

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

Agenda Item No

meeting date: THURSDAY, 11 APRIL 2013  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2013/0079/P (GRID REF: SD 377471 437245)  
 APPLICATION TO CHANGE CONDITION NO. 3 OF PLANNING APPLICATION 3/2010/01113/P TO INCORPORATE REVISED DRAWINGS SHOWING TREE REFERENCE T21 REMOVED AND CONDITION NO. 10 (3/2010/01113/P) TO BE CHANGED TO INCORPORATE REVISED PROPOSALS FOR SYCAMORE TREE REFERENCE T21 TO BE REMOVED. LAND ADJACENT TO WHALLEY ROAD, SABDEN, LANCASHIRE.

SABDEN PARISH COUNCIL: No objections.

LCC ARCHAEOLOGY OFFICER: No comments to make on the proposed changes.

ENVIRONMENT AGENCY: No objection to the application.

NATURAL ENGLAND: The application is not likely to result in significant impacts on statutory designated sites, landscapes or species.

ADDITIONAL REPRESENTATIONS: Eight letters have been received from the occupiers of four properties in Sabden, and the following points of objection have been made:

1. Of all the trees on this site, it seems ironic that the developers have chosen the finest example to fell.
2. Presumably 'experts' and planners visiting the site originally saw the same mature trees so why the need to amend the scheme now?
3. The proposal makes a mockery of putting sound conditions on an approval.
4. Could it be that this was already pre-agreed and the conditions put on to appease local objection.
5. Public perception is that it doesn't make a difference what we think, developers will get their way.
6. Insufficient detail given to neighbours as to why this amendment is sought.
7. This is just another backdoor way of getting what the developers want.
8. There is a shortage of trees in the area, so for home much longer will this area of the AONB be protected?
9. Is there a reason to lose the tree for the sake of 8 houses that the public didn't want in the first place?

10. Can the houses not be moved further away, or build fewer houses or just simply abandon the idea totally?
11. If the intention is to help remove Japanese Knotweed from the site, the experts need to re-examine their reference material as this will not fully solve the issue.
12. If the current owners have had the site for 12 months, why have they not dealt with the Knotweed sooner?
13. Can the treatment not be started now, then by the time the site is completed it will be gone?
14. 'The Wetlands' is a veritable haven for wildlife yet the Council are choosing not to support its protection.
15. Whatever the reason being given for removing these massive, mature and resplendent trees, it would be an act of corporate vandalism to give permission.
16. Plans proposed have altered more than just the removal of the tree.
17. Alteration in land levels on site for one of the blocks makes the units more visually prominent.
18. Permission already given to remove many young trees from this site which will most certainly have an adverse effect on the bird and insect life in the area.
19. How can the removal of these trees be in accordance with Local Plan Policies?
20. Visual impact of the entrance to the village of Sabden will be reduced by the removal of these trees.

## **Proposal**

Planning permission was approved in July 2010 for the construction of 8 no. affordable, two-storey terraced dwellings in two blocks, each of 4 no. units, and associated highways, landscaping and drainage works. The scheme also included the retention of a portion of the sites wetland and ecological eco-system that exists adjacent to the eastern boundary of the site, from the ditch watercourse to the Victoria Mill boundary, to allow a corridor/buffer of ecological value.

The approved scheme included a number of trees to be removed from the site in order to facilitate the development, however all trees 'worthy of retention' were negotiated to be included within the approved scheme. The original arboriculture impact assessment/tree constraints report, dated the 3rd of October 2009, contained a tabulated tree schedule in which 5 individual trees and 3 groups of trees were identified to be felled because of condition/limited useful expectancy/low visual amenity value. The tree report also made reference to one tree growing on the frontage of the site [T21], a Sycamore, about which the countryside officer had previously expressed doubt over the possibility of its retention, the consultant arboriculturalist stated that theoretically it would be possible to retain the tree but would require an engineered foundation solution i.e. a beam on pile at ground level or above ground level. The application was approved on the basis that this type of construction would enable the tree to be retained.

Following commencement of the preparation of an updated preliminary arboricultural method statement & tree protection plan, the category of the tree T21 has been downgraded from a category B1 to a category C1 due to its health and condition, and has been given a life expectancy of 10 to 20 years maximum, regardless of whether the development on this site

goes ahead. Bearing this in mind, the Agent has advised that every effort has been made to negate the removal of the tree including the use of driven piles instead of strip foundations, however due to the compact nature of the site and the sloped topography to the existing highway, the works required to the rear of Block B would cause irreparable damage to the trees root system causing eventual dieback of the tree. In considering this with the existing health of the tree, the Council's Countryside Officer anticipates that if the works were carried out, the life expectancy of the tree would further reduce to less than 5 years.

The Applicant notes that the area immediately adjacent to the tree being infested with Japanese Knotweed further complicates this matter. As required in planning condition 12, a proposal for the eradication of the knotweed has been prepared with the preferred method being to 'dig and dump' (remove the earth from the site thereby removing the root system in its entirety). However, due to the proximity of the tree in an elevated position above the knotweed on the steep Highways embankment, the applicants do not see this option as possible. The only solution then would be a chemical treatment, although due to the possible uptake by the tree, a less aggressive chemical must be used to kill the knotweed within the time constraints of the project. In this instance, it would take until spring 2015 and result in a large area of the garden to the rear of plot 6 remaining untouched and fenced off until completion of the chemical treatment. This proposal is not considered acceptable to the Applicant, as it does not allow for the formation of the garden as passed on the original planning drawing and could also be problematic for a prospective tenant when seeking to purchase building insurance.

On the basis of the above, the scheme proposed under this application seeks to vary condition's 3 and 10 of the approved plans to allow the removal of the tree in question (T21) prior to works commencing on site. As a solution to the loss of screening caused by the felling of the tree, the Applicant has advised that they will replant trees in this location in addition to the approved planting scheme

### **Site Location**

The site is located outside the Sabden village settlement boundary, as designated by the Ribble Valley Districtwide Local Plan, adjacent to the Victoria Mill site. The site also lies adjacent to the recently adopted Conservation Area within Sabden, and within the Forest of Bowland AONB.

### **Relevant History**

3/2013/0070/P - Discharge of condition 12 - Japanese Knotweed of planning permission 3/2010/0113/P – No decision as yet.

3/2013/0042/P - Discharge of conditions 8, 9 and 11 (Ecology), 10 (Arboriculture), 14 (Archaeology) and 15 (Bin Storage) of planning permission 3/2010/113/P – No decision as yet.

3/2012/0368/P - Application for a non-material amendment to planning permission 3/2010/0113P, to allow the addition of windows at first floor level to gable walls, rear gardens to dwellings 1-4 amended, including re-position of pedestrian access to the highway and relocated bench added for public use adjacent to Whalley Road. – Granted.

3/2010/0113/P - Construction of 8no affordable, two-storied terraced dwellings in two blocks each of 4no units including external and drainage works. Amended re-submission. – Granted Conditionally.

3/2009/0489/P Construction of 12no. 'Affordable' two-storey terraced dwellings in two blocks of 6no. units, including external and drainage works – Withdrawn.

3/1995/0343/P – Outline Application for Residential Development – Refused.

3/1989/0561/P – Outline Application for Residential Development – Refused.

3/1987/0773/P – Outline Application for three detached dwellings – Refused.

### **Relevant Policies**

National Planning Policy Framework (NPPF).

Policy G1 - Development Control.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy ENV13 – Landscape Protection.

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

Policy DMG1 – General Considerations.

Policy DME2 – Landscape and Townscape Protection.

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

There are two key issues with regards to this proposal, namely:

1. the visual impact the approval of this application will have on both the streetscene and on the character of the surrounding area and AONB, by virtue of the loss of this mature, roadside tree; and
2. given the updated arboricultural survey results provided by the Applicant, the scenario that would arise if the works were to be carried out strictly in accordance with the approved plans. This is a material consideration in light of the advice given by the Council's Countryside Officer.

A number of objection letters have been received in respect of the proposed development, and in assessing this scheme, these objections/issues will be considered.

Approval was previously granted on the basis that the scheme would be sympathetic to the character of the village of Sabden, that it would have a negligible impact on the setting and character of the Conservation Area and that it would have an acceptable visual impact on the setting and character of this location within the AONB. Whilst this consideration was taken on the development 'as a whole', the scheme did include the retention of this mature tree on the site. In my report relating to the original application, 3/2010/0113/P, it was considered that:

- the retention of mature trees on site maintained the appearance of the site and screened the development from long distance viewpoints;
- given the minimal view of the properties, their complementary design and additional screening proposed, the character and setting of the location would not be adversely affected; and
- the built elements of the scheme would be sufficiently screened and the visual impact on the character and appearance of this location within the AONB was acceptable.

When considering the approved housing development, and the position of the dwellings on site, the loss of such a prominent roadside tree will have an immediate visual impact upon the roadside views of the site due to the level of screening this tree was expected to provide. However, following the submission of additional and updated survey details by the applicant, there are other material considerations to bear in mind.

The reasons given for the application to change condition 3 are outlined in a statement submitted by the Applicant, a summary of which is as follows:

*Even with a pile and beam foundation method due to the compact nature of the site and limited working space irreparable damage will occur to the trees Rhizosphere that will affect the trees vitality and stability. There is an additional issue surrounding the treatment of Knot weed the methodology for which include excavations which again would result in the destruction of the root zone or herbicide treatment which would restrict use of the garden plot and may affect tree roots.*

Doubts were expressed by the Council's Countryside Officer at initial pre-planning meetings as to whether the tree in question could be retained on the basis of the impact of development on the trees Rhizosphere, the impact this would have on its stability and safe useful life expectancy, and the potential tree resentment issues that may arise because of the close proximity of such a large tree to a domestic dwelling. Indeed, his observations were recorded in the committee report of the 15 July 2010 as follows:

*" The Countryside Officer notes that whilst there are concerns that the scheme may impact on the health and vigour and stability of the retained sycamore adjacent to Whalley Road, in the long term it is not considered to be of sufficient amenity value that it is worth placing a tree preservation order on."*

Having discussed the application with the Countryside Officer, he makes the following observations:

*'Physical damage is likely to occur to the tree as a result of building works/excavations which would be very difficult if not impossible to avoid, and as a consequence would seriously affect the trees vitality and stability. My view is that the real threat to the trees long-term survivability is the impact of the development works/tree resentment issues and therefore I do not believe that the tree in question will survive beyond 5 years. In addition to tree T21, a second Sycamore [T7] indicated to be retained is now included in the updated Arboricultural assessment for removal because of extensive area of bark necrosis that covers around two thirds of the main trunk circumference and because the tree it is showing signs of loss of vitality. Therefore there is every indication that this tree has a limited life expectancy. Finally, there has been a request for a TPO and I have carried out a tree evaluation for a TPO (available on file) which confirms that a TPO can not be justified.'*

He also offers the following conclusion:

*"The retention of all trees was always going to prove difficult considering the existing site conditions and the engineering ground works required in order to carry out the details of the permission. However, the condition and limited visual amenity value of the trees identified for removal does not justify their retention and protection and the loss of these trees will be compensated for by new planting. The planning conditions attached to the permission have ensured that a thorough ground/root investigation has been carried out around the lime tree [T1]*

*in order to ensure that it has a reasonable life expectancy, and that appropriate protection measures will be in place for the wider ecology of the site, and that they will be implemented and monitored.”*

Bearing these views in mind, the department have formed the following opinion on this proposal. When the application was considered in 2010, the sycamore adjacent to Whalley Road, subject to this application, was not considered to be of sufficient amenity value that it was worth placing a T.P.O. on. In the intervening period of time, the condition of the tree has sufficiently worsened, without development being carried out around it, to the point where its amenity value has reduced and its tree category reduced from B to C, a view agreed by the Countryside Officer within the T.P.O. tree evaluation carried out recently. Indeed, although it is a large established tree it is in poor health that limits its future value with a life expectancy of no longer than 10 to 20 years maximum. If the decision is made to refuse permission for the early removal of this tree, and development is commenced on site, the likelihood is that the tree will eventually die and require removal from the site. The tree is not considered to be of sufficient amenity value to warrant protecting, and on the basis that the applicant is willing to provide additional screen planting on the site, it is not considered reasonable to prevent the removal of the tree on the basis of limited short term benefits.

With regards to the Japanese knotweed issue, the Countryside Officer considers that the herbicide treatment is less of a threat to the tree than highlighted by the applicants, and more of an inconvenience. However, clearly if the tree was allowed to be removed, this would benefit the applicant by virtue of the quicker method to remove the knotweed from the site.

On this basis, in the long term this development will have an acceptable impact on the character and setting of the location, and as there are no sufficient material considerations to warrant the refusal of this application, the proposal to vary Condition no's 3 and 10 of 3/2010/0113/P to allow the removal of T21 is recommended accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal will have an acceptable visual impact on the character and setting of this location within the AONB.

RECOMMENDATION: That permission is granted to allow the variation of Condition no's 3 and 10 Of 3/2010/0113/P to read:

3. The permission shall relate to the development as shown on Plan Drawing No's 8056(0)03 Rev. F, 8056(0)04 Rev. F, 8056(0)06 Rev. D1, 8056(0)20 Rev. G1, 8056(0)23, 8056(0)24, 8056(0)25 Rev. C1 and 412A -12A.

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

10. Prior to the commencement of any site works, an Arboricultural Method Statement and Tree Protection Plan and Monitoring Procedure, including a time scale for site visits and remedial tree works, shall be supplied to and agreed in writing with the local planning authority. 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 and the landscape proposals plan 412A-12A shall be protected in accordance with the BS5837 [Trees in Relation to Construction] the details of which

shall be agreed in writing and implemented in full, a tree protection monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun. The root protection zone 12 x the DBH and shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble. During the building works, no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone. No tree surgery or pruning shall be implemented with out prior written consent, which will only be granted when the local authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor. Following the removal of the Sycamore tree identified T21 in the Tree survey for Arboricultural Constraints Plan dated 3 October 2009 (updated 26 November 2012), a suitable replacement/planting scheme shall be submitted to and approved in writing by the LPA. The tree(s) shall be planted in the first planting season prior to the completion of the development.

REASON: In order to ensure that any trees affected by development and considered to be of visual amenity, historic or botanical value are afforded maximum physical protection

APPLICATION NO: 3/2013/0088/P (GRID REF: SD 360911 437381)  
PROPOSED NEW DWELLING ON LAND ADJACENT 26 DILWORTH LANE, LONGRIDGE,  
LANCASHIRE, PR3 3ST

LONGRIDGE TOWN  
COUNCIL:

The Town Council objects to this application on the following grounds,

1. Scale of the proposed dwelling is an over-intensive use of the site,
2. General massing is excessive,
3. Loss of light to habitable rooms in Dilworth Cottage,
4. Overlooking/loss of privacy to Dilworth Cottage,
5. Close proximity to Dilworth Cottage is oppressive,
6. Drawings create a false impression of greater separation with a non-existent tree on the boundary,
7. Roof ridge is higher than Dilworth Cottage,
8. Connection to septic tank drains serving properties to the east may impact adversely on those facilities,
9. Surface water drains are directed towards a soak away adjacent to Dilworth Cottage which is not appropriate,
10. Ability of ground to act as a soakaway is limited,
11. Style and design is not sympathetic to the vernacular of Dilworth Lane, and
12. Vehicular access onto Dilworth Lane is difficult due to restricted views to the east.

LCC ENVIRONMENT  
DIRECTORATE  
(HIGHWAYS):

The proposal has no detrimental highway implications and I would therefore raise no objection to the proposal on highway safety grounds.

UNITED UTILITIES:

No formal response has been received at the time of the reports submission.

ADDITIONAL  
REPRESENTATIONS:

Sixteen letters have been received from residents of Longridge, who wish to raise the following points of objection;

1. Whilst logical to build on this site, the scheme must be right for it to be approved,
2. Proposed property stands forward of Dilworth Cottage, contrary to the spirit of the building line,
3. Property will be only 2.8m from Dilworth Cottage with opening windows facing it,
4. The South elevation plan is distorted showing the distance to Dilworth Cottage wider by comparison,
5. The ground conditions are rock at 0.6m below round level so it has little capacity for soakaway,
6. There is no adjacent foul culvert to drain the packaged sewerage system,
7. Drainage on Dilworth Lane is a concern and due care should be made to ensure the system works,
8. The roof towers over Dilworth Cottage by 2 m,
9. When I built my house, I was required by RVBC to excavate through rock to achieve a lower ridge height,
10. Outline permission took account of neighbour concerns and a suitable location and design was achieved,
11. Proposal is not sympathetic to the neighbourhood,
12. Scheme is an attempt at a 'Grand Design' not fitting with the local vernacular,
13. Property is of such a size and scale it over-masses the site, and the adjacent property,
14. Dwelling should be revised with a lower profile,
15. Impact on highway and pedestrian safety,
16. Materials to be used are unsympathetic to the area,
17. A number of justifications within the D&A are false,
18. Land is classed as 'Greenfield' within the NPPF,
19. Development on this land would be contrary to the NPPF and by definition not sustainable development,
20. Contrary to the Council's objective to direct new homes onto previously developed land,
21. The requirement for the layout to be as presented to improve 'getting onto the site' is false, as many other properties have different access points,
22. Layout should be flipped to improve impact on neighbouring property,



23. Dwelling will have an unrestricted view into the adjacent neighbours garden area, contrary to Policy,
24. Dwelling is almost double the size of dwelling previously approved on site,
25. No justification or evidence to robustly defend the claim that the house has been set low to minimise the impact on Dilworth Cottage,
26. Submission information and plans are inadequate and inaccurate,
27. Flooding concerns further down Dilworth Lane,
28. Visual impact on the surrounding area, and
29. Any trees lost must be replaced.

### **Proposal**

This application seeks permission for the erection of a detached property with an attached double garage within the garden area of no. 26 Dilworth Lane (on the upside of the plot), Longridge. Outline permission for a dwelling on this site was approved in April 2010 (3/2010/0073/P) for a two-storey house sited closer to no. 26 with the vehicular access entering the site adjacent to Dilworth Cottage. The applicant has noted that this previous application was not considered alongside a detailed survey of the site, and they did not demonstrate the nature of the access from Dilworth and the implications for the potential requirement of retaining walls and the practicalities of getting onto the site. The Agent advises that this scheme has been produced and guided, specifically the siting, layout and access point for the dwelling, following a detailed level survey on site.

### **Site Location**

The site is located within the settlement boundary of Longridge as defined by the Ribble Valley Districtwide Local Plan.

### **Relevant History**

3/2010/0073/P – Proposed erection of a two-storey, four bedroom detached property – Granted Conditionally.

### **Relevant Policies**

Policy G1 - Development Control.

Policy G2 – Settlement Strategy.

Policy ENV13 – Landscape Protection.

SPG 'Extensions and Alterations to Dwellings'.

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

DMG1 – General Considerations.

DMG2 – Strategic Considerations.

*North West of England Regional Spatial Strategy to 2021*

Policy L4 – Regional Housing Provision.

Policy L5 – Affordable Housing.

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

The keys issues with regards to this proposal are in relation to visual impact on the streetscene, massing of scheme, impact on the residential amenity of nearby neighbours, impact on highway safety, potential foul and surface water drainage issues and the actual principle of the development of the site for housing.

### **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 Dev 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.

Irrespective of the 5 year supply issue, some of the policies of the DWLP are considered out of date (in particular the settlement strategy), therefore in establishing whether the development of this parcel of land for residential purposes would in principle be acceptable, it is the requirements of NPPF that take precedence over the dated policies of the DWLP in respect of this site, i.e. a presumption in favour of sustainable development as outlined above and granting planning permission unless any adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits. The site lies within the existing town settlement boundary, as defined previously in the Districtwide Local Plan, and is within walking distance from a number of essential services and amenities. Therefore having examined the potential development as submitted under this application it is considered that being of a scale that is not inappropriate to the locality (one dwelling on the plot), subject to supporting infrastructure, it is concluded that the development of this site for residential purposes as a principle would be consistent with the National Policy Framework, extant Regional Strategy and at the scale proposed the principles of the emerging Core Strategy together with relevant material consideration that the Council must currently take into account. Members are reminded that the Core Strategy is at a Regulation 22 Submission Draft Stage, and accordingly some weight should be afforded to the Core Strategy.

On this basis, and bearing in mind the above details, the principle of developing this site for housing is acceptable in principle, providing of course that the development proposed for this site is acceptable visually in terms of its relationship with the locality in terms of massing, design and style and will not have any detrimental visual impact on the locality.

### **VISUAL IMPACT**

With regards to visual impact on the streetscene, we must consider the layout, scale, landscaping and the massing of the scheme. We must consider the existing housing types along this stretch of Dilworth Lane, as well as the topography of the site and its relationship with the properties on either side.

