

# RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 18 JULY 2013** at the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you can be there.

Yours sincerely

CHIEF EXECUTIVE

To: Committee Members (copy for information to all other members of the Council)  
Directors  
Press  
Parish Councils (copy for information)

## AGENDA

### Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. To approve the minutes of the last meetings held on 13 June and 25 June 2013 – copy enclosed.
3. Declarations of Interest (if any).
4. Public Participation (if any).

### DECISION ITEMS

- ✓ 5. Planning Applications – report of Director of Community Services – copy enclosed.
- ✓ 6. Revised Delegation Scheme – report of Director of Community Services – copy enclosed.

- ✓ 7. Local Validation List for Planning Applications – report of Director of Community Services – copy enclosed.

INFORMATION ITEMS

- ✓ 8. Permitted Development Rights 2013 – report of Director of Community Services – copy enclosed.
- ✓ 9. Appeals
  - a) 3/2012/0089/P – Conversion of barn to residential unit at Lanshaw Barn, Woodhouse Lane, Slaidburn – appeal dismissed.
  - b) 3/2012/0862/P – 9 dwellings at Fell View, Barnacre Road, Longridge – appeal dismissed.

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

- ✓ 10. Planning Appeals Update – report of Emergency Committee – copy enclosed.
- ✓ 11. Core Strategy Budget – report of Chief Executive – copy enclosed.

<b>INDEX OF APPLICATIONS BEING CONSIDERED</b>					
<b>MEETING DATE: 18 JULY 2013</b>					
	<u>Application No</u>	<u>Page</u>	<u>Officer</u>	<u>Recommendation</u>	<u>Site</u>
<b>A</b>	<b>APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS</b>				
				NONE	
<b>B</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR APPROVAL</b>				
	3/2012/0870/P	1	CS	AC	Dove Syke Nursery Eaves Hall Lane, West Bradford
	3/2013/0113/P	12	JM	AC	Petre Wood Crescent Langho
	3/2013/0516/P	25	JM	AC	11 Beech Close Clayton-le-Dale
<b>C</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL</b>				
	3/2013/0120/P	27	CS	R	Hacking Caravan Park Elker Lane, Billington
	3/2013/0447/P	33	CS	R	Bleak House Stonyhurst
<b>D</b>	<b>APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED</b>				
	3/2012/0014/P	37	CS	DEFER	Greenfield Avenue Low Moor, Clitheroe
<b>E</b>	<b>APPLICATIONS IN 'OTHER' CATEGORIES</b>				
	3/2013/0137/P	54	SK	DEFER	Lawsonsteads Whalley
	3/2013/0478/P	97	JM	SECRETARY OF STATE	Bowling Green Café Clitheroe

**LEGEND**

AC Approved Conditionally  
R Refused  
M/A Minded to Approve

JM John Macholc  
SW Sarah Westwood  
CS Colin Sharpe  
AD Adrian Dowd

GT Graeme Thorpe  
MB Mark Baldry  
CB Claire Booth  
SK Stephen Kilmartin

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

Agenda Item No

meeting date: THURSDAY, 18 JULY 2013  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2012/0870/P (GRID REF: SD 373163 445294)  
CHANGE OF USE OF AN AGRICULTURAL BUILDING WITH OFFICE AND STAFF FACILITIES TO MIXED USE FOR AGRICULTURAL, OFFICE, STAFF FACILITIES AND CIDER MAKING (RETROSPECTIVE) AT DOVE SYKE NURSERY, EAVES HALL LANE, WEST BRADFORD, BB7 3JG

#### Introduction

As originally submitted, this application sought permission (part retrospectively) for the uses of the building as contained in the heading above, but also including the use of part of the building as a unit of holiday accommodation. Permission is also sought to regularise first floor accommodation over part of the building, and a number of window openings that were not shown on the original planning permission for the building (3/2007/0603/P) and which have therefore been formed without planning permission.

As shown on the originally submitted plans, the holiday let comprised an open plan ground floor room containing living, dining and kitchen accommodation, and a WC and shower room also on the ground floor, with three bedrooms a lounge and store room occupying the unauthorised first floor accommodation.

A report relating to the application as originally submitted was considered by Committee on 13 June 2013. Whilst expressing no objections to the regularisation of the first floor accommodation and window openings, or to the use of part of the building for cider making, Committee objected to the proposed use of part of the building as a holiday let. Committee therefore resolved that it was minded to refuse the application with the precise reason to be reported back to Committee but based on the incompatibility of the holiday let use with the adjoining commercial enterprises which would result in conditions to the detriment of future occupiers of the units.

Purely for information purposes, it is suggested that the following condition would have satisfied Committee's resolution:

'The proposed holiday let use of part of the building would not be compatible with the commercial uses of the rest of the building and the overall nursery site. These commercial enterprises would result in conditions that would be detrimental to the amenities of the future occupiers of the holiday let contrary to the requirements of Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft'.

In response to the Committee's resolution, the applicant has amended the application by entirely deleting any reference to a proposed holiday let. The application forms, plans, Design and Access Statements and Planning Statement have all been amended as appropriate.

The amended plan (drawing no CRE/573/1508/03 REVA) received by the LPA on 1 July 2013, shows the first floor rooms to be used for storage and office purposes in association with cider making/nursery business.

The original report to Committee is reproduced below amended as appropriate by the deletion of all references to the holiday let (except references within consultation responses and representations received from nearby residents).

PARISH COUNCIL: Has no objections to the change of use for staff facilities and a cider making plant.

The Parish Council, however, objects to the conversion of part of the building into a holiday cottage. Councillors feel that this may set a precedent for other agricultural buildings of this type of construction to be converted into holiday and permanent homes within the Parish and feel the application should be refused as the building is not suitable as a residential property.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

No objections to the application on highway safety grounds although the combination of commercial unit and holiday accommodation is unusual, the two bedroom holiday unit would have no discernable impact on the safe operation of the adjacent highway and as such no objection is raised to its provision. However, it will be necessary to provide a clear route to and from the holiday accommodation distinct from and not impeded in any way by the operation of the commercial unit. This will include the introduction of designated and permanently marked parking spaces for two vehicles. A plan should therefore be submitted that shows a designated route to the holiday accommodation and the associated parking spaces.

ADDITIONAL  
REPRESENTATIONS:

Three letters of objection have been received. Two of these are identical letters from the owners/occupiers of two nearby dwellings. The third is from a planning consultant acting on behalf of those local residents. The observations and objections contained in the letters are summarised as follows:

1. The proposal relates to an unsightly and inappropriate building in the AONB and to uses which give rise to significant noise nuisance, cause physical damage to the local access lane and result in traffic danger.
2. Permission 3/2007/0603 for the erection of an agricultural building with office and staff facilities was subject to 9 conditions, numbers 3 and 6 of which require the submission and approval, prior to the commencement of

development, of important details relating to site levels, site plans and elevations and a scheme for the disposal of foul and surface water. Condition number 5 required the submission and approval of details of walls, roofing and window surrounds prior to their use in the proposed works. No details have ever been submitted to discharge these conditions. As these prior submission details go for heart of the planning permission, the whole of the building as it stands and the uses approved are unauthorised and do not benefit from any planning permission. The reference in the application to 'part retrospective' is therefore inaccurate and the whole of the proposal falls to be considered anew.

3. This building was to be used for agricultural purposes with office and staff facilities, the last two uses clearly intended to be ancillary to the principal agricultural use. That agricultural use, which mainly involved the growing and sale of Christmas trees is now a minor part of the use of this site. Other uses appear to include cider making, mainly from imported juice, the importation for sale of Christmas trees not grown at the site (this is a retail use) the retail and wholesale selling of cider on site and the holding of festivals. Some of these activities take place outside the hours of operation restrictions imposed by condition 9 of permission 3/2007/0603.
4. Not only is the building unauthorised but it has also been substantially altered from the scheme previously approved by the addition of windows, doors and first floor accommodation. The proposal therefore falls to be considered against relevant policies of the Local Plan. In terms of building design, the proposal which involves a utilitarian building of no design merit is clearly contrary to Policies G1 and ENV1 both of which require a high standard of building design particularly in an AONB location.
5. With regards to the use of the site, the trees which are sold are largely imported on to the site. This is therefore a change of use from a growing nursery to a retail use which requires planning permission.
6. The use of the site for cider production and sale is similarly not an agricultural use in that it relies very substantially on imported juice. Of great concern to neighbours is that this could give rise to 45,000 litres using existing equipment. The additional juice is brought into the site on heavy commercial vehicles which are clearly unsuitable for the access track and cause significant damage to the neighbouring residents' access.

What has now been created on site is an industrial use for which planning permission is required.

7. The use of the site for cider and beer festivals that take place four or five times a year result in a high level of noise and disturbance late into the night. Whilst these festivals are licensed under other legislation they are however required to operate under planning controls. Uses of this site by customers are restricted by condition 9 to daytime hours and must cease by 6pm (4pm Sundays). The festival use outside of these hours therefore requires planning permission.
8. The proposed use of the building as a 'holiday let' as described in paragraph 5.3 of the Planning Statement is clearly an on-site residence for use by the applicants and not a holiday let. From the layout of the building it is also clear that it could not be let independently. As such the application description of the holiday let is clearly misleading and inaccurate and the proposal should be evaluated as an on-site dwelling.
9. The proposal is contrary to Policies G1 and ENV1 by virtue of its design and fails to meet the requirements of Policy G1 as it is not sympathetic in terms of size, intensity and nature; the access arrangements are clearly inadequate for the proposed uses; the materials are not sympathetic to the character of the area; and, above all, it will adversely affect the amenities of neighbour and therefore fails the principal test of Policy G1.
10. It is really a dwelling in the open countryside contrary to Policy H2 of the Local Plan. Even if it is assessed as a holiday let, it fails the requirements of Policies RT1 and RT3 as it is not well related to a settlement or group of buildings; the materials and design are inadequate; access is very poor and the site is not well related to the public transport network; also under the AONB consideration, the building does not display a high standard of design appropriate to the area. In relation to Policy RT3 the proposal will cause unacceptable disturbance to neighbours and access to the site is not of a safe standard.
11. Due to the significant element of retail sales, the application should be evaluated against the shopping policies of the Plan. The relevant policies here are S7 (farm shops) and S8 (garden centres) and the proposal fails to meet the criteria of these policies and any significant retailing activity is contrary to planning policy.

12. Reference is made in the planning statement to Policies EMP9 and EMP12. EMP9 relates to the conversion of barns and other rural buildings. As pointed out, this is a new building and should be evaluated as such. However, even if treated as a conversion, the proposal fails to meet all the detailed criteria of the policy. The proposal also fails to meet the requirements of Policy EMP12 in that the proposed building is not appropriate in terms of scale and character.
13. NPPF features prominently in the planning statement. Fundamentally, this is not a sustainable development in that it seeks to create industrial, retail, entertainment and residential development in a remote area and unrelated to any settlement or group of buildings. It also has serious detrimental impacts on residential amenity and the character of an area of special protection. As such it is not supported by the NPPF.
14. The development as it stands is clearly unauthorised and urgent enforcement action should be taken to rectify the numerous breaches of planning control. This application should be refused and any alternative proposal should be carefully controlled to ensure that it is appropriate to the location.

## **Proposal**

The application relates to a building that was granted permission (3/2007/0603/P) as an agricultural building including office and staff facilities.

The permission was subject to two conditions (No's 3 and 6) that require the submission of details prior to commencement of development. Those conditions were not satisfied, but the building was constructed. Condition No 8 of the permission contains a restriction on the use of the building stating that 'the building hereby permitted shall be used to house an office, workers' amenities and planting/loading facilities in connection with the existing nursery business on site at present and for no other purpose' and there is also an hours of operation condition, No 9, which states that 'the use of the premises for customers in accordance with this permission shall be restricted to hours between 8am and 6pm Monday to Saturday and 9am to 4pm on Sundays.

The building is divided into two distinct areas. Over one half, the ground floor is open to the underside of the roof and relatively open and is used for the nursery business and cider making. The ground floor of the second area is sub divided into a series of rooms and there is a first floor above this part of the building which has also been divided into a series of rooms.

The building is presently put to various uses with the large open area used in connection with a nursery/landscaping business and also for cider production. There is a room primarily dedicated to wreath production; a ground floor office and associated store and a living/dining kitchen area and toilet and shower facilities which are used on a daily basis by the applicants and their staff in connection with the operation of the business. The first floor rooms provide additional storage space and office, occasionally being used as a bedroom by the applicants.



The development proposed in this retrospective application (as amended) involves the change of use of the building approved for agricultural and incorporating office and staff facilities, to a mixed use for agriculture, office, staff facilities and cider making. The development also involves the regularisation of the creation of several new window openings and the creation of first floor accommodation within part of the building.

It is stated in the application documents that the cider making operation is semi commercial and fairly small-scale currently producing 18,000 litres of cider per annum with a maximum capacity of the equipment currently sited within the building of approximately 45,000 litres. It is stated that the cider is predominately sold on a wholesale basis although there are some direct sales generally from the nursery and during cider festivals which are held intermittently at the property. It is stated that the change of use to cider production relates to only part of the building with approximately 33m<sup>2</sup> being set aside solely to this activity and the balance of that part of the building within which the equipment is located being used for mixed use associated with nursery landscaping activity and cider production.

### **Site Location**

The site is located off a single track approximately 350m to the southwest of the junction with Eaves Hall Lane, West Bradford. The track also provides access to two residential properties sited further to the southwest. The site is within the Forest of Bowland Area of Outstanding Natural Beauty.

### **Relevant History**

3/2004/0997/P – Two proposed polytunnels. Approved with conditions.

3/2004/1015/P – Proposed lean-to extension to provide seed planting facilities. Approved with conditions.

3/2005/0650/P – Proposed extension to existing storage shed to provide a covered loading area. Approved with conditions.

3/2005/1055/P – Proposed agricultural building to house office, workers amenities and planting and loading facilities. Approved with conditions.

3/2007/0603/P – Proposed agricultural building to house office and staff facilities including the retention of another existing building. Approved with conditions.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy RT1 - General Recreation and Tourism Policy.

Policy RT3 - Conversion of Buildings to Tourism Related Uses.

Policy EMP9 - Conversions for Employment Uses.

Policy EMP12 - Agricultural Diversification.

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

Policy DMG1 – General Considerations.  
Policy DMG2 – Strategic Considerations.  
Policy DME2 – Landscape and Townscape Protection.  
Policy DMB1 – Supporting Business Growth and the Local Economy.  
Policy DMB2 – The Conversion of Barns and Other Rural Buildings for Employment Uses.  
Policy DMB3 – Recreation and Tourism Development.

National Planning Policy Framework (NPPF).

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

In this particular case, and in response to a representation received from a planning consultant acting on behalf of nearby residents, it is necessary to first consider the legitimacy of determining this application on the basis of the stated description of development.

It is not disputed by the applicant's agent that the building was constructed without two conditions precedent having been satisfied. The agent was advised that, in these circumstances, and following careful consideration of the matter within the context of some case law examples, it appeared that a decision could not be made on the basis of the "part retrospective" element of the description of development given in the application. This is because the relevant conditions (no's 3 and 6 of 3/2007/0603/P) both clearly state that "development" (as opposed to any less specific/precise words such as "works") shall not be commenced until certain details/plans have been submitted to and approved by the Local Planning Authority. The required details related to site levels, site plans, elevational drawings and details of a scheme for the disposal of foul and surface water. Due to their precise wording, these are considered to be true "conditions precedent" and the details that they required are considered to go to the heart of the planning permission. In such circumstances, case law seems to indicate that non-compliance with these conditions means that the development is unauthorised and unlawful for planning purposes.

In response to this, the agents submitted invoices for building work which are dated Autumn 2007 and it is stated that the works were completed and the building was in use by Christmas 2007. These invoices appear to provide clear evidence that the building to which this application relates has been completed for more than 4 years (it is actually more than 5 years) and has therefore become lawful through the expiration of time and is immune from enforcement action. It is therefore considered that the application can be legitimately considered on the basis of the submitted description of development. Even if the building had been built more than 4 years ago without any planning permission at all, an application for alterations or changes of use of the building could still be considered without the necessity to also seek permission retrospectively for the building itself.

Whilst, therefore, not seeking retrospective permission for the building itself, the drawings submitted with the application show the unauthorised first floor rooms over approximately half of the footprint of the building and a number of door and window openings that were not shown on the original application drawings. Any permission in respect of this application would therefore authorise these aspects of the existing building.

Subject to its use for purposes associated with the nursery and cider making business, this first floor accommodation would not have any detrimental effects upon any recognised planning interests. The unauthorised door and window openings are similar in size and have similar frames to the authorised openings. I do not consider that these doors and windows have any

seriously detrimental effects upon visual amenity; and the nearest residential properties to the site are not close enough for the privacy of their occupiers to be in anyway affected by these additional openings. There is therefore, in my opinion, no expediency for enforcement action in relation to either the formation of the first floor accommodation or the additional openings. I can therefore see no objections to these matters being authorised as part of any permission that might be granted in respect of this application.

The next aspect of the application relates to the use of part of the building (ie the part of the building with only ground floor accommodation) for cider making. This is a relatively small-scale use. It is acknowledged that, at the present time, the majority of the apple juice used in the cider making process is purchased from elsewhere; but it is stated in the application documents that it is the applicant's intention to plant more apple and pear trees at the site in the future and to rent orchards in order to become self-sufficient in the cider making process.

The cider making represents an agricultural diversification. Saved Policy EMP12 of the Local Plan states that: "proposals for agricultural diversifications will be approved, subject to other policies within the Local Plan and provided they are appropriate in both scale and character to the rural areas of Ribble Valley and do not compromise its natural beauty".

Saved Policy EMP9 is also relevant and states that planning permission will be granted for employment generating uses in barns and other rural buildings provided all of the following criteria are met:

1. The proposed use will not cause unacceptable disturbance to neighbours in any way.
2. The building has a genuine history of use for agriculture or other rural enterprise.
3. The building is structurally sound and capable of conversion for the proposed use without the need for major alterations which would adversely affect the character of the building.
4. The impact of the proposal or additional elements likely to be required for the proper operation of the building will not harm the appearance or function of the area in which it is situated.
5. The access to the site is of a safety standard or is capable of being improved to a safe standard without harming the appearance of the area.
6. The design of the conversions should be of a high standard and be in keeping with local tradition, particularly in terms of materials, geometric form and window and door openings.

I consider that this small-scale use within an existing building does not have any detrimental effects upon the appearance and character of the locality. No external alterations to the building are required and the County Surveyor has no objections to the application with regards to the means of access to the site. The proposal does involve deliveries of juice and dispatch of cider but the vehicles involved do not have to pass the two nearby dwellings that are further down the lane beyond the application site. I do not therefore consider that this element of the application has any seriously detrimental effects upon the amenities of nearby residents.

The cider is sold wholesale with a small amount of retail sales during cider festivals that are held at the site intermittently under temporary use permitted development rights and with the appropriate events licence having been first obtained. The establishment of an A1 retail use at

this location would not be appropriate. A condition would therefore be required on any permission to restrict retail sales to an ancillary part of the other uses legitimately operating from the site.

Overall, when judged on its own merits and in accordance with the saved policies of the Local Plan, I can see no sustainable objections to the application. However, whilst the Local Plan provides some context for the consideration of this application, it is perhaps more important to consider the application in relation to the more up to date guidance of NPPF.

Section 3 of NPPF relates to “supporting a prosperous rural economy” and states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new developments. To promote a strong rural economy, local and neighbourhood plans should:

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

I consider that the proposed use of part of the building for cider production would satisfy the above stated intentions of NPPF and would contribute towards the local rural economy. For reasons already given in the report, I do not consider that this use of an existing building would have any detrimental effects upon visual amenity, the character of the locality, the amenities of nearby residents or highway safety. I can therefore see no objections to the application subject to appropriate conditions.

Before making my recommendation, however, there are two matters relating to concern expressed by nearby residents that require consideration and explanation.

Firstly, concern has been expressed that this part of the building has been used by the applicants as living accommodation. It is not denied by the applicants or their agent that they have on occasions, for security reasons, stayed overnight at the site; they do, however, have a main residence in West Bradford. It is also not denied that they would continue to use the building for their own intermittent occupation if they were to obtain permission (through a future planning application) for the use of this part of the building as a holiday let.

As part of the Council’s investigation of the alleged residential use of the building, the site has been visited on 20 January 2012 and 7 August 2012 by two Council Officers on each occasion.

The Head of Planning Services has also been inspecting the site subsequent to the resolution of the June Planning and Development Committee. In this instance, it was clear that the rooms were capable of residential use and have been used for that purpose. On each occasion the applicants denied that they were using the site as a permanent accommodation and an inspection by the Officers of the rooms concerned supported this claim. It was therefore stated in writing to the applicants and their agent that, at the time of those visits, the building was not in use as a permanent dwelling. It cannot therefore be claimed in the future that the premises has been used as a permanent accommodation from any time before 20 January 2012. The Council will continue to monitor this matter in order to ensure that the use of the site as a permanent residence does not become lawful through the passage of time (ie by such use having been carried out unlawfully for 4 years).

Nearby residents have also expressed concerns about the harm to their amenities resulting from events/festivals held at these premises. Although not specifically mentioned in this application, these events are an ancillary element of the uses of the building (particularly the cider making) for which this application is seeking planning permission. Whilst they are also covered by licensing legislation, it is accepted that a proliferation of such events at this location could become harmful to the character of the locality and to the amenities of nearby residents. It is therefore considered to be legitimate and appropriate to address this issue through this planning application.

The applicant's agent has commented that he has discussed this issue with his clients and they have confirmed that they have only ever held two cider festivals in a year but have also had an apple day event that is aimed more at children and families. He says that his clients only intend to hold three events at most each year in future and that they would be happy to have a condition to that effect imposed on any planning permission. The agent also says in relation to the events/festivals that they each only last for one day and that it would be his client's intention to finish the event at 11.30pm with everybody being off site by midnight.

I therefore consider it appropriate to impose a condition restricting the number of festivals/events to a maximum of 3 one day events in any one calendar year and that the opening times of such events shall be restricted to the hours between 9am and 11.30pm with all persons attending the events to be off site by midnight.

The original permission for this building was subject to a condition restricting the use of the premises for customers to between the hours of 9am and 6pm Monday to Saturday, and 10am to 4pm on Sundays. I consider it appropriate to re-impose that condition in relation to all days except for the maximum of three days in any calendar year when an event/festival is being held at the site.

#### SUMMARY OF REASONS FOR APPROVAL

The proposed uses of the building would support the local rural economy and would not have any seriously detrimental effects upon visual amenity, the character of the locality, 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 external appearance of the building (ie window and door numbers, sizes and positions) and to the uses of the different parts of the building as shown on submitted drawing number Cre/5731/1508/01 REVA (amended plan received by the Local Planning Authority on 1 July 2013).

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

3. The cider produced at the site shall be for wholesale only with no retail sales from the site other than incidental sales during any authorised temporary events held at the site.

REASON: As the establishment of an A1 retail use would be inappropriate in this rural location to the detriment of the character of the area contrary to Policies G1 and ENV1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME2 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

4. With regards to the cider making business, any deliveries of raw materials to the site or despatch of the finished product from the site shall only take place between the hours of 9am and 6pm Monday to Saturday with no deliveries or despatch on Sundays or Bank Holidays.

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

5. The number of festivals/events held at the site shall be restricted to a maximum of 3 in any one calendar year. Each event shall be restricted to 1 day and the opening times of those days shall be restricted to 9am to 11.30pm with all persons attending the events to be off the site by midnight.

REASON: In the interests of the amenities and character of the locality and the amenities of nearby residents in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – a Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. Except for days upon which a festival/event is being held (see condition 5 above) the use of the premises by customers shall be restricted to hours between 9am and 6pm Monday to Saturday and 10am to 4pm on Sundays.

REASON: 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; as the use of the premises outside these hours could prove injurious to the character of the area and to the amenities of nearby residents.

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

Following further negotiation resulting from Committee's decision on 11 April 2013, the education authority has revised its request on the basis of the primary school places requiring a contribution of £47,522.

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**

Members will be aware that it was agreed at the April meeting to accept the officer's recommendations but allow for further negotiations and accept any subsequent revised contribution requested by LCC. A revised figure of £47,522 has now been obtained but the developer is still unwilling to make such a contribution. It is evidence from the Council's

Housing Manager that there would be a risk of Great Places pulling out of the scheme, who are committed to deliver the affordable homes by 2015. Committee are no doubt aware of the Council's objective of supplying affordable houses for the borough but it is also important to ensure adequate infrastructure facilities, such as education contribution to meet the demand.

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 compensate.
- 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 now requested a total of £47,522 (previously £244,344) towards education provision and public transport improvements.

The applicants still assert that this would make this proposal financially unviable and previously 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.

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 previously considered the case put forward by the applicants and responded as follows and I am of the opinion that although this is a lesser contribution the issues remain the same.

*“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.*

### Planning Balance

It is incumbent of a Local Planning Authority to assess both the harmful and positive elements of any scheme in reaching a decision. The NPPF states that planning permission should be granted unless ‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole;’

It is evident that as the proposal is a Greenfield development it would have an impact on the local landscape. However, I am of the opinion that given its relationship to built form and its non designated status and limited footpath accessibility the impact is not significant. The failure to provide an educational contribution is also an adverse impact on the social infrastructure but I am of the opinion that the contribution is not significant in this instance.

An assessment of the benefits would include:

- The benefits of the delivery of 25 affordable houses.
- The likely jobs created in the construction industry and further down the supply chain;



- The increased expenditure which will take place in the locality, as a result of new housing development;
- The New Homes Bonus that will be delivered to the Council which would equate to £216,618 for the full six years that the New Homes Bonus would be payable (if this funding stream continues).

On this basis I consider that the benefits in this instance outweigh the potential harm and I would recommend, notwithstanding the previous decision by the Planning and development Committee that a recommendation of approval is accepted.

#### 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.

As can be seen above, the applicants claim that the required contribution would still make the proposal unviable such that the development would not go ahead. The applicant has also indicated that the land owner is unwilling to reduce the purchase price to allow for the educational contribution. Although no revised assessment has been made on the suggested education contribution of £47,522 the applicant has indicated an unwillingness to offer any contribution.

On the basis of the need to assess the planning balance and I consider that these benefits outweigh any harm and as such there would no longer any need to require a Section 106 Agreement.

