

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 13 FEBRUARY 2014
 title: PLANNING APPLICATIONS
 submitted by: DIRECTOR OF COMMUNITY SERVICES

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION NO: 3/2013/0815/P (GRID REF: SD 360367 437006)
 OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED FOR PROPOSED
 TWO STOREY BUILDING TO FORM 4 NO. ONE BEDROOM FLATS WITH ASSOCIATED
 PARKING AND LANDSCAPING ON LAND ADJACENT TO 25 LITTLE LANE LONGRIDGE

PARISH/TOWN COUNCIL: No objection.

ENVIRONMENT
 DIRECTORATE
 (COUNTY SURVEYOR): No objection subject to provision of pedestrian accesses and front boundary height not to exceed 1.05m to provide adequate visibility.

ENGINEERS: Contaminated land report condition.

UNITED UTILITIES: No objection. The site should be drained on a separate system with only foul drainage connected to the public sewer. Surface water should discharge to a soakaway/watercourse/surface water sewer. If surface water would be drained to the public surface water system, the flow may need to be attenuated.

ADDITIONAL REPRESENTATIONS: 13 letters of objection were received to the original plans, which proposed no off road parking. The main concerns raised include:

- No objection in principle, concern about car parking as this is a school bus route and cars parked on the road would obstruct access for buses/other larger vehicles including emergency services and would be a hazard for pedestrians
- Residents already struggle to park in the evenings and at weekends – off road parking should be provided or the flats would exacerbate the existing parking problems
- The site is in a hollow and already floods – the proposal may increase run off
- One dwelling would be more appropriate

Following receipt of amended plans, 3 letters of objection have been received. The main concerns raised include:

- The flats should share a driveway with No.25 leading to access with parking to the rear of the building
- Insufficient parking is proposed - four parking spaces should be provided
- Loss of light
- On-street parking would exacerbate current problems, be a

hazard for pedestrians and inhibit access for large vehicles including emergency vehicles

Proposal

Outline planning permission is sought for the erection of a two storey building to form four one bedroom apartments. All matters are reserved for subsequent approval.

Although the application is outline with all matters reserved, the applicant has submitted an indicative layout plan. The original layout plan indicated that the apartments would not be provided with any off-road parking, however following discussions with the applicant, the indicative site plan has been amended and two off-road parking spaces are now proposed.

Site Location

The application site lies to the south west of Little Lane in Longridge and forms garden land associated with 25 Little Lane, a semi-detached property with a detached garage to the side. The site has a width of 13.6m and a depth of 42m-48m. The street scene comprises of detached and semi-detached dwellings and two storey apartment buildings, generally of two storey height. The ground level within the site slopes down gradually from the level of the road and is currently laid to grass. To the north west, the site is adjoined by a two storey building of apartments with their associated gardens.

Relevant History

None relevant.

Relevant Policies

Ribble Valley Districtwide Local Plan:

Policy G1 - Development Control

Policy G5 - Settlement Strategy

Policy ENV7 - Species Protection

Policy T1 - Development Proposals - Transport Implications

Policy T7 - Parking Provision

Ribble Valley Core Strategy Regulation 22 Submission Draft – Post Submission Version (including proposed main changes):

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement H1 – Housing Provision

Key Statement H2 – Housing Balance

Policy DMG1 – General Consideration

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME3 – Site and Species Protection and Conservation

Environmental, AONB, Human Rights and Other Issues

Principle

Planning applications are required to be determined in accordance with the development plan unless material considerations indicate otherwise. Policies in the local plan in respect of new housing provision are considered out of date and the NPPF is therefore a material consideration to which significant weight should be attached. Paragraph 14 of the NPPF requires that in circumstances where the development plan is out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, having regard to the presumption in favour of sustainable development and other policies in the Framework.

In terms of housing land supply, the most recent published position at the time of writing is the Council's Housing Land Availability Schedule dated October 2013, which indicates a 4.72 year supply, employing the Sedgfield approach - the method Members confirmed to use at the 10 October meeting. Any update to the housing land supply figures will be reported verbally at the committee meeting, although the current position is that the Council cannot demonstrate a five year supply of housing land.

The application site forms garden land associated with the adjacent dwelling and as such, comprises greenfield land. The development of greenfield land is necessary in order to provide sufficient housing land to meet the Borough's housing needs - this site is within the settlement boundary and is an infill site adjoined by existing housing. The principle of the development of this site to provide four one bedroom apartments is therefore considered to be acceptable.

The application is outline only, hence the detailed proposals for access, layout, scale and the design and appearance of the building would be assessed as part of the reserved matters application. The main considerations in respect of this outline application are considered in the subsequent sections of the report.

Parking and Highways

Car parking standards for one bedroom flats require a maximum of four car parking spaces to be provided to support the development; however these are maximum standards not minimum standards. The local highway authority did not object to the original proposal, which proposed no off-road parking, on the basis that the development would appeal to non-car owning residents. Following concerns expressed by local residents, further discussions with the highway authority resulted in the highway authority visiting the site shortly after 6am on a weekday to assess the current situation with on-street parking on Little Lane and the highway authority concluded that there was sufficient capacity for additional on-street car parking.

Whilst the local highway authority did not object to the proposal for no off-road parking, concern remained that the additional on-street parking could be detrimental to local residents given the parking pressures, particularly in the evenings and at weekends. Following discussions with the applicant, the indicative site layout plan as amended proposes the formation of two vehicular accesses at either side of the site to provide two off road car parking spaces in front of the building. The local highway authority has welcomed the provision of two car parking spaces and has raised no objection to the proposal. Given four car parking spaces represents the maximum requirement, I consider that the level of parking provision would be acceptable and should be secured by condition. Cycle parking facilities are indicated on the proposed plan and

I consider that a condition requiring cycle facilities is reasonable and necessary to encourage the take up of sustainable modes of transport by future residents and visitors.

Local residents have suggested that a shared driveway be provided for 25 Little Lane and the proposed apartments to allow parking to the rear, however in order to provide simultaneous access and egress, an access of 5.5m in width would be required and the presence of an existing side extension at No.25 would restrict this provision and would thus require a third of the width of the site to form the access. A narrower access which does not provide for simultaneous access and egress could result in vehicles waiting on the highway to access the site, thus restricting the flow of traffic which would be detrimental to highway safety. It is however noted that if the site were proposed to be developed for one dwelling, a standard width driveway could be accommodated to the side.

Design and Street Scene

The incorporation of off-road parking dictates that the proposed building would be set back from the building line on this side of Little Lane. Whilst it would be preferable for the building to address the building line, it would be set back only 2.5m and there are properties in the street set back a greater distance from the building line. The provision of off-road parking is an overriding concern and I therefore consider the indicative siting of the building would be acceptable in this case.

The applicant states that the building would be constructed of brick with a tiled roof. Detailed design proposals would be assessed at reserved matters stage, however it is expected that the scale of the proposed building and the proposed height to eaves and ridge would be in keeping with the properties adjoining the site. The applicant has also been advised that the design of the building should not reflect the design of the adjacent flats as indicated in the design and access statement, rather the design proposed should be reflective of current design standards.

The indicative site plan shows bins would be stored to the front and rear of the building, with those to the front provided with screening. Whilst it would be preferable for all bins to be stored to the rear of the building, the provision of appropriately screened storage to the front would be beneficial as it is likely that residents may leave the bins at the front of the building.

Ecology

The garden area is primarily laid to grass, however there are hedges along the boundaries of the site including to the front and side. The proposal would necessitate the removal of hedgerow and in order to protect any birds that may be nesting in the hedgerow, a condition is recommended to require vegetation clearance to take place outside the bird nesting season unless the vegetation is subject to a pre-development check for nesting birds by a suitably qualified ecologist immediately prior to its removal.

Amenity

The indicative layout shows each flat would be approximately 50m² in size, with a shared patio area and garden providing a sufficient area of private amenity space for the future occupants. No.25 has no habitable room windows in the side elevation facing the application site that would be unduly affected by the proposal and adequate private amenity space would also be retained to the rear of No.25 for the occupants of this property. I therefore consider the proposal would

have no undue impact on the amenity of the occupants of No.25 and would provide an acceptable level of amenity to the future occupants of the flats.

The indicative siting of the building shows pedestrian access would be provided either side of the building to the rear, hence a distance of 2m would remain between the side wall and the adjacent apartment building to the north west. The rear wall is proposed to project 3.2m beyond the rear wall of this adjacent apartment building - a 45 degree line indicated on the plans demonstrates that the proposal would not encroach beyond this line and as such, would not result in undue loss of light to the occupants of the apartments and would not result in overbearing impact on the basis of the proposed siting of the building. A full assessment of impact in respect of amenity, including privacy, would be undertaken at reserved matters stage.

Conclusion

The proposal would contribute to the provision of housing in the Borough and would represent an effective use of land in the settlement boundary. The proposal is considered to be acceptable in respect of highways, amenity and ecology and no adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of the proposal. I conclude that the proposal represents sustainable development and accords with the NPPF, Policies G1, G5, ENV7 and T7 of the Districtwide Local Plan, Key Statements DS2 and H1 and Policies DMG1, DMG2, DMG3 and DME3 of the Core Strategy (Post Submission Version Including Proposed Main Changes).

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

1. An application for approval of reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development shall be begun not later than the expiration of two years from the final approval of the reserved matters.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (a) No development shall take place without the prior written approval of the Local Planning Authority of the reserved matters, that is, details of: (i) the layout (ii) the scale (iii) the appearance (iv) the means of access to the buildings (including the provision to be made for vehicle and cycle parking, demonstrating at least 2no. car parking spaces within the curtilage of the site) and (v) the landscaping of the site (including any proposed changes to existing ground levels, means of enclosure and boundary treatment, hard surfaced areas and materials planting plans, specifications and schedules, existing plants to be retained and showing how account has been taken of any underground services);

(b) The approved proposals relating to means of access to the buildings and parking provision shall be carried out in accordance with the approved details prior to the first occupation of the development and retained thereafter at all times.

(c) The approved proposals relating to landscaping shall be implemented in accordance with the approved details in the first planting season following the first occupation of the development. Any trees or shrubs planted in accordance with this condition which are

removed, uprooted, destroyed, die or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority give its written consent to any variation.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Post Submission Version Including Proposed Main Changes) in order that the Local Planning Authority should be satisfied as to the details, because the application was made for outline permission without the details referred to in the condition.

3. The reserved matters application shall be accompanied by a scheme for the disposal of foul and surface waters. The scheme shall be implemented in accordance with the approved details prior to the completion of the development.

REASON: To prevent increased risk of flooding and pollution of the water environment and to ensure satisfactory means of foul drainage in accordance with Policies ENV7, ENV9 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies EN2, EN4, DME2 and DME3 of the Ribble Valley Core Strategy (Post Submission Version Including Proposed Main Changes).

4. The removal of vegetation including trees and hedges shall be undertaken outside the nesting bird season [March - August inclusive] unless the vegetation has been surveyed for nesting birds by a suitably qualified ecologist immediately prior to its removal and the survey submitted to and approved in writing by the Local Planning Authority prior to the vegetation removal. The vegetation shall be removed in accordance with the requirements of the survey.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds in accordance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DME3 and Key Statement EN5 of the Core Strategy (Post Submission Version Including Proposed Main Changes).

5. 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 Part IIA of the Environmental Protection Act 1990, focusing primarily on risks to human health and controlled waters. The investigation shall address 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 approved in writing by the LPA prior to the site investigation survey.
 - (c) If the site investigation indicates remediation is necessary, a Remediation Statement detailing the recommendations and remedial measures to be implemented within the site

shall be submitted to and approved in writing by the LPA. The remediation shall be carried out in accordance with the agreed statement and on completion of the development/remedial works, the developer shall submit a Verification Report to the LPA for approval in writing that certifies that all works were completed in accordance with the agreed Remediation Statement prior to the first occupation of the development.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site and to ensure the site is suitable for its end use in accordance with Policies ENV7, ENV9 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies EN2, EN4, DME2 and DME3 of the Ribble Valley Core Strategy (Post Submission Version Including Proposed Main Changes).

APPLICATION NO: 3/2013/1050/P (GRID REF: SD 365170 435244)
PROPOSED ERECTION OF A NEW RIBCHESTER WAR MEMORIAL AND ASSOCIATED
LANDSCAPING ON LAND AT THE END OF GREENSIDE CAR PARK, GREENSIDE,
RIBCHESTER

PARISH COUNCIL: Is in full support of the intention of the Foundation to erect a memorial in the village and therefore raises no objections to this application.

ENVIRONMENT COMMENTS that the proposal has no highway implications and
DIRECTORATE that there are therefore no objections on highway grounds.
(COUNTY SURVEYOR):

ADDITIONAL None received.
REPRESENTATIONS:

Proposal

Full planning permission is sought for the erection of a war memorial with associated parking, seating and landscaping. The war memorial would be of an obelisk design, it would be 2.4m high and would be honed (not polished) grey granite.

The area around the monument would be York stone paving, and a path of York stone paving would join the paved area to the existing Greenside car park. A 300mm wide gravel area would separate the paved areas from the surrounding grassed surface. It is proposed that two (possibly three) benches would be placed on the grassed area surrounding the monument.

With regards to landscaping, a low hedge (no more than 1m high) would be planted on the boundary of the site with the existing Greenside car park. The York stone path referred to above would pass through a gap in this hedge. Two circular memorial flower beds would be formed within the grassed area for the usual placing of crosses etc.

Site Location

The site comprises an approximately triangular shaped piece of grassed land to the south of the existing car park at Greenside, Ribchester. The site is adjoined to the south and east by Duddel Brook, on the opposite side of which are allotment gardens; and to the west by The Green.

The site is within the Ribchester Conservation Area.

Relevant History

None.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy ENV14 - Archaeology.

Policy ENV16 - Development within Conservation Areas.

*Ribble Valley Core Strategy Regulation 22 Submission Draft Post Submission Version
(including proposed main changes)*

Policy DMG1 – General Considerations.

Policy DME4 – Protecting Heritage Assets.

National Planning Policy Framework

Environmental, AONB, Human Rights and Other Issues

The proposed war memorial will be erected on an area of grassed land that is owned by Ribble Valley Borough Council. The appropriate notice has been served by the applicants on the Council.

The site is located to the south of the existing car park at Greenside, Ribchester. It is within the Conservation Area and in the vicinity of a number of historic properties and Scheduled Ancient Monuments. With this in mind, the applicants were advised at pre-application stage that the Council would seek to ensure that development reflected the character of the area in terms of scale, size, design and materials as well as seeking to preserve or enhance the character/appearance of the Conservation Area. The applicant has responded to the Council's pre-application advice such that the siting, size, design and materials of the war memorial as detailed in the planning application are considered to be acceptable in relation to its effects upon the Conservation Area. The war memorial would not be close enough to any listed buildings in order to potentially have any detrimental effects upon their setting. The Council's Conservation Officer has confirmed that he has no objections to this application.

In view of the historic/archaeological importance of the locality, the applicants were also advised at pre-application stage that it might be beneficial to contact the County Archaeology Service prior to the submission of a planning application in order to establish whether it would be necessary for an Archaeological Assessment/Report to be carried out and submitted with any planning application. Again, the applicants followed the pre-application advice as a result of which Douglas Moir of the County Archaeology Service has confirmed (in an email submitted by the applicant with the planning application) that he was given the opportunity to examine a

geotechnical trial pit dig on 27 November 2013; and that this showed the area of the proposed war memorial to contain no archaeological deposits. The County Archaeology Service therefore confirmed that they did not consider that any archaeological investigation would be necessary, and that they would not need to comment on any planning application submitted for the war memorial on this site.

The precise siting of the war memorial and the nature of the development is such that it would not, in my opinion, have any seriously detrimental effects upon the amenities of any nearby residents.

The County Surveyor has not raised any objections to the application on highway safety grounds.

Overall, I can see no objections to this proposed development. Subject to compliance with the details relating to proposed materials and hedge planting/landscaping as shown on the submitted plans and contained in the submitted Design and Access Statement, no conditions are considered to be necessary in this case.

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

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

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

2. The development hereby permitted shall be carried out in accordance with drawing No's 1310/001A, 002, 003 and 004A and in accordance with the details relating to landscaping and appearance as contained in the submitted Design and Access Statement.

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

C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL

APPLICATION NO: 3/2013/0691/P (GRID REF: SD 359596 440551)
PROPOSED CONVERSION OF THREE BARNs TO FOUR DWELLINGS, ERECTION OF AGRICULTURAL BUILDING FOLLOWING DEMOLITION OF EXISTING STRUCTURES AND CREATION OF AGRICULTURAL ACCESS ROAD. (RESUBMISSION OF APPLICATION 3/2013/0100) AT ELMRIDGE FARM, ELMRIDGE LANE, CHIPPING PR3 2NY

PARISH COUNCIL: No representations received at time of writing this report.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): 3/2013/0100 – I raised concerns regarding the site access into Elmrige Lane, following a site meeting with the applicant and his agent, the current application has resolved these issues satisfactorily. At the meeting I also raised concerns regarding the visibility at the access on to Heights Lane, whilst not raised in my previous comments, I think there is an opportunity to improve the visibility at this junction which would be necessary as there are likely to be increased movements at this junction. Subject to conditions being attached to any permission that may be granted I would raise no objection to the proposal on highway grounds.

LANCASHIRE COUNTY COUNCIL (RURAL ESTATES) Comments made during original application (3/2013/0100) remain relevant:

- The farm is typical of many farms, in that there are both traditional and modern buildings.
- Traditional farm buildings do have limited use due to their design and the fact that farming practices have changed.
- Some of the traditional buildings were being utilised more than others but any use that did exist was limited to modest storage and were not essential.
- Whilst some of the existing cattle housing could be improved, in my mind the site of the existing buildings could be used to provide new facilities as opposed to a completely new site.
- In my opinion, the driving force behind the proposed development is financial, ie the desire to obtain planning consent for four new dwellings, as opposed to any agricultural requirement in creating farm buildings.
- The proposed size and design of the proposed building is on balance acceptable.
- The proposed midden and yard would appear to be larger than required.

November 2013, in response to the additional financial information submitted:

- The figures put forward propose a significant increase to the level of income and profitability compared to recent accounts.

- The livestock housing area put forward I understand will not be too dissimilar to the existing space and the area of land remains unchanged.
- Insufficient information has been put forward to support this substantial increase. The financial projection put forward is also extremely brief.
- I will seek further information from the applicant's agent, but my initial thought is that insufficient evidence has been put forward to support the financial viability.

December 2013: The applicants provided revised profitability details. These indicated that the agricultural holding would still be profitable but not to the same extent as was previously proposed.

These details were forwarded to the Land Agent at Lancashire County Council for further comment. At the time of drafting this report no formal comments had been received.

ENVIRONMENT AGENCY:

No objections in principle but wish to make the following comments:

- Any discharge of sewage or trade effluent made to either surface water or ground water will need to be registered as an exempt discharge activity and hold an environmental permit issued by the Environment Agency.
- Domestic effluent discharge from a treatment plant/septic tank at 2m³ or less to ground or 5m³ or less to surface water in any 24 hour period may be registered as an exempt activity providing that no public foul sewer is available to serve the development and that the site is not within an inner ground water source protection zone.
- A soakaway used to serve a non mains drainage system must be sited no less than 10m from the nearest watercourse, not less than 10m from any other foul soakaway and not less than 50m from the nearest potable water supply.
- Where the proposed development involves the connection of foul drainage to an existing non mains drainage system, the applicant should ensure that this is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.
- The proposed development must fully comply with the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and the Code of Good Agricultural Practice (COGAP) for the Protection of Water, Soil and Air (produced by DEFRA).

- The Environment Agency must be informed of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before the structure is brought into use. Further guidance is available on our website and the applicant will need to complete WQE3: New or Improved Agricultural Structures form which can be obtained from the Environment Agency.

COUNTY ARCHAEOLOGY: No objections subject to the use of a condition relating to building recording.

