

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

Agenda Item No.

meeting date: THURSDAY, 23 MAY 2013  
 title: NON-DETERMINATION APPEAL IN RELATION TO A PROPOSED OUTLINE APPLICATION FOR THE PROVISION OF UP TO 190 RESIDENTIAL UNITS (FALLING WITHIN USE CLASS C3), INCLUDING AFFORDABLE HOUSING, WITH TWO NEW VEHICULAR AND PEDESTRIAN ACCESSES ON TO WHALLEY ROAD, ON SITE LANDSCAPING, FORMAL AND INFORMAL OPEN SPACE AND ASSOCIATED INFRASTRUCTURE WORKS INCLUDING A NEW FOUL WATER PUMPING STATION AT LAND TO SOUTH WEST OF BARROW AND WEST OF WHALLEY ROAD, BARROW  
 submitted by: DIRECTOR OF COMMUNITY SERVICES  
 principal author: MARK BALDRY – ASSISTANT PLANNING OFFICER

### 1 PURPOSE

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

### 2 BACKGROUND

- 2.1 This application was made valid on 21 January 2013. It was given the planning reference 3/2013/0099/P with the 13-week statutory determination period ending on 22 April 2013. The applicant lodged an appeal against the non-determination of the application on 25 April 2013. It is standard practice to assess and aim to make recommendations on applications within the statutory 8 and 13-week periods, however in this case there are reasons why this has not been achieved.
- 2.2 No formal decision has yet been made in relation to this application with there being several reasons for this. There have been ongoing discussions with consultees in respect of highway and education matters. This coupled with the Case Officer's commitments and conflicting priorities in relation to other major development schemes (applications and appeals) and outstanding consultation responses has meant that there have been limited opportunities to progress work on this particular scheme.
- 2.3 The appeal for non-determination was submitted on 25 April 2013 and on receipt no further work can be undertaken in relation to dealing with the planning application. At the time of drafting this report the Council are still awaiting formal confirmation from the Planning Inspectorate to confirm that the appeal is valid.

2.4 The appellant has requested that the appeal be considered at a Public Inquiry which they estimate will sit for 4 days (indicating they will call three witnesses). Should the Inspectorate consider that the Inquiry procedure is suitable and intends to determine this appeal by that procedure, it is important to stress to Members that whilst this is the most appropriate procedure to deal with this scheme, it is also the most costly in terms of Officer time and need to engage Counsel and potentially an expert witness.

2.5 All those persons who were notified or consulted about the application, and any other interested persons who made representations regarding the application, will be notified of the appeal once we have received confirmation from PINS it is a valid appeal with the opportunity given for any additional comments to be submitted to the Planning Inspectorate by a set date yet to be confirmed.

### 3 ISSUES

3.1 In cases for non-determination it is important to gauge the views of Planning and Development Committee in order that Committee Members are satisfied with the officer report and are in agreement with its content and conclusions.

3.2 A report is included as Appendix 1 to this report providing details of the representations received and the issues arising. As Committee will note there has been a great deal of public interest in this proposal and that there are still a number of matters yet to be examined in greater detail in order to form a final opinion.

3.3 However, on the basis of the planning merits of the case at this particular point in time, it is considered that should a formal recommendation have been made to Planning and Development Committee, it would have been one of refusal for the following issues forming the substance of the Council's case:

1. The proposal would be prejudicial to emerging policy in the Core Strategy.
2. Insufficient information has been made available to enable a comprehensive assessment to be made of the likely impacts of the application on the local highway infrastructure.
3. Visual impact.

3.4 Committee are requested that if ongoing discussions between the appellant and the LPA/LHA conclude that the highway network can safely accommodate the level of traffic generated without causing severe residential cumulative impacts then that reason (2 in paragraph 3.3) will not be pursued at the Inquiry.

### 4 RISK ASSESSMENT

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

- Resources – The Public Inquiry process is the most costly route both in terms of officer time required to provide all the relevant documentation prior to and during the Inquiry process itself and the financial cost of employing Counsel and external consultant(s) necessary to assist the Council in defending the appeal.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.

- Reputation – No implications identified.
- Equality and Diversity – No implications identified.

## **5 RECOMMENDED THAT COMMITTEE**

- 5.1 Request that Committee endorse the above issues as reasons for refusal and authorise the Director of Community Services and Head of Planning Services to liaise as appropriate to establish the best possible case to defend the appeal.

MARK BALDRY  
ASSISTANT PLANNING OFFICER

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

### **BACKGROUND PAPERS**

- 1 3/2013/0099 - Outline Application for the Provision up to 190 Residential Units (Falling Within Use Class C3), Including Affordable Housing, with Three New Vehicular and Pedestrian Accesses on to Whalley Road, on Site Landscaping, Formal and Informal Open Space and Associated Infrastructure Works Including a New Foul Water Pumping Station at Land to South West of Barrow and West of Whalley Road, Barrow. Report included as Appendix 1 to this report.

For further information please ask for Mark Baldry, extension 4571.

## APPENDIX

### RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE MINDED TO REFUSE

DATE: 23 MAY 2013

REF: MB/EL

CHECKED BY:

APPLICATION NO: 3/2013/0099/P  
438129)

(GRID REF: SD 373476

PROPOSED OUTLINE APPLICATION FOR THE PROVISION OF UP TO 190 RESIDENTIAL UNITS (FALLING WITHIN USE CLASS C3), INCLUDING AFFORDABLE HOUSING, WITH TWO NEW VEHICULAR AND PEDESTRIAN ACCESSES ON TO WHALLEY ROAD, ON SITE LANDSCAPING, FORMAL AND INFORMAL OPEN SPACE AND ASSOCIATED INFRASTRUCTURE WORKS INCLUDING A NEW FOUL WATER PUMPING STATION AT LAND TO THE SOUTH WEST OF BARROW AND WEST OF WHALLEY ROAD, BARROW

WISWELL COUNCIL: PARISH Strongly object to the proposals and have asked that the following statements are taken into consideration:

#### Background

1. This application is a scaled down version a previous application to build 504 dwellings. If this application is approved, it is likely that further planning applications on this land would follow and Barrow village cannot sustain such developments. Ribble Valley Borough Council should refuse this application for the same reasons that previous applications were refused.
2. The proposed development is for an excessive number of residential dwellings, submitted without any consultation or consideration of the effects on the local community. No thought has been given to the environmental impact on the local residents. There is no benefit to them from this huge development, only a deterioration of existing services that are already stretched to near breaking point.
3. 20 years ago, Barrow village contained 186 dwellings and by 2010 it has grown to approximately 304 dwellings. After taking into consideration the current building work at Barrow Brook, the village will soon have 406 dwellings and planning permission has recently been approved for a further 135 dwellings. The scale of development in Barrow has not been planned, but rather forced upon the village without consultation or evidence of its sustainability. A further proposed development of 190 dwelling would swamp the existing village.

4. The application contains site maps which are out of date and do not show public footpaths. Many of the statement documents are ambiguous and although they may have been relevant in 2001, they are now very out of date. Eg, there is currently less than a quarter of the original printworks site/Barrow Enterprise Park available for commercial development due to recent planning permission granted for residential properties. The remaining commercial land will certainly not generate 4,000 plus jobs as stated in the planning application, an argument by the developer to justify such a large residential development.

#### The Core Strategy

1. This outline application pre-empts the emerging Core Strategy and the site is not a preferred option within Ribble Valley Borough Council's Core Strategy. A decision on the proposed development should be delayed until the Core Strategy is finalised.