#### 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 Geo-environmental 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 and would not have any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

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

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

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

2. This permission shall relate to the 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.

APPLICATION NO: 3/2013/0516/P (GRID REF: SD 368415 431590)  
PROPOSED CONCRETE RAMP AND HANDRAIL AT THE FRONT OF 11 BEECH CLOSE,  
CLAYTON-LE-DALE, BLACKBURN BB1 9JF

### **Proposal**

This application seeks alterations to the front garden to incorporate provision for disabled access in a form of a concrete ramp. The proposal is to utilise part of the front garden to include a disabled ramp at a gradient of 1:16 to enable more appropriate access to the property. As a result of the development it would include a brickwork retaining wall and handrail which would be of a maximum height from floor level to top of the rail of 1.9m. The retaining wall would be a length of 3.2m which would include the brick pillars. The maximum length of the concrete ramp would be approximately 6.5m.

### **Site Location**

The proposal is at the front garden of a detached bungalow which is located at the end of a turning head and accessed from Beech Close. It is an entirely residential area.

### **Relevant History**

None.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*  
Policy G1 - Development Control.  
*Core Strategy 2008 to 2028 Submission Draft*  
Policy DMG1 – General Considerations.  
National Planning Policy Framework.

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

The main issues in relation to this application relate to the impact on neighbouring residential amenity and the visual impact by the development.

In relation to the visual impact, the effect is limited given its location in a relatively secluded area and is not readily visible from any vantage points. In terms of residential amenity there will be some limited impact caused by the need for a retaining wall near the boundary of the adjacent property as well as the likely increased impact of overlooking caused by the proposal. In both aspects, I do not consider these significant and that there will be no adverse harm to residential amenity or visual impact to the detriment of the street scene.

### **SUMMARY OF REASONS FOR APPROVAL**

The proposal would have no adverse impact on residential amenity or be to the detriment of visual amenities of the street scene.

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

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

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

2. This permission shall relate to the development as shown on plan reference BHC/1111/001/B.

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

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

APPLICATION NO: 3/2013/0120/P (GRID REF: SD 371305 436819)  
PROPOSED DEMOLITION OF EXISTING CARPORT/STORE AND ERECTION OF A DWELLING TO PROVIDE MANAGERS ACCOMMODATION FOR CARAVAN PARK/FARM AND ASSOCIATED OFFICE AND RECEPTION FACILITIES IN CONNECTION WITH THE CARAVAN PARK (RESUBMISSION) AT HACKING CARAVAN PARK, POTTERFORD FARM, ELKER LANE, BILLINGTON BB7 9HZ

PARISH COUNCIL: No objections to this application.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): Has not made any observations in respect of this application but he expressed no objections to the previous withdrawn application (3/2012/1024/P) of which this application is a resubmission.

UNITED UTILITIES: No objections to this application.

ADDITIONAL  
REPRESENTATIONS: None received.

### **Proposal**

Permission is sought for the demolition of an existing timber building that is used as a carport and for storage purposes associated with the operation of the caravan park; and the erection in its place of a dwelling to provide manager's accommodation for the caravan park/farm and associated office and reception facilities in connection with the caravan park.

The proposed building would be 21.5m wide x 12m deep and would have an eaves height of approximately 5.8m and a ridge height of approximately 9.2m. It would have a two-storey appearance but there would be a staircase giving access to storage space within the roof space at second floor level. The front part of the ground floor would comprise a post room, office, reception, meeting room and disabled WC for use in association with the caravan park. The remainder of the ground floor would be a lounge, kitchen/dining room, utility and carport. At first floor level there would be a second lounge and four bedrooms, all with en suite bathrooms.

The building would be of stone construction with a blue slate roof and would be traditional in appearance incorporating mullioned windows with drip moulds.

The forecourt area at the front of the building would be retained. The drive through carport would lead to private off-street parking and a private garden at the rear of the building.

No plans have been submitted to show the context and impact of the proposed house in respect to the immediately adjacent C17 listed farmhouse.

### **Site Location**

The actual application site has an area of approximately 0.05 hectares and comprises the timber building that is to be demolished and a small yard area at the rear.

The site lies in the middle of the original built up form of what would have been the original farmstead prior to the development of the static holiday caravan park. Immediately adjacent to the application site is the original farmhouse which is a Grade II listed building.

The submitted heritage statement confirms that Potter Ford Farmhouse is significant as an outlying farm with C17 origins. Individual features (the list description refers to a mullioned ground floor window, a chamfered stair window, a fireplace inscribed 'EC 1610', chamfered and stopped ceiling joists and a timber-framed wall with original doorway), its overall shape and form belong to this period.

The heritage statement states that the farmhouse and its two other historic outbuildings had 'become surrounded by numerous modern sheds' by the 1960s. Potter Ford Farmhouse was listed on 13 March 1986.

The land in the immediate vicinity is predominantly in agricultural use except for the land to the south and east which forms the existing static holiday caravan park.

The site is situated in the open countryside, outside any settlement boundary, as defined in the Ribble Valley Districtwide Local Plan.

### **Relevant History**

3/2003/0927/P – Listed building consent application to extend the existing toilet block to form a post room for the caravan park. Approved with conditions.

3/2003/0931/P – Planning application to extend the existing toilet block to form a post room for the caravan park. Approved with conditions.

3/2007/0378/P – Demolition of existing storage building and construction of new agricultural general storage building. Approved.

3/2012/1024/P – Proposed demolition of existing carport/store and erection of a dwelling to provide manager's accommodation for the caravan park/farm and associated office and reception facilities in connection with the caravan park. Withdrawn by the applicant.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 - Dwellings in the Open Countryside.

Policy ENV3 - Development in Open Countryside.

Policy ENV19 - Listed Buildings.

Planning (Listed Buildings and Conservation Areas) Act 1990 – section 66(1).

*Core Strategy 2008 – 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 and AONB.

Policy DME2 – Landscape and Townscape Protection.

Policy DME4 – Protecting Heritage Assets.

Historic Environment Planning Practice Guide (HEPPG).  
National Planning Policy Framework (NPPF).

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

The background to this proposal is described by the agent in the Design and Access Statement submitted with the application. It is stated that the need for the proposed accommodation has arisen following the death of Mr Hacking Snr and the subsequent retirement of his widow Mrs Hacking Snr, who continues to reside in the original farmhouse. At present the applicants Mr & Mrs Hacking Jnr reside in Whalley and travel to the site to manage both the caravan park, livery yard and farm enterprises on a daily basis. It is claimed that this situation has persisted for a considerable period of time but is proving totally unworkable. It is also stated that the applicant's mother is constantly troubled by the day-to-day issues surrounding the operation particularly of the caravan park because the existing reception facilities are retained within a portion of her home.

This application is submitted to address these issues. The history of the caravan park is outlined from the first permission granted in late 1951 leading up to the current situation in which the site licence makes provision for 128 units of which 60 can be occupied as primary residences. As such, it is stated that the management and operation of the holiday park, the livery business, the touring caravan storage business and the agricultural enterprise need considerable and continual round the clock management.

The Agent also considers it to be worthy of note that the site has the benefit of an approved wardens unit and, in order to address the special justification that would be necessary in order to comply with saved policy H2 of the Local Plan, the Agent states that the applicant would be prepared to forego the existing wardens unit permission in favour of an occupancy condition similarly applied to the use of the dwelling that is the subject of this application.

A bat survey report by a licensed bat warden has also been submitted.

The proposed development was the subject of a pre-application enquiry, the response to which was dated 12 April 2012. In that response it was noted that the site is within the open countryside outside any settlement boundary and not immediately adjoining any settlement boundary. As such, it was stated that the requirements of saved Policy H2 of the Local Plan would be applicable to the proposed development. This policy states that, in such locations, residential development would be limited to:

1. Development essential for the purposes of agriculture or forestry or other uses wholly appropriate to the rural area.
2. The appropriate conversion of buildings to dwelling, provided they are suitably located and their form, bulk and general design are in keeping with their surroundings.
3. Residential developments specifically intended to meet a proven local need.

As the proposed development did not fall within any of those categories of permissible housing development, the pre-application enquiry response did not offer any encouragement for the submission of a planning application for a new dwelling at this site.



The personal circumstances described in the pre-application enquiry letter are noted but it is not considered that these represented justification for granting planning permission for a dwelling contrary to the requirements of Policy H2. At pre-application enquiry it was suggested that consideration be given to the submission of an application for an annex to the main house. This would allow the applicants and their mother to all live at the site. In short, it was stated that there was no particular need to have a second dwelling at this caravan park.

Notwithstanding the pre-application advice, application 3/2012/1024 was submitted for a manager's dwelling at the site. This was withdrawn by the applicant before it was determined by the Council. This current application is therefore a resubmission of that withdrawn application.

The personal circumstances originally put forward at pre-application stage are repeated in the Design and Access Statement submitted with this current application (as summarised above). The pre-application response that these circumstances do not justify granting permission for a development contrary to Policy H2, in my opinion, remains valid. The offer to transfer the user restriction on an existing warden's unit to this proposed dwelling does not change the situation. The warden's unit can continue to provide a 24 hour presence of a person in authority at the caravan site; and any required improved reception/office etc facilities could be provided in a new building separate from the existing house, but not including any domestic accommodation. This would prevent the problems caused to the applicant's mother due to the reception facilities being within her home.

Overall, therefore, whilst the second dwelling at the site might be desirable to the applicants, I do not consider it to be essential. I therefore remain of the opinion that the proposal is contrary to saved Policy H2 of the Local Plan. The requirements of Policy H2 are effectively carried forward by Policy DMH3 of the Core Strategy Submission Draft. Similarly, the proposal would not comprise any of the categories of permissible development in the open countryside as defined in saved Policy G5 and emerging Core Strategy Policy DMG2.

As the site is a considerable distance from any settlement boundary and is therefore also distant from the facilities within any settlement, the proposal would result in the provision of an unjustified dwelling in an unsustainable location. As such, in my opinion, the application is contrary to the sustainability requirements of NPPF. Overall, the proposed development is therefore unacceptable in principle for the reasons described above and should be refused accordingly for that reason.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Borough Council to have 'special regard to the desirability of preserving the building or its setting'. Mrs Justice Lang's recent judgement in East Northamptonshire has confirmed that 'desirability' means '*sought-after objective*' and that '*in order to give effect to the statutory duty under section 66(1), a decision-maker should accord considerable importance and weight to 'the desirability of preserving ... the setting' of listed buildings when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status*'.

I would concur with the submission that modern alterations have affected the significance of the historic building. However, I note from the planning record and the list description that the Secretary of State was mindful of these changes (slate roof, some modern windows) when adding the building to the list in 1986. Furthermore, the Secretary of State's decision to list implies that the building has special architectural and historic interest and is of national

importance. I therefore disagree with the claim in the submission that the farmhouse is not a particularly good example of its type.

The existing setting of the farmhouse is also referred to in the Heritage Statement. It is stated that the site proposed for the new dwelling is presently occupied by a large single storey shed, that is clad in profiled steel sheets and faces south on to a large asphalt yard, around which are numerous or modern buildings associated with the current farming, horse riding, and caravan park. The opinion is expressed that the overall appearance of the area is dominated by their timber, steel and asbestos coverings and the extensive and uniform modern surfacing; and that the listed farmhouse appears to be 'marooned' in this environment.

The overall conclusion of the author of the Heritage Statement (a Building's Archaeologist) is as follows:

*'The proposed new dwelling would replace a modern structure which has no aesthetic qualities with a building which would sensitively complement the existing listed farmhouse and which, by being positioned back from the farmhouse would not challenge its predominance. The new building would be faced with stone, roofed with slate, and fitted with windows to match those in the farmhouse, and the design also incorporates a number of details found in the local vernacular architect. These aspects of the scheme would combine to improve the setting of the listed building and so create a positive impact on the site.'*

This aspect of the proposed development requires reference to saved policy ENV19 of the Local Plan and Policy DME4 of the emerging Core Strategy both of which state that development that causes harm to the setting of the listed building will be resisted. Regard must also be paid to NPPF, Section 12 of which is concerned with 'conserving and enhancing the historic environment'. Although PPS5: Planning for the Historic Environment has been superseded by NPPF, the Historic Environment Planning Practice Guide (HEPPG) remains valid and is applicable to the consideration of this application.

In this case, it is claimed by the applicants that the significance of the heritage asset (the listed farmhouse) has already been detrimentally affected by alterations to the building itself and by its setting within a group of modern agricultural buildings.

I would agree with the submission that the setting of the listed building has been detrimentally affected by modern and incongruous development. However, NPPF policy requires consideration to the enhancement and better revealing of significance rather than acceptance of the status quo. Paragraph 131 requires that '*in determining applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets*'. 'Conservation' is defined at Annex 2 as '*the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance*'.

English Heritage state that whilst 'The Setting of Heritage Assets' (English Heritage, October 2011) contains references which are now out of date, it still contains useful advice and case studies. It is stated that '*where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting ... consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset*'.

It is stated in HEPPG (para 118) that “change, including development can sustain, enhance or better reveal the significance of an asset as well as detract from it or leave it unaltered. For the purposes of spatial planning, any development or change capable of affecting the significance of a heritage asset or people’s experience of it can be considered as falling within its setting. Where the significance and appreciation of an asset has been compromised by inappropriate changes within its setting in the past it may be possible to **enhance** the setting by reversing those changes”. NPPF also requires a positive approach to new design. The NPPF advocates sustainable development and requires design that it should reinforce local distinctiveness (para 60) and should integrate with the historic environment (para 61). Paragraph 137 requires in the consideration of new development that Local Planning Authorities should look for opportunities to enhance or better reveal the significance of heritage assets.

This listed building is the only building of any architectural merit within the group. I consider that its importance is therefore emphasised by its existing setting. Rather than being “marooned” within the setting as claimed in the submitted Heritage Statement, it stands out within the setting as a building worthy of attention being paid by the Local Planning Authority in looking for opportunities to enhance or better reveal its significance.

The proposed dwelling would replace an existing single storey agricultural building with approximate dimensions of 19.5m x 6.3m with an eaves height of 2.5m and a ridge height of 3.7m. Whilst having no architectural merit, the existing building does not in visual terms dominate or impose itself upon the adjoining listed building. The proposed dwelling, however, would have approximate dimensions of 21.5m x 12m with an eaves height of 5.8m and a ridge height of 9.2m. The footprint of the existing farmhouse has maximum dimensions of approximately 10m x 18.8m.

The proposed building would therefore have a larger footprint than the farmhouse and it would also be higher than the listed building. It also contains arbitrarily applied details (mullioned windows) which copy and therefore undermine the uniqueness and distinction of the C17 cross-wing. It would become the most dominant building within the group and would be viewed when approaching the caravan site. It would be viewed in association with the listed farmhouse and would, in my opinion, dominate the heritage asset and diminish and detract from its significance.

NPPF paragraph 132 states that great weight should be given to an asset’s conservation.

I have considered paragraph 134 of the NPPF and do not believe that the proposal will result in any public benefits to outweigh the harm to the listed building.

As such, the proposed development does not preserve or conserve the setting of the listed building as required by section 66(1) of the Act and the NPPF respectively; and it is considered that this represents a second sustainable reason for refusal of this application.

I therefore consider accordingly that permission should be refused for the two reasons stated in the recommendation below.

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

1. In the opinion of the Local Planning Authority, this caravan site does not necessitate the construction of a manager’s dwelling within its boundaries. The proposed development therefore represents the erection of a dwelling (that does not satisfy an identified local need, and is not for the purposes of agriculture or forestry) in an isolated open countryside

location. As such, the proposal would be contrary to the requirements of saved Policies H2 and G5 of the Ribble Valley Districtwide Local Plan and Policies DMG2 and DMH3 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft; and would also be contrary to the presumption in favour of sustainable development that is the overriding requirement of the National Planning Policy Framework.

2. The proposed dwelling due to its size, design and siting would form a dominant and incongruous structure that would unduly harm the setting of the adjoining Grade II listed farmhouse contrary to the requirements of saved Policy ENV19 of the Ribble Valley Districtwide Local Plan, Policy DME4 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft, and the advice within Section 12: Conserving and Enhancing the Historic Environment, of the National Planning Policy Framework.

APPLICATION NO: 3/2013/0447/P (GRID REF: SD 368929 440434)  
PROPOSED CONVERSION AND EXTENSION OF HOUSE TO CREATE TWO DWELLINGS  
(RESUBMISSION OF APPLICATION 3/2012/1066/P) AT BLEAK HOUSE, STONYHURST,  
CLITHEROE BB7 9QY

PARISH COUNCIL: No representations received.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): Raises no objection to the application as the proposal has no highway implications.

ADDITIONAL  
REPRESENTATIONS: In a letter signed by the owners/occupiers of three nearby dwellings, the signatories state that they have difficulty understanding why the original planning application (3/2012/1066/P) for the conversion of this property into two dwellings was refused as they consider that it would have no impact whatsoever on the area or on any of the residents. They therefore request the Council to reassess the situation.

In a separate letter, one of the signatories makes the additional comment that in their view this proposal is in line with Government plans for housing.

### **Proposal**

It is considered appropriate in this case to describe the proposed development within the context of the planning history of the property.

The property was used as a restaurant and dwelling in the 1970s and planning permission was given for it to be used as a dwelling only in the 1980s. A permission granted in 1984 authorised the construction of first floor level extensions above existing single storey extensions on both gable ends of the property. The extension at the southern end of the dwelling has been implemented such that the permission for the first floor level extension at the northern end remains extant.

Recent planning application 3/2012/1066/P included the proposed erection of the previously approved extension above the existing extension at the northern gable; and also sought permission for the sub division of the extended property to form a two bedroom house and a three bedroom house. Also under that recent application, part of a small conservatory on the rear of the building was to be removed and the garden of the dwelling would be sub divided. In that application, each of the proposed dwellings was to have its own vehicular access by allocating one existing access to each dwelling. As there is an extant permission for the extension at the northern end of the building that could be constructed at any time without the need for further planning permission, that recent application effectively sought permission for the sub division of the dwelling to form two separate dwellings.

Application 3/2012/1066/P was refused under delegated powers on 26 March 2013 for the following reason:

The proposal would result in the formation of an additional dwelling in an open countryside location outside any settlement boundary and isolated from any services or facilities. As such the development would be contrary to saved Policies G5 and H2 of the Ribble Valley Districtwide Local Plan and Policies DMG2 and DMH3 of the Core Strategy 2008 to 2082 – A Local Plan for Ribble Valley Regulation 22 Submission Draft: and would represent unsustainable development contrary to the requirements of National Planning Policy Framework.

This current application is a straightforward resubmission of 3/2012/1066/P. Neither the submitted plans or the description of the development have been amended in any way.

### **Site Location**

Bleak House is a substantial detached dwelling set within a large garden area. It is of stone construction with a slate roof. There are two vehicle accesses, one to the north giving access on to the Birdy Brow and one to the south giving access on to Kemple End. The property is within a group of dwellings at Kemple End that also includes Two Jays, Kemple Cottage, Alden Cottage, Lowfield Cottage and Morton House.

### **Relevant History**

3/1979/1424/P – Extension to house and restaurant. Approved.

3/1983/0590/P – Change of use from dwelling and restaurant to dwelling only. Approved.

3/1984/0112/P – First floor extensions above existing single storey extensions on both gable ends of the dwelling. Approved.

3/2012/1066/P – Conversion and extension of existing house to create two dwellings. Refused.

### **Relevant Policies**

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 - Dwellings in the Open Countryside.

Policy ENV1 - Area of Outstanding Natural Beauty.

Core Strategy 2008-2028 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 DME2 – Landscape and Townscape Protection.

National Planning Policy Framework (NPPF).

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

The matters for consideration in the determination of this application (which are the same as those used in the recent determination of 3/2012/1066/P) relate to the principle of the development and the effects of the creation of an additional dwelling upon the visual amenities of the AONB, the residential amenities of nearby residents and highway safety.

Saved Policy H2 of the Local Plan states that “outside settlement boundaries, residential development will be limited to:

1. development essential for the purposes of agriculture forestry or other uses solely appropriate to the rural area;
2. the appropriate conversion of buildings to dwellings provided they are suitably located and their form, bulk and design are in keeping with their surroundings;
3. residential development specifically intended to meet a proven local need.

Saved Policy H2 is effectively carried forward by Policy DMH3 of the Core Strategy Submission Draft. Neither the saved or emerging policies refer to the sub-division of existing dwellings into two or more units. They do refer to the conversion of existing buildings, but it is considered that the original intention of this element of Policy H2 was to secure the retention of traditional agricultural buildings (often regarded as non-heritage assets) that would otherwise be lost as they were no longer fit for their original purpose. The proposal does not therefore comply with the requirements of the relevant saved or emerging policies that relate to housing development in the open countryside.

In view of the age of the Local Plan and the unadopted status of the emerging plan, the application also needs to be considered in relation to the National Planning Policy Framework (NPPF) the main tenet of which is a presumption in favour of sustainable development. This site is not on a bus route and is more than 3 miles away from the services within Clitheroe, the nearest main settlement to the application site. The additional dwelling that would be created if this application was approved would therefore not be accessible to local services. Due to its isolated location, and being reliant upon the private car to access all services and facilities, an additional dwelling at this location would also not minimise waste and pollution; and would not mitigate and adapt to climate change including moving to a low carbon economy (which are other important elements of sustainability as described in NPPF).

Overall it is considered that the proposal does not represent sustainable development as defined in NPPF; and as previously stated, it does not accord with the saved and emerging local plan policies relating to new dwellings in the open countryside. The proposal is therefore unacceptable in principle. If planning permission was to be granted for the sub-division in this dwelling in this isolated location, it would also set a precedent which would make it difficult for the Council to resist similar applications in the future. The result of this would be a proliferation of new residential units in unsustainable locations.

With regards to detailed considerations, bearing in mind that the extension proposed in the application could be carried out without the need for further planning permission, it is considered that the subsequent sub-division of the property into two dwellings would not have any discernable effects upon the visual amenities of the AONB.

The proposal to use the two existing vehicle accesses with one serving each dwelling, and the proposed parking and turning provision, is considered by the County Surveyor to be acceptable in relation to highway safety considerations.

Although within a group, the property is not particularly close to any of the existing neighbouring properties. The sub-division of the building to form two dwellings would not therefore, in my opinion, have any discernable effects upon the amenities of any nearby residents. The fenestration details are such that the two dwellings would not impact negatively upon each other with regards to the consideration of privacy.

There would therefore be no reasons for refusal relating to these detailed considerations. However, I remain of the opinion that (consistent with the delegated decision made on 26 March 2013 in relation to application 3/2012/1066/P) permission should be refused for the reason that it represents unsustainable development contrary to NPPF.

I also consider it appropriate to draw Members' attention to an appeal decision that has been received by the Council since the refusal of application 3/2012/1066/P. This related to a proposal to demolish an existing stable block and erect 2 two storey houses at a site at Trapp Lane, Simonstone. The appeal was dismissed as the Inspector considered the site to be isolated such that the occupiers of the dwellings would need to travel by car to the settlements of Simonstone and Sabden (approximately 1 and 1.5 miles away from the site) that have limited facilities, and would, more than likely, travel to more distant towns with a larger range of facilities. The Inspector concluded that 'with regard to paragraph 14 of the Framework, the adverse impacts of the scheme would significantly and demonstrably outweigh the contribution of two dwellings to the housing land supply, when assessed against the policies in the Framework as a whole'. I consider that the same conclusion is applicable to the proposed development that is the subject of this report.

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

1. The proposal would result in the formation of an additional dwelling in an open countryside location outside any settlement boundary and isolated from any services or facilities. As such the development would be contrary to saved Policies G5 and H2 of the Ribble Valley Districtwide Local Plan and Policies DMG2 and DMH3 of the Core Strategy 2008 to 2082 – A Local Plan for Ribble Valley Regulation 22 Submission Draft: and would represent unsustainable development contrary to the requirements of National Planning Policy Framework.

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

APPLICATION NO: 3/2012/0014/P (GRID REF: SD 373281 441769)  
OUTLINE APPLICATION FOR THE CONSTRUCTION OF 30 N<sup>O</sup> DWELLINGS ON LAND OFF GREENFIELD AVENUE, WITH A SUGGESTED BREAKDOWN OF 16 N<sup>O</sup> HOUSES WITH 3-4 BEDROOMS, 8 N<sup>O</sup> LOW COST HOUSES AND 6 N<sup>O</sup> BUNGALOWS WITH 2 BEDROOMS ON LAND ADJACENT GREENFIELD AVENUE, LOW MOOR, CLITHEROE BB7 2LY

Introduction

This application was considered by Committee on 19 July 2012 when it was resolved 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 six months from the date of that decision as outlined in paragraphs numbered 1-4 under the Section 106 Agreement sub-heading within the original report, and subject to a number of conditions. In the original report, Members were advised that the required agreement would cover the matters of affordable housing provision; the payment of a sum to Lancashire County Council towards the provision of primary education; the payment of a sum (to be agreed) to Ribble Valley Borough Council towards the provision/maintenance of off-site open space; and the payment of a sum (to be agreed) to Ribble Valley Borough Council towards the provision of wheeled bins.

This application is being reported back to Committee, firstly because the original resolution was more than six months ago; and secondly, because there have been changes in relation to the matters of off-site open space provision and wheeled bin provision.

The original report is reproduced below with the content under the sub-headings "Public Open Space" and "Section 106 Agreement" amended to reflect the current situation. The recommendation has also been amended accordingly and an additional condition has been added.

TOWN COUNCIL: Object to the application on grounds of over intensive development in a village environment. Also with existing developments there will be pressures placed on roads into Low Moor without any further roads being constructed.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): I have no objections in principle to this outline proposal on highway grounds. However, my comments refer to an Outline Planning Application with all matters reserved for future determination except for the means of access and appearance.

Access from Greenfield Avenue

The vehicular access to the site will be extended from Greenfield Avenue onto the development site. The design contained in Drawing 370/1/2 provides an indication of the highway parameters for the design of a suitable vehicular access.



The proposed access road and internal layout will be designed to adoptable standards. With this in mind, the applicant can anticipate preparations for Section 38/Advance Payments Code should consent be granted.

The introduction of additional vehicle movements onto Queen's Street is a concern, as there are parked vehicles to the terrace side and this can delay through traffic and cause some minor congestion at either end. However, the development of the land off Greenfield Avenue for a total of 30 properties would have a relatively low impact on traffic flows at peak times.

### Highway Safety

There has been one reported collision involving personal injury during the last five years, 28 February 2007 to 1 March 2012 on the route from the proposed site to Edisford Road, via Greenfield Avenue, Queen Street and St Paul's Street.

In order to secure appropriate measures to enhance safe manoeuvring to and from the site should the application be successful, I would recommend the introduction of junction markings at Queens Street and Greenfield Avenue on any subsequent site plans. This would establish the correct priority working at this junction.

I would not recommend any additional off-site highway works to accommodate the anticipated additional turning traffic.

However, there are some aspects of the initial site layout that should be revised to enhance highway safety.

