angle, and wraps around the area in which the cabin is sited, creating an area where the domestic curtilage and adjoining paddock overlap.

However, having examined the planning history for the site, it is not clear what the extent of the original curtilage was, in order to determine when such an extension may have occurred. In addition to this, the applicants have provided a written representation from a neighbour that states the area in question has been domestic curtilage garden for at least 15 years. Contradictory information has been submitted by an objector and the Parish Council which



suggests that the area in question did actually form part of the paddocks and not the domestic curtilage of the property. The objector states that the land in question, which has previously housed a timber outbuilding actually formed part of the adjoining paddock with the outbuilding's purpose being associated to the upkeep of the paddock as a smallholding. In addition to this the Parish Council state that the cabins on the site were sited within the paddocks and not the domestic curtilage.

Whilst I have some concerns as to the lawfulness of the land which the applicants have defined as their domestic curtilage, particularly the area in which the cabin is sited, I have found no evidence that would prove beyond any reasonable doubt that the curtilage has been unlawfully extended, nor that it hasn't been domestic curtilage for a period greater than 10 years.

The formation of an annex for accommodation within the curtilage of a dwelling is a common way of creating additional living space for the main dwelling or living accommodation which has a degree of independence from the main dwelling in order to provide accommodation for a dependant or elderly relative. This is the case in this particular instance, it is proposed that the cabin will be used as annexed accommodation for an elderly relative, which will be able to strike a balance between the elderly relative retaining a degree of independence whilst family members can be close at hand and to offer assistance as and when required.

A further consideration is the relationship the cabin has to the main dwelling. Annexed accommodation has to be capable of integration into the main dwelling when circumstances change; as is required by Policy H9 of the Districtwide Local Plan and Policy DMH5 of the Emerging Core Strategy. As discussed above, whilst the cabin may be deemed to be located on land that is considered to fall within the domestic curtilage of the main dwelling, it is still some 25m away and as such not particularly well associated to the main dwelling. However on balance the current position of the cabin is considered to be satisfactory as any other location may further increase the prominence of the structure.

Within the submitted details reference is made to the fact that historically an outbuilding has been located in the same approximate location as the cabin. A large timber shed is shown and mentioned within the sales particulars of the property, which have been submitted as part of the application. However, this building would appear to be more functional and utilitarian in its design and would not have been capable of conversion into annex accommodation. This has since been demolished to make way for the cabin that is the subject of this application. Notwithstanding this the previous timber outbuilding that was sited in this approximate position would have been, in my opinion, better associated to the adjoining paddock area rather than the main dwelling and it is likely to have been used as such. A fact which to a degree, has been confirmed within the representations received from a nearby resident and the Parish Council.

The final area of consideration in determining this application is what, if any, harm will be caused to the character, setting and residential amenity of the area. As discussed above, the development site is located on land that is designated as being open countryside. As a result of this, all development is required to be in keeping with the character and landscape; reflecting local vernacular, scale, style, features and building materials. I do not believe that the cabin achieves this. It is a prefabricated structure that has simply been dropped on to the site and has no particular architectural merit. Whilst it may be finished with timber cladding that would be in keeping with other outbuildings in the immediate vicinity, to a degree, the form and design of the structure is entirely different. In order to address this, these concerns have been raised with the applicant's agent. It has been agreed that the cabin could be stained darker and landscaping be provided to offer a degree of screening. This would go some way to addressing the impact

the cabin would have upon the landscape and aid to screen the development. I therefore propose to secure these amendments via the use of appropriate conditions.

With regard to the impact the cabin has upon the character of the landscape it should be noted that Lambing Clough Lane (which is also a public bridleway) is located on a hill. The development site is located approximately half way down the hill. The development site is readily visible from the southern end of Lambing Clough Lane; the change in land levels also means that when viewed from this position, the cabin is on higher ground. Thus increasing the visual prominence of the structure, to the detriment of the character and visual amenities of the open countryside. However, as discussed above, the proposed alterations such as staining the cabin a darker colour and implementing a scheme of landscaping would hopefully suitably address these concerns and would be secured through the use of a planning condition.

As outlined above, one of the grounds of objection received relates to the fact that the cabin would overlook a neighbouring property. Due to the positioning of the cabin and the topography of the area, I accept the cabin would overlook neighbouring properties particularly those sited to the south of the site further down Lambing Clough Lane. However the separation distance between the cabin site and the property known as Rose Bank, the first neighbouring property that would be overlooked by the cabin, is in excess of 60m away. Therefore whilst the cabin may directly overlook a neighbouring property, perhaps creating a feeling of being overlooked, I do not believe that this overlooking would be to the detriment of residential amenity, by virtue of the intervening distance between the two buildings.

Whilst the level of accommodation provided by the cabin could be considered to be tantamount to the creation of a new dwelling, it would be possible to restrict the occupancy of the cabin through the use of a planning condition. This would ensure that the cabin would not become a separate dwelling and would be tied to the main dwelling of Quaker Field House.

Having considered the submitted details on balance I would make a recommendation of approval.

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

1. This permission shall relate to the development shown on plans reference TRI-0910-01 and BWQF1, BWQF2 and BWQF3.

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

2. Precise specifications or samples of the staining to be used on the cabin shall be submitted to and approved in writing by the Local Planning Authority prior to their use on the building. The staining shall be carried out within 3 months of the date of this consent.

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

3. Within one month of the date of this decision 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 Regulation 22 Draft Submission Core Strategy.

4. The proposed development shall only be occupied as an extended family unit in conjunction with the property to which it is attached or related to and it shall not be used as a separate unit.

REASON: In order to comply with Policies G1 and H9 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of Regulation 22 Draft Submission Core Strategy. The division of the dwelling into separately occupied units could be injurious to the amenities of the neighbouring occupiers and to the character of the area and would require further consideration by the Local Planning Authority.

APPLICATION NO: 3/2012/0988/P & 3/2012/0989/P (GRID REF: SD 374529 441989)  
PROPOSED PLANNING PERMISSION AND LISTED BUILDING CONSENT FOR ALTERATIONS AT THE GRAND TO INCORPORATE EXTENSION AND ALTERATIONS AT THE REAR AND THE DEMOLITION OF EXISTING TWO STOREY OUTRIGGER AT THE GRAND, 18 YORK STREET, CLITHEROE

PARISH COUNCIL: No objection.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection in principle on highway safety grounds. Pre-application proposal identifies amenities which will aim to attract new visitors and increase visitor activity as opposed to extending the existing facilities that are provided on site. While additional leisure/education aspect for The Grand experience are welcomed no provisions have been shown for the additional impact this will have on the servicing of the site. Furthermore there would be four parking spaces lost. However the accommodation of deliveries and service vehicles to the site has been improved with the introduction of the loading bay in York Street introduced in February 2012 as part of the experimental traffic regulation order.

In addition the Lancaster Foundation also brought forward an application in 2009 that provides location for staff parking on the Back York Street for up to 12 car parking spaces. The other developments town centre location in proximity of a pay and display car park and accessibility of a nearby bus and rail interchange. There are a range of options for convenient alternative parking and access to the site by public transport.

**ENGLISH HERITAGE:** Do not wish to offer any comments on this application and recommend that this be determined in accordance with national and local policy guidance on the basis of your expert conservation advice.

**ADDITIONAL REPRESENTATIONS:** Three letters of objection have been received which cover the following issues:

- The proposal would be likely to lead to overshadowing and loss of light given its position in relation to proximity of properties at the rear of York Street.
- The loss of privacy given the height and location of the proposal in relation to adjacent dwellings would lead to loss of privacy partly as a result to additional vehicular movements and noise.
- Noise – This indicated that the extension would be open between 0900 to 2300m, 7 days a week and given that the resultant building will lead to it being significantly closer to adjacent dwellings it would have an impact on the peaceful enjoyment of these residents, particularly at night-time. It includes the cinema and this may cause further problems.
- Inadequate parking exists.
- The likely impact caused by traffic movements.
- The design is inappropriate given it is a flat roof and not in keeping with a Conservation Area.
- The proposal could lead to additional problems to the local sewer network.
- Concern regarding noise and would advocate that mitigation measures be put in place.

### **Proposal**

This application seeks detailed consent for both planning permission and listed building consent for extensions at the rear of The Grand, Clitheroe. Access to the rear of the building is off Back York Street and the proposed buildings involve the creation of a cinema as well as walkway at first floor level connecting the extension to the existing building together. The walkway is designed to match the existing rear fenestration so will be partly glazed and cladded utilising metal sheeting as a roofing material. The rear extension is to be a mixture of stonework and render and would be predominantly of a flat roof construction with elements of glazing within the building. The two storey element of the scheme is adjacent to the existing outrigger of The Grand with the second storey element adjacent to the boundary of No 14 York Street. The length of the main extension measures approximately 16m x 12m and the maximum height of

the two storey element would be approximately 7.3m with the single storey element being approximately 4.3m. It should be noted that the extension itself would make use of the existing ground levels and in essence part of it would be at a lower level than the adjacent carriageway. The extension in relation to the design will have a significant element of glazing which would be obscure glazed of various degrees and the walkway or atrium building would be partly glazed and cladded.

The proposed use of the building would be for cinema, music, concert and dance halls and it is expected that the extension will be within use Class D2 of the Town and Country Planning (General Permitted Use Classes) Order and as such constitutes a use for assembly and leisure. The full area of the lower ground floor would be approximately 200m<sup>2</sup> with the ground floor being approximately 100m<sup>2</sup>.

In relation to internal arrangements, there are some minor changes to the internal fabric of the building which will have a minor impact on the listed building. A glass light well has been incorporated between the extension and the rear of the listed offices but this would be effectively screened from the York Street elevation by the proposed extension.

### **Site Location**

The site is located within the Clitheroe Conservation Area and The Grand is a grade II listed building. The extensions themselves will be at the rear of Back York Street. In the immediate vicinity, there are a range of adjacent listed buildings and the property is within the Clitheroe Conservation Area. The extension is at the rear and backs on to residential properties.

### **Relevant History**

3/2002/0314/P & 3/2002/0320/P – Proposed alterations and extensions to The Grand to create new performing arts centre. Approved with conditions.

### **Relevant Policies**

*Planning and Listed Building Conservation Area Act 1990*

Policy ENV19 - Listed Buildings.

Policy ENV20 - Proposals Involving Partial Demolition of Listed Buildings.

Policy ENV7 - Species Protection.

Policy ENV16 - Development Within Conservation Areas.

Policy EMP8 - Extensions/Expansions of Existing Firms.

Policy EMP9 - Conversions for Employment Uses.

Policy RT1 - General Recreation and Tourism Policy.

Policy G1 - Development Control.

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.

### **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 Clitheroe 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 mindful of the concerns of the Council's Conservation Officer but I consider that the revised scheme has now addressed many of the issues in relation to the harmful damage to the listed building and the Conservation Area. 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. I note comments from the Conservation Officer as well as other objectors but in assessing the proposal and recognising the issue in relation to the harm to the listed building and Conservation Area, 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 possible employment and community benefits of the site outweigh the harm caused to any alterations on the listed building.

The site is situated within the Clitheroe Conservation Area with a main frontage on York Street with a rear elevation to Back York Street. In relation to highway and parking issues, it is evident that despite some reservations there is no objection from the County Surveyor. 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.

The extension is at the rear where it is evident that there is a range of different roof slopes and I consider this proposal would offer additional architectural style that would not dominate the townscape or street scene and compliment the surrounding area.

It is also important in determining the application to have regard to adjacent residential amenity. It is clear that the introduction of additional rooms could have an impact on the residential amenity of the adjacent dwellings. However, having consulted the Environmental Health Officer, they are satisfied that the proposals will not significantly harm residential amenity subject to adjacent acoustic controls and hours of use.

I note the concerns of nearby residents in relation to loss of light and privacy and although the extension will have some impact on adjacent residential amenities and there will be a degree of overlooking. I am satisfied that given the use of the building and link corridor and subject to an appropriate glazing condition, the impact of any overlooking can be minimised.

## SUMMARY OF REASONS FOR APPROVAL

3/2012/0988/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.

3/2012/0989/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 references:

12.29/LB/10 Rev A - elevation and section plan; 12.29/LB/02 Rev A – proposed lower ground floor plan; and 12.29/LB/PL03 Rev A – proposed ground floor plan.

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. 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 and Policy DMG1 of Regulation 22 Draft Submission Core Strategy.

5. The use of the premises in accordance with this permission shall be restricted to the hours between 0800 to 2400 hours.

REASON: To comply with Policies G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of Regulation 22 Draft Submission Core Strategy. The use of the premises outside these hours could prove injurious to the character of the area and in order to safeguard residential amenities.

6. Before the use commences or the premises are occupied, the extension shall be insulated in accordance with a scheme to be submitted to and approved by the Local Planning Authority and thereafter retained.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of Regulation 22 Draft Submission Core Strategy and in the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

7. Notwithstanding the details shown on plan 12.29/SK01 further details of the obscure glaze element on windows of the south west elevation as well as fenestration details on the link corridor shall be submitted to and approved in writing by the Local Planning Authority and thereafter retained.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of Regulation 22 Draft Submission Core Strategy and in the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

8. There shall be no pedestrian access with the exception of disabled access and emergency purposes to and from the building from Back York Street.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of Regulation 22 Draft Submission Core Strategy and in the interests of the general amenity of the area 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 references:

12.29/LB/10 Rev A - elevation and section plan; 12.29/LB/02 Rev A – proposed lower ground floor plan; and 12.29/LB/PL03 Rev A – proposed ground floor plan.

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. 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 and Policy DMG1 of Regulation 22 Draft Submission Core Strategy.

5. Before the use commences or the premises are occupied, the extension shall be insulated in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of Regulation 22 Draft Submission Core Strategy and in the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

6. Notwithstanding the details shown on plan 12.29/SK01 further details of the obscure glaze element on windows of the south west elevation as well as fenestration details on the link corridor shall be submitted to and approved in writing by the Local Planning Authority and thereafter retained.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of Regulation 22 Draft Submission Core Strategy and in the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

7. There shall be no pedestrian access with the exception of disabled access and emergency purposes to and from the building from Back York Street.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of Regulation 22 Draft Submission Core Strategy and in the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

APPLICATION NO: 3/2012/1034/P (GRID REF: SD 364362 433192)  
PROPOSED REPLACEMENT OUTDOOR ARENA AND NEW INDOOR ARENA AT  
OSBALDESTON RIDING CENTRE, OSBALDESTON LANE, OSBALDESTON

PARISH COUNCIL: No representations have been received.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): The proposed development would not generate significant additional vehicle trips and therefore I have no objections to the proposals.

Give Way markings to be repainted as they are badly worn.

ADDITIONAL  
REPRESENTATIONS: A total of 5 letters have been received from 4 individual properties and one from agents acting on behalf of four further nearby properties.

None of these representations object to the principle of the proposed development, however various areas of concern have been raised which are summarised as follows:

- Would not want to see a material increase in visiting traffic that would cause danger on local highways or nuisance to local residents.
- More effective junction priority is introduced at the crossroads by the site entrance.
- That suitable perimeter landscaping should be included to soften the impact of the new building.
- That external lighting should be carefully sited and aligned so that light spillage is directed away from neighbouring properties.
- That measures are taken to ensure that the volume of public announcements of loud speakers associated with competitions is restricted to a reasonable level.
- Parking of horseboxes along the eastern boundary is relocated.
- Future use of site should business needs change.
- Concerns regarding existing highway safety.
- Improved road signage showing junctions and clear indication of where entrance to riding centre is.
- It is my belief that there are far more livery clients than you are being made aware of.
- The centre's website has previously boasted 100 stables available.
- Events diary is inundated with events.
- You do not invest in more facilities without ensuring they will earn an income.

- To increase income you have to have more people using the facility. This cannot be done without causing disruptions on the entrance and exit routes to and from the centre.
- If the application is granted without stern conditions, more stables will be put up inside the building and more people will be travelling to and from the venue.

## **Proposal**

Planning permission is sought for a replacement outdoor arena and new indoor arena.

The new outdoor arena will be created by enclosing the existing outdoor arena which is sited directly to the east of the existing indoor arena.

The proposed building is to measure 61.2m x 25.1m and would stand to an overall height of 8.1m. The building is to be constructed from a steel portal frame with the exterior elevations being finished with concrete panelling to an approximate height of 1.8m over which a slate blue cladding would be used. The roof is to be finished with concrete fibre sheeting.

The second element of the proposals involves the formation of a new outdoor arena which will be sited to the east of the new indoor arena discussed above. The outdoor arena will measure 60.9m x 24.3m and will be enclosed by a post and rail fence that will stand to a height of 1.3m. Lighting is to be provided along the eastern boundary of the outdoor arena.

Within the submitted details it has been stressed that the proposed development is intended to improve the quality of the existing facilities the centre provides. It is not intended to intensify the existing use.

The proposed arenas will be separated by a 3.4m wide access road.

## **Site Location**

Osbaldeston Riding Centre was established in 1962 with significant improvements carried out in 1982. The centre is located in the village of Osbaldeston at the northern end of Osbaldeston Lane. The centre is located outside of the settlement boundary of Osbaldeston as defined by the Ribble Valley Districtwide Local Plan. It is sited on land designated as Open Countryside. At present the centre has two indoor arenas and one outdoor arena. The existing main arena is used for competition, whilst the smaller collecting ring is used as a warm up area. The existing outdoor arena is used by people who have horses in livery on the site.

It is stated within the submitted details that the riding centre currently provides 65 liveries, no change to this is proposed within this application. No indication has been provided by the applicants as to the amount of competitions that are held at the centre. However the centre's website indicates that competitions or events take place most weekends, something which has been reinforced within the representations received, however it is unclear how many participants such events may attract.

### **Relevant History**

The development site has an extensive site history which dates back in excess of 50 years. Relevant history relating to the riding school includes:

3/2001/0682/P – Modification of condition no 5 of 3/1993/0760/P. Approved.

3/2001/0486/P – Change of house type to include erection of conservatory. Approved.

3/1993/0760/P – Erection of manager's dwelling. Approved.

3/1991/0398/P – New stable block. Approved.

3/1991/0265/P – Removal of planning condition no 4 of 3/1989/0584/P. Approved.

3/1990/0081/P – Stable block. Approved.

3/1989/0826/P – Extension to existing arena to provide new spectator stand. Approved.

3/1989/0584/P – Demolition and extension to arena to provide improved canteen, kitchen, lounge bar, spectator and toilet facilities. Approved.

3/1987/0436/P – Extension of existing building and access improvements. Approved.

### **Relevant Policies**

National Planning Policy Framework (NPPF)

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy ENV3 - Development in Open Countryside.

Policy EMP8 - Extensions/Expansions of Existing Firms.

Ribble Valley Core Strategy 2008-2028 (Regulation 22 Submission Draft)

Policy DMG1 – General Considerations

Policy DME2 – Landscape and Townscape Protection

Policy DMB1 – Supporting Business Growth and the Local Economy

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

In determining this application, there are several factors which need to be considered. The scale of the proposed development in relation to the character and setting of the open countryside. The impact, if any, upon the residential amenity of the area and the potential highways implications the proposed development may have.

The part of the proposed development which is most likely to have the greatest impact upon the character and setting of the landscape is the building which would enclose the existing outdoor arena. This would be by virtue of its overall scale.

The proposed construction and exterior finish of the new arena building would, in my opinion, be broadly similar to that of other substantial agricultural type buildings. I am therefore of the opinion that a building of this nature would not be wholly out of keeping for the open countryside.

In addition, the building would be sited directly adjacent to the existing indoor arena building. This ensures the proposed new building would be associated with the existing group of buildings and not isolated. This will in my opinion reduce the overall impact of the building upon the character and setting of the open countryside, to an extent that may warrant refusal on such grounds.

Similarly, the outdoor arena would in my opinion, have a limited impact upon the character and setting of the countryside. This would also be by virtue of its association to the existing riding centre facilities.

Whilst a development of this nature may not lead to the overall enhancement of the landscape, I am of the opinion that it certainly would not be excessively detrimental to the character and setting of the open countryside.

A development of this scale and nature has the potential to impact upon the residential amenity of the area. The nearest neighbouring properties to the development are located to the south of the riding centre, many of these properties' gardens abound the riding centre site. The proposed development would result in the riding centre extending itself to the east and as a result being aligned with more properties than was previously the case.

The proposed indoor arena would be sited approximately 70m away from the property known as Little Oxendale, located to the south, while the outdoor arena would be a similar distance away. Due to the separation distances and the design of the proposed building, I do not anticipate that the development would have an overbearing presence upon the neighbouring dwellings which would be considered detrimental to the residential amenity of the area.

One potential area of the design which may present amenity issues and was an area of concern raised by residents was the impact the floodlighting of the outdoor arena may cause.

In order to address this the plans have been amended slightly to relocate the lights. Originally, these were to be sited on the west elevation of the proposed indoor arena. In view of the concerns raised, it is proposed to resite these lights to the eastern boundary of the outdoor arena, the amended plans indicate that these lights would be sited so that the lighting would be directed westwards back towards the riding centre building. It is not clear from the plans how or if the proposed floodlights would spill light out of the site which could give rise to residential amenity issues and I therefore propose the use of a condition which would request further precise details on the matter prior to the development being implemented.

In addition to this, the applicant has indicated that they would be willing to provide a scheme of landscaping along the perimeter in order to screen and soften the impact of the development. This may also mitigate the issues which could be detrimental to residential amenity. Precise details have not been submitted at this stage, therefore I would propose the use of a planning condition requiring the implementation of a scheme of landscaping subject to the approval of the Local Planning Authority.

Another area of concern that has been raised within the representations received surrounds the impact the proposed development could have upon the local highways network. As outlined above, the County Surveyor has raised no objections to the proposed development. The concern is that the proposed development would in effect increase the potential capacity of the riding centre leading to an intensification of its use. Within the submitted details, the applicants have stressed that they do not see the proposed development as a means to increase or

intensify the current operations of the riding centre. The proposed development is intended to improve the quality of the facilities; the riding centre provides it to its customers. The number of liveries the site provides would remain the same, therefore the expectation would be that the level of traffic to the site remains at a similar level. A brief transport statement has been included within the submitted details. This states the number, type and frequency of the vehicles which visit the site. It is not expected that this would change. The County Surveyor has agreed to have the give way markings at the junction adjacent to the riding centre entrance repainted, which should help to re-enforce the presence of the junction to vehicles visiting the site.

At present a number of horse boxes are parked to the east of the existing outdoor arena. As part of the proposed development these would have to be relocated to the parking area to the north of the existing buildings.

As discussed earlier in this report, I am of the opinion that the proposed development would not result in a development that would be detrimental to the character and setting of the open countryside. It should be noted that there is a public right of way located to the east of the riding centre in excess of 170m away. Whilst the development maybe visible from this vantage point, I am satisfied that the development would not have an overbearing impact upon the public right of way. This is by virtue of the separation distance between the two. In addition to this, by virtue of the proposed design, I am of the opinion that the development would accord with Policy ENV3 of the Ribble Valley Districtwide Local Plan.

The proposed development is intended to improve the quality of the facilities the riding centre provides. It could be argued that by doing this, it could go some way to ensuring the long term use of the centre. This would then ensure the retention of employment opportunities and also retain the riding centre as a customer of other local business, which provide supplies, goods and services to the centre. As such the development would be considered to accord with the principles of Policy EMP8 of the Districtwide Local Plan and Policy DMB1 of the emerging Core Strategy.

It should be noted that a previous consent imposed a condition relating to the hours of use of the site, which has subsequently been amended slightly but remains in place. For the avoidance of any doubt and to ensure clarity, I propose to impose the same condition on the development proposed within this application.

Therefore, to conclude, in view of the above comments, I am satisfied that the proposed development accords with the prevailing planning policies. I am also satisfied that the areas of concern raised relating to features such as lighting, landscaping and intensification of use can be mitigated through the use of appropriate conditions.

#### SUMMARY OF REASONS FOR APPROVAL

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

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

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

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

2. The permission shall be implemented in accordance with the proposal as amended by letter and plan received on 15 January 2013 entitled:

proposed plans and elevations carrying drawing No TRI-0852-04 and proposed site layout carrying drawing No TRI-0852-03.

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with 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 Policy DMG1 of the Ribble Valley Core Strategy 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 prior to commencement of the development unless otherwise agreed by the Local Planning Authority, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

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

5. The development hereby permitted shall not be commenced until precise details relating to the lighting of the outdoor arena, including siting, intensity and light spillage are submitted to and approved by the Local Planning Authority.

REASON: To safeguard the residential amenity of the area in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

6. The hours of operation shall be confined to the period from 0900 hours to 2300 hours with all spectators and competitors to be clear of the site by 2320 hours.

REASON: In order to safeguard the amenity of nearby residents in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of Ribble Valley Core Strategy Regulation 22 Submission Draft.

7. Prior to commencement of development details of any tannoy system and its operation for the purposes of public address/announcements/playing music or any other be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to safeguard the amenity of nearby residents in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of Ribble Valley Core Strategy Regulation 22 Submission Draft.

APPLICATION NO: 3/2012/1049/P (GRID REF: SD 359982 436866)  
PROPOSED DEMOLITION OF EXISTING BUILDINGS AND REPLACEMENT WITH NEW  
PURPOSE BUILT STORAGE AND WORKSHOP BUILDINGS AT JONES STROUD  
INSULATIONS, QUEEN STREET, LONGRIDGE, LANCASHIRE

LONGRIDGE TOWN COUNCIL: No comments have been received from the Town Council at the time of this reports submission.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): The application is for replacement buildings within an existing industrial site and retains adequate manoeuvring space for HGV's. I therefore have no objection to the proposal.

LCC PLANNING OFFICER (ARCHAEOLOGY): No significant archaeological implications.

UNITED UTILITIES: No objection to the proposal subject to conditions.

PRESTON CITY COUNCIL: No comments have been received at the time of this reports submission.

