

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

Agenda Item No

meeting date: THURSDAY, 18 SEPTEMBER 2014  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2014/0583/P (GRID REF: SD 380534 445807)  
PROPOSED CHANGE OF USE TO RESIDENTIAL; DEMOLITION OF EXISTING TIMBER FRAME REAR EXTENSION; NEW SINGLE STOREY REAR EXTENSION IN MATERIALS MATCHING EXISTING BUILDING; AND NEW FIRST FLOOR SIDE EXTENSION IN MATERIALS MATCHING EXISTING BUILDING AT THE BLACK BULL HOTEL, RIMINGTON LANE, RIMINGTON BB7 4DS

PARISH COUNCIL: Has commented on the application as follows:

The Parish Council believes that many of the statements made in this application are open to challenge, not least the conclusion that a viable public house business would be unlikely to operate successfully on this site, which is surely a matter of opinion. The Parish Council believe that much of the case made for the application is based on the perceptions of the owners and which the Council do regard as invariably accurate. E.g., it is not beyond reasonable doubt that a public house or any other similar venture could succeed on this site. That would depend entirely on the business plan, determination and competence of new owners. There has been no opportunity to test factually the viability of an establishment reduced in size (as approved by the current permission) and with a significantly reduced business rate. The impact of the change of use of more than half the premises to residential should also be considered in any decision.

During the moratorium and immediately prior to it the owner stated in public that while the Pub was up for sale he would not be making any serious attempt at advertising it, as he regarded this as a waste of money. This attitude renders much of his argued case irrelevant. His claims about licensees, with the exception of the period in which his partner operated as landlady are seriously open to challenge.

Having indicated that the P C do not agree with the case as argued, IF the Pub is finished then they do approve of the development as planned, agreeing with the owners that the provision of this kind of accommodation would be advantageous to the village.

They have two concerns in supporting this application;-

1. The Parish Council are extremely disappointed at the loss of the pub, recognised throughout the Parish by everyone to whom the Parish Council has spoken as an important community asset. They are anxious that this fact must not be overlooked.
2. The last planning application considered and to which the Parish Council raised no objections was for four modestly sized developments on the site next to the Old Manor House. After outline planning was approved by R V B C and The Parish Council this was changed to one much larger and much more expensive development, to which the Parish Council did object. The Parish Council wish to underline their view that development of the Black Bull site into four relatively affordable units is likely to bring younger people into the village improving the age balance. The Parish Council would be implacably opposed to a reduction in the number of units on this site, because they believe it imperative for the health of the community that there should be property available at the lower end of the housing ladder to balance very expensive recent developments.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Comments that the existing retained gate should open the other way – that is inward away from Rimington Lane, but, otherwise he has no objections to the application subject to conditions relating to the satisfactory provision of parking spaces, a turning area and a visibility splay at the site entrance on to Rimington Lane.

ADDITIONAL  
REPRESENTATIONS:

Two letters of support have been received from local residents. The comments made in those letters are summarised as follows:

1. There has been no offer of any kind from the parishioners of Rimington and Middop or elsewhere to continue the use of this building as a public house, despite it being registered recently as a community asset (now expired).
2. The last year that this establishment made any profit was apparently in 2006 and there have since been three failed attempts at continuing to run the establishment at a profit.
3. Since it closed in October 2013, the building has been subject to vandalism. If the building is left unoccupied it is likely that it will deteriorate further either by further vandalism or by general degradation over time. As it is located in the centre of the village close to well-maintained properties and a fashion retailers premises, this building should be redeveloped as soon as possible,

as proposed in this application, to avoid the centre of the village being marred by an empty redundant and vandalised public house.

4. A business woman in Rimington for many years considers the viability of a public house in the village to be doubtful. It would require the total support of the village and this has not been forthcoming in the past. A considerable capital investment would also be required in order to re-open the public house.