1. Reduce the carriageway width from Greenfield Avenue (6.84m) onto access road (shown as 7.0m). For the scale of development being considered a carriageway width of 5.5m is sufficient. The use of a 7.0m carriageway width would encourage on street parking and provide for an unnecessary crossing width.
2. The larger amenity space is in an isolated location, requiring pedestrians to access the site across service roads.
3. A narrow service road (3.6m) provides two-way access for 6 properties and additional amenity car parking for 5 vehicles. Utilising the reduced carriageway width identified above in Item 1, the width of the service road could be increased to 4.5m, sufficient for the safe two-way movement of residential traffic.

4. Consider the introduction of a narrowing feature to draw the carriageway width down from 6.8m on Greenfield Avenue into the site, with a 5.5m width.
5. The provision of continuous footway links through the development is welcomed. These footways should be a minimum width of 1.8m throughout.

#### PROW

There is a Public Right of Way, Footpath 18 that borders the site to the east. This route must be maintained throughout any construction period, with no alteration to their path or accessibility.

Consideration should also be given to the lighting of the footpath as it runs to the rear of the proposed units along the eastern edge of the site.

#### Public Transport

There are existing "hail and ride" services operating along Union Street and St Paul's Street that fall within a convenient distance of the centre of the site. I do not propose to make any further request for contributions in this regard.

#### Cycling

I have no request for specific cycle provisions from this development.

#### Traffic Regulation Orders

There are no TRO's being proposed as a part of this application.

#### Committed Development

There is one committed developments on Chapel Close, Low Moor (3/2011/0247) that will have an impact on this application.

#### Standard Conditions

There are a number of Standard Conditions that will apply to this application.

ENVIRONMENT AGENCY:

No objections in principle to the application subject to the imposition of a number of conditions and the inclusion of a number of advisory informatives on any planning permission notice.

UNITED UTILITIES: Comments that, as this site is situated within a critical area, United Utilities would have to object to the proposals pending the submission of a detailed drainage strategy outlining how surface water and foul discharges will be dealt with so that United Utilities can understand the intensions of the developer and the full impact to the public sewer network.

ENVIRONMENT DIRECTORATE (COUNTY ARCHAEOLOGIST): Comments that the application site has been identified as one that is considered to have a high potential for previously unrecorded prehistoric activity to be found on the site, with a medium potential for activity dating to the Roman and Mediaeval periods. A condition is therefore recommended that no development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

LANCASHIRE COUNTY COUNCIL PLANNING CONTRIBUTIONS: As stated in the separate response from the County Surveyor no contribution is sought towards transport measures.

Based on the latest assessment, Lancashire County Council are seeking a contribution for 11 primary school places which amounts to £11,635.65 x 11 = £127,992.

Latest projections for the local secondary schools show that there would be approximately 62 places available in 5 years' time. With an expected pupil yield of 8 pupils from this development, LCC is not seeking a contribution from the developer in respect of secondary places.

In its consultation response on this application, no mention is made by the County Council of any required contribution towards waste management.

ADDITIONAL REPRESENTATIONS: 34 letters have been received that are either from local residents or from agents acting on behalf of local residents. The objections contained in the letters are summarised as follows:

1. The proposal would be detrimental to highway safety. The roads between Edisford Road and the application site have parked cars along most of their length. Driving down these roads is therefore already difficult and dangerous and the proposed additional 30 dwellings would exacerbate the situation. There would be a particular danger to the children who play in these streets. Construction traffic would also represent a serious highway safety problem.
2. The proposal will also put further pressure on the existing wider highway network of Clitheroe.

3. Loss of privacy as existing houses that present have an open outlook would be overlooked by the proposed dwellings.
4. The application does not make adequate provision of play area for children.
5. The density of development is excessive. 30 dwellings is too many for a site of this size.
6. A similar application was refused and dismissed on appeal in 1980 (3/79/1226/P). This application should be similarly refused.
7. The proposal would lead to the loss of further natural countryside. The flora and fauna of the locality should be protected.
8. The electricity sub-station and the mains sewage system would be overloaded by the proposed additional houses.
9. Contrary to what is said in the application, there have been instances of flooding in this field in the past that have caused problems on Meadow View.
10. A permission on this application could lead to further fields beyond this one also being developed for housing in the future.
11. The application does not appear to recognise the existence of a private right of way across the site.
12. The submitted Design and Access Statement does not give sufficient detail.
13. A flood risk assessment should have been submitted with the application.
14. The submitted layout plan fails to demonstrate a high quality layout or standard of development. As such, the proposal conflicts with the advice in Policy G1 of the Local Plan. The appeal for 270 dwellings at Henthorn Road was successful as the Council were unable to demonstrate an up to date 5 year supply of housing land, although there was a claim 3.3 year supply. The grant of permission for those 270 houses has therefore increased the supply by 1.7 years and therefore the Council can now identify a 5 years supply. Even it is held that Council does not have a 5 year supply as required in the NPPF, it is considered that, in its present form, this application is still unacceptable for a number of reasons, particularly in relation to its impact on the local highway network.
15. Decisions on the scale and location of further housing in Clitheroe should be through the Council's Core Strategy and its sister publications.

## **Proposal**

This application seeks outline permission for development of 30 dwellings comprising 16, two-storey houses with 3-4 bedrooms; 8 “affordable” two-storey houses; and 6 bungalows with 2 bedrooms.

As originally submitted, permission was sought for the matters of access and appearance, with scale, landscaping and layout reserved for subsequent consideration at reserved matters application stage. The agent, however, has amended the application so that the matters of access, appearance and layout are now to be considered at this outline application stage.

The access into the site is in the form of a continuation of the existing 6.84m wide carriageway of Greenfield Avenue. As originally submitted, the highway into the development continued with the same width as the existing Greenfield Avenue. In accordance with the requirements of the County Surveyor, however, an amended access/road width has been shown on an amended plan received on 29 June 2012. As amended, the road is narrowed initially to 6.5m and then to 5.5m throughout the site.

The submitted layout includes a main road running south to north across the site with 11 detached/link detached houses down its eastern side; a “crescent” to the west of this main road would serve the 6 bungalows and result in an “island” amenity area; and a cul-de-sac, also running off the western side of the main highway would serve the 8 proposed affordable houses and 5 detached/link detached houses. The layout also includes a second small amenity area.

Elevations and floor plan drawings have been submitted for each of the house types.

## **Site Location**

The application relates to an agricultural field within an area of approximately 1.4 hectares to the north of Greenfield Avenue, Low Moor. The site is adjoined to the south by existing houses in Greenfield Avenue and to the west by a bungalow on Greenfield Avenue and houses on Meadow View. To the south east, it is adjoined by a single dwelling within a large curtilage, whilst the rest of the eastern boundary and the whole of the northern boundary is adjoined by other undeveloped agricultural land.

The existing adjoining dwellings in Meadow View and Greenfield Avenue are within the settlement boundary of Clitheroe, but the application site is wholly outside that boundary.

## **Relevant History**

3/79/1226/P – Outline application for residential development on this site. Refused and appeal dismissed.

## **Relevant Policies**

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 H19 - Affordable Housing - Large Developments and Main Settlements.  
Policy H21 - Affordable Housing - Information Needed.  
Policy RT8 - Open Space Provision.  
Policy T1 - Development Proposals - Transport Implications.  
Policy T7 - Parking Provision.  
Affordable Housing Memorandum of Understanding.  
Addressing Housing Needs.  
Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 19 Consultation Draft.  
Policy DP1 – Spatial Principles. North West of England Regional Spatial Strategy to 2021.  
Policy DP2 – Promote Sustainable Communities North West of England Regional Spatial Strategy to 2021.  
Policy DP7 – Promote Environmental Quality North West of England Regional Spatial Strategy to 2021.  
Policy L1 – Health, Sport, Recreation, Cultural and Education Services North West of England Regional Spatial Strategy to 2021.  
Policy L4 – Regional Housing Provision North West of England Regional Spatial Strategy to 2021.  
Policy L5 – Affordable Housing North West of England Regional Spatial Strategy to 2021.  
National Planning Policy Framework.  
Technical Guidance to the National Planning Policy Framework.

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

The matters for consideration in the determination of this outline application are the principle of the development, highway safety, ecological matters, infrastructure, visual amenity and residential amenity. For ease of reference, these are broken down into the following sub-headings for consideration:

#### **Principle of Development**

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local development plan policies.

At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that *at the heart of the NPPF is a presumption in favour of sustainable development* which means that for decision making purposes that:

- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
  - *specific policies in this framework indicate development should be restricted.*

The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable

sites. As at 1 April 2012, Ribble Valley can demonstrate a 5.2 year supply of housing including a 10% allowance for slippage, but no detailed site adjustments for deliverability.

The issue of a five year supply is a somewhat complex one as we move forward with the preferred development option in the Core Strategy at a time when government advice has highlighted that the Regional Strategy (RS) is soon to be abolished and that it will fall upon LPAs to determine what the housing requirement should be for their own borough. The most relevant policies of the RS are those that relate to housing requirements (Policy L4) and affordable housing (Policy L5). The Council has established that it will continue to determine planning applications against the existing RS figure of 161 dwellings per year in line with Government Guidance and as Members will recall, this is a minimum requirement not a maximum. Even though the Council is undertaking a review of its housing requirements as part of the plan making process, the requirement going forward is most appropriately addressed within the Core Strategy examination and statutory plan making process. Therefore, whilst mindful of the figure of 200 dwellings per year, agreed by a special meeting of Planning and Development Committee on 2 February 2012 as the annual housing requirement (following work undertaken by Nathaniel Litchfield & Partners) it is the 161 per year requirement which remains the relevant consideration for decision making purposes on planning applications at this time. As stated, the current figure would appear to demonstrate a 5.2 year supply against that requirement but this is without any detailed site adjustments for delivery. Members must also bear in mind that irrespective of the five year supply issue, some of the policies of DWLP are considered out of date (in particular the settlement strategy) and thus the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits is at this time the overriding consideration. There are no provisions within the NPPF to advocate resisting development 'in principle' once a five year supply of deliverable sites is achieved.

This current application site is just outside the settlement boundary of Clitheroe and is therefore covered by Policy G5 of the Local Plan. That Policy would not support a housing development of this scale. However, the Policies of the DWLP were formulated during the 1990's with the Plan being adopted in 1998 and the basis of the plan's formulation was framed around the strategic framework set in the Lancashire Structure Plan. It was against the planned housing requirements in that document that settlement boundaries were drawn and definitions given to appropriate limits of development so as not to undermine the Urban Concentration Strategy for Lancashire. The circumstances that are now prevalent, with the need to meet the requirements of NPPF and maintain a deliverable five year supply of housing are such that this site is considered to meet the three dimensions of sustainable development as defined in NPPF – Economic, Social and Environmental. Although this site is located on land designated as Open Countryside, it is immediately adjacent to the settlement boundary of Clitheroe (the key service centre in the borough). It is concluded that the use of the site for residential development would, as a principle, be consistent with the national policy framework, extant Regional Strategy and, at the scale proposed, the principle of the emerging Core Strategy, together with relevant considerations which the Council must currently take into account.

### **Affordable Housing**

The application proposes a mix of 16 market houses, 8 affordable properties and 6 bungalows. This offer of affordable housing meets the requirements of the document Addressing Housing Needs as the 8 affordable properties represents 30% of the overall provision.

Within the draft Section 106 Agreement submitted with the application, Schedule 1 sets out that no more than 25% of the market dwellings shall be occupied until the owners enter into a contract with the registered provider; and that no more than 50% of the market units shall be occupied before the affordable housing units are completed. This is also in accordance with the document Addressing Housing Needs.

However, the agent was requested to provide further detail within the Agreement, particularly in relation to the tenure mix of the 8 affordable units. A minimum of 4 of the units would be required to be affordable rent with the remainder being shared ownership. The local connection requirement to the Ribble Valley and the eligibility criteria were also requested to be incorporated within the draft Agreement.

A standard template Section 106 Agreement setting out these requirements was provided to the agent. However, the agent does not consider this level of detail to be properly a requirement of an outline application. He is of the opinion that progress should be made by the outline application being approved and that the detail of the Section 106 Agreement should be left until the full application is made. The agent therefore proposes that the application be granted outline permission and he points out that the application form sets out the number and type of affordable housing proposed, and in accordance with the current guidelines, the plans indicate the drawn detail of this matter. Approval of the outline, he says, will no doubt reserve the drafting of a satisfactory Section 106 Agreement as a matter necessary before the grant of full planning permission.

Therefore, although the scheme delivers 8 affordable units, the lack of detail which normally ensures that the units meet local need, means that it is not possible for the Council's Strategic Housing Officer to confirm that she fully supports the proposal. Therefore, whilst noting the agent's comments, the recommendation at the end of this report will be, in accordance with our normal practice in relation to applications of this type, that permission be deferred and delegated pending the completion of an appropriate Section 106 Agreement.

### **Highway Safety**

Members will note that most of the objections received to the development include reference to matters of highway safety. The response of the County Surveyor has been given in full earlier in this report in order that Members can see the range of issues that have been examined in forming the conclusion that there are no objections in principle on highway safety grounds. The County Surveyor's main concerns relate to the introduction of additional vehicle movements on Queen's Street. However, he concluded that the proposed development of 30 dwellings would have a relatively low impact on traffic flows at peak times.

Following the receipt of amended plans on 29 June 2012, the detailed design of the access into the site and the internal road layout are now to the satisfaction of County Surveyor.

The route of the footpath that crosses the site is not affected by the proposed development. The submitted amended plans also show the retention of the existing private farm track along the eastern boundary of the site.

Overall, the proposed development is considered to be acceptable from the point of view of highway safety.



## **Public Open Space**

On a site of this size under Policy RT8 of the DWLP the layout will usually be expected to provide adequate and useful public open space or for the developer to provide a contribution towards sports and recreational facilities within the area where the overall level of supply is inadequate. In this case, two amenity areas are shown on the submitted layout plan. If these areas are to be provided, the responsibility for their maintenance would rest with the developer, as the Council no longer accepts the maintenance liability for such areas of open space.

It was stated in the original report to Committee that “whether or not these areas are provided, the Council’s Head of Cultural and Leisure Services would require, in accordance with our current policy, a financial contribution towards the improvement/maintenance of the existing playground at Edisford playing fields (that is within easy walking distance of this site)”. It was further stated that “as the full contribution would not be sought (in view of the on-site provision) the Head of Cultural and Leisure Services considers that the sum should be agreed through discussions and negotiations with the applicant/agent”; and that the original recommendation to defer and delegate would allow this course of action to be followed.

During the discussions and negotiations that followed the Committee’s original resolution, the applicant’s agent requested the Council to reconsider this requirement and specifically requested that the application be compared to another application in the locality (3/2011/0247/P for a development of 56 dwellings off Chapel Close, Low Moor) in which permission was granted without a requirement for a financial contribution towards off-site open space provision. In that other application (3/2011/0247/P) an approximately 700m<sup>2</sup> area of public open space was shown on plans to be provided within the development site. In that case, this was considered to represent sufficient provision without the requirement for any off-site provision.

In the application for 30 dwellings to which this report relates (3/2012/0014/P) two areas of public open space are shown within the development site which (coincidentally) also have a combined area of approximately 700m<sup>2</sup>. The same area is therefore to be provided but to serve a smaller number of dwellings.

This matter has therefore been reconsidered, not only through a comparison with the nearby development (that is presently under construction) but also by way of an assessment of the benefits of the proposed development weighed against any harmful effects.

This is a greenfield development that would have some impact on the local landscape. However, I am of the opinion that given its relationship to the existing built form of Low Moor and the non-designated status of the land (ie it is not either AONB or green belt) and its limited footpath accessibility, the impact of the development is not significant. Committee has previously considered the application to be acceptable subject (amongst other things) to the provision of a contribution towards off-site open space provision. The failure to provide such a contribution could also be regarded as having an adverse impact on the social infrastructure.

The benefits of the scheme include the:

- *delivery of 30 dwellings including 6 bungalows and 8 affordable houses;*
- *jobs created in the construction industry and further down the supply chain;*
- *increased expenditure which will take place in the locality as a result of the new housing development; and*

- *the New Homes Bonus that will be delivered to the Council.*

Overall, I consider that these benefits would outweigh any small harm caused by the lack of an off-site public open space contribution. On this base (and also to be consistent with a decision made in relation to a nearby housing development) I consider that, in this instance, the benefits outweigh any potential harm. I therefore consider that Committee should now resolve to grant permission subject to a prior Section 106 Agreement but with no requirement in the Agreement for the payment of any contribution towards off-site open space provision.

In the event that Committee resolves in accordance with the recommendation at the end of this report, an additional condition will be required to ensure the satisfactory provision and the future maintenance of on-site public open space.

#### Infrastructure Provision

Members will note that there have been objections raised to the development on the grounds of insufficient infrastructure capacity with specific reference made to flooding and drainage.

However, the Environment Agency has no objections in principle to the residential development of this site subject to the imposition of two conditions. These conditions state that no development shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority, and that the scheme shall be constructed and completed in accordance with the approved details; and that no development shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority, again stating that the scheme must be completed in accordance with the approved details.

The reasons given for these conditions are to ensure a satisfactory means of drainage and to reduce the risk of flooding.

The submission of the details required by these conditions would also allow the impact of the development on the public sewer network to be fully assessed, in order to address the requirements of United Utilities. In the event of any upgrades being required to the existing sewer network, this would be at the expense of the developer. Subject to the imposition of appropriate conditions, the application is therefore considered to be acceptable in relation to flooding/drainage considerations.

In relation to education, as previously stated, Lancashire County Council has requested a contribution towards primary education.

#### Nature Conservation/Trees/Landscaping/Ecology

The application relates to the development of a greenfield site that has hedgerows on its boundary within which there are a number of hedgerow trees. In this case, a Phase I Habitat Survey has not been submitted with the application. The Countryside Officer, however, does not consider there to be any overriding reasons why this site could not be developed for housing. He is therefore satisfied that outline permission could be granted subject to conditions requiring the submission for approval of a Phase 1 Habitat Survey, a tree survey and hedgerow survey.

### Layout/Scale/Visual Amenity

As stated previously, this is an outline application with the matters of access, appearance and layout being considered at this stage.

The County Surveyor has confirmed that the means of access as shown on the submitted amended plan is satisfactory.

The matter of appearance is covered by the submission of floor plan and elevational drawings of all three house types. The properties are shown as having Bradstone walls and Marley Modern roof tiles (but precise details of external materials could be reserved by condition for subsequent approval). All the house types are of straightforward design having pitched roofs. The two storey dwellings have eaves/ridge heights of approximately 5m/7.2m and the bungalows have eaves/ridge heights of approximately 2.5m/5.9m.

The dwellings would not be dissimilar in design, scale or appearance to other relatively recently constructed dwellings in the locality. I therefore consider the appearance of the development to be acceptable.

I consider the basic form of the layout, with a row of houses down the eastern side of the site and a shorter row along the northern edge to be appropriate. When viewed from the surrounding countryside, this would appear little different to the existing "edge of development" formed by the houses on Meadow View.

This also means that the houses on the eastern side of Meadow View will not be adjoined by a continuous row of dwellings. Whilst the layout, however is basically acceptable, the separation distance between the existing houses on Meadow View and the bungalows and houses on the western part of the application site needs to be given further consideration. This can be covered by an appropriately worded condition in the event that outline permission is granted.

### Residential Amenity

Subject to appropriate attention at reserved matters stage (as described above) the proposed development would not result in any seriously detrimental effects upon the amenities of the residents of Meadow View. The layout of the dwellings on the southern part of site is such that there should be no detrimental effects upon the amenities of existing residents on Greenfield Avenue.

### Section 106 Agreement

As originally reported to Committee in July 2012, the required Section 106 Agreement was to cover the four matters of affordable housing, education, off-site open space contribution and wheeled bin provision. These matters were further explained in numbered paragraphs under the sub-heading. Paragraphs 1 and 2 are reproduced below without alteration:

#### 1. Affordable Housing

- *The development to include 6 bungalows.*
- *The development to include 8 affordable houses of which 4 would be affordable rental and 4 shared ownership.*

- *Delivery of the affordable units to be phased with the provision of market units to ensure that not more than 50% of the market housing is occupied until the affordable dwellings are developed.*
- *In terms of eligibility for the properties, this shall relate to a borough-wide connection.*

## 2. Education

- *A sum of £127,992 towards the provision of primary education.*

Since the Committee's original resolution, works on the formation of the Agreement have taken place. In the draft version of the Agreement at the time of drafting this "update" report, the matters covered by paragraphs 1 and 2 above are included, as the applicant fully accepts these requirements.

For the reasons explained under the sub-heading Public Open Space, it is no longer considered to be appropriate or necessary to request a financial contribution towards the provision of off-site open space.

Since the original resolution was made by Committee, the Council has also taken the decision to no longer require a contribution towards the provision of wheeled bins as part of any Section 106 Agreement.

The content of this Section 106 Agreement should therefore relate to affordable housing and a financial contribution towards primary education provision as detailed in numbered paragraphs 1 and 2 above.

As a draft Agreement in these terms has already been formulated, it is considered appropriate and reasonable to require the completion of the Agreement within one month of the Committee's resolution rather than six months. The recommendation below has been amended 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 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 1 month (from the date of this decision) as outlined in paragraphs numbered 1 and 2 under the Section 106 Agreement sub-heading within the report, and subject to the following conditions:

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

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

2. No development shall begin until details of the external materials of the proposed buildings, landscape and boundary treatment, parking and manoeuvring arrangements of vehicles, including a contoured site plan showing existing features, the proposed slab floor level and road level (called the reserved matters) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

3. Insofar as the appearance of the dwellings are concerned, this outline permission shall relate to the development as shown on drawing numbers 370/1/3, 4 and 5.

REASON: For the avoidance of doubt and to ensure that the outline permission relates to the submitted plans.

4. Insofar as the access and road layout are concerned, this outline permission shall relate to the development as shown on drawing number 370/1/2 REVA (as clarified by condition number 5 below).

REASON: For the avoidance of doubt and to ensure that the outline permission relates to the submitted plans.

5. Whilst the submitted road layout is considered to be acceptable, the precise positions of the individual dwellings are not approved at this stage. Any reserved matters application shall therefore include a plan that shows the proposed dwellings in relation to the existing dwellings that adjoin the site boundary.

REASON: In order to ensure the protection of the amenities of existing adjoining residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft in order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/work are acceptable before work commences on site.

7. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface water has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

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

8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

REASON: To reduce the increased risk of flooding and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

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

REASON: In order to encourage renewable energy and to comply with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

10. Any reserved matters application shall include the submission of a tree survey, hedgerow survey, and Phase 1 habitat survey.

REASON: In order that any necessary mitigation measures or tree/hedgerow retention/protection measures can be ensured through the imposition of appropriate conditions at reserved matters stage, in the interests of nature conservation and to comply with Policies G1, ENV10 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

11. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:

- (a) A Desk Study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.
- (b) If the Desk Study identifies potential contamination and ground gases, a detailed Site Investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied

building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property.

The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.

- (c) A Remediation Statement, detailing the recommendations and remedial measures to be implemented within the site.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings. On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a Verification Report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off the site and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

12. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) wheel washing facilities
- (vi) measures to control the emission of dust and dirt during construction
- (vii) a scheme for recycling/disposing of waste resulting from construction works

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

13. The dwellings shall achieve a minimum Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

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

14. The development for which outline planning permission is hereby granted shall not commence until details of the provision of a minimum of 700m<sup>2</sup> of public open space within the site have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the location of the public open space; a timetable for implementation; details of any apparatus/play equipment that is to be provided; and details

of a management/maintenance regime. The public open space and any equipment shall then be provided in accordance with the agreed implementation timetable and shall thereafter be managed and maintained in accordance with the agreed details.

REASON: In order to ensure the provision of a satisfactory area of public open space within the site in the interests of the amenities of the future occupiers of the development and to comply with Policies G1 and RT8 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMB4 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

15. This outline planning permission shall be read in conjunction with the Legal Agreement dated ...

REASON: For the avoidance of doubt as the application is subject of an agreement.

NOTE(S):

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserved the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Executive Director at PO Box 9, Guild House, Cross Street, Preston PR1 8RD in the first instance to ascertain the details of such an agreement and the information to be provided.
2. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act.



## E APPLICATIONS IN 'OTHER' CATEGORIES

APPLICATION NO: 3/2013/0137/P (GRID REF: SD 373758 436488)  
PROPOSED OUTLINE APPLICATION FOR A RESIDENTIAL MIXED USE DEVELOPMENT COMPRISING UP TO 260 DWELLINGS (C3), A PRIMARY SCHOOL (D1), A NEW VEHICULAR LINK BETWEEN CLITHEROE ROAD AND THE A671 INCLUDING CREATION OF A NEW JUNCTION BOTH ONTO THE A671 AND CLITHEROE ROAD, CAR PARKING, OPEN SPACE AND ASSOCIATED LANDSCAPING.

WHALLEY PARISH  
COUNCIL:

The Parish Council objects to the application of the following grounds:

1. The proposed development would have an unduly harmful impact upon the Whalley Conservation Area. Views into and out of the area will be harmed, and the character, appearance and significance of the area will be significantly diminished being contrary to ENV16 of the Districtwide Local Plan.
2. The proposal is contrary to policies G1 and ENV3 of the Districtwide Local Plan, by virtue of its scale and location outside the defined settlement boundary, the proposed development is an urban extension into the open countryside which would change the character of this swathe of countryside to the detriment of the visual amenities of the area.
3. The proposal involves a significant change to the visual amenity of the village overall with the proposed development resulting in a significant impact on the important view from Whalley Nab.
4. The application is opportunistic and premature in the context of the ongoing Core Strategy, and conflicts with the emerging spatial vision for the Ribble Valley, and with the existing vision in the Districtwide Local plan.
5. The provision of a primary school is outside the direct control of the applicant, in that there is a requirement for commitment by the county council or some other provider. No such commitment is evidenced within the application.

Due to a cumulative impact resultant from existing permissions within the locality and the shortage of existing educational provision it is likely that children from the proposed development would be educated outwith Whalley with a loss in participation in the local community.

There is no provision for secondary education, save for a contribution, which is likely to result in students being transported outwith the district resulting in additional car and bus journeys.

6. The Parish Council accept the need for affordable housing, although it should be required that works to the physical infrastructure be carried out before any additional housing is accommodated in the area.
7. The development would have a detrimental impact on the already congested traffic conditions within the village centre. The reference to time limited parking in the village is considered to be outside of the control of the applicant.
8. The Parish Council objects to the application on grounds of drainage and increased flood risk. Surface water from the site presently result in flooding of parts of the village, the applicant suggests that the proposed attenuation would be no worse than the already inadequate system despite replacing permeable ground with large areas of non-permeable surfacing.
9. The proposed development is disproportionate for the size of the village which has increased in housing numbers by 50% in recent years with no investment in existing infrastructure to accommodate increased housing numbers.
10. The Parish Council request, should committee be minded to approve the application, that the Local Authority engage with the Council in the appropriate utilisation of section 106 funds for open space.