The site sits halfway up Dilworth Lane (if you are entering Longridge along this road) on its northern side, approximately 60m east of the junction with Calfcote Lane. The majority of properties have their vehicular entrance to the west of the site (uphill side) to allow a level access onto Dilworth Lane, as opposed to needing a steep driveway. As noted earlier in this report, the layout of the site has been guided by an up to date site survey, hence the position of the access and the building on the site. The access proposed allows vehicles to manoeuvre on/off the highway at a relatively level access point without the requirement for excessive retaining walls surrounding a steep driveway, hence the reason for the re-siting of the property on the site. The 'L-shaped' design of the property allows the majority of the building to be set well behind the front elevations of the adjacent properties, minimising the direct impact of the massing of an additional building upon the streetscene by virtue of the majority of the two storey element being perpendicular to Dilworth Lane, not parallel. The front elevation does project forward of the front elevation of Dilworth Cottage, however given the oblique angles that the majority of the properties on Dilworth Lane sits in relation to the highway, and that this elevation is virtually parallel to the front elevation of no. 26 Dilworth Lane, there is not considered to be sufficient harm to the streetscene to refuse the scheme for this reason.

With regards the overall height and scale of the property proposed, the dwelling is two storey measuring 7.24m in height from the finished floor level (7.6m when measured from the front elevation if you include the drop in levels towards the front). The approved maximum ridge height for the property approved at outline stage was 8 to 8.5m. The full ridge height of the proposed property sits 1.8m lower than no. 26, and 1.4m higher than Dilworth Cottage, which follows the character of these properties on the north side of the Lane "stepping down" from each other. In addition, due to the angle of the roof in relation to Dilworth Cottage, this also produces an additional degree of separation between the two properties. In turn, this has added to the reduction of the overall massing of the development. With specific regard to the fenestration details, a number of properties have a projecting double bay window within the front elevation of the property, so this element is not considered out of keeping within the streetscene. In conclusion, whilst the overall footprint of the building has been increased from that previously approved at outline (from 78.75sq.m. to 110.3sq.m.), in order for the scheme to be refused there must be an element of harm caused that is unacceptable. With this in mind, I do not consider that the scale of building proposed on this site is inappropriate for the area, as it will have no significant visual harm on the streetscene.

With respect to the design and materials proposed, we must be mindful of the surroundings. Dilworth Lane is home to a wide variety of properties of differing sizes, scales, styles and types, as well as them being built from a number different construction materials ranging from stone, brick, render etc. Indeed on this side of Dilworth Lane, all these properties are of individual design and construction, all with their individual character, and whilst the majority are brick built, they have all been built using slightly different colours of brick. The style of the dwelling is contemporary however its shape and form mirrors a number of elements of other properties along this stretch of road. As the style of the dwelling is contemporary so too are the materials proposed, these include through tone coloured render with a coursed slate feature wall, powder coated aluminium windows and doors, and a plain grey concrete roof tile. Whilst not considered 'traditional' materials to some, the point must be made that in this location there is no defining material used in the construction of nearby properties that highlights a precedent for this location. Paragraph 60 of the NPPF states that 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.' Although it does state that 'It is, however, proper to seek to promote or reinforce local distinctiveness.' On this basis, notwithstanding these details highlighted on the

submitted plans, and the fact that there are a number of properties that have a rendered finish on Dilworth Lane, in order to maintain control of the proposed materials to be used, an appropriate planning condition to seek samples of the materials to be used before their use on site shall be added to the decision notice to ensure that the Council can reinforce the local distinctiveness of the area so that the materials used blend sufficiently with the adjacent properties.

In conclusion, given the mixture of design and style along this stretch of the Lane, the property proposed within this application is considered an acceptable blend of these house types, and due to the topography of the area, this allows for the streetscene view to remain in keeping.

#### IMPACT ON RESIDENTIAL AMENITY

With regards to any potential impact on the residential amenity of the adjacent properties, the plans show a distance of over 21m between the front elevations of the proposed unit and the properties opposite, and there are no habitable room windows that directly face any habitable windows in the adjacent properties no. 26 Dilworth Lane and Dilworth Cottage. Concern has been raised with regards to the potential overlooking of the rear amenity space of Dilworth Cottage from the ground floor windows of the property, and its non-compliance with the Council's SPG. Having discussed this concern with the Agent, it has been noted that the existing boundary hedgerow between this site and Dilworth Cottage will be retained despite the trees being removed, and measuring between 1.5m and 1.8m in height, this is envisaged to provide a suitable level of privacy from this window in particular for the occupier of the neighbouring property. To ensure this level of screening is maintained, the retention and/or replacement of this treatment will be conditioned. The occupier of the adjacent property also raises concerns regarding the windows facing the boundary of the site, however as they are for bathrooms or secondary windows to other rooms, they can be obscurely glazed to the Council's satisfaction. With specific regards to loss of light concerns, due to the orientation of the property on site in relation to the neighbouring dwellings, it sits to the immediate west of Dilworth Cottage, it is envisaged that whilst shadow will be cast from the new property over the rear garden in the evening, given the light lost currently from the two trees on the boundary, the light lost from the construction of the new dwelling would not be to the significant detriment of the amenity of the occupiers of the property. The scheme has also been assessed using the BRE 45 degree scale, with respect to direct impact on habitable room windows, and the proposal is also considered to be acceptable. Bearing this in mind, I do not consider there to be any significant impact on the amenity of the existing properties nearby.

#### IMPACT ON HIGHWAY SAFETY

In respect of highway concerns raised by the neighbours, there have been no objections from the Highways Officer. He notes that the proposal has no detrimental highway implications. However, it is worth noting the following. Access to the proposed residential plot is achieved via an existing established access to no. 32 Dilworth Lane, and its width allows for two-way vehicle movements. As such I am confident that the movements associated with the proposed residential property can be accommodated in a safe manner.

#### OTHER ISSUES

Concerns have been raised with regards to potential foul and surface water drainage issues as there is no mains drainage on that side of Dilworth Lane, the properties use septic tanks, and that the ground is not suitable for a soakaway system. Having discussed the workings of modern septic tanks with a Building Control Officer, it is generally considered that a suitable solution can be accommodated on most sites depending on the permeability of the soil/land and the levels on site. These details are generally considered on site following percolation tests,

and a suitable system is then worked out to suit the conditions which may involve varying sizes of soak ways, stone ditches, chambers e.t.c. The same can be said for surface water drainage. As such it is considered necessary to impose a relevant condition to enable the Council to view these drainage details prior to the commencement of any building works on site so that we are satisfied these matters will not cause undue harm.

Therefore, bearing in mind the above comments and whilst I am mindful of the points of objection from nearby neighbours, the site is considered to be in a sustainable location, being relatively close to the services, facilities and the bus services that run through Longridge town centre. The proposal would contribute to the supply of housing within Longridge, and would be consistent with the policies of NPPF to proactively drive and support economic growth. As such, the proposal is recommended accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

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

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

1. 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 2599-001, 2599-002 and 2599-003.

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

3. Notwithstanding the submitted details on the plans, 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.

4. The proposed garage shall not be used for any purpose (including any purpose ordinarily incidental to the enjoyment of the dwelling house as such) which would preclude its use for the parking of a private motor vehicle.

**REASON:** In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the dwelling in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance "Extensions and

Alterations to Dwellings”, and Policy DME1 of Regulation 22 Submission Draft Core Strategy and guidance to the NPPF.

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

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DME1 of Regulation 22 Submission Draft Core Strategy and guidance in the NPPF. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

6. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays to be not less than 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain ungated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DME1 of Regulation 22 Submission Draft Core Strategy and guidance in the NPPF. To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.

7. Notwithstanding the trees highlighted to be removed, all other trees and hedgerows on the site shall remain so in perpetuity. Should the current and/or future development of the site necessitate their removal, the Local Planning Authority, prior to their removal, shall otherwise agree suitable replacements and landscape screening on the boundaries in writing.

REASON: In order to retain a suitable screen between the adjacent neighbouring properties, and in the interests of protecting residential amenity. 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. 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.

9. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees and hedgerows 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.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) any future extensions and/or alterations to the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to H shall not be carried out without the formal written consent of the Local Planning Authority.

REASON: In the interests of the amenity of the area in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DME1 of Regulation 22 Submission Draft Core Strategy and guidance in the NPPF.

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

REASON: In order to safeguard nearby residential amenity in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan, the adopted Supplementary Planning Guidance – “Extensions and Alterations to Dwellings” and Policy DME1 of Regulation 22 Submission Draft Core Strategy and guidance in the NPPF.

12. The dwelling hereby approved shall be constructed with its east facing elevation windows obscurely glazed, details of which shall be submitted to, and agreed in writing, by the Local Planning Authority before development commences; and also fitted with restrictors limiting the degree of opening of each opening light to not more than 45°. Thereafter it shall be maintained in that condition in perpetuity to the satisfaction of the Local Planning Authority.

REASON: In order to protect nearby residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DME1 of Regulation 22 Submission Draft Core Strategy and guidance in the NPPF.

## INFORMATIVES

1. No building material or rubbish must find its way into the watercourse.
2. The foul drainage from the proposed development shall be discharged to a septic tank and soakaway system which meets the requirements of British Standard BS6297:1983, there shall be no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10m of any ditch or watercourse or within 50m of any well, borehole or spring.
3. The applicant should ensure that the land proposed for the soakaway has adequate permeability in accordance with BS6297:1983.
4. This consent does not give approval to a connection being made to the County Council's highway drainage system.
5. Ribble Valley Borough Council imposes a charge to the developer to cover the administration, and delivery costs in providing wheeled bins to each household within a new build property or conversion. Details of current charges are available from the RVBC Contact Centre on 01200 425111.

APPLICATION NO: 3/2013/0091/P (GRID REF: SD 377286 449547)  
PROPOSED EXTENDED CAR PARK AREA AT HOLDEN CLOUGH NURSERY, HOLDEN,  
BOLTON-BY-BOWLAND

PARISH COUNCIL: Does not object to the application but makes the following comments:

1. It is our understanding that the original plans and submission suggested minimal impact from vehicular movement. The original application provided for 22 parking spaces. The new application requests an additional 42 spaces. This is a significant increase and must impact on the local community. Would permission have been granted had the original application called for 62 car parking places?
2. The café, lecture room and ancillary facilities have yet to be open. The existing car parking may well be sufficient to cope with demand. Would it be sensible to see the extent of demand and provide accordingly? We think the nursery would have a much stronger case if it could be shown that current provision does not meet demand.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Has no objections to the proposed development and comments as follows:

1. The proposed development is for an extension to the existing car park. Permission has previously been granted (3/2012/0838/P) for the development of a



building with a floor area of 268m<sup>2</sup> including restaurant and café use. The adopted parking standards would require approximately 34 spaces for this building.

The proposed development would exceed the requirement of parking spaces. There is reasonably well planned arrangements for the access to the existing car park and access to the additional car park. There is one entrance and one exit which effectively manages the car park more efficiently. It is likely that during some event or exhibition etc, there will be a number of movements of cars on the road.

The current proposal suggests 42 spaces in addition to the existing spaces. This is considered to be sufficient in relation to the development's floor area as indicated above. The situation is unlikely to cause on-street parking and affect the existing traffic.

**ADDITIONAL REPRESENTATIONS:**

A letter has been received from nearby residents who express support for the proposal for the following reasons:

1. The scale of the development is reasonable and would not be detrimental to the hamlet.
2. Initial concerns about the number of parking spaces have been allayed. The owners appear to be keen to take account of road safety and the possible impact of on-road parking.
3. The applicants are working hard to improve the nursery since they took it over. Their efforts should not be undermined.
4. The applicants intention is not to create the next Shackletons but to create a viable diversified business that takes full account of its rural setting.
5. A thriving Holden Clough Nurseries would have beneficial effects for other local businesses.

A letter has been received in which concerns are expressed about the application (but also about a recent licence application for live music and the sale of alcohol). This letter was originally signed by persons from 15 local households. Following discussions with the applicants, however, the persons from three households have asked for their signatures to be withdrawn from the letter. The comments in the letter relating to the planning application are as follows:

1. The existing planning permission (3/2011/0838/P) is for a café, a training room and a nursery shop. In relation to that application, the County surveyor commented that the recently constructed car park was adequate to serve the proposed building.
2. Barrett Hill Brow is an unclassified road or 'Quiet Lane'.
3. The music and alcohol licence refers to the Garden Kitchen Ltd which is now to be a 50 seat plus licensed café/restaurant supported by a corresponding kitchen and bakery, farm shop/delicatessen and accessory shop, all of which are clearly intended to be a destination venue in their own right rather than support the existing business. This would appear to be contrary to the design and access statement submitted with the original application. This theory is supported by the fact that the applicant now feels it necessary to apply for an additional 42 car parking spaces taking up a large proportion of the existing nursery area in addition to the 21 spaces previously considered adequate by the County Surveyor.
4. The building work is nearing completion and particularly the east elevation has quite a visual impact and perhaps some additional screening as originally suggested by the Parish Council should now be considered.
5. Although not opposing the original application for good neighbourly reasons, there is now concern regarding the diversity of the development and the scale of the extended car park and what the future may hold in terms of increases in out of hours deliveries, reduced road safety, increased customer traffic, noise and disturbance and an overall reduced amenity and possible further diversification adversely affecting the hamlet which residents have invested in because of its peaceful rural location.
6. Signage is also of concern. This should be kept to a minimum and should be non illuminated.

### **Proposal**

The existing car park has 21 spaces and two accesses on to the highway, one of which operates as an entrance and the other an exit. It is not proposed to change the existing entrance/exit arrangements.

The existing spaces are at the front of the site, separated from the road by raised planting beds. The proposal is to provide an additional 42 parking spaces within an L shaped area at the western end of the site, extending part way along the northern site boundary.

The surface of the proposed car park extension would be compacted stone to match the existing with the individual spaces separated by stone sets bedded on to concrete.

The proposed car park extension is adjoined to the west by a residential property 'Springfields' that is on higher ground than the application site. On an amended plan received on 8 March 2013 a Holly tree screen is shown along the western boundary of the site.

### **Site Location**

Holden Clough Nursery lies partly within the settlement boundary of Holden and the entire site falls within the Area of Outstanding Natural Beauty. The site is at the western extreme of the village with residential properties to its west, east and south.

The overall site extends to 0.73 hectares with the land used for plant production and sales. The main building on the site is the recently constructed L shape single storey building with overall dimensions of 20.3m x 18.5 containing a café, nursery shop, lecture room with associated kitchen, storage and toilet facilities.

### **Relevant History**

3/2009/0431/P – Proposed advertising boards associated with proposed new car park and alterations to entrance gateways. Approved.

3/2009/0464/P – Proposed car park with improvements to the existing entrance gateways. Approved.

3/2011/0838/P – Proposed building containing café, lecture room and nursery shop. Approved.

3/2012/0587/P – application for non material amendments to permission 3/2011/0828/P including changes to the external elevations and the internal layout. Approved.

### **Relevant Policies**

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G4 - Settlement Strategy.

Policy G5 - Settlement Strategy.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy RT1 - General Recreation and Tourism Policy.

Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 submission Draft

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DMB3 – Recreation and Tourism Development.

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

Although the application seeks permission only for an extension to an existing car park, it is considered appropriate in this case to look at the applicant's intentions for the business in view of concern expressed by local residents and the Parish Council that the proposed increased

number of parking spaces is excessive. There is concern that the increase will impact upon the local community and that it is possibly associated with the significant change in the nature of the business. Reference to alcohol sales and live music in the recent licence application has added to those concerns.

In response to the concerns, the applicant has met with a number of local residents and given them an explanatory letter which includes the following points:

1. Alcohol will only be served during the permitted opening hours of the café (0900 to 1700 on any day – condition No 3 on permission 3/2011/0838/P). This is considered to be standard nowadays at any eating establishment.
2. Recorded low level background music will be played for people to listen to whilst eating in the café.
3. Live music – this was only intended to be for one guitarist in the daytime on open weekends once or twice a year. Due to fears of what might happen if someone else took over the business, the reference to live music has been totally removed from the licence application.
4. As they will be cooking their own produce in-house and using a range of ingredients sourced from local suppliers, the applicants feel that it will be a benefit to the village to provide a small shop in the building selling essential items such as milk, vegetables, bacon etc. The area lacks a shop of this type, but prior to 1980 Mear Croft next the nursery used to be a small shop selling such items.
5. The core business will always be plants. There are enough garden centres in the area selling everything from plants to pergolas, and barbecues to bedrooms. Outside of the new building, the nursery remains the same selling 95% plants and the other 5% being compost and gardening essentials such as fertilizer etc.
6. The lecture room will allow the applicants to run gardening related courses on various subjects and allow them to look at working with local schools in helping to educate children into becoming interested in gardening and working with plants.
7. The small farm shop is to help generate a regular local customer base and provide a facility that is essential in a rural area.
8. Condition No 4 on permission 3/2011/0838/P authorises the use of the lecture room on a pre-booked basis only and restricted to the hours between 0900 and 2100 on any day. The sole intention of use of the lecture room in the evening is for example, local Women's Institute or garden clubs to come along for an evening supper followed by a talk and tour of the nursery. The gates will be closed at 5pm and this kind of event is only on a pre-booked basis and can only run until 9pm. There will be no late night functions and certainly no loud music late at night.
9. Whilst the applicants have the drive and vision to build an established business, they understand that it is within the heart of the village. They want the development to be sympathetic to the village and want to be regarded not just as the couple who run the nursery but also as residents of the village.

10. The car park extension is to facilitate parking on lecture days which are low key and no relation to the normal business function. The applicants father ran the nursery for 30 years on the basis where he felt that parking cars on the road was perfectly acceptable. The applicants do not believe the same.

The nature of the business is a combination of the explanations given by the applicant; the planning permissions that have been granted and the conditions imposed upon them; and the premises licence.

The café is permitted, but can only be operated between 0900 and 1700 on any day. I do not consider that the sale of alcohol with meals within these times would change the business significantly or in any way take it outside the boundaries of the existing planning permission.

The shop is described in the application for the building as a 'nursery shop' and is also permitted to be open between 0900 and 1700. No condition was imposed to restrict the type of goods that could be sold; but it is considered that the sale of items such as milk and vegetables etc ancillary to the main business of selling plants and garden products such as compost etc would not represent a breach of the existing permission.

The lecture room can only be used on a pre-booked basis and never any later than 2100 hours.

No licence has been sought for live music.

The business will therefore be operated in accordance with the existing planning permission and its conditions. The amount of customers/visitors that would be generated and the effects of the traffic generation on the locality will be fixed by these factors and not by the number of available parking spaces. Therefore, in my opinion, the only considerations in the determination of this application relate to the actual effects of the additional parking area itself upon visual amenity and the amenities of nearby residents. With regards to visual amenity, the surfacing of the new car park area will be the same as the existing. Also in common with the existing car park, the extension will be screened from view from the road by raised planting beds. A Holly tree screen is also proposed down the western side boundary of the site. Overall, I do not consider that the proposal would have any seriously detrimental effects upon visual amenity.

With regards to residential amenity, the property most affected is Springfield, that is situated on higher ground immediately adjoining the western side boundary of the site. The attached garage of that property is on its eastern side such that there are no principal room windows facing the application site. For this reason, plus the proposed screening on the western boundary, the position of the house on considerably higher ground than the proposed parking area, and the hours of use restrictions on the different elements of the proposed business, I do not consider that the proposal would have any seriously detrimental effects upon the amenities of that property. No other residential properties would, in my opinion, be seriously adversely affected by the provision of the new parking area.

It is possible that the business could operate successfully without the additional parking area; but on the other hand, it is also possible that operating in this way could lead to on-street parking to the detriment of highway safety. In the absence of any serious harm caused by the proposal to visual amenity, residential amenity or highway safety (the County surveyor being satisfied with the application) I can see no sustainable reasons to refuse the application. The applicants would then have the opportunity to implement the position at any time within the next three years as considered appropriate or necessary.

Although this application is only for a car park extension, it is part of the applicant's intentions to build up a business that would benefit the local rural economy (in accordance with the intentions of NPPF) whilst still being of an appropriate nature and scale for its location.

#### SUMMARY OF REASONS FOR APPROVAL

The proposed car park extension would not have 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. The development must be begun no later than the expiration of three years beginning with the date of this permission.

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

2. This permission shall relate to the proposal as shown on drawing No 7007REVA.

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

3. Whilst indicative landscaping/screening is shown on the submitted plan, the development hereby permitted shall not be commenced until more precise 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 scheme shall include more precise details (ie number of plants, spacing and size on planting) of the screen planting along the western site boundary shown in illustrative form on drawing number 7007REVA.

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 visual amenity and the amenities of nearby residents and to comply with Policies G1 and ENV1 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.

4. Prior to the commencement of any development works including delivery of surfacing materials and any ground clearance/preparation works, all trees identified for retention in the landscaping scheme required by Condition No.3 of this permission shall be protected with a root protection area in accordance with the BS5837 [Trees in Relation to Construction]. Details of a tree protection monitoring schedule shall also be submitted to and agreed in writing by the Local Planning Authority before any site works are begun. The monitoring schedule shall then be implemented in accordance with the agreed details.

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

No tree surgery or pruning shall be implemented without prior written permission of the Local Planning Authority, which will only be granted when the Authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and will be carried out by an approved arboricultural contractor.

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

#### NOTE

1. The applicant is advised that this planning permission does not authorise the display of any of the signs, the positions of which are indicated on submitted drawing number 7008. The applicant is therefore further advised that precise details of these signs (ie their size, content and means of illumination – if any) should be submitted to the Local Planning Authority prior to their display on site, so that the Local Planning Authority can advise whether all or any of the signs need to be the subject of a separate application for Advertisement Consent.