ADDITIONAL REPRESENTATIONS: Two letters of objection have been received from the occupiers of properties close to the site (one letter is signed by the residents of no's 14 – 24 (even)). The points of objection raised have been summarised as follows:

1. Loss of light to the rear of the properties adjacent,
2. Loss of trees on site will have a visual impact on the outlook of a number of properties,
3. Loss of trees means a loss of bird habitats,
4. Impact upon property values,



5. Building is a roosting site for bats,
6. Invasion of privacy,
7. Is there not a more suitable and less intrusive location for the new building, and
8. Noise impacts.

The nearby residents have also sought assurances that if approved,

- There will be no obtrusive ventilation/air-conditioning ducting to the exterior or roofline of the buildings,
- All asbestos will be removed in accordance with current Health and Safety guidelines,
- Adequate surface water drainage is in place, and that
- The visual impact of the development/plant/machinery will be suitably screened by new/replacement planting, and that any damage to boundary trees/fences in general is made good.

### **Proposal**

This application seeks permission for the replacement of an existing building (previously home to the canteen) currently used for minor engineering and maintenance works with a purpose built, open plan building for the storage and sorting of palliated materials. The building is designed with a raised opening to allow the loading and unloading of pallets directly onto/off vehicles. The proposed building will measure approximately 780 sq.m. in floor area and will be 6.5m to the lower eaves (adjacent to the boundary with no's 14-24 Preston Road) and 8.5m at the highest point. The scheme also includes the erection of a new, two storey, engineering workshop located centrally within the site, which will have a footprint of 160 sq.m. and will be 6.5m high at the eaves and 9m high at the ridge. The development will have no impact upon the existing vehicular movements on site as they have been designed to work with the existing delivery and servicing methods and practices currently carried out on site.

### **Site Location**

The site lies on the western boundary of both Longridge main settlement and Ribble Valley Borough boundaries, and occupies a whole site area of approximately 2.6 hectares. The proposed development comprises approximately 0.4 hectares. The whole of the site lies within a well-defined and established curtilage, and is accessed via Queen Street off the B6244, Preston Road. The site is largely dominated by two large factory buildings to the north and south of a courtyard area of industrial equipment to the centre, surrounded by an access road that serves the whole site.

### **Relevant History**

3/2010/0957/P - Application for a non-material amendment to planning consent 3/2010/0803P, for additional ducting to be fitted so the new air purification system can be utilised by both factories on site – Granted.

3/2010/0803/P – Proposed installation of a new air purification system – Granted Conditionally.

3/2007/0600/P - Smoking shelter adjacent to existing canteen – Granted.

3/1996/0364/P – Erection of single storey building to form office – Granted.

3/1991/0154/P – Single storey extension to existing mixing room – Granted.

### **Relevant Policies**

National Planning Policy Framework.

Policy G1 - Development Control.

Policy EMP7 – Extensions/Expansions of Existing Firms.

Policy ENV7 – Species Protection.

Policy ENV13 – Landscape Protection.

*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.

Wildlife & Countryside Act 1981 as amended.

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

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

The matters for consideration in the determination of this application therefore involve an assessment of the application in relation to the currently applicable policy, the effects of the development on visual amenity given the likely scale and location of the development, any potential impacts on local ecology or habitats and the potential impact on the amenities of nearby residents. There are no objections from a Highway Safety point of view.

#### **PRINCIPLE OF DEVELOPMENT AND VISUAL IMPACT**

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.*

In this instance, the relevant local plan policies relating to industrial/commercial development remain up to date, therefore it is the requirements of the Local Plan that take preference over the NPPF.

Local Plan Policy EMP7 states that ‘The expansion of established firms within the main settlement will be allowed on land within or adjacent to their existing sites, providing no significant environmental problems are caused and the extension conforms to the other policies of this plan.’ Having examined the existing buildings on site and the scale and design of those

proposed, I am of the opinion that the development submitted under this application is considered to be of a scale that is not inappropriate to the locality. Whilst the eaves height of the new storage building closest to nearby residential properties is slightly higher than that existing, given the distance between the new building and the nearby residential properties, the change in land levels (the industrial site is on land that drops away from the residential properties) and the use of matching materials, the scheme will have an acceptable visual impact upon the locality. With regards to the new engineering workshop centrally on site, this will be screened from any public views by the existing factory buildings as well as the new storage building.

With regards to the impact upon the amenity of the occupiers of the adjacent properties, the Council's Environmental Health Department advise that they have no objection to the scheme in principle subject to the submission of a comprehensive noise assessment report that includes the details of construction, hours of use, anticipated movements, hours of deliveries. This is in order to suitably control any noise generating activities within the new buildings and to prevent any impact on neighbouring residential properties. They note that the building will have no openings facing towards the neighbouring properties, unlike the existing building, however they wish to be satisfied that the building will be insulated accordingly.

A number of trees will be removed during the construction process, the vast majority of these assessed as Class C within the Arboricultural Impact and Protection Appraisal, however having spoken to Operations Manager on site they are happy to implement a replanting scheme on site once the construction works have been completed. This will also add an additional level of acoustic screening between the site and the adjacent dwellings.

In conclusion, having visited this location and assessed the scale and design of the proposed development, 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, and on this basis I consider that the development of the site will have an acceptable visual impact at this particular location.

#### IMPACT ON LOCAL ECOLOGY/HABITATS

Given the scheme involves the demolition of a building that may be susceptible to use by bats, the Council's Countryside Officer has advised that an up to date bat survey needs to be carried out before any development is carried out on site. The details of this survey will advise whether or not mitigation measures will be required within the new build storage building. 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.

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 D1592/PL01, D1592/PL02 and D1592/PL04 Rev. A.

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

3. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separately from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To secure proper drainage and to reduce the risk of flooding. In accordance with Local Plan Policy G1, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

4. Unless otherwise agreed in writing by the Local Planning Authority, no building shall be erected within 3 metres of any public sewer.

REASON: To protect existing utility infrastructure and to maintain service to existing residents. In accordance with Local Plan Policy G1, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy 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 Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

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

REASON: To compensate for the loss of trees and 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.

7. Prior to the commencement of built development, a comprehensive noise assessment report concerning the proposed use of new buildings shall be submitted to an approved in writing by the Local Planning Authority and implemented to its satisfaction. This shall include,
  - i. Construction of roof and walls (including insulation details),
  - ii. Hours of use,
  - iii. Anticipated movements,
  - iv. Hours of deliveries,
  - v. Control of noise generating activities, and the
  - vi. Consideration of provision of suitable acoustic barrier between proposed and existing buildings etc.

REASON: In accordance with Policy G1 of the Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy, and guidance within the NPPF. In the interest of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

8. There shall be no air conditioning, filtration or extraction units installed on the new storage building without the prior written consent of the Local Planning Authority.

REASON: In accordance with Policy G1 of the Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy, and guidance within the NPPF. In the interest of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

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- T12/G1/G2 inclusive] to be retained shall be protected in accordance with the BS5837 2012 [Trees in Relation to Demolition, Design & 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 Council's 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 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 guidance within the NPPF. To ensure that trees of visual amenity value are protected against adverse affects of the development.

10. 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.

11. No development or demolition of buildings shall take place until a survey for the presence of bats has been carried out. The details of which shall be submitted in writing to the local planning authority and include any mitigation measures required.

REASON: To ensure that there are no adverse effects on the favourable conservation status of a bat population before and during the proposed development and to ensure that 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.

## INFORMATIVES

1. Should this planning application be approved, the applicant should contact our Service Enquiries on 08457462200 regarding connection to the water mains/public sewers.
2. 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.

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

APPLICATION NO: 3/2012/0913/P (GRID REF: SD 373905 442207)  
OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT AND A CRÈCHE ON LAND OFF WADDINGTON ROAD, CLITHEROE

TOWN COUNCIL: Objects to the application on the following grounds:

1. That the development is outside the settlement boundary as defined by saved Policy G5 of the Districtwide Local Plan and because it precedes the emerging Ribble Valley Core Strategy and the work being done on the Development Land Document.
2. On highway grounds in respect of the egress onto Bawdlands from Castle View which is already very difficult and a risky undertaking for vehicles, bicycles and pedestrians alike. Furthermore, the increase in the volume of vehicles would not improve this.
3. Due to the location of the junction being on top of a bridge, the Town Council is of the opinion that there is no possible realistic financial engineering solution to this problem.
4. The Town Council also object on highway congestion grounds due to the effect the development will have by increasing the volume of vehicles to the pinch-point of the Waddington Road/Railway View junction under the railway bridge. Owing to these highway concerns, the Town Council believe that this development is contrary to Policy G1 of the Ribble Valley Districtwide Local Plan, paragraphs 32 and 35 National Planning Policy Framework and Policy DMG1 of the Emerging Ribble Valley Core Strategy.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

The following comprises the observations received from the County Surveyor in a letter dated 22 January 2013. The comments have been edited and highlighted to indicate those areas in which the submitted documents are considered to be deficient:

The following comments relate to submissions made on behalf of the Huntroyde Estate; the Transport Assessment prepared by DTPC in October 2012 and a Design and Access Statement prepared by MCK Associates Ltd.

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.

I have the following comments regarding the arrangements for Access being considered at this time.

#### Access Strategy

It is proposed that there will be two direct points of vehicular access to the site; from a new junction on Waddington Road and from a route leading off Kirkmoor Road.

The Transport Assessment does not identify any specific capacity issues in relation to the traffic generated on site and linking to the existing highway network from the proposed points of access. However, this is in respect of the applicant's view on the relative severity of the residual impacts of the development.

The Waddington Road junction will serve 220 residential dwellings and the 50 place nursery, while Castle View will accommodate access to 125 dwellings. This is identified on the TA as Phase 2, with a smaller site at Milton Avenue identified as Phase 1.

#### Traffic Flows

The counts undertaken on behalf of the applicant carried out on Thursday 13<sup>th</sup> September and Tuesday 2<sup>nd</sup> October 2012. In addition, traffic data drawn from a recent application, 3/2010/0719 was also utilised.

I am satisfied that the survey information produced is representative day and provides an acceptable basis on which to develop future growth patterns.

#### Traffic Growth

With reference to the relevant Appendices, I would recommend the use of a robust growth scenario and note that this will impact on subsequent calculations relating to traffic generation and vehicle distribution to and from the site.

Any growth factors agreed will need to reflect the Core Strategy and the latest planning proposals with regard to housing allocations etc. I would be grateful if the Applicant's consultant would clarify the derivation of their growth rates and any assumptions made. This is necessary to ensure that the full impact of a planning proposal is being addressed. It may be useful if further explanation is provided on the derivation of the original figures.



### Trip Generation

The TA has utilised accepted trip rates for applications in Clitheroe that have been provided in evidence to recent appeals. From the rates provided, an estimate of the peak hour movements to and from the points of vehicular access can be produced. This information can be examined further to show the range of peak hour impacts on specific movements to and from the proposed development site. I consider 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 may require revision with specific reference to the Traffic Growth element.

### Trip Distribution

I will look at the distribution figures for each of the two accesses separately.

Waddington Road – The details provided indicates the main focus of activity deriving from Clitheroe town centre and the well established routes to principal routes such as the A671 and A59. The impact of this increase in activity on nearby junction capacity and operation is examined elsewhere.

Castle View – The distribution details provided shows that the majority of traffic utilising this access will approach from Bawdlands, with the most significant route being via Eshton Terrace. Once again, the impact of this increase in activity on nearby junction capacity and operation is examined elsewhere, with particular notice being given to the sensitivity at the junction of Woone Lane and Eshton Terrace.

### Committed and Other Proposed Developments

There are no relevant committed developments in Clitheroe that should be considered in relation to the reserved matters of access to this site from the Waddington Road access. However, the route choices from the Castle View access will interact with traffic generated from developments on Henthorn Road, 3/10/0719, and Woone Lane and Primrose Road, 3/11/1064 and 3/08/0526.

### Impact on Junctions and Junction Modelling

I am content with the approach to the preparation and development of the baseline surveys and that they are accurate and representative.

There has been a clear definition of the split in the vehicular movements between Waddington Road and Castle View and this is reflected in the subsequent modelling data.

While I have highlighted some concerns regarding the Traffic Growth figures, the impact of any potential discrepancies would appear to be marginal and while they should not be discounted I would suggest that the modelling data are not sufficient to recommend a review of the anticipated operation of these junctions.

#### i. Waddington Road

The PICADY assessments provided for the site access from B6478 Waddington Road confirms that there are no capacity issues with the proposed junction layouts, the interaction of the suggested site traffic and the existing traffic flows. There was some discrepancy between the site plan and Masterplan regarding the effect of local highway widening and the ability of the applicant to secure the necessary improvements. However, it was confirmed in subsequent discussions that all aspects of the junction layout falls within land under the direct control of the applicant.

As the base models appear to operate within capacity I have not carried out any detailed checks on the model input. However, this does not take away the ultimate responsibility of the Transport Consultant to ensure all modelling assumptions and inputs are correct. If any anomalies are identified at a later stage the models should be reviewed and the junction re-assessed as appropriate.

#### ii. Waddington Road and Railway View Road

The impact of the development on the volume of traffic travelling along Waddington Road has been recognised with the suggested introduction of various junction treatments and a change in junction design at Railway View Road.

Taking first the proposed mini-roundabout at Railway View Road, the decision to pursue this design may reflect changes in the balance of movements through the junction. There is sufficient width within the available highway to accommodate this design and there could be benefits in the improved circulation of vehicles and the potential capacity of the junction. However, there remain physical limitations to such a design, most notably the positioning of the central dome and the restricted width of the approach from Waddington Road on account of the rail bridge structure.

That said, subject to further discussions on the detailed design of the junction and its immediate approaches, I have no objection on principle to the suggested junction arrangements.

The benefits of the proposed junction treatments at a number of minor roads off Waddington Road are less clear cut. As a 20mph Speed Limit now operates along this length of Waddington Road I would wish to prioritise measures that support improved compliance with this limit.

### iii. Castle View and Kirkmoor Road

There are minimal potential benefits from the proposed junction treatments at minor roads off Castle View and Kirkmoor Road. There is a 20mph Speed Limit in operation on these roads and measures should be pursued that support improved compliance with this limit. There is the opportunity to review these proposals to provide improved engineering solutions rather than plateau or vertical alignment features.

There is a high demand for on street parking from residents of Castle View, Kirkmoor Road and the adjacent streets. By virtue of the general house-type and available curtilage there are very limited opportunities available for off street parking. As there are few waiting restrictions in place, there is also parking from commuters using the bus and rail interchange and employees from the town centre.

In order to better manage on street parking and to assist with the safe movement of traffic along these streets and into the proposed development, a system of permit parking that identified benefits for residents should be pursued. This could involve the introduction of extensive lengths of limited waiting but with exemptions for residents. The means of establishing such a scheme would involve extensive consultation with residents, the local Chamber of Trade, Clitheroe Town Council, Ribble Valley Borough Council and Lancashire County Council. Following the recent introduction of a comparable permit parking scheme elsewhere within Clitheroe, it should be noted that there would be a large number of issues to be resolved, including those relating to the long-term funding of the scheme and the means of assigning permits.

However, as a starting point it should be agreed that the costs associated with the processing of any necessary TRO and the introduction of the necessary measures to establish the Order on site will be met by the Applicant. I would also suggest pursuing the feasibility of this measure before considering separately the introduction of junction protection measures at side roads.

On this basis, should the TRO not progress, for whatever reason, this would not of itself be sufficient to result in a specific highway safety concern and would not be viewed as a justification for raising an objection to the proposal on highway safety grounds.

The proposed priority working on the southerly approach to the site from between Swan Meadow and Back Commons is identified as providing satisfactory forward visibility to allow for the safe manoeuvring of vehicles. However, I would suggest that the specifications of this aspect of the layout will be scrutinised during subsequent detailed design discussions with LCC.

#### iv. Castle View and Bawdlands

The PICADY results for the existing junction do not highlight a queuing problem at this time or looking towards 2017, with the development. Furthermore, the Police records confirm that there have been no collisions involving personal injury at this location during the last three years.

Therefore, the intention to introduce signal control is based on addressing potential highway safety issues with conflicting movements at the junction and across the bridge.

With the signals, the OSCADY modelling anticipates that there will be in excess of 11 vehicles queuing on Parson Lane during the PM peak hour. At this level, the stationary traffic begins to impact on free flow movements due to the existing on street parking demands of residents at Wesleyan Row and movements to and from the service access to Booths supermarket.

This is a highly sensitive location as it is the main route out of Clitheroe for a number of villages to the west of the District and for a number of convenient highway links to the principal road network. I appreciate that the phasing and detailed software programmes may allow for effective revisions of the OSCADY projections and further discussions on this matter would be welcomed.

In addition to addressing issues relating to the impact of increased vehicular traffic, the footway along the north-west side of Parson Lane, and in particular across the bridge deck, would benefit from being improved. At present the footway width is significantly reduced by a series of bollards across the bridge and other items of street furniture as it heads north east towards Station Road.

I would suggest that suitable engineering measures could be introduced that would allow the full width of the footway to be available for pedestrians. I recognise that there is little prospect of utilising to any significant degree the kerbed area to the south east side of the road.

Furthermore, with the potential for queuing traffic to reach back to Wesleyan Row, there could be a temptation for motorists to run along the footway opposite in order to facilitate two-way movements as they pass parked vehicles. It would be unacceptable to have vehicles driving along the footway that fronts Parsonage Cottages and provides access to the service area to the rear of, what was previously the Qwik Save store.

Therefore, footway treatments should be considered that would secure the use of the footway for pedestrians, between Castle View and Station Road.

#### v. Shawbridge Street and Waterloo Road

The TA makes reference on several occasions to the impact of this development on the operation of the junction at Shawbridge Street with Waterloo Road and also brings in a number of assumptions relating to another active application on land at Higher Standen Farm, 3/12/0942.

However, the assumptions made in relation to the potential combined impacts of the application at Higher Standen Farm and those from Waddow View are premature and will not be considered at this time, in respect of this application.

From the information provided for this application, the anticipated impact of traffic generated from this site on the capacity and queuing at the mini-roundabout junction of Waterloo Road with Shawbridge Street is not significant.

#### Pedestrians and Cyclists Access

The site is located conveniently for the town centre and aspects of the accessibility score reflect this close proximity. However, I have detailed below and attached on an annotated plan, additional routes for cyclists within the development site that would enhance its accessibility:

1. Make the bus only road accessible to cyclists.
2. Provide 3m wide shared use paths to link the site at two locations.
3. Modify the road closure on Corbridge Court, leading from Chester Avenue, to provide a 3m wide cycle path. I have estimated the cost of this measure to be £10,000.

4. Close the unadopted underpass to through traffic at the north of the Interchange. I have estimated that this measure would cost in the region of £10,000.
5. Consider environmental improvements to Back King Street as this will form an increasingly significant pedestrian route to the town centre. This could include the provision of additional street lighting. The cost of these measures may well be dependent on the available services.
6. The provision of a secure cycle shelter at Whalley railway station should be considered. It would be necessary to determine if a suitable location could be achieved within the existing station grounds. This amenity would have an estimated cost of £20,000.

Public Rights of Way footpath No.20 runs within the site and is to be retained in full, supported by the internal layout of footways and carriageway.

In view of the increased pedestrian activity associated with the site, consideration should be given to the introduction of a pedestrian priority crossing at some point on Waddington Road. In these circumstances, I would suggest that a zebra crossing would be most appropriate form of crossing to consider.

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

#### Public Transport

The Clitheroe bus and rail interchange is conveniently located for this development and falls within a 400m radius from the centre of the site. As good access to public transport services will be an important factor in helping to reduce dependence on the private car for users of this development, this is to be welcomed and addresses a key requirement of the IHT "Guidelines for Public Transport in Developments" – with particular reference to pp 149/150 Annex B: "Public & Sustainable Transport Assessment".

The Applicant has identified two possible routes for bus services that would provide significant penetration into the development, linking both aspects of the site from Waddington Road through to Kirkmoor Road.

The route WV1 would be preferable, as WV2 would take the scheduled service via Milton Avenue, a road which supports on street residential parking to properties with no off street provisions.

The most effective and sustainable means of securing a viable service, either through the rerouting of an existing service or through the establishment of a new route, can be determined at a later date. It is relevant to note that where services are subsidised wholly or in part by Lancashire County Council, the continuing funding of these services cannot be guaranteed and alternative sources of funding may have to be pursued.

### Road Safety

I would concur with the description given in the Site Description Summary (3.10), identifying that there have been a small number of dispersed collisions in the vicinity of the site over the last three years, but that they have not given rise to the promotion of any area-wide highway safety measures.

### Parking Standards

The parking standards contained within The Regional Spatial Strategy (RSS) – North West of England Plan (2008) remain the County wide standard for parking provision. Until such time as a revised policy is available, the RSS must still remain a material consideration in assessing planning applications.

With consideration for the above, the Local Highway Authority will be guided by the Local Planning Authority on parking standards. The LPA/LHA will set the level of parking as appropriate, based on the local need and on a site specific basis and in doing so have regard for the need to promote sustainable development with sustainable transport outcomes.

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 subsequent planning layouts will provide specific and detailed provisions for individual properties and communal sites.

### Travel Plan

In my original feedback at Pre-Application stage, I was stated that as the proposed development would be large enough to exceed our threshold, an Interim Travel Plan would need to be submitted alongside the application for outline planning permission. I also requested that the development of a Full Travel Plan be made a condition of full planning approval.

I have assessed the Framework Travel Plan for application 3/2012/0913 against the minimum criteria required (see italicised comments). An Interim Travel Plan needs to include the following:

i. A time-frame for the development of the Full Travel Plan. (Including dates for the appointment of a coordinator, resident's survey and submission of the full travel plan to the planning authority)

*The time-frame given in this Framework Travel Plan is insufficiently clear.*

*Although this development is mainly residential, there is now a small business element with the inclusion of the nursery. The nursery is below the travel plan threshold, but should be included in the residential travel plan, using the same co-ordinator; otherwise an opportunity will have been missed.*

ii. Key stages in the time-frame are –

*Travel Plan Co-ordinator appointed and LCC's Travel Plan Advisers informed of contact details – at least 1 month prior to 1<sup>st</sup> occupation of business and/or residential. This is to allow time for preparation of info packs.*

a. *Welcome Packs prepared – prior to occupation – chiefly for residents but info should be shared with business, who can then make the info available to staff and customers, from occupation also.*

b. *1<sup>st</sup> Travel Survey undertaken;*

*1 - Business – should be within 3 months of occupation, but may be best to wait until 1<sup>st</sup> residential survey is undertaken, so that in future they are both re-surveyed annually at the same time. Will need to ask rather different (origin rather than destination) questions.*

*2 – Residential - once the development reaches 100 houses occupied.*

*3 – Full Travel Plan produced - including updated SMART targets based on survey data and a detailed action plan of measures to be introduced – to be submitted to the Planning Authority within 3 months of the residential travel survey*

*4 – Annual monitoring and review of travel plan. Submit to Planning and Highway Authorities.*

c. *Details of cycling, pedestrian and public transport links to and within the site – Information is provided.*

d. *Details of the provision of cycle parking for those properties/units where suitable space is not available.*

*The Framework Travel Plan states that 'consideration will be given when forward planning to ... increase the provision of*



safe, secure parking for each unit'. I would like to see more details of this and a statement of definite intent.

e. Outline Objectives.

*Information is provided.*

f. Outline Targets.

*Some information is provided. SMART targets will be required for the Full Travel Plan.*

g. List of proposed measures to be introduced.

*Some information is provided. The Full Travel Plan should contain a detailed action plan of measures to be introduced, including who, what and when. There will need to be a program of measures rolled out beyond providing information packs, and will need to address the needs of both residents and the business, which may vary slightly. For instance, the Nursery could consider installing a pram/cycle store to help facilitate parents who wish to drop off their children on foot/by cycle.*

h. Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years.

*Information is provided.*

As I do not feel there is sufficient commitment to carry out the first survey at an appropriate point and to use the results of this to produce and submit a more detailed Full Travel Plan, I believe this document **does not meet the required standard** for an Interim/Framework Travel Plan. Once this issue is addressed I will be happy to pass the Framework Travel Plan.

I re-iterate that the development of a Full Travel Plan should be made a condition of full planning approval.

A contribution of £24,000 is requested to enable Lancashire County Council Travel Planning team to provide a range of services as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008.

#### Internal Site Layout

Referring to the Illustrative Masterplan, based on the limited level of detail provided to date I am satisfied that the appropriate measures to secure safe, continuous and accessible pedestrian and vehicular links can be achieved.

I would note that the internal road layout should be developed with consideration for LCC's Creating Civilised Streets policy

and design guidance. I would also note the need to consider the provision of electric vehicle charging infrastructure in line with latest government advice.

In accordance with the design principals set out in Manual for Streets 2, the internal site layout shall be designed to comply with a 20mph Speed Limit and should incorporate appropriate engineering features to secure a more sympathetic and robust means of managing vehicle speeds and enhancing highway safety.

However, in line with the present Lancashire County Council policies to improve highway safety in residential areas, it would be appropriate to introduce a 20mph Speed Limit within the site. The provision of the necessary Traffic Regulation Order would form part of an agreed programme of measures, should the application receive formal consent from your Planning and Development Committee.

#### 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.

It would be expected that a Service, Delivery, Waste Collection and Routing Strategy would be developed and agreed with Lancashire County Council and RVBC to ensure that all deliveries, servicing and waste collection can be undertaken safely without creating conflict with other vehicles, pedestrians or cyclists.

#### 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.

I have included an appropriate Condition (5), requiring the submission of a Construction Method Statement.

#### Planning Obligations

Should the LPA be minded to approve this development, the County Council would seek planning obligation contributions from this development to fund measures that support sustainable transport. It is acknowledged that a number of measures provided under proposed s278 highway works

support sustainable development. However, it is considered that further sustainable measures will be necessary to promote and support sustainable development, 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. The planning obligations are expected to cover:

- contribution for sustainable transport, walking, cycling and public transport, and
- request for contribution for advice and assistance with the Travel Plan.

As there was no accessibility score provided, there are no details available for the relevant individual values were not supplied. Therefore an approximated Accessibility score of 20 has been used for this initial assessment. As the breakdown of house types and the numbers of dwellings identified as affordable can be confirmed, it will be necessary to revise this figure.