WISWELL PARISH  
COUNCIL:

The Parish Council object to the application on the following grounds:

1. The application is both opportunistic and an attempt to pre-empt the Core Strategy. It conflicts with both the emerging document and the existing Districtwide Local Plan and should be refused.
2. The proposed development would not improve Whalley or its neighbouring villages in any way. Its size would have a detrimental effect on traffic, parking and all public services which are already overstretched.
3. The cumulative effect of the many recent applications to build residential developments in Whalley and Barrow must be considered. The size of both villages is set to double without any increase or investment in infrastructure.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

There have been several sets of comments from the County Surveyor in respect of this application due to extensive ongoing negotiations with the applicants Transport Consultant and the submission of revised information. Members are referred to the file for full details of all correspondence/information submitted.

The county surveyor has provided an extensive detailed response and assessment in relation to the submitted information which has been incorporated into the later relevant section of this report.

The summary of the County Surveyors response is as follows:  
The local network does suffer from a level of congestion at peak times. It is critical, therefore, that the impact of this development does not compromise the movement of people and goods by any mode on any part of the overall network.

The proposals will result in increased flows on the existing transport network in and around Whalley village. However, the impact of this developments traffic in Whalley centre will be negated through the provision of the Boulevard link at an early stage in the sites development which will redistribute some existing trips.

The developers Transport Consultant BG Hall has provided a considerable amount of further information in recent weeks and the LHA has been able to reach agreement on mitigation measures as detailed above (s278 and s106) which will go some way toward further mitigating the impact of this proposal.

With consideration for all the information now provided, LCC would have no objection to the proposed development as long as all mitigation measures as agreed and detailed above are delivered by the developer in line with the agreed trigger points and that suitable conditions are put in place, particularly with regard to the early delivery of the through Boulevard and that which influences the school.

The County Surveyor has suggested a number of conditions be attached, details of these are also contained within the relevant section of this report.

LANCASHIRE COUNTY  
COUNCIL (ARCHAEOLOGY):

No objections subject to imposition of conditions.

LANCASHIRE COUNTY  
COUNCIL (PLANNING  
CONTRIBUTIONS  
OFFICER):

There have been extensive negotiations throughout the course of the application regarding the submitted Heads of Terms, particularly in relation to Educational provision/contributions.

At the time of writing this report negotiations are still ongoing however it has been indicated by the LCC planning Contributions Officer that all issues outstanding have been resolved and agreements have been reached in respect of both the provision of the school land and any required educational contribution.

A summary response has been received as follows:

LCC is willing to accept the offer as set out below:

A contribution for Primary school places to the value of £665,305, a contribution for secondary school places to the value of £268,524 and a purchase price for the school land of £665,305 provided that the mechanism for recalculation of the education sum remains as in the Heads of Terms dated 28 June, along with the changes I proposed in my email dated 11 July.

Additional to the changes proposed to the Heads of Terms in my email dated 11 July, point 3.7 of the heads of terms would need to be amended from 'construction of the primary school' to 'a contract has been entered into for the construction of a primary school'.

The acceptance of this offer is on the understanding that the cost for the land remains fixed at £665,305 and that LCC are not obliged to purchase the land if it is no longer required or further investigations find that the land cannot be utilised for the construction of a primary school or site works put the land beyond reasonable cost.

ENVIRONMENT AGENCY:

Initially commented on 11th March 2013 providing the extensive detailed response and assessment in relation to the submitted information which can be summarised as follows:

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

The application is accompanied by a Flood Risk Assessment (FRA) by Weetwood (dated 8 February 2013; Final Report v1.3). Based on the conclusions of the FRA, we recommend that any subsequent approval of the planning application is to ensure the mitigation measures detailed within the FRA are implemented.

We are promoting the use Sustainable Drainage Systems (SUDS) and recommend their use at this site. SUDS not only attenuate the rate of surface water discharged to the system but help improve the quality of the water. They can also offer other benefits in terms of promoting groundwater recharge and amenity enhancements.

This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Flow balancing SUDS methods which involve the retention and controlled release of surface water from a site may be an option for some developments at a scale where uncontrolled surface water flows would otherwise exceed the local greenfield run off rate. Flow balancing should seek to achieve water quality and amenity benefits as well as managing flood risk.

Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior written Consent of Lancashire County Council under Section 23 of the Land Drainage Act 1991. Culverting other than for access purposes is unlikely to receive Consent, without full mitigation for loss of flood storage and habitats.

We recommend that the developer considers the following, as part of the scheme:-

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

The application is accompanied by a Phase 1 Habitat Survey at land East of Clitheroe Road for Commercial Estates Group by Baker Consultants (reference 078.03\_“rep\_\_001\_\_kc.docx; 31 January 2013)

The Ecological Appraisal identifies one of the watercourses surveyed as being suitable for water voles, and there are relatively recent records of water voles *Arvicola amphibius* in this catchment on the River Calder. We would advise that water vole presence should be reassessed on site in advance of any works at an appropriate time of year.

Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside a watercourse is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

It is noted that the internal highway arrangements suggested on the illustrative layout show the proposed access road in close proximity to a watercourse. A minimum buffer between the road and the watercourse should be retained to ensure the watercourse is retained as an effective wildlife corridor and avoid any need for future modifications or works to the watercourse associated with the highway, such as retaining walls or structures.

Any stream crossings needed as part of the development should involve clear span bridges with abutments set back from the watercourse on both banks. This will maintain the river corridor and allow the movement of both the river and associated wildlife. Any planting should use native species and ideally of local provenance.

No trees or hedgerows to be removed during breeding bird season (between March and August) or a survey to be carried out prior to any works. Breeding birds are protected under Wildlife and Countryside Act 1981.

**UNITED UTILITIES:**

Initially commented on 9 May 2013 that they have no objection in principle to the proposal subject to planning condition. Members are referred to the file for full details of their comments which can be summarized as follows:-

United Utilities does have capacity within its wastewater infrastructure to serve this proposal on the basis of planning permission granted within the area up to the 8<sup>th</sup> of May 2013, however, please note that there are now a number of applications/appeals under consideration in the catchment area for the wastewater treatment works by both the Planning Inspectorate and the Local Planning Authority.

If further planning permissions have been granted or appeals allowed since this date the position may change.

United Utilities asks the Planning Inspectorate/Local Planning Authority to inform United Utilities of any planning permissions granted within the catchment for Whalley Wastewater Treatment Works.

The site must be drained on a separate system, with only foul drainage connected to the foul sewer. To ensure that there is sufficient capacity in the sewer network and to drain the site in the most sustainable way, surface water should discharge into the soakaway/Suds or directly to the watercourse crossing the site which may require the consent of the Local Authority

As you are aware, there is limited spare capacity in Whalley Wastewater Treatment Works therefore we would seek to review our position if other applications draining to the same treatment works are approved in advance of this application being determined

I will have no objection to the proposal provided that the following conditions are met:

### **Wastewater**

In the grant of any planning permission for this development, United Utilities asks the local planning authority to attach a condition to any approval which specifies the development shall only be implemented in accordance with the submitted details. The suggested condition is:

- The development hereby approved shall not exceed the erection of 260 dwellings in accordance with the submitted planning application forms

This condition is requested so that there is no ambiguity in the decision notice over what amount of development has been approved.

- Prior to the commencement of development, a strategy outlining the general system of drainage for foul and surface water flows arising from the entire site shall be submitted to the local planning authority and approved in writing. This strategy shall include details of any necessary infrastructure including the provision and implementation of any surface water regulation systems and foul water pumping stations. Thereafter the detailed schemes for foul and surface water drainage for any phase of the development shall be submitted for approval in accordance with the strategy for the entire site approved under this condition.

This condition is requested as there is potential for the development to be brought forward on a phased basis. As a result it will be necessary to receive an overall strategy for the entire site prior to the commencement of development of any phase so that the subsequent detailed drainages schemes for each phase are capable of forming part of a general system for the entire site in accordance with an overall strategy. It is also necessary to set key parameters for the design of the pumping station.

- Prior to the commencement of any phase of development, the details of a scheme for surface water drainage and means of disposal for that phase, based on evidence of an assessment of site conditions and based on sustainable drainage principles (inclusive of how the scheme shall be maintained and managed after completion and any necessary infrastructure), shall be submitted to, and approved in writing by, the local planning authority. For the avoidance of doubt, no surface water shall connect into the public sewerage system, directly or indirectly. In accordance with the submitted planning application forms. The scheme shall be implemented, maintained and managed in accordance with the approved details prior to completion of the first dwelling for that phase of the development and adhered to at all times thereafter.

This condition is requested to ensure that surface water is dealt with by the most sustainable means in accordance with national government policy.



- Prior to the commencement of any phase of development, details of the foul drainage scheme for that phase including any necessary infrastructure shall be submitted to and approved in writing by the local planning authority. No housing shall be occupied for that phase until the approved foul drainage scheme for that phase has been completed in accordance with the approved details.
- Prior to the commencement of any phase of development, details for how foul and surface water shall be drained on separate systems shall be submitted to the local planning authority and approved in writing for that phase. The development shall be completed, maintained and managed in accordance with the approved details.
- Unless otherwise agreed in writing by the Local Planning Authority, no building shall be erected within 3 metres of any public sewer.

Reason: To protect existing service infrastructure.

### Water

- An aqueduct and water distribution mains cross the site. As we need access for operating and maintaining them, we will not permit development in close proximity to these pipes. Therefore a modification of the site layout would be necessary. Although the aqueduct cannot be diverted, any diversion of the distribution mains would be carried out at the applicant's expense.

Our water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water industry Act 1991

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

### ADDITIONAL REPRESENTATIONS:

150 letters of objection have been received to this development. Members are referred to the file for full details of these but the main elements of concern relate to highways and infrastructure issues as well as the visual impact and loss of open countryside:

### Highways

- The proposed link road would discharge traffic onto a single carriage-way within close proximity of an existing mini-roundabout and in close proximity to the entry point for the Hayhurst Road entrance which will serve 80 dwellings which are yet to be constructed.

- Whalley has limited employment opportunities which will likely result in potential residents of the development having to travel elsewhere to work resulting in increased traffic problems at peak times within the village.
- Creation of more traffic into Whalley.
- Highways projection and the tables submitted are out of date.
- The submitted highways projections show that projected traffic volumes would take the existing roundabouts above peak capacity.
- The Transport Assessment fails to make allowance for or consider adequately the movement of staff, pupils, visitors, support services or deliveries in relation to the proposed school.
- Inaccuracies in the highway and parking availability report as well as the accessibility data submitted with the application.
- No traffic figures have been included for the school.
- The road through the development to the A671 would create a rat run for short cuts.
- The traffic upon King Street is presently at capacity.
- Traffic within the village is unable to currently flow in a two-lane manner due to roadside parking.
- There have been numerous accidents already on Clitheroe Road and this would add to further risk.
- The location of the proposed school will only serve to contribute to the existing traffic problems off Clitheroe Road.
- An additional 205 residents may result in an additional 410 people leaving for work each morning having a detrimental impact upon the immediate and wider road network.
- The A671 was intended to bypass Whalley and alleviate traffic within the village, the creation of a link road will create a through route and will only serve to bring further traffic to the village.

- The nature of the existing public footpath running through the site will be altered as it will now serve a large housing estate.
- Whalley centre residents without garages/drives would be put to intolerable inconvenience by cars utilising their street space.
- The proposed school fails to show pickup/drop-off points or turning areas for vehicles.

#### Landscape/Visual Issues

- This development and the cumulative impact of other proposals would lead to a change in appearance and character of Whalley and undermine the views of adjacent areas such as Spring Wood and Oak Hill Ground.
- Loss of open countryside and grazing land.
- The scale of the development is completely disproportionate to the existing village.
- The elevated part of the site and the link road would be visually prominent.
- The size of the development is not reflective of an incremental growth pattern that would be usually associated with the natural expansion of a village that would occur over a period of time.
- The proposal site is visible from the Conservation area contrary to the claims of the applicant.
- The development will result in mediocre semi-urban sprawl.
- The proposal would result in the loss of iconic views into and out of Whalley.
- The submitted photo-montage views should be sufficient reason to refuse the application as they clearly illustrate the urban sprawl resultant from the proposal.
- The setting of Brookes Lane, Lawsonstead and the Manor House will be diminished.

- The detrimental impact the proposal would have on the AONB and Conservation Area as well as other iconic features.
- The development would have the effect of turning Whalley into a dormitory suburb.

#### Infrastructure Issues

- No guarantee that the school would be delivered as a result of the proposal.
- Inadequate educational infrastructure in place to support an increase in demand for school places as a result of the development.
- Inadequate local health facilities/infrastructure in place to support an increase in demand as a result of the development.
- United Utilities clearly object to the proposal based upon the correspondence included within the Flood Risk/Drainage report.
- The primary school has failed to be considered in terms of its foul drainage and electricity/gas supply and the additional demand that will be put on relevant services as a result of the development.
- Health centre is currently operating at capacity.
- Whalley sewage plant is currently at capacity.
- There are no additional shops or amenities proposed to serve additional residents.
- The proposed development will provide future justification for and serve to attract larger “chains” that will undermine the existing small businesses in the area.
- Whalley has no supermarkets to accommodate the potential demand generated by the development, it is therefore likely to result in residents shopping out with the village resulting in increased vehicular movement and is therefore unsustainable.
- Attenuation ponds will increase the risk of flooding in the area during adverse weather conditions.

- The recent Mitton Road approval raises issues regarding the original United Utilities assessment of the application.
- The development is located too close to the culvert under King Street, which will result in increased flood risk as a consequence of increased water run-off.

#### Amenity Issues

- Loss of wildlife habitat on the farmland and Brooke Lane.
- Increased traffic vibration within the area and damage to properties resultant.
- The location of the proposed school will result in noise and disturbance to nearby residents.
- The proposed development will result in a loss of light and privacy to existing residents backing onto the development site.
- Increase in noise resultant from an increase in traffic associated with the proposal.
- The play area would increase human activity in an area that should be protected for wildlife.

#### Other Issues

- The proposal is not considered to be a sustainable development and it is more appropriate that sites should be directed to brownfield areas.
- Need to control the extent of impermeable surfaces on the site.
- Inaccuracies in the submitted information such as the LVIA.
- This is an opportunistic application by a developer who has no real intention of building the smaller approved scheme for 55 dwellings.
- There is an excess of properties for sale at present within Whalley and there is no demand for additional housing of this scale.

- Question whether the Local Planning Authority should determine such applications until the Core Strategy has been finalised.
- The application is simply a modified version of the previous submission that was recommended for refusal, given there has been no significant changes in local policy the previous recommendation is still relevant.
- The proposal, when taking into account recent approvals would result in an over-supply of housing.
- The updated parameters plans include less open space than the original plan.

#### RAMBLERS ASSOCIATION

Object on the following grounds:

The proposed development is located on a prominent Greenfield site, in an area designated as open countryside which is outside the settlement boundary of Whalley.

The proposed development will have a major detrimental impact upon the conservation and wildlife of the site and the nearby Spring Wood.

The site is in a prominent position to the northeast of the village and will seriously damage the visual amenity of the landscape.

The impact of the traffic throughout the village will result in increased congestion, pollution and detriment to the rural environment and the village economy, which relies to an extent on tourism.

#### **Proposal**

This is an application made in outline with all matters reserved except for access for a residential-led mixed use scheme comprising up to 260 dwellings (C3), a primary school (D1), a new vehicular link between Clitheroe Road and the A671 including creation of a new junction both onto the A671 and Clitheroe Road, car parking, open space and associated landscaping as follows:

#### **Residential (8.3 hectare)**

The scheme comprises up to 260 dwellings based on mix of sizes and types of housing. A revised Parameters Plan and Illustrative Masterplan have been submitted detailing a reduction in the proposed area of residential development from 9.06 Hectares with the residential element of the scheme now covering an approximate site area of 8.3 hectares resulting in an average density of 31 dwellings per hectare. An illustrative layout is submitted as part of the Design and

Access Statement in support of the application which details an indicative layout comprising of a range of terraced, detached and semi-detached housing. Members will note that the submitted layout is illustrative only and serves to demonstrate how any proposed housing could be distributed throughout the site. The residential development will be a maximum of 2½ storeys in height; the applicant has indicated within the submitted Design & Access Statement that the maximum/minimum heights of the proposed residential dwellings will be 9m/7.5m respectively.

It is proposed that 30% of the total number of units will be affordable (78 units) with 60% of the affordable housing provision being 2 bedroom accommodation and 40% being 3 bedroom accommodation.

A draft housing mix has been submitted by the applicant as follows:

<b>Size</b>	<b>Open Market</b>	<b>Affordable</b>	<b>Total</b>
2 Bedrooms	36	47	83
3 Bedrooms	50	31	81
4 Bedrooms	78	0	78
5 Bedrooms	18	0	18
<b>Total</b>	<b>182</b>	<b>78</b>	<b>260</b>

#### Primary School (1.2 hectares)

The scheme includes provision for a new primary school (to include associated playing fields and parking) based on a site area of 1.2 hectares. It is envisaged that the maximum height of the proposed school will be single storey with a maximum ridge height of 5.5 metres indicated within the submitted parameters plan. The school site will be positioned to the south of the proposed access off Clitheroe Road backing directly onto the Lawsonsteads estate and numbers 32 & 34 Clitheroe Road to the west, the playing fields for the school are provided on an adjoining parcel of land located to the south-east.

A draft Section 106 Agreement was initially submitted as part of the application with a subsequent Heads of Terms document and details that what is being offered as part of this proposal is the safeguarding of the school site is currently being agreed and assurances have been received from LCC that no matters are outstanding at the time of the writing of this report.

#### Public Open Space (5.11 hectares)

The scheme makes provision for public open space including both formal and informal recreational areas. The revised Illustrative Masterplan and Parameters Plan submitted incorporate a network of green open space through the site equating to approximately 5.11 hectares, an increase of .73 Hectares from the originally submitted details. The public open space has been designed to retain existing trees on site and maintain the existing footpath link to Spring Wood. It is proposed that the public open space will provide provision for formal and informal routes, cycle-ways and will act as a “linear country park” that will run east to west dissecting the site. Additional areas of public open space are proposed to the northeastern extents of the development site fronting the A671. The revised Illustrative Masterplan also

includes provision for surface water storage areas located to the north and south of the proposed link road with the A671.

### Highways

The site will be designed to create pedestrian and cyclists routes which will link with the local highway and footway provision in order to encourage travel on foot and by cycle. The layout will also retain the public access to fields bounding the site and further to the west including Spring Wood.

Two vehicular access points are proposed to the site, one at the northeastern corner of the site off the A671 and one in the centre of the western site frontage off Clitheroe Road. These two accesses will be linked by an internal link road which will have a footway on one side of it and a shared footway/cycleway to the other side.

The supporting planning statement indicates that the proposed road will not only act as a local distributor road for the proposed development but also provide an alternative route for vehicles currently travelling through the centre of Whalley via King Street reducing two-way traffic movements during peak periods.

A detailed breakdown of the highways works associated with the proposal is provided in the LCC Highways Officer response.

### Site Location

The application site lies to the east of Clitheroe Road having a frontage area that fills the gap between numbers 34 Clitheroe Road and number 2 Wiswell Lane, amended plans now propose a visual and physical break between the proposed residential element of the proposal and the boundary with the A671 to the east. To the northern extents of the site is bounded by Oakhill College, playing fields and residential development on Wiswell Lane. The site also extends in a southerly direction to utilize the field that is bounded by Woodlands Park and Sydney Avenue with a landscape buffer zone now proposed between the residential element of the proposal and the majority of the existing dwellings along Woodlands Park which back onto the proposal site. The recently extended Whalley Conservation Area boundary which takes in Brookes Lane crosses its site boundary at the end of that lane.

Leading from Brookes Lane is a public right of way which extends in a south easterly direction towards Spring Wood and dissects the site. Part of Spring Wood – a designated County Biological Heritage Site and Ancient Woodland abuts the eastern boundary of the application site alongside the A671. TPO No 1 1957 covers trees throughout the site with the Haweswater Aqueduct running northwest/southeast through site from Hayhurst Road to Spring Wood. There is a pumping station located at the south eastern corner of the site. Whilst outside the application site, there is a reserved access corridor across the site between the facility and Brookes Lane. The site is green field, extending to approximately 14.6 hectare in size and has a topography rising west to east from Clitheroe Road to the boundary with the A671.

### Relevant History

3/2011/0111 - Outline application for a mixed use development comprising Residential (C3), Nursing Home (C2) and Primary School (D1), and associated access, car parking and ancillary landscaping.



3/2012/0327 - Mixed use development comprising residential (C3); nursing home (C2); car parking; open space and ancillary landscaping.

3/2012/0687 - Mixed Use development comprising residential (C3); nursing Home (C2); car parking; open space and ancillary landscaping. (Re-submission of refused application 3/2012/0327).

3/2013/0115 - Environmental Impact Assessment Screening Opinion for a proposed development at land East of Clitheroe Road, Whalley.

### **Relevant Policies**

#### *Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

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 ENV16 - Development Within Conservation Areas.

Policy ENV17 - Details Required with Proposals in Conservation Areas.

Policy H2 - Dwellings in the Open Countryside.

Policy H20 - Affordable Housing - Villages and Countryside.

Policy H21 - Affordable Housing - Information Needed.

Policy RT8 - Open Space Provision.

Policy RT18 - Footpaths and Bridleways - Improvements.

Policy RT19 - Development Which Prejudices Footpaths.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Whalley Conservation Area Appraisal and Management Guidance.

#### *Ribble Valley Core Strategy (Regulation 22 Submission Draft):*

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport & Mobility

Policy EN2 – Landscape & Townscape Protection

Policy EN3 – Renewable Energy

Policy EN5 – Protecting Heritage Assets

Policy DMB4 – Open Space Provision

Policy DMB5 – Footpaths & Bridleways

Policy DME1 – Protecting Trees & Woodland

Policy DME2 – Landscape & Townscape Protection

Policy DME3 – Site & Species Protection & Conservation

Policy DME4 – Protecting Heritage Assets

Policy DME5 – Renewable Energy  
Policy H3 – Affordable Housing Criteria

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

Matters for consideration in the determination of this application are the principle of development, highway safety, infrastructure provision, ecological considerations, impact on heritage assets, visual and residential amenity. For ease of reference these are broken down into the following sub headings for discussion.

#### **Establishing Whether the Principle of Residential Development is Acceptable/Prematurity**

The Council's Head of Housing and Regeneration has been consulted on this proposal and has offered the following detailed observations:

The current policy situation has been subject to important changes, the full implementation of the National Planning Policy Framework (NPPF), the revocation of the RS and the continuing work on the Core Strategy. Elements of these matters are now helpfully clearer.

In summation the application should be determined against the NPPF having regard to the Submitted Core Strategy as an important material consideration. I have no issues with the location of the site in relation to the existing local plan boundary; if growth is to be accommodated then existing boundaries will need to change. The question of whether the site is sustainable development as opposed to a sustainable location is a matter to be weighed in the planning balance against policies of the NPPF.

The latest monitoring against housing supply and the proposed planned requirements of the Submitted Core Strategy indicate a requirement for a further 127 dwellings to address the planned requirement for Whalley. The requirement is of course a minimum figure. The additional development that this proposal would bring is 205; taking account of the additional commitments at Whalley this would give a surplus against planned requirements as set out in the Core Strategy of some 155 Dwellings or over 40% above the planned target. Cumulatively other applications in Whalley are awaiting decision following appeal so the position could be further revised.

This level of surplus is a matter of concern in relation to the Submitted Core Strategy and could be seen to prejudice the strategy and decisions regarding scale and location of development in the emerging Core Strategy. Ultimately it will be a matter for the decision maker to weigh this factor against the provision of NPPF and the public benefits that the proposal would bring which include housing, affordable housing, educational facilities and potential highway benefits. As an outline scheme it may also be possible to include some provision of local services to enhance the scheme overall. Whalley is identified as a main settlement where growth would be expected to be directed. The extent and subsequent impact that the surplus gives has to be considered against the nature of the settlement and its sustainability characteristics. It is not sufficient to simply say that the figure is breached when in any event that figure is a minimum and intended as a guide to the scale of the development in strategic terms as a basis for planning against.

Overall I do not consider that on its own there would be sufficient strength as a reason to refuse the application if that decision was solely reliant upon prematurity. The Core Strategy although submitted is still subject to examination and unresolved objections and also the outcome of the evidence review in relation to housing matters which may lead to a revised housing position.

That will not emerge until the end of June when all the required information is collated and there is an opportunity to consider any implications with members.

I am concerned at the level of surplus against the planned distribution of development, however this issue in itself will have to be judged against the considerations of the NPPF and the weight to be applied to the benefits promoted by the scheme.

### Affordable Housing

In considering the affordable housing element of the proposal it is important to have regard to Policies H20 and H21 of the Ribble Valley Districtwide Local Plan and policy H3 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft) and the latter requires that on sites over three dwellings or 0.1 hectare or more the Council will seek 30% of the units on site to be affordable.

The scheme is made in outline for up to 260 units. A draft Heads of Terms document has been submitted outlining that 30% of these will be affordable comprising a mix of two bedroomed dwellings (60%) and three bedroomed dwellings (40%).

The tenure split offered is 50% Affordable Rented, and 50% Shared Ownership.

The Council's Housing Strategy Officer has examined the details submitted and has agreed the Draft Heads of Terms in relation to affordable housing in terms of house type and tenure.

### Highway Safety

As Members will note from the summary statement received from the County Surveyor, as detailed earlier within this report, there have been extensive negotiations ongoing throughout the course of this application. Members are reminded that full copies of all Highways related correspondence is available to view on the application file.

The scheme provides for a new vehicular access on to Clitheroe Road and one on to the A671 Whalley easterly bypass. The illustrative master plan indicates that there will be a new through route from the A671 to Clitheroe Road.

Detailed observations and comments have been received from the County Surveyor in relation to on-going negotiations and the details submitted in relation to the application and these can be best summarised as follows:

These comments follow on from the comments provided on 16 May 2013, at which time there was information outstanding from the developer and there remained a number of matters to be resolved. These latest update comments take into consideration the further information provided and progress made in agreeing outstanding matters.

My comments refer to an Outline Planning Application with all matters reserved for future determination except for the means of access. This Application is for a development of up to 260 residential dwellings (C3), a one form entry primary school (D1), a new vehicular link between Clitheroe Road and the A671 including creation of a new signalised junction with the A671 and a priority junction with Clitheroe Road; car parking; open space; and associated landscaping.

Lancashire County Council is responsible for providing and maintaining a safe and reliable highway network. With this in mind the present and proposed traffic systems have been considered in and around the area of this development.