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

APPLICATION NO: 3/2012/1092/P (GRID REF: SD 373187 440761)  
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 140 UNITS WITH  
PRIMARY ACCESS OFF HENTHORN ROAD WITH ALL OTHER MATTERS RESERVED.  
LAND OFF HENTHORN ROAD, CLITHEROE, LANCASHIRE.

CLITHEROE TOWN  
COUNCIL:

The Town Council objects to the application on the following grounds:

1. Development runs contrary to the emerging RVBC Core Strategy, which envisages one strategic development site in Clitheroe. By approving this, the cumulative effect of this and 2010/0719 would be to have a second strategic site,
2. Notwithstanding that an educational contribution would be paid by the developer, we do not believe it possible to provide additional spaces in existing schools due to physical constraints,
3. Likewise we have concern that secondary schools would be unable to have capacity for extra places,
4. We believe the applicant's traffic assessment is flawed in assuming that the site is sustainable. The following errors have been noted,
5. Para 1.1.2 claims the site is approximately 1km from the town centre, however it is 1.5km from the site entrance to junction of Parson Lane/Station Rd,
6. The cumulative effect of this development and other housing built on Primrose Bridge has not included approvals at Low Moor or Littlemoor,
7. Traffic assessment admits at Para 6.10.12 that in the peak pm hour that Henthorn Rd/Thorn St/Eshton Terrace will operate in excess of its capacity,
8. Level crossing barrier will be down at least twice, if not more due to freight or charter trains, not once,
9. Site has only one entrance so contrary to paragraph 35 of the NPPF,
10. It is hard to describe one bus service as 'a range of public transport opportunities' to facilitate non-car travel, and
11. The low accessibility score particularly for essential facilities such as schools/shops is noted as low.



LCC ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

The following comprises the observations received from the County Surveyor in a letter dated 21 March. He considers that there are unresolved issues relating to the accessibility of the site, the capacity of junctions on the local road network and the Travel Plan details. In addition, he notes that this application relies on improvements to the transport infrastructure to be provided by the 270 dwelling development approved under appeal, and considers that this 140 dwelling application should show that it will include all the transport related improvements required to provide a 'stand alone' development without reference to the earlier 2010 development application of 270 dwellings. Whilst he notes that there is potential that these issues are capable of resolution, he advises that on the basis of the information and detailed plans submitted, he objects to this application on highway safety grounds.

Should the LPA be minded to approve this application, a number of conditions have been suggested along with a request for S106 funding for,

- Those improvements detailed in the 2010 application that are appropriate for this development of 140 dwellings,
- Improvement of FP17 between Henthorn Road and Edisford Road for use by bicycles (£55,000),
- Creation of a footpath link from the proposed development to FP17 near to the railway line (£8,000 plus compensation),
- Improvement of FP17 from Henthorn Road to Primrose Road for pedestrian use (£50000), and
- Travel Plan preparation £6,000.

This is a total of about £115000, which equates to approximately £820 per dwelling. This is easily within the amount of transport related S106 monies that could be requested.

A section 278 agreement is also recommended to be entered into to, to cover the following works:

- Improvements to the Henthorn Road / Eshton Street junction and the Primrose Road / Whalley Road junction. The extent of these works is under discussion with the developer.
- The improvements to the highway required under application number 3/10/0719 that are necessary to accommodate the traffic generated by this 2013 proposed development. This will need to be discussed and agreed upon.
- Pay for all the necessary TROs.

LCC (PLANNING  
CONTRIBUTIONS):

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. The contribution described is directly linked to the development described above 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.

Education requirement:

*Primary*

Latest projections for the local primary schools show there to be approximately 37 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 already have planning permission. Currently there are no approved applications which effect schools within a 2 mile radius of this development, however 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. 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. Collectively these developments are expected to generate demand for 586 additional places.

*Secondary*

Latest projections 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. In addition to those developments listed in the housing land supply document, a number of planning applications have already been approved in this area and these have an effect upon the places available. Collectively these developments are expected to generate demand for 7 additional places.

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. 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. Collectively these developments are expected to generate demand for 444 additional places.

#### SUMMARY

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 12 primary school places. Calculated at 2012 rates, this would result in a claim of:

*Primary places:*

$(£12,257 \times 0.9) \times \text{BCIS Indexation (310.60 April 2012 / 288.4 Q4 2008 = 1.076976)}$   
= £11,880.45 per place  
£11,880.45 x 12 places = **£142,565**

**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 49 places and 35 secondary places.

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

*Primary places:*

$(£12,257 \times 0.9) \times \text{BCIS Indexation (310.60 April 2012 / 288.4 Q4 2008 = 1.076976)}$   
= £11,880.45 per place  
£11,880.45 x 49 places = **£582,142**

*Secondary places:*

$(£18,469 \times 0.9) \times \text{BCIS Indexation (310.60 April 2012 / 288.4 Q4 2008 = 1.076976)}$   
= £17,901.60 per place  
£17,901.60 x 35 places = **£626,556**

Failure to secure the contributions sought would mean that the County Council couldn't 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.

LCC ECOLOGY OFFICER:

The main ecological issues arising from the proposal include potential impacts on:

1. Protected species (bats and breeding birds),
2. Semi-natural habitat (including stream, trees and hedgerows, a Habitat of Principal Importance).

The LCC Ecology Officer recommends that the following matters need to be addressed before the application is determined:

- The Illustrative Master plan shows the removal of a number of trees and some of the trees within the hedgerows are suitable to support roosting bats. No information has been submitted regarding the likely impacts on roosting bats resulting from the loss of these trees. Unless a commitment can be made to retain all the trees, then further information will be required prior to determination of the application (see below).
- If further survey reveals the presence of bats that would be affected, the proposed works may result in a breach of The Conservation of Habitats and Species Regulation 2010 unless a Natural England licence is issued prior to commencement of works. RVBC should not approve the application if there is reason to believe that such a licence would not be issued. RVBC should therefore have regard to the requirements of the Habitats Directive in reaching the planning decision.

If the above matters can be adequately addressed and RVBC is minded to approve the above application, it is recommended that the following matters are dealt with at the reserved matters stage:

- The Illustrative Master plan shows loss of trees and hedgerows (a Habitat of Principal Importance). The RSS states that where proposals affect the region's natural environment, prospective developers and/or local authorities should first avoid loss or damage and the NPPF indicates that significant impacts should first be avoided (para 118). The Illustrative Master plan does not appear to have addressed the avoidance of impacts. This should therefore be addressed at the reserved matters stage with the layout of any proposal designed around existing habitats. If impacts can be shown to be unavoidable then it will need to be demonstrated that there will be adequate compensation for any losses.

- In addition, the design of any scheme should demonstrate that retained habitats will be adequately protected and buffered from the development during the operational phase and that the biodiversity value of the site will be maintained and enhanced. If the above matters can be adequately addressed and RVBC is minded to approve the above application, planning conditions are recommended.

ENVIRONMENT AGENCY:

We have no objection in principle to the proposed development subject to the inclusion of conditions, which meet the following requirements.

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment - Flood Risk and Drainage Assessment Land off Henthorn Road Clitheroe 880291 R1 (2) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

We support the recommendations in the Ecological Survey Report – Henthorn Road, Clitheroe (RSK June 2012). We recommend that to ensure the development is carried out in accordance with those details, a condition be attached to the approval requiring the development to be carried out in accordance with the submitted details.

LCC (ARCHAEOLOGY):

Proposal site has been identified by the ASLF 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, a medium potential for the Roman period and a medium/high potential for the medieval period.

Although well-preserved archaeological deposits of either a prehistoric or Roman date might be likely to be considered of regional importance, as the site has not been identified by the Lower Ribble Valley Final Report as a site of the highest potential LCAS is of the opinion that any surviving archaeological deposits could be adequately dealt with by means of an appropriate post-permission programme of archaeological mitigation.

The walkover survey undertaken as part of the Archaeological Desktop Assessment (Wardell Armstrong November 2012) has tentatively identified an area of earthworks of possible archaeological origin. Any programme of work is therefore likely to comprise of a combination of topographical or geophysical survey and/or trial trenching.

Consequently, should the LPA be minded to approve the application, a suitable condition shall be added to secure further archaeological investigation work.

**UNITED UTILITIES:**

There are a number of applications under consideration in the catchment, which are served by the Clitheroe Wastewater Treatment Works (WWTW), so if any permissions are granted in advance of this application, our position may change. At this time, however, there is no objection to the proposal providing that a number of conditions are attached to any approval.

**NATURAL ENGLAND:**

From the information provided, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species.

**ADDITIONAL REPRESENTATIONS:**

A petition has been received by the Local Planning Authority that was circulated to all dwellings close to the development site. The petition states that the undersigned object to the planned development of 140 houses off Henthorn Road on the basis that the proposals would,

1. Create parking/traffic problems,
2. Spoil the landscape,
3. Put strain on local schools,
4. Not help promote less reliance on cars,
5. Be built on contaminated land, and
6. Connect two other large developments creating 580+ houses with no additional amenities.

The petition contains over 120 signatures.

A total of 30 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. The proposed 140 units are surplus to requirements based on the number of permissions granted,
2. No infrastructure plans to accommodate large scale housing development in Clitheroe,
3. Scheme is contrary to NPPF,
4. Travel plan is not provided,
5. Evidence to dissuade people using cars is highlighted as petrol prices putting people off,
6. No extra car parking facilities proposed,
7. Lengthy journeys will be required for people to visit doctors, dentists etc creating a clear increase in car usage,
8. Unsustainable development,
9. The Council do not listen so why bother objecting,
10. Loss of light,
11. Traffic congestion,
12. Impact on resources of the town and Borough,
13. Proximity to Henthorn Waste Water Treatment Works,
14. Impact on commercial access to Fishes and Peggy Farm,
15. Issues regarding insufficient school places will increase,
16. Applicant's have submitted incorrect and misleading information,
17. Site Accessibility Score is incorrect,
18. Development should be plan-led not developer-led,
19. Since the 70s, RVBC and LCC have held the view that further development here should be resisted,
20. Traffic survey data is flawed as there is no term time data,
21. Increase in traffic on already restricted roads,
22. Public consultation data is flawed,
23. Could the development be contaminated by methane gas?
24. Additional residents will mean the existing facilities will not cope and see people travel out of town for shops,
25. The location of this site makes a car essential to daily life,
26. Empty houses across Lancashire should be re-used instead of building more,
27. Precedes the Borough Council's Core Strategy/premature?
28. Loss of view,
29. Noise disturbance,
30. Massive increase in traffic flows through Clitheroe,
31. More suitable and accessible sites should be developed before this one, Standen Hall proposal for one,
32. Approval would exacerbate existing issues on Bawdlands, Eshton Terrace, Lowmoor and Henthorn Road,
33. Proposed GP Surgery on the other site shouldn't be considered as the builders will not build it nor will it be funded,

34. Is there really a need for more houses?
35. Site is not accessible due to the lack of pavement,
36. Scale of three storey properties proposed so close to bungalows is unacceptable,
37. Health centre could not cope with additional patients,
38. LVIA did not include the previously approved Henthorn scheme as part of its assessment,
39. Tourism will suffer due to the problems this will cause,
40. Lack of parking in the town centre will impact on accessible rail services highlighted by applicant,
41. Services are close to, if not over, capacity so cannot cope with more housing in this location,
42. A new road from Whalley Road should be built to provide the best access,
43. Traffic survey submitted is not impartial and relies on data from the previous scheme,
44. Surveys are also flawed due to the time and dates they are carried out on,
45. Assumptions made within the TA that the majority of people will walk or cycle into town are ludicrous,
46. Site suffers from sewage pollution and is unsuitable,
47. Mearley Brook is a source of pollutants and has been subject to an EA Investigation,
48. D&A and Prelim Risk Assessment identify that there appears to be a moderate risk to human health. Is this acceptable?
49. Henthorn and Primrose are being built, we must stop more!
50. Visual impact from the PROW will be significant,
51. Landscaping belts will have more of an impact than good, and
52. Introduction of Social Housing to the area will be detrimental.

## **Proposal**

The application seeks outline permission for a development of up to 140 dwellings with associated landscaping and public open space. All matters except access are reserved for consideration at reserved matters application stage. A basic master plan has been submitted which shows the general siting of the dwellings in relation to existing landscape features on the site, along the proposed point of access.

The site access will integrate with the newly consented scheme for 270 dwellings on the opposite side of Henthorn Road. It is a priority-controlled junction that is designed with the highways standards and in connection with the estimated capacity of vehicular movements.

Features of the illustrative internal site layout include the proposed potential footpath link to the footpath network and Ribble Way, a footpath link to the proposed Community Park on the opposite sites scheme, an area of central Public Open Space (although no details are submitted) and the creation of a balancing facility on the site to aid with both ecological off-setting and the likely Sustainable Urban Drainage System (SUDS) to be created on site. The



illustrative layout retains many of the existing boundary and on-site landscape features, with enhanced landscape buffer and infrastructure planting proposed on the edge of two sections of the site (that facing south and that bordering Kenilworth Drive/Stirling Close).

The proposed 140 units on a site with an area of 4.97 hectares represents a density of 28 units per hectare, a decrease in the number of units approved on the site opposite (37.6 units per hectare). There is no indication as to how the density of the development would vary across the site, however given the indicative layout foresees a central area of open space, it is likely that the housing will bound the periphery of the site. The housing will comprise a mix of family homes and types that could include 1, 2, 3, 4, and 5 bedroom detached, semi-detached, terrace, bungalows and apartment homes, with 30% of these homes provided as 'Affordable' units.

It is stated in the Design and Access Statement that the properties would offer a range of building heights that could include 1, 2 and 3 storey buildings. The mean building parameters for the proposed site are suggested as,

- 2 Bed – 5m (w) x 8m (d) x 7.8m (to the ridge),
- 3 Bed – 5m (w) x 8.5m (d) x 8m (to the ridge),
- 4 Bed – 8m (w) x 8m (d) x 8m (to the ridge), and
- 5 Bed – 10m (w) x 7m (d) x 9.5m (to the ridge).

### **Site Location**

The application site is located to the south west of Clitheroe Town Centre, and is agricultural land that adjoins the western settlement boundary of Clitheroe. To the northeast, the site is immediately adjoined by dwellings in Kenilworth Drive/Kemple View/Stirling Close, by an open agricultural field to the south, and by the recently approved development to the north of Henthorn Road, to the north of this site. It is approximately one mile from the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

### **Relevant History**

3/1979/1101/P – Outline Planning Permission for Residential Development – Refused.

### **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**

Whilst no formal comment has been received from the Forward Planning Section prior to this reports submission, the following views are based on on-going discussions during the assessment of the application submitted. 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 this Committee 11 April 2013), takes into account 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), to provide the Housing Land availability position based on both the RSS requirement (2001-2021) and Core Strategy requirement (2008-2028) including permissions, completions and commitments up until 31 December 2012. Based on this updated document, the Council now has a 5.92 year supply of housing based on the Core Strategy Requirements (6.97 year supply against RSS). On this basis, the saved policies of the Local Plan relating to housing supply are considered to take precedence over the NPPF (see paragraph 49), however it is recognised that the settlement strategy in the Districtwide Local Plan as a principle, is considered out of date in relation to both settlement boundaries and the development constraints that are set out. This is because that plan, which was formed in the early 1990s and premised upon the relevant Lancashire Structure Plan policies applicable at that time, was established to control development, including housing growth against the strategic framework existing at that time. The adopted Local Plan (adopted 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.

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.

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. Paragraph 6 of the NPPF advises with regards to 'achieving sustainable development' noting that, "The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system." It is therefore considered safe to assume that if a scheme were considered contrary to any of these paragraphs within the NPPF, then it could not be viewed as sustainable development.

With specific regard to housing applications, paragraph 49 of NPPF 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.*

Adjacent to the larger Henthorn Development site (3/2010/0719/P), and immediately adjacent to the built up area of Clitheroe, it is agreed that the location of this site would in principle be 'sustainable' because it is located adjacent to the principal urban area of the Borough, where the predominance of services and facilities are to be found; and the proposal would contribute to the supply of housing including affordable provision and market choice. However, whilst being consistent with the policies of NPPF to proactively drive and support economic growth, the impact upon overall housing supply, the Council's Emerging Core Strategy and the accessibility of the site from a highway safety point of view, do need 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 Regulation 22 document states a residual figure of 126 dwellings apportioned to Clitheroe, however as the recent Housing Land Availability report states, due to the large number of applications for residential development in Clitheroe that have been approved since then (up to the 31/12/2012), the residual figure for Clitheroe is now -111 (minus 111). This does not include applications that the Council is minded to approve following the completion of appropriate Section 106 Agreements (these account for an additional 304 dwellings in the Borough, 136 of which are in Clitheroe area), and nor does it include recent Appeal decisions in the area (land off Milton Avenue sees an additional 50 dwellings for the Clitheroe area). This figures indicates that the Borough currently has a potential overprovision for housing in Clitheroe in comparison with the

Core Strategy requirement, and whilst not including the Standen Site within this particular figure, if the S106's for the 136 dwellings the Council are minded to approve are signed, this would then provide an overprovision of -297 (minus 297), approximately 28% of the predicted provision of housing on the preferred Strategic Site at Standen. Indeed, there is every possibility that this figure could increase further over the coming months.

Bearing this in mind, it is considered that to approve this application now 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. One of the Core Planning Principles highlighted within paragraph 17 of the NPPF states that,

'Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.'

Whilst not formally adopted yet, there is a clear emerging strategy for the growth of housing within the Borough; and to continually allow development that is contrary to this vision clearly undermines the planning process.

Whilst no formal written response has been received, these considerations have been discussed informally with the Council's Head of Regeneration and Housing who concurs with this stance. Any formal response will be reported to Members at Committee.

Paragraph 196 of the NPPF states that 'The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.' As highlighted above, 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, 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 a brief summary of his observations on the proposal have been reported earlier in this report; however this section will highlight in more detail the main areas of concern.

#### **Relationship with the 270 dwelling development on opposite side of Henthorn Road.**

This development is closely linked to the residential development west of Henthorn Road for 270 dwellings (application number 3/2010/0719). The same transport infrastructure is to be used for both developments and both developments will have an impact on the same parts of the highway. The improvements proposed the off-site infrastructure by the 2010 development proposals will benefit this development of 140 dwellings. The highway improvements considered necessary for the 270 dwelling development should be applied to the implementation of this application. The off-site transport related conditions attached to the appeal decision dated 26 March 2012 of the planning inspector should be attached (mutatis mutandis) to any planning permission you may decide to grant for this development application

for 140 dwellings. The relevant conditions are: 11, 12, 27 and 28. These will be in addition to any conditions now requested for the 140 dwelling development.

He raises the point that he considers that there are no guarantees if or when the 270 dwelling development will come forward, however it must be noted that the Reserved Matters application is in so it is acceptable to assume that these improvements will be in place for this current development proposal (140 dwellings), if it were approved.

### **Transport Assessment**

The accessibility of this site is unacceptably low at present and the developer has made suggestions to improve accessibility to a score of 20. The developer should make proposals for improving the accessibility of the site without reference to the 2010 development of 270 dwellings. Consequently, the developer should show what measures will be used to satisfy the public transport requirements and accessibility to play areas for this development, and the way in which these will be implemented.

Two of the junctions analysed are shown to have insufficient capacity for the predicted traffic flows. These two junctions are: Henthorn Road / Eshton Terrace / Thorn Street and Primrose Road / Whalley Road. The predicted ratio of flow to junction capacity (RFC) is in excess of 1.0 for the year 2021 for both of these junctions. The RFC value in excess of 1.0 is an indication that the junctions will operate above capacity and for periods during the peak hours the junction will be congested. The TA has suggested that the impact of this development is minimal and (by inference) no improvements are necessary. However, I consider that it would be unsatisfactory to leave these junctions unimproved. The TA does not make reference to the effects of the at grade railway crossing on the operation of the Henthorn Road / Eshton Terrace / Thorn Street junction. This was considered by the TA prepared for the 2010 270 dwelling development, and needs to be considered and updated by the TA for this present development for the increased traffic flows due to the additional 140 dwellings. It is noted that the queuing on Eshton Terrace during the peak am period extended as far as Henthorn Road. The modelling of this junction does not appear to take this blocking back effect into consideration.

He has written to the developer and transport consultant (Crofts) by email requesting that these junctions should be reconsidered with a view to determining the improvements that could be made in order to reduce the RFC values to below 1.0 (a value of 0.85 is desirable). However the issues relating to these junctions are not as yet resolved. In the absence of any response from the developer or in the case where any proposed improvements are unsatisfactory, he has an objection to this development.