#### The Site

1. The proposed site falls outside the settlement boundary of Barrow and is designated as open countryside (planning policies ENV3, H2 and G5 apply). It has been used for many years for agricultural purposes, as grazing land for sheep and cattle. If allowed, the development would set a precedent to allow other similar large areas of agricultural land, sited in open countryside within the Ribble Valley, to be opened up for very large scale housing development.
2. The proposals are contrary to planning policy G5 which restricts development outside the settlement boundaries and paragraph 55 of NPPF as the village only has a few local facilities.
3. There are public footpaths on the site which have been used for many years by local people, visitors to the area and ramblers. According to the maps of the proposed development, the paths are to be superimposed by the site's access roads.

#### Public Consultation

1. The Parish Council is not aware of any public consultation of this proposed development with local residents. Public consultation is a requirement of the Localism Act, especially with a development of this size, and local residents should have been consulted. The lack of public consultation is a breach of procedures and shows a lack of respect for the community of Barrow.

2. While some residents did received an invitation from the developers in 2011 to attend the meeting, it was cancelled and another meeting was never arranged.
3. Any reference to public consultations made on the proposed developments in 2001 should be disregarded for this application. The proposals in 2001 were very different to the current application and included plans for alternative access roads, a new school etc and thus cannot be compared.

#### Environmental Impact Assessment

1. The Parish Council are very concerned that the developer is unwilling to submit an Environmental Impact Assessment and regard this as an essential requirement for an application of this size in the proposed location.

#### Employment Opportunities

1. In order to justify the proposals, the developer states in this literature that thousands of jobs will be created on the nearby printworks site. At present, this site only contains a McDonalds, a petrol station/Co-op, a food distribution company and an office complex. A large new housing estate has already been built on part of the land designed for employment use. The acreage left to build light industry/commercial business is small in comparison to the original site and it is very unlikely that future employment in this area will be anywhere near the scale proposed.

#### Infrastructure

1. This proposal does not meet the National Planning Policy Framework (NPPF) for sustainable development.
2. Barrow simply does not have the infrastructure to support this size of development. The village has insufficient facilities and infrastructure to support its current population and it cannot accommodate further residential developments.
3. The proposed development does not include any plans for extra amenities for the large number of new residents. This would result in extra car journeys to larger villages or towns so that residents can obtain the services they require.

### Education

1. There are insufficient educational vacancies at Barrow Primary School to accommodate this development. Barrow Primary School is already under pressure to provide places for residents from the new Barrow Brook development in Barrow.
2. Surrounding schools are already approaching their maximum intake and cannot absorb any more pupils at this time.

### Contribution to the Local Community

1. Members of the Parish Council were disappointed to note that the planning application does not include any contributions for the benefit of the community in Barrow. Previous large-scale planning applications in the village have included contributions under Section 106 Agreements to improve and maintain the local playing field. Although members of the Parish Council remain strongly opposed to this application, they believe that if it is approved, the developer should be asked to contribute towards the community, eg with the building of a community centre and the installation of speed cameras on Whalley Road. The Parish Council would be willing to discuss the needs of the local community with the developer, as appropriate.

WHALLEY PARISH  
COUNCIL:

The Parish Council objects to the proposed development for the following reasons:

1. Sustainability – the proposal is for more houses with minimal contribution to the infrastructure of the village/no local commercial gain or employment, only the developer gains/no offered improvement to the social infrastructure, and there is diminution of the built and rural environment. Barrow has insufficient facilities and infrastructure to support its current population. The result will be for residents to use the shops, dentist, doctor, library in Whalley. The suggestion by the applicants that the nearby business park will generate 400 plus jobs and be staffed by local residents is nonsense. Associated traffic problems are well documented.
2. Conservation - the proposal is to build on fields which are at present designated open countryside to which planning policies ENV3, H2 and G5 apply. As the proposal is to build on land outside the settlement boundaries G5 clearly applies. Public footpaths are to be obliterated by two of the sites main access roads. The Parish Council notes that the Environmental Impact Assessment Plan has yet again not been provided by the developer for inspection or evaluation.

3. Sewage and Drainage Assessment – reports that during heavy rain the current system cannot cope with the resultant risk to property and residents health. No investment or upgrade of existing sewage facilities are indicated by the developers, any extra homes will only make existing situation worse.
4. Transport Assessment – Transdev report the existing traffic congestion increases journey time resultant inefficiency and higher fares. However, since this application has been forwarded the 22 service Clitheroe to Blackburn has been withdrawn making car ownership essential. Northern Rail already has overcrowding on the Clitheroe/Manchester service. The increase in patronage brought upon by development will result in further deterioration of these public services.

However the greatest impact is on road traffic. The natural flow of traffic from the proposed site will not be to the A59, but through Whalley village. As reported on the numerous occasions the traffic built up in King Street, Accrington Road and Station Road will result in traffic congestion and blockages. This scenario is already common when lorries, buses meet on a narrow road due to double parking. It is equally prevalent at school opening/closing times due to the sheer volume of traffic. Wiswell Lane will become even more of a rat run with speeding motorists attempting to avoid the mayhem on King Street.

5. Education – primary schools in Whalley, Langho and Barrow are oversubscribed; it is untenable for Whalley village children to be bussed out of the area, but this is already likely to happen with the existing permissions. Barrow children should be taught in their local school. Lancashire County Council figures state that Barrow CP is 12% over subscribed.
- 6.
7. Accumulative Impact – this proposal is deemed to be a development which spuriously suggests that it attunes to Policies G4 and G5 of the Ribble Valley Local Plan. A feature of the last 2 years has been a succession of developers who wish to build both in the immediate environment of Whalley or within the parishes bordering the village. Should all these proposed ribbon developments be successful the accumulative impact would quickly destroy the ambiance associated with the Ribble Valley. Policy ENV3 recognises the need to protect and enhance open countryside, protect and conserve natural habitat and traditional landscape features. This development destroys these features.
8. Core Strategy – to grant permission at the present time, for a development on this green field land outside the



settlement boundary, would be prejudicial to the emerging policies in the Core Strategy as it would pre-determine decisions about the scale and location of the new development that should properly be made through the planning process.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

The County Surveyor has provided general comments on the proposals at the time of drafting this report; detailed comments will be circulated once they are available.

However, as the application stands at present there are highways objections to the development proposals. These objections might be withdrawn if the developer provides additional information to satisfy those concerns.

LANCASHIRE COUNTY  
COUNCIL PLANNING  
CONTRIBUTIONS:

Further to the consultation with regard to this development, this consultation response outlines a planning contribution request from Lancashire County Council based upon a methodology published in the 'Planning Obligations in Lancashire' Policy Paper.

### **Transport**

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

### **Education**

This consultation response seeks to draw the Council's attention to impacts associated with the development and proposes mitigation for these impacts through a planning obligation. The contribution described is directly linked to the development described and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development. The latest information available at this time was based upon the 2012 annual pupil census and resulting projections.

Based upon the latest assessment, LCC would be seeking a contribution for 67 primary school places and 48 secondary school places.

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

Development details: 190 dwellings  
Primary place requirement: 67 places  
Secondary place requirement: 48 places

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

BARROW PRIMARY SCHOOL  
WHALLEY C OF E PRIMARY SCHOOL  
Projected places in 5 years: -37

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

ST AUGUSTINE'S ROMAN CATHOLIC HIGH SCHOOL  
BILLINGTON  
RIBBLESDALE HIGH SCHOOL/TECHNOLOGY COLLEGE  
CLITHEROE GRAMMAR ACADEMY  
Projected places in 5 years: 82

**Education requirement:**

**Primary**

*Latest projections*<sup>1</sup> for the local primary schools show there to be a shortfall of 37 places in 5 years' time, the shortfall will occur without the impact from this development. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

With an expected yield of 67 places from this development the shortfall would increase to 104.

Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield **of this development**, i.e. 67 places.