ADDITIONAL REPRESENTATIONS: Two letters have been received from two nearby addresses, the comments can be summarised as follows:

- The submitted details are not consistent with one another.
- The existing reversing bay is essential to cars and light industrial vehicles to turn around and depart up Gib Hey Lane.
- The submitted details state the proposed access route to the new site will enhance footpath 42 so it can be used by disabled persons but an existing stile is erroneously marked as a gate, thus making disabled access impossible.
- There is an agreement at present that the cost of maintaining Gib Hey Lane is allocated at a third each between the applicant and the occupiers of Gib Hey Cottage and Gib Hey No 2, which equates roughly to the volume/weight of vehicles used by each subscriber. I trust the applicant will accept a new sharing of maintenance cost once construction of the new farmstead gets underway since it will have many more delivery vehicles than the two dwellings.
- I would hope that the applicant and/or developer advises would ascertain whether the present water supply will be adequate to furnish the increased number of dwellings demands.
- The proposed slurry pond is significantly larger than the existing pond adjacent to the agricultural building. Just as an issue to minimise any nuisance from smells that may occur would it not be wiser to stipulate that the slurry should be contained in a covered tank.
- There are already water pressure issues at three properties, seven will make these worse, and the supply pipe should be upgraded.

Proposal

The proposed development consists of the conversion of three barns to four dwellings and the erection of a new agricultural building and formation of new farmyard with the formation of a new agricultural access road.

The buildings on site which are included in the proposed development have been identified as buildings 1, 2, 3, 4, 5, 6 and 7. For purposes of clarity I will use the same identifiers.

Building No 1:

This building is a traditional stone built agricultural building finished with slate roofs located 17m to the east of the main farmhouse. This building has, at some point, been subjected to a series of extensions and alterations. One of which is a single storey brick built structure to the side whilst extensions to the rear are constructed from timber and metal sheeting.

The main body of the stone built building and the attached brick built element to the side are to be retained and converted. The other extensions to the rear constructed from metal sheeting and timber are to be demolished.

An existing blockwork mono pitched structure attached to the rear of this building is to be retained but refurbished to reflect the remainder of the building.

The number of new openings proposed in this building is limited by virtue of the fact that the existing structure benefits from already having a range of openings.

Building No 2:

This is the largest building on the site. Constructed predominantly from stone under slate roofs it has also been subjected to some extensions and alterations with the addition of timber wrap around structures to the north east elevation. This building is approximately 20m away from the existing farmhouse. The south west elevation of this building forms the focal point of the existing farmyard when accessed from Elmridge Lane.

This building is to be converted into two residential dwellings. The main alterations proposed to this building are the demolition of the existing timber wrap around extensions.

Three new openings are proposed in the east elevation, the north elevation (rear) consists of a large catslide roof. This roof will have two roof lights and two flue vents inserted. One of each feature for each proposed dwelling. The existing large opening on the south elevation is to be retained and glazed.

Buildings 3, 4, 5 and 6:

These buildings are constructed to more modern standards utilising steel clad portal framed structures. These buildings are of no particular architectural merit or historic significance. They currently provide storage and livestock housing facilities for the existing farm. It is proposed that they are to be all demolished.

Building No 7:

This building is a traditional field barn constructed from stone under slate roofs. It is not part of the main group of buildings. It is located 170m to the north east of the existing farmhouse. The existing building contains an extremely limited number of openings.

It is proposed that this building will be retained and converted to residential use. This barn will form the new farmhouse being sited immediately to the south of the proposed agricultural building and farmyard.

The main exterior alterations to this building are the formation of five new openings and the insertion of a flue vent pipe on the rear roof slope. The existing large opening on the east elevation is to be retained and heavily glazed.

Development ancillary to residential conversions:

The proposed development includes provision for three double garages. One is to be sited on land between building 2 and the existing farmhouse. Whilst the other two garage units are to be constructed as a group of four and sited on land to the eastern corner of the residential enclave. The proposed garages are to be constructed from stone under dual pitched slate roofs with timber vehicles doors.

Proposed new agricultural building and associated farmyard and slurry lagoon:

This is perhaps the most significant part of the development. Following the conversion of the existing farm into a residential enclave, it is proposed to relocate the farm on to previously undeveloped land to the north east of the existing farmstead.

This aspect of the development will involve the formation of a farmstead of approximately 0.63 hectares on land immediately to the north west of building No 7.

Within the proposed new farmstead it is proposed to erect a steel portal framed agricultural building and a manure store. The proposed agricultural building is to measure 37.3m x 34m occupying a footprint of 1268m². This building is to be constructed to a ridge height of 7.9m and be constructed from concrete blockwork, Yorkshire boarding and fibre cement sheeting. The building is to be divided into three sections internally, a workshop area of 190m², straw/hay storage/additional livestock handling area of 550m² and a cattle section of 459m².

In addition to the agricultural building a manure store is also proposed to the north west corner of the new farmyard. This would cover an area of approximately 400m².

Site Location

Elmridge Farm is located to the east of Elmridge Lane approximately 3 miles to the south-east of Chipping and 3 miles north of Longridge. The existing farm itself is set in excess of 100m back from Elmridge Lane and accessed via a single width track. The development site is located within the Forest of Bowland Area of Outstanding Natural Beauty.

Chipping and Longridge are both equidistant from the site and would form the service centre for amenities and services situated 3 miles away. The nearest points of access to public transport are the bus stop on Longridge Road, near the Derby Arms Public House 1.2 miles to the south east of the site. Any future occupants of the proposed dwellings would therefore be reliant on private transport to access amenities and services.

The existing site consists of a detached farmhouse adjacent to the north-east and south-east are two traditional stone built agricultural buildings. Both of these buildings have been extended or altered through the addition of extensions constructed from timber and corrugated metal

work. Beyond the largest of the traditional buildings on site there are three steel portal framed type buildings currently used to house livestock.

The final building on site is a traditional stone built field barn. This is situated in excess of 90m to the north east of the main group of buildings and is accessed via the existing agricultural tracks that follow the route of public right of way (FP42).

Relevant History

3/2013/0100/P – Proposed conversion of three barns to four dwellings, erection of agricultural building following demolition of existing structures and agricultural access road. Refused 19 March 2013.

Relevant Policies

Ribble Valley Districtwide Local Plan (DWLP)

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy H2 - Dwellings in the Open Countryside.

Policy H15 - Building Conversions - Location.

Policy H16 - Building Conversions - Building to be Converted.

Policy H17 - Building Conversions - Design Matters.

Ribble Valley Core Strategy Regulation 22 Submission Draft

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DMH3 – Dwellings in the Open Countryside and AONB.

Policy DMH4 – The Conversion of Barns and other Buildings to Dwellings.

Policy DMH5 – Residential and Curtilage Extensions.

National Planning Policy Framework (NPPF).

Policy SPG - Agricultural Buildings and Roads.

English Heritage – The Conservation of Farm Buildings: A Good Practice Guide.

Environmental, AONB, Human Rights and Other Issues

The previous application (3/2013/0100) was refused for the following reasons:

- The design of the proposed conversions and the impact this would have upon the character of the traditional buildings was considered unacceptable.
- The formation of the new farmstead and agricultural building would be detrimental to the character, setting and visual amenities of the AONB.
- The location and scale of the proposed farmstead does not represent sustainable development and is therefore unjustified.
- The development would lead to intensification in the use of a substandard junction which would be prejudicial to highway safety.

The resubmitted scheme under construction in this application needs to address the previous reasons for refusal in order to be considered appropriate. I am satisfied that the general design of the proposed conversions is acceptable. The number of new openings required has been significantly reduced, the level of extensions and general alterations have been kept to an absolute minimum. In addition to this the extent of the proposed curtilages of the development is acceptable.

As I have outlined above the County Surveyor has raised no objections to the scheme on the grounds of highway safety; subject to the imposition of a series of conditions. I am therefore satisfied the previous highways reason for refusal has been addressed.

This however does leave to other extant reasons for refusal.

Principle of Development:

The conversion of traditional agricultural buildings is a common development undertaken across the Borough. They can, when executed well safeguard the long term future and integrity of a traditional landscape feature. Buildings of this nature contribute to the general character and amenity of the countryside and in this particular instance the Forest of Bowland AONB.

However in this particular instance there is one unique feature to the proposals under consideration in this application. That is the conversion of the existing farm to a residential development and the wholesale relocation of the existing farmstead to previously undeveloped land.

The National Planning Policy Framework advocates sustainable development and identifies three mutually dependent strands that define sustainability and states there should be a presumption in favour of sustainable development. They are:

- An economic role – contributing to building a strong, responsive and competitive economy.
- A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet needs of present and future generations.
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

With regards to the principle of converting the barns to a residential property, the creation of a new dwelling in the borough's open countryside would not normally be allowed unless it was needed for the purposes of agriculture or forestry or met an identified local need thereby contributing to the social well being of the area.

Notwithstanding this, Policy H2 of the Local Plan and DMH3 of the emerging Core Strategy are both an 'exception policy' relating to the formation of dwellings in the open countryside. Both policies allows for *'the appropriate conversion of buildings to dwellings provided they are suitably located and their form, bulk and general design are in keeping with their surroundings'*. However, in light of the National Planning Policy Framework and that settlement strategy policies in the Districtwide Local Plan are considered to be out-of-date, this national document must be the first consideration. This document promotes sustainable development and this therefore requires the location of the barns needs to be considered.

The NPPF seeks to ensure that, amongst other things, development takes place where it will enhance and maintain the vitality of rural communities. The Framework also notes that new

isolated homes in the countryside should be avoided unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.*

(Paragraph 55, NPPF)

Elmridge Farm is an existing operational farm. The proposals would result in a farmhouse being retained albeit in a different location. The proposed development would accord with the first bullet point of Paragraph 55.

In terms of whether the development would represent the optimal viable use of a heritage asset; the barns in question are depicted on the 1st Edition Ordnance Survey, surveyed in 1844. The buildings are therefore considered to be of some historic interest and therefore regarded as non-designated heritage assets. At the time of my site visit, the barns were in agricultural use principally as storage the more modern portal frame structures were used to house livestock.

The applicants have provided representations from their appointed Historic Buildings Consultant who notes; 'it is to be accepted that finding an appropriate new use is the only way of sustainably conserving the redundant buildings.'

The representations made also reference 'The Conversion of Traditional Farm Buildings' document published by English Heritage; this notes: 'Reuse is inherently sustainable. These buildings represent a historical investment in materials and energy, and contribute to environmentally benign and sustainable rural development. The concept of reuse is not a new one. Farm buildings have often been adapted over a long period to accommodate developing farming practices and technologies'.

In summary the applicants historic building consultant concludes; 'the proposed conversion scheme represents the optimum viable solution in that it secures the sustainable long term future of the buildings in a manner that appropriately conserves their heritage value and significance'.

As such the proposed development could be considered to accord with the second bullet point of paragraph 55 of the NPPF.

The buildings in question are not redundant or disused, but their current use is modest and limited to general storage.

With regards the final bullet point, the proposal is not considered to be truly outstanding or innovative and whilst the proposal would involve the removal of modern lean to additions, their removal is not considered to *significantly enhance its immediate setting*.

In addition, the proposal does not accord with one of the Core Planning Principles within the NPPF that seeks to support the transition to a low carbon future in a changing climate. The proposed re-use of an existing building would not involve the creation of a carbon intensive new build, however, the site occupies a remote location in relation to any settlement, as discussed earlier in this report, therefore travel by occupiers of the barns to any shops, services and facilities would be heavily reliant on the private car. This would be inconsistent with the underlying sustainability objectives of national guidance.

Within the information submitted reference has been made to the lack of a 5 year land supply in the borough. As members will be well aware this is a figure that at present can change frequently; as of October 2013 the current housing land supply figure stands at 4.34 years. Notwithstanding this I am of the opinion that in this particular instance there are other material considerations that should be given greater weight such as the wider sustainability of development.

Precedent:

The development proposed within this application raises significant concerns with regard to the precedent of the wholesale relocation of farmsteads to allow for residential conversions. Approval for such proposals would signal that the LPA are content with the concept of relocating farms to new modern facilities whilst allowing the historic farmstead to be given over to residential uses, once existing facilities are considered to be outdated. Similarly in a generation's time when the new farmstead is deemed not to meet modern standards do we simply relocate again? Whilst only one agricultural building is proposed within the current application farmyards grow and adapt over time; as has been demonstrated by the existing farmstead. Therefore in establishing a new farmstead it could conceivably require additional agricultural buildings on the site in the future, leading to the site growing in a piecemeal fashion.

Justification of the new farmstead:

The existing built extent of the existing farmstead covers approximately 0.5 hectares that would in the main part be given up to the residential development.

It is contended by the applicants agent that;

'It is my opinion that the viability of my clients' farming business is a material consideration of weight. The income that will be generated as a result if the barn conversions and sale of the farmhouse will allow the business to continue. Without that income it is highly likely that the business will fail and agricultural use of the site will cease.'

Subsequently information has been provided by the applicants relating to the viability and profitability of the existing agricultural business and the projected profitability of the proposed new farmstead.

The period covered by the submitted accounts ranges from January 2008 – April 2009, and accounts for 2010 to April 2011. The submitted details demonstrate that there is a degree of profitability within the business, but they also demonstrate a downward trend in the business over this period. The profits peaked at just in excess £14,000 in April 2009. These have since diminished to less than £7,500 as of April 2011. Details of the profitability beyond April 2011 have not been provided, however if the previous trends were sustained then I would anticipate that any current profitability could be minimal.

In contrast it has been projected that the proposed development could generate profits in excess of £87,000.

These details were forwarded to the Land Agent at Lancashire County Council for further consideration and analysis. The County Council Land Agent had raised questions over the projected profitability. The increase in profitability would be significant but the livestock housing area and land holding would remain broadly unchanged from that which exists at present. As such the Land Agent was of the opinion that insufficient evidence had been put forward to support the financial viability; however these discussions were on going at the time of drafting this report.

Revised details regarding the projected profitability of the agricultural enterprise were provided in December 2013. These revised details still projected that the enterprise would be profitable; however these figures have been revised down to £36,740. These revised figures were forwarded to the Land Agent at Lancashire County Council for further comment. At the time of drafting this report no formal response had been received. It was noted however during informal discussion with the Land Agent that given the overall land holding of the agricultural business will remain broadly unchanged and that the enterprise had previously been profitable. The relocated venture should, theoretically, still be capable of being a profitable venture.

During the previously refused application Land Agents at Lancashire County Council did question the extent of the proposed agricultural development. It was considered that the extent of the proposed yard was larger than required, as was the proposed manure store. It was also stated that the proposed building was higher than would be necessary for its intended use. The proposed building is to be built to a height of 7.9m; it was however considered on balance, that the scale of the building was appropriate. Given that this element of the development remains unchanged in terms of scale and design I expect the previous comments to still have merit.

It should also be noted that whilst the Land Agent acknowledged that farming practices have changed over time meaning that some of the traditional buildings on site are therefore no longer suitable; he did state that the existing more modern structures were suitable for continued use.

NPPF looks to support a prosperous rural economy by promoting the development of rural business through:

- Sustainable growth and expansion of all types of business and enterprise.
- Promote the development and diversification of agricultural and other land based rural business.
- Support sustainable rural tourism and leisure development.
- Promote the retention and development of local services and community facilities.

It is however important to note that this does not simply mean that any proposal which would potentially benefit a rural enterprise should be allowed. The policies within NPPF have to be taken as a whole rather than in isolation. As such I would argue that other policies, specifically

those relating to rural housing and general sustainability issues are of greater weight in this particular instance, given the nature of wholly relocating the business and its current viability. Certainly a more sustainable approach in this case would be to develop and modernise the agricultural enterprise within the existing site.

Planning balance:

The development under consideration does present benefits, but equally it presents concerns and risks; these all have to be considered together and balanced. The benefits are that there is the potential for an existing agricultural enterprise, which has fallen into decline, to be rejuvenated. This would have benefits to the applicant as an individual but would benefit the wider rural economy. In addition to this, existing traditional buildings would be returned to a more substantive use thus protecting them from falling any further into decay; safeguarding the heritage and traditional features of the open countryside and Forest of Bowland AONB.

However there are also risks and drawbacks to the proposals. As discussed earlier in this report the location of the development site and its proximity to services and amenities would mean that any future occupants of the converted barns would be reliant upon the use of a private car to access services and amenities. Increasingly it is apparent in appeal decisions from the Planning Inspectorate that a core principle of sustainability is proximity to services and amenities. As this reduces reliance upon the use of private cars to access amenities and services. Development that increases the reliance on the use of private cars is contrary to the sustainability principles of NPPF.

Additionally another risk that the scheme presents is that in granting consent for the development as described. It would theoretically possible to commence any such consent but only in part. For example, the consent if granted would allow for the residential conversion of the existing barns and the relocation of the farmhouse and formation of new farmstead. However it would theoretically be possible for the residential conversion elements to be undertaken but not the formation of the new farmstead. A piecemeal implementation of a planning consent can have significant implications. As outlined earlier a scheme can bring benefits but there are inevitably some costs or harm involved. When considered together these may balance so one outweighs the other. However in a piecemeal implementation the elements that may be more harmful may be brought forward without the beneficial elements, or potentially vice versa.

The agents for the application have indicated that that the applicants would be willing to accept a condition that would require the development to be phased. This would ensure that prior to the occupation of the converted residential units the existing agricultural buildings to be demolished are removed from site; and the new agricultural building, yard, manure store and access road are completed. It may be possible to impose a phasing condition to secure and I believe it would meet the relevant criteria in relation to use of planning conditions.

Conclusion

I am mindful of the benefits but still conclude that the proposed development would represent an unsustainable development by virtue of its scale and location. In addition to which if approved the principle of wholly relocating farmsteads when they are deemed no longer to be suitable could set a dangerous precedent that could be used elsewhere in the Borough. The conversion of the farmstead would arguably safeguard the traditional farm buildings and return them to a more substantive use than at present. However the proposal of an entirely new farmstead,

increasing the extent of the built form on the site would be harmful to the character and setting of the AONB. I therefore recommend accordingly.

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

1. The proposed formation of a new farmstead including the erection of an agricultural building and associated yard area would be detrimental to the character, setting and visual amenities of the AONB, contrary to Policies ENV1 of the Ribble Valley Districtwide Local Plan and Policy DME2 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).
2. The proposed farmstead by virtue of its location and scale does not represent sustainable development as defined in the National Planning Policy Framework (NPPF) and would therefore form an unjustified development within the open countryside to the detriment of the appearance, character and setting of the Forest of Bowland AONB. It is therefore considered contrary to Policies ENV1, G5, and H2 of the Ribble Valley Districtwide Local Plan, Policies DME2, DMG2 and DMH3 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft) and Section 6 of the National Planning Policy Framework.

APPLICATION NO: 3/2013/0901/P

(GRID REF: SD 373283 436277)

CHANGE OF USE FROM RESIDENTIAL DWELLING TO A2 FINANCIAL AND PROFESSIONAL SERVICES AT 4 GEORGE STREET, WHALLEY, BB7 9TH

PARISH COUNCIL:

Whalley Parish Council has objected to the application. Members are referred to the file for full details of their comments which can be summarised as follows:

- The street scene will be radically changed in a detrimental manner from residential housing to business premises. This is an unwarranted change in the nature of the street.
- Neighbouring residential properties will suffer intrusion due to prospective clients entering, viewing, lingering and leaving this site which is adjacent to their gardens and living room windows.
- The introduction of a business sign to a group of residential houses sets an unwelcome precedent in a conservation area.
- With the unprecedented demand by developers for housing in Whalley it is clearly strange that these proposals remove a residential property from the market.
- The recently revised RVBC Core Strategy does not recommend any business development in this part of the Whalley Conservation area.
- The double yellow lines along George Street must be the most ignored and abused in the Ribble Valley. To consider a business which will increase vehicle usage will further increase the road congestion and angst for pedestrians attempting to walk along a pavement littered by cars.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

LCC Highways have raised no objection to the proposal.

ADDITIONAL
REPRESENTATIONS:

16 letters of objection have been received with an additional letter/petition counter signed by 12 residents. Members are referred to the file for full details which can be summarised as follows:

- The change of use to that of a business use within a residential area will be of detriment to residential amenity.
- If approved it could set a precedent for further conversions within the area changing the character of the street.
- Additional parking and vehicular movements as a result of the proposal to the detriment of Highways safety.
- The change of use would result in the isolation of number 2 George Street between two business properties.
- Noise disturbance to number 2 George Street.
- Loss of housing within Whalley
- Loss of privacy due to the movement of customers of the business and those browsing any window display within the property.

Proposal

This application seeks planning consent for a change of use from a residential dwelling (Use class C1) to that of A2 Financial and Professional Services at 4 George Street, Whalley.