Twelve letters have been received from nearby residents who express objections to the application on grounds that are summarised as follows:

1. All reasonable efforts have not been made to secure a viable business on the site. There has never been a 'for sale' or 'for lease' sign displayed on the pub. A Google search for pubs for sale in this locality also does not reveal the Black Bull as a business that is for sale. The market should decide whether the Black Bull is viable or not but, for that to happen, the market should know that it is available.
2. This was a viable business prior to 2006 and for a couple running the business themselves and living and both working there it could be viable again. The fact that it has not been run as a viable business since 2006 does not mean that there is no prospects of it again being so. The 'high end' French cuisine venture was entirely inappropriate for what had been a rural village pub.
3. Planning permission has been granted for a smaller pub but this has never been implemented and so this option has never been tried.
4. Whilst pubs are suffering nationwide there are numerous pubs/restaurants in this locality that are booking this trend.
5. With regards to the proposed four flats, more than two parking spaces per flat would be needed as each adult would be likely to have their own car and there would also need to be provision for visitor parking.
6. It cannot realistically be claimed that the proposed flats would provide 'vitality' when their provision would mean that a vital part of the village would be lost for ever.
7. Would the flats be 'affordable' in terms of policy, or would they just be more affordable than larger properties.
8. With regards to Key Statements EC1 and EC2 of the emerging Core Strategy, once the conversion and extension works have been carried out, the flats would not result in much economic activity, unless they were to be dual use, which does not appear to be part of the proposal. The proposal would therefore result in the end

of the economic use of the site. Sufficiently robust evidence has not been provided that community facilities are not viable on this site.

9. Other commercial uses such as pub plus shop or pub plus conference facility, do not appear to have been considered.
10. Leaving windows unrepaired following vandalism in order to evidence that the pub is falling into disrepair is disappointing.
11. The threshold for showing that the Black Bull is no longer viable has not yet been met.
12. Prefer conversion to 2 semi detached units.
13. Groups have attempted to use the facility but considered 'unwanted' by the publican.
14. A footpath runs across the front of the property and through a style in the side boundary wall. The route of this would be blocked by the proposed front boundary wall.

### **Proposal**

The application seeks full planning permission for the change of use and conversion of the Black Bull Public House in Rimington to form 1 No 3 bedroom flat and 3 No two bedroom flats. The 3 bed unit would be on the first floor but with 2 of its bedrooms provided at second floor level within the roof space. The submitted scheme involves the demolition of the existing single storey wooden structure at the rear of the building and the construction of 2 No single storey extensions at the rear and an extension at first floor level above an existing single storey extension at the eastern side elevation of the building. All three extensions would have pitched roofs and would be constructed using external materials to match the existing building.

At the rear of the building there would be a grassed garden area beyond which a parking area for 8 vehicles (2 for each flat) and associated manoeuvring area would be formed. The parking/manoeuvring area would be accessed by the existing gated driveway that runs down the western side of the building.

At the front of the building the existing hard surfaced forecourt area would become a grassed area with appropriate pathways leading to the entrance doors to the flats. This grassed area would be surrounded by a 0.6m high stone wall, but the route of the public footpath would not be blocked.

### **Site Location**

The application relates to the presently vacant Black Bull Public House on the north side of Rimington Lane within the settlement boundary of Rimington (a Tier 2 Settlement in the emerging Core Strategy). The site is adjoined to the west by a fashion retailers premises; to the east by residential properties, and to the north by a dwelling in Back Lane. There are open fields and residential properties to the south of the site on the opposite side of Rimington Lane.

## **Relevant History**

3/1989/0309/P – Change of use from Public House/Hotel to private dwelling. Approved subject to a condition requiring precise details of the conversion works to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

3/2013/0597/P – Proposed demolition of existing timber structure and construction of 2 extensions together with the internal reduction in the size of the public house by the conversion of part of the floor space to form a single residential unit. Approved subject to conditions.

## **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G4 - Settlement Strategy.

Policy H15 - Building Conversions - Location.

Policy H16 - Building Conversions - Building to be Converted.

Policy H17 - Building Conversions - Design Matters.

*The Core Strategy Submission version as proposed to be modified*

Key Statement DS1 – Development Strategy.

Key Statement EC1 – Business and Employment Development.

Key Statement EC2 – Development of Retail, Shops and Community Facilities and Services.

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

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

National Planning Policy Framework (NPPF).

National Planning Policy Guidance (NPPG).