Therefore, a Highways contribution of £552,000 will be sought, based on 345 dwellings of unknown room size, with 230 for open sale @ £1,800 (£414,000) and 115 affordable @ £1,200 (£138,000).

#### Planning Conditions

I have identified a number of Highway Conditions that I would welcome being applied should your Council be minded to approve the application. I also reserve the right to place additional conditions should these become relevant before a decision is reached.

#### T. Proposed Junction Treatments

- i. Waddington Road, at the new entrance to the Waddow View development;

The design of this access will be subject to a S278 agreement and will require the approval of Lancashire County Council as the relevant Highway Authority. While an approach consistent with Manual for Streets is appropriate at this location it is essential to ensure safe operation for all users (motorised and non-motorised).

- ii. Waddington Road and Railway View Road;

The design of the access junctions will be subject to a S278 agreement and will require the approval of Lancashire County Council as the relevant Highway Authority.

The change from a priority junction to a mini-roundabout is acceptable in principle based on the ARCADY modelling provided. However, a detailed scheme design will be required.

iii. Castle View and Bawdlands;

The TA provided details of traffic signal controls at this junction. While I am aware of the physical limitations at this junction and the sensitivity of some of the turning movements, I am not satisfied that the necessity for signal controls at this junction have been made in terms of highway safety, the efficient operation of the junction or the provision of additional capacity.

iv. Waterloo Road and Shawbridge Street;

I do not consider that this development places an undue burden of additional vehicular or pedestrian movements on the safe and efficient operation of the Shawbridge Street junction. I include in this assessment the operation of the existing signal controlled pedestrian crossing, immediately to the south of the junction.

v. Side road junction treatments on Waddington Road;

I am not requesting the introduction of junction treatments to side roads onto Waddington Road as a requirement of this application. The TA does not provide the detailed analysis of turning movements or reference to a highway safety record that would support the introduction of these supplementary measures.

The implementation of measures to support and improve compliance with the existing and proposed extension to the 20mph Speed Limit will be welcome.

Traffic Regulation Orders

1. As detailed above, a 20mph Speed Limit will operate within the site. While the design of the internal layout should include engineering features to manage vehicle speeds and enhance highway safety, it would be appropriate to introduce a 20mph Speed Limit within the site.

2. An extension of the existing 20mph Speed Limit on Waddington Road, from its present transition point to the north of Milton Avenue to a point north of the entrance to Clitheroe Cemetery.

3. A length of prohibition of waiting to both sides of Kirkmoor Road to the north west of Swan Meadow. This is to support the

safe and efficient operation of a proposed section of priority working.

4. In order to better manage on street parking and to assist with the safe movement of traffic along Kirkmoor Road and Castle View and into the proposed development, a system of permit parking that identified benefits for residents should be pursued.

It should be acknowledged that there would be a large number of issues to be resolved, including those relating to the long-term funding of the scheme and the means of assigning permits.

5. The provision of additional TROs to be discussed in more detailed as the subsequent reserved matters are considered. The provision of the necessary Traffic Regulation Order would form part of an agreed programme of measures, should the application receive formal consent from your Planning and Development Committee.

#### 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. In view of the increased pedestrian activity associated with the site, consideration should be given to the introduction of a pedestrian priority crossing at some point on Waddington Road.

2. The proposed priority and right turn junction design from Waddington Road into the site.

3. The provision of improved footway provisions linking the site to Clitheroe town centre. This is to maximise pedestrian access between the proposed development site, the bus and rail interchange and the town centre.

4. The proposed mini-roundabout junction design at Railway View Road and Waddington Road.

5. The provision of traffic signal controls at the junction of Castle View and Bawdlands.

#### Items for inclusion in a S106 Agreement

##### 1. Travel Plan

A contribution of £24,000 would be requested to enable Lancashire County Council Travel Planning team to provide a range of services as described in 2.1.5.16 of the Planning

Obligations in Lancashire paper dated September 2008.

## 2. Bus Service Provision

The detailed Public Transport provisions will be resolved as part of a formal Section 106 Agreement, with the preferred route, WV1 or WV2 to be determined.

It should be noted that where services are subsidised wholly or in part by Lancashire County Council, the continuing funding of these services cannot be guaranteed and alternative sources of funding may have to be pursued.

3. Section J above identifies a number of cycling and pedestrian improvements that could be funded through a S106 Agreement. Costs of £40,000 have been identified but there are additional items that would require a more detailed assessment before a realistic estimate could be provided.

## Highway Conditions

There are a number of Standard Conditions that would apply to this proposal in the event of outline planning permission being granted.

## Conclusion

The proposed development will result in a significant increase in vehicle flows to and from the existing transport network from the proposed points of access to the site, on Waddington Road and Castle View, at peak hours and throughout the day. 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 other junctions in Clitheroe town centre.

In the summary for the TA, Section 9, it is stated that the data indicates that the scheme "does not give rise to any issues that can be deemed severe" and that no highway objections should be forthcoming on that basis.

The detail provided in the Transport Assessment is comprehensive and has been completed with a systematic approach consistent with the relevant local and national policies. While there are points where I have taken issue with specific items and assumptions, I am satisfied that the report provides a reasoned assessment of the likely highway impacts of the development on the operation of the local highway network.

However, I consider further information is required in respect of the TA to address specific issues highlighted above as the HA 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 areas of concern I have highlighted relate to traffic growth, the impact of the anticipated trip distribution, junction modelling 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.

In a letter dated 25 January 2013 The County Surveyor confirmed that, as it presently stands, "given the apparent deficiencies in the information available to allow us to reach an informed conclusion on highway impacts and potential detriment associated with this application, I would be in a position to support a recommendation of refusal of this application on highway safety grounds."

LCC (PLANNING  
CONTRIBUTIONS):

Originally commented as Follows:

**Transport**

The application is being assessed by the transport team. (There is reference to required contributions in the observations of the County Surveyor above)

**Education Assessment 24<sup>th</sup> October 2012**

Development details: 345 dwellings

Primary place requirement: 121 places

Secondary place requirement: 86 places

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

ST MICHAEL AND ST JOHN'S RC PRIMARY CLITHEROE

CLITHEROE PENDLE PRIMARY SCHOOL

CLITHEROE EDISFORD PRIMARY SCHOOL

ST JAMES' COFE PRIMARY SCHOOL CLITHEROE

CLITHEROE BROOKSIDE PRIMARY SCHOOL

WADDINGTON AND WEST BRADFORD COFE VA PRIMARY

Projected places in 5 years: 63

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

CLITHEROE GRAMMAR ACADEMY

## RIBBLESDALE HIGH SCHOOL/TECHNOLOGY COLLEGE

Projected places in 5 years: 92

### **Education requirement:**

#### **Primary**

*Latest projections*<sup>1</sup> for the local primary schools show there to be approximately 63 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

Therefore, we would be seeking a contribution from the developer for a proportion of the pupil yield **of this development**, i.e. 58 places.

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

- Land Adjacent Greenfield Site
- Littlemoor, Clitheroe

### **Effect on number of places:**

The proportion of the combined expected yield from these developments which is expected to impact upon this group of primary schools is 26 pupils.

Therefore, the number of remaining places would be 63 less 26 = 37 places. With an expected pupil yield of 121 pupils from this development, it is expected that there would be a shortage of 84 places.

Consequently, should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution, our position may need to be reassessed, taking into account the likely impact of such decisions.



## **Secondary**

*Latest projections*<sup>1</sup> for the local secondary schools show there to be approximately 92 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

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

- Land Adjacent Greenfield Site
- Littlemoor, Clitheroe
- South West of Barrow and West Whalley Road
- Kingsmill Ave, off Mitton Road
- Lawsonsteads

### **Effect on number of places:**

The proportion of the combined expected yield from these developments which is expected to impact upon this group of secondary schools is 114 pupils.

Therefore, the number of remaining places would be 92 less 114 = -22 places. With an expected pupil yield of 86 pupils from this development, it is expected that there would be a shortage of 108 places.

Consequently, should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution, our position may need to be reassessed, taking into account the likely impact of such decisions.

### **Summary of response:**

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

Based upon the latest assessment, LCC would be seeking a contribution for 58 primary school places.

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

$£11,635.65 \times 58 \text{ places} = \mathbf{£674,868}$

**NB:** If any of the pending applications listed above are approved prior to a decision being made on this development the claim for primary school provision could increase up to maximum of 84 places.

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

Primary places:

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

= £11,635.65 per place

$£11,635.65 \times 84 \text{ places} = \mathbf{£977,395}$

The claim for secondary school provision could increase up to maximum of 86 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

$£17,532.74 \times 86 \text{ places} = \mathbf{£1,507,816}$

Following reconsideration taking account of the Council's requirement for 15% provision of housing for the elderly the education contribution was recalculated based on 293 dwellings. The revised calculation is below, but it was stated by the County Council that, at this stage, it is for information purposes only as the Borough Council's requirement for elderly persons' provision is part of the Core Strategy that has not yet been adopted.

### **Education Assessment 20<sup>th</sup> November 2012**

Development details: 293 dwellings

Primary place requirement: 103 places

Secondary place requirement: 73 places

Based upon the latest assessment, LCC would be seeking a contribution for 58 primary school places.

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

$£11,635.65 \times 58 \text{ places} = \mathbf{£674,868}$

**NB:** If any of the pending applications listed above are approved prior to a decision being made on this development the claim for primary school provision could increase up to maximum of 84 places.

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

Primary places:

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

= £11,635.65 per place

$£11,635.65 \times 84 \text{ places} = \mathbf{£977,395}$

The claim for secondary school provision could increase up to maximum of 86 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

$£17,532.74 \times 86 \text{ places} = \mathbf{£1,507,816}$

LCC (ARCHAEOLOGY):

Initially commented that the site had been identified as having a high/medium potential for archaeological deposits dating to the prehistoric period with a medium/low potential for Roman and Mediaeval periods. Therefore an archaeological field evaluation, comprising a combination of geophysical survey and trial trenching should be carried out prior to the determination of any planning application. Such an evaluation was carried out and the County Archaeologist visited the site in view of the trenches. No finds were removed from the site, nor were any archaeological features encountered in any of the trenches.

The County Archaeologist therefore confirmed that, on the basis of what he saw and discussed with the site supervisor, he was confident that the site contained no archaeological interest.

Following his consideration of the Archaeological Research Solutions Evaluation Report, the County Archaeologist confirmed that the site has no archaeological interest and that he therefore has no further comments to make on the proposed development.

ENVIRONMENT AGENCY:

Comments that the development will meet the requirements of NPPF if measures detailed in the submitted Flood Risk Assessment (reference no SEA14 – FRA REV2.0 dated October 2012) are secured by a condition on any planning permission. Further conditions would be required in relation to the submission, approval and subsequent implementation of a detailed surface water drainage scheme for the site based on sustainable drainage principles; and the formation and retention of an 8m vegetated buffer zone (within which no development would take place) measured from the top of the bank of the watercourse.

UNITED UTILITIES:

Has not made any comments on this planning application but, at pre-application stage, commented that such a development would be likely to pose an issue in relation to waste water assets both on the network and at the treatment works. United Utilities therefore commented that, in order to help reduce the impact to the network and the receiving waste water treatment works they would ask that, when the developer was preparing a drainage strategy, they must assume that all surface water has to be drained either to a soakaway or directly to nearby watercourses.

ADDITIONAL REPRESENTATIONS:

A petition has been received by the Local Planning Authority that was circulated to all dwellings served by the Castle View/Bawdlands junction. The petition states that the undersigned proposed the development as the road junction at Bawdlands and Castle View already serves 371 dwellings and they believe the road system is unsuitable for increased traffic generated by another 125 houses. The petition was circulated to all 371 properties and it contains 379 signatures from 238 properties.

A total of 178 individual letters have been received, all of which express objections to the proposed development. The letters are on file and available for viewing by Members, but a summary of the objections that they contain is as follows:

1. Part of the development (125 dwellings) will be served by the 'cul-de-sac' that is entered at Bawdlands Bridge.

This is an area with a predominance of terraced houses with no garage or parking spaces so parking on the road is the norm. There are often vehicles parked on both sides of Castle View. There have been numerous developments served by this single access point over the years with no improvements in access or highways. The local highway network could not cope with the traffic generated by 125 dwellings.

2. The extra traffic would also add to the existing problems when leaving Clitheroe either through the town centre or via Woone Lane. The town centre will eventually become gridlocked at peak times.
3. The access for the larger part of the development would add to the existing problems at the junction of Waddington Road with Railway View near to the Railway Bridge. It is often very difficult to turn right from Waddington Road onto Railway View. These problems are exacerbated by the height restrictions of the bridge and the flooding of the road under the bridge.
4. Existing difficulties for emergency vehicles gaining access to the area would also be exacerbated.
5. Castle View/Bawdlands junction could not safely cope with this significant increase in the volume of traffic and there is no economically viable engineering solution due to the proximity of the railway bridge. Existing delays to motorists exiting Castle View onto Bawdlands would be exacerbated.
6. Waddington Road is already busy and is particularly dangerous for children walking to and from school. The potential danger to school children would also be exacerbated by the proposed development.
7. There are over 1,000 properties for sale in Ribble Valley, many of which have been on the market for a number of years. There have also been recent permissions for many more houses, some of which (eg Wimpey at Low Moor) are now under construction. There is no need for any more houses in Clitheroe.
8. Permission was granted some years ago for housing development on the former Barkers Nursery Site, yet the site remains undeveloped. Is there really the demand for all the houses that are being applied for/approved?

9. The so-called affordable houses would not be affordable to many local residents.
10. The people who would live in the new houses would not work in Clitheroe, as there are not enough jobs. They would commute which is detrimental to the environment and uses unnecessary fuel.
11. Unacceptable loss of green space that is acceptable to the Clitheroe Interchange and regularly used by ramblers and also dog walkers. This is an important green space which, if developed, would result in the loss of the landscaped view of historic Waddow Hall in its wider Ribble Valley context.
12. Flooding is a problem on the site as numerous drainage streams rise very quickly and overflow.
13. The site is totally green field when the RSS require an average of 161 homes per year across the whole of Ribble Valley with 65% on brownfield sites and 35% on greenfield. This site alone would massively exceed the greenfield limit for a year. The brownfield sites and sites for which planning permission has already been granted should be developed before considering further permissions for housing development on greenfield land.
14. Trees, hedges, wildlife habitat and countryside would all be sacrificed for yet more houses.
15. Loss of public footpaths.
16. The local schools, health centres and emergency services could not cope with the huge population increases as a result of this proposal and other proposed large housing developments in Clitheroe.
17. This is another development that would spoil the beautiful market town of Clitheroe.
18. The application is contrary to the Core Strategy as the number of houses allowed in Clitheroe will surely have been accounted for by applications recently approved or in the pipeline.
19. Reduction in the value of existing nearby houses.

## **Proposal**

The application seeks outline permission for a development of 345 dwellings and a 50 place crèche/nursery. All matters except access are reserved for consideration at reserved matters application stage.

An illustrative master plan has been submitted which shows the general siting of the uses of the site and the proposed points of access.

There are two principal points of access. A new junction with a right turn ghost island would be formed onto Waddington Road. This would give access to 220 housing units and a crèche. The second access, serving the remaining 125 units, would be formed onto Kirkmoor Road. This would connect, via Castle View, to Bawdlands, where a signalled junction is proposed. Within the site, a bus shuttle route is indicated with a section of bus only highway linking the northern and southern separate sections of estate roads. This would have a post gate, to prevent short cutting by cars, but link road could also be used by emergency vehicles.

Features of the illustrative internal site layout include the retention of the public footpath that crosses the site, which is to be improved to provide a safe, overlooked and well lit pathway through the centre of the development. The existing watercourse that crosses the site is also to be retained as it is seen by the applicants as a unique feature that would provide a high level of amenity to the development.

The illustrative layout incorporates numerous open spaces including a formal open space area with adjoining landscape feature in a relatively central position within the development.

Where the site borders on developed land, outward facing buildings would overlook peripheral green spaces. It is claimed in the application documents that this would help to assimilate the development into the landscape and would present the attractive front elevation to buildings to view when looking into the site from the adjoining countryside.

The density of the development would vary across the site with higher density on the eastern part of the site (closest to the existing high density development within the town centre) medium density in the centre of the site and lower density on those parts of the site adjoined by undeveloped land.

The proposed 345 units on a site with an area of 9.2 hectares represent a density of 37.6 units per hectare.

It is stated in the Design and Access Statement that the two storey buildings would range in width from 4.7m to 12m; in length from 9.8m to 12m; and in height from 8m to 10m. The three storey buildings would range in width from 4.7m to 22m; in length from 9.8m to 16m; and in height from 7.5m to 13m. The crèche building would be 22m x 22m with a height of 8m.

It is stated in the application documents that affordable housing will be provided within the development as justified and subject to it not undermining the viability of the scheme; and that elderly persons accommodation will be provided up to a maximum of 15% of the total scheme.

## **Site Location**

The application site comprises 9.2 hectares of agricultural land that is outside, but adjoining the western settlement boundary of Clitheroe.

To the north, the site is immediately adjoined by dwellings in Brungerley Avenue, by a field used for the grazing of horses and by the section of Waddington Road onto which the access is to be formed. To the northeast, but not immediately adjoining the site are Milton, Cowper and Chester Avenues, together comprising a high density residential area.

The northern part of the western boundary is adjoined by land designated as an extension to the existing cemetery. The southern part of the western boundary is adjoined by open countryside.

The western part of the southern boundary is adjoined by open countryside whilst the eastern part of that boundary is adjoined by housing development in Kirkmoor Road, Kirkmoor Close and Corbridge Court.

To the east the site is adjoined by a proposed housing development site (3/2011/0892/P - refused but allowed on appeal) beyond which is the Chester Avenue public car park.

## **Relevant History**

There is no relevant history relating to the application site.

## **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 ENV10 - Development Affecting Nature Conservation.

Policy ENV13 - Landscape Protection.

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.

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.  
DME5 – Renewable Energy.  
DME6 – Water Management.  
DMH1 – Affordable Housing Criteria.  
DMB4 – Open Space Provision.

*North West of England Regional Spatial Strategy to 2021*

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

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

The matters for consideration in the determination of this application relate to the principle of development, highway safety, infrastructure provision, ecological/tree considerations, effects upon visual amenity, effects upon residential amenity, affordable housing, public open space provision, public footpath and archeology. For ease of reference these are broken down into the following subheadings 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.

The Council's most recently published housing land calculation (report to Planning and Dec Committee 17 January 2013 refers), taking account of comments in relation to the deliverability of identified sites following a recently appeal decision but without any further detailed adjustments for deliverability other than the continuation of a slippage allowance, the Council has less than a 5 year supply. However, initial information from the 31 December 2012 survey indicates (again without detailed assessments of deliverability) that with the number and rate of applications being approved, the Council has moved back to a 5 year supply.

In terms of the saved policies of the Local Plan, the site lies within the open countryside outside, but adjoining, the settlement boundary of Clitheroe. Policies ENV3, H2 and G5 would therefore be applicable.

Policy ENV3 states that, in the open countryside, development will be required to be in keeping with the character of the landscape area and should reflect local vernacular, style, features and

building materials. Proposals to conserve, renew and enhance landscape features will be permitted providing regard has been given to the characteristic landscape features of the area. Policy H2 of the Plan discusses the concept of only permitting residential development to meet an identified local need being allowed within open countryside areas and states that the impact of proposals on the countryside will be an important consideration in determining all planning applications. Development should be appropriately sited and landscaped. In addition, scale, design, and materials used must reflect the character of the area and the nature of the enterprise. Thus, the need to consider the potential visual impact of the development would be key to the decision making process on the saved Local Plan policies. Saved Policy G5 of the Plan forms part of the saved settlement strategy and seeks to restrict new development outside settlement limits to small-scale uses appropriate to a rural area and in respect of residential development, to local needs housing or that which is essential for an agricultural/forestry worker.

It is, however, 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 1998) 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 and the character of the area should not be considered. However, the underlying principle of development now falls to be determined against the NPPF, with some weight given to the emerging Core Strategy.

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, being relatively close to the services, facilities and the rail/bus interchange in Clitheroe town centre; and the proposal 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 the Council's Emerging Core Strategy, however, needs to be carefully considered.

Whilst the NPPF has replaced a raft of Planning Policy Statements, Guidance Notes and related documents, it has not replaced "the planning system: general principles" (Office of the Deputy Prime Minister 2005) and, as such, that document remains extant and is another material

consideration to be taken into account. Paragraphs 17 to 19 deal with the issue of prematurity and state that:

“in some circumstances it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the Policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category.

Where a DPD is at consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose on determining the future use of the land in question.

Where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.”

This Council's current situation is that the Core Strategy has been submitted for examination, but there are unresolved representations concerning the amount and location of housing development.

With specific regard to housing, the Regulation 22 document identifies a single strategic site for growth in the borough located at Standen on the A59 edge of Clitheroe. The Council's current strategic consideration for Clitheroe does not therefore support the scale of growth proposed in this application. The Regulation 22 document states a residual figure of 126 dwellings apportioned to Clitheroe (but this figure will be reduced as there are a number of applications for residential development in Clitheroe that the Council is minded to approve following the completion of appropriate Section 106 Agreements).

Within this context, this proposed development for some 345 dwellings would represent an over development of the area by virtue of its scale and setting and, in particular, it would restrict the Council's choice of greenfield sites in developing the Local Development Framework. It would serve to pre-determine the emerging spatial vision for the area leading to a lack of confidence in the planning system and the intentions of national policy with regard to community involvement as set out in NPPF.

Therefore, the proposal does not comply with the spatial vision as set out in the saved policies of the Districtwide Local Plan, nor is it in accordance with the emerging Core Strategy. In these circumstances, and as the proposal would 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 locality, it is considered that the proposed development is unacceptable in principle.

#### Highway Safety/Traffic Issues

This issue is included in the vast majority of the letters of representation received from local residents.

A Transport Assessment and a Framework Travel Plan have been submitted with the application. The application, including those supporting documents, has been considered by the County Council Traffic Engineer (County Surveyor) and his observations on the proposal have been reported in detail earlier in this report. He has highlighted a number of concerns within the application, relating to traffic growth, trip distribution, the impact on the local highway network and elements of the site access design. Due to these deficiencies in the information available, the Traffic Engineer says that the County Highway Authority has been unable to reach an informed conclusion on the highway impacts and potential detriment associated with the proposed development. He says that he would therefore be in a position to support a recommendation for refusal of this application on highway safety grounds. It is therefore recommended at the end of this report that permission be refused for a reason relating to highway safety. It must, however, be borne in mind that the Traffic Engineer has also stated that he has no objections in principle to this proposed development and that the outstanding issues "may be resolvable". It is also worthy of note that, in the submitted draft Section 106 Agreement, the applicants have agreed to the provision of highway financial contributions as agreed to be necessary and justified.

### Infrastructure Provision

Concerns have been raised by persons objecting to the application about the ability of the schools in Clitheroe to cope with the additional demands generated by this proposed development.

The County Council has requested the financial contribution to assess the shortfall in both primary and secondary school places. This is in accordance with the normal practice. The applicants have submitted a draft Section 106 Agreement with the application, one of the heads of terms of which is "education – contributions to be agreed as necessary and justified and properly modified to reflect the proportion of homes for the elderly schools within LEA control in RVBC, specifically Clitheroe".

Subject to conditions, the Environment Agency does not express any objections to this application.

United Utilities does not comment on this application but, at pre-application stage, they stated that reinforcement and upgrades of the Clitheroe wastewater network would be required in order to serve a development of this scale. They did not, however, express any objection to the proposed development. In the event outline planning permission being granted, the required works could be made the subject of appropriate conditions.

Overall, I can see no issues relating to infrastructure provision that would represent reasons to refuse this application.

### Ecology/Tree Considerations

An Ecological Assessment by Bowland Ecology and an Arboricultural Impact Assessment by Bowland Tree Consultancy have been submitted with the application. The Ecological Appraisal (that includes a Phase 1 Habitat Survey) included the following conclusions:

1. The proposal would result in the loss of species or semi-improved grassland which is not considered to be of significant ecological interest. The loss of this habitat is not considered to be significant.

2. The barn in the northeast corner of the site may be used as a roost by small numbers of brown Long-Eared Bats. Further surveys will be required in order to determine whether the barn is used as a roost and, if so, to provide detailed advice on mitigation and design requirements.
3. The watercourse bordering the north-western boundary of site provides habitat of moderate suitability for Water Vole but no evidence of this species was recorded during the survey. Therefore, no effects on Water Voles are predicted. The watercourse will be retained as part of the completed development and will be incorporated as part of the landscape proposals.
4. Hedgerows and trees at the site represent a valuable feature providing birds nesting and habitat linkages to the wider countryside. Any small sections of hedgerow that need to be removed should be removed outside the breeding season (February to September).
5. A number of mature trees on the site are considered to be of high value for bats. However, no mature trees are considered to be directly impacted by the proposed development so no further survey of these trees is required. Mitigation measures as described below will ensure continuity of foraging habitat for any bats that are using these trees. If, at detailed design stage, it becomes apparent that mature trees would need to be lost as part of the development further survey and mitigation will be required.
6. Mitigation for hedgerow loss will be mitigated for as part of the landscape proposals. Habitat linkages will be retained across the site and will be supplemented by additional planting.

The Council's Countryside Officer has studied the Ecological Assessment and does not dispute its findings/conclusions.

The summary and conclusions of the Arboricultural Impact Assessment are as follows:

1. The site, which is located in a rural edge area of Clitheroe currently consists of several fields divided by hedgerows and ditches, with a number of trees throughout. 29 individual trees, 7 groups of trees and 7 hedges were surveyed in respect of this outline application.
2. Five trees and 2 groups was allocated high retention values, 10 trees and 4 groups were allocated moderate retention values, 5 trees, 1 group and 7 hedges were allocated low retention values, and 9 trees were categorised as unsuitable for retention.
3. All the trees are, to varying extents, visible from neighbouring properties and/or public vantage points, and the overall visual amenity that those located within site boundaries confer is considered to be moderate.
4. The illustrative layout plan indicates that development of the site as shown could be achieved whilst retaining the majority of the surveyed trees, in particular, those of moderate and high quality, by incorporating them into areas of public open space or suitably sizeable gardens.
5. As such, it is therefore imperative that any subsequent detailed development proposals include adequate provision for the incorporation of the high and modern quality trees into the design and that sufficient detail of how these trees are to be retained and protected successfully is included in support of any further application.