**Secondary**

*Latest projections*<sup>1</sup> for the local secondary schools show there to be approximately 82 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.

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

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.

These developments are:

- Old Manchester Offices

- Petre House
- Britannia Street
- Victoria Mill

Collectively these developments are expected to generate demand for 18 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.

These developments are:

- Land off Dale View
- Land Adjacent Greenfield Avenue
- 23-25 Old Row
- Higher Standen Farm
- Land off Henthorn Road
- Land North of Whalley Road
- Clitheroe Hospital
- Waddow View

Collectively these developments are expected to generate demand for 199 additional places.

**Effect on number of places:**

82 Places available  
 -18 Expected yield from approved.  
 64 Places available  
 -48 Yield from this development

16 Places available  
 -199 Pending applications  
 -183 Places available

**Summary of response:**

The latest information available at this time was based upon the 2012 annual pupil census and resulting projections. Based upon the latest assessment, LCC would be seeking a contribution for 67 primary school places and 48 secondary school places.

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

Primary places:

(£12,257 x 0.9) x BCIS Indexation (310.60 April 2012 /

288.4 Q4 2008 = 1.076976)  
= £11,880.45 per place  
£11,880.45 x 67 places = **£795,990**

Secondary places:  
(£18,469 x 0.9) x BCIS Indexation (310.60 April 2012 /  
288.4 Q4 2008 = 1.076976)  
= £17,901.60 per place  
£17,901.60 x 48 places = **£859,277**

**NB:** If any of the pending applications listed above are approved prior to a decision being made on this development the claim for secondary school provision could increase up to maximum of 48 places.

Please note that as this is a claim with a range a recalculation would be required at the point at which the application goes to committee. It is therefore the responsibility of the planning authority to inform LCC at this stage and request a recalculation in order to obtain a definitive figure.

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

COUNTY  
ARCHAEOLOGIST:

The proposal site has been identified by the ALSF aggregate extraction in the lower Ribble Valley final report (Oxford Archaeology North/University of Liverpool, 2007) as having a high potential to contain previously unknown archaeological deposits dating to the prehistoric, roman and medieval periods. Well preserved archaeological deposits of either a prehistoric or roman date would be likely to be considered of regional, and possibly national, importance.

NPPF section 128 states that *where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and, where necessary a field evaluation.*

Lancashire County Archaeology Services would therefore recommend that given the suggested high potential for previously unknown archaeological deposits to be encountered, contrary to the recommendation of the submitted archaeological desk based assessment which concluded that such work could be conditioned, that rather they should be undertaken prior to determination of the current application. This would be in line with NPPF Section 128, the Borough Council's own saved Local Plan Policy ENV14 and recent LCAS pre-application advice to the Borough Council.

COUNTY ECOLOGIST

No representations have been received at the time of drafting.

ENVIRONMENT AGENCY:	No objection in principle to the proposed development subject to the imposition of conditions.
UNITED UTILITIES:	No representations received at the time of writing. However raise no objections to the larger site under reference 3/2012/0630/P subject to conditions.
NATURAL ENGLAND:	<p>Natural England has previously commented on the proposal of 3/2012/0630/P and made comments to the LPA via a letter dated 26.9.2012. The advice provided in our previous response applies equally to this application although we made no objection to the original proposal.</p> <p>Raise no objection to this application which is within 2km of Light Clough SSSI. However, given the nature and scale of this proposal, and the interest features of the SSSI, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.</p>
CPRE (LANCASHIRE BRANCH):	No representations have been received at the time of writing.
NETWORK RAIL:	Object to the proposal as it would result in a material increase in the type and volume of users over the level crossing.
RAMBLERS' ASSOCIATION:	<p>Object on the following grounds:</p> <ol style="list-style-type: none"> <li>1. Application conflicts with the emerging Core Strategy.</li> <li>2. The land is in an area designated as Open Countryside outside the settlement.</li> <li>3. Severe impact on local wildlife.</li> <li>4. Loss of agricultural land.</li> <li>5. Result in increased light pollution.</li> <li>6. Impact of traffic through Barrow, Wiswell, Whalley will result in increased pollution and congestion to the detriment of the rural environment.</li> <li>7. Negative impact on green tourism.</li> <li>8. Footpaths on site should be protected.</li> </ol>
SUSTRANS:	<ol style="list-style-type: none"> <li>1. Layout should restrict speeds to less than 20mph.</li> <li>2. Design of any smaller properties should include secure storage areas for residents buggies/bicycles.</li> <li>3. The site should contribute to measures to improve the pedestrian/cycling provision on Whalley Road to the town centre towards the station and schools.</li> <li>4. We would like to see travel planning with targets and monitoring set up for the site.</li> </ol>
ADDITIONAL REPRESENTATIONS:	179 letters of objection have been received and these can be summarised as follows:

1. Development is outside of the settlement boundary.
2. Reduction of buffer between urban development of Barrow and River Ribble.
3. Barrow is not a service centre.
4. Services available just off A59 are remote and beyond reasonable walking distance.
5. Proposals do not meet the National Planning Policy Framework.
6. Development is disproportional to existing village of Barrow.
7. The land is agricultural, Ribble Valley is a rural borough and such land usage should not be changed.
8. Size of development will generate ownership of conservatively 200-400 vehicles.
9. Traffic impact will be catastrophic regarding pollution and congestion.
10. Whalley sewage works will not cope with the size of this application.
11. No public consultation has been undertaken by the developer.
12. Applicant continues to show no respect for Ribble Valley Borough Council, its officers, the emerging Core Strategy and Ribble Valley residents.
13. Contravenes measures of the Localism Act.
14. Completely changes the character of the area.
15. There is not sufficient infrastructure to cope with the development.
16. Application contains factual inaccuracies.
17. Whilst it is necessary to build houses within the Ribble Valley, they should be within the natural boundaries of the existing area in smaller pockets.
18. The area is teeming with wildlife.
19. A truly independent wildlife survey should be carried out.
20. Development would lead to the loss of another green site.
21. Not in-keeping with core Strategy.
22. The only people that benefit from this development are the landowner and developers.
23. There is only one primary school provided for Barrow, Pendleton and Wiswell.
24. It is impossible for this development not to impact upon the visual aspect of an individual's property.
25. I find this application, its tone and its misleading nature completely and morally offensive.
26. Historically any significant development has occurred on land between the A59 and the A671.
27. Development will devalue existing properties.

28. The scale of development is disproportionate to the existing village.
29. Does not meet NPPF requirement to be sustainable.
30. Development will make area more suburban than rural.
31. The shortage of mortgage lending will mean slow sales and a protracted construction period.
32. Problems with flooding will be made worse, this field where raw sewage floods, forms part of the development and is totally unsuitable for housing.
33. The thought of all these houses on this land is scandalous and I moved to the Ribble Valley because I wanted to live in the countryside.
34. The fumes that come from the traffic is bad as I get black windows living on the main road.
35. At the present time there is no shortage of homes available with over 600 currently advertised for sale on Rightmove.
36. Barrow is designed to be a small village in a rural location. This application is preposterous.
37. The application deliberately tries to pre-empt the finalisation of the borough's Core Strategy.
38. If development is approved, then the process to determine Ribble Valley's Core Strategy will be seen as a farce.
39. It would bring into question the professionalism of the officers and councillors of the borough and serve only to engender a lack of confidence in local democracy.
40. The developer is untrustworthy in his intentions.
41. We seem to be under siege from developers who are in a feeding frenzy to build at all costs without consideration of the residents.
42. Development does not accord with provisions of the development plan in place.
43. Loss of productive agricultural land.
44. Loss of view and privacy to existing dwellings.
45. Where is the evidence of demand for housing in the area.
46. This will not enhance Barrow in any way.
47. RVBC has a duty of care with regard to the environs it has responsibility for and should also respect the opinions of the current residents.
48. General loss of amenity.
49. An EIA should be undertaken for this development.
50. LCC cannot support an access from Whalley Road but would support a scheme using the A59 access.
51. The submitted statements are at best ambiguous.
52. Where are all these new people going to find school places.
53. Such a massive development would change the whole ethos of the community.
54. Public rights of way through the site should be preserved in their current state.
55. Barrow has had more than its fair share of new houses.
56. The site is a traditional nesting site for curlew and lapwings.