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

With regards to the principle of the proposed development, there are two linked matters that need to be addressed. The first relates to the question of whether the use of this building as a public house is any long viable; and the second is whether the proposed alternative use is compliant with the relevant current policies and guidance. If the proposed development is considered to be acceptable in relation to these considerations, it would then be necessary to examine the application in relation to the potential effects upon the appearance and character of the locality, the amenities of nearby residents and highway safety. It is also considered appropriate in this case, to consider the application within the context of the planning history of the site. These matters will therefore all be covered below under appropriate sub-headings.

### **Planning History**

In 1989 permission was granted for the conversion of this public house into one dwelling subject to a single condition that “prior to commencements of works, precise details of the works shall be submitted to and approved in writing by the Local Planning Authority” (3/1989/0309/P). In the event, it appears that no conversion details were ever submitted, the application was not therefore implemented and would have lapsed in April 1994. That permission was obviously granted at a time when different policies were applicable and, as such, is of limited relevance to the Committee’s consideration of this current application.

More recently, permission was sought for a scheme that involved the retention of the public house/restaurant (but occupying only part of the existing floor space) with rest of the floor space converted to form a self-contained 3 bedroomed dwelling (3/2013/0597/P). The scheme proposed in that previous application involved the demolition of the existing timber structure at the rear of the building and its replacement within the existing footprint by a purpose designed dining area extension.

A Design and Planning Statement (DPS) was submitted with that previous application. Within the DPS there were financial details relating to the operation of a public house over recent years by a number of different tenants. The conclusions put forward in the previous DPS were that:

- the costs of the building (rates, rent and utility) were too high for the level of business that could be generated;
- some parts of the building were not sufficiently attractive (eg the function room) to be fully utilized and were at the end of their useful life;
- that a viable business could only be created by upgrading the current building, improving usability and attractiveness and delivering a reduction in fixed overheads.

It was therefore stated in the previous DPS that the current owners of the building were prepared to make the capital investment required to upgrade the building provided that there was a prospect of a reasonable financial return on that investment. Without such a scheme they considered it very likely that the Black Bull would have to close again and that it would be difficult to imagine that it would ever reopen as a public house and restaurant. It was therefore explained in the DPS that the objective of that previous planning application was to secure a viable public house/restaurant business on the site and that the creation of a separate residential development as an integral part of the application as this was considered to be required in order to fund the overall scheme.

In respect of application 3/2013/0597/P, permission was granted on 15 November 2013 subject to a number of conditions. No works have been carried out in respect of the implementation of that planning permission, but it is an extant permission that will not expire until 15 November 2016.

### Viability of the Business

In Supporting Documentation (SD) submitted with the application, the applicant has outlined the recent trading history of the premises. This is summarised as follows:

1. The last period in which a “stable” business traded at the Black Bull was from the late 1990’s until 2006. In 2006 the property changed ownership as a viable business for approximately £750,000.
2. Between 2006 and 2008 the business went into a steady decline until it closed in late 2008. It began this period trading as a public house with food, the provision of food was stopped during 2008 and it traded as a local public house until its closure. The building was repossessed by creditors and was put up for sale for £350,000 and was bought by the current owners in August 2009 for £320,000.