The Council's Countryside Officer has studied the Arboricultural Impact Assessment and generally concurs with its findings. He comments, however, that insufficient tree planting is proposed and that insufficient attempts have been made to supplement the existing tree cover especially around the perimeter, in order to reduce the visual impact of the development on the open countryside. (As the submitted site layout is "illustrative" this matter could, however, be addressed by an appropriate condition in the event of outline planning permission being granted.)

### Effects Upon Visual Amenity

A Landscape and Visual Impact Assessment (LVIA) by Appleton Group is submitted with the application.

In the summary of the report, it is accepted that the proposal would affect visual amenity of users of the site and from views that are generally at close quarters as seen by:

1. Walkers using the footpath that crosses the site and the footpath that runs along its western boundary.
2. The occupiers of existing residential properties.
3. Users of the short section of Waddington Road where the new access is to be formed.
4. From the cemetery to the west and the older burial ground on the northern side of Waddington Road.

It is, however stated in the LVIA that through the use of landscaped buffers, an integrated landscaping and tree planting scheme to the development, and a sensitive choice of building materials, the impacts could be appropriately mitigated. The overall conclusion of the assessment is that, with mitigation, the landscape and visual impact will be within the range 'minor adverse to negligible/minor beneficial' with new landscaping providing an enhanced biodiversity within the locality.

This is a substantial development outside the settlement boundary of Clitheroe and extending beyond the existing edge of the developed area as formed by Brungerley Avenue to the north and Kirkmoor Road/Kirkmoor Close to the south east. The proposed development extends further than just filling in a gap between existing development; and it does not extend up to any particularly logical boundary such as a major road, railway or river. It therefore represents an unrestricted extension to the development edge of the town, and a fragmented pattern of urbanisation of the countryside.

The effects of the proposal on the appearance and character of the locality as perceived from close up by users of the footpath network and local residents (especially Brungerley Avenue, Kirkmoor Road and Kirkmoor Close) is an important consideration.

It is accepted in the LVIA that the proposal would have a moderate adverse effect upon the visual amenity of the closest adjacent residents with a claim that, with mitigation (ie landscape/tree planting) this would reduce to minor adverse over the longer term.

It is also accepted in the LVIA that the effects upon users of the footpaths would be moderate adverse but in the long term this would change to minor beneficial (in relation to the footpaths outside the site) as planting matured. With regards to the footpath that crosses the site, it is accepted in the LVIA that this would be 'a changed experience for users but this could be

associated with the open space areas in the development and which would provide a positive experience in amenity terms’.

The view of the site from Clitheroe Castle is also examined in the LVIA. The conclusion reached is that the development would form a ‘closed edge’ to built form as the development wraps around to meet with existing properties on Waddington Road; and that the impact would be moderate adverse moving in the longer term to minor adverse.

Overall, therefore, the LVIA accepts that the proposal would have adverse effects upon visual amenity but generally considers that these effects will be mitigated in the longer term by appropriate landscaping/screening.

Any such planting would, however, take a considerable time to have any significant beneficial effects. Additionally, the Council does not accept that, in the longer term, the visual amenity of footpath users would change from moderate adverse to minor beneficial. The existing footpaths presently cross open countryside with no immediately adjoining built development. The footpath which crosses the site will be surrounded by houses. Even if this footpath was put within a landscaped linear open space (which is not indicated in the illustrative layout plan) the experience of using it would totally change. The Council does not accept that this change would represent an improvement. The footpath down the western boundary of the site presently does not have any immediately adjoining built development to either of its sides. The proposal would result in built development on its eastern side which, even with intervening screen planting would, in the Council's opinion adversely affect visual amenity for users of this footpath.

Similarly, even with the proposed screen planting, the Council considers the proposal would still have detrimental effects upon views from Clitheroe Castle and also from the nearest residential properties. These effects would be contrary to saved Policy ENV3 and emerging Policy DME2.

It is considered important that the consideration of the effects of developments upon the local landscape/townscape through the development management process would enable the Council to deliver the Core Strategy vision and support the delivery of sustainable development. Such effects therefore need to be considered comprehensively through a comparison of alternative greenfield sites. In the absence of such comparative consideration, and in advance of a site allocations assessment, it is considered that the detrimental effects of this proposal upon visual amenity represent a sustainable reason for refusal of the application.

#### Effects Upon Residential Amenity

The proposed development would result in more traffic using local roads, in particular Castle View and Kirkmoor Road. This would have some impact upon the residential amenities of the occupiers of dwellings on those roads. It is not, however, considered that this would be so significant as to represent a sustainable reason for refusal of the application.

The only existing residential properties immediately adjoined by the application site are on Brungerley Avenue, Kirkmoor Road and Kirkmoor Close. The submitted illustrative layout appears to show appropriate privacy separation distances between all of those existing dwellings and the proposed dwellings within the site. The protection of the privacy and general residential amenities of those nearest existing properties, however, is a matter that will be addressed at reserved matters application stage by ensuring appropriate separation distances, and by appropriate window positions in the new dwellings etc.

I can therefore see no sustainable reason for refusal of this outline application relating to the amenities of nearby residents.

### Affordable Housing

In a draft Section 106 Agreement submitted with the application, the applicants have agreed to the following:

- Affordable Housing – to be included as justified and not undermining the viability of the scheme. Any such provision to be divided evenly between shared ownership and social rented. Shared ownership to be staircased out to 100% and social rented to be via an RSL.
- Elderly accommodation – to be more than 15% of the total in the scheme (of these a 50/50 split between market units and affordable units) ie no more than half of the 15% to be affordable accommodation for the elderly.

This would be in line with the Council's requirements as comprised in the document Addressing Housing Needs in Ribble Valley.

It would there appear that, if outline permission was to be granted, it would be possible to draft a prior appropriate Section 106 Agreement that, in this particular respect, would be agreeable to both the applicant and the Council.

### Public Open Space

The submitted illustrative layout shows a number of areas of public open spaces of various sizes and functions. This could represent sufficient open space of this development (which would have to be managed/maintained by the applicants and not by the Council). In the submitted draft Section 106 Agreement, the applicants have agreed to public open space contributions "as necessary, required and justified, given the substantial POS provision within the scheme".

Again, if outline permission was to be granted, it would appear that on site POS provision and (if necessary) a contribution to off site provision/maintenance could be satisfied by planning conditions and/or a Section 106 Agreement.

### Public Footpath

A public footpath crosses the site. This is shown on the submitted illustrative layout to be retained on its existing route. The Council's Countryside Officer, however, is concerned that it would be "swallowed up" in the development. Whilst not wishing to see it diverted, he would welcome more of an effort to retain the rural nature of the line of the path. This matter could be addressed at reserved matters stage if outline planning permission is granted.

### Archaeology

Following an appropriate archaeological evaluation of the site, the County Archaeologist has confirmed that the proposed development has now archaeological implications.



## Conclusion

For reasons explained in this report, there are unresolved highway safety issues that represent a sustainable reason for refusal of this application; and it is also considered that, due to its scale and location outside the settlement boundary of Clitheroe, the development would have detrimental effects upon visual amenity contrary to saved Local Plan Policy ENV3 and Policy DME2 of the Core Strategy Submission Draft.

In addition to these specific reasons for refusal of the application, it is considered that, due to its scale and location outside the settlement boundary of Clitheroe, and in view of the consequential significant cumulative impacts that would arise, the proposal would be prejudicial to the Council's submitted Core Strategy and would predetermine decisions about the scale and location of new development that should properly be addressed through the statutory plan making process.

It is therefore considered that the application should be refused for these reasons.

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

1. The proposed development will result in a significant increase in vehicle flows to and from the existing transport network from the proposed points of access to the site on Waddington Road and Castle View at peak hours and throughout the day. 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 other junctions in Clitheroe town centre. The submitted Transport Assessment does not provide sufficient information in relation to the matters of traffic growth, the impact of the anticipated trip distribution, junction modelling and elements of the site access design, in order to enable a comprehensive assessment to be made of the likely impacts of the application on the local highway infrastructure. The granting of outline planning permission at this stage is therefore considered to be detrimental to highway safety contrary to saved Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2018 A local plan for Ribble Valley Regulation 22 Submission Draft.
2. The proposed development due to its scale and location outside the defined settlement boundary of Clitheroe is considered to represent an urban extension in the open countryside which would change the character of this area of countryside to the detriment of the visual amenities of the area. As such, the proposal is contrary to saved Policies G1, G2 and ENV3 of the Ribble Valley Districtwide Local Plan, Policies DMG1, DMG2 and DME2 of the Core Strategy 2008 to 2018 A local plan for Ribble Valley Regulation 22 Submission Draft and the provisions of the National Planning Policy Framework in respect of visual amenity considerations.
3. The proposal conflicts with the Council's submitted Core Strategy for reasons relating to highway safety and visual amenity (as comprised in reasons for refusal 1 and 2). It is also considered that to grant outline permission at the present time, for a development of this scale on greenfield land outside the settlement boundary, would be prejudicial to the emerging policies in the Core Strategy as it would predetermine decisions about the scale and location of new development that should properly be made through the plan making process; when the effects of the proposed development on all relevant considerations (including highway safety and visual amenity) could be assessed in association with similar considerations regarding other potential greenfield development sites.

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

APPLICATION NO: 3/2012/1044/P (GRID REF: SD 376017 445013)  
PROPOSED CONSTRUCTION OF A NEW TWO-STOREY OFFICE DEVELOPMENT ON REDUNDANT LAND ADJACENT TO THE SPINNEY, CAR PARK WITH HARD AND SOFT LANDSCAPING AREAS AND SERVICE INSTALLATIONS TO SUIT. LAND ADJACENT TO THE SPINNEY, GRINDLETON, LANCASHIRE, BB7 4QE

GRINDLETON PARISH  
COUNCIL:

The Parish Council object to the development for the following reasons:

1. Over development of the site,
2. PC object to any development of the site so close to the river,
3. Details in the D&A are incorrect as the actual increase in floor area is 160 sq.m.
4. Insufficient parking spaces on the site for the likely number of employees in relation to the size of the office units,
5. Increase in congestion around the site through parking,
6. Scheme is within 9m of an important fish holding pool and the lights may interfere with this.

LCC ENVIRONMENT  
DIRECTORATE (COUNTY  
SURVEYOR):

No objection in principle to this application on highway safety grounds. The car parking provisions are acceptable, securing 15 off street spaces, including 2 mobility spaces, and it is consistent for an office development of this size.

There is some concern that the width of the access road narrows as it passes the entrance to the main building, with the available carriageway measuring just over 3 metres in width, however there is very little opportunity for conflict given the small number of potential passing traffic and the materials used will emphasise the shared nature of the surface.

LCC ECOLOGY:

The LCC Ecology Department were not consulted on the previous application and as such were unaware that it was a minor amendment to an extant permission. In light of this, recent correspondence with the agent and provided that ecological impacts had been dealt with at the previous planning stage, it is their opinion that it would seem reasonably unlikely that the minor amendment to the planning consent would significantly increase the likely ecological impacts.

In addition, it is also understood that a plan has been revised to include at least a 4m buffer from the river, which has been agreed by the EA. As noted in the Natural England Standing Advice, the EA is the lead partner for otter and water vole conservation in England and it appears that the EA have indicated that this would be appropriated. Provided that this is the case, there are no further comments to make.

Adequate replacement planting should also be incorporated into the plan to compensate for any loss of trees/shrubs.

**LCC MINERALS PLANNING:** We wish to withdraw our concerns to the above application letter dated 14 December 2012. Planning permission for a similar development on this site has been granted and the new application is proposing minor changes to the development.

**ENVIRONMENT AGENCY:** Following an initial objection to the scheme, the EA met the applicant on site on the 23<sup>rd</sup> of January to discuss the proposal. They now agree in principle (without prejudice on the formal determination of any consenting applications); that works within the 8-metre easement next to the river would be acceptable. The following revised documents and new information have been requested from the Applicant,

1. Amended plans showing the precise finished land levels of the car park (including the position of the under ground biomass fuel store),
2. Amended plans showing the detailed finished of the car parking area including materials, kerbstones, surface water drainage and bollards,
3. Planting scheme including species and positions of areas planting adjacent to the watercourse within the existing tree line,
4. Buffer zone next to the water course, which is no less than 4 metres in width and larger where possible, and
5. An emergency flood plan that takes into account evacuation routes, places of refuge, roles, responsibilities, warning signage and emergency access/egress etc.

Once received, and all being agreed, the EA will write to remove their objection to the proposal.

**UNITED UTILITIES:** No objection to the proposal subject to conditions.

**HEALTH AND SAFETY EXECUTIVE:** Does not object to the granting of planning permission in this case.

**ADDITIONAL  
REPRESENTATIONS:**

Seventeen letters of objection have been received, with the points of objection summarised as follows,

1. Over development of the site,
2. Excessive increase in the size of the building,
3. Larger building will mean more staff working there,
4. Increase in vehicular movements to the site,
5. Insufficient parking proposed,
6. This is a speculative development, no need has been identified within the application,
7. A number of flood risks associated with the development of this site,
8. Health and Safety impacts due to the site being in close proximity to a pipeline,
9. Unnecessary light pollution,
10. Design is totally out of keeping with the open countryside location and setting,
11. Additional glazing will make the building look even more out of place,
12. Impact on otters, ducks, Jay birds, Kingfishers,
13. Loss of an attractive riverbank site will have an impact on the amenity of the area,
14. Information supplied with the application is out of date,
15. Visual impact upon the AONB,
16. Environmental and ecological implications from such a development close to the river,
17. Significant impact upon the use of the Ribble Catchment (Fishing) at this point (lighting),
18. Contrary to Local Plan Policies,
19. Not a Sustainable location,
20. Buses would not bring workers here before 9am, and
21. Building work is on going without care and attention.

**Proposal**

An extant permission exists on this site for the erection of an office block having overall approximate dimensions of 27m x 14m x 7.4m in height, constructed in stone under a hardrow roof (3/2010/0258/P). It is considered extant as a number of the 'Prior to commencement' conditions have previously been discharged following the submission of additional information. This application seeks planning permission again for the erection of an office block on this site, however as the overall dimensions are slightly larger than that approved, this application is not considered to be a re-submission of the previous scheme. The scheme provides 15 car parking spaces and cycle spacing. The office block proposed in this case will have overall approximate dimensions of 27m x 14m x 8.187m in height, 0.787m taller to the ridge than that approved on the extant permission, and will be constructed in stone with a slate roof. The office block also now includes an additional single storey, fully glazed, lobby extension to the SW facing elevation. This ties in with a fully glazed section of the roof within this elevation that allows further borrowed light to reception and stairwell area of the building. The lobby extension measures 5.1m x 3.4m x 4.395m to the eaves, and is a modern extension with a flat roof. The small plant room to the NE facing elevation (towards the SW corner) has also been amended in design and now measures 2.13m x 5.99m x 3.3m to the highest point (a change from 2.9m x

3.2m x 4m to the apex of its pitch). These extensions and alterations mean that the overall floor area of the building will increase by 120 sq.m. (from 618 sq.m. (approved under 3/2010/0258/P) to 738 sq.m.) with approximately 35 sq.m of this being created by virtue of the new lobby/reception area.

This scheme also proposes a number of alterations to the fenestrations details, those most visually prominent being to the NE and NW facing elevations at first floor, as well as the introduction of roof ridge lights to allow more borrowed light into the first floor office area. Whilst there are a number of additional openings above that previously approved (specifically one additional on the SE elevation and the ridge roof lights), the number, scale and treatment of the openings remains modest compared to previous schemes (see planning history section). The scheme also proposes the introduction of 72 solar panels on the SW facing roof elevation of the building. The panels will be installed in three rows, and will be positioned towards the eaves of the roof as opposed to the ridge.

### **Site Location**

The site lies to the north of the River Ribble within the settlement boundary of Grindleton. Residential properties lie to its north, the River Ribble to its south with the main road leading from Chatburn to Grindleton lining its eastern boundary.

### **Relevant History**

3/2012/0575/P - Application to discharge condition no. 4 (external lighting), condition no. 5 (landscaping scheme for car parking/access), condition no. 7 (landscaping details) and condition no. 10 (gateway design) of planning permission 3/2010/0258/P – Granted.

3/2010/0258/P - Erection of office block (Re-submission of 2007/0205/P) – Granted Conditionally.

3/2007/0205/P – Erection of office block (Re-submission) – Granted Conditionally.

3/2006/0244/P – Erection of office block - Refused (Appeal dismissed).

3/2005/0168/P – Reserved matters application for erection of office block and associated car parking (outline application 3/2002/1060/P) – Granted Conditionally.

3/2002/1060/P – Outline consent for office block – Refused (Appeal allowed).

### **Relevant Policies**

National Planning Policy Framework.

Policy G1 - Development Control.

Policy G4 – Settlement Strategy

Policy ENV7 – Species Protection.

Policy ENV13 – Landscape Protection.

Policy ENV24 – Renewable Energy.

Policy ENV25 – Renewable Energy.

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

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMG3 – Transport and Mobility.  
Policy DME3 – Site and Species Protection.  
Policy DME5 – Renewable Energy.  
Key Statement EN2 – Landscape.  
Key Statement EN3 – Sustainable Development and Climate Change.  
Key Statement EN4 – Biodiversity and Geodiversity.  
Wildlife & Countryside Act 1981 as amended.  
The Conservation [Natural Habitats & c.] Regulations 1994.

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

An extant permission exists on this site for the erection of an office block having overall approximate dimensions of 27m x 14m x 7.4m in height, constructed in stone under a hardrow roof (3/2010/0258/P). Government guidance is clear that where no material change in planning circumstances occurred, a refusal to a new planning permission may be unreasonable. Members will note from the planning history section that there have been a number of consents granted previously on this site for an office block and thus the principle of that usage is well established. The only material change that has taken place since the last approval is the emergence of the National Planning Policy Framework to replace PPS4 “Sustainable Economic Development”. Both of these documents support development that would suit small firms and provide sustainable rural employment subject to development protecting the countryside and being sensitive to its setting. Thus, whilst the national policy document against which this scheme should be judged has changed since the last approval, it does not significantly alter the planning policy approach to a development of this nature. For this reason I do not consider there to have been a material change in planning circumstance.

As stated earlier, the office block proposed in this case is slightly different to that previously approved however in order to refuse this scheme the significant harm of the proposal, whether it be visual or otherwise, must be demonstrated and be sufficient enough to outweigh the fact that an extant permission for a similar development remains on site. Due to the 0.787m increase in height, and the subsequent increase in overall floor area, the building will be slightly larger overall than previously approved, and it will now be constructed in stone with a slate roof, an improvement on the original hardrow tile. The office block also now includes an additional single storey, fully glazed, lobby extension to the SW facing elevation (within the site) that ties in with a fully glazed section of the roof within this elevation that allows further borrowed light to reception and stairwell area of the building. In order to create a more ‘Eco Friendly’ development, the scheme also now includes the introduction of a biomass boiler and the installation of 72 solar panels on the SW facing roof elevation of the building. The boiler will provide the heating source for the proposed office development and the panels help towards the electricity used on site. The panels will be installed in three rows, and will be positioned towards the eaves of the roof as opposed to the ridge.

Paragraph 65 of the NPPF advises that ‘Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.’ Paragraph 98 of the NPPF also advises that ‘When determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Having visited and assessed the site a number of times, the revised design and position of the building is considered acceptable in this location. The elevations most visible

from public view are similar in appearance to the building already granted permission, and whilst the 'entrance' elevation to the building is more modern in appearance, it is not considered to be inappropriate given the proposed modern office use and the innovative design and build solutions that will be incorporated within the building fabric. The slight increase in the overall roof height and massing will be noticeable however it is not considered to be so significant that it would warrant refusing the scheme based on the minimal additional visual impact on the streetscene.

Members will note the many objections raised to amenity issues, including the lighting proposed, however as stated previously it would be considered unreasonable to refuse to renew a consent where all those matters have been considered previously, as well as agreed under a discharge of conditions application. As agreed under previous consents, the distance and difference in land levels between this site and the nearest properties on The Spinney ensures that the impact on the amenity of these occupiers will not be significantly worsened by the minor changes proposed.

With regards to the issues relating to flood risk, as highlighted earlier in this report, following an initial objection to the scheme, the Environment Agency met the applicant on site to discuss suitable amendments to the proposal. They have now agreed in principle (without prejudice on the formal determination of any consenting applications) that works within the 8m easement next to the river would be acceptable, subject to additional revised documents, new information and amended plans being sent in. Having discussed this matter with the Environment Agency Officer dealing with the scheme, he is confident that the requested information will be received in due course, and most likely prior to the date of the next Planning Committee. This will allow them to write to remove their objection to the proposal, and suggest the relevant planning conditions. An update will be provided to Members on the night.

Members will also note the many objections raised to highway and parking issues, however as the County Highways Officer has raised no objection to this proposal, a layout similar to that approved as part of the existing extant permission, the scheme is considered to be acceptable from a highway safety point of view.

In conclusion, bearing in mind the above comments and whilst I am mindful of the points of objection from nearby neighbours, the scheme is considered to comply with the relevant policies, and it will create a high quality, rural business centre that will provide a range of different sized offices to let to local and growing businesses. 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 that would not result in visual detriment to the surrounding area, it will have an acceptable impact upon local amenities and ecology on site, and the proposed scheme will not have an adverse impact on highway safety at this location.

**RECOMMENDATION:** That the application be DEFERRED and DELEGATED to the Director of Community Services for approval subject to the receipt of the requested amended and additional information relating to flood risk and ecological issues highlighted by the Environment Agency, and that the information is agreed in writing with the Environment Agency before an

formal decision is made. The approved application shall include the following conditions, plus any additional/relevant conditions reported by the Environment Agency:

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

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

2. The permission shall relate to the development as shown on Plan Drawing no's Hoe/347/1390/01 Amendment D, Hoe/347/1390/10 Amendment A, Hoe/347/1390/08 Amendment A, Hoe/347/1390/07, 656.2A and the Location Plan.

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 30 January 2013.

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

4. The premises shall be used for offices and for no other purpose (including any other purpose within Class B1 of the schedule to the Town and Country Planning (Use Classes) Order 2005 or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.

REASON: The permission granted is for a specific use, and it is considered that other uses within the same Use Class may give rise to adverse effects on the locality, contrary to the provisions of Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

5. The use of the premises in accordance with this permission shall be restricted to the hours between 0830 to 1730 on weekdays and there shall be no operation on Saturdays, Sundays or Bank Holidays.

REASON: To comply with Policies G1 and S10 (delete as appropriate) of the Ribble Valley Districtwide Local Plan. The use of the premises outside these hours could prove injurious to the character of the area and in order to safeguard residential amenities.

6. Precise specifications or samples of walling, glazing 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, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.



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

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

8. Prior to commencement of any site works, including delivery of building materials and excavations for foundations or services all trees identified shall be protected in accordance with the BS5837 [Trees in Relation to Design, Demolition and Construction 2012] and tree details attached to this decision notice.

The protection zone must cover the entire branch spread of the trees, [the area of the root soil environment from the trunk to the edge of the branch spread] and shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

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

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

REASON: In order to ensure that any trees affected by development and considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse affects of development. In accordance with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan, Policy DMG1 and Key Statement EN2 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

9. Within six months of first occupation of the building, a full travel plan with enforceable aims, targets and penalties for non achievement shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON: To reduce the dependency on the private car and encourage other modes of travel in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

10. 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 prior to commencement of the development unless otherwise agreed by the Local Planning

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

REASON: To compensate for the loss of trees and 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.

11. That part of the access extending from the highway boundary for a minimum distance of 5 metres into the site 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.

12. The construction and maintenance of the new access from The Spinney to the development will require the construction of additional footway and an alteration to the existing drop kerbs. This feature must be completed in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: This is to provide the necessary access and to maintain the proper construction of the highway.

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

REASON: To secure proper drainage and to reduce the risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

14. The external lighting indicated on drawing no. 656.2A shall be carried out in accordance with the details hereby submitted before the building is occupied. The internal source of illumination shall be reduced in intensity or removed if considered necessary, and they shall be maintained at an approved level.

REASON: In the interest of the amenity of the area in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and guidance within the NPPF.

15. Precise specifications and details of the photovoltaic panels to be used, including details of their fittings, shall have been submitted to and approved by the Local Planning Authority before their installation on the proposed building.

REASON: In order that the Local Planning Authority may ensure that the installation to be used is appropriate to the locality in accordance with Policies G1, ENV24 and ENV25 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DME5 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and Key Statement EN3, and guidance within the NPPF.

16. Within 12 months of the cessation of electricity generation, or if the Solar PV Panels cease to be operational for a continuous period of 6 months, they shall be removed and the land shall be restored to its former condition.

REASON: In order to prevent the structure remaining on site after its use has terminated, in the interests of the visual amenity of the area. In accordance with Policies G1, ENV24 and ENV25 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DME5 of the Regulation 22 Submission Draft Ribble Valley Core Strategy and Key Statement EN3, and guidance within the NPPF.

## INFORMATIVES

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.
2. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information, details below:

Andy Ashcroft, Public Realm Manager (Ribble Valley), Lancashire County Council, Willows Lane, ACCRINGTON BB5 0RT. 01254 770960

[customerserviceeast@lancashire.gov.uk](mailto:customerserviceeast@lancashire.gov.uk)

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

3. 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.
4. The applicant should be made aware that species legislation (e.g. The Conservation of Habitats and Species Regulations 2010 and/or the Wildlife and Countryside Act 1981 (as amended)) applies even when planning permission is granted and the applicant should therefore be aware of the legislation afforded to bats/bat roosts, otters, water voles and nesting birds and that if bats/otters were to be affected by the proposal then a Natural England licence may be required.