### **Site layout.**

I would ask for a footway to be provided along the Henthorn Road frontage of the site and within the site. This will link up with the existing footway outside of 155 Henthorn Road. This will form part of the site development proposals and will be paid for by the developer. The footway should be 2m wide and will be incorporated into the adopted highway through a S38 agreement or other appropriate agreement. The junction of the main estate road with Henthorn Road assumes that the change in the alignment of Henthorn Road for the 2010 application for 270 dwellings will already have been implemented. The developer should advise how this junction is to be designed should this re-alignment not be constructed. Another smaller estate road is proposed to serve the southwestern corner of the site (comprising about 13 dwellings). The junction of this road with Henthorn Road appears to be substandard (allowing for the sketchy nature of the drawing) and this will need to be improved. It appears that this smaller estate road will not be linked to the rest of the development. However, I would ask the developer to consider linking

these two sections of estate road together. This would have the benefit of avoiding a long cul de sac, providing more flexibility for access to and egress from the site, and allowing the introduction of a bus service, should this be necessary, that can be routed through the development, rather than using one way in and out.

### **Off-site Highway Improvements.**

There was detailed consideration of improvements required to the local highway network in order to accommodate the traffic generated by the 2010 application for residential development of 270 dwellings (Gladman) together with the identified committed developments in the area. These were discussed and agreed with LCC Highways. These improvements would be required for this present application of 140 dwellings and should be conditioned into any planning consent you may decide to grant. In this way the road improvements will be carried out if the 270 dwelling development is not constructed before the 140 dwelling development. In addition there will be improvements to the local road network required to mitigate the additional traffic generated by this 140 dwelling development.

### **Cycling**

The TA does not propose any improvements to provide for links to the local cycle routes. I don't agree with the conclusion of the TA that the site is accessible by cycle. I would ask the developer to improve the Ribble Way PRow from Langdales, Henthorn Road to Edisford Road for use by bicycles to provide for access to Cycle Route 91. The developer should provide proposals for the improvement of this PRow for use by bicycles. I would propose an improvement to FP 17 from Henthorn Road to Edisford Road to enable its use by cyclists. This will be carried out under a S106 agreement. The estimated cost of this improvement is £55000 using a surfacing of unbound stone. The developer would have to negotiate with the owners of land through which FP17 passes.

### **Pedestrians.**

I consider that a link should be provided from the residential development to FP17 near to the railway line. This will necessitate a link approximately 80m long across the green field running down to Pendleton Brook. This will have to be negotiated with the landowner. The provision of a formal footpath would help to limit the ad hoc walking over the field, which would take place if there were no footpath. The cost is estimated at £8000 plus an amount for compensation to the landowner. In order to improve the pedestrian link to the east, I would also ask for a sum of £50000 for stoning up FP17 from Henthorn Road to Primrose Road, passing under the railway line. This will complement the new pedestrian link to FP17 discussed above.

### **Bus services**

The provision of bus services for this development should be coordinated with the bus service provision for the 270 dwelling development. Although the TA states that bus services are available 400m away on Garnett Road, this is not a satisfactory public transport provision. All housing should be within 400m of a bus service. The developer should show how bus services are to be improved to an acceptable level. The 270 dwelling development is to be serviced by buses by making provision for an extension of the C1 bus service. This should also be a condition of this application i.e. the development should not proceed until an agreement has been reached on the provision of a bus service.

### **Construction Traffic**

The developer will be required to repair any damage to the highway network by construction traffic, at the developer's expense. The condition of the highway before construction starts should be noted and photographed and compared with the condition when construction is completed.

Repairs to the highway may be required during the course of the construction work, should the highway become unserviceable. These repairs will also be at the developer's expense.

### **Travel Plan.**

The Residential Travel Plan Framework submitted as Appendix 12 in the Transport Assessment document does not meet Lancashire County Council's submission criteria. I would therefore ask for a revised Framework Travel Plan to be submitted and the following to be included:

- A commitment to appoint a Travel Plan Co-ordinator and LCC's Travel Plan team informed of contact details 3 months prior to initial occupation.
- A commitment to complete a residents' travel survey within 3 months of 40% occupation.
- A commitment to submit a Full Travel Plan to the Planning Authority within 3 months of the residents' travel survey (within 6 months of 40% occupation.)
- Clarification of how each property will provide cycle storage.
- A commitment to review the Full Travel Plan annually for at least 5 years (including surveys)

Once the above points have been addressed I would request that a Full Travel Plan be made a condition of planning approval (along the timescales above).

- The Full Travel Plan needs to include the following as a minimum:
  - Appointment of a named Travel Plan Co-ordinator,
  - Travel survey of residents,
  - Details of cycling/pedestrian/public transport links to and through the site,
  - Provision of secure, covered cycle parking for those properties where suitable storage space is not available,
  - SMART Targets for non-car modes of travel,
  - Action plan of measures to be introduced, and appropriate funding, and
  - Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years.

He has highlighted a number of concerns within the application; mainly the unresolved issues relating to the accessibility of the site, the capacity of junctions on the local road network, the Travel Plan details and the general impact on the local highway network. 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 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 suggested and highlighted below,

- Improvement of FP17 between Henthorn Road and Edisford Road for use by bicycles (£55000).
- Creation of a footpath link from the proposed development to FP17 near to the railway line (£8000 plus compensation).
- Improvement of FP17 from Henthorn Road to Primrose Road for pedestrian use (£50000).
- Travel Plan preparation £6 000.



### 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, with one of the sections including 'Education Contributions', to be paid over three phases of the development. The applicants have agreed to meet all requested S106 contributions.

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

United Utilities have advised that there are a number of applications under consideration in the catchment, which are served by the Clitheroe Wastewater Treatment Works (WWTW), so if any permissions are granted in advance of this application, our position may change. At the time of their comments, they raised no objection to the proposal providing that a number of conditions are attached to any approval. A recent appeal decision on the 4<sup>th</sup> of February 2013 relating to a residential development on land off Milton Avenue (3/2011/0892/P) sees an additional 50 dwellings for the Clitheroe area, so a request has been made to see if this impacts upon United Utilities comments. No response has been received at the time of this reports submission.

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

### Impact on Air Quality/Noise

The Council's Head of Environmental Health Services has raised the following points regarding the determination of this application. He notes that it will be necessary to balance the need for housing against Air Quality Impacts, and at the moment, any developments of any size in Clitheroe are likely to have a 'small but cumulative' affect on air quality which, when combined together, will result in increased problems and issues which will result in measurements that far exceed the current Air Quality Objectives, particularly if the emissions from vehicles continue not to reduce inline with DEFRA expectations over the next 10-15 yrs. Due the scale of development i.e. intended 140 additional residential properties, he considers it essential that the Council receive an Air Quality Assessment relating to the cumulative impact upon the Council's declared Air Quality Management Area, Whalley Road, Clitheroe, which takes into account the other significant residential planning developments which both have planning permission and those where it is currently being sought. The report should also include reference to dust control mitigation during construction phase. At the time of this reports submission, this has not been received, however a verbal update from the Council's Head of Environmental Services will be provided on the night of the Committee.

With specific regards to the noise impact of the development, it is also recommended by the Council's Environmental Health Department that this development also requires a Noise Assessment Report to identify potential noise sources i.e. railway, busy roads etc. to confirm that all residential properties will achieve NEC Cat A external noise criteria and WHO internal standards. This site will also be a large and long-term construction site; therefore the report should include appropriate construction noise mitigation measures. This is a matter that could be dealt with during the reserved matters phase via a suitably worded planning condition.

### Ecology/Tree Considerations

An Ecological Survey Report by RSK and a Tree Survey Schedule for Arboricultural Constraints Appraisal by Bowland Tree Consultancy has 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 semi-improved grassland that is not considered to be 'not particularly species rich', and is of site-level ecological value. The loss of this habitat is not considered to be significant.
2. Several hedgerows along the boundary of the site have a diverse range of woody species, and if these are fully or partially removed, it is recommended that further survey work be carried out before, in order to assess whether they meet the qualifying features for important hedgerows under the Hedgerows Regulations (1997).
3. The watercourse is heavily shaded, shallow and has no aquatic vegetation. It has ecological value at site level only, and no further surveys are required.
4. Survey was sufficient to conclude that badgers were not present on site, however if work was not to commence within six months, a further survey should be carried out.
5. Trees on site have some suitability for roosting bats, and it is recommended that if any trees are proposed for removal, a ground level tree inspection be conducted.
6. Habitats on site are suitable for foraging and commuting Great Crested Newts. Although not possible to access ponds to the north of the site, due to lack of reports and distance of the ponds (in excess of 250m), it is not anticipated that Great Crested Newts are present on site.
7. The watercourse is heavily shaded, cattle-poached, and shallow and has no aquatic vegetation. No signs of water vole were recorded.
8. To ensure compliance with legislation protecting nesting birds, removal of vegetation that might be used by nesting birds should only be carried out outside the nesting season (March to August inclusive).
9. Although the habitats on the site are suitable foraging and basking habitat for reptiles, as no records were returned for the local area, no further survey works are required.

The Council's Countryside Officer has studied the Ecological Assessment and does not dispute its findings/conclusions. The County Ecologist also does not dispute its findings/conclusions however they have recommended that additional surveys be carried before the application is approved. This is due to the potential loss of trees and retained habitats on site, however as this is an Outline Application seeking matters of access only, the layout can be informed by future surveys and as such can be controlled sufficiently by planning conditions.

The Council's Countryside Officer has studied the Arboricultural Constraints Appraisal and generally concurs with its findings. He comments, however, that whilst the survey complies with BS5837 Trees in Relation to Design, Demolition & Construction, the final tree constraints plan must inform the final detailed layout. The Applicant has not specifically stated this however they do indicate on the illustrative master plan that 'better quality trees and hedgerows will be retained'.

### Effects Upon Visual Amenity

A Landscape and Visual Impact Assessment (LVIA) by TPM Landscape Ltd is submitted with the application, and is considered by the Council's Countryside Officer to comply with the guidelines for landscape & visual impact assessment.

The summary of the report accepts that the proposal would affect the visual amenity of those that are generally at close quarters to the site, mainly

1. Walkers using footpaths that pass close to the site and the footpath that runs along its western boundary.
2. The occupiers of existing residential properties.
3. Users of the section of Henthorn Road where the new access is to be formed.

It is, however, stated in the LVIA that Comprehensive landscape proposals will be an integral part of a more detailed housing layout and subsequent planning application, and in order to provide mitigation for identified landscape and visual impacts, a Landscape Framework Plan has been prepared. Therefore through the,

- Sympathetic design of development facing Henthorn Road,
- Enhancement of the landscape to the north of the site,
- Retention of existing vegetation and hedgerows around the perimeter of the site,
- Enhancement of existing planting to south of the proposal site,
- Landscaping within the site,
- Enhancement of existing stream,
- Dwellings to be built to match the local vernacular, and
- Links between the proposal site, POS, wider community open space, the proposed adjacent development and healthy walks initiative.

The overall conclusion of the assessment is that, with mitigation, the landscape and visual impact will be within the range 'moderate-substantial' adverse effect to the adjoining properties, 'slight-moderate' adverse effects for pedestrian receptors at near distance or directly adjoining the proposal site, 'negligible-neutral' for vehicle receptors and 'negligible' for long distance views.

This is a relatively substantial development outside the settlement boundary of Clitheroe and extending beyond the existing edge of the developed area as formed by Kenilworth Drive and Stirling Close. The proposed development extends into a clearly defined, triangular piece of land, and would represent a restricted extension to the development edge of the town. 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 is an important consideration. It is accepted in the LVIA that the proposal would have a moderate-substantial adverse effect upon the visual amenity of the closest adjacent residents, however with mitigation (i.e. an enhanced landscape buffer and infrastructure planting, this would reduce over the longer term. It is also accepted in the LVIA that the effects upon users of the footpaths would be slight-moderate adverse but again in the long term this would lessen over time (in relation to the footpaths outside the site) as planting matured. The view of the site from Clitheroe Castle is also examined in the LVIA, with the conclusion being that the change to this view would be negligible due to the distance from the proposal site and the existing vegetative screening.

Overall, therefore, the Council agrees with the LVIA that whilst the proposal would have adverse effects upon the visual amenity of the immediate locality, these effects will be mitigated in the longer term by appropriate landscaping/screening along the boundary of the site. The site sits adjacent to existing built development, and opposite a recently approved housing site, and due to the topography of the site, the existing and proposed vegetation on site, the Landscape's medium sensitivity and the site's low Landscape value, the visual impact of the development upon the local landscape/townscape is considered to be acceptable, and that the detrimental

effects of this proposal upon visual amenity would not represent a sustainable reason for refusal of the application.

### Effects Upon Residential Amenity

The only existing residential properties immediately adjoined by the application site are on Stirling Close and Kenilworth Drive. The submitted illustrative layout appears to show appropriate privacy separation distances between all of those existing dwellings and the proposed dwellings within the site, however the protection of the privacy and general residential amenities of those nearest existing properties 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.

The proposed development would result in more traffic using local roads, and in particular there would be an increase in effects on the operation of the Henthorn Road / Eshton Terrace / Thorn Street junction, and subsequent knock on impacts upon the railway crossing. It is noted that the queuing on Eshton Terrace during the peak am period extended as far as Henthorn Road. This would have some impact upon the residential amenities of the occupiers of dwellings on those roads, and may also have an impact upon the General Air Quality in these locations. Whilst the increase in traffic is not considered to be so significant as to represent a sustainable 'impact on amenity' reason for refusal of the application, the impact on Air Quality might. However, this information must be assessed when received and will be reported on the night of Committee.

### Affordable Housing

Notwithstanding the details within the draft Section 106 Agreement submitted with the application, the content of this document is still being negotiated. The applicants suggested the following within an e-mail dated the 18<sup>th</sup> of March 2013:

- Affordable Housing – 30% of housing on site to be included as justified and not undermining the viability of the scheme. Any such provision to be divided with 45% rental and 55% shared ownership. Should no Registered Provider be secured, the rental units would be 80% of Open Market rent, and the shared ownership units would be sold at 35% discount from open market levels (with the same local connection requirements).
- On this site, 18.75% of the sale units will be 2 be elderly persons bungalows. This is in accordance with the Council's document, Addressing Housing Need in Ribble Valley, on sites of 30 units or more there is a requirement for 15% to be for the elderly.

However, the Council's Housing Officer has been in discussions with the Applicant and have highlighted that the preference for the affordable housing units on the site is 50% shared ownership and 50% rental. This is due to there being no support for increasing the number of shared ownership units on the scheme, as in the current lending climate there is a risk potential owners could not secure mortgages on the units. She also notes that the fall back mechanism, should no Registered provider be secured within the agreed time frame, should be to secure a 40% discount from open market value for the units for sale, in place of the shared ownership units and rental at 80% from open market rental values within the Local Housing Allowance rates in place of the affordable rent. This would be more in line with the Council's requirements as comprised in the document Addressing Housing Needs in Ribble Valley.

However, it would appear that, if outline permission were to be granted, it would be possible to draft an 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) planning conditions and/or a Section 106 Agreement could satisfy a contribution to off site provision/on-site maintenance.

### 10% Energy Demand Reduction/Renewable Energy

The applicants state that they will deliver the target 10% energy demand reduction in accordance with the Borough Council's aspirations. This reduction on site will be delivered primarily through a ‘building fabric-led’ approach, with an additional number of appropriate dwellings fitted with either PV or solar thermal water heating systems to further reduce energy demand. This matter could be suitably dealt with at reserved matters stage.

### Archaeology

Following an appropriate archaeological evaluation of the site, the County Archaeologist has confirmed that the proposed development has no archaeological implications.

### Conclusion

For reasons explained in this report, there are unresolved highway safety issues that represent a sound reason for refusal of this application, contrary to saved Local Plan Policies G1 and T1, and Policies DMG1 and DMG3 of the Core Strategy Submission Draft. In addition to this specific reason for refusal of the application, it is considered that, due to its scale, 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 point of access to the site on Henthorn Road at peak hours and throughout the day, impacting upon highway junctions to the detriment of highway safety. The granting of outline planning permission at this stage is therefore considered to be detrimental to highway safety contrary to saved Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core

Strategy 2008 to 2018 A local plan for Ribble Valley Regulation 22 Submission Draft, and guidance within paragraph 32 the NPPF.

2. 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) 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: 3/2012/1101/P (GRID REF: SD 377133435013)  
PROPOSED DEMOLITION OF THE EXISTING DWELLING AND REDEVELOPMENT OF THE SITE FOR RESIDENTIAL USE INCLUDING 16 HOMES AT THE WHINS, WHINS LANE, READ

**PARISH COUNCIL**

Read Parish Council has commented on the application as follows:

Read Parish Council's meeting held on 9 January 2013 was attended by over 30 residents from both Read and Simonstone wishing to make known their objections to this application.

Concerns centred mainly on the question of highway safety, creeping incursion into the countryside and the ability of the present infrastructure (sewerage, schools, highways) to sustain the development.

The Parish, mindful of RVBC's obligations under the Core Strategy to meet the housing demands necessary to address the current national housing shortage, accept that it is unrealistic to expect Read (or Simonstone) to be excluded from any future housing developments and believe that the siting of this development on the outer edge of the settlement area is preferable to previously suggested sites on Hammond Field and Whalley Road.

The Parish Council believe that the applicant has submitted a well thought out scheme, but would ask that before approval is given, further thought should be given to the concerns raised by local residents to assure them that the development meets the required planning and highway safety criteria.

**PARISH COUNCIL:**

Simonstone Parish Council objects to the application for the following reasons:

- The garden belonging to the property is a natural habitat for wildlife.
- The proposed development is out of keeping with the existing properties in the adjacent and surrounding area.

- Whins Lane is a narrow lane with high walls, right angle bends and no footpath for pedestrians to safely walk.
- Access is poor and the additional number of residents would create greater traffic problems than currently exist.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Has no objections to the principle of this development on this site. However, in relation to the originally submitted plans, he recommended that the application be refused due to the inadequate design of the estate road and parking provision which would adversely affect highway safety. Amended plans were received on 21 March 2013 which have addressed the original objections of the County Surveyor. Based on those amended plans, the County Surveyor's amended observations are as follows.

## **1. Improvements on Whins Lane**

- 1.1 A strip of land along the northern edge of the development site is shown as a new footway along the Whins Lane carriageway. This strip of land will have to be incorporated into the adopted highway. The footway construction should be, as agreed, between 1.2m and 1.8m wide. This is to accommodate the retention of trees within the property which are growing partly in the future footway. The new footway is shown extending along the carriageway to FP14 at Haugh Head farm, as agreed. These works should be carried out under a S278 agreement.
- 1.2 The 30mph speed limit zone should be extended to the east along Whins Lane at least beyond the Woodfields development. This will help to limit the visibility splays at the site access to 2.4m by 43m, which is achievable. This measure will depend on the TRO being accepted by the local residents and Parish Council. This work and administrative costs would be included in the S278 agreement.

## **2. S278 Agreement**

As discussed above, the developer would have to enter into a S278 agreement with LCC. The agreement would include the following works in the adopted highway:



- Footway construction, including street lighting, along Whins Lane.
- An extension to the 30 mph speed limit zone along Whins Lane to the east.

### **3. S106 Agreement**

The accessibility score is less than 9, and in terms of the LCC Planning Obligations paper, a maximum of £48 000 could be requested for the improvement of highways and transport related infrastructure. No specific highways related improvements have been identified for inclusion in a S106 agreement. The works requested in the highway are to be carried out under a S278 agreement.

### **4. Conclusion**

I am in agreement with the details of this development, and have no objection to the proposed development on this site.

### **5. Conditions**

Please add the following conditions and notes to any planning permission you may decide to grant.

#### **Condition 1.**

The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site. Reason: To ensure that satisfactory access is provided to the site before construction work commences.

#### **Condition 2.**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed estate road from the continuation of the nearer edge of the carriageway of Whins Lane to points measured 43m in each direction along the nearer edge of the carriageway of Whins Lane, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority. Reason: To ensure adequate visibility at the street junction or site access.

Condition 3.

Before the construction work commences facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

Condition 4.

No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

Condition 5.

No part of the development hereby approved shall be occupied or opened for trading until all the off-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

Condition 6.

Notwithstanding the submitted plans, all garage doors shall be located at least 5.5m back from the highway boundary at all times and the garages and driveways shall thereafter be kept clear and used only for the parking of private motor vehicles and bicycles. Reason: to ensure satisfactory off street parking arrangements are preserved at all times.

Note A.

The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Ribble Valley District Highways Office, LCC Highways Area East, Riddings Lane, Whalley BB7 9RW (Tel: 08450 530011) in the first instance to ascertain the details of such an agreement and the information to be provided.

Note B.

Before construction work commences, the developer should contact Eddie Mills, Ribble Valley District Highways Office, LCC Highways Area East, Riddings Lane, Whalley BB7 9RW (tel. 08450 530011) and quote the planning application number, in order to discuss and agree the access for construction traffic and times of working.

Note C

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 Ribble Valley District Highways Office, Lancashire County Council, Riddings Lane, Whalley BB7 9RW (tel. 0845 0530011) and quote the planning application number.

LANCASHIRE COUNTY  
COUNCIL (PLANNING  
CONTRIBUTIONS):

In respect of transport, the application is be assessed by the transport team but precise details have not yet been verified.

In respect of education, the County Council's response seeks to draw the Council's attention to impacts associated with this development and proposes mitigation for the impacts through a planning obligation. The requested contribution is directly linked to the proposed development and would be used to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development.

### **Education Assessment on 26 March 2013**

Latest projections for local **primary schools** show there to be a shortfall of 75 places in five 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 five year housing land supply document, which has already had planning permission.