3. Between 2009 and 2011 the current owners renovated the property investing approximately £80,000 into the enterprise and reopened as a country pub and restaurant in December 2009. Accounts are provided for the period December 2009 to May 2011 which show that the business made a loss throughout this period. Evidence is provided that throughout this period a considerable amount of money was invested in advertising and promotional events and in 2010 the pub won Lancashire's Dining Pub of the Year and began to offer accommodation. After a period of initial progress in terms of improving financial performance the trend reversed and the business was closed in July 2011 in order to stem financial losses and avoid insolvency.
4. In 2011-2012, the business was put up for sale. Prior to its closure an attempt to engage the community in a community enterprise was made. During the period there were a number of informal discussions with representatives of the community but no progress beyond this. Between June 2011 and April 2012 there were just two viewings of the property; one of which resulted in the building being leased. There were no offers to buy the business despite a reduction in price of £100,000 from the initial valuation.
5. The Black Bull was reopened in May 2013 trading as a public house and restaurant. Within 3 months this new business was in difficulty. In July 2013 the landlady who was leasing the property stopped paying the rent and in October 2013, vacated the premises removing the fixtures and fittings that were required to run the business therefore leaving an empty building.
6. In early 2013 the Black Bull was designated as an Asset of Community Value. In December 2013 following the third closure in five years, the owners served notice under the provisions of the Asset of Community Value scheme but their intention to dispose of the Black Bull. The Borough Council informed the Parish Council and the moratorium period began. A public meeting of the Parish Council in January 2014 the decision was taken to request the moratorium period be extended even though there was no eligible community group which wanted to put forward a bid. At this meeting the owners offered the community, in addition to their right to a moratorium period to prepare and present a proposal to purchase the property "as is", three other alternative options: (1) purchase a smaller public house following the completion of the approved scheme; (2) lease the property on the terms of the existing lease; (3) lease the smaller public house following the completion of the approved scheme. A number of public meetings took place between 9 January and April 2014 which concluded that, whilst there was general support for a public house in the village, there was little support for a Community Enterprise to take forward either the community right to bid or any other scheme.

From the submitted evidence it appears clear that the business has not been viable in recent years. The local community has had the opportunity to continue the operation of a business from the property, but has not taken up this opportunity. Evidence has been provided that the business has been marketed by "EM and F Group Business Sales" during 2011 to 2012. It is stated, and evidence is provided, that the business was advertised on websites, particulars were produced and a for sale sign was erected. It is stated that the business was initially valued at £500,000 but the initial asking price was reduced to £400,000 with offers invited. This did not result in any offers to buy. Overall, it appears that, despite appropriate advertising, no interest has been shown by any group, individual or company. I therefore consider it reasonable to conclude that the business is no longer viable, and do not consider that there would be any benefit in requiring the applicant to carry out any further advertising and marketing of the property.

In the next section of this report I will therefore assess the application against the relevant policies and guidance on the basis that there is no longer a business operating from the site, and that, despite all the reasonable efforts over a number of years, it appears unlikely that it will be used again as a public house/restaurant.

### The Acceptability of the Proposed Alternative Use

Saved Policy G4 of the Local Plan allows a number of specified forms of development in villages (including Rimington) that includes the rehabilitation and re-use of rural buildings. Although more frequently applied to agricultural buildings such as barns, this policy is applicable to other buildings within the villages. Purely as a matter of principle, I consider that this application complies with Policy G4.

Perhaps more relevant, however, are the requirements of NPPF and the relevant policies of the emerging Core Strategy.

In NPPF, paragraph 28 (Supporting a Prosperous Rural Economy) states that LPA's should "promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship". At paragraph 70 (Promoting Healthy Communities) it is stated that, to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (amongst other things) "ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community".

The Council fully supports these intentions of NPPF but, in this particular case, in order for the facility to be retained, there has to be a body (such as the local community) individual or company who would operate the business on a financially viable basis. Previous attempts at achieving this objective have failed and, despite considerable efforts, no-one has come forward to purchase the property.

Within Key Statement DS1 (Development Strategy) Rimington is a tier 2 settlement where any future development will only be for identified local needs or delivering regeneration benefits. If this application was for new-build development, I consider that it would be contrary to the intentions of Policy DS1. It is, however, for a conversion and, in my opinion, requires consideration in relation to Policy DMH4. This policy allows the conversion of barns and other buildings to dwellings subject to compliance with a number of criteria, one of which is that "there would be no detrimental effect on the rural economy". As stated previously, in the precise circumstances of this application, the proposed conversion would not have a detrimental effect on the local economy. When compared to an empty building, the proposed occupation of four flats would have a marginal benefit to the local economy.

Within Key Statement EC1 (Business and Employment Development) it is stated that "proposals that result in the loss of existing employment sites to other forms of development will need to demonstrate that there will be no adverse impact on the local economy". This requirement has already been covered in this report.