ITEMS DELEGATED TO DIRECTOR OF COMMUNITY SERVICES UNDER SCHEME OF DELEGATED POWERS

The following proposals have been determined by the Director of Community Services under delegated powers:

APPLICATIONS APPROVED

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2011/0539/P	Application to discharge condition 2 (materials) and condition 5 (fenestration details of garden room) of planning consent 3/2011/0310/P	The Old Dairy Farm Chaigley
3/2011/1061/P	Discharge of condition 3 (Bat survey), condition 4 (Time of Building), condition 6 (Tree Protection) and condition 7 (Details of Extension) of planning consent 3/2010/1024/P	Glenbrook, Talbot Street Chipping
3/2012/0639/P	Conversion of barn into two dwellings, creation of curtilages and installation of new package treatment plant	Windy Hills Farm Chipping
3/2012/0722/P	Proposed erection of a single garage within the curtilage of an existing dwelling-house	The Hey Barn, Back Lane Newton
3/2012/0777/P	Conversion of barn to residential dwelling	Kellets Farm Green Moor Lane Knowle Green
3/2012/0820/P	Application for the discharge of condition no. 13 (programme of building and analysis), condition no. 14 (construction method statement) and part discharge of condition no. 3 (materials) of planning permission 3/2011/0896/P relating	The Old Methodist Chapel Lower Chapel Lane Grindleton
3/2012/0884/P	Additional use of commercial vehicle parking area for parking caravans and plant hire storage	New Garage Mitton Road Whalley
3/2012/0946/P	Erection of detached garage	The Old Stables Trapp Lane, Simonstone
3/2012/0980/P	Proposed change of use from class B1 to Class C3 of 36% of the existing site to create 3no dwellings for rental market to include internal and some external alterations	Root Hill Estate Yard Dunsop Bridge Clitheroe
3/2012/1000/P	New first floor balcony at the rear	Deershaw, Saccary Lane Mellor
3/2012/1002/P	Single storey extension	18 King Street Whalley

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2012/1007/P	Application to remove condition no. 4 (occupancy period) of planning permission 3/2006/0627P, to allow the holiday cottage to be used as a permanent residential dwelling	Stables Barn Slaidburn Road Waddington
3/2012/1012/P	Clearance of former bowling green and gardens for the erection of a large, 2-storey property with annex	The Bowling Green Brockhall Village Old Langho
3/2012/1020/P	15.24 x 15.24 extension to existing building to completely cover the earth wall silage clamp	Hen Gill Farm Bolton by Bowland Clitheroe
3/2012/1023/P	Proposed extension to cover the livestock gathering area and also an extension to the existing machinery store to assist with the management of the applicants ewes	Lambing Clough Farm Lambing Clough Lane Hurst Green
3/2012/1026/P	Demolition of existing porch and rear orangery and construction of new porch and orangery	12 The Crescent Clitheroe
3/2012/1028/P	Proposed single storey rear extension	13 Ribblesdale Avenue Wilpshire
3/2012/1030/P	Single storey garden room extension	Hobwood House Wesley Street, Sabden
3/2012/1031/P	Application for the discharge of condition no. 7 (foul drainage system) and condition no. 8 (Landscaping scheme) of planning permission 3/2012/0253/P relating	Lane Ends Barn Nightfield Lane Balderstone
3/2012/1032/P	Two storey side extension with single storey garage	22 Somerset Avenue Clitheroe
3/2012/1033/P	Single storey rear extension	Brooklyn House, Main Street Pendleton
3/2012/1035/P	Extension consisting of a sunroom/conservatory at second floor level to be accessed from the existing living accommodation	4 Chapel Close Low Moor Clitheroe
3/2012/1037/P	Single storey extension to the rear and conversion of the existing garage to living accommodation	1 Sawley Avenue Simonstone
3/2012/1038/P	Proposed single storey side extension	20 The Rydings Langho
3/2012/1043/P	Application to discharge condition no 3 (details of provision of artificial nesting boxes/sites) and condition no 4 (construction method statement) of planning permission 3/2012/0629/P	Land off Chapel Close Low Moor Clitheroe
3/2012/1045/P	Roof over existing cattle feed yard	Higher Brundhurst Farm Preston New Road, Mellor
3/2012/1060/P	Proposed construction of a rear porch. Re-submission	1 Mount Pleasant Chatburn

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2012/1062/P	Dormer extension	4 Broad Meadow Chipping
3/2012/1068/P	Proposed new front porch and pitched roof alterations to the rear two-storey outrigger	16 Whins Avenue Sabden
3/2012/1069/P	Application for the renewal of planning permission 3/2009/0807/P for the demolition of an existing agricultural building and its replacement with four holiday cottages in two stone built buildings, together with garden areas and parking	Abbey Farm Nethertown Close Whalley
3/2012/1075/P	Change of use from Class A1 (retail) to a tattoo studio (Class Sui Generis)	22 Berry Lane Longridge
3/2012/1078/P	Replacement 1.85m high x 0.3m fixed natural random masonry garden wall with 6m wide access gate to the front of the property	Westholme, Longsight Road Copster Green
3/2012/1081/P	Proposed change of use for one room, which was formerly a Police Office within a house to residential use	The Cross, Avenue Road Hurst Green
3/2012/1089/P	Extension to existing agricultural building and hardstanding (retrospective)	Hall Tree Farm Hough Clough Lane Chipping PR3 2NT
3/2012/0191/P	Application to discharge condition No 3 (materials) of planning permission 3/2011/0905/P	Bolton Close, Gisburn Road Bolton by Bowland
3/2012/1093/P	Change of use from commercial to domestic use (incorporating removal of air conditioning unit, alterations to existing window opening, reinstatement of external door opening and installation of stainless steel domestic flue)	the former Lee Carter Health Studio Castlegate Clitheroe
3/2012/1103/P	Extension to an existing restaurant	Tiggis, Longsight Road Clayton-le-Dale
3/2012/1109/P	Change of use of domestic garage and workshop to form a 2 bed holiday cottage	Talbot Fold Barn Talbot Bridge Bashall Eaves
3/2012/1111/P	Demolition of existing single storey side extension and detached garage, and formation of new single storey rear and side extensions	16 Sunnyside Avenue Ribchester
3/2012/1114/P	Dining room and family room extension	12 The Woodlands Brockhall Village
3/2013/0003/P	Erection of a steel framed agricultural building to cover a dirty yard area, to reduce dirty water run-off	Dairy Barn Farm Green Lane Leagram, Chipping
3/2013/0005/P	Extension porch/boot store to existing dwelling	The Old Stables Catlow Road, Slaidburn

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2013/0018/P	Proposed dormer extension/replacement	2 Clayton Court Longridge
3/2013/0019/P	Application for the discharge of condition no. 3 (materials) of planning permission 3/2012/0002/P relating	Pepper Hill Wiswell, Clitheroe
3/2013/0047/P	Application to discharge condition No.4 (Materials and Window details) of planning consent granted under 3/2012/0549	New Marles Farm Ribchester Road Dinckley

#### 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>
3/2012/0735/P	Conversion of redundant agricultural building for a mixed use. Ground floor office with first floor residential use and demolition of attached building and formation of new vehicular access	Jacksons Barn Bolton-by-Bowland Rd Sawley	Policies G1, G5, ENV1, H2, H15, H16, H17, DMG1, DMG2, DME2, DMH3, DMH4, DMB2 and NPPF – Unsustainable location for the creation of a new dwelling and office use with potentially detrimental effects upon the appearance and character of the AONB.
3/2012/0737/P	Retrospective application for the erection of a timber post and rail with vertical board fence 1.9m high	2 St Deny's Croft Pimlico Road Clitheroe	Policies G1, ENV16, DMG1, DME4 and NPPF – Detriment to the appearance and character of the Conservation Area.
3/2012/0813/P	Conversion of barn to form residential accommodation	Higher Flass Farm Settle Road Bolton by Bowland	G5, H2, ENV1 DWLP, DMG1, DMG2, DMH3 of Reg.22 Submission Draft C.S and NPPF – Unjustified dwelling in an isolated and unsustainable location.  ENV1, H17 of DWLP, DMG1, DME2 and DMH4 of Reg.22 Submission Draft C.S and NPPF – loss of historic fabric harmful

Cont/

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...			<p>to character and appearance of the barn and the visual qualities of the AONB.</p> <p>G1 DWLP, DMG1 and DME4 of Reg.22 Submission Draft C.S – insufficient on site parking facilities</p> <p>ENV7 DWLP and DME3 of Reg.22 Submission Draft C.S – incomplete information to demonstrate that there would not be a detrimental impact on protected species.</p>
3/2012/0976/P (Variation of Condition) & 3/2012/1001/P (LBC)	<p>Minor material amendment to reflect a change to the external treatment of the garage building (variation of condition no 2 of 3/2010/1019/P) (VC)</p> <p>Proposed works to facilitate the change of use of adjoining barn and associated buildings from agricultural to residential use to form an extension to the existing farmhouse. Minor internal and external alterations to farmhouse, barn and garage building (LBC)</p>	Merrybent Hill Farm Catlow Road Slaidburn	<p>The proposed treatment of the facade to the garage building is overtly domestic and unduly harmful to the agricultural character (including setting) and significance of the listed building and the cultural heritage of the Forest of Bowland Area of Outstanding Natural Beauty. Policies ENV20, ENV19, G1, ENV1, H16 and H17 and Policies DME4, DMG1, DMH3 and DMH4.</p> <p>The proposal is unduly harmful to the character (including setting) and significance of the listed building because of the loss of important</p>
Cont/			



<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...			historic fabric, the loss of important historic plan form and the incongruous and overtly domestic design of the agricultural store/garage. P(LBs & CAs) Act 1990.
3/2012/0984/P	Reinstatement of residential use of Cocklick End Farmhouse and the conversion of the adjoining barn for residential purposes, together with minor alterations to the building and associated works including improvement of the existing access track	Cocklick End Farmhouse and Barn School Lane Slaidburn	<p>G1, G5, H2 of DWLP and DMG1, DMG3, DMH3 and DMH4 of Draft Core Strategy – unsustainable location without justification</p> <p>G1, ENV1, H15, H16 and H17 of DWLP and DMG1, DME2, DME4 and DMH4 of Draft Core Strategy – Detrimental to character and appearance of heritage asset and its setting.</p> <p>ENV1, H15 and H17 of DWLP and EN2, DME2, DME4, DMH3, DMH4 and DMG1 of the Draft Core Strategy detrimental to the visual amenities of the landscape caused by the creation of a curtilage and parking area with its associated domestic/employment paraphernalia.</p> <p>ENV7 of DWLP and DME3 of Draft Core Strategy – potential harm to bat and barn owls occupying the building.</p>

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>	<b><u>Reasons for Refusal</u></b>
3/2012/0986/P	Change of use of garage premises to form a bungalow at a former garage	Branch Road Waddington	G1, ENV16 and H17 of DWLP, Waddington CAA, DMG1, DME4 and DMH4 of Submission Draft C.S and Section 12 of NPPF – alterations harmful to character, appearance and significance of conservation area and visual amenities.
3/2012/0993/P	Retrospective application for projecting externally illuminated flag sign	42 Berry Lane Longridge	G1 and ENV16 of DWLP, Longridge Conservation Area Appraisal, DMG1, DME4 of the Submission Draft C.S and Sections 7 and 12 of NPPF – harmful effect on the character, appearance and significance of the building and Longridge Conservation Area.
3/2012/1014/P (LBC)	External signage	BMI Gisburne Park Hospital Gisburn Park Estate Gisburn	The signs are unduly prominent, conspicuous, visually intrusive, obscuring of important architectural features and of uncertain impact on important historic fabric because of their size, location and design. Planning (Listed Buildings and Conservation Areas) Act 1990.
3/2012/1021/P	Proposed installation of an Endurance E3120 turbine, with a 24.8m hub height and total height of 34.5m to the vertical blade tip, on land owned by the	The Hills Farm Higher Road Longridge	The proposal is therefore considered to be contrary to the requirements of Local Plan Policies G1, G5, ENV2, ENV3, ENV24,
Cont/			

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...	applicant containing no title deed restrictions to developments.		ENV25, ENV26 and ENV19, Reg22 Submission Draft Policies DMG1, DME2, DME4 and DME5, Reg22 Submission Draft Key Statements EN2, EN3 and EN5. NPPF, Planning for Renewable Energy: A Companion Guide to PPS22 and the Planning (Listed Buildings and Conservation Areas) Act 1990.
3/2012/1056/P	Demolition of existing rear conservatory. Proposed two storey rear extension	2 Cardigan Close Clitheroe	Contrary to Policies G1, H10, DMG1, DMH5 and adopted SPG.
3/2012/1061/P	Application to vary condition No 2 of planning permission 3/2012/0832/P, to ensure the illumination relates to the opening hours (24 hours) and not prescriptive times which could change in the future	McDonalds Restaurant Barrow Brook Industrial Estate Barrow	Policy G1 – Detrimental to residential and visual amenity.
3/2012/1071/P (LBC) & 3/2012/1074/P (PA)	Demolition of two small outbuildings, replaced with an entrance hall (link building) and the conversion of workshop into habitable space	Black Hall Farm Garstang Road Chipping	Harmful to the character and significance of the listed building. Contrary to Policies ENV20, ENV19, DME4 and NPPF paragraph 17 and 131.
3/2012/1087/P	Proposed new dwelling (with work space) within the existing domestic curtilage	4 The Green Osbaldeston Lane Osbaldeston	The site is in a relatively isolated, predominantly rural and open location, and the development of the site in principle would therefore not be
Cont/			

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...			in accordance with the NPPF presumption in favour of sustainable development, and is also considered by definition to be inappropriate development contrary to Local Plan Policies G1, G5 and H2, and Core Strategy 2008/2028 Regulation 22 Submission Draft Policies DMG1, DMG2, DMH1 and DMH3.
3/2012/1088/P (LBC)	<p>1. To modernise the basement kitchen area by repositioning a doorway/opening into the utility room for one end of an internal wall to the other to allow for a continuous run of kitchen units and appropriate plumbing.</p> <p>2. To remove the current basement toilet to a new position in the existing small room in the basement hallway – partly under the stairs with appropriate plumbing.</p> <p>3. To use part of an attic hallway to install a small washroom (shower, basin and toilet)</p>	8 Church Brow Clitheroe	Harmful to character and significance (fabric and plan form) of the listed building. Planning (Listed Buildings and Conservation Areas) Act 1990.
3/2012/1096/P (LBC)	Improvements to toilet facilities including a single storey rear extension, providing a pitched roof to an existing single storey flat roof, internal alteration to create a disabled persons toilet and alterations to car park to improve outdoor	Assheton Arms Hotel Downham	Harmful to character of the listed building, setting of nearby listed buildings and the character and appearance of Downham Conservation Area (loss of stone steps;
Cont/			

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...	seating area		extension's incongruity, dominance and obscuring of features and views; demarcation/enclosure of open space.

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

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0069/P	Prior notification for access for agricultural purposes eg movement of livestock and heavy agricultural machinery.	Land adjacent to Old Whalley Nurseries Clitheroe Road, Whalley

#### CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2012/1083/P	Application for a Lawful Development Certificate for a proposed single storey rear extension	Leagram Lodge, Leagram Preston
3/2012/1091/P	Application for a Lawful Development Certificate for the proposed installation of a 15m High Telecommunications Tower with ancillary equipment, 1no. Shrouded Yagi Antenna with fenced compound area as detailed in plan no. CS052817-1260 – 53621 – 01/02/03	Peel Street Primary Substation Peel Street Clitheroe
3/2013/0015/P	Certificate of Lawfulness for a proposed installation of a 15m high telecommunications pole and 2no. folded dipole antennas and ancillary equipment for the protection of electrical equipment as detailed in drawing no. CS052817-1260-01, 02C, 03C.	Bolton by Bowland Substation off Hellifield Lane Bolton by Bowland

#### SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
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 Planning
3/2012/0379	Primrose Mill Woone Lane, Clitheroe	16/8/12	14	Deed of Variation With applicants agent

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0497	Strawberry Fields Main Street, Gisburn	11/10/12	21	With Agent
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 Agent
3/2012/0623	Land at 23-25 Old Row Barrow	8/11/12	23	With Legal awaiting signature
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 Agent
<b><u>Non Housing</u></b>				
3/2011/0649	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures LCC to draft Section 106 Deed of Variation With applicants solicitors
3/2012/0455	Shireburn Caravan Park Edisford Road Waddington	7/8/12		

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Time from First Going to Committee to Decision</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2011/1064	Sites off Woone Lane - a) rear of 59-97 Woone Lane & b) Land to South-West of Primrose Village phase 1 Clitheroe	21/6/12	21 weeks	113	Decision 19/11/12
3/2010/0078	Old Manchester Offices Whalley New Road Billington	20/5/10	140 weeks	18	Decision 23/1/13

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	-	09/04/13	
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 (3 days)	
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	-	APPEAL DISMISSED 15/1/13
3/2011/0892 O	6.9.12	The Huntroyde Estate Proposed residential development Land off Milton Avenue Clitheroe	-		APPEAL ALLOWED 04/02/13
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
3/2012/0401 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	-	Site visited

<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	House- holder appeal	-	APPEAL DISMISSED 20.12.12
3/2012/0096 D	14.11.12	Mr & Mrs D Hancox Proposed dwelling with garages, garden and landscaping Kemple Barn Whalley Road Clitheroe	WR	-	Statement sent 21/12/12
3/2011/1032 D	19.11.12	Mr Peter Street Proposed 'Log Cabin' style holiday lodges Whins Lodge Whalley Old Road Langho	WR	-	Statement sent 20/12/12
3/2011/0991 C	06/12/12	Sunderland Peacock & Associates, land rear of Hazelmere, Pimlico Road, Clitheroe	WR	-	Statement sent 15/01/13
3/2012/0477 D	06/12/12	Heywood Butchers The Abattoir, Clerk Hill Road, Whalley	WR	-	Statement sent 16/01/13
3/2012/0831 D	13/12/12	Mr J Harding and Ms C Britcliffe 29 Moor Lane, Clitheroe	WR	-	Statement sent 23/01/13
3/2012/0637 Undetermined	07/01/13	Mr Andrew Taylor, David Wilson Homes, land to the south of Mitton Road, Whalley	Inquiry	15/05/13 (7 days)	Notification letter sent 08/01/13 Questionnaire sent 30/01/13
3/2012/0843 D	07/01/13	Paddy Power plc, Whiteside Bakery, 10 Market Place, Clitheroe	WR	-	Notification letter sent 8/1/13 Questionnaire sent 21/01/13 Statement due 18/02/13
3/2012/0630 Undetermined	22/01/13	land SW of Barrow and W of Whalley Road, Barrow	Inquiry		Notification letter sent 29/01/13 Questionnaire sent 01/02/13



<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>
3/2012/0478 and 0479 Undetermined	23/01/13	28 Church Street, Ribchester	WR		Notification letter sent 31/01/13 Questionnaire sent 05/02/13
3/2012/0723 R	25/01/13	site of former stable, Trapp Lane, Simonstone	WR		Notification letter sent 01/02/13 Questionnaire due 07/02/13
3/2012/0526 R	01/02/13	Laneside Farm, Pendleton	WR		Notification letter due 15/02/13 Questionnaire due 15/02/13
3/2012/0089 R	Awaiting start date appellant's documents received 31/01/13	Lanshaw Barn Woodhouse Lane Slaidburn			
3/2012/0402 R	Awaiting start date appellant's documents received 24/01/13	Mason House Farm Clitheroe Road Bashall Eaves			
3/2012/0862 R	Awaiting start date appellant's documents received 21/01/13	Fell View Barnacre Road Longridge			

#### LEGEND

D – Delegated decision  
C – Committee decision  
O – Overturn

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 14 FEBRUARY 2013  
 title: NON-DETERMINATION APPEAL IN RELATION TO A PROPOSED OUTLINE APPLICATION FOR THE PROVISION OF UP TO 504 RESIDENTIAL UNITS (FALLING WITHIN USE CLASS C3), INCLUDING AFFORDABLE HOUSING, WITH THREE NEW VEHICULAR AND PEDESTRIAN ACCESSES ON TO WHALLEY ROAD, ON SITE LANDSCAPING, FORMAL AND INFORMAL OPEN SPACE AND ASSOCIATED INFRASTRUCTURE WORKS INCLUDING A NEW FOUL WATER PUMPING STATION AT LAND TO SOUTH WEST OF BARROW AND WEST OF WHALLEY ROAD, BARROW  
 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 16 July 2012. It was given the planning reference 3/2012/0630/P with the 13-week statutory determination period ending on 21 December 2012. The attached report explains the reasons for the 13 week determination date being within December and not the 15 October as would be the usual case. To summarise there were extensive discussions regarding the need for the scheme to be accompanied by an Environmental Impact Assessment with the decision on that matter issued by DCLG on 21 September. After the expiration of the 13 week 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 education matters that arose as a result of initial consultation responses. This coupled with the Case Officer's commitments and conflicting priorities in relation to other major development schemes (applications and appeals) and outstanding consultation responses has meant that there have been limited opportunities to progress work on this particular scheme.

2.3 The appeal for non-determination was submitted on 24 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 18 January to confirm that the appeal is valid.

2.4 The appellant has requested that the appeal be considered at a Public Inquiry which they estimate will sit for 5 days (indicating they will call four witnesses). The Inspectorate considers that the Inquiry procedure is suitable and intends to determine this appeal by that procedure. 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 Officer time and need to engage Counsel and potentially an expert witness. At the time of drafting this report discussions were ongoing with the appellant and Inspectorate to agree dates for the Inquiry.

2.5 All those persons who were notified or consulted about the application, and any other interested persons who made representations regarding the application, have been notified of the appeal with any additional comments to be submitted to the Planning Inspectorate by 1 March.

2.6 The Inspectorate have informed us that although under the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997, the appeal was to have been decided by an Inspector, the Secretary of State considers that he would determine it himself. This means that instead of writing a decision, the Inspector will prepare a report and recommendation, which will be forwarded to the Secretary of State.

2.7 The reason given for this is that the appeal involves proposals for residential development of over 150 units on a site of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

### 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 included 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 and that there are still a number of matters yet to be examined in greater detail in order to form a final opinion.

3.3 However, on the basis of the planning merits of the case at this particular point in time, 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 issues forming the substance of the Council's case:

1. The proposal would be prejudicial to emerging policy in the Core Strategy.
2. Insufficient information has been made available to enable a comprehensive assessment to be made of the likely impacts of the application on the local highway infrastructure.

### 3. Visual impact.

3.4 It is also clear that there will be a visual impact as a result of this development and dependant on the resultant harm could also be considered an appropriate reason for refusal. As indicated in the body of the report, if an independent assessment has been commissioned and it is hoped that this could be reported at the meeting to guide members on this issue. Committee are requested that if ongoing discussions between the appellant and the LPA/LHA conclude that the highway network can safely accommodate the level of traffic generated without causing severe residential cumulative impacts then that reason (2 in paragraph 3.3) will not be pursued at the Inquiry.

## 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) necessary to assist the Council in defending the appeal.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – No implications identified.
- Equality and Diversity – No implications identified.

## 5 RECOMMENDED THAT COMMITTEE

5.1 Request that Committee endorse the above issues as reasons for refusal and authorise the Director of Community Services and Head of Planning Services to liaise as appropriate to establish the best possible case to defend the appeal.

SARAH WESTWOOD  
SENIOR PLANNING OFFICER

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

## BACKGROUND PAPERS

1 3/2012/0630/P - Outline Application for the Provision up to 504 Residential Units (Falling Within Use Class C3), Including Affordable Housing, with Three New Vehicular and Pedestrian Accesses on to Whalley Road, on Site Landscaping, Formal and Informal Open Space and Associated Infrastructure Works Including a New Foul Water Pumping Station at Land to South West of Barrow and West of Whalley Road, Barrow. Report included as Appendix 1 to this report.

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

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

**MINDED TO REFUSE**

**DATE:** 14 FEBRUARY 2013

**REF:** SW/EL

**CHECKED BY:**

APPLICATION NO: 3/2012/0630/P (GRID REF: SD 373439 438033)  
PROPOSED OUTLINE APPLICATION FOR THE PROVISION OF UP TO 504 RESIDENTIAL UNITS (FALLING WITHIN USE CLASS C3), INCLUDING AFFORDABLE HOUSING, WITH THREE NEW VEHICULAR AND PEDESTRIAN ACCESSES ON TO WHALLEY ROAD, ON SITE LANDSCAPING, FORMAL AND INFORMAL OPEN SPACE AND ASSOCIATED INFRASTRUCTURE WORKS INCLUDING A NEW FOUL WATER PUMPING STATION AT LAND TO SOUTH WEST OF BARROW AND WEST OF WHALLEY ROAD, BARROW

WISWELL PARISH  
COUNCIL:

Strongly objects to the proposals with their detailed observations summarised as follows:

Background

1. This is premature and pre-empts the emerging Core Strategy. It is not a preferred option and a decision should be delayed until the Core Strategy is finalised.
2. The development is for an excessive number of dwellings submitted without any consultation or consideration of the effects on the local community.
3. 20 years ago Barrow village contained 186 dwellings. After taking into consideration the current building work at Barrow Brook, the village will soon have 406 dwellings. This development for 504 dwelling would swamp the existing village.

The site

1. The site falls outside the defined settlement boundary of Barrow and is designated open countryside (Policies ENV3, H2 and G5 apply) that has been used for many years for agricultural purposes.
2. Contrary to paragraph 55 of NPPF.
3. The plans show two public footpaths super imposed by two of the site's main access roads.

Public Consultation

1. The Parish Council is not aware of any public consultation which is a requirement of the Localism Act.
2. A meeting in 2011 was cancelled and never rearranged.
3. Any reference to public consultations in 2001 should be disregarded as they were very different to the current application and included plans for alternative access roads, a new school etc and thus cannot be compared.

### Employment Opportunities

1. It is unlikely that future employment in this area will be anywhere near the scale proposed.

### Environmental Impact Assessment

1. The Parish Council is concerned that the developer is unwilling to submit an EIA and regard this as an essential requirement for an application of this size.