With an expected yield of four places from this development, the shortfall would increase to -79. Therefore, the County Council would be seeking a contribution from the developer in respect of the full pupil yield of four places. Calculated at 2012 rates, this would result in a claim of £11,880.45 x four places = £47,522.

Latest projections for the local **secondary schools** show there to be approximately 20 places available in five years time. With additional planning approvals expected to generate demand for a further 13 school places and an expected pupil yield of two pupils from this development, the County Council would not be seeking a contribution from the developer in respect of secondary school places.

The total requested education contribution is therefore £47,522.

Failure to secure the requested contributions would mean that the County Council could not guarantee that children living on the development would be able to access a school place within a reasonable distance from their home. Lancashire County Council is unable to specify the schools 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 LCC response is based on the latest information available at the time of writing and circumstances may change over time as other applications come forward. Consequently, this response may require re-evaluation if the determination of the application is delayed significantly.

ENVIRONMENT AGENCY: Has no objections to the proposal subject to the imposition of two conditions. The first condition is to ensure that the development is carried out in accordance with the Flood Risk Assessment submitted with the application. The second condition requires the submission for approval prior to the commencement of development of a surface water drainage scheme based on sustainable drainage principles; and the implementation of the approved scheme prior to the occupation of the dwellings.

ADDITIONAL REPRESENTATIONS: Thirty-six letters have been received from local residents who object to the proposed development for reasons that are summarised as follows:

1. Highway safety – the access is at the most dangerous part of Whins Lane, close to right-angled bends and with no footpath. The proposal will increase traffic on an already busy lane which has a number of 45° bends. Whins Lane is a bus route and the buses are unsuitable in both length and width and need to negotiate the corners on the wrong side of the road, blocking it for other vehicles and pedestrians. Traffic on the lane has increased dramatically in recent years. The main problem periods are early morning and late afternoon as a result of the “school runs”. The proposed entrance to the development is on a bend in an area where pedestrians, joggers, dog walkers and cyclists already have to stand aside when traffic passes. Cars leaving and entering this development add to this danger. The proposed new junction will be especially dangerous for cyclists.
2. Accessibility/sustainability – the site would have the lowest level of accessibility measured by the County Council’s Accessibility Questionnaire. In order to access local amenities in Read, residents would need to walk west along Whins Lane and there is no footway for the 100m section between the proposed access into the site and the junction with Berkeley Drive. The footway also ceases to exist some 100m beyond this point which means that a significant proportion of any walk into Read must be undertaken on the carriageway. Residents would therefore have no choice but to walk along this unlit, de-restricted, narrow highway, which is a significant safety concern. Although there is bus route which stops close to Whins Lane there is only one bus per hour in each direction during the weekday daytime. Whalley Railway Station is some 5km from the site and has an infrequent service of 1 train per hour. Residents would therefore be almost entirely be car dependent for virtually all day-to-day travel. This is

clearly not a location where residential activity and dwelling numbers should be intensified.

3. Infrastructure – the local infrastructure of roads, schools, health facilities, gas, electricity, water and sewerage are already at capacity and unable to cope with the extra demands of this proposed development. The site could potentially accommodate approximately 90 people which is an in-proportionate increase for a small village and would impact substantially on local infrastructure.
4. Overdevelopment – even though the site is within the settlement boundary, 16 properties on a site presently occupied by one bungalow is too many. The number should be reduced by the removal of the five smaller houses leaving a development of entirely detached houses. If the site is to be developed it should be a development of larger, more spacious houses similar to the nearby Woodfields development.
5. Noise pollution as a result of the increase in the number of people and traffic.
6. Light pollution due to increased street lighting.
7. There are more suitable sites for housing development than this site in a small village. There is no need for this development as larger approved developments in Whalley and Clitheroe will satisfy the Council's housing requirements. The Council should be seeking to bring empty houses back into use.
8. This is an inappropriate location for affordable houses.
9. The proposal will result in loss of trees to the detriment of the appearance and character of the area. Whilst many trees are to be retained, a smaller number of houses would allow the retention of even more trees.
10. The proposal would have detrimental effects on the wildlife that presently occupies the site. Bats and owls are frequently seen in the locality, as well as foxes, deer and at least 23 species of birds.
11. There are insufficient garages/parking spaces for the number and size of properties proposed.
12. Rainwater run-off will increase, putting a strain on the drains and filling the small stream that runs on the south side of the site.

13. The development will be visually unacceptable on a scenic country lane.
14. Loss of privacy to adjoining dwellings.
15. Noise nuisance and highway safety problems during the construction period.
16. The development is not essential to the local economy and nor will it benefit the local economy.
17. The development would be of no benefit to the local community.

### **Proposal**

The application seeks full planning permission for the demolition of an existing bungalow that sits within a large curtilage, and the redevelopment of the site to provide 16 dwellings with associated access, parking and private gardens.

In accordance with the Council's requirements, five of the dwellings would be 'affordable' properties. These would comprise a terrace of three two bedrooled houses (plots 12, 13 and 14) which would be affordable rental; and a semi detached pair of three bedrooled houses (plots 13 and 16) which would be shared ownership. The other dwellings would be for open market sale, and comprise one detached three bedrooled bungalow (plot 1) and 10 detached four and five bedrooled houses (plots 2 to 11).

The bungalow on plot 1 would be served separately by the retained access at the western edge of the site frontage that presently serves the existing bungalow on the site.

A new access would be formed close to the eastern edge of the site frontage to serve the rest of the proposed dwellings. The new entrance would lead to an internal estate road culminating as a cul de sac. Twelve of the properties would obtain access from the estate road (that is to be adopted) whilst three of the 'affordable' units at the south eastern corner of the development would be served by a private drive running off the end of the cul de sac.

The built development will be on the northern part of the site. An existing woodland area on the southern part of the site would be retained free from any development.

The dwellings are to be constructed in reconstituted stone with grey tiled roofs. Windows are proposed to be white UPVC.

The majority of the existing hedge on the Whins Lane frontage would be retained. However, where hedge removal is required for entrance visibility, a new hedge would be planted in the setback position with a 1.8m high close board timber fence behind the hedge to enclose the side and rear gardens of plots 1, 2 and 3. Throughout the rest of the site, front gardens would have low hedge boundaries and rear gardens and rear/side party boundaries would have 1.8m to 2m high close boarded timber fences. Retaining walls and side/rear garden boundaries to public spaces would be reconstituted stone walls to a height of 1.8m to 2m.

## **Site Location**

The site (including the woodland at its southern end) has an area of approximately 1.1 hectares. It is on the southern side of Whins Lane, Simonstone and is adjoined to the west by the rear elevations and private back gardens of detached houses on Berkeley Drive; to the east by Haugh Head Farm; and to the south by undeveloped agricultural land.

In addition to the woodland occupying the southern part of the site, there is extensive tree screening on both side boundaries and hedge/tree screening on the Whins Lane frontage of the site.

The site is within the settlement boundary of Simonstone as defined by saved Policy G3 of the Ribble Valley Districtwide Local Plan.

## **Relevant History**

None.

## **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G3 - Settlement Strategy.

Policy ENV10 - Development Affecting Nature Conservation.

Policy ENV13 - Landscape Protection.

*Core Strategy 2008 – 2082 – a Local Plan for Ribble Valley Regulation 19/22 Consultation Draft*

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

National Planning Policy Framework (NPPF).

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

The matters for consideration in the determination of this application relate to the principle of the development, and the effects of the proposal upon highway safety, ecology/trees, visual amenity and the amenities of nearby residents.

### **Principle of Development**

The policy basis against which the proposals should be considered is set out in the context of national, regional and local development plan policies. At national level, the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that the heart of NPPF is the 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 the framework taken as a whole; or specific policies in the framework indicate that development should be restricted.*

The NPPF requires Local Planning Authorities to consider housing applications in the context of a presumption in favour of sustainable development and the relevant policies for this supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable sites.

The Council's most recently published housing land calculation (report to Planning and Development Committee on 17 January 2013) 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 had less than a 5 year supply. However, initial information from the 31 December 2012 survey indicates (again without detailed assessments of deliverability) that, due to the number and rate of applications being approved, the Council had moved back into a five-year supply situation. It is important to stress that this must be treated with an element of caution given the fact that deliverability appraisal, whilst now underway, has not been completed. The latest figures indicate that, based on the RSS requirement of 161 dwellings per year, the Council presently has a 6.97 year supply (including a 20% buffer). Based on the Core Strategy requirements of 200 dwellings per year, the Council's current supply is 5.92 years (including a 20% buffer).

In this particular case, the Local Plan is considered to provide some context for the consideration of the application in relation to NPPF. The site is within the settlement boundary of Read/Simonstone and Policy G3 states that within Read/Simonstone (and also Mellor Brook) planning permission will be granted for the development and redevelopment of land wholly within the settlement boundary not defined as essential open space. In the explanatory text it is stated that "these villages are considered most suitable to accommodate modest development. This is by virtue of the community facilities already existing within the villages". Read/Simonstone is therefore effectively identified in the Local Plan as a sustainable location for new development.

To amplify this point, there are existing facilities within the settlement of Read/Simonstone which is situated on the A671 Whalley Road that links to the larger settlements, with a larger range of facilities, of Whalley and Padiham. Whalley Station gives access to the wider rail network and junction 8 of the M65 (approximately 3 miles from the application site) to the wider motorway network. A bus route between Clitheroe and Burnley passes the front of the application site. The site is therefore considered to be in a very sustainable location for housing development.

*The erection of dwellings on this site within the settlement boundary of Read/Simonstone is therefore, in principle, in accordance with saved Policy G3 of the Local Plan. The requirements of saved Policy G3 are effectively carried forward by Policy DMG2 in the Core Strategy Submission Draft. This states that development should be in accordance with the Core Strategy Development Strategy and should support the spatial vision; and that development proposals in defined settlements should consolidate, expand or round off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement. For reasons that will be explained in more detail later in this report, It is considered that this proposed development would be in keeping with the scale of the existing settlement. In my opinion, therefore, the proposal complies with the requirements of Policy DMG2. As stated above, the proposal is also considered to satisfy the presumption in favour of sustainable development within NPPF; and affordable houses are included within the*

*scheme in accordance with the requirements of the document Addressing Housing Need in Ribble Valley.*

I therefore conclude that the development is acceptable in principle.

#### Highway Safety/Parking

Following the receipt of amended plans that had addressed his initial objections relating to the proposed layout and parking provision, the County Surveyor now has no objections to the application on highway safety grounds subject to the imposition of appropriate conditions.

#### Ecology/Trees

An Ecological Survey and Evaluation Report by Pennine Ecological has been submitted with the application. The findings/recommendations of the report are as follows:

- Habitats – the proposed works will only directly affect small areas of common habitats of site-local value and no further habitat surveys are recommended.
- Badger – there was a total absence of any evidence of activity that could be associated with badger on the site. Therefore no further survey in respect of badger is recommended.
- Water Vole – there was no evidence to indicate any current or historical occupation of water vole on or near to the site, and no further surveys are recommended.
- Bats – the survey findings indicate medium-high bat potential, therefore dusk and/or dawn surveys must be undertaken at the site prior to any demolition work in order to establish how bats, if present, are using the site. The surveys must be undertaken during the active season of bats i.e. between May and August. Given that bat roost potential is medium-high, three surveys are required as bats, particularly Pipistrelle, often alternate between roosts and do not necessarily occupy a single roost over the entire breeding season.
- Birds – small numbers of common birds might breed in the trees and shrubs within the garden. Surveys in spring/summer are considered unlikely to reveal any population of any greater than site-local significance. Therefore additional surveys are not recommended. However, it is still essential that impacts on nesting birds are avoided. Therefore if any trees need to be removed, this must be done outside of the bird breeding season during September to February. Removal during March to August must not be undertaken unless an ecologist has first inspected the site and deemed the trees/shrubs to be clear of nesting birds.
- Great Crested Newts – the ornamental garden pond on the site has a Habitat Suitability Index (HSI) on the threshold between “poor and below average”. Given the isolation of the pond for many other ponds and its historical use as a Koi Carp pond, the pond is considered unlikely to support great crested newts. Desk based studies and field surveys have also indicated that there are no potential great crested newt ponds within 250m of the site. Based on this, no further surveys are recommended.

The report has been considered by the Council's Countryside Officer who concurs with its findings and therefore has no objections to the application in relation to ecological matters, subject to the imposition of a condition requiring the implementation of appropriate mitigation measures. Subject to such a condition, the application is considered to be acceptable with regards to ecological considerations.

An Arboricultural Impact Assessment Report by Bowland Tree Consultancy Ltd (Ref BTC344 dated 31 October 2012) has also been submitted with the application. This report states that 38 individual trees, 23 groups of trees and 6 hedges were surveyed in respect of the proposed development and its associated potential to impact upon the said vegetation. It is stated that three of the trees have high retention values, 11 of the trees and six of the groups have moderate retention values, 19 of the trees, 15 of the groups and the six hedges have low retention values, and five of the trees and two of the groups are unsuitable for retention in the current context.

The conclusion of Bowland Tree Consultancy is that the proposed development will require the removal of one moderate quality tree, two moderate quality groups and part of a third moderate quality group, along with 13 low quality trees, 11 low quality groups and three low quality hedges. However, it is considered that the removal of these trees can be more than adequately mitigated by the provision of the considerably more sustainable and ecologically varied tree cover of the site as comprised in the landscape proposal also submitted with the application. Bowland Tree Consultancy also concludes that the existing trees that are to be retained can be adequately protected throughout the development in accordance with BS5837: 2012 provided that various recommendations made in the report are followed. The Landscape Maintenance Plan referred to by the tree consultant is dated November 2012 and was prepared by Firewall Landscape Consultants Ltd. This plan incorporates the following:

- Enhancement and management of the established perimeter boundary trees.
- Creation of a new landscaped row frontage.
- Implementation of the residential landscape infrastructure.
- Provision of tree buffer planting to adjacent neighbours.
- Creation of safe and secure private gardens.
- Creation of new woodland habitat.
- Long term management of landscape elements.

The Council's Countryside Officer has considered both the Arboricultural Impact Assessment and the Landscape Maintenance Plan and has no objections to the proposal subject to conditions to ensure the implementation of their findings and recommendations.

Therefore, subject to appropriate conditions, the proposal is considered to be acceptable with regards to its effects upon existing trees and the appearance of the local landscape through the implementation of the submitted landscaping proposals.

### Visual Amenity

As previously stated, the site is well screened by existing trees and hedges, the majority and best of which are to be retained and substantially enhanced by a proposed landscape planting and maintenance programme. When viewed from outside the site, the proposal would have minimal effects upon visual amenity.

Within the site, the design and external materials of the dwellings are considered to be appropriate for the locality. With the exception of the five “affordable” units (that are required in accordance with the Council’s current policies) the dwellings are of a scale and density that, in my opinion, is not dissimilar to nearby residential estates.

Overall, I consider the scale, density, design and external appearance of the development to be acceptable in relation to its effects upon the visual amenities of the locality.

### Residential Amenity

The existing dwellings that could be affected by the proposed development are numbers 2-10 (evens) Berkeley Drive to the west of the site and Haugh Head Farm to the east. The separation distances between the proposed dwellings and existing dwelling are in all cases in excess of the usual minimum requirements; additionally, there is existing substantial screening between the proposed and existing dwellings that is to be retained and enforced by new landscaping/screen planting.

Overall, I do not consider that the proposed development would have any significant detrimental effects upon the privacy or other residential amenities of the occupiers of any nearby properties.

### Flooding

A Flood Risk Assessment (FRA) has been submitted with the application. Having considered the FRA, the Environment Agency has no objections to the proposal on flooding grounds subject to appropriate conditions.

### Public Open Space

Although a large area at the southern end of the site is to be retained free from any development, this is primarily a woodland which is to be retained for its nature/visual qualities as opposed to being intended as a recreational area to be accessed by the public. As no public open space is to be provided elsewhere within the site, it is intended to require a contribution towards the off-site provision/maintenance of public open space/equipment. In accordance with the practice adopted in recent similar applications, the sum to be requested is £781 per dwelling (16 x £781 = £12,496). This matter would be covered by a clause in the required Section 106 Agreement.

### Affordable Housing

The Council’s Strategic Housing Officer was involved at pre-application stage in discussion/negotiations concerning this application. The proposed five affordable housing units and the split of three affordable rental and two shared ownership is in accordance with the requirements of the document Addressing Housing Need in Ribble Valley and is therefore acceptable. The provision/permanent retention of these affordable units will be secured by a clause in the required Section 106 Agreement.

### County Council Requested Financial Contributions

The County Council originally requested a contribution of £142,882 towards primary and secondary education provision. This was based on a claim for six primary school places and four secondary school places.

The applicants questioned the justification for this request and therefore commissioned an Education Impact Assessment Report (by EPDS Consultants) that was submitted for the attention of the Borough Council and the County Council in their consideration of this application.

The County Council has considered this report and has revised its request to a total of £47,522 based on four primary school places and no secondary school places (as detailed earlier in this report).

In responding to the applicants report, the County Council maintains the position that there is clear evidence to support the requirement for an education contribution and, whilst they appreciate the pressures that local authorities are under in terms of deliverability of residential developments, they believe that it is equally important that education provision receives appropriate consideration when residential developments are being assessed. They say that within Ribble Valley, school places are already limited and they are forecasting a significant shortfall of places in coming years as a result of demand from new housing. In this time of austerity, the reality is that the County Council cannot afford to meet the costs of providing the additional places resulting from housing development.

The County Council therefore says that it is essential that appropriate contributions are secured from developers. For this reason, they would strongly oppose this application being approved without the education contribution required to meet the shortfall as stated in their amended consultation response. They say that this figure has been calculated based on an assessment of the impact of this development on pupil numbers and the five year forecasts for the area and they are confident that these calculations are appropriate and fair.

Furthermore, the County Council says that it should be noted that the contribution requested does not meet the full cost of providing school places and it is only a contribution towards the overall cost. They also ask it to be noted that developers are offered the opportunity to include a clause in any legal agreement that stipulates that, if the contribution is not spent on addressing the impact of their specific development, then the contribution would be refunded. The County Council believes that this should provide the necessary assurance to developers that they are making an appropriate contribution.

#### Section 106 Agreement Content

The Applicants report and the County Council response relating to the requested education contribution have been considered. As this is a development of primarily 4 bedroom open market dwellings, there does not appear to be any justification for not requiring the payment of the education contribution requested by the County Council. It is therefore proposed that the Section 106 Agreement should include a request for this financial contribution by the developer of £47,522.

The other aspects of the Section 106 Agreement shall relate to the payment of £12,496.00 towards off-site open space provision (again in accordance with out usual practice) and details of the means of securing the provision and permanent retention of the proposed five affordable properties.

## Conclusion

Overall, subject to a prior Section 106 Agreement in the terms described above and appropriate conditions, the proposed development is considered to be appropriate for the locality and in accordance with the relevant saved policies of the Local Plan and the relevant policies of the emerging Core Strategy and also in compliance with the sustainability requirements of NPPF.

### SUMMARY OF REASONS FOR APPROVAL

The proposal would provide 16 dwellings in a sustainable location within an existing settlement and without any seriously detrimental effects upon highway safety, ecology/trees, visual amenity or the amenities of any nearby residents.

**RECOMMENDATION:** That the application be DEFERRED and DELEGATED to the Director of Community Services for approval following the satisfactory completion of a legal agreement within a period of 6 months from the date of this decision in the terms outlined in the Section 106 Agreement sub-heading within this report and subject to the following conditions:

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

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

2. This permission shall relate to the proposal as shown on drawing Nos 6388/P04D, P05E, P06B, P07A, P08B and P09B.

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

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

**REASON:** To ensure that satisfactory access is provided to the site before construction work commences and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 Regulation 22 Submission Draft.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed estate road from the continuation of the nearer edge of the carriageway of Whins Lane to points measured 43m in each direction along the nearer edge of the carriageway of Whins Lane, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To ensure adequate visibility at the street junction or site access and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 Regulation 22 Submission Draft.

5. Before the construction work commences facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

REASON: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 Regulation 22 Submission Draft.

6. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

REASON: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 Regulation 22 Submission Draft.

7. No part of the development hereby approved shall be occupied or opened for trading until all the off-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

REASON: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 Regulation 22 Submission Draft.

8. Notwithstanding the submitted plans, all garage doors shall be located at least 5.5m back from the highway boundary at all times and the garages and driveways shall thereafter be kept clear and used only for the parking of private motor vehicles and bicycles.

REASON: to ensure satisfactory off street parking arrangements are preserved at all times and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 Regulation 22 Submission Draft.

9. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk and Drainage Assessment – The Whins, Read, (Ref 880302R1 [02] October 2012). The mitigation measures shall be fully implemented prior to occupation and/or in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

REASON: To prevent and mitigate the risk of flooding both on and off site by ensuring the satisfactory storage/disposal of surface water from the site in accordance with the requirements of the National Planning Policy Framework.

10. No development shall take place until the surface water drainage scheme for the site (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) has been submitted to and approved in writing by the Local Planning Authority.