57. The land is not allocated for development.
58. Education and healthcare systems will be seriously over stretched.
59. Barrow is a village that has no amenities.
60. Application is misleading and aggressive.
61. Applicants have not fulfilled the legal requirements with regard consultation.
62. The development proposed is too big and in the wrong location.

## **Proposal**

The proposal seeks outline planning permission for residential development comprising up to 190 dwellings/residential units, together with associated landscaping, open space, drainage infrastructure and access. Detailed approval is sought for means of access at this stage. All other matters are to be reserved for subsequent approval. The development will comprise a mix of types and sizes and is likely to include some single storey units, principally two storey dwellings and limited three storey units.

The proposal makes provision for 30% affordable houses on the site. 15% of the residential development of the site will be for elderly persons, that is persons over 55 years of age (of these a 50/50 split between market and affordable units; elderly persons units will form part of the 30% provision of affordable homes across the site).

The illustrative layout shows one way in which the site might be developed. This seeks to connect development to adjacent open space. Retain existing hedgerows to Whalley Road. Retain important hedgerows and trees as part of linear open space provision. Retain the existing allotments with improved access. Link open spaces and landscape features, incorporating planting to the west and northern boundaries. Retain an area of woodland scrub to the north and connect informal parkland areas incorporating mature trees.

## **Site Location**

The application sites lies at the south-western edge of the settlement of Barrow, to the west of the former A59 now known as Whalley Road. The application site is 8.4 hectares in size and is located directly to the west of Whalley Road. The site is bounded to the north by existing residential properties and a small woodland copse to the south of Barrow Brook, to the east by Whalley Road beyond which is residential development and the Barrow Enterprise Park, to the west is the Ribble Valley line between Clitheroe and Manchester Victoria and to the south Whiteacre Lane. The public footpath extends through the site opposite Whiteacre Lane (footpath 7) and links with another public footpath to the south (footpath 8), which crosses the railway on the route to Whalley. A biological heritage site lies to the south-west of the application site alongside the Ribble Valley line.

## **Relevant History**

As Members are aware this is an application for up to 504 dwellings (application reference number 3/2012/0630/P) which covers this site and a further 10 hectares of land to the south. The proposals for 504 dwellings are the subject of a forthcoming public inquiry following the applicants appeal for non-determination. This public inquiry is scheduled to commence on 4 June 2013 for 8 days.

## **Relevant Policies**

*Ribble Valley Districtwide Local Plan Adopted June 1998*



Policy G1 - Development Control.  
Policy G5 - Settlement Strategy.  
Policy G11 - Crime Prevention.  
Policy ENV3 - Development in Open Countryside.  
Policy ENV6 - Development Involving Agricultural Land.  
Policy ENV7 - Species Protection.  
Policy ENV9 - Important Wildlife Site  
Policy ENV10 - Development Affecting Nature Conservation.  
Policy ENV13 - Landscape Protection.  
Policy ENV14 - Ancient Monuments and Other Important Archaeological Remains.  
Policy H20 - Affordable Housing – Villages and Countryside.  
Policy H21 - Affordable Housing - Information Needed.  
Policy RT8 - Open Space Provision.  
Policy T1 - Development Proposals - Transport Implications.  
Policy T7 - Parking Provision.

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

DS1 – Development Strategy.  
EN2 – Landscape.  
EN3 – Sustainable Development and Climate Change.  
EN4 – Biodiversity and Geodiversity.  
EN5 – Heritage Assets.  
H1 – Housing Provision.  
H2 – Housing Balance.  
H3 – Affordable Housing.  
DMI1 – Planning Obligations.  
DMI2 – Transport Considerations.  
DMG1 – General Considerations.  
DMG2 – Strategic Considerations.  
DMG3 – Transport and Mobility.  
DME2 – Landscape and Townscape Protection.  
DME3 – Sites and Species Protection and Conservation.  
DME4 – Protecting Heritage Assets.  
DME5 – Renewable Energy.  
DME6 – Water Management.  
DMH1 – Affordable Housing Criteria.  
DMH3 – Dwellings in the Open Countryside.  
DMB4 – Open Space Provision.  
DMB5 – Footpaths and Bridleways.

*North West of England Regional Spatial Strategy to 2021*

Policy DP1 – Spatial Principles.  
Policy DP2 – Promote Sustainable Communities.  
Policy DP3 – Promote Sustainable Economic Development.  
Policy DP4 – Make the Best Use of Existing Resources and Infrastructure.  
Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility.  
Policy DP6 – Marry Opportunity and Need.  
Policy DP7 – Promote Environmental Quality.  
Policy DP8 – Mainstreaming Rural Issues.  
Policy DP9 – Reduce Emissions and Adapt to Climate Change.  
Policy L1 – Health, Sport, Recreation, Cultural and Education Services.  
Policy L4 – Regional Housing Provision.  
Policy L5 – Affordable Housing.  
Policy EM18 – Decentralised Energy Supply.

*National Planning Policy Framework.  
Technical Guidance to the National Planning Policy Framework.  
Addressing Housing Needs.*

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

The application was made valid on 21 January 2013, with the 13 week target period ending on 22 April 2013. The applicant lodged an appeal for non-determination on 25 April 2013.

No formal decision has yet been made in relation to this application due to a combination of outstanding consultation responses, the case officer's commitments and conflicting priorities in relation to other major development schemes (applications and appeals) including the larger scheme for 504 dwellings on this site and adjoining land. This has resulted in limited opportunities to progress work on this particular scheme.

This has resulted in the applicant lodging an appeal for the non-determination of this application. Therefore, the purpose of this report is to gain Council and Planning and Development committee support/approval for the following reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case.

The matters for consideration, once the issues surrounding EIA are discussed, are the principle of development, highway safety, infrastructure provision, ecological considerations, visual impacts and impact on residential amenity as follows.

### **Environmental Impact Assessment**

Reference has been made, within various consultation responses received, to the lack of an Environmental Impact Assessment (EIA) in respect of this submission and it is felt appropriate to firstly provide Members with an overview of the situation in respect of this matter to aid their understanding and any implications for passing comments on this proposal.

Members will be aware that similar points were raised in respect of the associated application relating to 504 dwellings on the same site. In respect of the scheme for 504 dwellings the Council took the initial opinion that under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the scale of the development meant that its impact would not be of a localised nature but have wider environmental impacts beyond the site. Thus it was our contention that the proposal did require an Environmental Statement. The applicant did not agree with that conclusion and requested the Secretary of State make a Screening Direction (dated 16 August 2012).

DCLG responded on 21 September 2012 to the Screening Direction request from the applicant to the effect that:

*In the opinion of the Secretary of State and having taken into account the selection criteria in Schedule 3 to the 2011 regulations, the proposal would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location for the following reasons:*

*There is potential for an impact on the setting of the Forest of Bowland AONB however, advice from Natural England and other available information, leads to the conclusion that the effects are not likely to be so significant as to require an EIA. There are likely to be impacts from additional traffic, both during construction and operation but information provided as part of the planning application indicates that these will not be so significant to require an EIA. The development may have urbanising effects on a predominantly rural area but the*

*visual impact would be unlikely to be significant as it would be seen against the backdrop of existing housing and an industrial development which is in the vicinity. The site also slopes away from the main road through the village (Whalley Road) which will limit the visual impact for existing houses. It is not considered that there are any factors from development, either alone or in cumulation, that will result in significant environmental effects.*

*You will bear in mind that the Secretary of State's opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction.*

Therefore, by virtue of this development being smaller, 190 dwellings, the Council is satisfied, following assessment against the appropriate screening criteria that this particular scheme would not require an Environmental Impact Assessment to be undertaken.