In Key Statement EC2 (Development of Retail, Shops and Community Facilities and Services) it is stated that "the Council will continue to require robust evidence that much needed smaller retail and other facilities in the more rural parts of the area are no longer viable before considering other forms of use". In this case, the marketing of the building has not been



restricted to its use as a public house/restaurant, but no interest has been forthcoming from anyone interested in setting up an alternative business venture such as retail. In my opinion, this indicates that there is no belief that a retail outlet in Rimington would be viable.

Policy DMB1 states that “proposals for the development, redevelopment or conversion of sites with employment generating potential in the plan area for alternative uses will be assessed in relation to a number of criteria. These include the environmental benefits to be gained by the community; the economic and social impact caused by the loss of employment opportunities to the borough; and consideration of any attempts that have been made to secure an alternative employment generating use for the site and proof that the property/business has been marketed for business use for a minimum period of 6 months, or information that demonstrates to the Council’s satisfaction that the current use is not viable for employment purposes. It is considered that bringing this building back into use would result in some environmental benefits to the local community; and that the economic and social impact caused by the loss of the “relatively limited” employment opportunities would be minimal. This property has been marketed, and unsuccessful attempts have been made to keep it in business use for a considerably longer period than 6 months.

I consider that the proposal satisfies the requirements of all the Key Statements and Policies of the emerging Core Strategy as described above; and is generally in compliance with the sustainability requirements of NPPF.

This leads me to conclude that the only alternative use of this building is conversion to residential. As a conversion, there is no overriding policy requirement for the residential units to be “affordable”. The Parish Council has commented that (“if the pub is finished”) then they do approve of the development as proposed, agreeing with the owners that the provision of this type of accommodation would be advantageous to the village. The Parish Council adds that the development of the site to provide four relatively affordable units is likely to bring younger people into the village improving the age balance. They also comment that they would be strongly opposed to any reduction in the number of units on the site as they believe it to be imperative for the health of the community that there should be properties available at the lower end of the housing ladder to balance very expensive recent developments.

In relation to this particular consideration I concur with the Parish Council that the proposed development of four “market” smaller properties as proposed is the most appropriate and sustainable alternative use for the building.

#### Effects Upon the Appearance and Character of the Locality

In visual terms, the proposed scheme of conversion and extensions is very similar to the previously approved scheme for the retention of a smaller public house and creation of one residential unit (3/2013/0597/P). As such, I consider the proposed development to be acceptable in this particular regard.

#### Effects Upon the Amenities of Nearby Residents

With regards to the general matter of noise and activity, the use of the building as four flats would, in my opinion, have considerably less of an impact upon the amenities of nearby residents than its use as a public house/restaurant.

The proposed extensions are similar to those previously approved and would not, in my opinion, have any seriously detrimental effects upon the amenities of any nearby residents in respect of any loss of light, loss of privacy or any overbearing effects.

#### Effects Upon Highway Safety

Subject to appropriate conditions, the County Surveyor has no objections to the proposed access, parking and turning arrangements; and the traffic associated with four relatively small dwellings would have considerably less of an impact upon the local highway network than a public house/restaurant.

#### Protected Species Legislation

A bat survey report submitted with the application concludes that “the proposed development is unlikely to cause disturbance to bats or result in the loss of a bat roost or cause injury or death of a European Protected Species (Bats) or result in any significant impact on the local bat population. The scale of impact of the development at site level on local bat populations is likely to be negligible. An EPS development licence is not required and further survey effort is not recommended”. A condition, however, is required in order to ensure compliance with appropriate mitigation measures in the event that bats are found during demolition and development works.

#### Conclusion

Overall, whilst it is obviously regrettable that a public house/restaurant in a village is to be lost, for the reasons explained in this report, it is considered that the proposal complies with all the relevant guidance and policies. It is considered that the proposed conversion to form four flats is the most appropriate and sustainable alternative use for this building.

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 submitted drawing numbers AL(00)102 REV.D and 103 REV.C.

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

3. Unless otherwise agreed in writing with the Local Planning Authority the development shall be carried out in strict accordance with the mitigation measures contained in the Protected Species Survey Report dated 30 May 2013 (Job reference 1319) that was submitted with the application.

REASON: To ensure that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed. or harmed, and in order to comply with the requirements of Policy

ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Core Strategy Submission Version as proposed to be modified.