The property is currently a 3 bedroom dwelling with living room, kitchen and conservatory at ground floor. The proposal details the conversion of the internal accommodation with 2 x offices at first floor and storage room with the conversion of the primary living space into that of a reception and office area, with the conservatory accommodating a "rest room " and space for photocopier/print facilities, the kitchen will be maintained in its present location for staff use. The submitted details also propose the installation of a double width entrance door to the front elevation and the erection of a mono-pitch roof above, to be faced in tiles to match that of the existing roof.

Site Location

The application property is a semi-detached two-storey dwelling fronting George Street, Whalley. The property is located opposite an existing convenience store, clothing shop and café. The majority of the properties on the north side of George Street are residential and semi detached in nature, with the street then leading into Green Park, a small residential cul-de-sac.

Relevant History

3/2013/0900 - Non-illuminated fascia sign to front elevation (Withdrawn)

Relevant Policies

Ribble Valley Districtwide Local Plan
Policy G1 - Development Control.

Core Strategy 2008 – 2082 – a Local Plan for Ribble Valley Regulation 22 Consultation Draft
Policy DMG1 – General Considerations.

National Planning Policy Framework (NPPF).

Environmental, AONB, Human Rights and Other Issues

The matters to be considered in the determination of this application relate to the principle of the development in policy terms; the potential impact on neighbouring residential amenities and issues relating to highways safety.

Principle of Development

In assessing the proposal it is imperative to establish whether, in principle, the development would be considered acceptable in light of current and emerging policy considerations whilst fully considering the proposal against the aims and objective of the National Planning Policy Framework (NPPF).

The applicant has stated that the proposal is to relocate the current King Street office due to lease issues and that the closure of the King Street office will result in the loss of jobs for the current staff should a suitable alternative premises not be secured. Whilst it is important to be mindful of the potential loss of local employment within the area, the applicant has not submitted any supporting evidence to substantiate this claim. The applicant has not demonstrated that any attempt has been made to identify other alternative commercial premises or demonstrated that there is a shortage of vacant premises within the existing commercial/shopping frontage to accommodate the relocation of the current A2 use.

Furthermore consideration must be given to the residential amenities and character of the area and any negative impact such a proposal would have on these. Whilst it is considered that each application be assessed on its own merits I am mindful that the granting of consent for the change of use would make it difficult for the Local Planning Authority to resist similar future applications, potentially leading to a displacement or expansion of the main shopping/commercial area of Whalley into adjoining residential areas resulting in a detrimental impact upon the defined character of the area and potentially the residential amenities of neighbouring occupiers through the introduction of potential conflicting uses within residential areas.

Highways safety

The application proposes no changes to the existing parking arrangement with the submitted details indicating two car parking spaces accommodated within the existing driveway to the side of the property with provision for 2 cycles. LCC Highways have raised no objection in relation to the application given the scale of the proposal would be similar to its use as a residential dwelling.

Residential Amenity

In respect of potential impact upon residential amenity, I consider the proposal as submitted to raise concerns in relation to the impact upon neighbouring residential amenities. It is likely that the use of the premises as A2 (Financial & Professional Services) would result in a higher footfall than that of the existing use and it is likely, due to the nature of the use, that the provision of internal window displays/advertisements would be likely. Such adverts would likely result in those browsing any potential advertisement to gather/congregate within close proximity of the sole window to the living room of number 2 George Street resulting in a significant detrimental impact upon residential amenities.

It is also considered that the normal day to day operations of such a use, even with restricted opening hours, would be of detriment to the amenities of neighbouring occupiers due to the nature of the business and the high level of customer pedestrian and vehicular traffic likely to be generated.

Appearance & Visual Amenity

In respect of the appearance of the proposed external alterations, the application proposes the removal of the existing doorway and side window and the installation of fully glazed double doors to act as the primary entrance point. It is also proposed that a mono pitch style porch-roof be erected above the proposed doorway.

In terms of the proposed external alterations, in isolation, I do not consider that the proposal as submitted would be of significant detriment to the character of the overall streetscene or the immediate or wider context.

Other Matters

The National Planning Policy Framework (NPPF) puts a clear emphasis on the need for Local Planning Authorities to consider the planning balance in assessing proposals and clearly states that in relation to sustainable development, applications should only be refused if impacts would significantly and demonstrably outweigh the benefits.

It has been put forward by the applicant that the clear benefit associated with the proposed change of use is the retention of existing employment within the area and that if the application were to be refused then it is likely that the existing office would have to close resulting in a loss of local employment. Whilst I consider this may be a material consideration in assessing the planning balance, the applicant has provided no sound evidence to substantiate this claim. Notwithstanding the lack of supporting evidence I also consider that should such information be forthcoming at a later date, that the concerns and potential harm in relation to residential amenities, the character of the area and the introduction of a conflicting use into a residential area would outweigh any benefits associated with this or any future similar application.

Therefore, having carefully considered all of the above matters and taking account of the planning balance, consider that in this case the harm resultant from the development clearly outweigh any associated benefits.

RECOMMENDATION: That the application be REFUSED for the following reason:

1. The proposal would result in the introduction of a use that would result in an increased level of pedestrian and vehicular activity within a residential area, within close proximity to neighbouring dwellings, being of detriment to the inherent character of the area and the residential amenities of neighbouring occupiers contrary to policy G1 of the Ribble Valley Districtwide Local Plan and policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

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

APPLICATION NO: 3/2013/0737/P (GRID REF: SD 373883 438848)
PROPOSED RESIDENTIAL DEVELOPMENT (UP TO 43 DWELLINGS INCLUDING 30% AFFORDABLE) WITH PARTIAL MEANS OF ACCESS TO, BUT NOT WITHIN, THE SITE AT HANSONS GARDEN CENTRE, WHALLEY ROAD, BARROW

PARISH/TOWN COUNCIL: Objection. The main concerns raised by the Parish include:

- Members are concerned about another residential development in Barrow and request that the cumulative effect of other planning applications in Barrow is acknowledged.
- This site is outside the settlement boundary on land for commercial use and would result in the loss of jobs for both Hanson's staff and other businesses on the site.
- The village is in need of more employment and the site should have been considered for a potential retail park.
- The village has insufficient facilities, including education facilities, convenience shops and sewerage.
- An application was approved for the erection of a children's nursery on the site but this was never built.
- Concern that a further application will be submitted by a future owner to increase the number of dwellings.
- If the application is to be approved, the developer should enter into an s106 agreement to contribute to the community – for example, other developers have been required to contribute to the maintenance and improvement of local playing fields.
- Concern about additional traffic. Road systems in Barrow should be reconsidered and traffic lights or a roundabout installed to keep traffic flowing.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection in principle, subject to securing appropriate mitigation measures. LCC's policy is that any additional traffic routed through A59/A671 junction should be mitigated. The development should provide the funding for the toucan crossing and for the A59/ A671 junction improvements, in the event that this development is commenced and occupied before the Barrow Lands development, if approved.

ENVIRONMENT AGENCY: No objection subject to appropriate conditions.

ENGINEERS: Contaminated land condition.

LANCS CONSTABULARY: Recommend secured by design or alternatively, crime prevention principles be incorporated into the design.

- LCC EDUCATION: Contributions required for 24 primary school places (£285,131) and potentially up to 9 secondary places (up to £161,114 if other residential applications are approved). Precise figures dependent on number of bedrooms, to be determined at reserved matters stage.
- UNITED UTILITIES: Foul and surface water proposals should be in accordance with the principles outlined in the submitted Flood Risk Assessment dated February 2013. Foul must drain separate to surface water and no surface water will be permitted to discharge directly or indirectly into the public foul or combined sewer. Surface water draining from the site must be restricted to a maximum pass forward flow of 80 l/s.
- AONB OFFICER: No objection. The scale of the proposed development is relatively small in landscape terms – the visual impact of 8m -9m high housing can fall sharply beyond 0.75km and given the AONB is 1.6km from the site, this distance would have substantial mitigating effect in views from the AONB. The current use has created landscape and visual quality issues which detracts from the areas landscape character and emphasises the development's presence in the landscape. The change of use to housing provides an opportunity to address these issues.
- ADDITIONAL REPRESENTATIONS: Five letters of objection have been received – four from local residents and one from Clitheroe Golf Club. The golf club are concerned about the proximity of the site to the first tee (220 yards) and the potential for golf balls to land in the site endangering property and persons and consider that the Council should indemnify the club from future claims arising. The main concerns raised include:
- Barrow is subject to significant housing proposals and the impact for Barrow will be catastrophic regarding pollution and congestion.
 - The development will cause a significant increase in traffic and will have a detrimental traffic impact on the immediate area and the villages of Barrow, Wiswell and Whalley – highway safety must be considered.
 - Noise disturbance, particularly at night.
 - Lack of amenities such as shopping, banking, employment are located outside Barrow necessitating the use of vehicles. Barrow has a pub, Chinese restaurant, primary school and a chapel and the school and doctor's will not be able to cope.
 - Whalley Sewage works may lack capacity for additional housing.
 - Established trees should be retained.
 - Loss of business and employment to the area – land should be retained for employment.

- An appeal for housing development on employment land at Barrow Brook has recently been approved – Hansons should be retained as an employment site.
- The landowner is trying to cash in prior to the core strategy being finalised - there is sufficient housing land approved.
- The countryside should be protected – residents moved to the countryside and if they wanted to be in an urban area they would have moved to one.

Proposal

Outline planning permission is sought for the redevelopment of the site to provide up to 43 dwellings, including access from the highway. The existing access in the centre of the frontage would be retained to serve the development. All other matters are reserved for subsequent approval. The proposal includes on-site provision of 30% affordable housing and public open space and would comprise of 2, 3 and 4 bedroom properties including bungalows.

The applicant has submitted an indicative layout showing the existing stone wall and hedge along the frontage of the site would be retained. The indicative layout shows the development would be set back approximately 35m from Whalley Road to provide a landscaped buffer at the front of the site. The dwellings would be two storey detached, semi-detached and terraced properties, with an area of public open space proposed adjacent to the southern boundary of the site between plots 7 and 16. The majority of the proposed parking would be accommodated in the curtilage of each dwelling, with the exception of one parking court proposed to serve four of the terraced dwellings.

Site Location

The application site measures 1.97 hectares and is located on the western side of Whalley Road to the north of the village boundary of Barrow in the open countryside. The site lies in flood zone and has a low probability of flooding.

The access of the site is approximately 200m from the village boundary - to the north and south of the site are open fields and to the west is Clitheroe Golf Course. The site is currently in use as a garden centre with associated café and children's play area and as such, the site comprises previously developed brownfield land. The site also accommodates various ancillary uses towards the rear of the site, including conservatory sales. The footprint of the existing buildings is 3,674m², however there are significant areas of hardstanding within the site and the total hard coverage of the site including the buildings is 15,922m². The ground level within the site is generally lower than the level of Whalley Road, but rises towards the rear of the site. The site is screened by mature deciduous trees along part of the southern boundary of the site and along the western and northern boundaries.

Relevant History

3/2010/0869 – Children's nursery - Approved January 2011.

3/2004/0338 - Temporary siting of mobile home for three years for nursery manager - Appeal dismissed March 2006.

Relevant Policies

Ribble Valley Districtwide Local Plan:

Policy G1 - Development Control
Policy G5 - Settlement Strategy
Policy G11 - Crime Prevention
Policy ENV3 - Development in Open Countryside
Policy ENV7 - Species Protection
Policy ENV13 - Landscape Protection
Policy H2 - Dwellings in the Open Countryside
Policy H19 - Affordable Housing - Large Developments and Main Settlements
Policy H20 - Affordable Housing - Villages and Countryside
Policy H21 - Affordable Housing - Information Needed
Policy EMP9 - Conversions for Employment Uses
Policy RT8 - Open Space Provision
Policy T1 - Development Proposals - Transport Implications
Policy T7 - Parking Provision

Ribble Valley Core Strategy Regulation 22 Submission Draft – Post Submission Version (including proposed main changes)

Key Statement DS1 – Development Strategy
Key Statement DS2 – Presumption in Favour of Sustainable Development
Key Statement EN2 – Landscape
Key Statement EN3 – Sustainable Development and Climate Change
Key Statement EN4 – Biodiversity and Geodiversity
Key Statement H1 – Housing Provision
Key Statement H2 – Housing Balance
Key Statement H3 – Affordable Housing
Key Statement DMI1 – Planning Obligations
Key Statement DMI2 – Transport Considerations
Policy DMG1 – General Consideration
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport and Mobility
Policy DME1 – Protecting Trees and Woodlands
Policy DME2 – Landscape and Townscape Protection
Policy DME3 – Site and Species Protection and Conservation
Policy DMH1 – Affordable Housing Criteria
Policy DMB1 – Supporting Business Growth and the Local Economy
Policy DMB4 – Open Space Provision

Environmental, AONB, Human Rights and Other Issues

Principle

Planning applications are required to be determined in accordance with the development plan unless material considerations indicate otherwise. Policies in the local plan in respect of new housing provision, settlement boundaries and employment sites are considered out of date and the NPPF is therefore a material consideration to which significant weight should be attached. Paragraph 14 of the NPPF requires that in circumstances where the development plan is out of date, planning permission should be granted unless any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits, having regard to the presumption in favour of sustainable development and other policies in the Framework.

In terms of housing land supply, the most recent published position at the time of writing is the Council's Housing Land Availability Schedule dated October 2013, which indicates a 4.72 year supply, employing the Sedgefield approach - the method Members confirmed to use at the 10 October meeting. Any update to the housing land supply figures will be reported verbally at the committee meeting, although the current position is that the Council cannot demonstrate a five year supply of housing land.

The application proposes the redevelopment of previously developed employment land in the open countryside for housing provision. Whilst one of the core principles of the NPPF is to encourage the effective use of land by reusing previously developed brownfield land (which should theoretically reduce the need for development on greenfield land), this site lies in the open countryside more than 160m to the north of the village boundary of Barrow and is bordered by greenfield land to the north, west and south. Whether the principle of the development of the site for housing provision is acceptable would be dependent on consideration of the loss of the employment land; the accessibility of the site; and the landscape and visual impact of the proposal, having regard to the principles of sustainable development in the context of the current housing land supply position. These matters, and other relevant material considerations, are considered in turn in the subsequent sections of the report.

Loss of Employment Land

The site is currently in use as a garden centre with various ancillary uses and is therefore considered to be an employment generating use within a sui generis use classification. Policy EMP11 of the Districtwide Local Plan and Policy DMB1 of the Core Strategy state that proposals for the redevelopment of employment generating sites will be assessed in respect of other policies in the local plan; the environmental benefits to be gained by the community; the potential economic and social damage caused by the loss of employment opportunities; and attempts that have been made to secure an alternative employment generating use, for example evidence of marketing for business use for a minimum period of six months, or information that demonstrates that the current use is not viable for employment purposes. Against this backdrop, the NPPF seeks to prevent the long term protection of designated employment land where there is no realistic prospect of the site being used for employment purposes (paragraph 22). Given the local plan is out of date and the core strategy examination is ongoing, Policies EMP11 and DMB1 can be afforded limited weight. Greater weight should therefore be afforded to paragraph 22 of the NPPF.

The applicant has submitted evidence in the form of a marketing appraisal which demonstrates that there is no realistic prospect of the site being redeveloped for employment purposes, however the evidence presented does not include attempts to market the site. It is clear from the evidence provided by the applicant that there is no realistic prospect of the site being redeveloped for employment purposes, however it may be the case that a marketing exercise may demonstrate that the business could be viable as a garden centre. Nevertheless, in the event that the garden centre was viable, it would be unreasonable for the Council to insist that the site is retained as a garden centre as this would be unduly restrictive to the applicant if there is no realistic prospect of the site being redeveloped for other employment purposes.

In the Employment Land Study Refresh 2013, which forms part of the Core Strategy evidence base, the key recommendations include that the Council should explore the feasibility of

bringing forward new allocations in Longridge (considering sites at College Farm and to the rear of Sainsbury's) and in the Clitheroe area (at Standen and Salthill). Additional employment land would be allocated in the forthcoming Site Allocations Development Plan Document and if this site has no realistic prospect of employment development, it is unlikely it would be included.

The applicant indicates that the proposal would result in the loss of up to 10 jobs and this harm must be considered in light of the submitted marketing appraisal and in the context of the Council's aspirations for employment in the Borough – in particular, the promotion of Barrow Enterprise Park as a strategic employment site. Barrow Enterprise Park lies to the south east of the application site and a further 6ha of land has recently been granted outline consent for employment uses (planning permission reference 3/2012/0346 granted February 2013). This will form allocated employment land in any forthcoming site allocations DPD. In this case, having regard to the Council's aspirations for employment development in the Borough and on the basis of the evidence provided by the applicant, I consider that a refusal on the basis of the loss of this unallocated employment site would be both unreasonable and unjustified.

Landscape and Visual Impact

Whilst the settlement boundaries in the local plan are out of date, the development of this site for housing would clearly not represent a logical extension to the settlement boundary given it is separated from the village by open fields. If the site was greenfield, it is unlikely that it would come forward for housing development in isolation. However, the site is previously developed and thus comparison of the proposed built form with the existing built form is necessary to assess the landscape and visual impact.

The landscape character of the area is defined as undulating lowland farmland. The Council commissioned an independent landscape and visual impact assessment, which concluded that whilst the site already appears as an incongruous incursion away from the village, the development would have no detrimental impact in landscape and visual terms. The LVIA recommended that the development should be set back from Whalley Road to reduce its prominence from the street. The proposed number of dwellings has been reduced from 62 to 43 to increase the depth of the landscaped buffer at the front of the site and to increase the openness of the site and consequently, there would be a reduction of built footprint and hardstanding within the site compared with the existing use, on the basis of the indicative layout. The AONB officer notes that the existing development on the site detracts from the areas landscape character and emphasises the development's presence in the landscape. I agree with the comments of this consultee and I consider that the proposal as amended would represent an improvement from a landscape and visual amenity perspective.

Highway Access and Accessibility

The local highway authority has raised no objection to the proposal, subject to certain conditions and items to be secured through relevant legal agreements. The proposal would utilise the existing access on Whalley Road, which has a 40mph speed limit. Although this is an established access point, amendments are required to this access for it to be suitable for the residential development – primarily, the access needs to be reduced in width and pedestrian pavements provided. The point of access is acceptable in principle and conditions are recommended as suggested by the local highway authority.

In respect of accessibility, the site access is located approximately 200m to the north of the village boundary and the local primary school and a public house are within walking distance of

the site, however there are no local convenience uses in Barrow within acceptable walking distance – the petrol station at Barrow Brook is the nearest local convenience. There are bus stops on Whalley Road, albeit dwellings to the west of the site would be sited further from these than the recommended walking distances (400m). The local highway authority has therefore recommended that the developer funds the provision or relocation of two bus stops on Whalley Road, one southbound and one northbound to improve accessibility by bus. The construction of a shared pedestrian cycle way along Whalley Road by widening the existing footway along the western side of the carriageway is also requested. The carriageway width along Whalley Road is wide enough to make provision for a 3m wide shared footway / cycleway. This work would be carried out under a S278 agreement.

In the event that this development is commenced and occupied before the Barrow Lands development (if approved), the local highway authority considers that the developer should provide improvements to the highway comprising the widening of the junction of A671 and A59 at the roundabout. Queuing at the A671 and A59 junction is severe during the am peak period and consequently, the local highway authority considered imperative that no further traffic load should occur here unless mitigation measures are carried out. As a result of the reduction in the number of dwellings proposed, the local highway authority considers that the development could not reasonably be required to provide the toucan crossing.

Developer Contributions

The application includes 30% affordable housing provision on site, of which 15% would be required to be built to lifetime homes standards or equivalent. Contributions towards education provision for 24 primary school places (£285,131) and potentially up to 9 secondary places (£161,114 if other residential applications are approved) are indicated at this stage, but precise figures would be dependent on number of bedrooms and determined at reserved matters stage. In respect of highway and transport contributions, the projected costs of the highway works would be negotiated during the drafting of the legal agreement but are anticipated to be £6,000 for travel plan preparation and £22,000 for quality standard bus stops.

Ecology

The application site is enclosed by boundary hedges and mature trees, which form defining linear features and connect the site to three ponds outside the site. Whilst there is a very low risk for the buildings on the site to support roosting bats and birds, the trees and hedges are of high ecological value. Whilst all trees and hedges along the site boundaries are proposed to be retained, conditions are recommended to protect these species during the construction works and to ensure the trees and hedges forming the site boundaries are retained. A condition is also required in relation to invasive plant species present on the site.