### Principle of Development

In considering the principle of development the views of the Council's Head of Regeneration and Housing have been sought who has provided the following detailed observations.

The starting point to establish the principle of development is by reference to the Development Plan, unless material considerations indicate otherwise. The Development Plan is taken to comprise the Regional Strategy (2008) and the saved Policies of the District-wide Local Plan (1998). Beyond this the principle needs to be examined against the National Planning Policy Framework (NPPF), its transitional arrangements and the emerging Core Strategy.

The Secretary of State has published the Government's intentions to revoke the RS, the abolition of which is now accepted as imminent. Consequently in my view less weight should be attached in practice to the RS policies, however they do form part of the extant Development Plan and need to be given consideration. Relevant policies to which consideration should be given are Policies DP1 (Spatial Principles) and DP2 - 9 that deal with the delivery of sustainable development. Policy DP1 sets the principles that underpin RS: namely:

- promoting sustainable communities;
- promoting sustainable economic development;
- making best use of existing resources and infrastructure;
- managing travel demand, reducing the need to travel and increasing accessibility;
- marry opportunity and need;
- main-streaming rural issues and reducing emissions and adapt to climate change.

As a principle the proposal would in itself and in the context of its spatial setting generally meet these principles in my view with the exception of the points noted below. The question with this proposal becomes more one of the opportunities to consider this in an objective and comparable way through the application of the statutory plan-making process.

Policies DP2 - 9 provide a more detailed consideration of these principles, which again I would take the view that the scheme as proposed is capable of according with, with the exception that I consider there to be less consistency with Policies DP4 (making best use of existing resources and infrastructure) and DP6 (marry opportunity and need). This is particularly so where there is the opportunity to make a choice between sites through the plan-making process; in effect the process the Council has gone through in formulating the Core Strategy. Similarly there are aspects of conflict with Policy DP7 (promote

environmental quality) in relation to respecting the characteristics of places and landscapes, and maintaining and enhancing the tranquillity of open countryside and rural areas.

The Regional Strategy also provides a policy context in relation to housing, including the provision of affordable housing through Policies L4 (Housing Provision) and L5 (Affordable Housing). Whilst Policy L4 sets a housing requirement (161 dwellings per annum) this has been superseded by the Council's current housing evidence base in relation to the submitted Core Strategy and subsequently accepted at appeal that the relevant housing requirement to be addressed should be a minimum of 200 dwellings per annum as per the current evidence. The proposal will of course help deliver housing including affordable housing, consequently these policies in themselves are less relevant to the determination of the application and there is no conflict.

The saved Local Plan provides a local policy context, however it has to be recognised that the strategic policy base dealing with the general development strategy in particular, including the established settlement boundaries are significantly out of date, being formulated against the superseded structure plan and strategic policy context. Detailed Development Management policies are still valid where they are in conformity with the National Planning Policy Framework however and together they provide a useful base to guide decisions. Subject to taking account of the strategic context referred to above, policies that seek to establish the general extent of open countryside, for example should still be taken into account when assessing the implications of the proposal, and settlement policies similarly can provide a helpful context to understand the character of a settlement, but should not in themselves be solely relied upon to judge the application.

Government published the National Planning Policy Framework in March 2012. This represented an important and significant change to the underlying approach to planning which the Council needs to take into account. Whilst NPPF confirms the plan-led approach it is clear that where relevant policies are out of date, the NPPF must be treated as a material consideration. The NPPF also emphasises that in assessing and determining development proposals the Local Planning Authority should apply the presumption in favour of sustainable development.

In the circumstances of a Development Plan to which less weight should be attached (namely the RS) and where relevant planning policies of the Local Plan are shown to be out of date, NPPF sets out the policy framework against which proposals should be considered and against which the balance of weight to be given has to be judged. This is the case in my view for the Council in determining this application.

Amongst other things as a matter of principle, NPPF establishes the following key considerations to be taken into account when determining applications over and above the principles that individual applications of course have to be judged on their merits. These key considerations are set out in paragraph 14 of NPPF, namely:

“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking...

**For decision-taking this means:**

- *approving development proposals that accord with the Development Plan without delay; and*
- *where the Development Plan is absent, silent or relevant policies are out of date, granting permission unless:*

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

In addition, and specifically in relation to residential development, NPPF specifically reinforces that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a 5-year supply. These two elements are important factors in making any decision.

Against the Council's most recently published housing land calculation (report to Planning and Development Committee 11<sup>th</sup> April 2013 refers), taking account of comments in relation to the deliverability of identified sites following a recent appeal decision and our latest information on deliverability, the Council has a 5-year supply.

Although we have a 5 year supply, in view of the fact that the Development Plan strategy is considered out of date, the presumption in favour of sustainable development is triggered in any event with the principle of the development standing to be judged primarily against NPPF in this case. Para 14 of NPPF refers. In reality therefore the issue of a 5-year supply is less significant when deciding which policy basis should be used as NPPF and the presumption are engaged in any event.

NPPF considerations mean that the proposal effectively falls to be determined in principle against the three strands of sustainable development namely economic, social and environmental aspects that underpin the question of sustainable development and any other material considerations. As a principle, where an application is shown to deliver sustainable development, NPPF guides the decision-taker towards approval unless material considerations indicate otherwise.

In terms of material considerations, the broad location of the application was included within the illustrative area of search as one of the alternative options for development in the Core Strategy process. At that broad level of sustainability, the location was considered to be capable of delivering sustainable development, particularly when the opportunity to link with the recognised strategic employment location, together with the potential to develop as part of that option for growth (should it have been chosen), other services and facilities focussed on both the existing provision in the village and the potential to develop them.

As part of the Sustainability Appraisal process that assessed the Core Strategy, the option was reviewed and found to be broadly a sustainable option. This would support the site being considered sustainable in that broader context. However, this is not the same as examining the sustainability of a specific proposal or indeed a proposal that is not in the context of a focused strategic growth point with the accompanying mix and range of development that would likely to be entailed and anticipated.

Whilst there is clearly a very strong link with the Council's employment aspirations and those existing services, the built scheme in itself is a wholly residential scheme seeking to deliver a further 190 units in the village. Monitoring identifies that at 31<sup>st</sup> December 2012 there were 205 completions and extant permissions since 2008. If approved this would give a scale of development in Barrow of 395 units or equivalent to just over a third of all development anticipated in the Core Strategy across other settlements outside the main centres. It would be a higher level of provision than that anticipated for Whalley (375 units) which is a service centre.

The resultant scale of development would be significant and not reflective of the Submission Core Strategy.

NPPF however also requires proposals to be judged against other important material considerations. Weight therefore needs to be given as a material consideration to the extent to which the Council's submitted Core Strategy should be considered and the impact that approving this proposal would have on that process.

As a submitted Core Strategy the Council has reached a significant and relatively advanced stage in the preparation of its new Development Plan. Although the progress of the plan was delayed by changes in legislation, the Council has positively progressed through a number of key stages over the last 12 months demonstrating especially in the light of the publication of NPPF, the Council's concern to make progress with the plan.