4. Prior to the first occupation of any of the flats hereby permitted, the existing gate at the entrance into the site from Rimington Lane, shall be altered so that it opens inwards away from Rimington Lane. Thereafter the gate shall be retained in this manner in perpetuity.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy submission version as proposed to be modified.

5. 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 that is in excess of 1m. high above adjoining carriageway level.

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

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy submission version as proposed to be modified.

6. The car park shall be surfaced or paved and marked out in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The car parking spaces and manoeuvring areas shall be marked out in accordance with the approved scheme and shall be available for use, prior to the first occupation of any of the flats hereby permitted. Thereafter the access drive, parking and manoeuvring areas shall all be kept clear in perpetuity of any obstructions to their designated purpose.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy submission version as proposed to be modified.

APPLICATION NO: 3/2014/0624/P (GRID REF: SD 364806 435134)  
PROPOSED ERECTION OF 15 AFFORDABLE DWELLINGS TO MEET LOCAL NEEDS  
LAND OFF PARSONAGE AVENUE, RIBCHESTER

PARISH/TOWN COUNCIL: Objection. The development proposal contains a number of adverse impacts and that these impacts clearly outweigh any likely benefits. A petition containing over 600 signatures was submitted at the time of the earlier application and as the revised application is a resubmission of that application the Parish Council wishes the Borough Council to take it into account when considering the application. The points of

objection are:

1. The Parish Council has concerns about the implications for Dutton Brook and the wider village. The Council believes that the cumulative impacts on the amenity of the residents are sufficiently severe to warrant the refusal of permission. It believes that the proposal, by its scale and location outside the defined settlement boundary, represents an urban extension into open countryside which would change the character of the countryside to the detriment of the visual amenities of the area.
2. The Parish Council considers that the proposal would increase vehicle flows on the section of Church Street from the Black Bull junction to the Pope Croft entrance to the detriment of the amenity of residents. The likelihood of increased vehicular movements across the entrance to the playing field would prejudice child safety. Of most concern is the proposal to upgrade the unnamed private road at the western end of Pope Croft car park to provide an access to the development site.
3. The Parish Council is of the opinion that the Flood Assessment does not adequately address the issue of flooding within the Ribchester Flood Area. Nor is the proposed treatment of sewage/surface water considered robust or possibly deliverable. Ribchester stands on the floodplain of the Ribble Valley, on the Ribble/Calder system. Local flooding occurs regularly and the current settlement boundary is a reflection of this fact. With one exception, development in recent years has taken place outside the village flood zone. The exception, the development of bungalows on the eastern side of Ribblesdale Road and in close proximity to the flood plain of Boyces Brook [Zone 3] has led to the Borough Council and occupiers taking measures to protect the properties from flooding. The likelihood is that events will become more frequent and possibly more severe. A number of flood events have been recorded within the village during the previous fifteen years. On occasion floodwater has encroached onto the Pope Croft car park and there is regularly standing water on the section of unnamed road fronting Potters Barn. The Council takes issue with the bland conclusion in the 'Sequential Test' document that the development provides benefits to the community that outweighs the flood risk as in the Council's view it plays down the likely impact of run off. The existing 'greenfield' site is flat with a high water table. Reducing the area of permeable land would increase the likelihood of standing water in and around the new development and existing properties. This is contrary to Key Statement DME6 in the Core Strategy which states that '*Development will not be permitted where the proposal would be at an unacceptable risk of flooding or exacerbate flooding elsewhere*'. Recent problems in the South West of the country illustrate only too well what can happen when building is allowed on wetlands and land with a high water table. I am again attaching at Annex 2 the rebuttal of the Flood Risk Assessment compiled by Dr. Louise Walker.

ENGLISH HERITAGE: No objection. Ribchester Roman Fort covers an area of approximately seven acres in and around the village of Ribchester. The site was first established as a timber and turf fort in the 1st century AD and was rebuilt in stone in the 2nd century AD. The proposal is for the erection of 15 affordable dwellings just outside the boundary of Ribchester Roman Fort Scheduled Monument. There are five scheduled monuments in and around Ribchester protecting the archaeological remains; however, nationally-important remains of the fort and Vicus (civilian settlement around the fort) are likely to extend beyond the boundaries of the scheduled sites. The grade I listed St Wilfrid's church was built in the 13th century with later additions and it was restored in 1881 and after a fire in 1917. In the *Buildings of England volume for Lancashire: North* it is described as "an interesting and rewarding building, romantically sited beside the river, with unobstructed views over the fells".