The site has the potential to support great crested newts due to the presence of ponds within 500m of the site. The ecological appraisal concludes that the risk of newts being present in the construction zone is low and thus the proposal represents a limited risk, however as the appraisal cannot eliminate risk, a pre-construction terrestrial survey is recommended. Conditions are recommended in line with the ecological appraisal in the interests of protected species.

Reserved Matters

Layout, scale, landscaping and appearance are matters which are reserved for subsequent approval. The applicant has submitted an indicative layout, which has been amended to reduce the number of dwellings from 62 to 43, which was considered necessary to respond to the site context. Whilst I consider the layout would require negotiation in respect of the detailed layout, street scape and orientation of the properties, I am satisfied that the general approach to the layout, with the buildings set back some distance from the highway, would be acceptable in principle. The design of the proposed dwellings should have regard to the location of the site in the open countryside.

Clitheroe Golf Club expressed concern about the proximity of the site to the first hole and tee by reason of the resulting risk from misdirected golf balls endangering property and persons. Whilst I consider this to be a material consideration, it should not preclude the principle of the redevelopment of the site and I would question to what extent the existence of the golf course could preclude the re-development of adjacent land, particularly land already in use. Nevertheless, layout is reserved for subsequent approval and the amenity of the future occupants would be considered further during the course of the reserved matters application once the layout is known. The applicant would be required to demonstrate that proposed dwellings and gardens would not be unduly at risk from misdirected golf balls and it is anticipated that this would require an assessment of the level of risk to determine appropriate mitigation measures, if required - the site is currently occupied and information about how frequently golf balls enter the site would be available to the applicant. The applicant would also need to afford consideration to the visual impact of proposed mitigation measures and the impact of these measures on the amenity of the future occupiers.

Planning Balance

In cases where the development plan is out of date, the NPPF prescribes that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. I consider that the loss of this employment land would not result in adverse harm in the context of the promotion of Barrow Enterprise Site as a strategic employment site. The identified harm that would arise as a result of this proposal is that it would create a suburban housing development detached from the village boundary of Barrow. On balance, I consider that this harm would be outweighed by the benefits of the proposal, which would represent an effective use of previously developed land, would contribute 43 residential units to the Council's housing land supply figures at a time when the Council cannot demonstrate a 5 year supply and would enhance the appearance of the site in landscape terms. Furthermore, the harm that would arise can be minimised by improving the accessibility of the site in respect of sustainable transport modes (bus and cycle) secured through an appropriate legal agreement. Having considered in detail the merits of the scheme and the adverse impacts that would arise, I conclude that the proposal would not result in significant harm that would demonstrably outweigh the benefits of the proposal.

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 3 months from the date of this committee meeting and subject to the following conditions:

1. An application for approval of reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this

permission and the development shall be begun not later than the expiration of two years from the final approval of the reserved matters.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (a) No development shall take place without the prior written approval of the Local Planning Authority of the reserved matters, that is, details of: (i) the layout (ii) the scale (iii) the appearance (iv) the means of access to the buildings (including the provision to be made for vehicle and cycle parking, demonstrating at least 2no. car parking spaces within the curtilage of the site) and (v) the landscaping of the site (including any proposed changes to existing ground levels, means of enclosure and boundary treatment, hard surfaced areas and materials planting plans, specifications and schedules, existing plants to be retained and showing how account has been taken of any underground services);

(b) The approved proposals relating to means of access to the buildings and parking provision shall be carried out in accordance with the approved details prior to the first occupation of the development and retained thereafter at all times.

(c) The approved proposals relating to landscaping shall be implemented in accordance with the approved details in the first planting season following the first occupation of the development. Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority give its written consent to any variation.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Post Submission Version Including Proposed Main Changes) in order that the Local Planning Authority should be satisfied as to the details, because the application was made for outline permission without the details referred to in the condition.

3. The reserved matters application shall be accompanied by a scheme for the disposal of foul and surface waters, which shall be based on sustainable drainage principles and shall include an assessment of hydrological and hydrogeological context. The scheme shall demonstrate the surface water run off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed previous run off rates following the corresponding rainfall event. The scheme shall be implemented in accordance with the approved details prior to the completion of the development.

REASON: To prevent increased risk of flooding and pollution of the water environment and to ensure satisfactory means of foul drainage in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Post Submission Version Including Proposed Main Changes).

4. 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 Part IIA of the Environmental Protection Act 1990, focusing primarily on risks to human health and controlled waters. The investigation shall address 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 approved in writing by the LPA prior to the site investigation survey.

(c) If the site investigation indicates remediation is necessary, a Remediation Statement detailing the recommendations and remedial measures to be implemented within the site shall be submitted to and approved in writing by the LPA. The remediation shall be carried out in accordance with the agreed statement and on completion of the development/remedial works, the developer shall submit a Verification Report to the LPA for approval in writing that certifies that all works were completed in accordance with the agreed Remediation Statement prior to the first occupation of the development.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site and to ensure the site is suitable for its end use in accordance with Policies ENV7, ENV9 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies EN2, EN4, DME2 and DME3 of the Ribble Valley Core Strategy (Post Submission Version Including Proposed Main Changes).

5. The reserved matters application shall be accompanied by a crime prevention statement detailing crime prevention principles have been incorporated into the design of the proposals to minimise the opportunity for crime.

REASON: To minimise risk of crime, having regard to Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Post Submission Version Including Proposed Main Changes).

6. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees and hedges along all site boundaries shall be protected in accordance with the BS5837 2012 [Trees in Relation to Demolition, Design & Construction] the details of which shall be agreed in writing and implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Countryside/Tree Officer. A tree protection monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun.

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

No tree or hedge surgery or pruning shall be implemented without the prior written consent of the local planning authority, which shall be undertaken in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor. Prior to the removal of trees and hedges forming the boundary vegetation has been surveyed for nesting birds by a suitably qualified ecologist immediately prior to its removal and the survey submitted to and approved in writing by the Local Planning Authority prior to the vegetation removal.

REASON: In order to ensure that trees of visual amenity and ecological value are protected during the construction works, having regard to Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DME3 and Key Statement EN5 of the Core Strategy (Post Submission Version Including Proposed Main Changes).

7. Demolition and site clearance shall be undertaken outside the nesting bird season [March - August inclusive] unless the site has been surveyed for nesting birds by a suitably qualified ecologist immediately prior to any site works, the results of which shall be submitted to and approved in writing by the Local Planning Authority prior to any site works. The development shall be carried out in accordance with the requirements of the survey.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds in accordance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DME3 and Key Statement EN5 of the Core Strategy (Post Submission Version Including Proposed Main Changes).

8. The reserved matters application shall include the provision of roosting opportunities for bats and nesting birds in accordance with the recommendations of the ecological appraisal dated October 2013, reference R-1525-01.3. The roosting opportunities shall be made available for use prior to the first occupation of the development and shall be retained at all times thereafter unless otherwise agreed in writing by the local planning authority.

REASON: To maintaining continuity and permanence of a roosting/nesting opportunity on the site and to enable the planning authority to fulfil its obligations under the Wildlife and Countryside Act 1981 (as amended), having regard to Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DME3 and Key Statement EN5 of the Core Strategy (Post Submission Version Including Proposed Main Changes).

9. Notwithstanding the submitted access proposals, the new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any construction work takes place within the site. Visibility splays shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed estate road from the continuation of the nearer edge of the carriageway of Whalley Road to points measured 70m in each direction along the nearer edge of the carriageway of Whalley Road from the centre line of the estate road, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device.

Reason: To ensure that satisfactory access is provided and thereafter maintained at all times and before the construction of the development hereby permitted commences.

10. No site works shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- i. Sustainable travel options for journeys to and from work for the site operatives, including pedestrian routes, travel by bicycles, journeys by train, car sharing schemes and other opportunities to reduce journeys by motor car.
 - ii. The parking of vehicles of site operatives and visitors;
 - iii. Loading and unloading of plant and materials;
 - iv. Storage of plant materials used in the construction of development;
 - v. wheel washing facilities;
 - vi. Periods when plant and materials trips should not be made to and from the site (mainly peak hours, but the developer to suggest times when trips of this nature should not be made).
 - vii. Routes to be used by vehicles carrying plant and materials to and from the site which shall have been constructed to base course level.
 - viii. Measures to ensure that construction vehicles do not impede adjoining accesses.
 - ix. The erection and maintenance of security hoardings;
 - x. Details of the storage of potential ground and water contaminants
 - xi. A scheme for recycling/disposing of waste resulting from construction work; and
 - xii. A scheme to control noise during the construction phase.

REASON: In the interests of protecting residential amenity from noise and disturbance and in the interests of highway safety 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).

11. Prior to the first occupation of any part of the development hereby permitted, a Framework Travel Plan shall be submitted to the Planning Authority for consideration and approval. The Framework Travel Plan shall include targets and commitments and details of the preparation of the Full Travel Plan related to the phasing of the development. Thereafter the Full Travel Plan shall be prepared, implemented, audited and updated within the timescale set out in the approved Framework Travel Plan.

Reason: To ensure a multimodal transport provision for the development and reduce the traffic impact on the local road network, in accordance with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy (Post Submission Version Including Proposed Main Changes).

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

REASON: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works in accordance with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy (Post Submission Version Including Proposed Main Changes).

13. Prior to the installation and use of any external lighting, including during the construction phase, full details of the lighting shall be submitted to and approved in writing by the local

planning authority. The development shall take place in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of protected species, having regards to the location of the site and in accordance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DME3 and Key Statement EN5 of the Core Strategy (Post Submission Version Including Proposed Main Changes).

APPLICATION NO: 3/2013/0747/P (GRID REF: SD 372661 435732)
PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 56NO DWELLINGS INCLUDING 15NO AFFORDABLE HOUSING UNITS, TOGETHER WITH ALL ASSOCIATED INFRASTRUCTURE WORKS AT WILKINSON'S HAULAGE YARD AND ADJACENT LAND AT WHALLEY ROAD, BILLINGTON

Introduction

This application was considered by the Committee on 7 November 2013 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 three months from the date of this decision as outlined in the Section 106 Agreement sub heading within the report and subject to a number of conditions.

In the Section 106 Agreement sub heading of the original report, it was stated that the Agreement would require the following:

1. The provision and permanent retention of 15 affordable housing units, with the number of affordable rental units and number of shared ownership units to be confirmed by the Council's Strategic Housing Officer.
2. The payment by the applicant to the Lancashire County Council of the sum of £339,159 (or any alternative amount as maybe agreed by Lancashire County Council) towards the provision of 18 primary school places and 7 secondary school places.

Due to discussions between the applicants, this Council's planning officers, and officers of Lancashire County Council on the matter of the required education contribution, it has not been possible to complete the Section 106 Agreement within the three month period specified in the Committee's original resolution. The application is therefore now reported back to Committee for further consideration.

The application itself has not been in any way amended or altered since the application was first considered by Committee. The majority of the contents of the original report therefore remain valid and are included in this report below. The content of the report has, however, been amended/updated under the headings of Additional Representations, Highway Safety, Affordable Housing, Education, Neighbour Amenity, Section 106 Agreement and Conclusion.

PARISH COUNCIL: No objections to this application.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Comments that the proposal is an amalgamation of two previously approved planning permissions for 39 and 17 dwellings. These previous permissions require the formation of 2 access points onto Whalley Road and a combination 6 terraced dwellings front Whalley Old Road with parking access off Whalley Road and 5 dwellings with direct access onto Whalley Old Road. The current application reduces the number of access points onto Whalley Road to 1 and reducing the impact on Whalley Old Road by reducing the number of terraced properties from 6 to 5 and removing the requirement for direct access for 5 dwellings. In view of these improvements and the extant planning permissions, I raise no objection to the proposals on highway grounds but request that any permission is subject to a number of conditions and notes. The conditions would relate to:

1. The provision and future retention and maintenance of a visibility splay of 2.4m x 90m in each direction at site access onto Whalley Road.
2. Construction of estate roads/site access to base course level before any development takes place.
3. No part of the development to be commenced until a scheme for a construction and site access and off-site highway works have been submitted to and approved by the Local Planning Authority.
4. No part of the development to be occupied until the approved scheme referred to in condition 3 above has been constructed and completed in accordance with the approved details.
5. The permanent closure of the existing access.
6. Approval of and adherence to a construction method statement.

LANCASHIRE COUNTY
COUNCIL (PLANNING
CONTRIBUTIONS):

As stated above, no Section 106 contribution is sought by the County Council in relation to highways and sustainable transport matters.

An education contribution however is requested, as summarised below.

The latest information available at this time was based on the 2013 annual pupil census and resulting projections.

Based upon the latest assessment, Lancashire County Council would be seeking a contribution for 18 primary school places and 7 secondary school places. Calculated at the current rate, this would result in a claim of £339,159.00.

Primary Places:

$(£12,257 \times 0.9) \times \text{BCIS Indexation (310.60 April 2012/288.4 Q4 2008 = 1.076976)} = £11,880.45 \text{ per place} \times 18 = £213,848.00.$

Secondary Places:

$(£18,469 \times 0.9) \times \text{BCIS Indexation (310.80 April 2012/288.4 Q4 2008 = 1.076976)} = £17,901.60 \text{ per place} \times 7 = £125,311.00.$

The total requested contribution towards education is therefore £339,159.00.

ENVIRONMENT AGENCY:

The Environment Agency has no objection in principle to the proposal subject to the inclusion of conditions which meet the following requirements.

In relation to flood risk, the application site is located in Flood Zone 1 which is defined as having a low probability of flooding in the Technical Guidance to NPPF. However, the site exceeds 1 hectare and in accordance with NPPF it is accompanied by a Flood Risk Assessment (FRA) for Whalley New Road, Billington by Lees Roxburgh – reference 5551/R1 Rev A dated April 2013.

The Environment Agency has considered the FRA and provided that any subsequent development proceeds in accordance with the conclusions set out in Section 6 they are satisfied that the proposed development would not be at an unacceptable risk of flooding nor would it exacerbate flood risk elsewhere.

The FRA has identified the existing run-off rates for the detailed design drainage or strategy has not been submitted is therefore recommended that any permission is subject to a condition that no development should take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme subsequent to be implemented in accordance with the approved details.

A condition is also recommended to ensure that any risks associated with land contamination are identified and appropriately dealt with.

UNITED UTILITIES:

Has no objections to the proposed development subject to a condition requiring the submission for approval and subsequent implementation of a scheme for the disposal of foul and surface waters.

LANCASHIRE
CONSTABULARY
(ARCHITECTURAL LIAISON
OFFICER):

Has made a number of suggestions relating to matters such as the provision of gates in appropriate locations, the avoidance of windows in sheds, the avoidance of excessive planting in areas where surveillance is desirable. The applicant has been made aware of this advice which generally could be followed without necessitating any alterations to the plans or requiring any further planning permissions.

ADDITIONAL
REPRESENTATIONS:

Letters were initially received from 9 local households as well as a letter from an 'action group' signed by 21 residents. All of the letters are available for inspection by Members but the points and objections made were summarised in the original report as follows:

1. The proposed dwellings will overlook existing properties causing loss of privacy.
2. The proposed dwellings will cause loss of light to existing properties.
3. Buildings out of character with nearby properties.
4. Highway issues including congestion on local roads and existing parking problems.
5. Proposed tree planting will further obstruct the light that enters the gardens of adjoining properties.
6. The rear of the proposed car parking areas at the rear of existing properties will cause more noise, especially at night-time.
7. Plot 38 will have a detrimental impact on the privacy of an adjoining property (and also the privacy of the occupiers of the new property). Due to the land levels, and the position of the plot, the new house would be directly overlooked by the existing property that is on higher ground. The proposal will cause direct overlooking to numbers 39, 41, 43, 45, 47 and 49 Painterwood which will lead to a loss of privacy to those properties.
8. The parking spaces at the rear are too far away from the houses on Plots 52 – 56. The occupiers of these properties would park on Painterwood exacerbating an existing parking problem.
9. Some of the houses in Painterwood have rear access over the field. This will be lost if this development goes ahead.

10. Noise disturbance due to new houses being built behind existing houses.
11. Loss of greenery. The fields upon which it is proposed to build offer much needed greenery between Painterwood and the main road in Billington. There is concern that trees, wildlife and other living matter will be destroyed.
12. Concern regarding future maintenance of hedgerow and a lack of information as to what is proposed.
13. The frequently used public footpath which joins Whalley Old Road and Whalley Road runs across the driveways of a number of the proposed new houses. This will lead to the possibility of cars blocking the footpath in future and the eventual erosion of this public right of way. Can it be ensured that the footpath is preserved and clearly signposted?
14. Specific concern about the dangerous junction between Painterwood and Whalley New Road. The plans should be amended to include a road joining Whalley Old Road/Painterwood with Whalley New Road. This would solve the longstanding problem of the existing junction between these two roads that is difficult and dangerous to use.

Since Committee's original consideration of this application, an email has been received from a nearby resident who says that she did not receive the original notification letter (because it was incorrectly addressed – as were letters intended for 6 of her neighbours). The neighbour has expressed objections to the application on the following grounds:

1. The proposal will result in a lot of extra children in the locality. A pedestrian crossing should be provided on Whalley Road as there is a children's playground on the opposite side of Whalley Road from the proposed development.
2. Her property will be overlooked at the rear especially as her house is on lower grounds than the proposed dwellings. Appropriate boundary treatment to reduce overbearing/overlooking impact should be ensured by condition if the application is approved.
3. Possible problems caused by water run-off due to the land level differences.

The other 6 nearby residents who may not have received their initial notification letter have been re-notified. Any further representations received will be reported orally to Committee.

Proposal

The application seeks full planning permission for a residential development of 56 dwellings. There are 2 outline planning permissions that, cumulatively, have granted permission in principle for the erection of 56 dwellings on this site. The matter of access was approved under those outline applications. As the access in this current application is different, the application has to be “full” as opposed to a reserved matters application. By bringing the two former sites into one ownership the opportunity has arisen to provide a single joint access into the site from Whalley Road, thereby achieving a more appropriate form of development than the layouts proposed at outline stage.

The submitted site layout plan shows a development of 56 dwellings including 41 detached houses, 2 semi-detached houses and 13 terraced houses.

15 of the dwellings (the terraced and semi-detached units, would be made available as “affordable” units.

Vehicular access to the site would be via a new access at the eastern end of the Whalley New Road frontage of the site with no vehicular access to be formed from Whalley Road/Painterwood. 51 of the dwellings are arranged along cul-de-sacs formed of Whalley New Road whilst 5 of the dwellings would face onto Painterwood/Whalley Old Road, with the parking area accessed from the cul-de-sac off Whalley New Road.

Hedgerows and trees on the site’s external boundaries would be retained including 4 large mature trees on the Whalley New Road frontage of the site.

An area of public open space is to be provided along part of the Whalley New Road frontage; and the existing public footpath that joins Whalley Old Road with Whalley New Road would be retained with links provided into the development and to the public open space area.

Site Location

The application site is located on the edge of the settlement of Billington some 750m away from the centre of Whalley. The site has an area of approximately 2.35 hectares, comprising 3 distinct parts. One part has been previously developed and the other 2 parts are greenfield. The previously developed portion has an area of approximately 0.33 hectares and comprises the former Richard Wilkinson & Sons commercial vehicle body builders, including a building and associated surfaced yard areas. Vehicular access to these former works is from Whalley New Road at its northwest corner. One part of the greenfield part of the site is unused but grassed. This has an area of approximately 44 hectares and is located between the yard area of the former works and the existing terraced properties on Painterwood/Whalley Old Road. This area does have frontages to Painterwood/Whalley Old Road with 2 field gates providing existing access into this part of the site. This portion of the site is at a lower level than the adjoining terraced properties with the former works building at a lower level still. The boundary between the gardens, the adjoining terraced houses and this portion of the site are marked variety of fences.

The other greenfield part of the site has an area of approximately 1.5 hectares. This is a field that slopes down from Painterwood towards Whalley New Road and is presently used as pasture. This part of the site is bounded to the north, south and west by hedgerows and to the

east by a post and wire fence alongside the existing footpath that connects Whalley New Road with Whalley Old Road.

The application site therefore lies between the two roads of Whalley New Road and Whalley Old Road/Painterwood. To the north, on the opposite side of Whalley New Road is an area of housing including 2 terraces of house and the Ebenezer Baptist Church. On the opposite side of Whalley Old Road/Painterwood (to the south east) is a ribbon of housing including a number of post war detached houses. To the east of the site are further areas of housing, whilst to the west of the site are fields that are presently used for grazing.