The following comments, therefore, relate to the Transport Assessment and associated Framework Travel Plan (both dated 8 February 2013), the Technical Note 1 (dated 26 April 2013) and the further information provided (BG Hall letter dated 24 May 2013) emails dated 30 May 2013, 13 June 2013, 18 June 2013 (2 No.), 25 June and 1 July 2013 all produced by Bryan G Hall Ltd on behalf of Commercial Estates Group.

This letter updates that dated 16 May with clarity on key changes and highlights where agreement has now been reached including the influence and impacts of the proposed primary school. This letter follows the same heading notation (a, b, c, d, etc) where I consider further comment is necessary, followed by additional development related comments.

### Comments on the Transport Assessment and other supporting documents

#### A. Development

*Note: \*refer to LCC comments of 16 May 2013, no new or further comment to add)*

#### B. Access Strategy

It is proposed that there will be direct access to the site from both Clitheroe Road and A671 Accrington Road.

In my 16 May 2013 comments I acknowledged that the internal development distributor road (Boulevard) will provide direct access onto Clitheroe Road, which provides access to the centre of Whalley and also access to the A671 Whalley Easterly Bypass which provides direct access to the primary corridor for journeys beyond the built environment of Whalley village. This access strategy, which is supported, will reduce the overall impact of site traffic (during and post construction) onto Clitheroe Road (including that related to the primary school) and will provide some relief to the immediate highway network during network peaks. The internal development distributor road (Boulevard) will change existing routing for some other vehicles in the area. The routing and design principles of the development distributor road is appropriate as it is not intended to be a bypass, notwithstanding it will provide some relief to specific routes such as:

- Station Road - A671 southbound (and to a much lesser extend northbound)
- Clitheroe Road - A671 southbound

This relief whilst not significant will benefit key junctions on King Street i.e. the mini roundabouts.

BG Hall has provided a considerable amount of information in support of their view that the boulevard will 'provide a benefit to Whalley settlement centre with minimal impact elsewhere on the local road network'.

I would note that benefits (development traffic or other) of the Boulevard are only realised when the full controlled connection to A671 is complete, prior to completion of the internal development distributor road development will have a negative impact on movement within Whalley village from that currently experienced or expected to be, with the influence of

committed development. In addition, this excludes the cumulative impacts of development progressing through the planning system/appeals process.

With regard to this, I am aware that the decision notice on Land at Mitton Road, Whalley was released on the 27 June 2013, *'the appeal is allowed and planning permission is granted for the erection of 116' dwellings*. The impact of this decision does not influence the local highway authority's comments as highlighted above, the internal distributor road (Boulevard) will provide some relief to the immediate highway network during network peaks by redistributing of some existing network trips which then negates the impacts of this development within Whalley.

#### C. Traffic Growth and Assessment Years

A design year of 2018 has been used in the TA for this application, which is five years post submission. LCC had some concerns with regard to the appropriateness of 5 years. In response, BG Hall provided further evidence to support their position that the site could be fully built out within 5 years. Further comment was also provided in BG Hall's letter of 24 May. I have considered the further information provided including the delivery/build-out and conclude that a 5 year post submission is not unreasonable.

#### D. Trip Generation

Further information and analysis was provided in the letter from BG Hall to LCC on 24 May 2013 which demonstrated the impact of additional trips associated with the school run. I have taken this into consideration, along with the mitigation (s278 and s106) and associated agreed trigger points and the proposals for the school (boulevard constructed prior to school opening), in reaching my conclusion on the acceptability and impact of this proposed development.

#### E. Trip Distribution

LCC consider that some of the assumptions regarding trip distribution could underestimate trips on parts of the network. However, I have assessed the material difference using alternative assumptions and can conclude they are not of a significance to be a concern and I have taken this into consideration in reaching my conclusions on the acceptability and impact of this proposed development, given the mitigation proposed.

#### F. Impact on Junctions and Junction Modelling

I would refer to my comments above regarding trip generation and trip distribution and with consideration for the mitigation (s278 and s106) and associated agreed trigger points now agreed.

#### G. Pedestrians and Cyclists Access

Public Rights of Way footpaths 28, 29, 30 and 31 pass through or connect directly with the development site. It is essential that these routes and their linkages are maintained/enhanced. The development proposal includes a number of foot/cycleways (which will not be considered for adoption forming part of the public highway). It is essential that these routes are of a permanent type with drainage and suitable level of lighting to enhance the sustainable transport aspects of this development and be included within a maintenance agreement and agreed with RVBC. It is critical that the foot/cycleways are delivered/enhanced (and can be used) prior to that phase of development ensuing that sustainable direct access can be provided at all stages

of the development. The site phasing and delivery of associated sustainable links to be a planning condition.

Following on from LCC's request for a Safety Audit Report and the subsequent Designers Response, a pedestrian crossing is now proposed by the applicant on Clitheroe Road, southwest of the proposed site access.

A table of distances to facilities/amenities has been produced which includes minimum, average, and maximum. Considering this table with its variance in relation to the overall site (when delivered with its foot/cycleways) will have a reasonable level of access to facilities/amenities.

#### H. Public Transport

The developer has offered to provide bus shelters and timetable information, at the two bus stops on Clitheroe Road in the vicinity of the proposed site access, delivered through s278 to quality bus standards. The existing southbound bus stop is to be repositioned in a suitable and safe location which is close to its current position.

#### I. Travel Plan

The developer has agreed to provide full travel plans for the school (for pupils and all staff - including support staff) and residential uses on site with agreed targets and a mechanism to satisfy and maintain targets. The developer will also provide a s106 Contribution £18,000 for the full site (260 dwellings, note: £6,000 initially agreed for the approved 55 dwelling site would now be covered in the latest agreed sum) to enable Lancashire County Council Travel Planning team to provide a range of services as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008.

In addition, a suitable level of funding would be made available to the developers appointed travel plan coordinator (and not LCC or RVBC) to deliver the necessary interventions within, which will be in line with other recent applications. Interventions could include the provision of free Bus Passes for an initial period, bicycles and safety equipment, personalised travel planning or a variety of other travel plan initiatives and be dependent on the nature of the household targeted. The level of funding agreed with other developers in Ribble Valley to be made available to establish sustainable travel patterns for residents is £350 per household which should be sufficient to help change travel behaviour.

#### J. Construction Period

LCC consider it appropriate that all construction traffic for the remainder of the site (over and above the 55 dwellings currently approved) access the site via the new signalised junction on the A671 Whalley Easterly Bypass (proposed as part of this application, which will also include a toucan crossing. The LHA, therefore, consider that the A671 access and through Boulevard should be delivered prior to the construction of the 56<sup>th</sup> dwelling and that this should be a condition, should the LPA be minded to approve this application.

BG Hall have provided further information on the number of construction vehicles that may be expected and it is clear the early delivery of the boulevard will reduce this impact.

## K. LCC's Proposed Approach for Improvement in Whalley to Support Development

Agreement has now been reached with the developer to provide mitigation in line with LCC's proposed approach for improvement in Whalley to support development. The developers proposals, which LCC consider acceptable are set out in the email from BG Hall to LCC (received 18 June 2013, at 15:33 PM). I have reproduced the key elements of the agreed approach from this email, below:

*In order to reflect the benefit that the construction of the permanent residential Boulevard through the site has for development related traffic the applicant is prepared to bring forward the completion of the Boulevard early within the development timeframe to construct the Boulevard through the site, including the provision of traffic signals at the junction with the A671, prior to occupation of the 56<sup>th</sup> unit on the site, including the funding of any Traffic Regulation Orders.*

*The works to be phased as follows:*

- *The construction of a lay by on King Street, as shown in principle on Bryan G Hall Drawing No 10-228-TR-027, prior to the occupation of the 56<sup>th</sup> unit on the site, including the funding of any Traffic Regulation Orders;*
- *The provision of bus shelters and timetable information, at the two bus stops on Clitheroe Road in the vicinity of the proposed site access which would help to encourage further public transport usage, prior to occupation of the 56<sup>th</sup> unit on the site;*
- *The construction of a construction traffic only haul route to facilitate access to the development site from the A671 Whalley Eastern By Pass, prior to the construction of the 56<sup>th</sup> unit on the site;*
- *A contribution of £18,000 sought for Travel Plan monitoring in accordance with the Planning Obligations set out in the Lancashire Paper dated September of 2008, to be provided prior to the occupation of the 56<sup>th</sup> unit on the site (less any contribution previously paid as part of the outline consent for 55 units);*
- *The construction of the permanent residential Boulevard through the site including the provision of traffic signals at the junction with the A671 prior to occupation of the 56<sup>th</sup> unit on the site, including the funding of any Traffic Regulation Orders; and*
- *A contribution of £144,500 towards the wider package of village improvements proposed by Lancashire County Council within Whalley Settlement Centre, to be provided prior to occupation of the 201<sup>st</sup> unit on the site.*

*Note:*

The scheme cost (between both mini roundabouts is estimated at £295k, of which £255k has been agreed with other developers, therefore currently there is a shortfall of £40k to this section. LCC is extending the scheme south of the Accrington Road mini roundabout to the bridge over the River Calder. As this development does distribute vehicles on this route and it is accepted this section of road does suffer from conflict and delays, it is agreed that the remaining £104,500 be used to contribute to its delivery.

## L. Site Access Proposals (s278) and other necessary Mitigation

A Section 278 Agreement for site accesses and other off-site improvements agreed (as detailed below) will be required should the LPA be minded to approve this application.

- Site access on Clitheroe Road
- Site access with A671
- Lighting Scheme on A671
- Lay by on King Street (as shown in principle on Bryan G Hall Drawing No 10-228-TR-027)
- Improvement of northeastbound bus stop and relocation/provision of southwestbound bus stop in the vicinity of the proposed site access on Clitheroe Road, to quality bus standards.

#### Clitheroe Road/Site Access Priority Junction

The latest preliminary design is shown on Drawing No. 10/228/TR/023 (Revision E). This proposed layout was produced in response to the Road safety Audit Report and further comment from LCC. The TA and this drawing indicate that the design for the development will adopt the principles of Manual for Streets (MfS) and this is reflected in the geometrics of the proposed access junction. Visibility Splays now relate to observed 85<sup>th</sup> percentile speeds.

The design of the access junction will be subject to a S278 agreement and will require the approval of LCC. While an MfS approach may be appropriate in this location, it is essential to ensure safe operation for all users (motorised and non-motorised). There remains a potential for operational difficulties at this junction, where the potential impact of the school run, drop off and pick up, may result in significant detriment to the movement of all modes, particularly in the morning peak. The latest layout includes a short length of tapered (widened) highway to support the influence of the school during its peaks. The delivered layout will be a slight variation of this with a short length of 2 lanes with taper, to be determined at detail design stage. The overall length of change will be similar to that proposed.

The internal layout is indicative, however it is noted that a number of dwellings face onto Clitheroe Road, in providing suitable and safe access to dwellings which are adjacent to the new access it may be appropriate for those to have access from the Boulevard. The internal site layout (including influence of primary school) and access to all properties within the site is to be subject to reserved matters and also subject to a planning condition.

#### Proposed Site Access with A671 Whalley Easterly Bypass

The latest preliminary design is shown on Drawing No. 10/228/TR/024 (Revision A). This revised proposed layout was again produced in response to the Road safety Audit Report. The latest layout addresses issues raised in relation to right turn storage and impact on the adjacent lay-by.

There will be future demand for or improved pedestrian facilities at this location for recreational purposes (cycling, walking, exercising of dogs etc) and suitable links to Spring Wood should be considered. The delivered layout (following detailed design) will include a toucan crossing, providing a safe crossing provision for pedestrians and cyclists. Lighting will also be provided along the currently unlit section of the A671 between Wiswell Lane and the A671/B6246 Accrington Road.

The National Speed Limit presently operates on A671 past the proposed access. There are considerable highway safety benefits in recommending that this Limit be reduced to 50mph. This will comply with an existing proposal being pursued by LCC to introduce a similar limit at the existing Spring Wood signalised junction and will provide a secure basis for the design



specifications of the proposed ghost island junction. The Developer has agreed to the funding of any Traffic Regulation Orders deemed necessary as part of the detailed design.

### Traffic Regulation Orders

TRO's will need to be reviewed and amended on the local network and provided where necessary in the area influenced by the primary school (within the site) to assist with the safe movement of vehicles and pedestrians as direct consequence of the proposed development or to support the safe operation of the new signalised junction with the A671. The precise extent of these Orders should be established following more detailed consultations (funded by the developer) and a condition of any approval. The Developer has agreed to the funding of any Traffic Regulation Orders deemed necessary as part of the detailed design.

### M. Planning Obligations

Should the LPA be minded to approve this development, the County Council would seek planning obligation contributions from this development to fund measures that support sustainable transport. These include:

- Funding towards the Wider Improvement Scheme for Whalley centre
- Request for contribution for advice and services as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008.

### N. Planning Conditions

The County Surveyor has provided appropriate suggested planning conditions which have been incorporated in amended form into the planning conditions section of this report.

### Primary school (internal layout)

A part of the development includes a school (one form entry). The Further information to supplement the TA (provided in the BG Hall letter, dated 24 May 2013) includes a simple TRICS analysis to determine the number of vehicles that may be attracted to the school. I have undertaken my own analysis which considers the modal usage at the Whalley CofE primary school, the influence of more than one sibling attending the school (for a proportion of the total pupils), breakfast and afterschool clubs (and assumes no staggered start/end times at the school). The outcome of this work results in similar levels of generated trips (by car) to that assessed.

The school, as located, will influence the highway network during short peaks 8:40-9:00, (assuming 8:55 start) and 3:15-3:40 (assuming a 3:30 finish) with drop off/pick up occurring within the public highway. It is known that parents/guardians of children generally park as close as possible to schools, making use of nearby side streets and generally park on both sides of the road (if available/possible). With this, it is important that the indicative layout (when progressed through the detailed application) does provide adequate on street provision to satisfy demand with suitable circular route (clockwise) for vehicles within the development site. As indicated above, my analysis included the benefits of school clubs and would result in an approximate demand for 77 cars (am total) and 72 cars (pm). Assuming a staggered drop off during the am peak would put the actual demand at any one time at/around 38 vehicles, requiring a linear length of parking of 230m excluding driveways (based on 6m per vehicle).

However, in the school pm peak (which is not the network peak) there is greater on street demand of around 430m.

There are realistic opportunities to provide convenient, direct safe parking provision for those parents who need to drop off/pick up in a radial route (without parking on Clitheroe Road to satisfy demand). The indicative layout will require changes and is subject to satisfying a planning condition (Grampian) which ensures safety and efficient operation of the network, the integration of that proposed (whether highway network or trip (all modes) related) is delivered. To support the layout and manage vehicle movement on the network will require Traffic Regulation Orders at a number of junctions and on Clitheroe Road itself. Measures will also be required to support the part-time 20mph zone around the school including Clitheroe Road and a section of the Boulevard.

To minimise the impacts of this development a Travel Plan is required for each element to include targets for both the residential element and the school (for pupils and all staff - including support staff). Cycle provision must be suitable for pupils as well as staff (supporting provision to be provided for staff i.e. lockers, changing room and possibly shower facilities).

### Summary

The local network does suffer from a level of congestion at peak times. It is critical, therefore, that the impact of this development does not compromise the movement of people and goods by any mode on any part of the overall network.

The proposals will result in increased flows on the existing transport network in and around Whalley village. However, the impact of this developments traffic in Whalley centre will be negated through the provision of the Boulevard link at an early stage in the sites development which will redistribute some existing trips.

The developers Transport Consultant BG Hall has provided a considerable amount of further information in recent weeks and the LHA has been able to reach agreement on mitigation measures as detailed above (s278 and s106) which will go some way toward further mitigating the impact of this proposal.

### Public Open Space

Policy RT8 of the Districtwide Local Plan and policy DMB4 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft). requires that residential sites over 1 hectare provide adequate and usable public open space. The supporting text notes that community open space within new residential areas provides a useful informal recreational facility for residents of the neighbourhood and a particular requirement will be for the provision of children's play areas.

The site layout does not specify any areas set aside for formal or informal play but contains a network of green open space forming a linear country park within which such facilities will be provided and it is expected that the detailed location and design of such elements will be provided at any reserved matters stage. The supporting documentation indicates the total area to be set aside for such a use (approx 5.11Ha). An additional portion open space is proposed to the north-western extents of the site within the residential development area equating to approximately 0.16 hectares.

Subject to details of the layout of these areas being submitted at reserved matters stage I am of the opinion that in principle the amount of public open space provided is adequate and thus the requirements of Policy RT8 of the Ribble Valley Districtwide Local Plan have I consider been met.

The applicants have been made aware that it would not be the intention of the Council to take on any management/maintenance responsibilities for such areas and that a separate management/maintenance regime will need to be arranged. They have not made reference to such facilities within the submitted draft Section 106 Agreement and thus appropriate conditions would need to be imposed on any consent granted to ensure the continued provision of such facilities for the benefit of future residents.

### Education

This is a subject raised by many of the objections received to this development. Extensive negotiations have been taking place between the applicant and the LCC Planning Contributions Team throughout the course of the application on matters relating to Education.

As Members will see from the consultation response from the Planning Contributions Team at LCC a proposal of this size LCC would be seeking a contribution for 56 primary school places and 15 secondary school places as follows:

#### **Primary Places:**

11,880.45 x 56 Places = £665,305

#### **Secondary Places:**

17,901.60 x 15 Places = £268,524

Resulting in a requested total financial contribution of £933,829.

As outlined in the initial sections of this report, an agreement has been reached between the applicant and the LCC Planning Contributions Team regarding the potential purchase of the school land, subject to amendments to the Heads of terms and provided that the cost for the land remains fixed at £665,305 and that LCC are not obliged to purchase the land if it is no longer required or further investigations find that the land cannot be utilised for the construction of a primary school or site works put the land beyond reasonable cost.

Objectors have referred back to a historic situation with the redevelopment of the Calderstones Hospital Site and potential school site there. Whilst mindful of events that have occurred in the past, it is important for Committee to focus on the response of colleagues at LCC in response to this particular scheme.

### Flooding/Drainage/Water Supply

There have been many objections to the development on the grounds that drainage is inadequate and there would be potential increased risk of flooding to Whalley resultant from both the additional pressure put on existing infrastructure and the reduction in the amount of permeable ground in the area.

United Utilities were consulted on the application and members will note that the organisation had no objection to the proposal subject to the imposition of conditions.

The initial consultation response also requested that the Local Planning Authority notify United Utilities should any further permissions be granted within the catchment of the Whalley waste Water Treatment Plant in the event that they may need to reassess existing capacity.

Members will note that permission was recently granted at appeal for the erection of 116 No two, three, four and five bedroom dwellings and 21 No one bedroom bungalows, together with associated landscaping, open space, drainage infrastructure, car parking and access roads at land off Mitton Road Ref 3/2012/0637. United utilities have been notified of the Inspectorates decision however no response has been received at the time of the writing of this report.

Therefore, on the basis of the response received to this application from statutory consultees, I must conclude that notwithstanding the concerns raised, the development of this site in the manner outlined on the submitted forms and detailed in the Design and Access Statement as expressed on the illustrative masterplan would not lead to significant issues in respect of flooding, drainage and water supply.

#### Nature Conservation – Protected Trees/Landscape/Trees

This is a Greenfield site and there are trees and hedgerows within and aligning the site's established field boundaries. As part of the application an arboricultural report has been submitted with preliminary recommendations given with a view to the long-term management of sustainable tree cover. All trees within the site with a stem diameter above 75mm are included and where applicable, trees outside the site boundary, but close enough to be affected by the proposed development are included. The report notes that specific design of any proposal development is not generally taken into account at this stage. The report states that the indicative master plan seeks to retain the majority of trees at the perimeter of the site and makes provision for a landscape corridor through the site in the form of a "Linear Country Park".

Species surveyed include Sycamore, Elm, Ash, Elder, Hawthorn, Oak, Cyprus, Hazel, Holly, Crab apple, Goat Willow, Beech, Rowan and Alder. The predominant species are Sycamore, Oak and Hawthorn with other species being occasional or even single specimens. There is a tree preservation order on this site (TPO No 1 1957) with the survey indicating that in the main, protected trees would require no action, in some cases the removal of Ivy and re-inspection suggested and in others the removal of dead wood recommended. Two trees are suggested for removal (in paragraph 6.1.1 of the submitted Tree Survey Addendum) as part of the development to facilitate the proposed access to the A671 in addition it is also proposed that a portion of hedgerow be removed (H1) in this area.

The Council's Countryside Officer is satisfied with the details provided and considers the removal of the identified trees would not significantly affect the overall character of the area and that should consent be forthcoming, there would be opportunities to enhance existing planting throughout the overall site.

The application is also accompanied by an ecological appraisal dated January 2013 including a breeding birds survey and bat survey.

The habitat survey identifies that the site is predominantly improved pasture fields. Other habitats include streams, riparian woodland, broad leaved woodland, mature/veteran trees, hedgerows and marshy grassland.

The site shares its eastern boundary with Spring Wood Biological Heritage Site (BHS) which is ancient woodland. Spring Wood has previously been fragmented by the A671 road which has split the BHS into two.

The survey notes that two species of birds were recorded on site and are Priority Species (Song Thrush & Dunnock), it is recognised that site clearance works or construction works, if undertaken during the breeding season, could potentially damage active nests. This may be avoided by timing works to remove vegetation in the autumn/winter months outside the bird breeding seasons which are generally March to August. It is also stated that the Illustrative Masterplan for the proposed development generally protects the aforementioned habitats considered to be of value. In addition, the proposed planting/landscaping and garden areas associated with the proposed dwellings will also provide additional habitat for nesting and foraging birds.

The habitat survey states that there were no signs of otters or water vole during the surveys. The streams were walked and checked for signs of these but none were found and thus it concludes that no impacts towards the species are anticipated as a result of this development. In respect of badgers, no signs were located during the survey and no records of these have been provided. Badgers are a highly mobile species and can colonise an area at any time. As they are currently not present on site, the report concludes no impact towards this species are anticipated. The habitat assessment of the two streams shows that they have some limited potential for crayfish but it is considered unlikely that they would be present due to the small size and shallowness of the stream. Therefore, no impact towards this species is anticipated.

The survey has also assessed for reptiles and great crested newts and again concludes that no impacts are anticipated. Himalayan Balsam is present and the proposed development could spread this across the site and into the neighbouring woodland and thus appropriate mitigation is suggested should consent be forthcoming.

Features within the landscape such as hedges and tree lines to provide links through the site to other habitats in the broader landscape. The significance of the potential impacts will be highly dependent on the area of the site to be developed, the location of the development and the design of the habitat and landscape features. It is considered that such matters can be incorporated into the detailed matters of design of this scheme and at this outline stage, the illustrative master plan and supporting documents indicate that landscape corridors are maintained.

The bat survey outlines a significant number of common Pipistrelle bats were observed and recorded using the site for commuting and foraging purposes, particularly the southern stream towards Spring Wood with a smaller number of soprano pipstrelle and the occasional Myotis species being recorded.

The stream area is to remain as part of the development and therefore no significant impact towards foraging bats is anticipated. Mitigation measures are recommended which to summarise include avoidance of unnecessary light spill and the retention of existing features used by foraging/commuting and possibly roosting bats.

### Heritage

As stated previously, the site lies adjacent to the Whalley Conservation Area with an encroachment into that designation at its westerly extreme where it adjoins Brookes Lane. Policy ENV14 of the Districtwide Local Plan and policies EN5 and DME4 of the Ribble Valley

Core Strategy (Regulation 22 Submission Draft) highlight the importance of preserving nationally important archaeological remains and their settings. Policy ENV16 concerns the preservation or enhancement of the character or appearance of conservation areas in respect of development: within conservation areas; affecting the setting of conservation areas and affecting views into or out of conservation areas. Policy ENV17 and policies EN5 and DME4 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft) relates to additional information requirements in the consideration of developments within or affecting conservation areas.

Comments from the Council's Design and Conservation Officer have been received and are summarised as follows:

*I have previously commented on the constraints to development of this site identified within the Whalley Conservation Area Appraisal and have therefore not examined the current proposals in detail.*

*The Appraisal is clear and succinct in its recognition of the importance of surrounding hills and countryside to conservation area character and appearance (eg. Summary of Special Interest; General Character and Plan Form; Topography, Geology, Relationship of CA to Surroundings). I therefore disagree with 4.1 of the 'Heritage Appraisal' that 'no designated heritage assets would be affected by the application proposal'.*

*However, I would defer to your judgement in the planning balance because of the following:*

*(i) Whalley has been identified as a main centre and probable location for development within the Borough.*

*(ii) The Appraisal would suggest that the river corridor and views from/to The Nab are most critical (see eg. Green Spaces, Trees, Hedges) and I would agree with the recent argument at the Mitton Road appeal that the land to the west of the medieval Abbey and listed Viaduct forms part of this critical area. The relationship to Lawsonsteads of sites recently gaining planning permission at Accrington Road and for a water turbine house (both within the critical river corridor) is therefore noted.*

#### 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 consideration on the use and amount of development proposed.

An illustrative masterplan, character sections and a parameters plan have been submitted to provide an indication how the proposal would be configured within the development site.

In respect to the actual layout of the scheme members are reminded that the layout as put forward is indicative at this stage. The submitted Design & Access Statement makes clear reference to the Whalley context and sets out a design approach which seeks to create varying street/area typologies within the proposal site that respond positively to the existing Whalley vernacular and context whilst creating a clear sense of identity and character.

Clear reference is made to existing building typologies within the area and how they will inform the overall design approach to the spatial relationships within the development including their architectural language and materiality.

Having regard to the general layout of the development I would comment that this places the proposed school site on the lower areas of the site as it would be likely to have the greatest scale and massing.

The layout has been designed to make use of the topography of the site and is in part constrained by the presence of the Haweswater Aqueduct and need to retain the green swathe of trees the subject of a Preservation Order.

The area of the site that immediately abuts the edges of the conservation area does not have any residential development in order to form a green buffer to that boundary with the site boundary to Clitheroe Road. Clearly detailed matters of design are reserved for future submission and Members should use the indicative layout and scale as a guide in the determination of this application. The layout put forward would retain the route of the public right of way crossing the site adjacent to the tree belt leading to Spring Wood and this will be retained and enhanced.