The Examination is currently suspended to enable key evidence to be brought up to date to reflect NPPF which will introduce some delays to the adoption of the plan, nevertheless the Council has a submitted Core Strategy, it has been developed through extensive consultation and within that statutory process has established a preferred Development Strategy for the borough.

In doing so the process has considered the issue of a strategic growth point focussed on Barrow and through that statutory process the Council has decided that the most appropriate distribution of development excludes the significant growth of Barrow as this proposal would cumulatively bring. Previous schemes at Barrow have been approved in circumstances where there was not a submission core strategy and/or there was not a 5 -year supply of housing.

Although in itself the site is not strategic in terms of the Core Strategy, its cumulative impact would, as a principle be harmful to the Core Strategy overall and its sustainable focus on larger settlements. It would serve to prejudice the Core Strategy by pre-determining its outcome in relation to site selection when there is not a need in housing supply terms to release land in this location.

In the context of the submitted Core Strategy, which does envisage growth at settlements, such as Barrow (that is, growth is not intended to be precluded) the Strategy does not anticipate such a level of growth at Barrow to deliver the assessed development needs, a scheme of this scale which when considered against existing commitments is out of accord with the Council's submitted Strategy. Approval of the scheme as submitted would not accord with the Council's preferred Development Strategy, and would serve to predetermine the outcome of the statutory process. This in itself does not sit well with the intent of the statutory process or the aspirations for localism.

In this regard, I am concerned that approving the scheme as presented outside the opportunity to deal with this issue of scale through the Examination process in relation to the Core Strategy would only serve to limit the proper Examination of issues as the process intends and especially in my view where there is a conflict with the submitted Strategy. Furthermore the Council has committed to an allocations process with the Local Development Framework that would be the opportunity to implement in detail the Core Strategy policies and is the proper mechanism through which sites may be compared and detailed patterns of growth established as intended by the Strategy.

Government guidance on this issue exists in the form of the extant, national guidance issued by the DCLG in 2005 namely "The Planning System: General Principles". This guidance highlights in effect the need to consider the extent to which the granting of permission for such proposals as this could prejudice the consideration of the Core Strategy by pre-

determining decisions about the scale and location of new development being addressed in the emerging policy. In effect the grant of permission would be considered to be premature. At this stage of the process as a significant material consideration it outweighs any benefits the scheme may be promoted as delivering in my view.

In reality we can see from the numbers of applications being approved, the Council is moving quite rapidly to a situation where housing supply is being significantly boosted in accord with the intent of NPPF. At the same time because applications that are coming forward are considered to be within the scope of policy, there is less of an impact on the overarching direction that the submitted Core Strategy is seeking to implement.

Whilst a number of applications have been approved, generally speaking they have been consistent with the Core Strategy and they have not as this proposal would, served to prejudice the preparation of the plan. The harm to the process is the likely need to consider significant changes to the submitted Core Strategy ahead of the Examination including the potential to consider the need to withdraw the submitted Strategy and produce a new plan. The principal harm being the timeframe that would then be required to put a new plan in place, taking it through its statutory stages when Government guidance is clearly for Local Planning Authorities to progress their plans as quickly as possible. This would be likely to undermine public confidence in the process particularly where extensive consultation has informed the development of the Strategy.

Assessed against the Development Plan, whilst there are some matters against which the application sits well and some aspects where it fits less comfortably, the proposal in my view needs to be determined in practice against the NPPF. In isolation, the scheme would comply with the general policy approach of NPPF. Importantly however in applying the presumptions of NPPF we are obliged to take into account relevant material considerations.

Again there are material considerations that weigh in favour of the application not least the fact that in isolation it complies with many aspects of the Core Strategy except the principle strategy and ultimately it will be a matter for the decision-taker to balance the relevant weight of each of these aspects. Similarly in having regard to the submitted Core Strategy, weight has to be judged against the extent of unresolved objections, which given the number and range does temper the weight that can be attached. I do not consider the housing supply position to be so significant given the current position in the borough to outweigh the need to have regard and give weight to the impact that approving the current scheme would have upon the Core Strategy thereby prejudicing its preparation.

The key consideration that tips the balance against the scheme in my view, as a principle is the impact upon the emerging Core Strategy given its current relatively advanced staged. However, it will be vital in arriving at a decision on the scheme to take account of the extent to which other considerations make the application out of accord with NPPF. In principle the applicants proposal would meet the tests of NPPF if considered in isolation, albeit there being some issues of scale, relationship and impact on the village and its character that would need to be carefully considered. There are also some aspects of the Development Plan that the proposal does not precisely accord with but less weight should be attached to those aspects.

In general whilst some weight can be attached to the stage the Core Strategy is at, in terms of prejudicing the outcome, the balance of NPPF requires the material considerations as a whole to lead to sufficient harm to outweigh the presumption in favour of development and the National Planning Policy context of supporting growth and boosting housing supply as a general principle.

As demonstrated by the numbers of applications being approved and the progress the Council is seeking to put its plan in place, coupled with the increasing developer activity in the borough, the Council continues to address this requirement. However I believe that as an important material consideration, greater weight should be attached to the impact that such a decision would have in terms of prejudicing the Council's submitted Core Strategy and pre-determining the outcome of that process. All these judgements are of course very finely balanced however against this background the application is not supported.

### Affordable Housing

In considering the affordable element of the proposal it is important to have regard to Policies H20 and H21 of the DWLP, H3 and DMH1 of the Regulation 22 Submission Draft of the Core Strategy and the Council's housing document entitled Addressing Housing Needs.

The scheme is submitted with 30% of the site offered as affordable (57 units). In addition, 2.5 acres of free land (to be secured through a s106 agreement) will be offered to a housing association/registered provider to encourage early delivery or to kick start the funding and this includes self-build or self-provided housing primarily for local people.

It should be noted that the draft Heads of Terms document submitted in support of the application clarifies that this land would form part of the 30% provision overall.

The fundamental Council requirements are being offered in relation to this scheme, namely 30% of the site for affordable provision and 15% of the residential development be for elderly persons (of these a 50/50 split between market and affordable units; elderly person units to form part of the 30% provision of affordable homes across the site).

Therefore, I would not be advocating that Members seek to raise this as an area of concern but that further dialogue takes place as part of the appeal process in order to ensure that the fine details of the affordable offer comply with any requirements raised by the Strategic Housing Working Group. Given this is an appeal for non-determination their formal views have not yet been received at the time this report was drafted.

### Highway Safety

In considering the potential highways implications of the development; the County Surveyor from Lancashire County Council has provided the following initial response.

Many of the highways issues with this proposed development are similar to the issues identified for the development of 504 dwellings on the site (3/2012/0630). The 504 dwelling development is presently subject to an appeal and LCC Highways and the developer's transport consultants have been in discussion to agree a statement of common ground. There has not been agreement on some of the issues and LCC is now preparing a document for that appeal providing proof of evidence.

This development (3/2013/0099) of 190 dwellings will generate less traffic during the peak hours than the 504 dwelling development, and consequently there will be less impact on the highway network. As an approximate guide the smaller development could be expected to generate 40% of the traffic generated by the 504 dwellings. Nevertheless, the principles concerning the evaluation of the impact on the highway will be the same for both developments. For example the transport consultant's proposed distribution of traffic as set out in the transport assessment is not agreed by LCC. This has been the subject of discussion between LCC Highways and the developer for the 504 dwelling development, and the distribution of traffic now agreed for that scheme will be similar for the 190 dwelling development.



A smaller development, however, will affect the sustainability of the site as there may be less funding available for improvements to sustainable transport options. Consequently a smaller development such as this 190 dwelling scheme may not necessarily be proportionately more desirable than the larger scheme. This issue needs to be considered further.