With regards to the general locality, Billington lies between Langho and Whalley and is a village having a mix of housing including traditional stone and rendered terraced cottages and some more modern post war development. It contains St Augustine's Roman Catholic secondary school, a shop, a church, a pub/restaurant, several businesses and a working men's club. A bus service runs along Whalley New Road.

Relevant History

The application site has the benefit of outline planning permissions for residential development as detailed below. The combined permissions relate to the whole of the current application site.

3/2010/0078/P – Outline planning permission for residential development (17 dwellings) of former Wilkinson's site and adjoining vacant land. Permission granted 23 January 2013.

3/2010/0751/P – Outline planning permission for residential development (39 dwellings) of pastureland between Whalley New Road and Whalley Old Road/Painterwood. Planning permission granted 25 November 2011.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy ENV5 - Protected Open Land.

Policy H19 - Affordable Housing - Large Developments and Main Settlements.

Policy H21 - Affordable Housing - Information Needed.

Policy RT8 – Recreation and Tourism.

Policy RT19 - Development Which Prejudices Footpaths.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes)

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

Policy DMH1 – Affordable Housing Criteria.

Policy DMB4 – Open Space Provision.

Policy DMB5 – Footpaths and Bridleways.

Policy DMG3 – Transport and Mobility.

National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this full planning application relate to the principle of development, highway safety, layout and design, affordable housing, education, public footpath, public open space, neighbouring amenity, flood risk and drainage, energy, and trees. These matters will be discussed below under appropriate sub-headings.

Principle of Development

The site has the benefit of 2 outline planning permissions which cumulatively comprise 56 dwellings. The grant of those two outline planning permissions (both of which are extant) have established that the site is acceptable in principle for housing development.

The purchase of the two sites by the applicants has enabled the formulation of a scheme involving just one access onto Whalley Road rather than the 2 accesses comprised in the 2 separate schemes for which outline planning permission has been granted. Whilst this represents an improvement in many ways on the two separate schemes, because access to the separate sites was approved at outline stage, it was not possible for a reserved matters application to be submitted. Although this is therefore a full planning application, it must be accepted that the principle has already been established.

It is not considered necessary, given this background, to assess the policy context in relation to the principle of the proposed development. Whilst Policies and circumstances are ever-changing, I consider it sufficient to say that, if anything, the relevant changes since the outline permissions were granted only served to strengthen the conclusion that this site is acceptable in principle for housing development.

The application is also for a proposed development of 56 dwellings including 15 affordable units which is exactly the same as the cumulative numbers in the 2 separate outline planning permissions.

Highway Safety

A Transport Report submitted with the application concludes that the traffic likely to be generated by the development is relatively low and, as such, would have no material impact on the operational safety record of the local highway network. It is concluded that the proposal would result in no more impact on the road network than the previously approved proposals for the site. It is stated that the single point of vehicular access would have appropriate geometry and adequate visibility to meet the relevant standards.

The schemes in the outline permissions have more access points onto both Whalley Old Road and Whalley New Road. Local residents had objections to that element of the previous proposals. This current application has only 1 access into the site from Whalley New Road with no vehicular accesses at all onto Whalley Old Road/Painterwood.

The County Surveyor has expressed no objections to the application on highway safety grounds subject to appropriate conditions; and no financial contributions towards highways/transport matters have been requested.

A number of local residents have signed a letter suggesting that an existing highway safety problem (the junction between Painterwood and Whalley New Road) could be addressed by this

development being amended to provide a through route between Whalley Old Road/Painterwood and Whalley New Road.

Lancashire County Council Highway Authority has considered this suggestion that is of the opinion that the existing situation (whilst somewhat inconvenient and unattractive) is preferable to the suggested alternative.

In a representation received since the original report, a nearby resident expressed the opinion that, for highway safety reasons, some form of pedestrian crossing should be provided on Whalley Road. In response to this representation, the County Surveyor has commented that this current application is an amalgamation of two previous applications which received planning permission for 17 and 39 dwellings. For these applications, whilst there were minor highway issues, there was no requirement for a pedestrian crossing facility to be provided. As the current application does not increase the number of dwellings proposed for the whole site, the County surveyor does not therefore consider it reasonable to request a further contribution for the provision of a pedestrian crossing facility. He adds that notwithstanding these comments, the installation of a pedestrian crossing facility is governed by a set of criteria on pedestrian and vehicular flows; and that whilst the location of the park may encourage some additional pedestrian movement, the volume of these anticipated movements is highly unlikely to meet the necessary criteria.

The County Surveyor has also commented that a speed survey carried out to the east of the site in June 2013 did not indicate a speeding problem along this section of Whalley Road but that the Highway Authority is currently in negotiations with the developer formalising the Section 278 Agreement and that they will be requesting the provision of interactive signing to remind drivers of the 30mph speed limit.

Layout and Design

The layout of the proposed development is influenced by the gradient of the site, the relationship adjoining development, and highway safety including paying regard to the objections made by local residents to the individual access onto Painterwood as comprised in a previous application relating to this site.

The layout allows all properties to be served by a single access from Whalley New Road with no vehicular access at all onto Whalley Old Road/Painterwood.

The proposed layout has also been specifically designed to maintain the public footpath on its existing line with ramps integrated into adjacent areas of open space. These ramps will allow the footpath to be used by all members of the community; whereas the existing steps along the current footpath include its use by persons with mobility difficulties.

The proposed layout has been designed to retain existing trees and hedgerows, and provides an area of public open space adjoining Whalley New Road. This particular aspect of the layout maintains the present character and appearance of the site when viewed from Whalley Road. The development has sought to pay regard to the design and appearance of existing adjoining properties eg by de-siting of terraced and split level properties close to the existing terraced properties on Painterwood.

Overall, it is considered that the layout and design of the properties are appropriate for the site having paid due regard to the site features and the location and nature of adjoining residential properties.

Affordable Housing

The outline planning permissions provided for the erection of 56 dwellings at the site including 15 affordable homes. This application proposes exactly the same total number of dwellings and the same number of affordable dwellings.

The proposed affordable housing provision equates to 27% of the total which is less than the 30% normally sought by the Council in the document Addressing Housing Need in Ribble Valley. However, Members are advised that this lower percentage was agreed through the outline planning applications. Those applications are both extant and could be implemented. As there have been no policy or other relevant changes that would justify a requirement for any increase in the provision of affordable housing over that previously approved by the Council I consider that this provision should be accepted.

The document Addressing Housing Need in Ribble Valley does allow a reduction in the level of affordable housing provision to 20% when there is supporting evidence to justify a reduction from the usually required 30%. In this case, an Economic Viability Assessment was submitted with the outline application on the former Wilkinson's site which demonstrated that the development would not be viable with a 30% affordable housing provision and an education contribution. The reason for this was the brownfield nature of the site and the additional development costs of demolition, remediation etc associated therewith. The Council sought an independent appraisal of that Economic Viability Assessment and this concluded that the development would not be viable. On that basis, the Council's Strategic Housing Group meeting on 1 May 2012 and the Council's Planning and Development Committee meeting on 24 May 2012 resolved that the affordable housing provision be reduced and the education contribution be waived. That outline planning permission was granted on that basis.

The viability considerations that led to the Council decisions have not changed. It is therefore considered that the proposed provision of 15 affordable units is acceptable in this particular case.

The affordable units are to be provided in the form of 2 terraces of 5, 3 bed dwellings (those terraces will adjoin each other on the layout) plus a terrace of 3, 3 bed dwellings and a semi-detached pair of 3 bed dwellings (these 5 properties will also adjoin each other on the layout). All 15 affordable units will be split level properties due to the sloping nature of the site.

The applicants are in discussion with Great Places Housing Group (GPHG) in relation to the affordable housing units. GPHG would prefer the mix of the 15 units to be 10 shared ownership and 5 affordable rental as they would not seek to mix tenure types with individual blocks as they say that this can lead to neighbourhood management and maintenance issues in the future. The tenure split preferred by the housing association therefore fits the proposed layout. The applicant is therefore requesting that this split be agreed, stating additionally, that the expense incurred in building these 15 units as split level dwellings would make the alternative split of 5 shared ownership and 10 affordable rental unviable for the developer.

The Council's Strategic Housing Officer would prefer the split to include more affordable rental than shared ownership units either as a 10:5 or 8:7 split. At the time of preparation of this

report, the Strategic Housing Officer was due to seek the opinion of the Strategic Housing Group on the applicant's request for 10 shared ownership and 5 affordable rental units. Members will therefore be updated orally on this matter at the committee meeting.

Education

The outline permission of 39 dwellings on the greenfield western portion of the site was subject to an education contribution of £165,759 as sought by the County Council. As described above, the outline planning permission for 17 dwellings on the brownfield part of the site contained no obligation to provide an education contribution. The applicant therefore feels that an education contribution of £165,759 should be applied to this application thereby adhering to the parameters of the outline planning permissions.

In its consultation response on this current application, however, the County Council has requested a contribution of £213,848 towards the provision of 18 primary school places and £125,311 towards the provision of 7 secondary school places, giving an overall requested contribution of £339,159.

It is the County Council's practice to recalculate their requested financial contributions towards education close to the time when decisions are made on planning applications in order that their request is based on the most up to date information. The request made in this case, is therefore based on the most up to date information. On this basis, in the report considered by Committee on 7 November 2013, it was stated that, in the event that Committee was minded to grant permission for the development, the resolution should require a prior appropriate Section 106 Agreement in which a contribution of £339,159 (or any alternative amount as might be agreed by the County Education Authority) is required.

In a letter to the County Council (since the Committee's original resolution in November 2013), the applicants state that the County Council's letter making the contribution request does not mention the planning history of the site. The applicants made the point that the two previous outline permissions are for a total of 56 dwellings for which a total education contribution of £165,759 was secured.

The applicants comment that instead of making two reserved matters applications, they have made one full application; the reason being, not to build more houses, as the number remains the same, but to enable them to positively address various concerns that were previously made by local residents and by the Council's Planning Committee.

The applicants state that it is still open to them to submit reserved matters applications on the two sites and that if this was done the education contribution would remain at £165,759 as fixed at the outline stage. The applicants therefore request the County Council to reconsider the now requested contribution of £339,159 and confirm that they would be fully committed into entering into an agreement to contribute the sum of £165,759 in relation to the current proposal.

In response, the County Council says that they are fully aware that the outline permissions remain live but that the permission for which £165,759 was secured was granted in January 2011. They say that, in such a significant period of time, the situation can change significantly and the revised education claim reflects this. They say that the requested sum is required in order to provide the school places required as a direct result of this development; and that if a development is unable to provide the necessary infrastructure required then it is their view that

this will make the development unsustainable and they consider it to be their duty to report this to the Planning Committee.

The County Council adds that the decision regarding the planning application and the payment of the education contribution ultimately lies with the Local Planning Authority. Whilst they appreciate the difficulty this may cause, they say that the role of the County Council is to identify educational needs resulting from the proposed development and that these needs have accordingly been communicated to the Local Planning Authority. They say that it is not a case of the County Council calculating an arbitrary figure as the calculation has been done taking all information into consideration and the figure requested is to mitigate the impact of this proposed development.

The County Council therefore stands by its request of £339,159 as this figure has been calculated using their standard methodology. They consider that their agreement to a lesser sum would undermine that methodology and create an unfortunately precedent. The County Council say that they could not therefore be a party to any bilateral Agreement involving a reduced education contribution. The County Council has, however, acknowledged the consistent support given by Ribble Valley Borough Council in seeking to secure the contributions that they request. The County Council would therefore accept any decision made by the Borough Council that involved the lesser education contribution; and would expect this to be the subject of a Unilateral Undertaking.

Public Footpath

In relation to the 2 previous outline applications relating to 2 different parts of this site, the public footpath that runs from Whalley Old Road to Whalley New Road was located between the two sites and was therefore left on its original alignment totally unaffected by the applications. The indicative layouts submitted with those outline applications did not therefore pay any particular regard to the public footpath with regards to considerations such as safety and surveillance.

In this current application, the public footpath is also retained on its existing line. The proposed layout has dwellings facing rather than backing onto the public footpath and at a greater distance from it. This provides a more open, pleasant supervised and safe environment for walkers to continue to use the footpath. There would also be links from the footpath into the adjoining areas of open space.

Public Open Space

The submitted layout includes an area of public open space to be provided alongside Whalley New Road. This location has the advantage that the land is slightly more flat in this location than the rest of the site making the public open space more usable and it also facilitates the retention of four mature trees that are to be retained on that road frontage. It is considered that this would provide space for informal play and an area of attractive amenity space; and the public footpath would also link into this open space. A smaller area of open space is also to be provided at the southern end of the public footpath.

The two previous outline permissions had no requirement for any commuted sum payment the Council for the subsequent adoption of the area or towards any off-site recreational provision. Rather, the permission was subject a condition that required a management plan for the maintenance of the public open space area and any play equipment within it to be submitted to and approved in writing by the Local Planning Authority, and subsequently carried out in

accordance with the approved details. In documentation submitted with this current application, it is stated that the areas of open space would be maintained through a management company to be set up by the applicant.

The proposed area of public open space and the details of its future management are in accordance with the decisions previously made in relation to this site and in compliance with the fact that the Council no longer accepts the maintenance responsibilities for such public open spaces.

I consider the proposed public open space to be of an appropriate size and in appropriate location for this development and therefore have no objections to this particular element of the application.

Neighbour Amenity

The detached houses on the south western portion of the site are on a much lower level and set a considerable distance away from the properties on the opposite side of Painterwood/Whalley Old Road such that, in my opinion, the properties on that part of the site will not have any detrimental effects upon the amenities of those particular neighbouring residents.

The area of public open space is located at the north western corner of the site. This provides a considerable separation distance between the dwellings on that part of the proposed site and the existing properties at Bank Cottages on the opposite side of Whalley New Road.

The detached houses on plots 1-5 at the north eastern corner of the site are orientated and sited such that, in my opinion, these properties would not have any detrimental effects upon the terraced houses on the opposite side of Whalley New Road.

The part of the site where the proposed dwellings are closest to existing properties are the detached houses on plots 38-41 and the terraced houses on plots 42-51. These dwellings, however, are situated on lower ground than the existing properties in Painterwood and it is considered that the separation distances and orientation of the proposed dwellings are such that they would not have any seriously detrimental effects upon the privacy or general residential amenities of the occupiers of those adjoining residential properties.

The proposed 5 terraced and semi-detached properties on Painterwood are in a location where there are no other properties on the opposite side of Painterwood, and these drawings are sited an appropriate distance away from the adjoining properties on the southern side of Whalley New Road. These 5 properties therefore would not, in my opinion, have any detrimental effects upon the amenities of any nearby residents. (This paragraph addresses one of the objections contained in the letter that has been received since the Committee's previous consideration of this application).

Overall, it is considered that the proposed layout satisfies the usual minimum separation distance of approximately 20m between directly facing the main elevations such that an acceptable level of privacy is afforded to the occupiers of both existing and proposed dwellings. Whilst some dwellings (eg plot 38) might be located closer than that distance to existing properties, that property is positioned at right angles to the existing dwelling such that there is no direct overlooking. Overall, I consider that the proposed layout has a due regard to the privacy and amenities of existing residents such that the proposal is, in my opinion, acceptable in this particular regard.

The comments about boundary treatment and possible problems of water run-off made in the recently received letter are addressed by recommended condition numbers 4 and 13 at the end of this report.

Flood Risk and Drainage

Even though the site is located in flood zone 1, an area at lowest risk of flooding, a Flood Risk Assessment was submitted with the application. Surface water runoff from the development would be limited to existing grates. The FRA concludes that the risk of flooding from external sources can be managed and the development proposals would not increase flood risk either within the site or the surrounding area.

Subject to compliance with the recommendations in the flood risk, and the submission for approval of appropriate drainage details, the Environment Agency and United Utilities have both confirmed that they have no objections to the application.

Energy

The two previous outline permissions relating to this site contained conditions requiring 10% of the development energy requirements to be generated by renewable production methods.

In documentation submitted with this current application, it is stated that the approach used by the applicant is a “fabric first” solution to a sustainable design and construction. That is, to design into the buildings a reduction in their energy consumption over and above the normal Building Regulations and Code for Sustainable Homes standards. It is claimed that the application of this approach is demonstrated to achieve a reduction in the energy requirement of the development by 10.5%.

As such, the requirements of the previously imposed conditions would be satisfied but, as this is a “full” application as opposed to “reserved matters” it will again be necessary to impose a similar condition in the event that planning permission is granted.

Trees

A tree survey submitted with the application shows that the floor line and beech trees on the Whalley New Road frontage of the site are of greatest amenity value. The scheme has therefore been designed with the intention of securing the retention of these trees. A root protection zone has been identified around each tree extending beyond their canopies and no development is proposed within these zones. The hedgerows and minor trees along the boundaries of the site are also to be retained.

It is considered that the proposed layout takes full account of and retains the trees of public amenity value and the hedgerows. The Council’s Countryside Officer has not expressed any objections to this application.

Section 106 Agreement

If full planning permission is to be granted, a Section 106 Agreement will be required (which could be in the form of a Unilateral Undertaking). This will require the following:

1. The provision and permanent retention of 15 affordable housing units, with the number of affordable rental units and number of shared ownership units to be confirmed by the Council's Strategic Housing Officer.
2. The payment by the applicant of £165,759 towards the provision of 18 primary school places and 7 secondary school places.

Conclusion

Although this application seeks full planning permission for a development of 56 dwellings, the site has the benefit of 2 outline planning permissions that, cumulatively, grant permission in principle for a development of 56 dwellings. For that reason, and also because the development complies in principle with the presently applicable planning policies and guidance, the development is considered to be acceptable in principle.

With regards to matters of detail, the proposed layout and design of the properties is considered to be appropriate and acceptable with regards to the visual amenities of the locality, the amenities of nearby residents and highway safety. The visually important trees and hedgerows within the site and on its boundaries are also to be retained.

The main difference between this report and that originally considered by the Committee relates to the amount of the requested education contribution. The discussions and correspondence etc on this subject between the applicant, RVBC and LCC since the Committee's original resolution are fully detailed earlier in this report. In reporting applications of this nature to Committee, officers have always sought to secure all legitimate financial contributions required by Lancashire County Council. The County Council has acknowledged and is appreciative of this fact. Officers will continue with this approach in relation to future applications. In this particular case (and as an outcome of the further consideration of the matter by all parties since Committee's resolution in November 2013) it is considered appropriate to request the education contribution that was secured in relation to the outline permissions for the site that remain extant. This is in recognition of the brownfield nature of part of the site and the sloping nature of the whole site that both add to the applicants development costs and affect the viability of the proposed development. This amendment to the original recommendation also reflects a consideration of the 'planning balance' taking into account the substantial benefit that would result from the proposed development including the provision of 15 units of affordable housing.

Overall, I can see no sustainable objections to this application for full planning permission.

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 3 months from the date of this decision as outlined in the Section 106 Agreement sub-heading within this report and subject to the following conditions:

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

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

2. This permission shall relate to the development as shown on drawing numbers L(90)02D, L(90)03D, L(90)04D, C-963-01, BRO1.7, LIC1.7, DOR1.7, NOR1.7, SHE1.7, GRE1.7, OAK1.7, MAY1.7 and HOL1.7.

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 Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

4. Precise details of the boundary treatment of all residential curtilages (walls, fences or hedges) shall be submitted to and approved in writing by the Local Planning Authority. No properties shall be occupied until a precise means of boundary treatment for that property have been implemented in accordance with the approved details.

REASON: In the interests of visual amenity and the amenities of adjoining residents and to comply with the requirements of Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

5. If, during development, contamination not previously identified was found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority dealing how this unsuspected contamination shall be dealt with and shall obtain written approval from the Local Planning Authority. The remediation strategy shall be implemented in its entirety in accordance with the approved details.

REASON: To protect the water environment from contamination and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

6. A visibility splay at the junction of the site access on to Waddington Road shall be provided in accordance with the details shown on Drawing Number JO87/W V /SOCG/Fig1REVA. This shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain within the visibility splay defined any building, wall, fence, hedge, tree, shrub or other device over the height of 0.6m from the channel level.

REASON: To ensure adequate visibility at the street junction or site access and in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide

Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft - Post submission Version (including Proposed Main Changes)

7. The new estate Road / access between the site and Whalley Road shall be constructed in accordance with the Lancashire County Specification for Construction of Estate Roads to at least base course level before any development takes place within the site

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted is occupied in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft - Post submission Version (including Proposed Main Changes).