The drainage strategy shall demonstrate that the surface water un-off generated up to and including the 1:100 year plus climate change critical storm will not exceed the run-off from the developed site following the corresponding rainfall event. The drainage scheme shall subsequently be implemented in accordance with the approved details prior to the buildings being occupied.

REASON: To prevent and mitigate the risk of flooding both on and off site by ensuring the satisfactory storage/disposal of surface water from the site in accordance with the requirements of the National Planning Policy Framework.

11. The development shall be carried out in compliance with all the mitigation and tree protection measures detailed in the submitted Ecological Survey and Evaluation Report by Pennine Ecological dated October 2012 and the Arboricultural Impact Assessment by Bowland Tree Consultancy Ltd (BTC344 dated 31 October 2012).

REASON: In order to reduce the impact of the development on biodiversity, and protect those trees that are to be retained from the potential adverse effects of development, and to safeguard the natural habitats of those species of conservation concern, in accordance with Policies G1, ENV1 and ENV10 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and EN2 of the Core Strategy 2008 to 2028 Regulation 22 Submission Draft.

12. The landscaping of the site and its future maintenance shall be carried out in compliance with submitted drawing No 310/02REVA and the five year landscape maintenance plan by Firewall Landscape Consultants Ltd dated November 2012 that was submitted with the application.

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 to 2028 Regulation 22 Submission Draft.

13. The approved dwellings shall achieve a minimum Level 3 of the Code for sustainable homes. No dwellings shall be occupied until a final code certificate has been issued for it certifying that code Level 3 has been achieved.

REASON: In order to encourage an energy efficiency development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 Regulation 22 Submission Draft.

## NOTES

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Ribble Valley District Highways Office, LCC Highways Area East, Riddings Lane, Whalley



BB7 9RW (Tel: 08450 530011) in the first instance to ascertain the details of such an agreement and the information to be provided.

2. Before construction work commences, the developer should contact Eddie Mills, Ribble Valley District Highways Office, LCC Highways Area East, Riddings Lane, Whalley BB7 9RW (tel. 08450 530011) and quote the planning application number, in order to discuss and agree the access for construction traffic and times of working.
3. 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 Ribble Valley District Highways Office, Lancashire County Council, Riddings Lane, Whalley BB7 9RW (tel. 0845 0530011) and quote the planning application number.

APPLICATION NO: 3/2013/0035/P (GRID REF: SD 372830 441082)  
PROPOSED RESERVED MATTERS APPLICATION FOR UP TO 270 RESIDENTIAL DWELLINGS, A DOCTORS SURGERY, LANDSCAPE, OPEN SPACE, HIGHWAYS AND ASSOCIATED WORKS AT LAND OFF HENTHORN ROAD, CLITHEROE.

TOWN COUNCIL: Has put forward comments regarding the application. Members are referred to the file for full details of their comments which can be summarised as follows:

1. Plots 184, 196 and 197 are located in very close proximity to the boundary of properties on Fairfield Drive, Henthorn Road and partly Fairfield Close.
2. The presence of the aforementioned properties will result in substantial visual intrusion, which can only be mitigated by reducing the height of the properties along the boundary or locating them further from the boundary and the relevant boundary.
3. Request that an agreement be made that existing hedges will be maintained to acceptable heights.
4. Request that a wheel wash facility be required during the construction phase of the development.
5. Have made comments regarding the off-site highways works required as part of condition 11, in particular the requirements for highways modifications to Woone Lane (North)

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections made in respect of the development. (Members will note that the County Surveyor has indicated the intention to make comments regarding the Travel Framework Plan)

ENVIRONMENT AGENCY: Have made representations in respect of the discharge of conditions relating to the original outline approval, no comments are deemed relevant to the determination of the reserved matters application.

ADDITIONAL REPRESENTATIONS: 17 letters of objection have been received. Members are referred to the file for full details which can be summarised as follows:

1. The additional pressure on the existing public transport and road infrastructure within Clitheroe as a result of the development.
2. Concerns regarding the retention of the existing hedge along the northern boundary of the site with Fairfield Drive and its future maintenance.
3. The proposed boundary fence located along the boundary with the properties located on Fairfield Drive would allow future residents of the development to potentially remove portions of the hedge.
4. The proximity and height of the proposed dwellings and their relationship with the properties on Fairfield Close, Fairfield Drive and Henthorn Road.
5. No buffer zone has been provided between the proposed dwellings, their gardens and that of the existing dwellings as per other approved developments within Clitheroe.
6. An appropriate stand off distance be maintained between the proposed dwellings and the existing watercourse to negate any potential flooding issues as a result of the development.
7. No detail has been provided within the application regarding the maintenance and "reinforcing" of the existing hedgerow.
8. Proximity of house type DD in relation to existing boundaries and dwellings and the potential overbearing impact and loss of light resultant.
9. Objections relating to the location of the site compound along the northern boundary and the resultant detrimental effect upon residential amenities for existing residents during the construction phase of the development.
10. The reserved matters application is not in accordance with condition 8 of the outline approval that requires any subsequent application be *"in substantial accordance... with the Illustrative Masterplan 4370-P-02-Rev-1"*.
11. The proposed access location has changed from that of the original outline approval.

12. Concerns regarding the submitted Construction method Statement (Required as part of condition 24 of the outline approval) is not site specific and generic in nature.
13. That access to the development site be maintained for use by the adjoining Kennels by the inclusion of a gate into the proposed boundary fencing.
14. Proposal lacks connectivity with no pedestrian or cycle links proposed as part of the development contrary to the intentions set out within the original outline approval.
15. The landscape buffer on the southern boundary with Henthorn Road as indicated on the approved outline permission has been omitted from the current submission.
16. The approved Illustrative Masterplan proposed small cells of development and pockets of housing; the current proposal fails to reflect this approach.
17. The location of a 2.5 storey building along the northern boundary in close proximity to the properties on Fairfield Close.
18. Speed limits should be imposed along Henthorn Road that restrict traffic to 20mph in the interests of highway safety.
19. Planning condition 11 attached to the original outline approval makes no mention of the modifications along Woone Lane, which should be required to be undertaken.
20. The site waste management plan lists the wrong site address.

### **Proposal**

This application seeks reserved matters consent for the erection of 270 dwellings and associated landscaping on land off Henthorn Road.

The submitted details propose a mix of 1, 2, 2.5 and 3 storey dwellings in varying locations that will provide a mixture of accommodation ranging from 2 to 4 bedrooms, 95 of which are proposed to be affordable housing. The proposal is accompanied with a detailed landscaping proposal that will result in the reinstatement of an existing watercourse that intersects the site, significant landscaping to the southern boundary, the retention of the majority of existing hedgerow and the creation of a community woodland/park to the western extents of the site.

### **Site Location**

The site is located to the northwest of Henthorn Road. The rear gardens of properties fronting Fairfield Drive abut its north-eastern extreme; located directly to the north are a kennel and cattery facility and public playing fields; to the west Clitheroe Caravan and camping Club and

the Ribble Way long distance footpath alongside the river and to the south by Sidows hall and agricultural land. The eastern boundary of the site dog-legs around the rear of Henthorn Farmhouse (a Grade II listed building), the White House and other properties fronting Henthorn Road.

The site is approximately 15.7 hectares in size, is Greenfield in nature and in agricultural use. It lies outside the settlement limit within land designated Open Countryside with the settlement boundary immediately abutting the rear garden boundaries of properties fronting Fairfield Drive i.e. the north eastern boundary of the proposal site. The site is roughly "L" shaped in form with variances in topography throughout with land rising away from Henthorn Road with the western extents of the site descending towards the river.

### **Relevant History**

3/2010/0719 – Outline application for the proposed residential development of up to 270 dwellings, doctors surgery, landscape, open-space, highways and associated works – Application was refused but subsequently granted outline planning permission at appeal with conditions - 26<sup>th</sup> March 2012.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G3 - Settlement Strategy.

Policy ENV10 - Development Affecting Nature Conservation.

Policy ENV13 - Landscape Protection.

*Core Strategy 2008 – 2082 – a Local Plan for Ribble Valley Regulation 19/22 Consultation Draft*

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

National Planning Policy Framework (NPPF).

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

Members will note that the principle of residential development on this site has already been established under the outline planning submission 3/2010/0719/P, with permission being granted at appeal (Ref: APP/T2350/A/11/2161186) for outline planning permission for up to 270 dwellings, a doctors surgery, landscape, open space, highways and associated works with all matters reserved, save for that of vehicular access.

In respect of the current application, the original layout put forward by the applicant, in terms of overall arrangement and approach, was deemed to differ significantly from that of which was originally approved at outline planning stage and was deemed not to be in accordance with condition 8 which states that:

*“The submission of reserved matters in respect of layout, scale, appearance and landscaping and implementation of development shall be carried out in substantial accordance with the*

*Development Framework Plan 4370-P-01 Rev-G, Design & Access Statement 4370/DAS Rev-C and the illustrative Masterplan 4370-P-02-Rev-I.”*

Through extensive negotiation with the applicant the Local planning Authority (LPA) has sought numerous amendments to the original submission to ensure that it is reflective of the principles and design approach originally approved at outline planning stage whilst having regard to matters of concern as follows:

- Matters of highway safety.
- Matters of visual and residential amenity.
- Matters of layout, townscape and streetscape in relation to the principles of good urban design.
- Matters of appearance in relation to the proposed dwellings, their respective boundary treatments and the overall response to the wider and immediate context/setting.
- Matters of layout and design in respect of the creation of a sense of place and identity.
- Matters regarding landscape value and improvement.

### Highways Safety

Members will note that the principle, nature and location of the vehicular access has already been established under the outline planning submission 3/2010/0719/P (With permission being granted at appeal Ref: APP/T2350/A/11/2161186).

The proposed internal arrangement and configuration of the site layout has been largely influenced by detailed advice from the Local Planning Authority and the County Surveyor to ensure that the internal roads are to full adoption standards whilst adhering to the principles contained within the original approved Design & Access Statement and Illustrative Masterplan whilst embodying the principles of good urban design.

The County Surveyor has stated he has no objection to the proposals but has indicated that he may wish to make further comment on the submitted Travel Framework Plan and the operation of the temporary bus stop facilities during the construction phase.

### Residential Amenity

In respect of potential impact upon residential amenity, I consider the distances between the existing and proposed dwellings satisfactory so as not to adversely impact upon existing amenities. A number of the proposed dwellings along the northern extents of the proposal site have been re-orientated to mitigate any negative impact upon the amenities of existing occupiers and to allow for a more sensitive relationship that counters any potential issues relating to overbearing or over-dominance.

The submitted plans detail distances ranging from 12.1m and 12.5m between the proposed dwellings and existing properties along the northern boundary where the existing properties are orientated parallel to the site boundary.

Distances ranging between 23.3m and 46.2m are proposed between the existing and proposed dwellings where they would result in a direct rear to rear facing relationship with the properties fronting Fairfield Drive.

Furthermore, it is proposed that the new dwellings located along the northern boundary will be located distance ranging from 9.5m and 15.4m from neighbouring rear/side boundaries. A number of single storey dwellings are also proposed along the northern boundary further lessening their visual prominence. A side to side elevational distance of 13.7m is has been shown between the White House and the proposed dwellings to the south fronting Henthorn Road.

I am therefore mindful of the relationship between the proposed dwellings and the existing properties within the area and given the layout and spatial relationships as detailed on the submitted plans, consider the scheme acceptable.

### Layout

The submitted site layout plan has been significantly amended in light of comments made by the Local Authority. The sweeping entry fronting Henthorn Road has been reintroduced that results in the creation of a well defined frontage and ensures a coherent relationship with the existing properties fronting Henthorn Road. The staggered building lines and plot orientation along the southwestern extents of the development aids in softening the appearance of the development upon approach allowing it to be visually read as part of the wider landscape which prevents the development from visually terminating in an abrupt urban edge.

Within the development irregular and staggered frontages have been employed to break down the townscape into smaller “visual parcels” which is reflective of a more semi-rural pattern of growth whilst ensuring visual interest and diversity within the street scene.

The submitted layout also proposes the creation of a number of “neighbourhood areas” within the development creating a clear hierarchy of spaces that are defined by varying house-type configurations and varied spatial relationships. These areas have been defined within the submitted Design & Access Statement as “The Valley”, “Main Street”, “Gateway Area”, “Green Edge” and “The lanes”. It is felt that the inclusion of the varying street and area typologies aids in the creation of a unique character and identity whilst improving the overall legibility within the development.

The layout respects in essence the road hierarchy approved at outline stage and the site layout as indicated on the original Illustrative Masterplan (Ref: 4370-P-02 Rev 1). A “main loop” is proposed that forms the main route within the development and is served via the realigned access off Henthorn Road, lower density parcels of development are located extending outward from the initial “Main Loop”.

A number of the properties benefit from integral/dedicated garages with all parking being accommodated on-plot or contained within rear parking courts, in areas that are afforded a high level of visibility parking has been accommodated behind the building line thereby lessening the visual dominance of the motor-vehicle upon the street scene.

I am therefore mindful of the relationship between the layout of the proposed development in relation to the wider and immediate context and given the proposed layout as detailed on the submitted plans, consider the scheme acceptable.

### Appearance & Visual Amenity

In respect of the appearance of the proposed dwellings, extensive negotiation has been undertaken with the applicant that discouraged the use of standard housing types/models and

their adaptation so as to ensure the development contributes to the creation of a sense of place and clear identity whilst maintaining a contextual response to the wider and immediate setting.

From the outset it was established by the Local planning Authority that the development in terms of layout and appearance, should represent a transition from the defined urban settlement edge to that of a semi rural context. Additionally it was encouraged that the typology of the dwellings and their location be informed by their townscape role within the overall layout of the development to aid in the defining of character areas within the development.

Subsequently the submitted plans detail the use of “gateway” house-types that occupy focal points, approach views or vistas and that form part of what are considered to be “key groupings” of dwellings within the development. Material transitions, utilised in concert with a varied material palette within the development have been encouraged to ensure the development results in the creation of a rich and varied streetscape ensuring the development does not appear overly homogenous or suburban in nature.

The Local planning Authority is currently seeking clarification from the applicant regarding the inclusion of a 3-storey house type within the development. This matter will be discussed further at Planning Committee following the receipt of further information/details.

A suite of “elevational features” has been agreed upon to further add variance within the house-types and strengthen the proposals relationship with the wider context. The submitted plans propose the use of reconstituted stone full window surrounds, a variance in window typologies including the inclusion of dark window framing materials on key buildings.

Feature gables incorporate reconstituted stone corbels, kneelers and parapet copings, with a varied range of door typologies and associated canopy details proposed.

Variation is also created through the incorporation of varied bay window treatments and plot specific boundary/landscaping treatments including stone and brick walling of varying heights incorporating infill panelling/trellising and stone capping, metal railing and estate fencing

The elevational language of the proposed dwellings has been amended to be more reflective of the semi-rural nature of the site whilst responding positively to the Clitheroe vernacular without engaging in direct repetition.

I am therefore mindful of the relationship between the design and appearance of the proposed dwellings in relation to the wider and immediate context and given the proposed housing-types and boundary treatments as detailed on the submitted plans, consider the scheme acceptable.

### Landscape

The submitted plans detail extensive landscaping proposals within development site, including the creation of a rural edge community park and woodland at the sites western extents incorporating wider pedestrian and cycle links between the development site, Henthorn Road and the existing riverside recreational areas.

Water features for ecological enhancement are proposed that will additionally act as balancing ponds as part of the sustainable urban drainage proposals. A green corridor is proposed that runs north to south through the central portion of the development, which will aid in ecological enhancement including the reinstatement of an existing watercourse.

A significant landscape buffer is proposed to the southern extents of the site, which will form part of a gateway feature upon entry to the development and lessen the visual intrusion of the development upon the immediate landscape setting.

Members will note that full landscaping plans indicating the planting to individual plots/curtilages is currently awaited at this stage although the applicant has submitted detailed plans relating to the public open space areas of the development. It is therefore requested that members defer and delegate the application to the Director of Community Services for the approval of planning permission to allow for the Local Planning Authorities Countryside Officer to make a detailed assessment in relation to the submitted and awaited landscaping proposals.

I am therefore mindful of the relationship between the proposed landscaping details and their relation to the wider and immediate context and given the proposals as detailed on the submitted plans, consider the scheme acceptable subject to the receipt of further detail.

### Other Matters

There are a number of points raised by objectors that do not sit easily within the headings given to consider the main issues associated with this scheme. I shall attempt to address these issues below:

#### Woone Lane:

Reference has been made to the proposed improvement works to Woone Lane and that condition 11 of the previous approval contained no detail referring to these works. Members will note that the aforementioned improvement works have been agreed as part of a Unilateral Undertaking.

#### Kennel Access:

Comments have been received requesting the inclusion and retention of an access from the existing Kennel facilities to the development site. Members will note that issues of private access to the development site are a private matter between the applicant/land owner and the operator of the Kennel facility and is not therefore a material consideration in the determination of the application.

#### Site Compound:

Objections have been received regarding the location of the proposed site compound and its proximity to existing residents throughout the construction phase of the development. Members will be aware that the Site Compound details have been submitted as part of the discharge of condition 24 of the outline permission and therefore cannot be considered as part of the reserved matters application. However, it has been indicated by the applicant that amended details will be provided showing the Site Compound relocated away from neighbouring properties following agreement of the final site layout.

### SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity nor would it have an adverse visual impact upon the immediate or wider context.



RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Community Services for approval following the receipt of satisfactory additional landscaping details and amended House Type floor plans subject to the following condition(s):

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

- 01: TW/HR/SL/01 Rev M – Composite Site layout - Amended 25<sup>th</sup> March 2013.
- 02: TW/HR/SL/03 Rev A – Storey Height Plan - Amended 22<sup>nd</sup> March 2013.
- 03: TW/HR/SL/04 Rev B – Materials Distribution Plan - Amended 22<sup>nd</sup> March 2013.
- 04: Dwg No.4271.07 – Landscape Structure Plan, Public Open Space (1of 2) - Amended 22<sup>nd</sup> March 2013.
- 05: Dwg No.4271.08 – Landscape Structure Plan, Public Open Space (1of 2) - Amended 22<sup>nd</sup> March 2013.
- 06: TW/HR/FBTP/01 – Front Boundary Treatment Plan - Amended 22<sup>nd</sup> March 2013.
- 07: SD/Henth/001 Rev B – Proposed Slab Levels - Amended 22<sup>nd</sup> March 2013.
- 08: Street Elevations & Site Sections - Amended 22<sup>nd</sup> March 2013.
- 09: Bus Stop Details - Amended 22<sup>nd</sup> March 2013.
- 10: TW/HR/HT/Gar/1 – Single Garage Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 11: TW/HR/HT/Gar/2 – Single Garage Plans & Elevations Stone - Amended 22<sup>nd</sup> March 2013.
- 12: TW/HR/HT/Gar/3 - Double Garage Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 13: TW/HR/HT/Gar/4 – Double Garage Plans & Elevations Stone - Amended 22<sup>nd</sup> March 2013.
- 14: TW/HR/HT/Gar/5 – Double Garage Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 15: TW/HR/HT/Gar/6 – Triple garage Plans & Elevations - Amended 22<sup>nd</sup> March 2013.
- 16: TW/HR/HT/A/2B – House Type A Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 17: TW/HR/HT/B/2B – House Type B Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 18: TW/HR/HT/C/2B – House Type C Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 19: TW/HR/HT/D/01B – House Type D Plans & Elevations Stone - Amended 22<sup>nd</sup> March 2013.
- 20: TW/HR/HT/DWC/01 – House Type D Wren Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 21: TW/HR/HT/E/01B – House Type E Plans & Elevations Stone - Amended 22<sup>nd</sup> March 2013.
- 22: TW/HR/HT/F/01B – House Type F Plans & Elevations Stone - Amended 22<sup>nd</sup> March 2013.
- 23: TW/HR/HT/G/01B – House Type G Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 24: TW/HR/HT/H/01B – House Type H Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 25: TW/HR/HT/I/01B – House Type I Plans & Elevations Stone - Amended 22<sup>nd</sup> March 2013.