### Sewage and Drainage

1. Recent investigations by United Utilities have proven that there is insufficient capacity at the treatment works and within the existing sewer network to accommodate this scale of development.
2. Residents of Barrow have seen examples of the inability of the existing system to cope with raw sewage coming through gates in fields adjacent to the village allotments and entering properties.

### Transport

1. The proposed development would lead to the addition of 700-900 extra vehicles in Barrow and the existing road network is incapable of taking this amount of traffic.
2. In order to leave the village, motorists would need to travel through either Barrow, Wiswell or Whalley. The roads in Whalley and Wiswell are not equipped to deal with extra traffic and the pollution and chaos this would create would have a significant environmental impact on local residents.
3. Concerns regarding construction traffic which would cause obstructions, gridlock, dust pollution, noise pollution and many other problems.
4. The ultimate impact on Whalley Road is questioned as this accommodates traffic from other villages.

### Infrastructure

1. It does not meet the NPPF for sustainable development.
2. The village has insufficient facilities and infrastructure to support its current population and cannot accommodate further residential developments.
3. The development does not include any plans for extra amenities for the large number of new residents. This would result in extra car journeys to larger villages/towns so residents can obtain the services they require.

### Education

1. There are insufficient educational vacancies at Barrow Primary School.
2. Surrounding schools are already approaching their maximum intake and cannot absorb anymore pupils at this time.

WHALLEY PARISH  
COUNCIL:

Object for the following grounds:

1. Conservation – the site is designated open countryside (ENV3, H2 and G5). Public footpaths are to be obliterated by two of the site's main access roads.
2. Sustainability – there is minimal contribution to infrastructure of the village proposed. Barrow has insufficient facilities and infrastructure to support its current population and the result will be residents use the shops, dentist etc in Whalley with the associated traffic problems being well documented.
3. Sewage and drainage assessment – during heavy rain the current system cannot cope with resultant risk to property and residents health. No investment or upgrade of existing sewage facilities are indicated by the developer.
4. Transport assessment – the greatest impact is on road traffic with the natural flow being through Whalley village not the A59 as indicated.
5. Education – primary schools are over subscribed.
6. Accumulative 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 quickly destroy the ambience associated with Ribble Valley.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Members are referred to the file for full details of his observations which are summarised as follows:

These comments relate to the Transport Assessment (TA) prepared by Vectos and the Design and Access Statement prepared by Levitt Bernstein architects, both on behalf of Barrow Lands Company Limited and dated July 2012.

LCC 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.

I have the following comments regarding the anticipated highway impacts of the proposed development.

#### a. Development

The TA outlines the proposal for a residential development of 504 residential dwellings and extends into both Whalley and Wiswell Parishes.

For some years there have been discussions concerning the possible splitting of Wiswell Parish, to provide distinct Wiswell and Barrow Parishes. With the scale of this development and its impact on all aspects of residential amenity within Barrow, this would appear to be an opportune moment to consider including within the development community facilities to service such a boundary change, such as a parish/meeting hall.

#### b. Access Strategy

It is proposed that there will be direct vehicular access to the site from three new points of entry on Whalley Road/Clitheroe Road.

The TA does not identify any capacity issues in relation to the proposed means of access. However, this is based on a number of assumptions regarding the even distribution of turning movements to and from the site and limited choices for motorists leaving the A59.

#### c. Traffic Flows

The counts undertaken on behalf of the applicant on Whalley Road/Clitheroe Road were carried out on Tuesday January 10 2012. This is a representative day that provides an acceptable basis on which to develop future growth patterns.

#### d. Traffic Growth

It is not clear from the information provided as to how the figures provided for the TA have been determined and if the rates have been manually adjusted. I would recommend the use of a robust growth scenario and note that this will impact on subsequent calculations relating to traffic generation and vehicle distribution to and from the site. In addition, no reference is made with regard to committed developments in the immediate area which would increase future traffic levels.

Any growth factors agreed will need to reflect the Core Strategy and the latest planning proposals with regard to housing allocations etc. I would be grateful if the Applicant's consultant would clarify the derivation of their growth rates and any assumptions made. This is necessary to ensure that the full impact of a planning proposal is being addressed.



#### e. Trip Generation

I was unable to exactly replicate the supplied TRICS report as it contained insufficient information, specifying the regions used rather than detailed sites. However, developing a very close approximation to this report produced very similar trip rates to the ones supplied.

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.

#### f. Trip Distribution

The distribution approach used in the TA indicates a strong existing movement through Barrow from local traffic travelling between Whalley and Clitheroe this journey is characterised as an "inappropriate use of Whalley Road".

The displacement of these journeys onto the principal road network is central to subsequent assumptions concerning junction assessments and the limits of possible mitigation measures through Barrow village. I do not consider that a route between Whalley and Clitheroe that is routed via Barrow is either inappropriate or unwelcome.

In developing subsequent comments I will consider a range of possible vehicle movements that are not examined in the TA. Some of these will reflect existing local traffic patterns, including the Whalley to Clitheroe journey, in addition to new potential demands.

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 the villages of Barrow, Wiswell and Whalley. I do not consider this approach to provide a sound basis upon which to assess the impact of this development.

I would recommend the Applicant's transport consultant provide a further assessment of traffic impact through Wiswell and Whalley, providing traffic numbers as well as potential traffic modelling.

#### g. Committed and Other Proposed Developments

The Committed developments relevant to this site are located at land to the north of Riddings Lane, Whalley (3/10/0820) and on land to the east of Clitheroe Road, Whalley at Lawsonsteads (3/12/0687).

There are a number of significant developments, both commercial and residential, that are progressing or have planning consent within the Barrow Brook Business Village. However, traffic generation at all of these sites has been focused on the A59 junction, rather than encouraging any additional vehicle movements through Barrow village.

#### h. Impact on Junctions and Junction Modelling

1. The baseline surveys are accurate and representative. I would have welcomed details of activity at the Whiteacre Lane junction with Whalley Road, as there is the potential for a significant number of trips associated with the development to route through Wiswell village.

2. There is an implicit assumption that the three proposed points of access are to be weighted equally in terms of the movements they will generate and accommodate. However, consideration should be given to a range of appropriate preferences.

3. The PICADY assessments provided for the site accesses onto C549 Whalley Road and Clitheroe Road confirm that there are no capacity issues with the proposed junction layouts, the interaction of the suggested site traffic and the existing traffic flows.

There is a striking potential for the focus of a developing equilibrium for site traffic to include a strong element of additional activity through Wiswell village. This is based on the relative ease of the route through from the A59 Bramley Meade roundabout, turning left towards Wiswell and taking the subsequent left turn to Back Lane towards Whiteacre Lane.

The only opposed movement would be from Whiteacre Lane into the site access opposite and given that this may be the seen as the most prominent of the three new points of access, it may be appropriate to look at a mini-roundabout, should the balance of movements warrant such a measure. At present Plan 6 indicates the provision of a straightforward priority junction.

4. The traffic arrangements for the Barrow Brook Enterprise Park, directing all vehicular traffic via the A59 roundabout, came about following detailed and continuing discussions between the HA and LPA. This has resulted in the BBEP proceeding without a significant detrimental impact on highway capacity or residential amenity as there is minimal traffic generation through Barrow village.

5. There are some apparent anomalies in the Traffic Flow Data contained in Appendix C.

I am concerned that Figure 1 (Junctions 1 & 2) and Figure 2 (Junction 3) are not accurate and should be revisited.

#### i. Pedestrians and Cyclists Access

Public Rights of Way footpaths 7 and 8 run within the site or along the southern site boundary and it is essential that these routes and their linkages are maintained to a standard and design acceptable to Public Rights of Way officers.

The provision of a priority crossing in the vicinity of Barrow Primary School is to be welcomed.

Without improving conditions for cyclists in the immediate vicinity of the proposed development it is unlikely that a high level of cycle use can be achieved.

There are limited options available to improve accessibility for cyclists on the route from Whalley to Barrow or the A671 into Clitheroe that would make this a more attractive route. Traffic management or other speed management measures through Barrow may encourage cyclists by reducing speeds.

As I have suggested there will be an increase in the level of vehicular activity through Wiswell and this could have a detrimental impact on the operation of the Lancashire Cycleway at this location. Measures that would mitigate or reduce this impact should be considered.

The lack of designated and secure cycle parking and stepped access to the platforms is likely to discourage people from cycling from this development to Whalley rail station. Further to this, it is unlikely that people will cycle to Clitheroe to catch the train south. Therefore, should this application be successful and consent is granted, I would recommend that consideration be given to the following mitigating measures:-

1. A Toucan crossing at the junction of A671 Whalley Road with C549 Whalley Road would provide a safe and secure priority link with the signed cycle route along U22861 Clitheroe Road that leads to Standen Hall (this would provide a continuous signed cycle route into Clitheroe, at an estimated cost of £80,000).
2. The provision of a secure cycle shelter at Whalley railway station should be considered. It would be necessary to determine if a suitable location could be achieved within the existing station grounds (this amenity would have an estimated cost £20,000).
3. Should a new rail stop be constructed within or adjacent to the proposed development, it must be designed to maximise accessibility and encourage additional cycle use within the immediate catchment of the site.
4. Funding to be provided for secure cycle parking in Whalley, Barrow and Clitheroe (significant improvements in this provision could be achieved at an estimated cost of £5000).

#### i. 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.

In relation to Public Transport I would refer to IHT " Guidelines for Public Transport in Developments". 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 Whalley Road and Clitheroe Road, located within a short distance of the proposed site accesses. However, there is considerable scope to upgrade and update these facilities to make them more attractive for all users and to further enhance the sustainability of the site.

While I have not identified that any of the relevant services are currently subsidised by Lancashire County Council, it must be noted that should this be the case, the continuing funding of these services cannot be guaranteed and alternative sources of funding could be pursued.

The site is skirted by the rail line to the west and there is the potential for an additional stop in the Clitheroe – Manchester line to be introduced. The immediate catchment for such a stop would benefit regular commuter and leisure traffic for new and existing Barrow residents and employment links to the village.

I appreciate that this would involve a large financial commitment and that there are neighbouring stops within a relatively short distance. However, the dynamics of introducing a site of this magnitude into Barrow village require that all possible mitigation measures be explored that will minimise the detrimental impact of additional vehicular traffic through the village.

#### k. Road Safety

I have reviewed the latest accident data on the immediate highway network surrounding the development. I would note that the Police records indicate that there have been two collisions involving personal injury along the frontage of the site within the last five years, 1 May 2007 to 30 April 2012.

#### l. Parking Standards

The parking standards contained within The Regional Spatial Strategy (RSS) – North West of England Plan (2008) remain the County wide standard for parking provision.

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 subsequent planning layouts will provide specific and detailed provisions for individual properties and communal sites.

#### m. Travel Plan

This proposed development would be in excess of the DfT guidelines at which a Travel Plan is required. However, the framework travel plan which has been submitted does not meet the minimum criteria for an interim / framework travel plan.

I would like to receive an amended Framework travel plan before Outline Planning Permission is granted and request that the development of a Full Travel Plan be made a condition of full planning approval.

#### n. Internal Site Layout

Referring to the Illustrative Masterplan, based on the limited level of detail provided to date I am satisfied that the 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.

There is some direct frontage development shown along Whalley Road and Clitheroe Road and it would be a concern that this will encourage on street parking to the detriment of safe and efficient movement of through traffic. This could be detrimental to highway safety should the proximity to a driveway interact in a negative way with a point of access to the main site and the impact such parking would have on visibility for emerging motorists and the safe operation of the adjacent pedestrian movements.

#### o. 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.

#### p. 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.

#### q. 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. Until agreement has been reached on the TA the LHA is unable to provide full details on the request for planning obligations relating to highways and transport but the planning obligations are expected to cover:

- contribution for sustainable transport, walking, cycling and public transport, and
- request for contribution for advice and assistance with the Travel Plan.

I carried out my own accessibility score as the details of the individual values obtained by Vectos had not been supplied (just the final score of 20). I obtained a score of 18 - LOW accessibility (the issue may be the measurement to the closest bus stop which I have calculated as 260m, just above the 200m needed to get full marks for this question).

Therefore, a Highways contribution of £862,470 will be sought. This is based on 504 dwellings of unknown room size, 353 for open sale and 151 affordable, with an approximated Accessibility score of 20, as follows:- 353@ 1,900 = £670,700 and 151@ 1,270 = £191,770.

#### r. Planning Conditions

I have identified a number of Highway Conditions that I would welcome being applied should your Council be minded to approve the application. I also reserve the right to place additional conditions should these become relevant before a decision is reached.

#### s. Proposed Junction Treatments

The design of the access junctions will be subject to a S278 agreement and will require the approval of LCC as the relevant Highway Authority. While an approach consistent with Manual for Streets is appropriate at this location it is essential to ensure safe operation for all users (motorised and non-motorised).

In line with the guidelines provided in MfS2, the proposed visibility splays of 2.4m by 43.0m 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 3.3 of the TA identifies the relevant vehicle access proposals. The treatment of the central access opposite Whiteacre Lane will warrant further consideration, as I do not consider that the potential impact of traffic movements via Wiswell have been adequately explored.

Reference is also made on the Illustrative Masterplan and Plan 8, but not on the proposed junction drawings (Plan 5, 6 & 7), to the introduction of raised junction tables. There are a number of issues of concern regarding the justification for such measures and their likely impact on bus services through Barrow. I would suggest that this matter will require further discussion to develop an agreed strategy.

#### t. Traffic Regulation Orders

This application will require the alteration of the existing Speed Limit transition on Clitheroe Road in order to provide a 30mph Speed Limit along the frontage of the development.

The extension of the 30mph Speed Limit will be fully inclusive of the site and should allow for the introduction of additional measures to improve compliance with the revised speed limits, for example with interactive signage.

The extent of any extension will require careful consideration as the inclusion of the Bramley View, Exton Terrace and the "Eagle at Barrow", will result in a short length of 40mph Speed Limit transition between the potential and existing 30mph Speed Limits.

The issue of on street parking in the proximity of the suggested site access points is not one that can be adequately addressed at this time without a more detailed understanding of the internal site layout and the potential for direct access to properties from Whalley Road and Clitheroe Road.

I would suggest that this matter be included for consideration in line with other Reserved Matters or until the likely impact of on street parking can be considered in further detail, as the provision of a TRO should not be discounted at this time.

A 20mph Speed Limit should operate within the site. The provision of the necessary TRO would form part of an agreed programme of measures, should the application receive formal consent.

#### u. 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 Whalley Road should be provided in detail.
2. Details to be provided of the suggested junction tables at accesses on Whalley Road and Clitheroe Road.
3. The provision of improved footway provisions on Whalley Road and Clitheroe Road are to be discussed further. This is to provide suitable pedestrian links from the site to other facilities and amenities within the Barrow village catchment.



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.

4. To investigate the development of a new station on the Clitheroe Manchester rail line. Subsequent discussions on this matter should involve local access groups, Network Rail, HA and LPA.
5. I have requested additional information on the Whiteacre Lane junction as the impact at this location may be more significant than previously noted. Should further off-site works be required as a result of this specific matter or as a result of subsequent points of detail, I will provide relevant information on these matters at a later date.

#### v. Items for inclusion in a S106 Agreement

1. Travel Plan - A contribution of £24,000 would be requested.
2. Bus Service Provision - The detailed Public Transport provisions will be resolved as part of a formal Section 106 Agreement. However, the applicant should give consideration to additional facilities on Whalley Road and Clitheroe Road.

The provision of new or enhanced stops would be subject to a suitable design being agreed and 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.

3. Consideration should be given to the provision of community facilities for Barrow, as the proposed development will impact on all aspects of residential amenity.
4. A Toucan crossing at the junction of A671 Whalley Road with C549 Whalley Road would provide a safe and secure priority link with the signed cycle route along U22861 Clitheroe Road that leads to Standen Hall. This would provide a continuous signed cycle route into Clitheroe, at an estimated cost of £80,000

5. The provision of a secure cycle shelter at Whalley railway station should be considered. It would be necessary to determine if a suitable location could be achieved within the existing station grounds. This amenity would have an estimated cost £20,000.
6. Should a new rail stop be constructed within or adjacent to the proposed development, it must be designed to maximise accessibility and encourage additional cycle use within the immediate catchment of the site.
7. Funding to be provided for secure cycle parking in Whalley, Barrow and Clitheroe. Significant improvements in this provision could be achieved at an estimated cost of £5,000.

#### w. Highway Conditions

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

#### x. Conclusion

The proposed development will result in a significant increase in vehicle flows on the existing transport network in and around Barrow village, at peak hours and throughout the day. 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 other junctions in Barrow.

In the summary for the TA, Section 7.1.6, it is stated that the data indicates that there are "no 'severe' residual transport impacts". I believe that the TA as presented underestimates the likely impact of the development on the operation of the local highway network and does not give sufficient credence to a range of origin destination movements linking to the nearby principal road network.

I consider further information is required in respect of the TA to address the issues highlighted above. The HA 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 areas of concern I have highlighted relate to traffic growth, trip distribution, the impact on local highway network and elements of the site access design.

LCC PLANNING  
CONTRIBUTIONS:

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. LCC is more than willing to work with the developer's consultant to identify options that could address these concerns.

Further to the consultation with regard to this development, this consultation response outlines a planning contribution request from Lancashire County Council based upon a methodology published in the 'Planning Obligations in Lancashire' Policy Paper.

**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 proposes mitigation for these impacts through a planning obligation. The contribution described is directly linked to the development described and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development. The latest information available at 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 176 primary school places and 71 secondary school places.

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

Development details: 504 dwellings  
Primary place requirement: 176 places  
Secondary place requirement: 126 places

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

BARROW PRIMARY SCHOOL  
WHALLEY C OF E PRIMARY SCHOOL  
Projected places in 5 years: -18

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

ST AUGUSTINE'S ROMAN CATHOLIC HIGH SCHOOL  
BILLINGTON  
RIBBLESDALE HIGH SCHOOL/TECHNOLOGY COLLEGE  
CLITHEROE GRAMMAR ACADEMY  
Projected places in 5 years: 58

**Education requirement:**

**Primary**

*Latest projections*<sup>1</sup> for the local primary schools show there to be a shortfall of 18 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. 176 places.

**Secondary**

*Latest projections*<sup>1</sup> for the local secondary schools show there to be approximately 58 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

However two planning applications have already been approved in this area at Petre House Farm and Britannia Street and these have an effect upon the places available, with a yield of 7 secondary places.

Therefore, the number of remaining places would be 58 less 7 = 51 places. With an expected pupil yield of 126 pupils from this development, it is expected that there would be a shortage of 75 places.

Therefore, we would be seeking a contribution from the developer in respect of the pupil yield required to support **this development**, i.e. 75 places.

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

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

Old Manchester Offices  
Lawsonsteads  
Land off Dale View  
Victoria Mill  
Land Adjacent Greenfield Avenue

**Effect on number of places:**

The proportion of the combined expected yield from these developments which is expected to impact upon this group of secondary schools is 36 pupils. Therefore, should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution, our position may need to be reassessed, taking into account the likely impact of such decisions.

**Summary of response:**

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

Based upon the latest assessment, LCC would be seeking a contribution for 176 primary school places and 75 secondary school places.

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

$(£13,043 \times 0.9) \times \text{BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)}$   
= £12,381.80 per place  
£12,381.80 x 176 places = **£2,179,197**

Secondary places:  
 $(£19,588 \times 0.9) \times \text{BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)}$   
= £18,595.02 per place  
£18,595.02 x 75 places = **£1,394,627**

**Due to the size of this development LCC are also seeking a primary school site; 10,900m<sup>2</sup> in size in addition to the contribution detailed above.**

**NB:** If any of the pending applications listed above are approved prior to a decision being made on this development

the claim for secondary school provision could increase up to maximum of 111 places.

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

Secondary places:

$(£19,588 \times 0.9) \times \text{BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)}$   
= £18,595.02 per place  
£18,595.02 x 111 places = **£2,064,047**

Failure to secure the contributions sought would mean that the County Council cannot guarantee that children living on this development would be able to access a school place within a reasonable distance from their homes.

LCC is unable to specify the school(s) which would have additional places provided at this stage; this is due to the statutory processes surrounding school expansion and the need for consultation.

This response is based on the latest information available at the time of writing. 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.*

COUNTY ARCHAEOLOGIST: The proposal site has been identified by the ALSF aggregate extraction in the lower Ribble Valley final report (Oxford Archaeology North/University of Liverpool, 2007) as having a high potential to contain previously unknown archaeological deposits dating to the prehistoric, roman and medieval periods. Well preserved archaeological deposits of either a prehistoric or roman date would be likely to be considered of regional, and possibly national, importance.

NPPF section 128 states that *where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and, where necessary a field evaluation.*

Lancashire County Archaeology Services would therefore recommend that given the suggested high potential for previously unknown archaeological deposits to be encountered, contrary to the recommendation of the submitted archaeological desk based assessment which concluded that such work could be conditioned, that rather they should be undertaken prior to determination of the current application. This would be in line with NPPF Section 128, the Borough Council's own saved Local Plan Policy ENV14 and recent LCAS pre-application advice to the Borough Council.

COUNTY ECOLOGIST: The submitted ecological assessment provides an adequate assessment of biodiversity value and potential impacts and is therefore sufficient to enable determination of this application. The report makes a number of recommendations to mitigate and compensate impacts on biodiversity. Implementation of these recommendations, through conditions and the site's design and layout, should be sufficient to ensure that the proposals are in accordance with the requirements of relevant biodiversity legislation, planning policy and guidance.

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

UNITED UTILITIES: No objection to the proposals subject to the attachment of a number of conditions.

NATURAL ENGLAND: Raise no objection to this application which is within 2km of Light Clough SSSI. However, given the nature and scale of this proposal, and the interest features of the SSSI, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

CPRE LANCASHIRE BRANCH: Object for the following reasons:

Core Strategy

The Ribble Valley Core Strategy was submitted on 28 September 2012 to the Secretary of State and it is to be the subject of an Examination in public. CPRE Lancashire has concerns that the housing ambitions of the local authority have yet to be formally agreed and wishes to see the Core Strategy in place before a decision is taken concerning such a major residential development that is off plan in open countryside on the grounds that such a decision would be premature.

The Core Strategy in line with the National Planning Policy Framework sets an ambitious minimum target of 4000 houses up to 2028. This target has yet to be adopted. The site allocation document that would identify sites for future land use has yet to be published. Sustainable development is most likely to be achieved through a spatial planning exercise as opposed to coming forward in such an ad hoc fashion.

#### Loss of pasture land

The site in open countryside is currently used for grazing sheep and cattle. As such, the proposal is contrary to Policy G5 of the Districtwide Local Plan that restricts development outside of settlements. The Core Strategy continues to focus development in key settlements and not in open countryside. The pasture would be permanently lost with associated loss to wildlife.

#### Designated landscape – proximity to AONB and SSSI

CPRE Lancashire is concerned at the scale of development within view of the Forest of Bowland AONB and in close proximity to the Light Clough SSSI. There will also be loss of important local habitats at Barrow Brook field and lowland meadow priority habitat for biodiversity and geodiversity arising from the proposed development. The developer refers to the landscape and visual impact of the development of Pendle Hill as being benign and CPRE Lancashire does not accept this statement as true.

#### Access issues – road capacity

CPRE Lancashire is concerned about the accuracy of the information presented in the supporting information with regards to site access.

#### Infrastructure deficit

The proposed development is not sustainable and it does not provide the additional infrastructure that it would necessitate, such as education, healthcare, community facility, green infrastructure, drainage, waste water treatment, power supply, flood mitigation. Should the Council be minded to approve this large scale residential development, it must ensure that a developer contribution of sufficient value to pay for this needed associated infrastructure.



### Employment – Net outmigration

This part of the Ribble Valley has become a satellite dormitory suburb of the neighbouring urban areas of Preston, Blackburn and Burnley. Should this trend be allowed to continue, the level of daily out commuting will be unsustainable. The Core Strategy has ambitions to develop employment at specific locations along the A59 corridor, but at present, there are not sufficient jobs in the pipeline at the local employment sites such as Barrow Enterprise Park to keep inhabitants of 504 additional homes economically active.

#### THE RAMBLERS ASSOCIATION:

Object to the application on the following grounds:

1. The scale of this outline planning application conflicts with the emerging Core Strategy.
2. The application to build 500 plus houses on 16 hectare of land within open countryside outside a settlement boundary will seriously damage the visual amenity of the rural landscape.
3. This development would have a serious environmental impact on the local wildlife. The site is greenfield with trees and hedgerows in situ, a biological heritage site on south west edge. Lapwings are a very much declining species both locally and nationally and breed on some of the fields on this site as do curlews. There is also a wide selection of birds breeding and feeding in these fields, trees and hedgerows and along Barrow Brook, as well as associated flora and fauna.
4. The development would result in a considerable loss of agricultural land currently used by grazing cattle.
5. Increase light pollution.
6. Impact of traffic through the villages of Barrow, Wiswell and Whalley will be severe and result in pollution and congestion to the detriment of the rural environment.
7. Negative impact on green tourism and dependent businesses.
8. There are a number of public footpaths running through the site and along the southern border. These paths are used by ramblers, visitors to the area, as well as local people and dog walkers. It is very important these much loved rights of way are protected in the present environment for use by future generations.