8. No part of the development hereby approved shall commence until a scheme for the construction of the site access and off-site works of highway improvement has been submitted to and approved by the Local Planning Authority. No part of the development shall then be occupied until the scheme has been constructed and completed in accordance with the approved details.

REASON: To ensure that satisfactory access is provided to the site for both construction vehicles and general traffic following the completion of the development in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft - Post submission Version (including Proposed Main Changes) .

9. The existing access into the site from Whalley New Road shall be physically and permanently closed and the existing verge / footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for the Construction of Estate Roads (concurrent with the formation of the new access.

REASON: To limit the number of access points and to maintain the proper construction of the highway in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft - Post submission Version (including Proposed Main Changes) .

10. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details of:

- i) Sustainable travel options for journeys to and from work for the site operatives, including pedestrian routes, travel by bicycles, journeys by train, car sharing schemes and other opportunities to reduce journeys by motor car.
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in the construction of the development;
- v) the erection and maintenance of security fencing;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction; and
- viii) a scheme for recycling/disposing of waste resulting from construction works.

- ix) Periods when plant and materials trips should not be made to and from the site (mainly peak hours, but the developer to suggest times when trips of this nature should not be made).
- x) Routes to be used by vehicles carrying plant and materials to and from the site which shall have been constructed to base course level.
- xi) Measures to ensure that construction vehicles do not impede adjoining accesses.
The approved construction method statement shall be adhered to throughout the entire period of construction works.

REASON: In order to ensure safe working practices on or near the highway in the interests of safety and in the interests of the amenities of nearby residents in accordance with the requirements of Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft - Post submission Version (including Proposed Main Changes).

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

REASON: In order to encourage renewable energy and to comply with the requirements of the National Planning Policy Framework.

12. The dwellings shall achieve a minimum Level of the Code for Sustainable Homes in force on the date of occupation. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that the appropriate Code Level has been achieved.

REASON: In order to encourage an energy efficient development in accordance with the requirements of the National Planning Policy Framework.

13. The development hereby permitted shall not be commenced until such time a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority, The scheme shall be fully implemented in accordance with the approved details.

REASON: In order to ensure satisfactory drainage of the site and prevent the risk of flooding and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft - Post submission Version (including Proposed Main Changes).

14. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the dwellings on Plot numbers 42-56 inclusive unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and

locality and the amenities of nearby residents in accordance with Policies G1, ENV3 and H10 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH5 of the Core Strategy Regulation 22 Submission Draft - Post Submission Version (including Proposed Main Changes).

15. The development shall be carried out in accordance with the requirements and advice in the Arboricultural Development Report dated March 2013 by Tree Check Ltd. that was submitted with the application. Prior to commencement of any development works including delivery of building materials and excavations for foundations or services, all trees identified for retention in that Arboricultural Development Report shall be protected with a root protection area in accordance with the BS5837 [Trees in Relation to Construction]. Details of a tree protection monitoring schedule shall also be submitted to and agreed in writing by the Local Planning Authority before any site works are begun. The monitoring schedule shall then be implemented in accordance with the agreed details.

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

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

REASON: In order to ensure that the trees within the site that are to be retained are afforded maximum physical protection from the adverse effects of development in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft - Post Submission Version (including Proposed Main Changes).

NOTES:

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act.
2. The grant of planning permission will require the applicants to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes the design, procurement of the work by contract and the supervision of the works. For the avoidance of doubt, the highway works relate to the repositioning of the kerbed build-out on Whalley Road opposite the proposed site entrance, provision of "quality bus" standard bus stops on Whalley Road and the provision of vehicle activated signs on Whalley Road.

APPLICATION NO: 3/2013/0771/P

(GRID REF: SD 373964 438141)

PROPOSED RESIDENTIAL DEVELOPMENT OF 102No. DWELLINGS (INCLUDING 20 No. AFFORDABLE UNITS) LAND OFF MIDDLE LODGE ROAD BARROW, BB79WA

PARISH COUNCIL:

Wiswell Parish Council have put forward comments regarding the application. Members are referred to the file for full details of their comments which can be summarised as follows:

1. The proposed layout appears dense and overcrowded with very little open space provided.
2. The information contained in the planning application is very limited.
3. Members object to the plans for the affordable housing to be grouped together and located in the least desirable part of the site, next to the A59. It is believed the affordable housing should be “pepper potted” throughout the development to mitigate potential social problems.
4. Members are disappointed that only 20% affordable has been provided and believe this should be increased to 30% in line with RVBC policy.
5. Documents supporting RVBC's Core Strategy show that the local population now has a greater need for housing for the elderly (bungalows) than larger 4 or 5 bedroom dwellings. The proposal does not take account of this and should include more affordable bungalows.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

The County Surveyor has made observations but has raised no objection to the proposal subject the relevant planning conditions being attached, including those that were attached to the outline consent, where relevant. Members are referred to the file for full details which can be summarised as follows:

- Improvements to bus stops on Whalley Road will be required to be funded through S.106 monies.
- A Framework Travel Plan should be prepared covering all elements of the development and this should be submitted prior to 1st occupation.

RVBC ENVIRONMENTAL
HEALTH:

Have requested that a construction method statement be submitted prior to the commencement of the development should consent be granted.

UNITED UTILITIES:

Have made observations in respect of the application but have raised no objection subject to relevant planning conditions being attached.

LCC ARCHAEOLOGY:

Have made observations in respect of the application but have raised no objection subject to relevant planning conditions being attached.

- ENVIRONMENT AGENCY: Detailed comments are still awaited members will note that it is likely that additional conditions may be requested and these will be reported verbally.
- LCC CONTRIBUTIONS: Lancashire County Council have requested a financial contribution in relation to Primary school places within the area. Further details of the contribution are covered in detail later in this report.
- ADDITIONAL REPRESENTATIONS: 1 letter of objection has been received. Members are referred to the file for full details which can be summarised as follows:
1. Objecting on the grounds that a number of housing developments have been proposed in Barrow.
 2. That trees scheduled for removal be replaced
 3. The strip of land backing onto Willow Drive be retained and not incorporated into any garden areas for the proposed dwellings.

Site Location

The proposal site is located to the south of the Printworks off Ribble Valley Enterprise Park, Hey Road, the A59 is located approximately 68m to the east of the development site with properties fronting Whiteacre Lane to the south backing onto the site. The site is also bounded to the west by properties on Ash Close and Birch Grove also backing onto the site.

Proposal

This application seeks full consent for the erection 102 dwellings of which 20 are proposed affordable housing, with associated landscaping, public open space and highways works at land off Middle Lodge Road Barrow.

The submitted details propose the erection of 82 open market houses as follows:

- 3 x 5 bedroom two storey detached dwellings
- 67 x 4 bedroom two storey detached dwellings
- 3 x 3 bedroom two storey detached dwellings
- 2 x 3 bedroom two storey mid/end terrace dwellings
- 7 x 2 bedroom bungalows

The submitted details also propose 20 affordable dwellings as follows:

- 8 x 2 bedroom bungalow
- 12 x 2 bedroom apartments

The development is served from Middle lodge Road with a main vehicular pedestrian route running north to south serving a cul-de-sac arrangement with elements of courtyard style housing located to the western extents of the site. The submitted details propose an element of public open space to the southeast extents of the site in the form of an informal route through an existing woodland, it is envisaged that informal play equipment may be incorporated within this

area to encourage “naturalistic play”. The proposal also details the erection of two two-storey apartment blocks to the northeast extents of the site each accommodating 6 2 bedroom apartments all of which being affordable in nature.

Relevant History

3/2012/0158: Outline application for the erection of 73 open market detached dwellings and 31 social housing properties. Refused - Appeal Allowed

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 & Countryside

Policy ENV3 – Development in open Countryside

Policy ENV13 - Landscape Protection.

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

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

Policy DMH3 – Dwellings in the Open Countryside

Policy DMH1 – Affordable Housing Criteria

National Planning Policy Framework (NPPF).

Environmental, AONB, Human Rights and Other Issues

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

Principle of Development

In assessing the proposal it is imperative to establish whether, in principle, the development would be considered acceptable in light of current and emerging policy considerations whilst fully considering the proposal against the aims and objective of the National Planning Policy Framework (NPPF). Members will note that outline consent (Ref: 3/2012/0158) was granted at appeal for the erection of 73 open market detached dwellings and 31 social housing properties and therefore the principle of development on this site, at an comparable level of development, has been established on the site.

The site lies within the currently defined Open Countryside but it should be noted that the current settlement boundaries of the District Wide Local Plan (DWLP) are out of date. NPPF paragraph 55 emphasises that the development of isolated homes in the countryside should be avoided unless there are special circumstances. This involves a judgement as to whether the

site is isolated. Given the development is within close proximity to existing dwellings and infrastructure it would be difficult to consider such a development as isolated and therefore would not directly contradict paragraph 55.

Mechanism by which the properties would be made affordable

The applicant has put forward a Heads of Terms agreement in relation to the provision of affordable housing on site which equates to 20% provision. The Council’s Strategic Housing Officer has been involved in extensive negotiations with the applicant and the matter of a reduced provision from 30% which was granted outline consent to 20% has been discussed at length by the Strategic Housing Working Group.

The applicant has put forward the following supporting information:

Outline Consent for 104 units was granted at appeal prior to Bloor Homes’ involvement. This existing consent includes the provision 31 Shared Ownership properties as the Affordable Housing Scheme; 24 two bedroom apartments and seven two bedroom bungalows.

Whilst the 31 Shared Ownership units equate to a 30% provision, the mix of unit types and single tenure is not supported by Registered Providers (RP’s) or the Council Officers in terms of meeting local housing need. This scheme does not provide any rented accommodation, which the Councils Affordable Housing Memorandum of understanding states is the Councils preferred tenure due to a lack of existing stock.

Bloor Homes have tested the RP market, none of those approached in respect of this scheme were prepared to purchase 24 apartments for Shared Ownership in this location. As the provision of apartments for Shared Ownership was not well received by RP’s or Officers, Bloor Homes re-visited the affordable housing mix as part of our planning proposal in order to agree a scheme which is deliverable, in terms of obtaining an RP partner to acquire and manage the completed dwellings.

Working on the basis of the approved scheme, the financial impact of providing 31 Shared Ownership properties was calculated, and this figure has been re-allocated to an affordable housing mix which includes rented accommodation.

In order for Bloor Homes’ application to deliver a viable land value in comparison to the existing consent, the affordable housing obligation in terms of the Developer contribution/loss in revenue must not exceed that of the consented scheme. The figures below illustrate the comparison between the consented affordable housing provision and that which Bloor Homes are proposing.

Consented Mix Housetype	No. Units	Tenure	RP receipt per unit £	OMV per unit £	Total Discount from OMV £
2 bed 3 person Apartment	24	Shared Ownership	98,000	145,000	1,128,000
2 bed 3 person bungalow	7	Shared Ownership	111,000	160,000	343,000
Total	31				1,471,000

Proposed Mix Housetype	No. Units	Tenure	RP receipt per unit £	OMV per unit £	Total Discount from OMV £
2 bed 3 person Apartment	12	Affordable Rent	55,000	145,000	1,080,000
2 bed 3 person bungalow	8	Shared Ownership	111,000	160,000	392,000
Total	20				1,472,000

The inclusion of affordable rented units reduces the contribution made by the RP and as St Vincent's are not supportive of apartments for Shared Ownership all apartments are offered for Rent. There is a need for bungalows within Ribble Valley for over 55's accommodation, St Vincent's were keen to support this need therefore the balance of units has been made up of bungalows for shared ownership. All the affordable homes as part of Bloor Homes' application will be targeted to over 55's.

Twelve of the affordable dwellings (60%) will be made available for Affordable Rent and a further eight units (40%) for Shared Ownership (Intermediate Housing) as per the table below.

Type of Dwelling	% of Affordable Housing Units	Tenure:
2 bed 3 person Apartment	60% (12 units)	Affordable Rent
2 bed 3 person Bungalow	40% (8 units)	Intermediate Housing (Shared Ownership/Shared Equity)

Despite the impact of the recent welfare reform seen elsewhere in terms of one bed affordable unit delivery, St Vincent's are prepared to commit to two-bedroom provision in a longer term approach to creating sustainable development.

Following a meeting between the Council's Strategic Housing Officer and the Strategic Housing Working Group a request was made to the applicant to provide an additional 4 bungalows on site to make up for the shortfall in provision provided and provide a viability assessment to justify the reduced provision.

The applicant has responded stating that the revised tenure and provision was previously discussed with the Strategic Housing Officer and they are unwilling to provide an additional 4 bungalows or undertake a viability assessment as the proposed tenure is far preferable than that of the previous consent and the issue does not relate directly to viability but also deliverability as no registered provider is willing to take on the mix and tenure originally granted consent.

Negotiations are still being undertaken at this stage regarding the terms of the S.106 agreement and it is therefore requested that Committee defer and delegate the application for approval to the Head of Planning subject to allow further work and negotiations to be undertaken on the aforementioned agreement.

Highways safety

The County Surveyor has offered a number of observations in relation to the application requesting that any highways related conditions attached to the outline consent be reattached where they are relevant to the current application.

The following requests for improvements to the Highways network have been requested:

The pedestrian route along Middle Lodge Road and Hey Road is not complete, with sections of footway not constructed. This route should be improved to allow pedestrian access from this development to the bus stops in Whalley Road.

The developer is to complete the footway along Middle Lodge Road under a S278 agreement, or through the S38 agreement that is not yet complete. Appropriate conditions should be attached to any planning permission you may decide to grant to ensure this work (and the work along Hey Road) is carried out before any of the dwellings are occupied.

The footway along the Printworks frontage of Hey Road should be completed by the Middle Lodge developer through a section 278 agreement, or through the S38 agreement that is not yet complete. In addition, cycle tracks should be marked out on the carriageway of Middle Lodge Road and Hey Road, either in terms of the S278 agreement or through the S38 agreements.

There is a good bus service provision along Whalley Road for scheduled bus services and school buses. However, none of the existing bus stops on Whalley Road are within the recommended distance of 400m from this development (Civilised Streets 5.8.1). The Transport Consultant has suggested that this development should be considered to be semi rural in nature. However, I do not agree with this and once the development has been completed, the nature of the area will be firmly urban. Consequently, I do not agree to the relaxed pedestrian distances to bus stops.

Using the pedestrian route to Whalley Road, the most distant dwelling in the proposed development is of the order of 720m to the north-bound bus stop and 800m to the south bound bus stop. This is quite a bit further than the recommended distance for sustainable transport, although there appears to be alternative to this through improvements to the transport infrastructure or bus services.

However, I would ask for funding to encourage the future residents to use sustainable transport options. I would ask for the preparation of personalised travel plans, the funding of travel passes for free bus travel and the provision of bicycles. I would also ask for proposals from the developer to encourage the use of sustainable transport options.

In addition I would ask for the improvement of two bus stops on Whalley Road to quality bus standards, to be funded through S106 monies. I would estimate that the following S106 contributions are required:

- Upgrade two bus stops to quality bus standard: £22 000.
- Amount for encouragement to residents to use sustainable transport options: £30,000 over 5 years.

A Framework Travel Plan should be prepared covering all elements of the development and this should be submitted prior to 1st occupation. This should be a condition of any planning consent you may decide to grant.

Residential Amenity

In respect of potential impact upon residential amenity, given the proposed relationship to adjoining/nearby dwellings, I consider the proposal as submitted would have no detrimental impact upon the residential amenities of existing/neighbouring occupiers. However it is imperative, in securing positive and well-designed/considered development, that I also consider the residential amenity of potential residents/occupiers of the development and consider the separation distances between the proposed dwellings, based on the submitted details, satisfactory.

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

Layout

The proposed layout adopts a clear hierarchy of a primary route that serves individual cul-de-sac's and an element of courtyard style housing. Landscaping has been indicated throughout the development with full details to be submitted via planning condition. The internal layout of the development proposes a mixture of parking being accommodated behind the building line, on front driveway arrangement and within integral garaging on a number of the housetypes.

Appearance & Visual Amenity

In respect of the appearance of the proposed dwellings, I consider that the overall scale and design of the properties represents an appropriate response to the immediate context and will be read well in the context of the existing development within the vicinity.

The submission proposes a mixture of semi-detached and detached properties of a mixture of brick and render facing materials embodying and a wide variation in elevational detailing and overall articulation and form ensure the development will not appear overtly mono-cultural and will aid in creating a sense of place for the overall development.

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

Landscape

Due to the presence of trees/hedgerow on site the Local planning Authorities Countryside Officer has been extensively involved during the course of the application to ensure the retention and protection of trees/groupings of habitat/visual amenity value.

It is proposed that a number of trees will be removed to enable the development but extensive retention is proposed on those trees identified as having a high retention value. It is envisaged that replacement planting to offset any loss on site will be sought and secured through the submission of a detailing landscaping plan.

I am therefore mindful of the relationship between the proposed indicative landscaping details and their relation to the wider and immediate context and given the proposals as detailed on the

submitted plans, consider the scheme acceptable subject to the receipt of further detailed landscaping plans.

Financial Contributions Requested by LCC

Members will be aware that the County Council Contributions officer has requested a financial contribution in respect of educational provision as follows:

Primary places:

(£12,257 x 0.9) x BCIS Indexation (310.60 April 2012 / 288.4 Q4 2008 = 1.076976)
= £11,880.45 per place
£11,880.45 x 10 places = **£118,805**

Members will note that this figure could be subject to recalculation by triggers set out in the S.106 agreement.

Other Matters

The National Planning Policy Framework (NPPF) puts a clear emphasis on the need for Local Planning Authorities to consider the planning balance in assessing proposals and clearly states that in relation to sustainable development, applications should only be refused if impacts would significantly and demonstrably outweigh the benefits.

The proposal as presented clearly has a number of benefits in terms of economic development, with construction jobs likely to be created by the development and 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; Plan for Growth (3/11); Housing Strategy for England (11/11); Housing and Growth (9/12); and Growth and Infrastructure Act (4/13).

Members will also note that there is a considerable benefit associated with the proposal given it will provide 20 new affordable dwellings in the Barrow Area 12 of which will be for affordable rent with the remainder being intermediate housing.

Whilst it is recognized that there will be some level of measurable visual impact as a result of the development I consider, given the nature of the site, whilst considering the immediate context, proximity to existing development and surrounding uses that the harm/impact associated with the development would be minimal.

Therefore, having carefully considered all of the above matters, and taking account of the planning balance, consider that in this case the benefits associated with the development clearly outweigh any harm associated with the development.

SUMMARY OF REASONS FOR APPROVAL

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

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Community Services for approval following the satisfactory completion of a Legal Agreement within 3 months from the date of this Committee Meeting and subject to the following conditions:

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

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

2. Standard amended plans condition. (Full drawing list to be added to decision notice)

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

3. Precise specifications or samples of walling, roofing and window/door framing materials 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 development shall take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites for that phase have been submitted to, and approved in writing by the Local Planning Authority. The details shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated. The artificial bird/bat boxes shall be incorporated into those individual dwellings/buildings during the actual construction of those individual dwellings/buildings identified on the submitted plan before each such dwelling/building is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

6. No development shall take place until details of the public open space, woodland track and any associated play equipment/surfacing at the southeast extents of the development site have been submitted to and approved in writing by the Local Planning Authority.

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

7. The development hereby permitted shall not be commenced until full details of the proposed landscaping 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, their maturity at the time of planting, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform.

The approved landscaping scheme shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed by the Local Planning Authority, whether in whole or part and shall be maintained thereafter for a period of not less than 15 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policies G1, ENV3 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

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

REASON: To prevent the increased risk of flooding, both on and off site. In accordance with Policies ENV7, ENV9 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies EN2, EN4, DME2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

9. Notwithstanding the details shown on the submitted plans, the proposed driveway/hard surfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.

REASON: In the interests of Highway Safety and to prevent flooding. In accordance with Policies ENV7, ENV9 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies EN2, EN4, DME2 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft.

10. 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:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant material;
- Storage of plant materials used in the construction of development;
- The erection and maintenance of security hoardings;
- Wheel washing facilities;
- A management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
- Details of the storage of potential ground and water contaminants
- A scheme for protecting trees;
- A scheme for recycling/disposing of waste resulting from construction work; and
- 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).