- 26: TW/HR/HT/J/01B – House Type J Plans & Elevations Stone - Amended 22<sup>nd</sup> March 2013.
- 27: TW/HR/HT/HH/0 – House Type Heron House Plans & Elevations Render - Amended 22<sup>nd</sup> March 2013.
- 28: TW/HR/HT/K/01B – House Type K Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 29: TW/HR/HT/BH/01 – House Type Bridge House Plans & Elevations Render - Amended 22<sup>nd</sup> March 2013.
- 30: TW/HR/HT/L/01B – House Type L Plans & Elevations Stone - Amended 22<sup>nd</sup> March 2013.
- 31: TW/HR/HT/M/01B – House Type M Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 32: TW/HR/HT/NO/01 – House Type N/O Plans - Amended 22<sup>nd</sup> March 2013.
- 33: TW/HR/HT/NO/02 – House Type N/O Elevations Brick/Render - Amended 22<sup>nd</sup> March 2013.
- 34: TW/HR/HT/P/01 – House Type P Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 35: TW/HR/HT/PE/01 – House Type PE Elevations Render - Amended 22<sup>nd</sup> March 2013.
- 36: TW/HR/HT/PE/02 – House Type PE Plans - Amended 22<sup>nd</sup> March 2013.
- 37: TW/HR/HT/Q/01 – House Type Q Plans & Elevations Stone - Amended 22<sup>nd</sup> March 2013.
- 38: TW/HR/HT/R/01 – House Type R Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 39: TW/HR/HT/S/01 – House Type S Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 40: TW/HR/HT/T/01 – House Type T Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 41: TW/HR/HT/TGH/01 – House Type The Gatehouse Plans & Elevations Render - Amended 22<sup>nd</sup> March 2013.
- 42: TW/HR/HT/U/01 – House Type U Plans & Elevations Stone - Amended 22<sup>nd</sup> March 2013.
- 43: TW/HR/HT/V/01 – House Type V Plans & Elevations Render - Amended 22<sup>nd</sup> March 2013.
- 44: TW/HR/HT/W/01 – House Type W Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 45: TW/HR/HT/X/01 – House Type X Plans & Elevations Stone - Amended 22<sup>nd</sup> March 2013.
- 46: TW/HR/HT/Y/01 – House Type F Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.
- 47: TW/HR/HT/Z/01 – House Type Z Plans & Elevations Stone - Amended 22<sup>nd</sup> March 2013.
- 48: TW/HR/HT/AA/01 – House Type AA Plans & Elevations Stone/Brick - Amended 22<sup>nd</sup> March 2013.
- 49: TW/HR/HT/BB/01 – House Type BB Plans & Elevations Stone - Amended 22<sup>nd</sup> March 2013.
- 50: TW/HR/HT/CC/01 – House Type CC Plans & Elevations Stone/Brick - Amended 22<sup>nd</sup> March 2013.
- 51: TW/HR/HT/DD/01 – House Type DD Plans & Elevations Brick - Amended 22<sup>nd</sup> March 2013.

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

2. The approved landscaping scheme submitted with this application shall be implemented in the first planting season following occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those original 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 Regulation 22 Submission Draft.

3. No development shall take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites for that phase have been submitted to, and approved in writing by the Local Planning Authority. The details shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated. The artificial bird/bat boxes shall be incorporated into those individual dwellings/buildings during the actual construction of those individual dwellings/buildings identified on the submitted plan before each such dwelling/building is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development in accordance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and EN4 of the Core Strategy 2008 – 2028 Regulation 22 Submission Draft.

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

REASON: In the interests of the visual amenities of the area in accordance with Policies G1 and ENV1 of the Ribble Valley Districtwide local Plan and Policies DMG1 and DMG2 of the Core Strategy 2008 – 2028 Regulation 22 Submission Draft.

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DMG2 and DME4 of the Core Strategy 2008 – 2028 Regulation 22 Submission Draft, ensuring a satisfactory standard of appearance and given its location.

6. No development shall take place until details of the children's play area, as indicated on drawing TW/HR/SL/01 (Amended 22<sup>nd</sup> march), shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DMG2 and DME4 of the Core Strategy 2008 – 2028 Regulation 22 Submission Draft, ensuring a satisfactory standard of appearance and given its location.

6. No development shall take place until detailed plans and elevations of the proposed sub-station and foul water pumping station, as indicated on drawing TW/HR/SL/01 (Amended 22<sup>nd</sup> march), shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DMG2 and DME4 of the Core Strategy 2008 – 2028 Regulation 22 Submission Draft, ensuring a satisfactory standard of appearance and given its location.

#### NOTES

1. The applicant's attention is drawn to conditions attached by planning consent 3/2010/0719/P and the informatives that apply equally to this consent.
2. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserved the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Executive Director at PO Box 9, Guild House, Cross Street, Preston PR1 8RD in the first instance to ascertain the details of such an agreement and the information to be provided.

APPLICATION NO: 3/2013/0113/P (GRID REF: SD 370946 434979)  
PROPOSAL FOR 25 NO AFFORDABLE HOMES TO LAND OFF PETRE WOOD CLOSE INCLUDING ASSOCIATED LANDSCAPING AND PUBLIC FOOTPATH DIVERSION AT PETRE WOOD CRESCENT, LANGHO

PARISH COUNCIL: Objects to the application for reasons relating to loss of green space and increased volume of traffic exiting on to an already busy road.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

No objections to the proposal on highway grounds but requests a contribution of £30,000 through a Section 106 Agreement towards improvements to the public transport infrastructure with the funds to be used for the realignment of the junction with Whalley Road, carriageway and existing cycle lane, the build out and curving for the new bus stop and the relocation of the shelter.

LCC (EDUCATION):

A financial contribution is sought in order to ensure the provision of education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development.

In relation to primary school places, the latest projections show that there would be a shortfall of 42 places in five years time. With an expected yield of 9 places from this development, the shortfall would increase to 51. A contribution from the developer in respect of the full yield of 9 places is therefore requested.

In relation to secondary schools, the latest projections show that there would be approximately 127 places available in five years time. There are, however, a number of planning applications that have already been approved in this area and these have an impact upon the places available. Additionally, there are a number of housing developments which will impact upon this group of schools which are pending a decision or are pending appeal. These will also, of course, have an effect on the number of places available.

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

The maximum claim that could be requested is therefore as follows:

Primary Places: £11,880.45 x 9 places = £106,924

Secondary Places: £17,901.60 x 6 places = £107,410

Total request: £214,344

ENVIRONMENT AGENCY:

No objections in principle to the proposed development subject to the imposition of a condition to ensure that a satisfactory site investigation scheme is carried out; its results submitted for the approval of the Local Planning Authority; and any necessary mitigation measures to deal with contaminated ground are fully implemented.

(Such an investigation scheme has been carried out and a report of its findings, recommendations and mitigation measures was submitted to the Local Planning Authority after the receipt of the Environment Agency comments and at the time this report was being finalised. The Environment Agency will be consulted on the report and any response received in time will be reported orally to the Committee).

ARCHITECTURAL LIAISON  
OFFICER:

Comments that the development is seeking secured by design accreditation and that she therefore has no comments to make on the application.

ADDITIONAL  
REPRESENTATIONS:

Five letters have been received from nearby residents who express objections to the application for reasons that are summarised as follows:

1. Highway safety due to the additional traffic on Petre Wood Crescent. The junction on to the A59 is already busy. The proposal will add to existing problems especially at the start and end of the school day. The existing roads are inadequate to serve this development. There will be problems both during construction and when the development is built and occupied. Some of the existing residents have only one parking space which leads to a proliferation of on street parking. The existing streets would be less safe for the children that play on them both during and after construction.
2. Noise disturbance at both the front and rear of properties on Petre Wood Crescent.
3. The proposal would cause extra surface water run-off exacerbating an existing problem of water logged gardens in the locality.
4. Loss of privacy as the three bedroomed houses are situated on rising land directly behind Petre Wood Crescent and if land levels are not stringently checked, will most certainly have an overbearing effect on the existing dwellings.
5. The proposed route of the footpath is inappropriate. More houses will mean more use of the footpath to the detriment of the amenities of the existing houses close to the style on the southern side of the site. A simply re-routing of the footpath through the existing Petre Wood Crescent development and then through the new development to the A59 would solve this problem.

6. The properties should be part ownership as there are more than sufficient properties in the area that are 'to let'.
7. The existing development is not properly managed. A monthly maintenance charge is paid but gardens and pavements are untidy and there are weeds growing out of the tarmac in places.

### **Proposal**

The application seeks full planning permission for a development of 25 affordable two storey dwellings comprising 18 semi detached, 6 terraced and one detached houses. All of the dwellings would be affordable, with the following breakdown:

- 6 No three bed five person houses for sale
- 1 No four bed eight person house for sale
- 5 No two bed four person house for rent
- 13 No three bed five person houses for rent

Each property would have private front and rear gardens and two off road parking spaces.

All properties would have pitched roofs with slate grey coloured concrete roof tiles. The walls would be red multi brick work to the ground floor with off white render to the upper floors with some art stone detailing to some of the gable ends.

The properties would be served by an access road leading from the existing cul de sac of Petre Wood Close and forming a Y shape culminating in two cul de sac heads.

### **Site Location**

The application relates to an area of approximately 0.67 hectares (1.6 acre) of open land situated between the recent housing development at Petre Wood Crescent to the south and the A59 to the north.

The western side of the site abuts the steep banking between the A59 close to the roundabout whilst the eastern part of the site is open grazing land.

The banking rises sharply to the roundabout and is planted with trees. The site itself rises from west to east so that on its western edge, the land is beneath the level of the A59 but at its northerly edge, beyond the point where it is crossed by a public footpath, it is level with that highway.

The site is within the open countryside outside the settlement boundary of Langho.

### **Relevant History**

3/2007/0555/P – Permission for an affordable housing development of 45 units on a former garden centre site adjoining the current application site. This development has been completed.

3/2009/1011/P – Outline permission (granted on 12 March 2012) for a development of 24 affordable dwellings on a site of approximately 0.5 hectares comprising the majority of this current application site. No reserved matters application has been submitted, but the outline permission remains extant.

### **Relevant Policies**

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 - Dwellings in the Open Countryside.

Policy H20 - Affordable Housing - Villages and Countryside.

Policy ENV3 - Development in Open Countryside.

Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMH3 – Dwellings in the Open Countryside.

Policy DMH1 – Affordable Housing Criteria.

Policy DME2 – Landscape and townscape Protection.

Addressing Housing Need in Ribble Valley

National Planning Policy Framework (NPPF).

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

The matters to be considered in the determination of this application relate to the principle of the development in policy terms; the impact of the development in visual terms; the effects upon ecology and trees; the impact on neighbouring residential properties; highway safety; the diversion of the public footpath; the mechanism by which the properties have been made affordable; and the matter of financial contributions requested by Lancashire County Council.

### **Principle of Development**

As a development of 100% affordable housing, the Council's current situation in relation to housing land supply is not so relevant as it would be in relation to other types of housing development.

In this case, it is perhaps more relevant to look at previous application 3/2009/1001/P that sought outline permission for an affordable housing development on the majority of this current application site. That application (that was submitted by the landowner) was considered by Planning and Development committee in February 2010 when the applicable policies were saved Policies G5, H2 and H20 of the Local Plan. Policy G5 states that outside main settlement boundaries planning permission will only be granted for smallscale developments where they are for local needs housing (subject to Policy H20). Policy H20 sets out the criteria which will be applied to determine which people are eligible to occupy affordable housing. Policy H2 also confirms that affordable housing is one of the categories of housing which will be acceptable in the open countryside. As the proposal was for 100% affordable housing it was considered to satisfy those relevant policies of the Local Plan and it was therefore acceptable in principle. The proposal was also considered to be acceptable in relation to all relevant detailed considerations.



In relation to that previous application, the County Council had suggested that a contribution of £88,250 towards education and £11,520 towards waste management should be required through a clause in the Section 106 Agreement. The County Director of Strategic Planning and Transport, at that time, however said that as the application was for 100% affordable housing, the Borough Council should consider whether the request for a planning obligation in whole or in part would prejudice the viability of the scheme; and that if this was the case, the applicant should be required to demonstrate this. The applicants were preparing an assessment on this at the time the approximately was considered. A decision on the application was therefore deferred and delegated to approve following the satisfactory completion of a Section 106 Agreement (which would cover the matters of affordable housing and possible the financial contribution towards education provision).

In the event, the applicants did not submit a viability appraisal, and for various reasons, the application was not finally concluded until 12 March 2012 when conditional outline permission was granted following the completion of an appropriate Section 106 Agreement. In view of the lapse of time since their original request, the County Council was asked if it wished to reassess the originally requested contribution. They did carry out such a reassessment and confirmed by email dated 23 November 2011 that as of that date, no education contribution was requested. The Section 106 Agreement was therefore completed on that basis. There is therefore an extant outline permission for 24 affordable units on this site with no required education contribution.

The matter of an education contribution in respect of this current application will be discussed later in this report. with regards to policy considerations however, the requirements of saved Policies G5, H2 and H20 of the Local Plan are effectively carried forward by Policies DMG2, DMH3 and DMH1 respectively of the Core Strategy Submission Draft. The proposal therefore satisfies the requirements of those emerging policies. With regards to housing need, and the requirements of the document addressing housing need in Ribble Valley, the Council's Strategic Housing Officer has commented as follows:

The Strategic Housing Working Group has considered this scheme on two occasions in September 2012 and 23 January 2013. The working group fully support Great Places Housing Association development of 25 affordable units on the site. The previously proposed offer on the site was for 100% affordable units, however Great Places Housing Association is the preferred developer. Great Places Housing Association have built out Petre Farm phase I which has been very successful and a flagship development of shared ownership units. The units were reserved within weeks of the scheme's completion. Great Places have been a key partner in the delivery of affordable units in the borough over the past 10 years and have an excellent management and development reputation. The scheme's viability has been demonstrated and is supported by the Homes and Communities Agency's grant to deliver the mix of 18 rental and 7 shared ownership units which accurately reflect the demand identified.

The location of the site adjoining the existing affordable housing development; close to the main traffic route of the A59; on a bus route and relatively close to the facilities of Langho and (slightly more distant) Wilpshire and Whalley is considered to represent sustainable development as required by NPPF. When considered in relation to all relevant current policies and guidance, (and bearing in mind that there is an extant outline permission for a similar development) the proposal is considered to be acceptable in principle.

### Visual impact

The existing banking and trees provide a screen to the existing development and will also provide a screen to the majority of this proposed development when viewed from the A59. The exception for this is the north eastern corner of the site (which is the land that has been added to the smaller site area of application 3/2009/1011/P) where the rear elevations of a terrace of three dwellings (plots 13, 14 and 15) will be visible from the A59. These three properties have been given feature rear elevations including projecting gables to add visual interest when viewed from the A59. Subject to appropriate treatment to the rear boundary of these plots (which the applicants have confirmed in the submitted documents will be discussed and agreed with the Local Planning Authority) I do not consider that there would be any seriously detrimental effects upon visual amenity when viewed from outside the site.

In more general terms, the design and external materials of the dwellings reflect (but do not strictly replicate) the existing adjoining development. I consider that the proposed development will present an attractive street scene that will compliment the existing adjoining development. Overall, with regards to the matter of visual amenity, I consider the proposal to be acceptable.

### Residential Amenity

The proposal will undoubtedly affect the outlook and the privacy of the existing dwellings on the north side of Petre Wood Crescent. The rear gardens in the proposed new dwellings are of similar or longer length than the existing dwellings that they back on to. In my opinion this will provide a satisfactory level of privacy for the occupiers of those existing dwellings. However, due to the respective land levels, I consider it appropriate to impose a condition requiring the precise siting and finished floor slab levels of the dwellings on plots 1 to 5 inclusive to be indicated on site and agreed by the Local Planning Authority prior to the commencement of construction works on those plots.

Subject to such a condition, I do not consider that the proposal would have any seriously detrimental effects upon the amenities of nearby residents (bearing in mind that there is an extant outline permission for a similar development on this site).

### Ecology/Trees

In relation to this consideration, it should be borne in mind that there is an extant outline planning permission for a development on the majority of this application site.

Notwithstanding this, the applicants commissioned an ecological survey of the site and a report of its findings was submitted with the application. A summary of the findings/recommendations is as follows:

- Surveys were conducted to assess the probability of any protected species or habitats being disturbed by the proposed development. Compensation proposals and mitigation measures have been suggested to impose a net biodiversity gain for the area as a whole.
- The site area is currently predominantly wet grassland with areas of young Alder woodland scrub and piles of rubble. A few mature trees on site would require protection throughout any development. There is a small drainage ditch running west to east across the site. There are no ponds within 500m of the site.

- During surveying, a female grass snake was disturbed suggesting the site may be used for breeding. Due to this discovery, it was recommended that, prior to the start of any development, a full population survey be conducted to assess if the site qualified as a Key Reptile Site. It should be noted that even a small population would require mitigation under the Wildlife and Countryside Act 1981. Depending on the findings of the reptile population survey, any disturbance should be treated sensitively and adequately compensated.
- A number of young tree groups will be lost to the development. These trees are of moderate value and their loss could be adequately compensated for by the planting of numerous native trees.
- No other protected species listed under the Wildlife and Countryside Act 1981 Schedule 1 (birds) Schedule 5 (animals) and Schedule 6 (plants) were discovered on the site. However, bats species were detected transecting the area. Adequate mitigation proposals to protect all wildlife and minimise disturbance would therefore need to be followed.
- Any changes in levels of the site should include mitigation measures to protect the mature trees on site and the wooded area to the north.
- Planning of the development should incorporate opportunities to improve the ecological value of the site in compliance with NPPF.

In accordance with the recommendation in the Ecological survey report, a reptile population survey has been carried out (by Survey and Engineering Projects Ltd – SEP) and a report of its findings has also been submitted with the application. Its conclusions are as follows:

The survey was conducted throughout September 2012 under suitable climatic conditions as per JNCC Herpetofauna Working Manual and Frog Life's Guidelines. No reptiles were discovered throughout the surveying period, therefore the site does not qualify as a 'Key Reptile Site' and it is thought likely that reptiles are absent from the site at the present time. (September 2012). However, as a precaution, mitigation measures should be adhered to and the development treated sensitively throughout the construction phase. All rubble piles and debris that is deemed suitable as reptile refugia should be removed from the site by hand under the supervision of a suitably qualified ecologist. Vegetation should be cut between November to February so as to avoid active periods for reptiles under the supervision of a suitably qualified ecologist. All cut vegetation shall be removed from the site immediately. Once all rubble, debris and vegetation has been removed, the site shall be inspected by a suitably qualified ecologist to ensure no animals are left on site.

Subject to compliance with the mitigation measures in section 4 of the ecology report and section 5 of the reptile population survey report, the proposed development, in my opinion, is acceptable in relation to ecological considerations.

A Tree Survey and Implications Report has also been submitted with the application. This indicates a number of trees to be felled and a number of trees and woodland to be retained and protected during development. It is concluded in the report that subject to adequate precautions to protect retained woodland and individual trees, as specified in the Outline Arboricultural Method Statement included in the report, the development proposals should have minor arboricultural impact.

One area of concern however, is the turning head that is to be located within the root protection area of an Oak tree that is protected by a Tree Preservation Order. It is stated in the report

however, that due to lack of management and possible acts of vandalism, this tree is now in very poor condition and it is scheduled for removal. The comments of the Council's Countryside Officer in respect of this particular tree had not been received at the time of preparing this report. His observations will be reported orally to Committee as will any required alterations to the recommended conditions.

Subject to appropriate conditions, it is not considered that the proposal would have any significant arboricultural impact.

### Highway Safety/Parking

Access to the site is via Longsight Road from Whalley Road to the south which leads on to Petre Crescent and Petre Close. The properties on Petre Crescent/Close have 100% parking provision but on street parking on these roads is very common. The application proposal therefore has 200% parking such that it is anticipated that no further parking issues would occur.

The County Surveyor has not expressed any objections to the application in relation to highway safety or parking issues. He has, however, requested a contribution of £30,000 towards improvements to the public transport infrastructure. Such a request was not made in relation to the extant outline planning permission 3/2009/1011/P. This particular matter will be discussed later in this report.

### Diversion of the Public Footpath

A public footpath crosses the site between two existing styles, one close to Petre House Farm at the southern edge of the site and one on to the verge of the A59 at the northern edge of the site. The definitive route of the footpath does not follow a straight line between the two styles. It is proposed that the two styles will remain in their existing position and the footpath will follow the new estate road and a footpath between plots 14 and 15 on the northern edge of the site. This is the subject of a separate application under the Town and Country Planning Act (Section 27) Right of Way Diversion Order. The applicants are aware that, in the event of planning permission being granted, the footpath diversion order will also need to be approved in order for the development to be carried out.

### Mechanism by which the properties would be made affordable

In the past, the usual mechanism for securing the provision and retention of affordable dwellings has been through appropriate clauses in a Section 106 Agreement. The Council's Strategic Housing Officer, however, has advised that this issue was discussed at length by the Strategic Housing Working Group in November 2012. After considering all the risks of accepting a condition rather than a Section 106 Agreement, it was agreed by the group that a condition would be accepted as this resulted in significant benefits in terms of affordable housing delivery and where delivery is by a Registered Provider, the risk is minimal due to the Homes and Communities Agency regulations. The group however, did not want this to set a precedent for future applications and were clear that a condition would only be accepted where a Registered Provider was delivering a 100% affordable scheme.

As this application relates to a 100% affordable scheme to be provided by a Registered Provider, in this case, the use of an appropriate condition is sufficient and a Section 106 Agreement in relation to this particular matter is not required.

## Financial Contributions Requested by LCC

The County Council has requested a total of £244,344 towards education provision and public transport improvements.

The applicants have claimed that this would make this proposal financially unviable and have put forward a viability assessment with supporting comments to explain how they have reached this conclusion. I summarise the case put forward by the applicants below.

The applicants comment that this is a proposal for a 100% affordable housing development giving a mix of affordable rent and affordable home ownership to respond to local need. As they understand it, the scheme is of high strategic importance for Ribble Valley who are keen to see a second phase of affordable housing delivered at Petre Wood in order to build upon the success of phase I. Great Places Housing Association say that the project is meeting local objective by providing new homes to meet need, is delivering tenures to reflect demand and offering additional shared ownership properties to help local people on to the property ladder.