The development has the potential to impact on buried remains relating to the Scheduled Ribchester Roman Fort and Vicus; however, as long as the advice of the County Archaeologist is followed regarding archaeological mitigation, we have no objection to the development of the site. Based on the information we have been sent we do not believe that the development would have a significantly harmful impact on the setting of Ribchester Scheduled Monument or the grade I listed St Wilfrid's Church. To assess the visual impact of the housing development on surrounding heritage assets we recommend that you use the methodology in English Heritage's setting guidance and the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

ENVIRONMENT  
DIRECTORATE  
(COUNTY  
SURVEYOR):

No objection subject to conditions. This application was subject to pre-application discussions and the resubmitted proposal incorporates amendments as per my recommendations.

I would also wish to point out, for the benefit of the developer, that the access road between the site access and Church Street is unadopted and not maintained by the highway authority, consequently the estate roads for the development would not be considered for adoption. This would be reviewed if the developer, at his own expense was to bring the length of the access road from Church Street to the development to adoptable standard, which would then be subject to a S38 agreement along with the new estate road.

ENVIRONMENT  
DIRECTORATE  
(ARCHAEOLOGY):

The Wardell Armstrong (2013) evaluation of the site confirmed the presence of significant Romano British occupation within the site associated with the fort at Ribchester. The submitted Project Design for an Archaeological Strip, Map and Sample Excavation (Wardell Armstrong July 2014) has been approved by LCAS as an appropriate means of dealing with any surviving archaeological features that might be found on the site. LCAS would therefore recommend that the works outlined in the Project Design (a written scheme of investigation)

are secured by means of a planning condition requiring the implementation of a programme of archaeological work.

ENVIRONMENT  
DIRECTORATE  
(CONTRIBUTIONS):

No requirement for education contributions.

ENVIRONMENT  
AGENCY:

We have reviewed the FRA prepared by iD Civils Design Ltd as submitted with the application and we are satisfied that the development would be safe for its lifetime without increasing flood risk elsewhere. We therefore have no objection in principle to the proposed development subject to the inclusion of conditions.

UNITED UTILITIES:

No objection subject to conditions requiring drainage schemes for foul and surface waters.

ADDITIONAL  
REPRESENTATIONS:

48 letters of objection have been received from the occupants of nearby properties. The main concerns raised include:

- The site has flooded previously and this will not have been reported to the environment agency because it has been used for grazing and has not therefore affected people
- Ribchester is a flood plain
- The sequential test shows that there are other sites more suitable than this one
- The proposal to pump surface water to the sewer will increase flood risk elsewhere
- Increased traffic and vehicle movements would pose a danger to those crossing from the car park to the play areas including children
- Overflow parking from the use of the playing fields will occur on the widened highway and potentially within the development
- The Church Street junction is dangerous and cannot cope with additional vehicles
- Loss of light, privacy and noise particularly as the proposal is for family accommodation next to Dutton Brook, which is occupied by older people
- The boundary fence will restrict light reaching the bedroom window, which is only 2m away from the fence
- There is a pond on the site and a newt has previously been found in the garden of Dutton Brook House
- Poor quality design does not provide any merit for the historic fabric of Ribchester adjacent to the conservation area
- Site lies outside the settlement boundary
- Would overshadow Dutton Brook House and result in loss of privacy

**Proposal**

Planning permission is sought for the erection of 15 dwellings, all of which would comprise affordable housing units. Ten two storey semi-detached properties are proposed, along with a

terrace of three bungalows and a pair of semi-detached bungalows. The hedgerow along the site frontage would be removed and the road immediately to the front of the site would be widened to 5.5m with a 1.8m wide footway provided in front of the site.