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

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

12. Prior to any phase of the development being occupied a Framework Travel Plan for the whole development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, prior to the commencement of development on any phase or portion of the development, a separate Travel Plan (or up-dated information for the Framework Travel Plan) for each phase shall also be submitted to and approved in writing by the Planning Authority. The Travel Plan shall be implemented, audited and updated within the timescale set out in the approved plan.

REASON: To ensure a multi-modal transport provision for the development and reduce the traffic impact on the local road network, in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft

13. Prior to the commencement of the 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).

NOTES

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Ribble Valley District Highways Office, Lancashire County Council, Riddings Lane, Whalley BB7 9RW (tel. 0845 0530011) and quote the planning application number.
2. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this suspected contamination can be dealt with and obtained written approval from the Local planning Authority. The remediation strategy shall be implemented as approved.

APPLICATION NO: 3/2013/0981/P (GRID REF: SD 375231 443018)
PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 20 DWELLINGS (INCLUDING 6 UNITS OF SOCIAL HOUSING), 3 CLOSE-CARE APARTMENTS AND A 60 BED CARE HOME (WITH ALL MATTERS RESERVED FOR SUBSEQUENT APPROVAL) ON LAND AT CHATBURN ROAD, CLITHEROE

TOWN COUNCIL: No objections.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR): No objections to the principle of housing development on this site but makes a number of comments as follows.

The submitted transport statement has reviewed the design of the roundabout at the Chatburn Road/Pimlico Link Road junction and has recommended improvements to the geometry of this roundabout. Improvement to this roundabout is accepted but the detailed design will have to be scrutinised by LCC engineers and a safety audit should be carried out. This work would be carried out under a Section 278 Agreement.

The speed limit along Chatburn Road will need to be reviewed for possible extension of the 30mph limit.

Visibility splays would need to be conditioned but their size would be dependent upon decisions made in relation to the appropriate local speed limit.

A pedestrian crossing on Chatburn Road near to Clitheroe Grammar School should be constructed under a Section 278 Agreement.

Turning heads should be provided next to the care home main entrance and in front of the service entrance.

Unless the roads in front of units 1-6, 12-16 and 9-11 are not to be adopted, 2m wide service strips would be required where there is no footway. This would be part of the highway and parking spaces should not encroach on to any service strips.

Garages should be a minimum of 6m x 3m. If separate provision is made for the secure undercover storage of bicycles, a smaller garage might be acceptable.

The costs of any Traffic Regulation Orders (TROs) that are required will be payable by the developer.

The financial sum to be requested under the Section 106 Agreement towards sustainable transport and transport improvements has not yet been finalised.

The County Surveyor also recommends the imposition of a number of standard conditions.

LCC (ARCHAEOLOGY):

Having checked their records the County Archaeologist confirms that there are no significant archaeological implications relating to this site.

LCC (ECOLOGY):

The County Ecologist comments that much of the application site appears to be of relatively low biodiversity value. However, there are features of biodiversity value (hedgerow/mature trees and marshy grassland) and these provide potential habitat for protected and priority species (including bats, nesting birds including ground nesting birds, common toad). Whilst the submitted illustrative plan indicates that the proposed development would mainly be located on the species poor grassland, it appears that the marshy grassland would form part of the amenity land and potentially lie within the garden curtilages. The Borough Council must be satisfied that such habitat can be retained and that potential impacts on such habitat and associated species can be avoided. The County Ecologist advises that this should be ensured either by appropriate conditions on any outline planning permission and/or at reserved matters application stage.

LCC (CONTRIBUTIONS):

LCC Contributions team has requested a financial contribution in respect of the provision of primary school and secondary school places to meet the needs of the proposed development. Members are referred to the file for full details which are summarised as follows.

The County Council has made its calculation based upon the information regarding the number of bedrooms specified in the

application details (namely 11 x 4 bed dwellings and 9 x 3 bed dwellings). This has resulted in a requirement for five primary places and two secondary places.

Primary places - £11,880.45 x 5 places = £59,402.25.

Secondary places - £17,901.60 x 2 places = £35,803.20.

Total requested financial contribution - £95,205.45.

Members will note that this figure could be subject to recalculation by triggers that will be set out in the Section 106 Agreement.

LANCASHIRE
CONSTABULARY:

Has commented that the Design and Access Statement includes a section on designing out crime. This details crime prevention interventions that will be incorporated into the scheme such as enhancing the opportunity for natural surveillance. It is recommended that a meeting should take place with an Architectural Liaison Officer at the detailed design stage of the scheme in order to address the layout and building design and to design out any potential opportunity for crime.

ENVIRONMENT AGENCY:

The Environment Agency has no objection in principle to the proposed development subject the inclusion of a number of conditions relating to the following matters:

- Part of the application site lies within flood zone 3 which is defined as having a high risk probability of flooding in the National Planning Policy Framework (NPPF) Technical Guide. For this reason the application was accompanied by a Flood Risk Assessment (FRA). The Environment Agency has reviewed the FRA and comments that, provided no dwellings are proposed in flood zone 3, they are satisfied that the proposal will not pose a risk to life or property. The proposed development will only meet the requirements of NPPF if the measures detailed in the submitted FRA are implemented and secured by conditions requiring a limit on surface water run-off and the submission approval and subsequent implementation of a scheme of surface water drainage for the site.
- In relation to biodiversity, a condition requiring the provision of a 5m wide buffer zone along the Pimlico watercourse should be imposed. The submitted illustrative layout shows that dwellings numbered 12-17 would have rear facing domestic gardens adjacent to the watercourse. The proposed layout is likely to require revising to accommodate the 5m buffer as it should be clear of any private garden spaces or built development.
- A condition requiring the removal or long term management of Himalayan Balsam should be imposed.

- A condition requiring a water vole survey should be imposed.
- A condition is necessary to require the submission for approval of details of the footbridge over the watercourse.

UNITED UTILITIES:

Has no objections to the proposal subject to the imposition of a condition requiring the submission approval and subsequent implementation of a detailed scheme for the disposal of foul and surface waters for the entire site.

NETWORK RAIL:

As the application site is within 10m of an operational railway line, Network Rail has made a number of observations and has suggested a number of planning conditions and advisory notes primarily relating to safety issues.

The suggested conditions/notes relate to the matters of boundary fencing; no physical encroachment on to Network Rail land; safety requirements in relation to any scaffolding within 10m of Network Rail lane; all surface water drainage to be directed away from the railway; details to be provided of any excavations or earthworks in the vicinity of the railway; the provision of a 2m gap between any buildings and structures on the site and the boundary fencing to the railway; and a request that no trees are planted next to the boundary with the railway.

ADDITIONAL REPRESENTATIONS:

Three letters have been received from nearby residents and a letter has been received from the Ribble Rivers Trust. The points and objections contained in the letters are summarised as follows:

1. The increased surface water run-off as a result of the development could result in flooding of existing dwellings in the locality. This problem would be exacerbated if there was to be a phase 2 of the development onto the field adjoining the Colthirst Drive estate.
2. It is already difficult for the writer of one of the letters (a blind person) to cross Chatburn Road. The increase in traffic associated with this proposed development would exacerbate that problem.
3. When added to other housing developments in Clitheroe, this proposal would put further pressure on the existing infrastructure such as roads, car parking, schools, health facilities such as doctors, dentists and even including the new local hospital, would be unable to cope with the proposed increase in population.
4. The extra traffic will exacerbate existing problems on the already busy Chatburn Road including the difficulty experienced by drivers exiting the existing estates such

as from Warwick Drive. The documentation on this matter submitted with the application does not appear to take account of other existing or proposed developments such as the extra traffic relating to the new hospital or the construction of houses on the old hospital site.

5. Mention is made in the Traffic Statement of walking or cycling into Clitheroe. Whilst this is possible, most visits to the town centre are probably made by car.
6. Within the development site itself, there could be a problem for drivers during icy/snowy conditions due to what will be a steep uphill access onto Chatburn Road.
7. The Ribble Rivers Trust would like to see a full survey of invertebrates and fish and a more detailed otter survey as they are aware that otters are in the vicinity.
8. If the development is to go ahead then a significant buffer strip should be left to the watercourse and mitigation should include tree planting in order to provide shade and habitat. The Trust would not want to see back gardens right up to the stream edge (as shown in the application) as the impact from the gardens would be significant.
9. The Ribble Rivers Trust has records of Himalayan Balsam upstream of the site. Construction works have a potential spread Himalayan Balsam seeds around the site and off the site. The Trust could provide advice and help in the control of this invasive species.

Proposal

This application is submitted in outline with all matters reserved for subsequent consideration at reserved matters application stage. An illustrative layout plan indicating how the site could be developed, however, accompanies the application, along with illustrative access plans and street scenes. The submitted illustrative plans show the following:

- 20 dwellings along with three extra care apartments associated with a 60 bed care home.
- A vehicular access from near to the mid point of the site's boundary to Chatburn Road.
- Dwellings laid out around a cul de sac road layout, with the care home having a dedicated car park.
- The retention of trees and hedges on the external boundaries of the site, and additional planting within the site and on its boundaries.
- The provision of an amenity open space alongside the Brook.

The illustrative layout plan also shows how an area of adjoining land to the south west of the site could also be developed for housing in conjunction with the application site. This adjoining

land is in separate ownership and its potential future development does not form any part of this current planning application.

A design and access statement has been submitted with the application. This shows that the scale of the development is primarily two storey dwellings with the care home having two storey and three storey elements. It is however stated that, at final design stage, consideration could be given to the inclusion of some three storey houses to be sited adjacent to the care home and therefore provide a step down in scale between the care home and the dwellings. It is stated that the height to eaves of the houses would range between 4.8m and 5.025m and that the eaves of the two storey element of the care home would range between 5.025m and 5.175m whilst the eaves of the three storey element would range between 7.95m and 8.325m.

It is proposed that six of the dwellings and one of the extra care apartments are to be made available on an affordable rent basis to be delivered through a housing association (representing 30% of the total units).

Site Location

The site is situated at the northern edge of Clitheroe approximately 1km to the north east of the town centre. The site comprises two fields of rectangular shape and having a total area of approximately 1.82 hectares. An existing hedge crosses the site in a north west to south east direction dividing the fields and the brook passes through the north western part of the site on a north east to south west orientation. The site generally slopes down in level from its south eastern frontage to Chatburn Road down to the brook, beyond which it rises again towards the north western boundary with the railway line.

To the south west, the site is adjoined by a field of approximately 0.79 hectares beyond which is the established housing development at Colthirst Drive. The south eastern boundary of the site at Chatburn Road is marked by a stone wall. To the north east of the site are further fields with the boundary marked by a hedgerow. The railway line lies to the north west of the site with the boundary again marked by a hedgerow. There is established housing and the former Coplow Quarry beyond the railway line.

More generally in the locality are further areas of established housing, employment areas including Salthill Industrial Estate 500m to the south of the site, Clitheroe Hospital approximately 150m to the east and Clitheroe Grammar School some 200m to the south.

Relevant History

There is no relevant planning history relating to this site.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy ENV7 - Species Protection.

Policy ENV13 - Landscape Protection.

Policy H2 - Dwellings in the Open Countryside.

Policy H19 - Affordable Housing - Large Developments and Main Settlements.
Policy H21 - Affordable Housing - Information Needed.
Policy RT8 - Open Space Provision.

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Policy DMG1 – General Considerations.
Policy DMG2 – Strategic Considerations.
Policy DME1 – Protecting Trees and Woodlands.
Policy DME2 – Landscape and Townscape Protection.
Policy DME3 – Site and Species Protection and Conservation.
Policy DMH1 – Affordable Housing Criteria.
Policy DMH3 – Dwellings in the open Countryside.
Policy DMB4 – Open Space Provision.

National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

The matters to be considered in the determination of this outline application relate to the principle of the development in policy terms; the potential impact of the development in visual terms; any potential effects upon ecology and trees; the potential impact upon the amenities of nearby residents; highway safety; potential flooding issues; ground contamination; public open space; the observations of Network Rail; affordable housing; and financial contributions requested by Lancashire County Council.

Principle of development

In assessing the proposal it is necessary to establish whether, in principle, the development is considered to be acceptable with regards to the emerging policy considerations whilst also fully considering the proposed development in relation to the aims and objectives of the National Planning Policy Framework (NPPF). In assessing the proposed development I am mindful that whilst the site is outside the settlement boundary of Clitheroe, it must be noted that the current settlement boundaries of the Local Plan are out of date and that, as yet, no replacement boundaries are in place. The site is close to existing residential development and is only approximately 1km away from the shop services and facilities within Clitheroe town centre.

With regards to the matter of a five year land supply, the most recently published position at the time of writing this report is the Council's Housing Land Availability Schedule dated December 2013. This indicates a position of a 4.72 year supply when employing the Sedgefield approach which is the method Members confirmed to use at the meeting on 10 October 2013. Members are, however, reminded that the position is subject to frequent change as applications are either approved or resolved to be approved subject to the completion of appropriate Section 106 Agreements. Equally, sites may be deemed to fall out of the five year supply as they lapse or evidence comes forward to demonstrate that they will not be deliverable within the five year period.

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 proposals.

I consider that the site of this current application is in a highly sustainable location being close to all the services and facilities of Clitheroe, the main town in the borough. The proposal would also provide the benefits of the provision of housing, including affordable housing, and a care home. Overall, when considered in relation to the requirements of NPPF and the emerging Core Strategy policies, I consider the proposed development to be acceptable in principle. I will however, examine below all the relevant detailed considerations in order to establish whether there would be any harm associated with the development that would significantly and demonstrably outweigh the benefits.

Visual impact

Although this is a greenfield site, the proposed development would have only a limited degree of landscape and visual impact. Any impact will be mitigated through the retention of the most sensitive ecological areas and through the provision of additional planting. The character of the locality, however, is predominantly urban rather than rural due to the presence of existing residential areas, the hospital, the nearby cement works and the main road along the frontage of the site.

Any visual impact is limited to the immediate area, within which there are no highly sensitive receptors, and the site is not visible from any viewpoint with a designation such as AONB or conservation area.

The approach into Clitheroe along Chatburn Road does form the setting for the town, but there are few locations along this road where housing is currently not visible. The proposed development would therefore be associated appropriately with existing development in the locality. The impact of the development when viewed from Chatburn Road will also be reduced due to the land sloping downwards away from the road. Overall, whilst the proposed development would obviously have some impact upon the landscape, I do not consider that there would be any detrimental impact that would significantly and demonstrably outweigh the benefits associated with the proposed development. With regards to this particular consideration, I therefore consider the proposal to be acceptable.

Trees/Ecology

A Tree Survey and Arboricultural Impact Assessment has been submitted with the application. This shows that there are no category A trees on the site and that all category B trees would be retained as part of the development. Other trees and hedgerows on the boundaries of the site would also be retained and additional planting would be provided as part of the development.

The Council's Countryside Officer has considered the content of the Tree Survey and Arboricultural Impact Assessment and has no objections to the proposed development subject to the imposition of appropriate conditions.

An Ecology and Habitat and Protected Species Risk Assessment have also been submitted with the application. This indicates that no evidence was found of any protected species occurring on the site or in the surrounding area which would be negatively affected by the proposed development of the site. The report does, however, contain recommendations in relation to the protection of habitats.

This report has been studied by this Council's Countryside Officer, the County Council Ecologist and also by the Ecologist at the Environment Agency. Subject to appropriate conditions, none

of these officers have any objections to the proposed development with regards to ecological considerations. In my opinion, the proposal is therefore acceptable in relation to this particular consideration.

Amenities of Nearby Residents

Although the general locality is residential in nature, the application site is separated from any existing housing. As such, the proposal would not result in any detrimental effects upon the amenities of any nearby residents by reason of overlooking, loss of privacy or overbearing impacts. Within the context of existing traffic flows on Chatburn Road, I do not consider that the traffic generation associated with the proposed development would have any discernible impact upon the amenities of nearby residents. Overall therefore I consider the proposal to be acceptable in relation to this particular consideration.

Highway Safety

A Transport Assessment has been submitted with the application. This concludes that the site is in a sustainable location for development with ready access to services etc, by cycling and by public transport; and that good visibility is available at the access point into the site; and that the relatively low traffic flows would not have any significant impact on the highway network.

The County Surveyor has considered the contents of the Transport Statement and has no objections in principle to the proposed development subject to the imposition of appropriate conditions and through appropriate highway/transport measures being achieved either through a Section 278 Agreement or through a developer contribution secured by a 106 Agreement.

Overall, therefore, there are no objections to the proposed development in relation to highway safety and traffic considerations.

Flooding Issues

A Flood Risk Assessment (FRA) and Drainage Options Assessment accompany the application. The site is located in flood zones 1, 2 and 3, with by far the greater part of the site within flood zone 1. All of the proposed built development would be delivered within that part of the site identified as flood zone 1.

The FRA has been studied by the Environment Agency who have confirmed that they have no objections to the proposal subject to compliance with the requirements of the FRA and subject to the submission approval and subsequent implementation of a surface water drainage scheme for the site.

Subject to appropriate conditions, there are therefore no objections to the proposed development in relation to flooding issues.

Ground Contamination

A Contaminated Land Preliminary Risk Assessment (PRA) has been submitted with the application. The PRA has not found any past land uses that might give rise to elevated levels of industrial contamination. The report identifies that all past land uses have been agricultural and that there are possible contaminants associated with agricultural usage, including heavy metals, sulphate, nitrate and phosphate. The railway line to the north-western site boundary could also

have resulted in ground contamination. It is therefore recommended that a site investigation be undertaken prior to development of the site. This is a common requirement and will be covered by an appropriate condition.

Public Open Space

In the illustrative plans and details submitted with the application, it is proposed that an amenity open space is to be provided alongside the brook on land that cannot be developed for reasons relating to flood risk. This is considered to be an appropriate location for the provision of public open space on this site. A condition will, however, be required in respect of the provision and future maintenance of the public open space on the site (as such maintenance will not be undertaken by RVBC).

Observations of Network Rail

Network Rail has suggested a number of conditions and notes to be attached to any planning permissions. The suggestions relate primarily to health and safety requirements associated with development close to a railway line and appear to be applicable where there would be built development in the immediate vicinity of the railway. In this case, however, the public open space (see above) would be on that part of the site. I therefore consider it sufficient in these particular circumstances for the requirements of Network Rail to be the subject of an advisory note rather than any conditions.

Affordable Housing

It is stated in the application that 6 dwellings and 1 extra care apartment would be made available on an affordable rental basis (representing 30% of the total units). These 7 units will be delivered through a Housing Association. The Council's Strategic Housing Officer is satisfied with the provision of 7 affordable rental units within this development.

Financial Contributions Request by LCC

The County Council has requested a contribution by the developer of £95,205.45 towards the provision of 5 primary school places and 2 secondary school places (but Members will note that this figure could be subject to recalculation by triggers that will be set out in the Section 106 Agreement). The applicant has indicated a willingness to pay the requested amount which will be secured through a Section 106 Agreement, the details of which are currently being negotiated with the Local Planning Authority.

The County Council has also indicated that a contribution towards sustainable transport measures may also be requested, but the precise figure had not been provided to the Local Planning Authority at the time of preparation of this report. Members will therefore be informed at the Committee meeting of any further information received from the County Council on this particular matter.

Section 106 Agreement

As stated previously in the report, if outline planning permission is to be granted, a Section 106 Agreement will be required. This will require the following:

1. The provision and permanent retention of 6 houses and 1 extra care apartment as affordable rental dwellings.
2. The payment by the applicant to Lancashire County Council of the sum of £95,205.45 (or any recalculated figure that might be required by triggers that will be set out in the Agreement) towards the provision of 5 primary school places and 2 secondary school places.
3. The payment by the applicant to Lancashire County Council of a sum to be confirmed towards sustainable transport measures.

Conclusion

For the reasons stated in this report, the proposed housing and care home development is considered to be acceptable in principle in view of the sustainable location of the site close to all the facilities and amenities of Clitheroe town centre. The examination in this report of all relevant detailed considerations has not identified any harm to any interests that would be of such magnitude to outweigh the benefits of the proposed development. The development is therefore in compliance with the relevant policies of the Local Plan and the emerging Core Strategy and complies with the 'presumption in favour of development' as embodied in NPPF. In my opinion, outline planning permission should therefore be granted.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Community Services for outline approval following the satisfactory completion of a Legal Agreement within a period of 3 months from the date of this decision as outlined in the Section 106 Agreement sub-heading within this 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.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the access, layout, scale, appearance and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as 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 Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

3. The development hereby permitted in outline relates to the erection of 20 dwellings, 3 close care apartments and a 60 bed care home. The application for reserved matters shall not

exceed the stated number of dwellings, the stated number of close care units, or the stated number of bedrooms in the care home.