The applicants advise that the scheme has also received funding support from the Homes and Communities Agency (HCA) who are clear in their investment strategy that they do not expect other government bodies to charge for land. In this case, the requested contributions amount to an additional charge on the land of £244,334 (nearly £10,000 per plot).

The scheme viability information put forward by the applicants indicates that the scheme would break even in year 40 which is the last permitted year in the appraisal model (this, of course, is without the requested contributions). The applicants point out that the development meets various standards and is already responding to a number of challenging abnormal issues as follows:

- Code 4 Sustainable Homes Level 3
- Secure by Design
- Diversion of Footpath through the site – via a temporary and permanent route
- Extensive storm water retention
- Piling in specific areas of the site
- Achieving level access to front and rear of properties to satisfy DDA requirements
- Remediation to remove contamination from former farming uses

The applicants are aware that the applicant for the previous application, the current landowner, obtained outline permission for an affordable housing development without any requested contributions in relation to education provision or sustainable transport measures. The applicants comment that this permission was for a private development business with profit built into the appraisals. Great Places, however, are not a profit business but need to ensure a business case is achieved on every project. Any additional spending on this scheme will render it unviable and so, in reality, the scheme will not proceed if these requested contributions are pursued. The applicants add that, unfortunately, given the timescales, the grant funding will be moved out of Ribble Valley if this scheme needs to be aborted at this stage.

The County Council has considered the case put forward by the applicants and has responded as follows:

*“There are significant funding constraints in Lancashire and the latest capital allocation is significantly less than has been previously provided against a delivery cost of at least £17,36 per school place. This funding only provides for births led shortfalls and any shortfall in places arising from housing must be funded by developer contributions, as advised by the DfE. If the full contribution requested is not secured against this development, then LCC may not have sufficient funds with which to provide school places and children will have to travel further in order to obtain a school place. This is not a situation that the County Council wants for the children of Lancashire but, if the appropriate funds are not secured, this is the inevitable position that we will find ourselves in.*

The Borough Council has also sought an independent assessment of the viability information provided by the applicants but the response had not been received at the time of preparation of this report.

### Content of Section 106 Agreement

As previously stated, the matter of affordable housing provision and retention can, in this case, be secured by an appropriate condition. There is therefore no need for this particular matter to be included in any Section 106 Agreement.

The County Council did not make any request for a contribution towards sustainable transport measures in relation to previous application 3/2009/1011/P. That request therefore seems to be inconsistent and unreasonable. It is not therefore considered appropriate to include this particular requested financial contribution in a Section 106 Agreement.

The previous application has also been granted outline permission with no required education contribution. This, however, was because at the time the permission was grant, the County Council had confirmed that the development would not contribute towards a shortfall of either primary or secondary school places.

At the present time, however, the current application would lead to a shortfall of both primary and secondary places so the County Council's request for an appropriate contribution is consistent with normal practice.

As can be seen above, the applicants claim that the required contribution would make the proposal unviable such that the development would not go ahead.

The Committee is requested to give consideration to this matter but as it presently stands, the recommendation is that any permission should be subject to a Section 106 Agreement in which the requested education contribution of £214,334 is included.

### Other Issues

The proposed dwellings would be level 3 code 4 sustainable homes and the development would follow the Energy Efficiency ‘fabric first’ approach as detailed in a Code 4 Sustainable Homes Assessment Report (reference LKACC12 1177) that was submitted with the application. a condition requiring compliance with this report would therefore be appropriate in this case rather than a condition requiring 10% of the energy supply of the development to be from renewable or low carbon energy sources.

The applicants have submitted a Phase I (desk study) Preliminary Risk Assessment Report that indicated a need for an intrusive survey across the site to further investigate potential pollutant leakages that had been identified at phase I stage. A Geoenvironmental Investigation and Risk Assessment was then carried out and a report of its findings (Ref LKC12 1001) was submitted to the Local Planning Authority at the time when this report to Planning and Development Committee was being finalised. Section 7 of the applicants report details a number of recommendations and remediation works that would make the site suitable and safe for residential development. Bearing in mind that there is an existing outline permission for residential development on the majority of the site, it is considered appropriate and sufficient to cover this matter by a condition requiring compliance with the recommendations within the report.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal would result in the provision of 25 affordable dwellings in a sustainable location and without any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

**RECOMMENDATION:** That the application be DEFERRED and DELEGATED to the Director of Community Services for approval of a legal agreement within a period of six months from the date of this decision and as outlined in the Section 106 Agreement sub heading within the report and subject to the following conditions:

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

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

2. This permission shall relate to the proposal as shown on drawing Nos 11-1767-P01A, P03B, P04A, P05A, P06A, P07A and P08.

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

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

**REASON:** In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2028 to 2018 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

4. No dwellings shall be occupied until all recommendations and mitigation measures contained in Section 7 of the Geo-environmental Investigation and Risk Assessment report dated 15 March 2013 by LK Consult Ltd (Ref LKC 12 1001) have been fully implemented to the satisfaction of the Local Planning Authority in consultation with the Environment Agency; and the Local Planning Authority has confirmed in writing to the developer that these requirements have been fully satisfied.

REASON: To prevent pollution of the water environment and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2028 to 2018 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. The dwellings hereby permitted shall be constructed to the Code for Sustainable Homes Level 3 and the development shall follow the government's preferred hierarchy (first set out in the 2008 Zero Carbon Homes Definition) following an energy efficiency 'fabric first' approach, as detailed in the report by LK Accreditation Ltd (Ref LKACC12 1177) that was submitted with the application.

REASON: In order to encourage renewable energy and to comply with Policies G1 of the Ribble Valley Districtwide Local Plan and Policy EM18 of the North West of England Regional Spatial Strategy to 2021 and Policies EN3, DME5 and DMG1 of the Core Strategy 2008 to 2012 Regulation 22 Submission Draft.

6. The development shall be carried out in compliance with all the mitigation and tree protection measures detailed in section 4 of the submitted Ecological Report by SEP Ltd dated 23 May 2012; section 5 of the Reptile Population Survey by SEP Ltd dated September 2012; and section 5 of the Tree Survey and Implications Assessment Report by SEP Ltd dated September 2012.

REASON: In order to reduce the impact of the development on biodiversity, and protect those trees that are to be retained from the potential adverse effects of development, and to safeguard the natural habitats of those species of conservation concern in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and EN2 of the Core Strategy 2008 to 2012 Regulation 22 Submission Draft.

7. Prior to the commencement of any construction works on the two storey houses on plots 1 to 5 inclusive, their precise siting and proposed finished floor slab levels shall be marked out/indicated on site to be viewed and agreed in writing by the Local Planning Authority.

REASON: To ensure compliance with the submitted plans and in the interests of visual amenity and the amenities/privacy 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 2012 Regulation 22 Submission Draft.

8. 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 scheme shall, in particular, include précised details of the treatment of the rear boundary of plots 13 to 15 inclusive.

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. All approved fencing/boundary treatments



shall be erected in accordance with the approved details prior to the first occupation of the respective dwellings to which they relate.

REASON: In the interests of visual amenity and the amenities of the future occupiers of the proposed dwellings and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2012 Regulation 22 Submission Draft.

9. The residential units hereby permitted shall only be used for the purposes of providing affordable housing accommodation as defined in the Housing and Regeneration act 2008 to be occupied by households or individual in housing need. This condition shall not be binding upon any of the following:
  - a. A charge or mortgagee of the Registered Provider or any receiver appointed by them in the event of default of the Registered Provider under the terms of the charge or mortgage;
  - b. A tenant of a residential unit who exercise any statutory right to buy or right to acquire such residential unit or any person deriving title through that tenant or any mortgagee or charge;
  - c. A lessee of a residential unity held under a shared ownership lease who acquire 100% of the interest under that lease or any successor or any successor mortgagee or charge of that lessee.

REASON: For the avoidance of doubt as the application is for a development of 100% affordable housing units and to comply with Policy H2 of the Ribble Valley Districtwide Local Plan and Policy DMH3 of the Core Strategy 2008 to 2012 Regulation 22 Submission Draft.

ITEMS DELEGATED TO DIRECTOR OF COMMUNITY SERVICES UNDER SCHEME OF DELEGATED POWERS

The following proposals have been determined by the Director of Community Services under delegated powers:

APPLICATIONS APPROVED

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2012/0342/P	Demolition of existing service buildings and erection of two storey extension of 21 bedrooms and covered service yard (579.77m <sup>2</sup> )	Higher Trapp Hotel Trapp Lane Simonstone
3/2012/0705/P	Hydraulic lime roughcast render to west gable elevation	Cosy Cottage Brookside, Downham
3/2012/1077/P	Proposed conversion of restaurant into five residential units, 3 houses and 2 flats	The Longridge Restaurant 104 Higher Road, Longridge
3/2012/1099/P	Proposed change of use of domestic garaging to one one bedroom holiday let and erection of a single storey structure to form one two bedroom holiday and one one bedroom holiday let to form a total of three holiday lets at the garage adjacent	1 Swindlehurst Cottage Garstang Road Chipping
3/2012/1105/P	Discharge of Section 106 Agreement, relating to agricultural occupancy that is attached to planning permission 3/1997/0641/P by condition no. 7	Clark House Farm Old Hive Lane Chipping
3/2012/1112/P	Application to remove condition no. 7 (reference to S106 agreement within planning permission 3/1997/0641/P) to allow the property, Clark House Farm, to be used as residential dwelling	Clark House Farm Old Hive Lane Chipping
3/2013/0063/P	Demolition of existing single storey outbuilding and erection of new single storey granny annex	2 Pinfold Farm Barn Preston Road, Ribchester
3/2013/0064/P	Conversion of former garage premises to form a bungalow (resubmission)	Branch Road Waddington
3/2013/0067/P	Retrospective application for the retention of a polytunnel for lambing purposes and agricultural storage	Capstick Field Burnley Road, Gisburn
3/2013/0068/P	To make temporary permission 3/2011/0021 permanent with a personal consent; conversion of detached double garage to dog grooming studio business with single storey extension to front and alterations including new windows and doors	Casa Lago 1 Woodlands Park Whalley

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2013/0071/P	New access off Settle Road into a parcel of agricultural land and the creation of a stone track to allow access to agricultural operations	Calder Farm Settle Road Bolton-by-Bowland
3/2013/0074/P	New detached 5/6 bedroom property at Plot 6, Cherry Drive, Brockhall Village. Work to include driveway/hard standing and integral garage, and external works to garden areas	Plot 6, Cherry Drive Brockhall Village Old Langho
3/2013/0077/P	Proposed single storey extension	3 Chapel Close Old Langho
3/2013/0080/P	Demolish garage and replace with single storey extension to the South and East elevation, to provide an additional bedroom, garage space and utility space	4 Pinder Close Waddington
3/2013/0081/P	Proposed erection of a 1.5 storey three-bedroom house with a separate garage on the site of the former commercial yard for the garage	Marwin, Clitheroe Road Barrow, Clitheroe
3/2013/0086/P	Application for the approval of details reserved by condition no. 3 (new/replacement windows and doors) of planning permission 3/2010/0632/P	Stocks House Hellifield Road Bolton-By-Bowland
3/2013/0090/P	Conservatory to the rear elevation	Maveril, Ribchester Road, Clayton-le-Dale
3/2013/0092/P	Proposed extension and alteration to existing double garage to enable annex facility including link to house at	47 Lower Lane Longridge
3/2013/0093/P	Resite the blue memorial plaque to Captain James King by lowering it by 800mm to facilitate legibility and make it more visible to the public. The plaque is on the King Lane elevation	Yorkshire Bank 2 Market Place Clitheroe
3/2013/0095/P	Proposed alteration of first floor area to garage to form a Granny flat	Stubbins Farm Hothersall Lane Ribchester
3/2013/0101/P	Proposed erection of a conservatory to the rear of the property	84 Hillcrest Road Langho
3/2013/0112/P	Replacement of defective north and south windows of a church with an upgraded like for like appearance window system. Work also includes essential repairs to stone window mullions	United Reform Church Castlegate Clitheroe

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2013/0127/P	Proposed erection of a double storey extension over existing single storey accommodation and erection of a single storey extension to East and rear of front elevation. Replacement and upgrading of existing roof, windows and doors. Provision of external hard standing parking area. This is an existing residential property which has one room used in the past as the Police Office, but has been solely residential for a long time	Police Rural Beat House Manor Avenue/ Preston Road Ribchester
3/2013/0128/P	Proposed extensions to the side and rear of the property including demolition of conservatory	Glenburn Sawley
3/2013/0131/P	Alterations to dwelling including erection of garden room on the southwest elevation at	Woodside Whalley Old Road, Billington
3/2013/0133/P	Application for a minor amendment to planning permission 3/2012/0833/P to change the roof design from 3 pitches to 4 pitches	Vale House Vale House Close, Whalley
3/2013/0144/P	Addition of 45m long x 9m wide lean-to extension to existing 60m long x 22m wide free standing agricultural building used for housing cattle. The building is required for use as an Animal Welfare Shelter for sheep during the forthcoming lambing season	Higher Lickhurst Farm Leagram
3/2013/0149/P	Proposed single storey rear extension	Green End Croft Sawley Road, Grindleton
3/2013/0150/P	Application to remove condition No 3 (occupancy restriction) of planning permission 3/2006/0570/P to allow greater flexibility of use	Moorgill, 4 Wiswell Lane Whalley
3/2013/0151/P	Extension to existing Portakabin on Samlesbury site to provide integral welfare facilities (kitchen area and toilets x 2). Existing welfare facilities to be removed (These are 2 Portakabins separate to the main Portakabin)	BAE Systems Samlesbury Aerodrome Myerscough Road Balderstone
3/2013/0152/P	Proposed replacement of outbuilding to existing house to form studio	17 Cowper Avenue Clitheroe
3/2013/0157/P	Proposed two-storey rear extension. Re-submission of 3/2012/0947P	23 Pendle Street West Sabden
3/2013/0158/P	Proposed first floor bedroom extension at rear	68 Mitton Road, Whalley
3/2013/0197/P	Application for a non-material amendment to planning permission 3/2012/0918/P, to allow alterations to window/door openings	Cross House Broad Lane Whalley
Cont/		

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
Cont...	to west elevation, omission of 2 no. rooflights to south elevation, increase in window height (to full height openings) between garden room and existing house – north elevation	

APPLICATIONS REFUSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2012/1066/P	Proposed conversion and extension of existing house to create two dwelling	Bleak House Stonyhurst	NPPF and Policies G5, H2, DMG2 and DMH3 – Creation of an additional residential unit in an inappropriate unsustainable location.
3/2013/0046/P	Demolition of external garage and construction of one residential bungalow	54 Whalley Road Sabden	Policies G1 and - residential amenity.  Policy G1 and DME6 – Flood Zone 3 development and inadequate site specific flood risk assessment to assess the risks and single storey dwelling inappropriate.
3/2013/0055/P	Proposed third double bedroom over existing kitchen extension and car parking and turning area	Rose Cottage Main Street Grindleton	Policies G1 and H10 of DWLP and the SPG on alterations and extensions to dwellings, and Policies DMG1 and DMH5 of the RVCS (Submission Draft). It would overlook and overshadow neighbouring windows resulting in loss of privacy and a development which would be overbearing and oppressive.
Cont/			Policies G1, ENV16,

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...			and H10 of the DWLP and the Council's SPG on alterations and extensions to dwellings, Policies DMG1 and DMH5 of the RVCS (Submission Draft) and Sections 11 and 12 of the NPPF - unsympathetic, dominant and incongruous addition, out of keeping with the character and appearance of the original dwelling to the detriment of the character, appearance and significance of Grindleton Conservation Area and the street scene.
3/2013/0075/P	Four illuminated hanging signs above windows on the front elevation	The Tile Co Friendship Mill Whalley Road Read	Contrary to policy G1 of RVDWLP and policy DMG1 of RVCS.
3/2013/0078/P	Removal of 4no defective timber windows on the north elevation (Church Lane) and replacement with double-glazed uPVC windows of a similar design	De Lacy Arms 61 King Street Whalley	Windows would be conspicuous, incongruous and visually intrusive and of undue harm to the character, appearance and significance of Whalley Conservation Area. Policies ENV16, G1, DME4 and DMG1. NPPF paragraph 17 and 131. Planning (Listed Buildings and Conservation Areas) Act 1990.

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>	<b><u>Reasons for Refusal</u></b>
3/2013/0094/P	One internally illuminated fascia sign and one canopy	7-9 Parson Lane Clitheroe	Contrary to Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME4 of the Ribble Valley Core Strategy.
3/2013/0105/P	Two storey extensions to side and rear to provide additional living accommodation, new detached garage, new covered courtyard and new driveway	Eatough's Farm Fleet Street Lane Ribchester	DWLP: G1, ENV3, H10 & H12 and CS: DMG1, DME2, DME4 & DMH5 – dominant and incongruous harmful to visual amenity.

#### OBSERVATIONS TO ANOTHER LOCAL AUTHORITY

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2013/0118/P	Construction of area of hard standing, the installation of musical instruments and activity panels and timber bench seating and associated landscaping works at	Longridge C of E Primary School Berry Lane Longridge

#### CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2013/0160/P	Application for Lawful Development Certificate for single storey rear extension	27 Kemple View, Clitheroe
3/2013/0188/P	Application for a Lawful Development Certificate for proposed internal alterations and provision of 2no. dormers to the existing roof. Proposed change to door and window positions and addition of small porch frontage	Valle Vista Barker Lane Mellor

#### APPLICATIONS WITHDRAWN

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2013/0060/P	Replacement dwelling	High Trees Longridge Road Clayton-le-Dale
3/2013/0123/P	Five residential units	Vareys Yard Salthill road Clitheroe

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0065	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 Miller Homes
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 applicants solicitor
3/2012/0179	Land at Accrington Road Whalley	6/12/12	77	With Legal & Agent
3/2012/0738	Dale View Billington	6/12/12	10	With Legal
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	6/12/12	57	With Agent
3/2012/0964	Land to the north of Whalley Road Hurst Green	14/3/13	30	With Planning
<b><u>Non Housing</u></b>				
3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures Lancashire County Council to draft Section 106

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	Waiting for hearing to take place



<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2011/0025 O	25.6.12	J-J Homes LLP Outline planning application for residential development (ten dwellings) Land off Chatburn Old Road Chatburn	-	Procedure has now been changed - appeal will be dealt with via a Public Inquiry, date 12.03.13	Inquiry held - awaiting decision
3/2012/0259 D	25.9.12	Mr A Ball Proposed new vehicle/pedestrian access to site Seven Acre Cottage Forty Acre Lane Longridge	WR	-	Appeal allowed 13/3/13
3/2012/0096 D	14.11.12	Mr & Mrs D Hancox Proposed dwelling with garages, garden and landscaping Kemple Barn Whalley Road Clitheroe	WR	-	Appeal allowed 13/3/13
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	-	Appeal dismissed 13/3/13
3/2012/0477 D	06/12/12	Heywood Butchers The Abattoir, Clerk Hill Road, Whalley	WR	-	Appeal allowed 08/03/13
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)	Waiting for inquiry to take place

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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 sent 15/2/13
3/2012/0630 Undetermined	22/01/13	land SW of Barrow and W of Whalley Road, Barrow	Inquiry	4/6/13 (8 days)	Waiting for inquiry to take place
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 Statement sent.
3/2012/0723 R	25/01/13	site of former stable, Trapp Lane, Simonstone	WR		Notification letter sent 01/02/13 Questionnaire sent 06/02/13 Statement sent 07/03/13
3/2012/0526 R	01/02/13	Laneside Farm, Pendleton	WR		Notification letter sent 11/02/13 Questionnaire sent 11/02/13 Statement sent
3/2012/0089 R	15/02/13	Lanshaw Barn Woodhouse Lane Slaidburn	WR		Notification letter sent 26/2/13 Questionnaire due 01/03/13 Statement due 29/03/13
3/2012/0402 R	18//2/13	Mason House Farm Clitheroe Road Bashall Eaves	WR		Notification letter sent 25/02/13 Questionnaire sent 25/02/13 Statement due 01/04/13

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3/2012/0862 R	13/02/13	Fell View Barnacre Road Longridge	WR		Questionnaire and notification sent 22/2/13 Statement letter sent.
3/2012/0327 Application for award of costs against RVBC	27/02/13	land to the east of Clitheroe Road (Lawsonsteads) Whalley	Costs		Applicant's application for costs is successful and a full award of costs is being made against RVBC
3/2012/0938 R	11/03/13	26 Waddow Grove, Waddington	HH		Notification sent 14/3/13 Questionnaire sent 14/3/13
3/2012/0729 R	Awaiting confirmation from Inspectorate	Dog & Partridge, Tosside			
3/2012/0539 R	Awaiting confirmation from Inspectorate	Carr Hall Home and Garden Centre, Whalley Road, Wilshire			
3/2012/1088 R	Awaiting confirmation from Inspectorate	8 Church Brow, Clitheroe			
3/2012/0913 R	Awaiting confirmation from Inspectorate	land off Waddington Road, Clitheroe			

#### LEGEND

- D – Delegated decision
- C – Committee decision
- O – Overturn