In respect of the visual impact of the proposal the council's Countryside Officer has undertaken an initial assessment of the submitted LVIA to ensure it has been carried out in accordance with the Guidelines for Visual and Landscape Assessments produced by the Landscape Institute and the Institute for Environmental Management Assessment and provides the following initial observations:

*The submitted LVIA appears to comply with the Guidelines for Visual & Landscape Assessments, as does the LVIA commissioned by RVBC and carried out by Penny Bennett, chartered landscape architect [December 2011].*

*As with the original proposals for 300 dwellings the current application for 260 dwellings will have a fairly significant impact on the undulating low-land farmland open landscape character of Lawsonsteads.*

*The proposed development is still of a large scale relative to Whalley and will result in open countryside becoming suburban in nature resulting in the loss of rural openness that provides a buffer between the built part of Whalley and the very busy A671 road.*

*In addition the opening of a new access onto the A671 will destroy a section of the semi natural tree screen that currently provides the village of Whalley with some traffic noise amelioration and therefore a sense of detachment from a very busy A road. It will also create a clear view into the new development from the A671; this together with views from the Clitheroe road of the development rising up the slope towards the edge of spring wood will create a built visual and physical connection to the A67.*

*The style and maintenance of proposed open space will create a formal park feel as opposed to the semi natural open rural nature of the current landscape further adding to the sense of urbanisation of the landscape, this would not adequately compensate for the loss of openness. In addition the formal internal landscaping and tree planting will enhance the urban feel created by the built development the style of which would not replicate the informal semi natural rural tree-scape currently found within and around Lawsonsteads.*

It is recognised that any form of development particularly that which is located in areas of open countryside, will to some degree have an element of visual impact upon the landscape. However it is important to be mindful that the proposal will be viewed and experienced in context with the existing settlement albeit extending closer to the A671 to the east than that of the existing physical settlement boundary. It is also recognised that the eastern extents of the proposed development will be afforded a higher level of prominence and visibility by virtue of the topography of the site. The amended Illustrative Masterplan includes the provision of a clear landscape buffer between the extents of proposed physical development and the existing woodland that bounds the A671 to the east, which aids in mitigating initial concerns of the proposal forming a visual corridor of development.

Therefore, having very carefully assessed the visual impact of this scale of development it is concluded that the proposal would not be of significant detriment to 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 of the site are properties on Clitheroe Road and Woodlands Park, to the south east Sydney Avenue and to the north are dwellings that front onto Wiswell Lane.

The proposed school site is to be set to the east of properties fronting Clitheroe Road and at this outline stage again I am of the opinion that in terms of separation distances between the existing built form the distances are acceptable.

I am mindful of the topography of the site and fact that there is a rise in levels of approximately 30m from Clitheroe Road to the A671. No site sections have been submitted to show the relationship between new built form and those existing on Woodlands Park and Clitheroe Road although it is noted that the intention is to orientate properties perpendicular to the contours of the land to reduce the visual impact of any proposed dwellings.

Additionally, the revised Illustrative Masterplan includes provision for a substantial area of open space/landscape buffer that serves to lessen any visual impact upon the majority of the dwellings on Woodlands Park. Whilst it is not possible to scale off the masterplan submitted I am of the opinion that there would be sufficient distance to respect privacy levels. I have also considered the dwellings on Sydney Avenue and arrived at the same conclusion.

I do not consider that the levels immediately adjoining existing built form would mean the development would have an overbearing and oppressive impact on existing residents, the visual impact of built form to be sited on higher portions of the site is likely to be afforded a higher level of visibility within the landscape but due to their distance from existing dwellings I do not consider they would be of direct detriment to the residential amenities of existing occupiers by virtue of their scale or proximity. If consent were to be granted conditions could be imposed requiring submission of any intention to raise or lower existing land levels in order to properly assess the potential impact on adjoining areas and the proposals detailed impact upon residential amenity.

Properties to the north on Wiswell Lane are I consider set sufficient distance away so as not to be significantly affected by the development in terms of privacy.



In respect of the internal relationship of the development site, the illustrative layout shows properties facing onto internal access roads leading from the main through route linking Clitheroe Road and the A671. From the submitted illustrative sites sections plan it would appear that the separation distance between facing blocks of development are around the 21m advocated in the Council's SPG on Extensions and Alterations to Dwellings.

It is also worth remembering that this is an outline scheme with matters of layout reserved for future submission. Whilst the details submitted set the broad parameters of development and general arrangements there would be scope for repositioning of the proposed dwellings to achieve a greater separation distance if considered necessary at a later detailed stage.

### Noise

Given the site's proximity to the A671 a noise assessment has been submitted to consider the noise impacts of the surrounding area on the proposed development site.

That report states that buildings closest to the A671 will provide shielding to the properties further into the site and that the highest predicted facade noise levels will be experienced by those properties fronting or in close proximity to Clitheroe Road, the proposed Link Road and those properties located closest to the A671. It is suggested within the report that the detailed design of properties in the aforementioned locations should, where possible, take into account potential traffic noise levels and explore options such as utilising increased glazing specification and the potential reorientation of individual internal dwelling layouts to locate non-habitable rooms on the facades that are likely experience the highest noise levels.

Based on the illustrative site layout the report assumes that traffic noise levels in a small proportion of rear garden areas are likely to exceed the Local Authority's recommended external environmental daytime and evening limit of 50dB although given the location of the site a certain level of road traffic noise is likely to be tolerable and that fencing/boundary treatments of an acoustic nature will be implemented within the scheme to further reduce any potential noise impact. It is also noted that careful design at any subsequent reserved matters stage will ensure the Council's desired external private garden areas noise limits are not exceeded.

It is suggested a condition be added that will require the submission of noise mitigation measures for each phase of the development prior to commencement in preference to specifying noise levels at this stage as mitigation measures could be incorporated at subsequent application stages dependant on phase/plot specific locations and/or plot orientation.

### Renewable Energy

Whilst this is an application made in outline it is important to set out at this stage that the Local Planning Authority will be seeking a commitment towards renewable energy in line with Government Guidance. Therefore, should Committee be minded to look upon this scheme favourably, it is suggested that a condition be imposed requiring the developer to submit a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods.

The application has been submitted with a Renewable Energy Assessment that has reviewed low and zero carbon technologies and identifies that technologies considered viable for this site

would be solar photovoltaic panels, solar hot water heating and air source heat pumps a “fabric-first” approach may also be adopted/viable.

### Section 106 Agreement Content

The application is submitted with a draft Heads of Terms document that has been drafted to cover matters of affordable housing, school land, education and highways. Members are referred to the file for full details of this correspondence with the key issues identified below:

#### 1. Affordable Housing

- 30% of the dwellings (calculated on a “round half up” basis) to be constructed on the Site shall be Affordable Housing.
- 60% of the Affordable Housing Units shall be 2-bedroom dwellings and 40% shall be 3-bedroom dwellings.
- The tenure of the Affordable Housing Units shall be:
  - (a) 50% Affordable Rented; and
  - (b) 50% Shared Ownership

Unless otherwise agreed in writing with the Council.

- Not more than 50% of the Market Dwellings within a Phase can be occupied until the Affordable Housing Units within that Phase have been offered to an Affordable Housing Provider in accordance with the relevant Affordable Housing Scheme; and Not more than 75% of the Market Dwellings within a Phase can be occupied before 100% of the Affordable Housing Units within that Phase have been Practically Completed.

### School Land

Members will note that negotiations have been extensive in relation to educational provision and contributions. It is expected that a revised Heads of terms will be submitted to reflect recent agreements with LCC Planning Contributions Team as detailed earlier in this report and as summarised below:

- A contribution for Primary school places to the value of £665,305
- A contribution for secondary school places to the value of £268,524
- A purchase price for the school land of £665,305 on the understanding that the cost for the land remains fixed at £665,305 and that LCC are not obliged to purchase the land if it is no longer required or further investigations find that the land cannot be utilised for the construction of a primary school or site works put the land beyond reasonable cost.

### Miscellaneous

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.

Many objectors have questioned the need to develop this site for housing, given the number of dwellings available for sale and currently being constructed. As Members are aware the Council are required to have a five-year land supply and thus new land for development within the borough needs to be sought out and permission granted should the scheme comply with other local and national plan policies that are in place at the time of determination.

Reference has been made to the ability of Whalley to cope with the additional properties in terms of shops and medical facilities.

A number of objectors have drawn parallels between the school site allocated in the current proposal and that of similar situations where educational facilities have failed to be delivered. Members will note that each application must be considered on its own merits and that extensive negotiations have been on-going between the applicant and the education authority to reach an agreement regarding the feasibility of the land to accommodate a potential primary school and that a revised Unilateral Undertaking submitted has been agreed between both parties.

Objectors have raised loss of view and effect on house prices but as Members will be aware; these are not material planning considerations.

#### Planning Balance

In support of the application the applicant has submitted a detailed briefing note which sets out the potential benefits associated with and potentially resultant from the proposal should planning consent be granted.

Members are referred to the file for full details of all the information submitted which can be summarised as follows:

The development represents private sector investment of £34m in terms of construction. It is widely accepted that the Housing industry has a critical role to play in terms of the national economic recovery. This has been extensively reported through ministerial statements and the Government's Growth Agenda.

The creation of an additional 260 dwellings in the area is likely to generate £3.29m per year of additional household expenditure within the local economy and the construction phase of the development is likely to create the equivalent of 26 permanent construction jobs.

The proposed school, when delivered, is likely to generate significant direct and indirect additional employment opportunities. Recent evidence from the Department for Children, Schools and Families (SCSF) suggests that the pupil-adult ratio, including teachers, teaching assistants and support staff in primary schools is approximately 12 pupils for every member of staff. On this basis, the school will potentially employ 17-18 full time staff, in addition to the creation of shorter term construction opportunities prior to its operation.

It is likely that approximately £2.5m in New Homes Bonus would be generated over a six year period by the development, the applicant notes that the RVBC Budget Working Group indicate a proportion of the received bonus is likely to be set aside to fund "Economic Growth & Prosperity" capital projects.

NPPF paragraph 7 defines the economic role of sustainable development as:

*‘Contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.’*

The Lawsonsteads application helps to achieve this as set out above and through the provision of new infrastructure including a new school and a link road to enable traffic to be removed from passing through the centre of Whalley.

Whalley is a Key Service Centre within the Borough and a settlement identified to accommodate residential growth in a sustainable manner over the Plan period. The Mitton Road Appeal Inspector concluded that Whalley is *‘one of the most sustainable locations in the borough where there is a historic and current unmet need for both market housing and affordable housing’* (paragraph 53 of decision). The application site is already an accepted location to accommodate sustainable growth through the 55 dwelling consent.

The officer’s report to the Special Planning and Development Committee on 25 June 2013 summarises the latest evidence base produced by Nathaniel Litchfield & Partners on behalf of the Council. The NLP report identifies an increasing need for affordable homes and a 20%+ increase required in the annual housing requirement to 250 dwellings per year.

The Lawsonsteads development seeks permission for up to 260 new homes *including* up to 78 affordable homes which make a significant and positive contribution towards meeting the housing need in the area – a significant social benefit of the proposal. 55 of the 260 dwellings have already been approved.

Being within ready walking distance of the centre of Whalley with all of its services and facilities including shops, the bus and train stations, the development will provide a social boost to Whalley and help underpin its role as a Key Service Centre.

As well as the social benefits of having ready access to services in the settlement, future residents at Lawsonsteads will also have ready access to the surrounding countryside, encouraging a healthy lifestyle. Enhanced public rights of way and a new linear park will be provided as a part of the development.

A key further social benefit is the provision of a new primary school on the site which will enable local children to obtain a high quality education in a location close to where they live. A high quality education is of integral importance to future economic growth. The proposed school site is also in a location that is easily accessible for existing and future residents of Whalley and addresses an identified need. This is in addition to the provision of land and financial contributions towards new school places at a primary and secondary school level.

NPPF paragraph 7 defines the social role of sustainable development as:

*‘Supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.’*

A key part of this, and the responsibility of the Council, is to ensure that housing is provided to meet the needs of the present generations as well as those in the future. Lawsonsteads will help achieve this in a new high quality built environment, with accessible local services that reflect the community's needs.

The application proposes development at the edge of a settlement. As such, the development will result in change from an undeveloped field to new homes and a primary school, but it will do so in a sustainable way. There is no evidence to suggest that the potential impacts of the development will lead to adverse harm. Of those limited impacts that have been identified, these certainly do not *significantly and demonstrably* outweigh the benefits of the development, in accordance with paragraph 14 of the NPPF.

This absorption of much needed development in a location and manner that has significant benefits and limited change is the most environmentally responsible way of accommodating the growth that is required. Lawsonsteads has therefore got significant locational advantage as it is in ready walking and cycling distance from the centre of Whalley, minimising the need to use a car, as recognised by approval of the earlier scheme.

The agricultural land quality of the site has been assessed and is mostly of poor environmental quality (Grade 4), a further environmental benefit over development on higher quality land.

Additionally, the scheme will also deliver a significant package of highways and transport improvements comprising:

- The construction of a permanent vehicular link (Boulevard) through the Lawsonsteads site to the A671 (prior to occupation of the 56th unit).
- The provision of the Boulevard will allow for the reassignment of traffic currently travelling through Whalley Settlement centre, in particular between Accrington Road and Station Road. Evidence presented by the applicant in the Transport Assessment work has demonstrated that, even if as little as 5% of the traffic currently making these through movements reassigns onto the Boulevard (and it is the applicant's view that significantly more will reassign), there will still be a net benefit in operating conditions within the settlement centre having taken into account the traffic likely to be generated within Whalley as a consequence of the houses at the development.
- This will in turn reduce carbon emissions in the centre. In doing so, the Lawsonsteads site is accommodating growth in a way that really minimises impacts on the centre itself when compared to alternative growth locations;
- The link will be available for construction traffic for the majority of the build programme (prior to construction of 56th unit) thereby avoiding the need for construction traffic to pass through the centre of Whalley;
- The construction of a lay by on King Street to improve short term parking to reduce the potential for traffic congestion in the centre, including the funding of any Traffic Regulation Orders;

- The provision of bus shelters and timetable information at the two bus stops on Clitheroe Road in the vicinity of the proposed site access which would help to encourage further public transport usage;
- A contribution of £18,000 for Travel Plan monitoring to ensure that the travel plan measures are implemented; and
- A contribution of £144,500 towards the wider package of improvements proposed by Lancashire County Council to King Street, to be provided prior to occupation of the 201st unit on the site. These include improvements to pedestrian amenity; kerb build outs to help regulate parking; improved zebra crossing and widening footways, etc.

### Conclusion

Therefore, having carefully considered all of the above matters, and taking account of the planning balance, I am mindful that the National Planning Policy Framework (NPPF) places a clear emphasis that Local Planning Authorities should not resist proposals unless there are any adverse impacts which significantly and demonstrably outweigh the benefits associated with any such proposal.

I note the concerns expressed in the objection letters and whilst it is recognised that the development would result in some moderate harm to the character and appearance of the immediate and surrounding context, it is my opinion that these impacts would not significantly and demonstrably outweigh the benefits associated with the application, as summarised above, particularly when assessed against the policies in the National Policy Framework. Furthermore many of the issues raised relating to highway and other infrastructure issues are not consistent with the advice from the statutory consultees.

The proposal due to its location and size is contrary to policies contained within the current Districtwide Local Plan and as a consequence the development needs to be advertised under the Departure Procedure Regulations. This would mean that if Committee are minded to approve the scheme the ultimate decision as to whether or not the proposal would be “called in” would be made by Central Government.

It is for these reasons and having regard to all matters raised that I recommend accordingly.

**RECOMMENDATION:** The application be formally advertised under the Departure Procedures and subject to the application not being called in by the Secretary of State that the proposal be DEFERRED and DELEGATED to the Director of Community Services for approval following the satisfactory completion of the Legal agreement within a period of 6 months from the date of this decision as outlined in the Section 106 Agreement sub heading within this report subject to the following condition(s):

1. Application for approval of all reserved matters (as defined in Condition 4) must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
  - a) The expiration of three years from the date of this permission; or

- b) The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development hereby permitted shall be carried out in accordance with the details contained within the following plans:
- Parameters Plan (Ref: PL1158.3.M.101 Rev [D]);
  - Clitheroe Road Priority T Junction (Ref: 10/228/TR/023); and
  - A671 Proposed Traffic Signal Junction (Ref: 10/228/TR/024).
3. Details of appearance, landscaping, layout and scale (hereinafter referred to as the 'reserved matters') for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before development of that phase is commenced. Development of each phase shall be implemented in accordance with the approved details for that phase.
4. The submission of Reserved Matters in respect of layout, scale, appearance and landscaping and implementation shall be carried out in substantial accordance with the design principles and parameters contained within the Design & Access Statement (February 2013) and in substantial accordance with the submitted Parameters Plan (PL1158.3.M.101 Rev: D).
5. No more than 260 dwellings (Use Class C3) and a primary school (Use Class D1) is hereby permitted within the application site.

REASON: For the avoidance of doubt to ensure there is no ambiguity in the decision notice over what amount of development has been approved.

6. No part of the development shall commence until a plan identifying the first phase of the development has been submitted to the Local Planning Authority. Thereafter each application for the approval of the reserved matters relating to each further phase of the development shall be accompanied by a plan identifying the extent of that further phase. For the purposes of this planning permission the extent of a 'phase' shall be determined in accordance with this Condition.

REASON: To allow for the phased delivery of the development.

7. No part of the development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority:
- The proposed site access to/from Clitheroe Road (in accordance with the principles set out in Drawing Ref: 10/228/TR/023) including provision of a pedestrian crossing southwest of the site access;
  - Works to relocate the south west bound bus stop and provide bus shelters and timetable information at the relocated south west bound bus stop and north-east bound bus stop in the vicinity of the site on Clitheroe Road;
  - The proposed site access to/from the A671 (In accordance with the principles set out in Drawing Ref: 10/228/TR/024) including provision of a Toucan Crossing;

- The Internal Distributor Road including where it meets the junctions onto Clitheroe Road and the A671; and
- The proposed King Street Lay by (In accordance with the principles set out in Drawing Ref: 10/228/TR/027).

The details shall include for provision of:

- cycleways/footways;
- a lighting scheme in the proximity of the new site access on the A671;
- a vehicular drop off/pick up area for the primary school; and
- measures to implement a 20mph zone in the vicinity of the school site on the Internal Distributor Road and Clitheroe Road.

The development shall be implemented in accordance with the approved details and pursuant to the timeframes otherwise set by the conditions of the permission.

8. Prior to occupation of development within each phase (as defined in Condition [6]) visibility splays shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and in relation to that phase. Nothing shall be planted, erected or allowed to remain in the visibility splays in excess of 1m in height above the level of the adjacent carriageway.

REASON: To ensure adequate visibility splays are maintained at all times.

9. Prior to commencement of any phase of development which includes dwellings with frontage access to/from Clitheroe Road, details of such frontage access shall be submitted to and approved in writing by the Local Planning Authority. The development of the phase shall be carried out in accordance with the approved details.
10. The primary school (Use Class D1) shall not be brought into use until the measures defined in Condition [7] to implement a 20mph zone and provide a drop off/pick up area in the vicinity of the primary school have been implemented in accordance the approved details pursuant to Condition [7].

REASON: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable and in order to maintain network safety at the school once brought into use.

11. No more than 55 dwellings shall be constructed until the access to/from the A671 (Drawing Ref: 10/228/TR/024) has been constructed to binder course level in accordance with the approved details pursuant to Condition [7]. Following construction of this access, no heavy goods vehicles shall enter or leave the site using the Clitheroe Road access.

REASON: To ensure construction access beyond the first 55 dwellings can be taken directly from the A671 to minimise disruption and protect residential amenity in the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

12. No more than 55 dwellings shall be occupied until the access to/from the A671 (Drawing Ref: 10/228/TR/024) and associated works to that access agreed pursuant to Condition [7]



have been constructed to an agreed level in accordance with the approved details pursuant to Condition [7].

REASON: To ensure vehicular access beyond the first 55 dwellings can be taken directly from the A671.

13. No more than 55 dwellings shall be occupied until the King Street Lay-by (Drawing Ref: 10/228/TR/027) has been constructed in accordance with details agreed pursuant to Condition [7].
14. No phase of the development shall be occupied until a Full Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The travel plan(s) shall include objectives, targets, measures to achieve targets, monitoring, implementation timescales for delivery and the provision of a travel plan coordinator in accordance with the parameters established in the Framework Travel Plan (dated February 2013) submitted as part of the outline application. For each phase the approved Full Travel Plan shall be implemented, audited and updated in accordance with the approved details.
15. Prior to the commencement of development, a strategy outlining the general system of drainage for foul and surface water flows arising from the entire site shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall include details of any necessary on-site infrastructure. Thereafter detailed schemes for foul and surface water drainage for any phase of development (pursuant to conditions [17] and [18]) shall be prepared in accordance with the agreed strategy for the entire site.

REASON: This condition is requested as there is potential for the development to be brought forward on a phased basis. As a result it will be necessary to receive an overall strategy for the entire site prior to the commencement of development of any phase so that the subsequent detailed drainage schemes for each phase are capable of forming part of a general system for the entire site in accordance with an overall strategy. It is also necessary to set key parameters for the design of the pumping station.

16. Prior to the commencement of each phase of development, details for how foul and surface water shall be drained on separate systems within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be implemented in accordance with the approved details for that phase and retained thereafter.

REASON: To protect existing surface water and foul drainage systems.

17. Prior to the commencement of each phase of development, a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and evidence of an assessment of the hydrological and hydrogeological context of that phase, shall be submitted to and approved in writing by the Local Planning Authority. No surface water shall connect into the public sewerage system, directly or indirectly, without the consent of the Local Planning Authority pursuant to this condition. The scheme for each phase shall be implemented in accordance with the approved details prior to the occupation of any development within that phase and retained thereafter.

REASON: To ensure that surface water is dealt with by the most sustainable means in accordance with national government policy.

18. Prior to the commencement of each phase of development, a detailed foul drainage scheme for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The foul drainage scheme for each phase shall be implemented in accordance with the approved details prior to the occupation of any development within that phase.

19. No building shall be erected within three metres of any public sewer unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect existing surface infrastructure.

20. Prior to the commencement of any phase of development that is to the west of watercourse A as identified in the Flood Risk Assessment (FRA) by Weetwood (dated 8 February 2013; Final Report v1.3), a scheme for the improvement, protection and maintenance of existing flood defences as outlined in Section 4.1.3 of the FRA where relevant to that phase, shall be submitted to and approved in writing in respect of that phase by the Local Planning Authority. The scheme for each relevant phase of development shall be implemented in accordance with the approved details.

REASON: To reduce the risk of flooding by maintaining existing flood defences.

21. Prior to the commencement of any phase of development that includes or is potentially affected by possible overland flow routes from Watercourse B as identified in the Flood Risk Assessment (FRA) by Weetwood (dated 8 February 2013; Final Report v1.3), details of the existing and proposed ground levels adjacent to Watercourse B shall be submitted to and approved in writing in respect of that phase by the Local Planning Authority. The development within that phase shall subsequently proceed in accordance with the approved plans for that phase.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

22. Prior to the commencement of any phase of development affecting natural bankside habitat such as outfalls or culverting, a further survey of the watercourse should be carried out at an appropriate time of year to establish the presence of water voles within that phase. The findings of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority. Any necessary and approved measures for the protection of water voles within that phase shall thereafter be implemented in full as part of the development of that phase.

REASON: To ensure protection of water voles and their habitat.

23. Any application for the approval of Reserved Matters which includes development adjoining the watercourses on site shall include a scheme for the provision and management of a buffer zone alongside the watercourses, to be submitted to and agreed in writing by the Local Planning Authority. Thereafter each phase of development shall be carried out in accordance with the approved scheme in so far as it relates to that phase of development, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To protect ecological, recreation and amenity interests by providing a buffer between the development and the watercourse.

24. Prior to occupation of development within each phase, a landscape management plan including long term design objectives, timing of works, management responsibilities and maintenance schedules for all publicly accessible landscaped areas including cycle/footways within that phase shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved landscape management plan for that phase.

REASON: In the interests of residential and visual amenity and to ensure that appropriate provision is made for public open space in accordance with Policies G1 and RT8 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMB4 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

25. Prior to the commencement of each phase of development, a written scheme of archaeological investigation relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. Each scheme will outline (if required) a programme of archaeological work which is to be implemented within the phase. The development of the phase shall be carried out in accordance with the approved scheme.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological importance associated with the site in accordance with Policies G1 and ENV14 of the Ribble Valley Districtwide Local Plan and Policies EN5, DME3 and DME4 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

26. No phase of development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority for that phase. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- A. The parking of vehicles of site operatives and visitors;
- B. Loading and unloading of plant material;
- C. Storage of plant materials used in the construction of development;
- D. The erection and maintenance of security hoardings;
- E. Wheel washing facilities;
- F. A management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
- G. Details of the storage of potential ground and water contaminants and how the River Calder will be protected against spillage incidents and pollution during the course of construction;
- H. A scheme for protecting trees;
- I. A scheme for recycling/disposing of waste resulting from construction work; and
- J. A scheme to control noise during the construction phase.

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

27. No heavy goods vehicles shall enter or leave the site using the Clitheroe Road access between the hours of 0830 and 0930 or 1500 and 1600 hours.

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

28. No dwellings within any phase shall be practically completed until details of an external lighting scheme for that phase have been submitted to and approved in writing by the Local Planning Authority. Within each phase the lighting scheme shall be implemented in accordance with the approved details for the relevant phase and retained thereafter.

APPLICATION NO: 3/2013/0478/P (LBC) (GRID REF: SD 374213 441733)  
INSTALLATION OF SINGLE GLAZED HARDWOOD FRAMED WINDOWS AND DOORS AND  
MINOR INTERNAL ALTERATIONS AT FIRST FLOOR LEVEL OF THE BOWLING GREEN  
CAFÉ CLITHEROE CASTLE GATE, CLITHEROE BB7 1BA

TOWN COUNCIL: No objections.

ENGLISH HERITAGE: Do not wish to offer any comments on this occasion. Determine in accordance with national and local policy guidance, and on the basis of RVBC expert conservation advice.

HISTORIC AMENITY SOCIETIES : No representations received from various amenity groups.

ADDITIONAL REPRESENTATIONS AND STATUTORY ADVERTISEMENT: Although no letter has been received in relation to this proposal previous correspondence made reference to the inappropriate materials and the fact that work commenced prior to obtaining any consent.

### **Proposal**

The proposal seeks to replace and alter the existing door and window arrangement at the Bowling Green Café. It is evident that work has commenced and it is considered that the replacement doors and windows that have been used are inappropriate given the style and material used. It has been agreed that these will be removed within 1 month of any consent with the proposed timber frames used.

The detailed scheme includes hardwood timber doors and hardwood casement single glazed windows. The rear elevation now incorporates 3 replacement windows which are 3 paned with a top hung casement which is subdivided with a transom and 8 smaller panes. The window frames are to be painted white.

### **Site Location**

The bowling green café is located within the Castle Park between the hard court sports area and the bowling green. It is a building within the Historic Park and Garden and within the Clitheroe Conservation Area.