REASON: To define the scope of the permission and to ensure that the development complies with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

4. Any reserved matters application shall include a detailed arboricultural assessment/tree constraints plan that shall indicate how the existing trees have informed the detailed layout that has been submitted for reserved matters approval. The details shall include a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres, and also the details of all hedgerows within the site and on its boundaries.

In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area - BS5837, 2012, Trees in Relation to Demolition, Design & Construction) must also be shown.

The details of each tree as required in accordance with BS5837 in a separate schedule, a schedule of tree works for all the trees, specifying those to be removed, pruning and other remedial or preventative work.

The details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring ground.

The details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.

A statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure shall be included in the submitted details. This shall also include details of re-instatement and management of all existing hedgerows.

REASON: In order to ensure that the detailed layout of the development has been informed by the location and condition of existing trees and to ensure that trees of visual amenity value are given maximum physical protection from the adverse effects of development in order to comply with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

5. Any reserved matters application shall include details of provisions to be made for building dependent species of conservation concern, including artificial bird nesting boxes and artificial bat roosting sites.

The details shall specify the plot numbers of the dwellings upon which the provisions are to be made and shall identify the actual wall and roof elevations into which the provisions are to be incorporated (which should be north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats).

The provisions shall be provided in accordance with the approved details prior to the first occupation of the individual dwellings upon which they have been provided.

REASON: To protect the bird/bat population from damaging activities and reduce or remove the impact of development in order to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

6. Any reserved matters application shall include details of all proposed artificial external lighting. The details shall include the type, location, intensity and direction of all proposed lighting; and shall also include details of mitigation measures designed to reduce the impact of artificial lighting on protected species or species of conservation concern, identified and/or other named species.

REASON: In order to reduce the harmful impact of artificial lighting on the natural foraging/roosting/nesting behaviour of any protected species or species of conservation concern in order to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

7. Any removal of vegetation including trees and hedges associated with the development hereby permitted in outline shall be undertaken outside the nesting bird season (March - August inclusive). Any removal of vegetation out with the nesting bird season shall first be agreed by the Local Planning Authority and shall be preceded by a pre-clearance check by a licensed ecologist on the day of removal.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds, and to protect the bird population from damaging activities and reduce or remove the impact of development in order to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

8. No part of the development hereby permitted in outline shall be commenced until a non-native species removal and disposal method statement has been submitted to and agreed in writing by the Local Planning Authority. The details of which shall include details of the eradication and removal from the site all Japanese Knotweed and Himalayan Balsam.

REASON: To ensure that there is no risk of further spread of a non-native plant species and to ensure that there are no residue non-native plant species parts remaining in order to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

9. No part of the development hereby permitted in outline shall commence until a water vole and great crested newt survey has been carried out during the optimum period, and details of its findings, including all protection and mitigation measures for non-disturbance and protection of all streams and watercourses, has been submitted to and approved in writing by the Local Planning Authority. The details shall include measures to ensure that the streams and watercourses are protected against spillage incidents and pollution that may arise during construction works.

REASON: To ensure that the development is not detrimental to the ecological wildlife value of the watercourse that crosses the site and to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

10. The development hereby permitted in outline shall not be commenced until details of the landscaping of landscape buffers around habitat zones have been submitted to, and approved in writing by, the Local Planning Authority. The details shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, including details of any changes of level or landform and the types and details of all mammalian friendly fencing and screening.

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

REASON: In the interests of visual amenity and to ensure that the development provides appropriate habitat protection and mitigation measures and enhances biodiversity value in order to comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

11. The development hereby permitted in outline shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: P4558-Rev003 dated 5 July 2013) and the following mitigation be filled within the FRA:

- Limiting the surface water run-off from the site to a maximum of its 17l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off site.

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

REASON: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

12. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1:100 year 6 hour critical storm will not

exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall also include details of how the scheme shall be maintained and managed thereafter in perpetuity.

REASON: To prevent the risk of flooding both on and off site and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

13. No development shall take place until a scheme for the provision and management of a minimum of 5m buffer zone alongside Pimlico watercourse has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing by the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision.

REASON: To protect and enhance the Pimlico watercourse as a wildlife corridor and key green infrastructure asset and to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

14. Any reserved matters application shall include detailed plans for any footbridge that is proposed to be erected over the Pimlico watercourse.

REASON: In order to ensure the retention of a continuous buffer strip of broadly natural character, providing a corridor for the passage of wildlife and reduce of pollution from run-off, and in the interests of visual amenity and to comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

15. The development hereby permitted in outline shall not be commenced until a scheme for the disposal of foul waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. Within the scheme, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure a satisfactory form of development including the satisfactory treatment and disposal of foul drainage in order to comply with the requirements of Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

16. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details of:

- i) Sustainable travel options for journeys to and from work for the site operatives, including pedestrian routes, travel by bicycles, journeys by train, car sharing schemes and other opportunities to reduce journeys by motor car.
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in the construction of the development;
- v) the erection and maintenance of security fencing;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction; and
- viii) a scheme for recycling/disposing of waste resulting from construction works.
- ix) Periods when plant and materials trips should not be made to and from the site (mainly peak hours, but the developer to suggest times when trips of this nature should not be made).
- x) Routes to be used by vehicles carrying plant and materials to and from the site which shall have been constructed to base course level.
- xi) Measures to ensure that construction vehicles do not impede adjoining accesses.
The approved construction method statement shall be adhered to throughout the entire period of construction works.

REASON: In order to ensure safe working practices on or near the highway in the interests of safety and in the interests of the amenities of nearby residents in accordance with the requirements of Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

17. Prior to the commencement of development, an intrusive ground investigation shall be carried out as recommended and described in Section 7 (Recommendations) of the Preliminary Risk Assessment Report by Thomas Consulting (ref. P4459-01-R1 dated October 2013) that was submitted with the outline application; and a report of the findings of the investigation shall be submitted for the written approval of the Local Planning Authority. Any mitigation measures that are found to be necessary shall be carried out to the satisfaction of the Local Planning Authority prior to the commencement of development. In the event that unforeseen problems arise during construction works, the Local Planning Authority shall be informed and shall advise in writing on any appropriate remediation/mitigation measures that the developer will be required to implement.

REASON: In the interests of providing an appropriate environment for the end users of the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

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

REASON: In order to encourage renewable energy and to comply with the requirements of the National Planning Policy Framework.

19. Prior to the first occupation of the development hereby permitted in outline, the existing access on to Chatburn Road shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated with the Lancashire County Council Specification for Construction of Estate Roads.

REASON: To limit the number of access points to, and to maintain the proper construction of the highway in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

20. No part of the development hereby permitted in outline shall be commenced until all the highway works that facilitate construction traffic access have been constructed in accordance with a detailed scheme that has first been submitted to and approved in writing by the Local Planning Authority.

REASON: To enable all construction traffic to enter and leave the premises in a safe manner in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

21. No part of the development hereby permitted in outline shall be occupied until all the off-site highway works have been constructed in accordance with the scheme that shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works in the interest of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

22. Prior to commencement of development a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings) including the proposed area of public open space on the north western part of the site, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall also provide precise details of any play equipment and its maintenance and indicate a timescale when any such equipment will be provided and made available for use. The landscape management plan shall be carried out in accordance with the details so approved.

REASON: In the interests of residential and visual amenity 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 - Post Submission Version (including proposed main changes).

NOTES

1. The development for which outline planning permission is hereby granted requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1908, Section 184 the County Council as Highway Authority must specify the

works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore, before any access works are commenced, the applicant or developer is advised to contact Customer Services at highways@lancashire.gov.uk and on 0845 0530000.

2. As the application site immediately adjoins an operational railway line, Network Rail has advised that the applicant or developer should submit a method statement and risk assessment to Network Rail's Asset Protection Engineer for approval prior to any works commencing on site (email: assetprotectionlnwnorth@networkrail.co.uk) Network Rail has also provided advice and guidance on matters relating to boundary fencing; encroachment on to railway land; scaffolding; drainage; excavation/earthworks in the vicinity of the railway; a 2m gap required between buildings on the site and the boundary fencing to the railway; and landscaping. The applicant or developer is therefore advised that it would be appropriate to consult Network Rail on these matters before the commencement of development, and ideally before the submission of any reserved matters planning applications (email: townplanninglnw@networkrail.co.uk).

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>
3/2012/0987/P	Application for discharge of condition 1 (notes), condition 2 (slab levels), condition 3 (bird/bat provisions), condition 4 (construction method statement), condition 5 (gable windows) and condition 6 (acoustic requirements) of planning permission 3/2012/0394/P	Montgomerie Gardens off Woone Lane Clitheroe
3/2012/0996/P	Application to discharge condition 1 (reserved matters application), condition 3 (amended plans), condition 4 (renewable energy methods), condition 5 (acoustic assessment), condition 7 (surface water regulation), condition 10 (walling/roofing material) and condition 11 (landscaping scheme) of outline planning permission 3/2008/0526/P	Montgomerie Gardens off Woone Lane Clitheroe
3/2013/0439/P	Application to discharge condition No.2 (Materials) and No.3 (Landscaping) of planning permission 3/2012/0961	Quakerfield House Lambing Clough Lane Hurst Green
3/2013/0785/P	Proposed 50kw wind turbine on a 25m monopole tower to provide renewable electricity for the farm (tip height 34.2m)	Paradise Farm Horton
3/2013/0795/P	Renewal of Planning Permission 3/2010/0521	The Hawthorns Rimington Lane Rimington
3/2013/0840/P	Change of use from redundant stone barn to four-bedroom house	Mill House Farm Chipping Road, Chaigley
3/2013/0887/P	Conversion of existing barn to residential use and construction of linked single storey outbuilding to provide kitchen and family room with works ancillary thereto	Bay Gate Barn Bolton-by-Bowland
3/2013/0897/P	Two Storey rear extension to existing house at Netherleigh, 2 Whalley Road, Wilpshire. Two Storey rear extension to existing house	Netherleigh 2 Whalley Road Wilpshire
3/2013/0926/P	Proposed double garage with increased width of access from road	Church Gates 14 Sawley Road Chatburn
3/2013/0934/P	Remodelling of dwelling incorporating erection of extensions, replacement roof with increased roof height and associated external alterations to provide additional living accommodation	Markhor Eaves Hall Lane West Bradford

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0950/P	Discharge of conditions 3 (external windows and doors) Condition 4 (repair methods windows and doors) Condition 5 (re-pointing of walls) condition 6 (replacement fireplace) of planning application 3/2013/0683/P	Higher Lickhurst Farmhouse Leagram Chipping
3/2013/0958/P	Single storey side extensions	The Poplars 4 Whalley Road, Wilpshire
3/2013/0964/P	Change of 35 Whalley Road into hot food takeaway and new duct to rear with new entrance door to 37 Whalley Road	35-39 Whalley Road Clitheroe
3/2013/0973/P	Conversion of existing single storey attached garage extension into an additional opticians consulting/store room and waste store in association with existing use of opticians business	Stephen Taylor Opticians 13 Berry Lane Longridge
3/2013/0974/P	Creation of a new access to land (application for retrospective consent)	Hothersall Lodge Hothersall Lane, Hothersall
3/2013/0983/P (LBC)	External repair and refurbishment	31 Wellgate Clitheroe
3/2013/0987/P	Retrospective application for directional signs to Taylor Wimpey housing sites in Clitheroe at three separate sites	Edisford Road Bawdlands and Henthorn Road, Clitheroe
3/2013/0988/P	Discharge of conditions 2 - drawing detail clarification and 7 - Landscape Plan of planning permission 3/2012/05	Laneside Farm Pendleton
3/2013/0989/P	Detached double garage with link domestic home office to be built within the garden curtilage of Tythe Barn Stables	Tythe Barn House Whins Lane Simonstone
3/2013/0997/P & 3/2013/0998/P	Planning permission and listed building consent for formation of car park and alterations	Eaves Hall Moor Lane West Bradford
3/2013/1000/P	Demolition of existing extension and erection of green oak frame and stone garden room	4 Horton Lodge Horton
3/2013/1003/P	Conversion of ground floor restaurant and ancillary kitchen, sanitary and storage areas into two separate self-contained apartments	The Manse Church Street Longridge
3/2013/1005/P	Substitution of approved house type plans and elevations for Plot 52 for proposed site layout 02.01 REV0	land off Chapel Close Low Moor Clitheroe
3/2013/1011/P	Design amendments to previously approved scheme submitted under 3/2009/0133 for alterations and extensions to the hotel and erection of a single storey outbuilding as a smoking bothy and associated external landscaping	Northcote Northcote Road Langho
3/2013/1018/P	Erection of polycarbonate lean-to canopy with timber supporting posts	Chatburn CE Primary School Sawley Road, Chatburn

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/1022/P	Single storey kitchen extension to rear of property	Black Bull Inn Old Langho Road Old Langho
3/2013/1024/P	Demolition of existing conservatory and replacement with brick extension	4 Dewhurst Road, Langho
3/2013/1030/P	Change of use of existing shop and living accommodation to provide one three-bedroom house and one two-bedroom house (including first floor extension to east elevation). Alteration of (west) elevation to return fenestration closer to original arrangement	6 Church Lane Mellor
3/2013/1056/P	Discharge of conditions 3 and 6 of planning permission 3/2010/0574	Ribble View York Lane, Langho
3/2013/1061/P	Non-material amendment to provide a separate working area to planning permission 3/2013/0473	29 Beaufort Close Read
3/2014/0005/P	Application to discharge conditions 1,2,3,5,6,7,8,9 and 10 of planning application 3/2013/0844/P	The Bowling Green Brockhall Village Old Langho

APPLICATIONS REFUSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2013/0919/P	Retrospective application for consent for replacement timber windows to the front elevation	38 Higher Road Longridge	The implemented works are unduly harmful to character, setting and significance of the listed buildings and the character, appearance and significance of Longridge Conservation Area because ... ENV20, ENV19 and G1, NPPF paragraph 17, 131 and 132 and CSReg22 SD DME4 and DMG1.
3/2013/0959/P	Retrospective application for consent for roof repair and installation of damp proof course	38 Higher Road Longridge	The implemented works are unduly harmful to character, setting and significance of the listed buildings and the character, appearance and significance of Longridge Conservation Area because of loss of important historic fabric and prominence, incongruity and visual

Cont/

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...			intrusion of concrete tile roof. ENV20, ENV19 and G1, NPPF paragraph 17, 131 and 132 and CSReg22 SD DME4 and DMG1.
3/2013/0984/P	Two storey extensions and dormers	60 Taylor Street Clitheroe	Contrary to Policies G1 and H10 of DWLP and Policies DMG1 and DMH5 of the Draft CS and the adopted SPG on Extensions and Alterations to Dwellings.
3/2013/0990/P (LBC)	Retrospective consent to undertake works to eradicate and control an active outbreak of Serpula Lacrymans (dry rot) and replacement of failed cement render on a like for like basis to ensure that there is no further water ingress into the property	Shireburn Arms Hotel Whalley Road Hurst Green	Harmful to character and significance of the listed building (removal and re-application of cement-based and non-breathable renders). Policy ENV20, NPPF paragraph 17, 131 and 132 and CSReg.22 SD Policy DME4.
3/2013/0999/P	Proposed single storey grant annex within the garden of Stonehouse Nook to be constructed behind the main building line both Stonehurst Nook	Stonehurst Nook Hollowhead Lane Wilpshire	NPPF and Policies G1, ENV3, ENV4, H9, DMG1, DME2, EN1 and DMH5 – the proposed building would provide more than a modest level of annex accommodation and represents inappropriate development that would be detrimental to the openness of the greenbelt.
3/2013/1010/P	Two log cabins for holiday let use on land adjacent	Shire Lane Hurst Green	Policies G1, ENV1 and RT1 of the Local Plan; Policies DMG1, DME2 and Key Statement EN2 of the emerging Core Strategy; and NPPF – adverse impact upon the visual amenities of the AONB and upon highway safety.

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2013/1013/P	Increase the height of the existing barn arch opening	Neddy Barn Neddy Lane Billington	Contrary to policies G1, H17 of DWLP, Policies DMG1, DMH4 of the CS and Sections 7 & 12 of NPPF.

OBSERVATIONS TO ANOTHER LOCAL AUTHORITY

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0001/P	Erection of a 50Kw Wind turbine on an 18m Monopole (Total height of 27.1m) and ancillary works, including erection of meter house, formation of crane pad, access track and installation of underground cable (Re-submission)	Rattenclough Farm Wesley Street Sabden

CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/1012/P	Application for a Lawful Development Certificate for a proposed use from holiday let permanent use for residential letting at	Simney Nook Cottage Ribchester Road Ribchester
3/2013/1051/P	Application for a Lawful Development Certificate for proposed erection of a new garden room	300 Pleckgate Road Blackburn

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0900/P	Non illuminated fascia sign to front elevation	4 George Street Whalley
3/2013/0925/P	Subdivision of existing dwelling and erection of two storey rear extension to form one dwelling and two flats	47 Preston Road Longridge
3/2013/0963/P	New dwelling in garden of The Warren	Land adjacent The Warren Warren Fold, Hurst Green
3/2013/0986/P	Proposed replacement dwelling	Lonsdales Farm Showley Rd, Clayton le Dale

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0379	Primrose Mill Woone Lane, Clitheroe	16/8/12	14	Deed of Variation Applicants solicitor
3/2012/0785	Clitheroe Hospital Chatburn Road, Clitheroe	6/12/12	57	Ongoing

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0964	Land to the north of Whalley Road Hurst Green	14/3/13	30	With Applicants solicitor for signature
3/2013/0161	Strawberry Fields Main Street, Gisburn	7/11/13	11	With LCC
3/2013/0711	Land off Henthorn Road Clitheroe	7/11/13	140	With Applicants solicitor for signature
3/2013/0747	Land at Whalley Road Billington	7/11/13	56	Going back to committee
3/2012/0942	Land at Higher Standen Farm & part Littlemoor Farm Clitheroe	12/12/13	1040	Subject to departure procedures

Non Housing

3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures, draft 106 received from LCC
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<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>
3/2013/0782	Spout Farm Preston Road Longridge	12/12/13	5 weeks	32	Decision 16/1/14
3/2013/0851	The Whins Whins Lane, Read	12/12/13	7 weeks	16	Decision 27/1/14

APPEALS UPDATE

<u>Application No</u>	<u>Date Received</u>	<u>Applicant Proposal/Site</u>	<u>Type of Appeal</u>	<u>Date of Inquiry/Hearing</u>	<u>Progress</u>
3/2012/0630 Undetermined	22/01/13	land SW of Barrow and W of Whalley Road Barrow	Inquiry	11/09/13 (up to 2 days)	Awaiting decision
3/2012/1088 R	28/03/13	8 Church Brow Clitheroe	LB		Part allowed Part dismissed 13/1/14
3/2012/0913 R	28/03/13	land off Waddington Road, Clitheroe	Inquiry	19/09/13 (1 day)	Appeal dismissed 23/01/14
3/2012/0972 R	23/04/13	Shays Farm Tosside	WR		Appeal dismissed 21/01/14
3/2013/0099 Undetermined	20/05/13	land to the west of Whalley Road Barrow	changed to Hearing	05/11/13 2 days	Awaiting decision

<u>Application No</u>	<u>Date Received</u>	<u>Applicant Proposal/Site</u>	<u>Type of Appeal</u>	<u>Date of Inquiry/Hearing</u>	<u>Progress</u>
3/2013/0419 R	08/08/13	Wolfen Mill	WR		Appeal dismissed 02/01/14
3/2013/0447 R	21/10/13	Bleak House Kemple End Stonyhurst	WR		Awaiting decision
3/2013/0448 invalid	Awaiting validation by PINS	Oakfield Longsight Road Clayton le Dale			
3/2013/0378 R	09/12/13	1 2 and 3 Greendale View Grindleton	WR		Awaiting decision
3/2013/0909 R	02/01/14	9 Manor Road Whalley	HH		Awaiting decision
3/2013/0703 R	07/01/14	Goose Chase Preston Road Ribchester	HH		Awaiting decision
3/2013/0793 R	07/01/14	Great Mitton Hall Mitton Road Mitton	HH		Awaiting decision

LEGEND

D – Delegated decision
C – Committee decision
O – Overturn