#### ADDITIONAL REPRESENTATIONS:

There have been 300 letters of objection to the proposal. Members are referred to the file for full details of these which can be summarised as follows:

1. Pre-empted the emerging Core Strategy and is not a preferred option within the final version of that document.

2. Barrow lands have proposed development outside the proposed Core Strategy and not undertaken consultation with the larger community.
3. It is in direct contradiction to the Localism Act.
4. The site is not within the settlement boundary and is an urban extension into open countryside.
5. The developer puts great emphasis on Barrow Enterprise Park as a receptor for future housing growth as it is identified as a strategic employment site – this is a fallacy as the last 30 year history would not support this contention.
6. Where is the evidence of demand for new housing in the area.
7. The size of the development will generate ownership of between 750-1000 vehicles. The traffic impact on the villages of Barrow, Wiswell and Whalley will be catastrophic regarding pollution and congestion. To reach the main town of Clitheroe and access the main A59 and A671 routes out of the valley will mean journeys through these villages.
8. The application will create additional traffic bottlenecks in Whalley and at the junction on to the A671.
9. Residential properties line Whalley Road with residents cars parked either side of the road making it narrow for two vehicles to pass each other at the same time. The increase in traffic will pose a risk to pedestrians and drivers alike with safety implications.
10. Increase in traffic will make traffic accidents more likely.
11. The likelihood of a new Barrow Station emanates from a world of make believe.
12. The site would dwarf Barrow trebling its size, which is not in-keeping with the rural location.
13. Detrimental to views and setting of the village leaving no green spaces along this side of the village.
14. The development has no regard to the location and layout of existing houses fronting Whalley Road.
15. The development is not proportional to the surrounding environment and appropriate for that particular location.
16. Devastating effect on flora and fauna.
17. Threat to breeding birds and bat pathways.
18. If Whalley could not support a development, how can Barrow which is a much smaller village with very few amenities and facilities available for current residents.
  - The village school is over subscribed and lack of secondary places.
  - There are no convenience stores, shops, post office, doctors or dentist for the residents of Barrow let alone another 1500 plus residents.
  - The deposit waste water storage tank close to the proposed development cannot cope with the current

- waste and has recently overflowed and spilt raw sewage into the neighbouring field.
19. Question the relationship with the allotments – security and fact that some elderly tenants use the plots as substitute gardens and the peace and tranquillity of this area would therefore change.
  20. There is no school site proposed with reference to the Whalley situation in respect of the school site that should have come forward at Calderstones.
  21. The Whalley treatment works system cannot cope at present let alone accommodate the size of this development.
  22. Clitheroe and the surrounding villages have little in terms of employment for any increase in population.
  23. Barrow is not a service centre.
  24. The proposal does not meet NPPF regarding sustainable development – all amenities such as medical, shopping, banking, employment etc would have to be sourced external to Barrow necessitating use of vehicles.
  25. The site in question has and still is being used for agricultural purposes with the grazing of cattle.
  26. The idea of a foul water pumping station is unpleasant for local residents.
  27. There are misleading claims in the submitted information in terms of jobs at Barrow Enterprise Park and the visual impact of the scheme.
  28. Documentation submitted is inaccurate.
  29. Noise pollution.
  30. Light pollution.
  31. Loss of view.
  32. Effect on property prices.

## **Proposal**

The proposal is for up to 504 new homes, including affordable housing, with new vehicular and pedestrian access, possible traffic calming on Whalley Road, on site landscaping, formal and informal open space and associated infrastructure works. The application is made in outline with all matters reserved for further approval with the exception of access for which detailed approval is sought at this stage.

A parameters plan has been submitted to seek approval for the quantum of uses, the general siting of uses within the overall site and points of access and an illustrative masterplan has been submitted providing information on various design and development aspects of the proposals. To summarise the total number of units to be provided will be 504 with 30% of this being affordable (151 units); a mix of house types would be provided across the site (bungalows, detached, semi detached, terraced and apartment) ranging in height from approximately 6m to 15m; as part of a green strategy there are a number of proposed open spaces varying in character and scale; a foul water pumping station to serve those parts of the site located on lower ground contours to the west of the site is detailed as well as the offer of five acres of free

land to a suitable registered provider for self build or affordable homes immediately to kickstart delivery or secure funding (as part of the 30% provision overall).

As stated, the detailed matter being applied for at this time is access with that part of the proposal being as follows:

The illustrative master plan denotes the creation of three vehicular access points into the site from Whalley Road. The northern access is along the existing alignment of the unmade track that leads into the allotment area and is located approximately 65m south of Millbrook Place. The central access would be directly opposite the existing junction of Whalley Road/Whiteacre Lane and would therefore create a crossroad form of junction. A final and third access to the site would be to the south approximately 165m to the south of the central access which is 25m north of the existing Ashleigh Farm vehicular access.

In order to discourage through travel between Clitheroe and Whalley the applicants consider a detailed package of traffic calming measures could be brought forward if considered appropriate by the local Highway Authority. This will promote slower speeds through the village and could be advanced using financial contributions from the development.

### **Site Location**

The site lies to the southwestern edge of Barrow outside the defined settlement boundary within land designated open countryside. It is roughly rectangular in shape extending to approximately 18.26 hectare and comprises predominately open grassland punctuated by existing trees and hedgerows. The site has as its eastern boundary Whalley Road beyond which is the residential development on Barrow Brook (Barrow Enterprise Park); to the west the railway line beyond the triangular shaped county biological heritage site which borders the site; to the north by a ribbon of residential development along the Whalley Road frontage with fields to their rear and similarly to the south. There are allotment gardens that are to be retained. A public footpath extends through the site opposite Whiteacre Lane and links with another public footpath that runs along the southern site boundary. In terms of topography, existing contours show a fall of approximately 10m in a westerly direction from higher land adjacent to Whalley Road and a drop of approximately 16m towards the south western section of the site.

### **Relevant History**

An application for up to 190 dwellings has been submitted on part of this same site but at the time of drafting this report it was going through the registering process.

### **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 ENV14 - Ancient Monuments and Other Important Archaeological Remains.  
 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.  
 EN2 – Landscape.  
 EN3 – Sustainable Development and Climate Change.  
 EN4 – Biodiversity and Geodiversity.  
 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.  
 DME3 – Sites and Species Protection and Conservation.  
 DME4 – Protecting Heritage Assets.  
 DME5 – Renewable Energy.  
 DME6 – Water Management.  
 DMH1 – Affordable Housing Criteria.  
 DMH3 – Dwellings in the Open Countryside.  
 DMB4 – Open Space Provision.  
 DMB5 – Footpaths and Bridleways.  
*North West of England Regional Spatial Strategy to 2021*  
 Policy DP1 – Spatial Principles.  
 Policy DP2 – Promote Sustainable Communities.  
 Policy DP3 – Promote Sustainable Economic Development.  
 Policy DP4 – Make the Best Use of Existing Resources and Infrastructure.  
 Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility.  
 Policy DP6 – Marry Opportunity and Need.  
 Policy DP7 – Promote Environmental Quality.  
 Policy DP8 – Mainstreaming Rural Issues.  
 Policy DP9 – Reduce Emissions and Adapt to Climate Change.  
 Policy L1 – Health, Sport, Recreation, Cultural and Education Services.  
 Policy L4 – Regional Housing Provision.  
 Policy L5 – Affordable Housing.  
 Policy EM18 – Decentralised Energy Supply.  
*National Planning Policy Framework.*  
*Technical Guidance to the National Planning Policy Framework.*  
*Addressing Housing Needs.*

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

This application was made valid on 16 July 2012, with the 13-week target period ending on 15 October 2012. There were matters to be addressed regarding Environmental Impact Assessment (EIA) following initial receipt of the application and once these were resolved (see section below) a revised 13 week date of 21 December was assigned. No formal decision has yet been made in relation to this application with the delay due to a combination of outstanding consultation responses and requests for additional information from consultees in respect of numerous aspects of the scheme. Despite these ongoing discussions regarding need for additional information, 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, once the issues surrounding EIA are discussed, are the principle of development, highway safety, infrastructure provision, ecological considerations, visual impacts and impact on residential amenity as follows:

### **Environmental Impact Assessment**

Reference has been made to the lack of an Environmental Impact Assessment (EIA) in respect of this submission and it is felt appropriate to firstly provide Members with an overview of the situation in respect of this matter to aid their understanding and any implications for passing comments on this proposal.

In November 2011, before the submission of this application, the applicant submitted an EIA screening request to the Council. Further information was submitted in December 2011 to assist in that process and at the end of the statutory three week period allowed for issuing a decision, the Council were minded to indicate that the proposal would be likely to have significant effects on the environment sufficient to require EIA. However, following discussion with the applicant, it was agreed to let the screening request lapse and proceed on the basis that if on registration of the outline planning application the Council decided to adopt a screening opinion that EIA was required and set out the scope of the EIA, then work would be suspended on consideration of the application until the need for the submission of an Environmental Statement by the applicant had been resolved.

The outline application was made valid on 16 July 2012 and the Council informed the applicant on 3 August 2012 that it was our opinion that under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the scale of the development meant that its impact would not be of a localised nature but have wider environmental impacts beyond the site. Thus it was our contention that the proposal did require an Environmental Statement. The applicant did not agree with that conclusion and requested the Secretary of State make a Screening Direction (dated 16 August 2012).

DCLG responded on 21 September to the Screening Direction request from the applicant to the effect that:

*In the opinion of the Secretary of State and having taken into account the selection criteria in Schedule 3 to the 2011 regulations, the proposal would not be likely to have significant effects*

*on the environment by virtue of factors such as its nature, size or location for the following reasons:*

*There is potential for an impact on the setting of the Forest of Bowland AONB however, advice from Natural England and other available information, leads to the conclusion that the effects are not likely to be so significant as to require an EIA. There are likely to be impacts from additional traffic, both during construction and operation but information provided as part of the planning application indicates that these will not be so significant to require an EIA. The development may have urbanising effects on a predominantly rural area but the visual impact would be unlikely to be significant as it would be seen against the backdrop of existing housing and an industrial development which is in the vicinity. The site also slopes away from the main road through the village (Whalley Road) which will limit the visual impact for existing houses. It is not considered that there are any factors from development, either alone or in cumulation, that will result in significant environmental effects.*

*You will bear in mind that the Secretary of State's opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction.*

### Principle of Development

In considering the principle of development the views of the Council's Head of Regeneration and Housing have been sought who has provided the following detailed observations.

The starting point to establish the principle of development is by reference to the Development Plan, unless material considerations indicate otherwise. The Development Plan is taken to comprise the Regional Strategy (2008) and the saved Policies of the Districtwide Local Plan (1998). Beyond this the principle needs to be examined against the National Planning Policy Framework (NPPF), its transitional arrangements and the emerging Core Strategy.

The Secretary of State has published the Government's intentions to revoke the RS, the abolition of which is now accepted as imminent. Consequently in my view limited weight should be attached in practice to the RS policies, however they do form part of the extant Development Plan and need to be given consideration. Relevant policies to which consideration should be given are Policies DP1 (Spatial Principles) and DP2 – 9 that deal with the delivery of sustainable development. Policy DP1 sets the principles that underpin RS: namely:

- promoting sustainable communities;
- promoting sustainable economic development;
- making best use of existing resources and infrastructure;
- managing travel demand, reducing the need to travel and increasing accessibility;
- marry opportunity and need;
- main-streaming rural issues and reducing emissions and adapt to climate change.

As a principle the proposal would in itself and in the context of its spatial setting generally meet these principles in my view with the exception of the points noted below. The question becomes more one of the opportunities to consider this in an objective and comparable way through the application of the statutory plan-making process.

Policies DP2 – 9 provide a more detailed consideration of these principles, which again I would take the view that the scheme as proposed is capable of according with, with the exception that

I consider there to be less consistency with Policies DP4 (making best use of existing resources and infrastructure) and DP6 (marry opportunity and need). This is particularly so where there is the opportunity to make a choice between sites through the plan-making process; in effect the process the Council has gone through in formulating the Core Strategy. Similarly there are aspects of conflict with Policy DP7 (promote environmental quality) in relation to respecting the characteristics of places and landscapes, and maintaining and enhancing the tranquillity of open countryside and rural areas.

The Regional Strategy also provides a policy context in relation to housing, including the provision of affordable housing through Policies L4 (Housing Provision) and L5 (Affordable Housing). Whilst Policy L4 sets a housing requirement (161 dwellings per annum) this has been superseded by the Council's current housing evidence base in relation to the submitted Core Strategy and subsequently accepted at appeal that the relevant housing requirement to be addressed should be a minimum of 200 dwellings per annum as per the current evidence. The proposal will of course help deliver housing including affordable housing, consequently these policies in themselves are less relevant to the determination of the application and there is no conflict.

The saved Local Plan provides a local policy context, however it has to be recognised that the strategic policy base dealing with the general development strategy in particular, including the established settlement boundaries are significantly out of date, being formulated against the superseded structure plan and strategic policy context. Detailed Development Management policies are still valid where they are in conformity with the National Planning Policy Framework however and together they provide a useful base to guide decisions. Subject to taking account of the strategic context referred to above, policies that seek to establish the general extent of open countryside, for example should still be taken into account when assessing the implications of the proposal, and settlement policies similarly can provide a helpful context to understand the character of a settlement, but should not in themselves be solely relied upon to judge the application.

Government published the National Planning Policy Framework in March 2012. This represented an important and significant change to the underlying approach to planning which the Council needs to take into account. Whilst NPPF confirms the plan-led approach it is clear that where relevant policies are out of date, the NPPF must be treated as a material consideration. The NPPF also emphasises that in assessing and determining development proposals the Local Planning Authority should apply the presumption in favour of sustainable development.

In the circumstances of a Development Plan to which less weight should be attached (namely the RS) and where relevant planning policies of the Local Plan are shown to be out of date, NPPF sets out the policy framework against which proposals should be considered and against which the balance of weight to be given has to be judged. This is the case in my view for the Council in determining this application.

Amongst other things as a matter of principle, NPPF establishes the following key considerations to be taken into account when determining applications over and above the principles that individual applications of course have to be judged on their merits. These key considerations are set out in paragraph 14 of NPPF, namely:



“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking...

For decision-taking this means:

- 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.”

In addition, and specifically in relation to residential development, NPPF specifically reinforces that housing applications should be considered 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 Local Planning Authority cannot demonstrate a 5-year supply. These two elements are important factors in making any decision.

The Council’s most recently published housing land calculation (report to Planning and Development Committee 17 January 2013 refers), taking account of comments in relation to the deliverability of identified sites following a recent appeal decision but without any further detailed adjustments for deliverability other than the continuation of a slippage allowance, the Council has less than a 5-year supply. However initial information from the 31 December 2012 survey indicates (again without detailed assessments of deliverability) that with the number and rate of applications being approved, the Council has moved back to a 5-year supply.

It is important to stress that this has to be treated with an element of caution given the fact that deliverability appraisal has not been completed. Further work is being undertaken in relation to this assessment, however in view of the fact that the Development Plan strategy is considered out of date, the presumption in favour of sustainable development is triggered in any event with the principle of the development standing to be judged primarily against NPPF in this case. In reality therefore the issue of a 5-year supply is less significant when deciding which policy basis should be used as NPPF and the presumption are engaged in any event. NPPF considerations mean that the proposal effectively falls to be determined in principle against the three strands of sustainable development namely economic, social and environmental aspects that underpin the question of sustainable development and any other material considerations. As a principle, where an application is shown to deliver sustainable development, NPPF guides the decision-taker towards approval unless material considerations indicate otherwise.

In terms of material considerations, the broad location of the application was included within the illustrative area of search as one of the alternative options for development in the Core Strategy process. At that broad level of sustainability, the location was considered to be capable of delivering sustainable development, particularly when the opportunity to link with the recognised strategic employment location, together with the potential to develop as part of that option for growth (should it have been chosen), other services and facilities focussed on both the existing provision in the village and the potential to develop them.

As part of the Sustainability Appraisal process that assessed the Core Strategy, the option was reviewed and found to be broadly a sustainable option. This would support the site being considered sustainable in that broader context. However, this is not the same as examining the sustainability of a specific proposal or indeed a proposal that is not in the context of a focused strategic growth point with the accompanying mix and range of development that would likely to be entailed and anticipated. Whilst there is clearly a very strong link with the Council's employment aspirations and those existing services, the built scheme in itself is a wholly residential scheme seeking to deliver potentially over 500 units. Whilst necessary infrastructure contributions can be secured the application site itself currently provides only for housing, open space and the associated infrastructure to deliver that, nevertheless in isolation the proposal could be judged to meet the requirements of the NPPF.

NPPF however also requires proposals to be judged against other important material considerations. Weight therefore needs to be given as a material consideration to the extent to which the Council's submitted Core Strategy should be considered and the impact that approving this proposal would have on that process. As a submitted Core Strategy the Council has reached a significant and relatively advanced stage in the preparation of its new Development Plan. Although the progress of the plan was delayed by changes in legislation, the Council has positively progressed through a number of key stages over the last 12 months demonstrating especially in the light of the publication of NPPF, the Council's concern to make progress with the plan. The Examination is currently suspended to enable key evidence to be brought up to date to reflect NPPF which will introduce some delays to the adoption of the plan, nevertheless the Council has a submitted Core Strategy, it has been developed through extensive consultation and within that statutory process has established a preferred Development Strategy for the borough. In doing so the process has considered the issue of a strategic growth point focussed on Barrow and through that statutory process the Council has decided that the most appropriate distribution of development excludes the significant growth of Barrow as this proposal would bring. It would provide a strategic site of some 500 dwellings representing approximately a quarter of the development required in the Core Strategy having taken account of the sustainable focus on larger settlements, the identified strategic site at Standen and development that has been completed so far.

In the context of the submitted Core Strategy, which does envisage growth at settlements, such as Barrow (that is, growth is not intended to be precluded) the Strategy does not anticipate at its heart in order to deliver the assessed development needs, a scheme of this scale which when considered against that background is clearly inconsistent with the Council's submitted Strategy. Approval of the scheme as submitted would not accord with the Council's preferred Development Strategy, and would serve to predetermine the outcome of the statutory process. This in itself does not sit well with the intent of the statutory process or the aspirations for localism.

In this regard, I am concerned that approving the scheme as presented outside the opportunity to deal with this issue through the Examination process in relation to the Core Strategy would only serve to limit the proper Examination of issues as the process intends and especially in my view where there is a conflict with the submitted Strategy. Furthermore the Council has committed to an allocations process with the Local Development Framework that would be the opportunity to implement in detail the Core Strategy policies and is the proper mechanism through which sites may be compared and detailed patterns of growth established as intended by the Strategy. The approval of the scheme would bring forward a significant amount of

residential development therefore limiting the choice of sites and relative distribution that the Council, through the statutory process, could consider.

Government guidance on this issue exists in the form of the extant, national guidance issued by the DCLG in 2005 namely "The Planning System: General Principles". This guidance highlights in effect the need to consider the extent to which the granting of permission for such proposals as this could prejudice the consideration of the Core Strategy by pre-determining decisions about the scale and location of new development being addressed in the emerging policy. In effect the grant of permission would be considered to be premature. At this stage of the process as a significant material consideration it outweighs any benefits the scheme may be promoted as delivering in my view.

In reality we can see from the numbers of applications being approved, the Council is moving quite rapidly to a situation where housing supply is being significantly boosted in accord with the intent of NPPF. At the same time because applications that are coming forward are considered to be within the scope of policy, there is less of an impact on the overarching direction that the submitted Core Strategy is seeking to implement. Whilst a number of applications have been approved, generally speaking they have been consistent with the Core Strategy and they have not as this proposal would, served to prejudice the preparation of the plan. The harm to the process is the likely need to consider significant changes to the submitted Core Strategy ahead of the Examination including the potential to consider the need to withdraw the submitted Strategy and produce a new plan. The principal harm being the timeframe that would then be required to put a new plan in place, taking it through its statutory stages when Government guidance is clearly for Local Planning Authorities to progress their plans as quickly as possible. This would be likely to undermine public confidence in the process particularly where extensive consultation has informed the development of the Strategy.

Assessed against the Development Plan, whilst there are some matters against which the application sits well and some aspects where it fits less comfortably, the proposal in my view needs to be determined in practice against the NPPF. In isolation, the scheme would comply with the general policy approach of NPPF. Importantly however in applying the presumptions of NPPF we are obliged to take into account relevant material considerations.

Again there are material considerations that weigh in favour of the application and ultimately it will be a matter for the decision-taker to balance the relevant weight of each of these aspects. Similarly in having regard to the submitted Core Strategy, weight has to be judged against the extent of unresolved objections, which given the number and range does temper the weight that can be attached. I do not consider the housing supply position to be so significant given the current position in the borough to outweigh the need to have regard and give weight to the impact that approving the current scheme would have on the Core Strategy thereby prejudicing its preparation.

The key consideration that tips the balance against the scheme in my view, as a principle is the impact upon the emerging Core Strategy given its current relatively advanced staged. However, it will be vital in arriving at a decision on the scheme to take account of the extent to which other considerations make the application out of accord with NPPF. In principle the applicants proposal would meet the tests of NPPF if considered in isolation, albeit there being some issues of scale, impact on the village and its character that would need to be carefully considered. There are also some aspects of the Development Plan that the proposal does not precisely accord with but less weight should be attached to those aspects.

In general whilst some weight can be attached to the stage the Core Strategy is at, in terms of prejudicing the outcome, the balance of NPPF requires the material considerations as a whole to lead to sufficient harm to outweigh the presumption in favour of development and the National Planning Policy context of supporting growth and boosting housing supply as a general principle. As demonstrated by the numbers of applications being approved and the progress the Council is seeking to put its plan in place, coupled with the increasing developer activity in the borough, the Council continues to address this imperative. However as an important material consideration, greater weight should be attached to the impact that such a decision would have in terms of prejudicing the Council's submitted Core Strategy and pre-determining the outcome of that process. All these judgements are of course very finely balanced however against this latter principle the application is not supported.

### 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 offered as affordable (151 units). In addition, 5 acres of free land will be offered to a housing association/registered provider to encourage early delivery or to kick start the funding and this includes self build or self provided housing primarily for local people. It should be noted that the draft Heads of Terms document submitted in support of the application clarifies that this land would form part of the 30% provision overall.

The Strategic Housing Working Group have considered the offer of 5 acres of land as part of the affordable offer but feel that a site of that size would provide too large a concentration of affordable units. The group agreed that they would consider a land offer of 2.5 acres which would deliver a more attractive site aside for registered providers. The remainder of the affordable units to achieve the 30% on site will be distributed across the site. They also provided guidance regarding the phasing of affordable housing with this build element.

As Members can see, there is some way to go on agreeing the detailed elements of the affordable offer in terms of the area of land to be gifted to a housing association/registered provider and agreement on phasing. However, the fundamental Council requirements are being offered in relation to this scheme, namely 30% of the site for affordable provision and 15% of the residential development be for elderly persons (of these a 50/50 split between market and affordable units; elderly person units to form part of the 30% provision of affordable homes across the site). Therefore, I would not be advocating that Members seek to raise this as an area of concern but that further dialogue takes place as part of the appeal process in order to ensure that the fine details of the affordable offer comply with the requirements of the Strategic Housing Working Group.

### Highway Safety

In respect of highway safety it is clear from the observations of the County Surveyor that on the basis of the information submitted with the application there are some key areas of concern that require further discussion with the applicant (now appellant) prior to him being able to advise the LPA as to whether the scheme would prove detrimental to highway safety. Areas highlighted relate to assumptions made regarding the even distribution of turning movements to and from the site. He has questioned whether the proposed central access point opposite Whiteacre

Lane would receive a large proportion of movements and that this may necessitate a more detailed assessment of turning movements at this location. There are also issues raised relating to traffic growth, trip distribution, mitigation measures for cyclists, public transport, junction treatments, off-site highway works and potential financial contributions to form part of any Section 106 Agreement. This is not an exhaustive list and Members are referred to the full consultation response from the County Surveyor which is on the application file for such comprehensive details.

The guidance LPA's are provided in respect of promoting sustainable transport within the NPPF are to be found in paragraph 32 which states:

*“All developments that generate significant amounts of movement should be supported by a transport statement or transport assessment. Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

At the time of drafting this report, there had been no response from the applicant to the matters raised by the County Surveyor in his response dated 6 November 2012. The appeal for non-determination documentation submitted outlines that in the appellant's opinion *“It is likely that the transport matters can be addressed without the need to provide evidence or appear at a future public inquiry. Discussion will also take place on the level of contributions to be secured through a Section 106 or Unilateral Undertaking if necessary.”* However at this point in time there has been no dialogue on this and to inform Committee that any areas of concern can be resolved would be misleading.

The information made available by the applicant at this time ie the transport assessment, design and access statement and other supporting papers is incomplete. There are outstanding matters of facts to be resolved in respect of the existing highway information that has been produced and points of detail relating to some of the assumptions made regarding basic aspects of the access design, elements of traffic growth, trip distribution and the impact of the development on the local highway network. With no resolution to the matters flagged up in the initial response to the County Surveyor, I do not think it is possible to support this application as the appropriate information has not been received to address those concerns raised over the continuing provision of a safe and reliable highway network in the vicinity of the proposed development. However, in saying this, it is acknowledged that further dialogue between the respective highway professionals may bring clarity to this matter and identify options that could address concerns expressed in that initial consultation response.

Clearly should Members agree then we will need to engage with the applicant/appellant and their highway consultant as a matter of urgency in order to explore the areas of concern in greater detail. It is unfortunate that the appeal has been lodged prior to this discussion taking place as it is recognised that at the moment in respect of highway matters there is no definite answer either way as to whether the impacts would be severe or not. However, as it stands, I consider it only appropriate to identify highway safety grounds as an area of concern and

potential reason for resisting this development at this time, as there is insufficient information available to enable a comprehensive assessment to be made of the likely impacts of the application on the local highway infrastructure.

### 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 usable public open space. In this development the approach taken is to layout two hectare of the site as open space to serve the proposed dwellings. The plans submitted integrate a network of open spaces, including formal and informal open space, play areas and amenity areas with the wider public footpath network and countryside. In total, five parks are shown throughout the overall site with the existing allotments (0.79 hectare) retained at the centre of the site although not included within the red edge of these proposals.

The proposed level of provision has been discussed with the Council's Head of Cultural and Leisure Services in order to establish whether it accords with the Council's most up to date approach. This is a site that will bring forward a substantial number of properties and he is of the opinion that it is of such a scale as to warrant both a level of informal amenity space with its layout but also a financial contribution towards more strategic levels of provision at nearby locations which would be used by its residents. It is understood that a facilities plan is being drawn up for consideration by Community Committee and that document will identify such a strategic level of provision that is in need of enhancement. The site is within proximity of existing facilities at both Whalley and Clitheroe and thus he considers there may be scope for contributions to either or both of those settlements' facilities. As this is an appeal for non determination, the Council has not, at the time of drafting this report, had the opportunity to discuss this with the applicant/appellant and Members need to be aware that any request for an off-site financial contribution must meet certain tests. The Community Infrastructure Levy (CIL) Regulations require that any planning obligation must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Further consideration will need to be given to the potential for off site contributions.