There are issues concerning the transport assessment prepared by the developer's consultants Vectos for the 190 dwelling scheme. These issues can be summarised crudely as follows. This list is not exhaustive and the issues mentioned are not fully discussed.

### **Trip distribution**

The proposed distribution of trips leaving the site during the am peak and arriving in the pm peak are not accepted. A more realistic distribution will result in a greater impact on Whalley. This needs to be reconsidered by the developer and the analysis of affected junctions will need to be reviewed; in addition the developer should consider the impact of this development on the roads and junctions within Whalley.

### **Committed development**

Additional development schemes should be considered, including schemes presently subject to appeal and schemes presently in the 'pipeline'.

### **Assessment years**

The developer uses 2018 as the assessment year. This should be extended having regard to the time taken to develop the site.

### **Sustainability**

More work needs to be carried out on measures to improve sustainable transport in the area.

The developer has appealed the non-determination of this application by RVBC, and consequently the extent to which these concerns and potential objections could perhaps have been resolved through discussion, through the presentation of additional information and through modification of the investigation of the performance of the highway network, is not known at this stage.

However, as the application stands at present there remains a highways objection to the development proposals. These objections might be withdrawn if the developer provides additional information to satisfy those concerns.

Network Rail as statutory undertaker has objected to the proposals on the grounds that the development would result in the type and volume of users over the level crossing increasing.

### Play and Open Space

On a site of this size under Policy RT8 of the DWLP and DMB4 of the Regulation 22 Submission Draft Core Strategy, the layout of the development is expected to provide adequate and usable public open space. In this development the approach taken is to layout two hectare of the site as open space to serve the proposed dwellings. The plans submitted integrate a network of open spaces, including formal and informal open space, play areas and amenity areas with the wider public footpath network and countryside.

### Infrastructure Provision

Members will note from the consultation responses section of this report that concerns have been expressed by both of the local Parish Councils as well as objectors about the ability of

the existing infrastructure of Barrow and its immediate environs to cope with the additional demands generated by this development.

In respect of education, the consultee response from LCC identifies that a scheme of this size generates 67 primary and 48 secondary school places. This cannot be accommodated within the existing schools and thus a sum of £795,990 is sought towards the full primary pupil yield and £859,277 towards 48 secondary places. They have commented that failure to secure these contributions would mean they are unable to guarantee that children living on this development would be able to access a school place within a reasonable distance from their homes. At this stage they are unable to specify the school(s) that would have the additional places provided due to the statutory processes surrounding school expansion and the need for consultation. The applicant is aware of the need for a contribution and included provision for it within their draft proposed Section 106 Head of Terms document appended to their submitted Planning Statement.

Concerns have been expressed in relation to sewage and drainage and this application was submitted with both a Flood Risk Assessment (FRA) and utility statement which examined these matters in detail.

The FRA identifies that the site is located in flood zone 1 which is the lowest level of flood risk. There is an area of zone 3 identified bordering the site alongside the route over Barrow Brook but this is outside the proposed development area. The submitted reports consider surface water run-off from the site and note it is important that surface water drainage proposals ensure that volumes and peak flow rates of surface water discharging from the site are no greater after development than those that exist prior to development. Given this is an outline application, detailed design is not complete but it is proposed that a series of interlinked storage systems will be provided including tank sewers and off-line swales and ponds, in order to provide control over discharge rates. Provision of such surface water attenuation systems will provide a reduction in the surface water flows to Barrow Brook and thus assist in reducing flood risk downstream of the site.

Reference has been made to the capacity of the existing treatment works to accommodate this scale of development and as Members will be aware from previous submissions within the catchment area for Whalley, this is something that has been, and continues to be, examined closely by United Utilities. In respect of proposed sewer loading from the site once developed, regard has been given to the constraints set by United Utilities to ensure that there is no increase in foul water discharge rates during the period up to mid 2016 after which foul water flows can be increased as the capacity at the WWWTW will have been increased to cater for new developments in the locality. The site requires, as part of the overall development proposals, the installation of a foul water pumping station to serve those parts of the site that are located in the lower ground contour areas to the west of the site. By sequencing installation of the foul water pump station early in the construction programme, enables completion of 110 dwellings in advance of the 2016 WWWTW upgrade. Furthermore, by engineering design, this new pump station will provide additional storage volume capacity in the existing public foul sewer. This additional capacity allows peak flow in the existing sewer to be diverted, stored and then pumped back to the sewer at a controlled rate. This benefits the existing users upstream of the development site and provides additional detention of flood flows.

It is clear from the observations of our statutory consultees on these matters, that there are no objections raised having regard to the technical information submitted and design solutions offered in respect of surface water and sewer provision. The Environment Agency suggest conditions be imposed should consent be granted and subject to the safeguards requested, development should not be resisted on these grounds.

## Nature Conservation – Protected Species, Landscape, Trees

This is a greenfield site consisting of various fields that are under agricultural usage and divided by ditches, hedgerows and fences, with individual trees and groups of trees throughout and a woodland belt to the north and a woodland belt to the south-east. A Preliminary Arboricultural Impact Assessment has been submitted in support of the application that identifies 56 individual trees, one group of trees, one woodland copse and four hedges that were surveyed in respect of this proposal.

Of these 12 trees, 1 woodland were allocated high retention values, 17 trees were allocated moderate retention values, and 18 trees, 1 group and 2 hedges were allocated low retention values. In addition, 9 trees and 2 hedges were classed 'U' and would normally therefore be recommended for removal in the short term regardless of this proposal.

The trees, of which a substantial number are large in size, stand as individuals and as components of groups and woodlands and, as a whole, confer a high visual amenity on the immediate and the wider local landscape. The applicant's have undertaken an evaluation of the Illustrative Masterplan in respect of tree protection and have indicated that proposed development of the site can be satisfactorily achieved whilst retaining the majority of the large trees on site by incorporating them into areas of public open space or suitably sizeable gardens. It is therefore imperative that any subsequent detailed development proposals include adequate

provision for the incorporation of the high and moderate quality trees into the design and that sufficient detail regarding the specifics of how these trees are to be retained and protected successfully is included in support of any such associated reserved matters or further application.

The Ecological Survey and Assessment submitted does not identify any significant wildlife interests or constraints that could affect the principle of developing this site. It recognizes that the site contains or lies adjacent to habitats of biodiversity value (Barrow Brook Field Biological Heritage Site/Lowland Meadow Priority Habitat, Hedgerow Priority Habitat, mature and semi- mature trees) and supports 7 UK BAP Priority Species of bird and a Pipistrelle bat commuting route. However, it is concluded that protection and mitigation for designated sites, protected species, Priority Habitat and Priority Species is entirely feasible. Where possible, opportunities to seek biodiversity gain by appropriate management, habitat creation and landscape planting have been identified and described within the submitted documentation. Whilst comment from the Council's Countryside Officer and County Ecologist had not been received at the time this report was drafted they examined details submitted in relation to the larger scheme and raised no concerns to indicate that, subject to appropriate safeguards, there are any justifiable reasons to withhold consent on nature conservation grounds. I have no reason to believe that they would therefore raise any concerns in relation to this proposal but should comments be received these will be reported verbally to Members.

## Layout/Scale/Visual Amenity

As stated previously, this is an outline application with the only detailed matter being applied for at this time being the means of access. However, there is a requirement for submissions to provide a basic level of information in respect of use, amount of development, indicative layout and scale parameters in order for a local planning authority to make detailed considerations on the use and amount of development proposed.