The Castle Park appears on the English Heritage Register of Parks and Gardens of Special Historic Interest in England at Grade II. The Register description identifies that *'the castle site and grounds were purchased by public subscription by the then Borough Council from Lord Montagu of Beaulieu in November 1920, to form a memorial to the 260 soldiers from the town who lost their lives in the war... Ribble Valley Borough Council owns and manages the castle and grounds as a museum and public park'*. The above would suggest that the building could be considered part of the Clitheroe Castle listings (as curtilage structures) by virtue of Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Relevant History**

No specific reference in the planning record.

### **Relevant Policies]**

Planning (Listed Buildings and Conservation Areas) Act 1990.

NPPF.

HEPPG.

Policy ENV20 - Proposals Involving Partial Demolition/Alteration of Listed Buildings.

Policy ENV19 - Listed Buildings (Setting).

Policy ENV16 - Development Within Conservation Areas.

Policy ENV21 - Historic Parks and Gardens.

Policy G1 - Development Control.

Policy ENV9 - Important Wildlife Site

Clitheroe Conservation Area Appraisal.

Policy DME4 Protecting Heritage Assets - Core Strategy 2008-2028 Regulation 22 Submission Draft

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

The Regulations require the Secretary of State to decide the listed building consent application because the Borough Council is the applicant. Therefore, following Committee's consideration the matter will be referred to the National Planning Casework Unit.

The main consideration in the determination of the listed building consent application is the duty at Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the (listed) building, its setting and any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

There is no duty in the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the impact of development upon a Registered Park and Garden; however, the NPPF (Annex 2: Glossary) confirms the designation to be a 'designated heritage asset' and such impacts are a relevant material consideration.

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

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

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

Paragraph 109 “*The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes”*

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

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

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

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

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

The Historic Environment Planning Practice Guide is most pertinent at:

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

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

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

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

There is no statutory requirement to have regard to the provisions of the development plan for decisions on applications for listed building consent. However, some regard may be given to:

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

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

Policy ENV16 *"Within conservation areas development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials".* The accompanying text at 4.7.8 states that *"the main elements of Council policy are retention and enhancement";*

Policy ENV21 *"development proposals affecting a historic park or garden and its setting will be strictly controlled to ensure they do not harm the appearance or function of the area. Proposals will be assessed in terms of scale, size, design and materials".*

Policy G1 *"In determining planning applications the following criteria will be applied:  
(h) Materials used should be sympathetic to the character of the area".*

The 'Setting of Heritage Assets: English Heritage Guidance' (EH, October 2011) states: *'the cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development' (4.5).*

The Core Strategy 2008-2028 Regulation 22 Submission Draft also endorses the above policies and in particular DME4 Protecting Heritage Assets is a material consideration.

The Clitheroe Conservation Area Appraisal includes within its Summary of Special Interest:

*"The Castle Grounds which is included on the English Heritage Register of Parks and Gardens"*

English Heritage's 'Managing Local Authority Heritage Assets: Some guiding principles for decision makers' (June 2003) states *"It is essential to local authorities' credibility as stewards of the historic environment that they set a good example in the management of their own heritage assets. This means demonstrably achieving the standards they expect of others" and "Understanding the nature, significance, condition and potential of a heritage asset must be the basis for rational decisions about its management, use, alteration or disposal".*

## Conclusions

Since the initial work the scheme now submitted is a result of discussion and has been amended to secure significant design improvements to utilise timber surrounds, single glazing and a window design to have more regard to the original openings.

In consideration of NPPF paragraph 134, I note that the improvements to the building may have some public benefit. I am therefore satisfied that the proposal, subject to the implementation of conditions, will safeguard the character (including setting and historic fabric), appearance and significance of the listed buildings, Clitheroe Conservation Area and Clitheroe Castle Registered Park and Garden of Special Historic Interest.

### SUMMARY OF REASONS FOR APPROVAL

Acceptable impact upon listed buildings, Clitheroe Conservation Area and Clitheroe Castle Registered Park and Garden. Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies ENV20, ENV19, ENV16 and ENV21 of the Local Plan and DME4 of the Core Strategy 2008-2028 Regulation 22 Submission Draft

RECOMMENDATION: That the Director of Community Services be authorised to convey to the Secretary of State the Borough Council's support for the granting of listed building consent with the conditions below:

1. The existing unauthorised doors and windows shall be removed and replaced with the approved window and door details shown on the submitted plans within 1 month of the date of this consent.

REASON: Required to be imposed in pursuance to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Precise specifications and samples of window and door details shall have been submitted to and approved by the Local Planning Authority before their use in the proposed works.

REASON: In order to safeguard the character, appearance and significance of the listed buildings, Clitheroe Conservation Area and Clitheroe Castle Registered Park and Garden of Special Historic Interest.

3. This permission shall relate to the proposal as shown on plan BGC/ET002.

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



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

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0763/P	Proposed open car port in traditional material	Lower Monubent House Hellifield Road Bolton by Bowland
3/2012/0840/P	Application to discharge condition no. 4 (temporary construction vehicle access) and condition no. 5 (tree protection measures) of planning permission 3/2012/0361/P	Blackburn Rovers Senior Training Centre and Lodge Old Langho
3/2013/0096/P	Conversion of barn to be used as open market residential accommodation	Horrocks Barn Horrocks Farm, Stonyhurst
3/2013/0148/P	Application for the discharge of condition 12 of planning permission 3/2012/0158/P	Site 2, Barrow Brook Business Village
3/2013/0170/P	Replacement conservatory and second kitchen	Mitton Hall Mitton Road Great Mitton, Whalley
3/2013/0176/P & 3/2013/0177/P (LBC)	Porch to the function room	Mitton Hall Mitton Road Great Mitton, Whalley
3/2013/0224/P	Advertisement consent for 1 x fascia sign 2 x illuminated signs and 4 x non-illuminated signs	Tesco Duck Street, Clitheroe
3/2013/0225/P	Small hydro installation including turbine store in grounds of dwelling	former Bobbin Mill Longridge Road Hurst Green
3/2013/0228/P	Change of use from former carpet shop to dwelling	2 West View Clitheroe
3/2013/0229/P	Discharge of conditions 5, 7, 10, 11 & 12 of application reference number 3/2012/0745/P relating to the former	Brown Leaves Hotel Longsight Road Copster Green
3/2013/0258/P	Erection of garage and relocation of drive (amendment to 3/2012/0432/P)	Parlick Cottage Moss Lane, Chipping
3/2013/0259/P	Erection of front extension and relocation of drive	Parlick Cottage Moss Lane, Chipping
3/2013/0274/P	Proposed erection of 2No detached garages	Roadside Farm Barn and Roadside Farm Cottage Preston Road, Alston
3/2013/0313/P	Proposed erection of a conservatory to the rear of the dwelling	25 Eskdale Road Longridge

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2013/0323/P	Proposed clearance of previous Bowling Green & Gardens for the erection of 1 no. detached 2.5 storey property with detached garage and 1 no. detached 2.5 storey property with integral garage	The Bowling Green Brockhall Village Old Langho
3/2013/0324/P	Installation of access ramp to sheltered bungalows, including taking down section of existing random rubble stone wall, installation of new random rubble retaining wall to match existing, new tarmac surfacing and tactile paviers to landings, new powder coated handrail black in colour	Sycamore Bungalows Gisburn
3/2013/0331/P	Proposed bungalow on land	197 Ribchester Road Clayton-le-Dale
3/2013/0334/P	Amendment to approved plans to extend the garage building to form a separate kitchen for the holiday let	1 Swinglehurst Cottages Garstang Road Chipping
3/2013/0342/P	Single storey side extension and front porch	13 Grindleton Road West Bradford
3/2013/0345/P	Proposed replacement of an existing greenhouse and garden shed with a single storey, UPVC double glazed conservatory to the rear of the dwelling. A new access doorway into the conservatory to be formed from the main dwelling house fitted with an external quality door. The conservatory will be independently heated	18 Ribblesdale Road Ribchester
3/2013/0352/P	Application for discharge of condition no. 3 (relating to materials) of planning consent 3/2012/0892/P	Croft Cottage (rear of Ribblesdale House) Main Street, Gisburn
3/2013/0358/P	Proposed alterations to the existing house including a two-storey rear extension, pitched roof incorporating habitable space over the attached garage, internal alterations and renovations and alterations to the facades	Pendle Grange Newby, Clitheroe
3/2013/0359/P	Proposed new, gated vehicle and pedestrian access	Acorn Barn, Oakmount Farm Ribchester Road Clayton-le-Dale
3/2013/0361/P	Proposed demolition of existing garage and erection of replacement garage at land to the rear	56 Chapel Hill Longridge
3/2013/0362/P	Proposed car-port to cover the existing parking area	Witts End 13 Harewood Avenue Simonstone
3/2013/0363/P	Proposed single storey rear kitchen extension	91 Moorfield Avenue Ramsgreave, Blackburn

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2013/0364/P	Application to discharge condition no. 3 (materials) of planning permission 3/2011/0907/P	Moonrakers 88 Whalley Road Wilpshire
3/2013/0368/P	Restoration works to existing outbuilding to prevent building falling into further disrepair	Rockhouse, Town End Slaidburn
3/2013/0376/P	Extension of dwelling at ground floor level, removal of felted low pitched (15°) and felted flat roof and construction of 35° slated pitched roof structures incorporating storage and additional living accommodation, insertion of roof lights, building up existing chimney stack to above the proposed new pitched roof level and insertion of solar panels to the south east elevation roof pitch	Cibola Pendleton
3/2013/0377/P	Demolition of the existing conservatory and replacement with a two-storey rear extension, replacement windows and doors, re-roofing works and internal remodelling at	87 Higher Road Longridge
3/2013/0379/P	Removal of existing conservatory and the erection of two dormers and internal alterations	40 Nowell Grove Read
3/2013/0387/P	Installation of spray painting facility within an industrial complex at British Aerospace and an external stack measuring approximately 19m in height	Building No 4 British Aerospace Samlesbury Aerodrome Balderstone
3/2013/0393/P	Proposed single storey kitchen extension to rear elevation	8 Mellor Lane, Mellor
3/2013/0395/P	Non-illuminated fence mounted in formation sign	Samlesbury Aerodrome Balderstone
3/2013/0396/P	Application to discharge condition no.4 (Landscape and Enclosure) of planning permission 3/2011/1064P to the rear	59-97 Woone Lane Clitheroe
3/2013/0397/P	Application to vary condition no. 1 of planning permission 3/2012/0368/P by the substitution of amended drawings to reflect the change in design as the build has developed. Land adjacent	Whalley Road Sabden
3/2013/0399/P	Proposed single storey sun room extension	Dene Cottage Back Lane, Wiswell
3/2013/0400/P	Single storey rear extension and extension to existing front porch	33 Larkhill Cottages Old Langho
3/2013/0401/P	Proposed materials amendment to approved application 3/2012/0803/P for single storey rear extension and double garage to front	Maycroft House Hesketh Lane Chipping

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2013/0402/P	Proposed alterations including extension at first floor level and provision of new slated roof area to existing rear flat roof extensions	10 The Sands Whalley
3/2013/0404/P	Utility extension to rear of garage including rooms in new roof over garage	21 Asturian Gate Ribchester
3/2013/0405/P	Two storey rear extension	Grimbaldeston Farmhouse Preston Road, Longridge
3/2013/0407/P	Variation of Section 106 Agreement in respect of planning application 3/2011/0837 to enable more flexibility in relation to mortgage agreements	land off Pendle Drive Whalley
3/2013/0410/P	Proposed side and rear extension to dwelling	31 Abbots Croft, Whalley
3/2013/0414/P	Proposed change of use of ground floor from Class A2 to Class A3 Café	46 Berry Lane Longridge
3/2013/0418/P	Proposed installation of solar panels within the field to the north of the property	Holden Clough Holden
3/2013/0422/P	Application to discharge condition no. 3 (method statement - Rhizospere), condition no. 4 (method statement - extended access road) and condition no. 5 (tree protection measures) of planning permission 3/2013/0009P	The Sanctuary of Healing Dewhurst Road Langho
3/2013/0425/P	Single storey rear extension	Ravenswing Eastham Street, Clitheroe
3/2013/0430/P	Erection of existing stone gateposts, new gates and construction of a new stone wall and railings to form a new entrance	Holden Clough Holden Bolton by Bowland
3/2013/0433/P	Application to discharge condition no. 5 (materials), condition no. 7 (velux rooflight specification), condition no. 8 (building recording), condition no. 14 (landscaping details) and condition no. 16 (PV panel specification) of planning permission 3/2012/1110/P	Quarry House Tosside, Skipton
3/2013/0437/P	Side and rear single storey extensions	RHO-HAR, Higher Commons Lane, Balderstone
3/2013/0444/P	Application to discharge condition No.3 (materials) of planning permission 3/2013/0097P	6 Church Raike Chipping
3/2013/0446/P	Single storey side extension. Re-submission of application number 3/2010/0099/P	5 Limefield Avenue Whalley
3/2013/0454/P	Proposed erection of a new three bed, attached house on side of an existing property, in lieu of previously approved two-storey side extension (application 3/2012/0664/P). Re-submission of application 3/2013/0136/P	2 Halton Place Longridge

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2013/0456/P	Installation of two gate guardians at main site entrance Samlesbury of a lightening 1 and a lightening 2	Samlesbury Aerodrome Myerscough Road Balderstone
3/2013/0463/P	Application for a non-material amendment to planning permission 3/2009/0073P to allow the addition of a false chimney breast single storey on the North side and minor alteration to the design of the porch on the front of the house on the East side at.	Orchard House Back Lane Grindleton
3/2013/0479/P	Application for the discharge of condition No.3 (materials) of planning permission 3/2013/0250P	150 Whalley Road Clitheroe
3/2013/0481/P	Proposed change of use of ground floor of 27 and 29 Bawdlands from commercial to residential use, to form one, two-bed unit of accommodation	27 – 29 Bawdlands Clitheroe
3/2013/0518/P	Application for a non-material amendment to planning permission 3/2012/0052/P, to build gable ends in stone as opposed to render at top part of pike as indicated on application. Render rear elevation which is not visible to roadside/house on rear due to new development fencing	Dilworth Coach House Dilworth Lane Longridge
3/2013/0519/P	Application for a non-material amendment to planning permission 3/2013/0051/P to change roof to part glass and part Marley roof tiles as adjacent development invades privacy, as the roof line and first floor windows are visible and persons will be able to see inside the kitchen and extension. The intention is to fit a glazing channel as opposed to full glass	Dilworth Coach House Dilworth Lane Longridge
3/2013/0521/P	Small DSLAM (Digital Subscriber Line Access Multiplexer) Cabinet to be placed in the grass verge with hedges to the rear outside	No.1 The Paddock Sawley Road, Sawley
3/2013/0525/P	Small DSLAM (Digital Subscriber Line Access Multiplexer) Cabinet to be placed at back edge of the footpath, 100mm from the wall on land to side	Weavers Cottage 1 Buck Street Brow Top, Grindleton
3/2013/0973/P	The removal of an existing conservatory and stone porch to be replaced with new entrance porch as well as the erection of a single storey garage	Intack Farm Old Clitheroe Road Dutton

## APPLICATIONS REFUSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2013/0341P	Single storey rear extension	The River House Balderstone Hall Lane Balderstone	Due to its modern appearance, materials and extent of glazing it would conflict with the stone and slate materials of the barn conversion to which it would be attached conflicting with its traditional appearance thereby adversely affecting the character and appearance of the traditional rural barn to the detriment of itself and visual amenity.
3/2013/0381/P	Proposed two storey side extension forming a granny flat annexe	Woods Eaves Barn Page Fold Cross lane Waddington	DWLP – G1, ENV1, H17, CS – DMG1, DME2, DME4 & DMH4 & NPPF – domestic addition harmful to intrinsic character and visual amenity.
3/2013/0432/P	Proposed renovation of the existing shop front to include replacement canopy	Dil-Raj Restaurant 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 2008-2028 (Regulation 22 Submission Draft).

## CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0271/P	Application for Lawful Development Certificate for a proposed rear single storey extension and associated hard and soft landscaping	The Hawthorns Kiln Lane Paythorne, Clitheroe

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0380/P	Application for a Lawful Development Certificate for the proposed erection of Dormers to the rear elevation of the dwelling	Mottram Higher Commons Lane Balderstone
3/2013/0383/P	Application for a Lawful Development Certificate for proposed external works comprising replace/repair cement render to make good on all three elevations of the building and repaint using cream masonry paint to match existing painted surfaces and adjoining property; remove degraded white UPVC shiplap surrounding the bay window on the front elevations and replace with render to match all other walls; replace existing degraded uPVC windows with new uPVC double glazed units to pattern indicated in supporting picture; replace degraded uPVC front door with timber (oak) door to pattern indicated in attached picture	50 Padiham Road Sabden
3/2013/0424/P	Application for a Certificate of Lawful Development for a proposed conservatory to the rear of the building, measuring 3m by 5m with a pitched roof. Maximum roof height 4m	46 Larkhill Cottages Old Langho
3/2013/0467/P	Application for a Lawful Development Certificate for proposed single storey rear extension across the back of the dwelling	10 Thornfield Avenue Longridge

REFUSAL OF CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0412	Application for a Lawful Development Certificate for proposed single storey rear extension extending out by 3.35m	35 St Marys Drive Langho

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 Agent
3/2012/0014	Land adj Greenfield Avenue, Low Moor Clitheroe	19/7/12	30	Report to Committee
3/2012/0379	Primrose Mill Woone Lane, Clitheroe	16/8/12	14	Deed of Variation Applicants solicitor

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0497	Strawberry Fields Main Street, Gisburn	11/10/12	21	With Agent
3/2012/0738	Dale View Billington	6/12/12	10	With Agent
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 Agent
3/2012/1101	The Whins Whins Lane, Read	11/4/13	16	With LCC
3/2013/0113	Petre Wood Crescent Langho	11/4/13	25	Report to Committee
<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

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Time from First Going to Committee to Decision</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0420	Land North & West of Littlemoor, Clitheroe	8/11/12	31	49	Decision 12/6/13
3/2012/0179	Land at Accrington Road, Whalley	6/12/12	29	77	Decision 25/6/13

#### LEGEND

D – Delegated decision  
C – Committee decision  
O – Overturn



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

Agenda Item No.

meeting date: THURSDAY, 18 JULY 2013  
 title: EXTENSION TO THE DELEGATION SCHEME IN RELATION TO DETERMINATION OF PLANNING APPLICATIONS.  
 submitted by: DIRECTOR OF COMMUNITY SERVICES  
 principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

### 1 PURPOSE

- 1.1 To request minor changes to the scheme of delegation in relation to the determination of planning applications in relation to the new procedure for prior determination of householder extensions.
- 1.2 Members may be aware that there have been some recent revisions to the delegation scheme with the most recent report on the 14 February 2013, which requested delegation on non determination appeals.
- 1.3 Relevance to the Council's ambitions and priorities:
- Council Ambitions -                    }
  - Community Objectives -                } To be a well-managed Council providing
  - Corporate Priorities -                 } efficient services based on identified customer
  - Other Considerations -                 } need.

### 2 BACKGROUND

- 2.1 Members may recall that there was a consultation document on this proposal to increase permitted developments and a report was taken to Planning and Development Committee on the **13 September 2012** when it was resolved to express some reservations,
- 2.2 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 came into effect on the 30 May 2013, which relates to single storey rear extensions (between 3 and 6 metres for terraced and semi-detached houses and between 4 and 8 metres for detached houses.) The new changes require that applicants submit a basic level of information with their Prior notification to be determined by the local planning authority.
- 2.3 The current delegation scheme includes determination of prior notification applications as it was recognised that given the limited time to determine the proposals, it would not be possible to take them to a Committee meeting. It should also be recognised that the nature of these applications, which include agricultural and telecommunication proposals, are often relatively minor and non controversial. I am of the opinion that the householder determination applications also fall within this category and that the

delegation scheme should be amended accordingly. In doing so I would also suggest should there be any other minor changes to the GPDO to incorporate other development proposals under a prior determination scheme, that the delegation scheme should include reference to all prior determinations.

### 3 ISSUES

3.1 In assessing the revisions proposed, I do not consider this would have a significant detrimental impact on the planning process and key applications would still need to be determined by the Planning and Development Committee.

### 4 RISK ASSESSMENT

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

- Resources – any changes could be met with existing staffing and it may also free up some Member and officer time.
- 
- Technical, Environmental and Legal – No implications identified.
- 
- Political – No implications identified.
- 
- Reputation – No implications identified.
- 
- Equality & Diversity – No implications identified.

### 5 RECOMMENDED THAT COMMITTEE

5.1 Endorse the minor alterations to the delegation scheme to include reference to all prior determination applications.

JOHN MACHOLC  
HEAD OF PLANNING SERVICES

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

### BACKGROUND PAPERS

1. Current Delegation Scheme.
2. Consultation report and Committee report on consultation document relating to Householder extension proposals.
3. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

For further information please ask for John Macholc, extension 4502.

P&D/JM/EL/180713

## EXISTING DELEGATION SCHEME 14 FEBRUARY 2013

- RIBBLE VALLEY BOROUGH COUNCIL
- PLANNING AND DEVELOPMENT COMMITTEE
- SCHEME OF DELEGATION OF DEVELOPMENT CONTROL AND COUNTRYSIDE MATTERS

This note is designed to clarify when applications received by the Council in relation to planning, countryside and some other related matters will be decided by the Planning and Development Committee and when those decisions will be delegated to officers of the Council. Many of the delegated items date from the inception of Ribble Valley Borough Council. Where dates are known for later additions they are given. Details of planning decisions made under delegated powers will be reported to Committee for information.

From time to time legislative changes may rename or make minor amendments to some of the listed delegated items. Whilst the scheme of delegation will be amended to reflect these changes, there may be periods where the clear intention must be respected even if precise wording or legislative reference has changed.

These powers are delegated to the Director of Community Services.

1. GENERAL DEVELOPMENT CONTROL
  - (a) Determination as to whether applications are county matters or district matters under Schedule 1 of the Town and Country Planning Act 1990.
  - (b) The statutory or the discretionary need to advertise various types of applications.
  - (c) What statutory or other consultations/notifications are required?
2. APPLICATIONS FOR A CERTIFICATE OF LAWFULNESS AND DISCHARGE OF CONDITIONS
  - 2.1 There are two types of application for a Lawful Development Certificate.

These are:

    - (a) Determination of applications for a Certificate of Lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.
    - (b) Determination of applications for a Certificate of Lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.
  - 2.2 Applications for the discharge of conditions placed on planning approvals.

2.3 Since all these types of application relate to issues of fact, both refusals and approvals are delegated to the Director of Community Services. **These applications remain delegated even if representations are received.**

### 3. DETERMINATION OF PLANNING APPLICATIONS

3.1 Applications submitted on behalf of family members of councillors and officers should be placed before the Planning and Development Committee even if they fall within the below categories.

#### Approvals

3.2 The following types of planning application are delegated to the Director of Community Services providing fewer than 10 objections from separate addresses are received by the date of consultation closure. The total of these includes statutory consultees.

- Applications for up to 9 new dwellings (6/12/12).
- Substitute dwellings on existing plots within an existing housing estate.
- Applications for new access points wither on classified or unclassified roads.
- Applications for a change of use (26/5/94).
- All new build commercial premises including agricultural developments irrespective of the size.
- Proposals for new shop fronts on existing shops.
- Applications for consent to display advertisements.
- Applications for agricultural buildings irrespective of size.
- Proposals to reinforce existing overhead power lines.
- Applications for listed building consent.
- Applications for conservation area consent (11/4/90 and 30/04/09).
- All applications about which the observations of the Council are requested (23/4/98 and 18/12/08).
- Renewals of previously approved schemes (23/4/98).
- Renewals of temporary consents (15/6/99).
- Applications for temporary buildings (15/6/99).
- Reserved matters applications.
- Modification of conditions and minor alterations to Section 106 Agreements. (24/05/12).
- Minor material amendments (14/1/10).
- Non material amendments (14/11/10).
- Ancillary development within the curtilage of a dwelling house (for example, domestic garages, conservatories, porches, greenhouses and means of enclosure etc).
- Extensions to dwellings.
- Revocation requests relating to Section 106 Agreements (24/05/12).

#### Refusals

3.3 Planning applications falling into these categories can be refused under delegated powers without prior reference to the Chairman (or if unavailable the Vice Chairman) of Planning and Development Committee.

- Household extensions and curtilage buildings.
- Listed buildings.
- New housing clearly contrary to Policy (To be interpreted by Case Officer in conjunction with Head of Planning Services 24/05/12).
- Applications raising design issues.
- Advertisement proposals.
- Buildings in the open countryside.
- Change of uses that do not generate significant employment issues.
- Reserved matters.
- Staff, member and close family proposals.

Such delegated refusals can be issued with registered objectors.

### Section 106 Agreements

- 3.4 Negotiations leading to the satisfactory completion of Section 106 Agreements will be delegated to officers unless Committee have formally requested further involvement at the time of the original decision.

### Non determination appeals

- 3.5 Delegated to Head of Planning and Director of Community Services in conjunction with Chairman and Vice Chairman of the Planning and Development Committee to determine the appropriate reasons for refusal in any non determination appeals if it is not possible to take a full report to Committee due to the need to meet the necessary appeal deadlines.

## 4. PRIOR NOTIFICATIONS

- 4.1 Proposals for all prior notification proposals which currently include agricultural buildings, demolition work, telecommunications apparatus within certain size and locational thresholds may benefit from permitted development rights. The developers are however required to serve a prior notification upon the Council.

This gives the local authority the opportunity to assess whether planning consent is required and also to seek technical alterations if appropriate. The Council has a limited time to respond; but as failure to issue a decision results in an automatic approval these items need to be delegated regardless of the decision reached.

## 5. ENFORCEMENT

- 5.1 In all cases where there is a breach of planning control, the Director of Community Services is authorised to take the necessary action to regularise the situation, including the service of notice on untidy sites.

## 6. BUILDING PRESERVATION NOTICES

- 6.1 In the case of an unlisted building that is of Special Architectural or Historic interest and is in danger of demolition or alteration, the Director of Community Services is authorised to serve a building preservation notice. (This is sometimes known as spot listing).

## 7. TREE PRESERVATION AND COUNTRYSIDE

- (a) The Director of Community Services is authorised to make provisional tree preservation orders where necessary because of the immediate threat to tree involved.
- (b) Decisions on applications for work on protected trees.
- (c) Confirmation of tree preservation orders when no objections have been received.
- (d) Decisions on notifications under the Hedgerow Regulations.
- (e) Confirmation of public rights of way diversion orders.
- (f) Responses to Lancashire County Council on the consultation stage of footpath diversion orders in liaison with Committee Chairman (or if unavailable the Vice Chairman) and ward member(s).