### Infrastructure Provision

Members will note from the consultation responses section of this report that concerns have been expressed by both of the local Parish Councils as well as objectors about the ability of the existing infrastructure of Barrow and its immediate environs 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 176 primary and 126 secondary school places. This cannot be accommodated within the existing schools and thus a sum of £2,179,197 is sought towards the full primary pupil yield and £1,394,627 towards the shortage of 75 places secondary level. 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 the 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. However, what they were not aware of when submitting draft Heads of Terms was the requirement for a primary school site of 10,900m<sup>2</sup> in addition to the financial contribution.

The response from LCC has been brought to the attention of the applicant/appellant but at the time of drafting this report no response had been forthcoming in respect of that request. Clearly the provision of land to be set aside for a school would reduce the area of land available for residential development and impact upon the total number of units across the site. This may bring into question viability issues but as stated no further work had been undertaken on this in light of the submission of the appeal for non-determination. I have had a brief conversation with colleagues at LCC regarding what their view would be should a school site not be forthcoming and their written response was still awaited when this report was drafted. It is hoped clarity can be sought on this matter prior to the meeting at which this scheme will be discussed.

However, it is safe to say that in LCCs opinion, as expressed in their consultation response dated 7 September 2012, the combination of a financial contribution towards both enhanced primary and secondary provision and the allocation of a primary school site within this overall development scheme is the appropriate way forward to ensure that pupils have an opportunity to access a school place within a reasonable distance from their homes.

Concerns have been expressed in relation to sewage and drainage and this application was submitted with both a Flood Risk Assessment (FRA) and utility statement which examined these matters in detail.

The FRA identifies that the site is located in flood zone 1 which is the lowest level of flood risk. There is an area of zone 3 identified bordering the site alongside the route over Barrow Brook but this is outside the proposed development area. The submitted reports consider surface water run-off from the site and note it is important that surface water drainage proposals ensure that volumes and peak flow rates of surface water discharging from the site are no greater after development than those that exist prior to development. Given this is an outline application, detailed design is not complete but it is proposed that a series of interlinked storage systems will be provided including tank sewers and off-line swales and ponds, in order to provide control over discharge rates. Provision of such surface water attenuation systems will provide a reduction in the surface water flows to Barrow Brook and thus assist in reducing flood risk downstream of the site.

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 Whalley, this is something that has been, and continues to be, examined closely by United Utilities. In respect of proposed sewer loading from the site once developed, regard has been given to the constraints set by United Utilities to ensure that there is no increase in foul water discharge rates during the period up to mid 2016 after which foul water flows can be increased as the capacity at the WWWTW will have been increased to cater for new developments in the locality. The site requires, as part of the overall development proposals, the installation of a foul water pumping station to serve those parts of the site that are located in the lower ground contour areas to the west of the site. By sequencing installation of the foul water pump station early in the construction programme, enables completion of 150 dwellings in advance of the 2016 WWWTW upgrade. Furthermore, by engineering design, this new pump station will provide additional storage volume capacity in the existing public foul sewer. This additional capacity allows peak flow in the existing sewer to be diverted, stored and

then pumped back to the sewer at a controlled rate. This benefits the existing users upstream of the development site and provides additional detention of flood flows.

It is clear from the observations of our statutory consultees on these matters, that there are no objections raised having regard to the technical information submitted and design solutions offered in respect of surface water and sewer provision. Both United Utilities and the Environment Agency suggest conditions be imposed should consent be granted and subject to the safeguards requested, development should not be resisted on these grounds.

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

This is a greenfield site consisting of various fields that are under agricultural usage and divided by ditches, hedgerows and fences, with individual trees and groups of trees throughout and a woodland belt to the north and a woodland belt to the south-east. A Preliminary Arboricultural Impact Assessment has been submitted in support of the application that identifies 89 individual trees, four groups of trees and three woodlands that were surveyed in respect of this proposal. Of these 23 trees, three groups and three woodlands were allocated high retention values, 26 trees and one group were allocated moderate retention values, and 25 trees were allocated low retention values. In addition, 15 trees were classed 'R' and would normally therefore be recommended for removal in the short term regardless of this proposal.

The trees, of which a substantial number are large in size, stand as individuals and as components of groups and woodlands and, as a whole, confer a high visual amenity on the immediate and the wider local landscape. The applicant's have undertaken an evaluation of the Illustrative Masterplan in respect of tree protection and have indicated that proposed development of the site can be satisfactorily achieved whilst retaining the majority of the large trees on site by incorporating them into areas of public open space or suitably sizeable gardens. It is therefore imperative that any subsequent detailed development proposals include adequate provision for the incorporation of the high and moderate quality trees into the design and that sufficient detail regarding the specifics of how these trees are to be retained and protected successfully is included in support of any such associated reserved matters or further application.

The Ecological Survey and Assessment submitted does not identify any significant wildlife interests or constraints that could affect the principle of developing this site. It recognizes that the site contains or lies adjacent to habitats of biodiversity value (Barrow Brook Field Biological Heritage Site/Lowland Meadow Priority Habitat, Hedgerow Priority Habitat, mature and semi-mature trees) and supports 7 UK BAP Priority Species of bird and a Pipistrelle bat commuting route. However, it is concluded that protection and mitigation for designated sites, protected species, Priority Habitat and Priority Species is entirely feasible. Where possible, opportunities to seek biodiversity gain by appropriate management, habitat creation and landscape planting have been identified and described within the submitted documentation. The Council's Countryside Officer and County Ecologist have examined the submitted information and have raised no concerns to indicate that, subject to appropriate safeguards, there are any justifiable reasons to withhold consent on nature conservation grounds.

#### Layout/Scale/Visual Amenity

As stated previously, this is an outline application with the only detailed matter being applied for at this time being the means of access. However, there is a requirement for submissions to



provide a basic level of information in respect of use, amount of development, indicative layout and scale parameters in order for a local planning authority to make detailed considerations on the use and amount of development proposed.

An illustrative masterplan has been submitted to show how the scheme would fit into the immediate surroundings with residential development to its north and south along Whalley Road and to the opposite side of the road through the village to the east. To the west lie the county biological heritage site and railway line. In respect of scale parameters, the height limits of 8-10m for two storey dwellings which are the dominant type on site, would not, I consider appear over dominant. The submitted parameters for apartment blocks are 12-15m in height and are for illustrative purposes at this time with more details to be submitted at reserved matters stage to provide precise details of each unit in terms of scale and appearance. Therefore, whilst these dimensions may appear out of context at this stage, they are a matter reserved for future submission. In the main, they would be concentrated within the overall site and thus at this stage, I would not wish to raise significant concerns about an element of the scheme that is reserved for future submission.

Any form of development brings with it some effect on the landscape/character of an area and the fundamental consideration is would any harm caused be so significant as to warrant an unfavourable recommendation. Objectors have made reference to the visual impact of this scheme commenting that it is disproportionate to the size of the existing village. As Members will be aware, Barrow has grown over the years with residential developments occurring to the opposite side of Whalley Road to this site and the employment development at the former Barrow Print Works site. Indeed, the Barrow Enterprise site is identified as a main location for employment in the emerging Core Strategy. Given the level of concern being expressed by various persons over the potential visual impact of this scheme, an independent landscape visual assessment has been commissioned in order to establish whether this would form a substantive part of the Council's case in relation to this non determination appeal. At the time of drafting this report, there had not been any initial findings available from our consultant to assist Committee in their deliberations on this matter and it is the intention that further guidance on this will be provided to Members at the meeting.

### Residential Amenity

In considering residential amenity, it is important to assess the relationship with properties outside of the site as well as that between units proposed as part of this scheme. To the east are properties that front on to Whalley Road and that form part of the housing estate of Chestnut Crescent and Oak Close; to the north by dwellings again fronting Whalley Road and comprising Mill Brook Place and to the south by dwellings that align Whalley Road.

Proposed parameters of plans have been submitted to indicate that new dwellings along the site frontage to Whalley Road would in the main face on to internal roadways set behind the existing hedgerow at distances of approximately 32m from dwellings to the east, 40m to the south and 20m to the north. Details submitted for consideration would indicate that the Whalley Road frontage dwellings would be detached bungalows along the majority of its length with two storey dwellings bordering existing properties to the north and south. Members should be aware that whilst these details are submitted for illustrative purposes, the distances between respective built forms surrounding the site would be acceptable. I acknowledge that distances to dwellings to the north are close to the 21m that is usually sought to prevent direct overlooking into first

floor habitable rooms but reiterate the plans are illustrative and the dwellings are set at oblique angles to each other.

In terms of the actual scale of the development, the areas of the site that abut existing residential development are indicated as two storey in nature to the northern and southern areas of the site at maximum heights of 10m with bungalows shown to the Whalley Road frontage at a height of approximately 8m. There are some three storey blocks proposed to a maximum height of approximately 15m and the majority of these are shown within the main body of the site. There is the potential for a small collection of these units on the Whalley Road frontage but as the layout is reserved for future submission, I consider that the time to more closely assess that particular relationship would be at reserved matters stage as the submitted masterplan is for illustrative purposes only. Having assessed the submitted details, I do not consider that scheme would prove significantly detrimental to the residential amenities of properties bordering the site.

In respect of the internal relationship at the development site, the illustrative layout shows properties facing on to internal access roads, landscaped/park areas and the retained allotments. From the submitted illustrative plans it would appear that the separation distances between facing blocks of development maybe less than the 21m cited earlier within this section as a generally accepted distance between two storey facing dwellings. However, there are a number of factors to consider in relation to this point in assessing this aspect of the scheme. Firstly, layout is not a detailed matter being applied for at this stage and secondly the description of the development states '*the provision of up to 504 residential units...*'. It is acknowledged that this is a new residential development and potential purchasers will be fully aware of the relationship between various residential blocks prior to buying certain property but that does not mean that development should be permitted that would impinge on residential amenities. Thus, the reserved matters application will need to demonstrate in terms of overall scale and layout that the internal relationship between buildings is satisfactory and that the amenities of future occupiers would not be significantly compromised. Therefore, given the nature of this application (outline with all matters reserved except for access) I conclude that it would be unreasonable to raise concerns over a matter that is reserved for submission at a later date once the overall principle of development has been established.

### Miscellaneous

The proposed site is bordered by the Ribble Valley line railway to the west and Whalley Road to the east. Both of these transport routes are potential sources of noise which have the potential to adversely affect the future occupants of the proposed dwellings to be developed on this site. As such, the application has been submitted with an acoustic survey and assessment to ascertain what if any effect these two potential sources of noise could have on the proposed dwellings. The noise survey undertaken and the assessment of the results detailed in the aforementioned report demonstrate that noise levels on the site arising from railway and road traffic noise can be satisfactorily mitigated so as to meet government, World Health Organisation and British Standard requirements aimed at achieving a suitable living environment and providing adequate protection for future residents of the proposed development. Recommendations are proposed in terms of suitable mitigation measures, however these only apply to these properties with facades that will be situated adjacent to either the railway line or Whalley Road. The remainder of the development will receive adequate protection from rail and road noise due to the effect of distance attenuation and by the physical intervention of barrier effect of those properties directly affected.

Members will note from the comments of the County Archaeologist earlier within this report, that he has requested some prior to recommendation works being carried out on site in order that he can be satisfied in respect of the potential of the site regarding archaeological remains. The applicant/appellant has not responded on this matter other than to say they consider the approach set out in their submitted documentation that such works can be suitably conditioned as part of any approval should be sufficient to satisfy LCC concerns. In light of this, I have gone back to colleagues at LCC and at the time of drafting this report for Members, was still awaiting that response.

### Section 106 Agreement Content

The application was submitted with a draft Heads Of Terms paper which outlined the following potential contributions/content of a legal agreement. Given this application is now subject of an appeal for non determination no further work has taken place on this aspect of the proposal but work will need to be done prior to the Public Inquiry in order to produce an Agreement between the parties which may or may not include all of the following aspects with/without revision.

1. Affordable Housing
  - Provision of 30% affordable houses on the site.
  - 15% of the residential development of the site to be for elderly persons (of these a 50/50 split between market and affordable units; elderly persons units to form part of the 30% provision of affordable homes across the site)
  - Offer of 5 acres of free land to a suitable registered provider/housing association for self-build or affordable homes immediately to kick-start delivery or secure funding (as part of the 30% provision overall).
2. Highways
  - Contribution based on Lancashire County Council's Accessibility Score – 350 dwellings at £1,200 and 150 at £1,800 Current estimate of £801,000 (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
3. Public Transport
  - New bus stops and the potential penetration of the site or support for existing services to be examined (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
4. Cycle and Pedestrian Measures
  - Contribution to assist with the creation of appropriate pedestrian and cycle links (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
5. Pedestrian Crossing
  - Provision of a pedestrian crossing on Whalley Road to be considered - guide cost of £15,000 to £20,000 (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
6. Traffic Regulation Orders (to extend 30 mph speed limit)
  - Costs of preparing, advertising and bringing the TRO into operation (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).

7. Travel Plan
  - Contribution to enable LCC Travel Planning Team to provide a range of services as described in their Planning Obligations Paper (2008) with respect to Travel Plan (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
8. Public Open Space
  - Provision of informal and formal open space and on-site play areas Management/maintenance responsibilities for the open space/play areas.
9. Education
  - Contribution towards education places where primary schools within 2 miles and/or secondary schools within 3 miles of the development are already oversubscribed or projected to become oversubscribed within 5 years.
10. Waste Management
  - Contribution towards waste management based on the Policy Paper Methodology for Waste Management.

Therefore, having carefully assessed all the above matters, I am of the opinion that there are two distinct areas of concern in relation to this proposal namely its relationship with the spatial vision of the emerging Core Strategy and unresolved highway matters that mean there is at this time insufficient information to properly assess the impact of the development on the local highway network. Members will note that other issues are still being explored in more detail with our colleagues at LCC in respect of education and archaeology. The findings of an independent visual appraisal are also outstanding at the time of drafting this report. Should any of these conclude that additional reasons for refusal would have been brought to Members attention should the Local Planning Authority have been allowed to issue a formal decision on this matter, they will be brought to Committee's attention when this scheme is brought before it.

**RECOMMENDATION:** That Committee endorse the following issues as reasons for refusal and authorise the Director of Community Services and the Head of Planning Services to liaise as appropriate to establish the best possible case to defend the appeal.

1. The proposal would be prejudicial to emerging policy in the Core Strategy.
2. Insufficient information has been made available to enable a comprehensive assessment to be made of the likely impacts of the application on the local highway infrastructure.
3. Visual impact.

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

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Agenda Item No.

meeting date: 14 FEBRUARY 2013  
title: PROTOCOL ON NON DETERMINATION APPEALS  
submitted by: DIRECTOR OF COMMUNITY SERVICES  
principal author: JOHN MACHOLC, HEAD OF PLANNING SERVICES

**1 PURPOSE**

1.1 To request Members authorisation to incorporate the reasons for refusal associated with non determination appeals in the current delegation scheme as approved under the 6 December 2012 Planning and Development Committee meeting.

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 Members will be aware that in recent months the Council has received two non determination appeals relating to significant development proposals within the borough. For Members' information, these relate to the proposed housing scheme at Mitton Road, Whalley (Ref: 3/2012/637) and the development proposal at Barrow which relates to 504 houses and associated infrastructure.

2.2 When an appeal has been received for non determination, there is often a very strict deadline in carrying out the appeal procedures, which include formulating a Statement of Case which would be the Council's reasons for refusal, as well as arranging the date of any inquiry. It has been proven difficult to take reports to Planning and Development Committee with suggested reasons for refusal and to operate efficiently within that timescale. It is often the case that it is not even possible to appoint or request Counsel until the reasons for refusal and the Statement of Case has been decided. This inevitably leads to a difficult arrangement and it may not be impossible to obtain Counsel's advice on the issues before a formal Statement of Case needs to be submitted to the Planning Inspectorate. This may weaken the Council's case and therefore it is important to ensure that the best available time is used to ensure the best case is put forward.

**3 ISSUES**

3.1 The strict deadlines governed by the Planning Inspectorate may mean that in certain circumstances it would not be possible to take a decision item report to Planning and Development Committee requesting authorisation to defend an appeal based on certain reasons. This is often due to the timetable of Committee meetings as well as the

resources that would need to be prepared in presenting a report requesting Committee's decision.

- 3.2 In order to utilise resources appropriately, I consider that the reasons for refusal should be delegated to the Director of Community Services and the Head of Planning Services and the delegation scheme in relation to planning applications be altered to make reference to non determination appeals.
- 3.3 I recognise it is important that Members are satisfied with the reasons for refusal and consider that this delegation should be based on confirmation from the Chairman and Vice Chairman. I also consider that an information report be taken to an appropriate Planning and Development Committee meeting.
- 3.4 Where possible, it is my intention to still take reports to Planning and Development Committee requesting Committee's approval and so it is important to emphasise that if Committee accept the revised delegation scheme, this would be seen as an option as a last resort having regard to timescale and resource implications.

#### 4 RISK ASSESSMENT

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

- Resources – As a result this may release resources from existing officers from preparing a lengthy report and free up time to focus on the key issues of such cases.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified but it is important to ensure that in such circumstances Members are kept informed of and reasons.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

#### 5 RECOMMENDED THAT COMMITTEE

5.1 Approve the revised changes to the delegation scheme to include authorisation to determine the reasons for refusal for non determination appeals.

JOHN MACHOLC  
HEAD OF PLANNING SERVICES

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

#### BACKGROUND PAPERS

Current delegation scheme 6 December 2012.

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

REF:JM/EL/140213/P&D

# MINUTES OF THE CORE STRATEGY WORKING GROUP HELD ON WEDNESDAY 9 JANUARY 2013

PRESENT: Cllr R Sherras (Chairman) Marshal Scott  
Cllr S Bibby John Heap  
Cllr G Mirfin Colin Hirst  
Cllr R Thompson John Macholc  
Olwen Heap

## APOLOGIES

Apologies for absence were submitted on behalf of Cllrs Rogerson and Allan Knox and Jane Pearson.

## MINUTES OF LAST MEETING

These were circulated and approved as a correct record. They would now be forwarded to P & D committee for information.

## CURRENT PROGRAMME

Colin had reported that a letter had been received from the Inspector agreeing to the request to suspend the examination to enable the preparation of the information he requires. He had also included a guidance note specifically for RVBC.

The examination would formally recommence on 1 July 2013. In the meantime the Inspector expects regular progress reports. He has also requested that the Council's request letter and his response be posted on the Council's website and that a detailed project/work plan be provided.

CH/OH ACTION : A copy of the Council's letter and Inspector's response be circulated at P & D on 17 January for information and Colin to provide an update.

CH ACTION : E-mail the working group with the task milestones.

It was suggested that as pieces of work are completed there is a checking process with the Inspector to ensure it is what he expects. There needs to be a 'stress test' done on the data to find the 'disconnects' and how it will affect the Core Strategy so there are no surprises. Colin indicated that this was in the programme of work to ensure we can identify issues as early as possible.

The terms of reference/remits given to consultants must be specific and ensure the Inspector's concerns are reflected. It is important to ensure that our response is proportionate as stressed by the Inspector and focuses on delivering the updates rather than generating new pieces of work.

## GTAA

This piece of works needs updating as it was considered out of date (2008). Three firms had been approached to provide the necessary update. Colin reported that the 2 consultants that had responded could provide a suitable GTAA to meet the needs of the EIP. However Opinion Research were currently working with neighbouring

authorities and he considered were able to reflect the shared collection of information in their pricing.

CH ACTION : The group agreed that Colin should commission Opinion Research to provide a GTAA at a cost of £3950.

### STANDEN SUSTAINABILITY APPRAISAL – response to Natural England

Natural England had responded to the Sustainability Appraisal with an issue that needs to be addressed. Although this had not been raised by the Inspector, Natural England were a statutory consultee which means we need to be able to demonstrate how the issue has been resolved and be in a position to present to the EIP that there are no outstanding issues.

HYDER had originally carried out the Sustainability Appraisal and it was felt therefore that they were best placed to deal with the issue in clarifying the concerns of Natural England with regard to a landscape appraisal.

HYDER had also been asked to cost for carrying out an audit of the landscape assessment that can be used in evidence for the EIP and can also inform the consideration of the planning application received for the Standen site.

CH ACTION : The group agreed that Colin should commission HYDER to deal with the Natural England response and provide an audit of the Landscape Assessment.

### APPROACH TO HOUSING EVIDENCE

The Inspector has identified a requirement to update the core housing evidence that comprises the elements

- GTAA – considered under previous agenda item
- SHLAA – work to update this evidence and review has commenced in-house. The sites within the existing report have been reviewed to establish what has come forward – approximately a third – what hasn't come forward that was anticipated in the model and as a consequence the impact upon the availability assumptions for identified sites. Following the collation of the new potential sites and the update an assessment will be undertaken of the deliverability of sites, including viability modelling. The call for sites is programmed to be promoted from 28 January.

CH ACTION : An update report will be presented at the meeting on 23 January.

- SHMA – the Council's housing consultants (Lichfields) have been contacted to provide a cost for updating and refreshing the SHMA. They have been asked to include for some scenario testing using the recently published Census data to provide a check and reference using the most up-to-date info. A proposal to establish the levels of affordable housing requirement to enable the Council to reassess affordable housing targets in line with the Inspector's concern has also been requested as well as an up-to-date position statement on the housing market, including the types of housing and tenures required to meet the likely housing needs of the borough. A refresh of the Employment Land review of our economic evidence is also requested as it links with housing forecasts.

CH ACTION : Two alternative quotes to be sought for this work and reported to the meeting on 23 January so that work can be commissioned by the end of January.



- Viability Assessment – this is a new piece of work that PAS will help with in defining what work is required (meeting 15 January). There is a need for a range of viability testing to ensure the proposals in the Core Strategy have a realistic chance of deliverability. The Inspector has asked for evidence to demonstrate viability in relation to housing proposals, affordability targets and other policy requirements to reflect NPPF expectations.

CH ACTION : An update report be presented to the meeting on 23 January.

### PAS

Discussions have taken place with PAS for consultancy support on programming and viability assessments. Two days of support have been set up – first on programming/project management to be held on 10.1.13 and second on viability on 15.1.13. Consultants have agreed to work in a tailored advisory role rather than delivering generic PAS training day approach.

### NEXT MEETING

The next meeting is scheduled for **Wednesday 23 January 2013 @ 2.30pm**

# MINUTES OF THE CORE STRATEGY WORKING GROUP HELD ON WEDNESDAY 23 JANUARY 2013

PRESENT: Cllr R Sherras (Chairman)      Marshal Scott  
Cllr S Bibby                                     John Heap  
Cllr G Mirfin                                     Jane Pearson  
   Colin Hirst  
   John Macholc  
   Olwen Heap

## APOLOGIES

Apologies for absence were submitted on behalf of Cllrs Rogerson, Thompson and Allan Knox.

## MINUTES OF LAST MEETING

These were circulated and approved as a correct record. All actions had been completed

- Council's letter and Inspector's response circulated
- Opinion Research commissioned to provide GTAA update
- HYDER commissioned to deal with Natural England response and provide Audit of the LA
- Quotes received for SHMA work

They would now be forwarded to P & D committee for information.

## CURRENT PROGRAMME

Colin reported that the session spent with PAS had provided a model that our headline tasks and key milestones could be fed into. Colin explained each of the headline tasks and highlighted the progress made to date.

Marshal asked that columns for 'estimated cost' and 'estimated days for internal staff time' be added to the programme.

CH ACTION: Colin would do this before the meeting on 30 Jan.

Sue expressed some concern as to how all the tasks are going to be done and whether we would be overwhelmed in the middle of April as renewed evidence came to fruition and there was the need to highlight any differences there might be between the current Core Strategy and the new evidence. It was felt that as the renewed evidence came in we should ensure work was progressed to look at any implications. Colin reassured the group that time had been allowed for the 'team' to do this, and it would be necessary for the working group to be kept informed as issues emerged.

MS/JP ACTION: A report to P & F re: staffing and a report to Sp P & F re: budget

## SHLAA

Colin reported on the progress made with the SHLAA and outlined the next steps that would be taken. This included a 'call for new sites' that would go out next week on the Council's website. Any new sites would then need to be completely assessed against the SHLAA model.

The main issue was that of viability – it was felt that this piece of work should be done externally. However a methodology needed to be decided upon first eg inclusion of consideration of minerals; following recent experience with planning applications.

### SHMA

Colin had received a quote from NLP that also included for a 'Re-Run of the Headroom Housing Requirements with new Census Data' as an update. He had also received estimates from both Drummond-Hey and DCCoottie that were much less but needed some further discussions.

CH ACTION : The group agreed that Colin should commission NLP to carry out the Headroom refresh as this was considered vital.

CH ACTION : The group agreed that Colin should commission Drummond-Hey to carry out the SHMA update, subject to confirming details.

CH ACTION : Colin to do a brief report for BWG on the work commissioned to date.

### VIABILITY

Colin reported upon the session with PAS. Their discussion notes were circulated for information. The session had been very informative and useful. This work would include 'sample sites'; overall viability and CIL and although it could be carried out in-house there may be a resource problem so it was felt that quotes should be sought from Drummond-Hey + 2 others.

CH ACTION : Quotes to be sought for the viability work.

### TOWN CENTRE HEALTH CHECKS

Colin circulated a note on the health checks that would be carried out in the main 'town centre' sites of Clitheroe, Longridge and Whalley.

He also referred to the 'Town Centre – Facilities plus' headline task that cover the other populated areas of the Borough. These would be based on the village surveys although the level of detail had yet to be decided. The group asked that this headline be given another title.

### AOB

CH ACTION : It was agreed that Colin should have a discussion with PAS about the overall plan review to check what the Inspector is asking for.

### NEXT MEETING

The next meeting is scheduled for **Wednesday 30 January 2013 @ 2.30pm**