An illustrative masterplan has been submitted to show how the scheme would fit into the immediate surroundings with residential development to its north and south along Whalley Road and to the opposite side of the road through the village to the east. To the west lie the

county biological heritage site and railway line. In respect of scale parameters, the height limits of 8-10m for two storey dwellings which are the dominant type on site, would not, I consider appear over dominant. The submitted parameters for the three storey dwellings are 12-15m in height and are for illustrative purposes at this time with more details to be submitted at reserved matters stage to provide precise details of each unit in terms of scale and appearance. Therefore, whilst these dimensions may appear out of context at this stage, they are a matter reserved for future submission. In the main, they would be concentrated within the overall site and thus at this stage, I would not wish to raise significant concerns about an element of the scheme that is reserved for future submission.

Any form of development brings with it some effect on the landscape/character of an area and the fundamental consideration is would any harm caused be so significant as to warrant an unfavourable recommendation. Objectors have made reference to the visual impact of this scheme commenting that it is disproportionate to the size of the existing village. As Members will be aware, Barrow has grown over the years with residential developments occurring to the opposite side of Whalley Road to this site and the employment development at the former Barrow Print Works site. Indeed, the Barrow Enterprise site is identified as a main location for employment in the emerging Core Strategy. The site is clearly part of the open countryside which surrounds and forms the setting of the village. Land to the west of Whalley Road is quite distinct from the village and any development in this location would represent an outward expansion to the detriment of the visual amenities of the area.

#### Residential Amenity

In considering residential amenity, it is important to assess the relationship with properties outside of the site as well as that between units proposed as part of this scheme. To the east are properties that front on to Whalley Road and that form part of the housing estate of Chestnut Crescent and Oak Close; to the north by dwellings again fronting Whalley Road and comprising Mill Brook Place and to the south by dwellings that align Whalley Road.

Proposed parameters of plans have been submitted to indicate that new dwellings along the site frontage to Whalley Road would in the main face on to internal roadways set behind the existing hedgerow at distances of approximately 32m from dwellings to the east, 200m to the south and 20m to the north. Details submitted for consideration would indicate that the Whalley Road frontage dwellings would be detached bungalows along the majority of its length with two storey dwellings bordering existing properties to the north and south. Members should be aware that whilst these details are submitted for illustrative purposes, the distances between respective built forms surrounding the site would be acceptable. I acknowledge that distances to dwellings to the north are close to the 21m that is usually sought to prevent direct overlooking into first floor habitable rooms but reiterate the plans are illustrative and the dwellings are set at oblique angles to each other.

In terms of the actual scale of the development, the areas of the site that abut existing residential development are indicated as two storey in nature to the northern and southern areas of the site at maximum heights of 10m with bungalows shown to the Whalley Road frontage at a height of approximately 8m. There are some three storey blocks proposed to a maximum height of approximately 15m and the majority of these are shown within the main body of the site. There is the potential for a small collection of these units on the Whalley Road frontage but as the layout is reserved for future submission, I consider that the time to more closely assess that particular relationship would be at reserved matters stage as the submitted masterplan is for illustrative purposes only. Having assessed the submitted details, I do not consider that scheme would prove significantly detrimental to the residential amenities of properties bordering the site.

In respect of the internal relationship at the development site, the illustrative layout shows properties facing on to internal access roads, landscaped/park areas and the retained allotments. From the submitted illustrative plans it would appear that the separation distances between facing blocks of development maybe less than the 21m cited earlier within this section as a generally accepted distance between two storey facing dwellings. However, there are a number of factors to consider in relation to this point in assessing this aspect of the scheme. Firstly, layout is not a detailed matter being applied for at this stage and secondly the description of the development states '*the provision of up to 190 residential units...*'. It is acknowledged that this is a new residential development and potential purchasers will be fully aware of the relationship between various residential blocks prior to buying certain property but that does not mean that development should be permitted that would impinge on residential amenities. Thus, the reserved matters application will need to demonstrate in terms of overall scale and layout that the internal relationship between buildings is satisfactory and that the amenities of future occupiers would not be significantly compromised. Therefore, given the nature of this application (outline with all matters reserved except for access) I conclude that it would be unreasonable to raise concerns over a matter that is reserved for submission at a later date once the overall principle of development has been established.

### Miscellaneous

The proposed site is bordered by the Ribble Valley line railway to the west and Whalley Road to the east. Both of these transport routes are potential sources of noise which have the potential to adversely affect the future occupants of the proposed dwellings to be developed on this site. As such, the application has been submitted with an acoustic survey and assessment to ascertain what if any effect these two potential sources of noise could have on the proposed dwellings. The noise survey undertaken and the assessment of the results detailed in the aforementioned report demonstrate that noise levels on the site arising from railway and road traffic noise can be satisfactorily mitigated so as to meet government, World Health Organisation and British Standard requirements aimed at achieving a suitable living environment and providing adequate protection for future residents of the proposed development. Recommendations are proposed in terms of suitable mitigation measures, however these only apply to these properties with facades that will be situated adjacent to either the railway line or Whalley Road. The remainder of the development will receive adequate protection from rail and road noise due to the effect of distance attenuation and by the physical intervention of barrier effect of those properties directly affected.

Members will note from the comments of the County Archaeologist earlier within this report, that he has requested some prior to recommendation works being carried out on site in order that he can be satisfied in respect of the potential of the site regarding archaeological remains. The applicant/appellant has not responded on this matter other than to say they consider the approach set out in their submitted documentation that such works can be suitably conditioned as part of any approval should be sufficient to satisfy LCC concerns. In light of this, I have gone back to colleagues at LCC and at the time of drafting this report for Members, was still awaiting that response. However I am mindful that a geophysical survey has been carried out in connection with the larger proposal, subject of a Public Inquiry commencing on 4 June, and that following submission of that report LCAS did not consider any further archaeological work necessary in association with that proposal.

### Section 106 Agreement

The application was submitted with a draft Heads of Terms paper which outlined the following potential contributions/content of a legal agreement. Given this application is now subject of an appeal for non-determination no further work has taken place on this aspect of the proposal but work will need to be done prior to the Public Inquiry in order to produce an

Agreement between the parties which may or may not include all of the following aspects with/without revision.

1. Affordable Housing
  - Provision of 30% affordable houses on the site.
  - 15% of the residential development of the site to be for elderly persons (of these a 50/50 split between market and affordable units; elderly persons units to form part of the 30% provision of affordable homes across the site)
  - Offer of 2.5 acres of free land to a suitable registered provider/housing association for self-build or affordable homes immediately to kick-start delivery or secure funding (as part of the 30% provision overall).
2. Highways
  - Contribution based on Lancashire County Council's Accessibility (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
3. Public Transport
  - New bus stops and shelters (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
4. Cycle and Pedestrian Measures
  - Contribution to assist with the creation of appropriate pedestrian and cycle links (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
5. Pedestrian Crossing
  - Provision of a pedestrian crossing on Whalley Road to be considered (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
6. Traffic Regulation Orders (to extend 30 mph speed limit)
  - Costs of preparing, advertising and bringing the TRO into operation (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
7. Travel Plan
  - Contribution to enable LCC Travel Planning Team to provide a range of services as described in their Planning Obligations Paper (2008) with respect to Travel Plan (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
8. Public Open Space
  - Provision of informal and formal open space and on-site play areas Management/maintenance responsibilities for the open space/play areas.
9. Education
  - Contribution towards education places where primary schools within 2 miles and/or secondary schools within 3 miles of the development are already oversubscribed or projected to become oversubscribed within 5 years.

**RECOMMENDATION:** That Committee endorse the following issues as reasons for refusal and authorise the Director of Community Services and the Head of Planning Services to liaise as appropriate to establish the best possible case to defend the appeal.

1. The proposal would be prejudicial to emerging policy in the Core Strategy.
2. Insufficient information has been made available to enable a comprehensive assessment to be made of the likely impacts of the application on the local highway infrastructure.
3. Visual impact.