## 8. OTHER MATTERS

- 8.1 Decisions on whether an application is needed for consent to demolish a building.
- 8.2 Decisions on whether an environmental impact assessment is required for any specific proposal and determination of scoping and screening requests.
- 8.3 The attachment of appropriate conditions to approvals following overturns of officer refusal recommendations to Committee (8/3/01).
- 8.4 Decisions whether or not to use consultants to prepare and present an appeal case is delegated but only following discussions with the Chairman (or if unavailable the Vice Chairman) of the Planning and Development Committee,
- 8.5 Delegation to Director of Community Services or Head of Planning Services to decide to take applications to Planning and Development Committee even if they fall within the Delegated procedure if it is deemed appropriate.

## 9. COUNCILLORS POWER TO REQUIRE A PLANNING APPLICATION TO BE DETERMINED BY COMMITTEE

- 9.1 The ward councillor will have the right to require that any application or revocation request appearing on the weekly list to be presented to Planning and Development Committee for decision providing that such an instruction is received by the Director of Community Services in writing within 14 days of the 'received week ending' of the relevant list.

## PROPOSED DELEGATION SCHEME 18 JULY 2013

- RIBBLE VALLEY BOROUGH COUNCIL
- PLANNING AND DEVELOPMENT COMMITTEE
- SCHEME OF DELEGATION OF DEVELOPMENT CONTROL AND COUNTRYSIDE MATTERS
- LAST REVIEWED 14 FEBRUARY 2013

This note is designed to clarify when applications received by the Council in relation to planning, countryside and some other related matters will be decided by the Planning and Development Committee and when those decisions will be delegated to officers of the Council. Many of the delegated items date from the inception of Ribble Valley Borough Council. Where dates are known for later additions they are given. Details of planning decisions made under delegated powers will be reported to Committee for information.

From time to time legislative changes may rename or make minor amendments to some of the listed delegated items. Whilst the scheme of delegation will be amended to reflect these changes, there may be periods where the clear intention must be respected even if precise wording or legislative reference has changed.

These powers are delegated to the Director of Community Services.

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#### 2.1 There are two types of application for a Lawful Development Certificate.

These are:

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#### 2.2 Applications for the discharge of conditions placed on planning approvals.

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

Agenda Item No.

meeting date: THURSDAY, 18 JULY 2013  
 title: LOCAL VALIDATION REQUIREMENTS ON PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES  
 principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

### 1 PURPOSE

- 1.1 To request adoption of a Local Validation requirement list in connection with planning applications and other applications such as listed building consent and advertisement consent.
- 1.2 Members may be aware that the Development Control Protocol, which was the subject of extensive consultation when originally approved and adopted in November 2005, included a validation checklist as an Appendix to the document. This document has been revised on numerous occasions to reflect the change in services, such as the introduction of pre-application charging.
- 1.3 Relevance to the Council’s ambitions and priorities:
- Council Ambitions -                    }
  - Community Objectives -                }
  - Corporate Priorities -                 }
  - Other Considerations -                 }
- To be a well-managed Council providing efficient services based on identified customer need.

### 2 BACKGROUND

- 2.1 Members may recall the DCLG produced a guidance document for local planning authorities in relation to the validation of planning applications. This document was published in December 2007.
- 2.2 Since the publication of the document there has been significant debate as to what level of details should be required to validate applications and a requirement for Local Planning Authorities to publish a list of their requirements for applications.
- 2.3 The NPPF adopted in March 2012 in Paragraph 193 states:
- “Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.”

### 3 ISSUES

- 3.1 The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013 came into effect on the 25 June 2013. This order deals with a range of issues but includes a mechanism for validation disputes on apps submitted to the Local PI Authority.
- 3.2 It is necessary for the Local Validation lists to be published on the Council's website. It is only possible to require the information on the validation checklist in relation to applications if the list has been published during the 2 year period before the date on which the application is made. In order to comply with the requirements, the Local list must be adopted and published before 31 July 2013.
- 3.3 Articles 10 and 29 of the The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order, which deal with validation dispute issues, comes into effect for planning applications made on or after that date.
- 3.4 It is important to justify each requirement but due to the need to adopt a local validation checklist, it has not been possible to give details as to why the information is required. It is my intention to review the requirements within 12 months which would also include details as to why certain information is necessary.

### 4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – any changes could be met with existing staffing and it may also free up some Member and officer time.
  - Technical, Environmental and Legal – No implications identified.
  - Political – No implications identified.
  - Reputation – No implications identified.
  - Equality & Diversity – No implications identified.

### 5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Endorse the minor alterations to the delegation scheme to include reference to all prior determination applications.
- 5.2 Amend the Development Management Protocol as revised in May 2012 to reflect the revised validation checklist appended to this report.

JOHN MACHOLC  
HEAD OF PLANNING SERVICES

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

## BACKGROUND PAPERS

1. Development Control Protocol November 2005 – amended May 2012.
2. The validation of Planning Applications DCLG December 2007
3. Development Management Policy Annex DCLG 2010
4. NPPF March 2012

For further information please ask for John Macholc, extension 4502.

# Planning Services

## LOCAL VALIDATION CHECKLIST

### *FOR ALL APPLICATIONS FOR PLANNING PERMISSION*



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

Your application **MUST** include the following:

CD including all plans and supporting documents is often useful but an application will not be made invalid without such details.

2 sets of the completed planning application forms, signed and dated.

2 sets of the Article 7 Certificate (Agricultural Holdings), signed and dated.

2 sets of the completed signed and dated Ownership Certificate (A, B, C or D).

If applicable, details of any assistance or advice sought from a Planning Officer prior to submitting your application – please indicate dates of any correspondence or discussion and name of officer.

2 sets of the location plan (Ordnance Survey based), at a scale of 1:1250 or 1:2500 or larger, or at an appropriate scale to show at least two main roads and surrounding buildings and should show the direction of North. The application site should be edged clearly with a red line and a blue line must be drawn around any other land owned by the applicant. (Hand drawn/traced or any plans subject to copyright will not be acceptable.)

3 copies of any other drawings required (see application specific checklist).

All plans should have a reference number on them.

Plan showing proposed development in relation to adjoining/adjacent property indicating door and window openings.

Indicate demolition on plan by hatching or labelling.

Plan showing section showing any addition to roof eg solar PV panels/dormer.

The correct fee.

# Planning Services

## VALIDATION CHECKLIST

### FULL PLANNING APPLICATION

If you are submitting all the details of new buildings, engineering works or extensions, the following additional plans will be required:



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

CD including all plans and supporting documents is often useful but an application will not be made invalid without such details.

2 sets of the block plan of the site to a scale of not less than 1:500.

2 sets of the existing and proposed elevations to a scale of not less than 1:100.

2 sets of existing and proposed sections and finished floor levels at a scale of not less than 1:100.

2 sets of existing and proposed floor plans at a scale of not less than 1:100 plus annotated with external dimensions.

2 sets of a site survey plan to a scale of not less than 1:200 showing existing features of the site eg walls, trees, buildings and other structures.

2 sets of a site survey plan at a scale of not less than 1:200 showing proposed features eg landscaping.

All proposed elevation plans to have annotated dimensions on plans.

In addition to the information that **MUST** be submitted with your application, the following information may also be required:

Transport Assessment

Draft Travel Plan

Environmental Statement

Retail Assessment

Design Statement

Supporting Planning Statement

Heritage Statement

Regeneration Assessment

Air Quality Assessment



Sustainability Appraisal



Noise Impact Assessment



Sound Insulation Assessment



Energy Statement



Nature Conservation and Ecological Assessment



Historical and Archaeological Assessment



Listed Building and Conservation Area Appraisal



Flood Impact Assessment



Assessment for the Treatment of Foul Sewage



Utilities Statement



Access Statement



Affordable Housing Statement



Ventilation/Extraction and Refuse Disposal Details



Structural Survey



Tree Survey



Lighting Assessment/Details of Lighting Scheme



Sunlight/Day Lighting Assessment



Planning Obligation(s)/Draft Heads of Terms



Bat/Barn Owl/Protected Species Survey



Landscape Visual Impact Assessment (Wind Turbines)



Viability Assessment.



Marketing Statement.



Business Support Statement (Holiday Let)



Photo Montages (Wind Turbines)



Noise Assessment (Site Specific – Wind Turbines)



Vehicle Park-up – diagram to show existing park-up and proposed park-up



Housing Needs Assessment





# Planning Services

## VALIDATION CHECKLIST

### FULL PLANNING APPLICATION FOR CHANGE OF USE WITHOUT EXTERNAL BUILDING WORKS

For applications that involve changing the use of a building or land but are not proposing any external works to the building, the following additional plans will be required:



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

CD including all plans and supporting documents is often useful but an application will not be made invalid without such details.

2 sets of the block plan of the site to a scale of not less than 1:500.

2 sets of existing and proposed floor plans at a scale of not less than 1:100.

### **FULL PLANNING APPLICATION FOR CHANGE OF USE WITH EXTERNAL BUILDING WORKS**

If your proposal involves the change of use of a building or land and involves external alterations eg construction of a flue, insertion of new windows, additional plans will be required:

CD including all plans and supporting documents is often useful but an application will not be made invalid without such details.

2 sets of the block plan of the site to a scale of not less than 1:500.

2 sets of the existing and proposed elevations to a scale of not less than 1:100.

2 sets of existing and proposed sections at a scale of not less than 1:100.

2 sets of existing and proposed floor plans at a scale of not less than 1:100.

2 sets of a site survey plan to a scale of not less than 1:200 showing existing features of the site eg walls, trees, building and other structures.

2 sets of a site survey plan at a scale of not less than 1:200 showing proposed features eg landscaping.

All proposed elevation plans to have annotated dimensions on plans.

All submitted plans should have a reference number.

In addition to the above, the following information may also be required for all change of use applications:

Transport Assessment



Draft Travel Plan



Environmental Statement



Regeneration Assessment



Retail Assessment



Design Statement



Sustainability Appraisal



Access Statement



Supporting Planning Statement



Air Quality Assessment



Noise Impact Assessment



Sound Insulation Assessment



Energy Statement



Assessment for the Treatment of Foul Sewage



Listed Building and Conservation Area Appraisal



Affordable Housing Statement



Ventilation/Extraction and Refuse Disposal Details



Structural Survey



Lighting Assessment/Details of Lighting Scheme



Sunlight/Day Lighting Assessment



Planning Obligation(s)/Draft Heads of Terms



Bat/Barn Owl/Protected Species Survey



Heritage Statement



Marketing Statement



Tree Survey



# Planning Services

## VALIDATION CHECKLIST

### OUTLINE PLANNING APPLICATION

If you are proposing to erect buildings but do not wish to submit all the details at present, and would like to 'reserve' some or all of the details for future consideration, you will need to submit the following:



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

CD including all plans and supporting documents is often useful but an application will not be made invalid without such details.

2 sets of the maximum envelope of the proposed buildings (to show whether the proposed floorspace can be adequately accommodated within the site).

2 sets of other plans/drawings or details, which you would like to be considered at this stage, eg access arrangements, external appearance.

In addition to the information that **MUST** be submitted with your application, the following information may also be required:

All submitted plans should have a reference number.

Draft Section 106 (Heads of Terms)

Transport Assessment

Environmental Statement

Supporting Planning Statement

Design Statement

Access Assessment

Flood Impact Assessment

Utilities Statement

Tree Survey

Planning Obligation(s)/Draft Heads of Terms

Regeneration Assessment

Sustainability Appraisal

Energy Statement

Statement of Community Involvement

Ecological Surveys



Tree Information/Survey/Constraints



Archaeological Information



# Planning Services

## VALIDATION CHECKLIST

### PRIOR NOTIFICATION PROCEDURE

In addition to the form, the following information may also be required:



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

Supporting Planning Statement

Design Statement

Access Statement

Flood Impact Assessment

Tree Survey

Telecommunications

In addition to the information required to be submitted under Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for a prior approval application and the requirements specified on the Council's application forms for planning permission, it is recommended that the following information is also submitted in order to assist with the processing of the application:

A signed declaration that the equipment and installation fully complies with the ICNIRP requirements.

Site type (micro or macro).

Confirmation as to whether the Council's mast register and/or the industry site database has been checked for suitable sites.

Details of annual rollout and pre application discussions with the Council.

Details of all consultations carried out and copies of all written comments.

Details of any consultations carried out with a particular school or further education college if relevant.

Details of any consultation carried out with the CAA/Secretary of State for Defence/Aerodrome operator if relevant.

Area of search.

Details of the proposed structure including the type of structure and its dimensions, height of existing building and details of the size of equipment housing and materials.

A map showing the relationship of the application site to schools and other telecommunication equipment in the vicinity.

A statement explaining the reasons for the choice of the design.

Technical information including the frequency, modulation characteristics, power output and the height of the proposed antenna.

Technical justification – details about the purpose of the site and why the particular development is required.

Details of alternative sites rejected with a justification for rejecting them: This should include existing masts, structures and other buildings within the search area.

An explanation if no alternatives considered.

Visual impact assessment where relevant.

Acoustic report where relevant.

Any other relevant additional information.

Agricultural Applications

Complete blue edge on plan

Additional Agricultural Information (new buildings or farmhouses)

# Planning Services

## VALIDATION CHECKLIST

### HOUSEHOLDER APPLICATIONS

The following additional plans will be required:



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

- 2 sets of the existing and proposed site layout at a scale of not less than 1:100 or 1:200. This should include all buildings and structures, gardens, open spaces and car parking in the context of adjacent buildings including the location of any window.
- 2 sets of the existing and proposed elevations to a scale of not less than 1:100.
- 2 sets of existing and proposed floor plans at a scale of not less than 1:100.
- All proposed elevation plans to have annotated dimensions on the plans.
- In addition to the information that **MUST** be submitted with your application, the following information may also be required:
- 2 sets of existing and proposed sections at a scale of not less than 1:100.
- All submitted plans should have a reference number.
- Design statement (including details of proposed materials to be used for walls, roofs, windows, doors, hardstanding and boundary treatments).
- Supporting Planning Statement.
- New or Altered Access to a Public Highway or a Public Right of Way.
- Details on existing and proposed car parking arrangements.
- Drainage Strategy or Flood Risk Assessment.
- Tree Survey.
- Heritage Statement (if in Conservation Area)
- Bat Survey
- Design and Access Statement
- Street Scene Plan
- Plan showing development in relation to adjoining/adjacent properties, showing window and door openings.

# Planning Services

## VALIDATION CHECKLIST

### LISTED BUILDING AND CONSERVATION AREA CONSENT APPLICATIONS

The following additional plans will be required:



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

- CD including all plans and supporting documents is often useful but an application will not be made invalid without such details.
- 2 sets of existing and proposed elevations where alterations are proposed to a scale of not less than 1:100.
- 2 sets of Block Plans to a scale not less than 1:500 showing the boundaries of the site, the position of all existing buildings and the position of new extensions and buildings.
- 2 sets of Building Plans to a scale not less than 1:100 including plans of each floor where works are proposed.
- 2 sets of sections through the building.
- 2 sets of detail plans to a scale of not less than 1:20 to show all new doors, windows, shop fronts, panelling, fireplaces, plaster moulding and other decorative details.
- All submitted plan should have a reference number.
- All proposed elevations to have dimensions annotated on plans.
- In addition to the information that **MUST** be submitted with your application, the following information may also be required:
- Structural Survey of the building.
- Supporting Planning Statement including reasoned justification for the proposed works which may include the submission of a structural survey or other analysis of the character or appearance of the Conservation Area.
- Heritage Statement which analyses the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact.
- Design Statement including the type colour, make and name of all materials to be used both internally and externally, including roofing and the surfacing of car parking areas etc.
- 3 sets of Photographs – up to date photographs showing the whole building and its setting and/or the particular section of the building affected by the proposals.



# Planning Services

## VALIDATION CHECKLIST

### CERTIFICATES OF LAWFULNESS

The burden of proof in a Lawful Development Certificate is firmly with the applicant and therefore sufficient and precise information should be provided. This may include the following:



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

CD including all plans and supporting documents is often useful but an application will not be made invalid without such details.

Existing and proposed floor plans (for all applications involving use of a building) to a scale not less than 1:100

Existing and proposed extensions (for all proposed building works) to a scale not less than 1:100 – annotated with dimensions

Sworn affidavit(s) from people with personal knowledge of the existing use or works carried out

Description of all uses of land within the site (if relevant)

Supporting Planning Statement (to include statement of grounds on which the Certificate is sought)

All submitted plans should have a reference number

# Planning Services

## VALIDATION CHECKLIST

### TREE APPLICATIONS

In addition to the information that MUST be submitted with your application, the following information may also be required:



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

CD including all plans and supporting documents is often useful but an application will not be made invalid without such details.

2 sets of dimensioned plan showing the precise location of all tree(s). The tree(s) should be numbered.

Tree Survey identifying the types of tree(s) and full details of the proposed works eg thin crown by X%.

In addition to the information that MUST be submitted with your application, the following information may also be required:

Supporting Statement stating reasons for the proposed work.

Photographs.

All submitted plans should have a reference number.

# Planning Services

## VALIDATION CHECKLIST

### ADVERTISEMENT CONSENT

In addition to the information that MUST be submitted with your application, the following information may also be required:



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

CD including all plans and supporting documents is often useful but an application will not be made invalid without such details.

2 sets of all advertisement drawings (showing advertisement size, position on the land or building, materials to be used, colours, height above the ground and extent of projection).

If the advertisement is to be illuminated, give full details of the method of illumination, including the colour.

In addition to the above, the following information may also be required:

Photomontages.

Supporting Statement.

2 sets of existing and proposed sections at a scale of not less than 1:100.

2 sets of the advertisements in the context with adjacent buildings.

All submitted plans should have a reference number.

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

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Agenda Item No.

meeting date: THURSDAY, 18 JULY 2013  
title: PERMITTED DEVELOPMENT RIGHTS 2013  
submitted by: JOHN HEAP, DIRECTOR OF COMMUNITY SERVICES  
principal author: JOHN MACHOLC, HEAD OF PLANNING SERVICES

## 1 PURPOSE

- 1.1 The report is to inform Members of the changes in the permitted development rights that came into effect on the 31 May 2013.
- 1.2 Members are requested to refer Town and Country Planning (General Permitted Development) (Amendment) Order 2013 for the full document.
- 1.3 Relevance to the Council's ambitions and priorities:
  - Council Ambitions - Through the planning system to maintain, protect and enhance the natural and built features and contribute to the quality of the environment.
  - Community Objectives – Through the planning system to maintain, protect and enhance the natural and built features and contribute to the quality of the environment.
  - Corporate Priorities – Through the planning system to maintain, protect and enhance the natural and built features and contribute to the quality of the environment and to promote a vibrant economy.
  - Other Considerations – None

## 2 BACKGROUND

- 2.1 A consultation document was issued in November 2012 in relation to the extension of permitted development rights as a result of the Governments drive to further kickstart the economy. It was reported to Planning and Development Committee on the 6 December 2012.
- 2.2 As a result of the extensive consultation document which generated a significant number of objections from various stakeholders some changes were made to the initial consultation document which includes an element of control in the form of a prior notification procedure. Although the most publicised changes related to the extension of permitted development rights for householders there were many changes to commercial permitted developments, alterations to allow more flexible uses without the need for full consent such as the ability to change from office use to residential use without the need for a full application.

### 3 ISSUES

The purpose of this section is to introduce the man changes and highlight some of the requirements.

#### Householder PD

- 3.1 Allows larger single storey rear house extensions to be built. – From 31 May 2013 householders will be able to extend beyond the rear wall of the original dwelling up to 8m for detached dwellings and 6m for semis and terraced properties, providing it doesn't exceed 4m in height. Other current restrictions apply – ie matching materials, not more than half the garden area etc as do the restrictions affecting outbuildings.
- 3.2 Permitted development rights of properties in conservation areas also remain unchanged. This change is for a temporary 3 year period only – extensions will have to be completed by 30 May 2016. These permitted development rights are subject to a new procedure. Before commencement, the resident must notify the Council.
- 3.3 The Council has to notify neighbouring properties (adjoining – ie have a physical boundary). We have to send a copy of the neighbour letter to the developer. If neighbours don't object within the 21 day period we can send a letter stating the development can commence (ie written notice that prior approval is not required). If neighbours object we must consider whether the extension should be approved based on amenity grounds of all properties adjoining (ie not just the one that objected). If the proposal is acceptable, the Council must provide a written notice giving our prior approval, within the 42 days.

If unacceptable, the Council must give a written notice giving our prior refusal, within the 42 days - in which case the development cannot take place. There is however a right of appeal for the developer.

- 3.4 The development may not start until we have notified the person of our decision or until the expiry of 42 days without such a decision being notified. ie if they go out of time, permission is automatically granted. The developer must notify the Council in writing when the development is complete

#### School Fences and Walls adjacent to a highway

- 3.5 Allows schools to build a higher boundary fence or wall adjacent to a highway - up to 2m, provided it does not create an obstruction which is likely to be a danger for highway users. If it does, it should be reduced in height to 1m. This includes new free school premises, provided the relevant Minister has approved the school, and buildings being used for a temporary period as a school – see below.

#### Increased Thresholds for 'B' use classes

- 3.6 Permitted development thresholds increase for changes of use from B1 or B2 to B8, or from B2 or B8 to B1, from 235 square metres to 500 square metres. B1(a) Offices to C3 Residential Changes for Use. Allows buildings in B1(a) office use to be used for C3 residential purposes.

- 3.7 The new permitted development right is temporary in that no prior approvals can be implemented after 30 May 2016 (but use remains presumably). These rights do not apply on land in certain areas. Those areas are certain military sites, safety hazard areas, listed buildings or scheduled monuments and areas described as article 1(6A) land. This is subject to a prior approval process, but we can only consider against transport and highways, contamination and flooding issues. Procedure for applying for approval set out below.

#### Changes of Use to State Schools

- 3.8 This enables B1, C1, C2, C2a and D1 uses to change use to a state school. The site must not form part of a military explosives or safety hazard area, or be a listed building or scheduled ancient monument. This is subject to a prior approval process from us, but we can only consider against transport and highways, noise and contamination issues. Procedure for applying for approval set out below. Also allows reversion to the building's previous use.

#### Changes of Use from Agricultural Buildings to a 'flexible use'

- 3.9 Allows existing agricultural buildings to change use to a 'flexible use' falling within use class A1, A2, A3, B1, B8, C1 or D2 – this 'flexible use' will then be classed as a sui generis use. No more than 500 square metres (cumulatively) of floor space in the building can be converted to a new use. The site must not form part of a military explosives or safety hazard area, or be a listed building or scheduled ancient monument. Before beginning, the developer must notify us.
- 3.10 If the change of use relates to more than 150 square metres of floor space (but below 500sq m) the new permitted development right is subject to prior approval from us, but we can only consider against transport and highways, noise impacts, contamination and flooding. Procedure for applying for approval set out below.

#### Prior Approval Procedure for B1(a) – C3, Schools and Agricultural Changes of Use

- 3.11 Sets out the procedure for prior approval for the above changes of use. If it is considered to have a material increase or change in character of traffic, the Council must consult statutory undertakers. Where an application affects flood risk areas, the Council consults the Environment Agency giving 21 days to comment. A site notice is displayed for 21 days or notice served on any adjoining owner /occupiers. It is up to the Council for more information about impact/risks assessment and any mitigation. Any representations and guidance in the NPPF are taken into account. Development cannot commence until
- (a) we give written notice prior approval is not required;
  - (b) we give written notice of our prior approval (or refusal); or
  - (b) the expiry of 56 days without such a decision being given, ie if they go out of time, permission is automatically granted.
- Development cannot take place other than
- (a) where prior approval is required, in accordance with the details approved;

- (b) where prior approval is not required or 56 days has expired, in accordance with the details provided in the application, unless the local planning authority and the developer agree otherwise in writing (ie a mutually agreed extension of time).

#### Use as a State School for a Single Academic Year

- 3.12 Temporary permitted development right allowing any building to change to a school for a single period of one academic year, provided the building has been approved for school use by the relevant Minister, the Secretary of State responsible for schools. It can only be used once for this purpose. It must revert to its previous lawful use at the end of the academic year.

#### Flexible Uses and Changes within them

- 3.13 A new permitted development right allowing any building within use classes A1, A2, A3, A4, A5, B1, D1 and D2 to change to a flexible use falling within either use class A1, A2, A3 or B1. The change of use may only relate to a floor space of no more than 150 square metres. Developers have to notify us of the initial change, plus any other change within the 2 year period. The new use may only be operated for up to 2 years, after which it reverts to its previous lawful use. During this period it can be used for other uses within the flexible use.

#### Temporary Increased Thresholds for Industrial and Warehouse Use Classes

- 3.14 Increases PD threshold to erect, extend or alter industrial and warehouse premises from 25% of gross floor space or 100 square metres (whichever is the lesser) to 50% or 200 square metres. The new permitted development right is temporary and will expire on 30th May 2016. Developers must notify us of completion.

#### Telecoms Installations

- 3.15 The construction, installation or replacement of telegraph poles, cabinets or lines for fixed-line broadband services will not require prior approval in Conservation Areas for a 5 year period. Development must be completed before 30th May 2018.

#### Extensions permitted to temporary schools

- 3.17 Buildings which qualify for the right to change temporarily to school use are also given the benefit of existing permitted development rights which allow schools to carry out building works (including the erection, extension or alteration of buildings and the provision of hard surfaces) subject to various conditions and limitations. This will apply from the date we are notified by the relevant Minister that the site has been approved for school use.

#### Temporary Increased Thresholds for Offices

- 3.18 Increases PD threshold to erect, extend or alter office premises from 25% of gross floor space or 100 square metres (whichever is the lesser) to 50% or 200 square metres. The new permitted development right is temporary and will expire on 30th May 2016. The developer must notify us in writing when the development is complete.

## Temporary Increased Thresholds for Shops, Catering, Professional or Financial Services

3.19 Increases PD threshold to erect, extend or alter a shop, catering, professional or financial services establishment from 25% of gross floor space or 100 square metres (whichever is the lesser) to 50% or 200 square metres. The new permitted development right is temporary and will expire on 30th May 2016. The exclusion of development within 2 metres of the boundary of the curtilage is removed during the same period except in relation to premises which adjoin land or buildings in residential use. The developer must notify us in writing when the development is complete

## 4 RISK ASSESSMENT

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

- Resources – Some implications on existing staff resources and in particular in relation to monitoring measures
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – N/A

## 5 CONCLUSION

5.1 Members note the changes and although it is not anticipated that the changes to the legislation will have a significant impact on either the landscape of the borough or residential amenity there may be some harm to both aspects

JOHN MACHOLC  
HEAD OF PLANNING SERVICES

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

For further information please ask for John Macholc, extension 4502.

REF: 180713/JM/EL/P&D