### **Site Location**

The application relates to a parcel of land measuring 0.75ha to the north of an unadopted road off Parsonage Avenue/Pope Croft in Ribchester. The site lies within flood zone 2 immediately adjacent to Ribchester conservation area, which is to the south. The site forms open countryside and a mature tree lined hedgerow forms the site frontage with the single vehicle width access road. Dutton Brook House, a two storey building comprising apartments, adjoins the north eastern boundaries of the site. There is a rectangular parcel of land adjoining the eastern boundary between the site and the public car park opposite the playing fields, which is in third party ownership. The public car park on Pope Croft is owned by the Council. To the south east of the site on the opposite side of the road are floodlit tennis courts and a children's play area. The Ribchester Roman Fort Scheduled Ancient Monument and St Wilfrid's church (Grade I listed) lie to the south east of the site beyond the tennis courts, within the conservation area. Open countryside adjoins the south west and north east boundaries of the site and the site is enclosed by vegetation.

### **Relevant History**

3/2014/0056 – Erection of 15 affordable dwellings to meet local needs – Withdrawn.

### **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 ENV6 - Development Involving Agricultural Land

Policy ENV7 - Species Protection

Policy ENV10 – Nature Conservation

Policy ENV13 - Landscape Protection

Policy ENV19 - Listed Buildings

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 RT8 - Open Space Provision

Policy RT18 - Footpaths and Bridleways - Improvements

Policy RT19 - Footpaths

Policy T1 - Transport Implications

Policy T7 - Parking Provision

#### Ribble Valley Core Strategy (Submission version as proposed to be modified)

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 EN5 – Heritage Assets  
Key Statement H1 – Housing Provision  
Key Statement H2 – Housing Balance  
Key Statement H3 – Affordable Housing  
Key Statement EC2 – Development of Retail, Shops and Community Facilities and Services  
Key Statement DMI1 – Planning Obligations  
Key Statement DMI2 – Transport Considerations  
Policy DMG1 – General Considerations  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport and Mobility  
Policy DME2 – Landscape and Townscape Protection  
Policy DME3 – Site and Species Protection and Conservation  
Policy DME4 – Protecting Heritage Assets  
Policy DME5 – Renewable Energy  
Policy DME6 – Water Management  
Policy DMH1 – Affordable Housing Criteria  
Policy DMB4 – Open Space Provision  
Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Technical Guidance to National Planning Policy Framework  
Ribchester Conservation Area Appraisal  
Ribchester Conservation Area Management Guidance

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

### Principle

Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework adopted in 2012 (NPPF) is one such material consideration and promotes a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that for decision making, this means:

- Approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted

Whilst the NPPF does not change the legal status of the development plan, paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

The site forms open countryside adjacent to the settlement boundary of Ribchester in an area defined as open countryside in the Districtwide Local Plan. Policy G5 recognises the need to protect the countryside from inappropriate development and as such, outside the main



settlement and village boundaries, planning consent will only be granted for small scale developments which are essential to the local economy, developed for local needs housing (subject to Policy H20) or are for other small scale uses appropriate to a rural area.

The Core Strategy has reached an advanced stage of preparation and should be afforded appropriate weight in the decision making process. Main Modifications to the plan are the subject of consultation until 5th September 2014. The Development Strategy identified in the Core Strategy (Policy DS1 as proposed to be Modified) seeks to direct the majority of new housing to the principal settlements of Clitheroe, Longridge and Whalley and the strategic site at Standen. In addition, development will be focussed towards nine Tier 1 villages considered to be the more sustainable of the 32 settlements. The less sustainable villages of the 32 defined settlements are classed as 'Tier 2', which includes Ribchester. Housing development in Tier 2 settlements will need to meet proven local needs or deliver regeneration benefits.

The site is located just outside the settlement boundary of Ribchester, however Policy DMG2 as proposed to be modified relates specifically to housing outside the defined settlement areas and one of the criteria that would permit housing outside the settlement boundary is where the development is to meet local needs. The housing officer is satisfied that there exists an identified need for 15 affordable dwellings in Ribchester and as such, the proposal would meet proven local need. The proposal therefore complies with Policies G5 and H20 of the Districtwide Local Plan and Policy DMG2 of the emerging Core Strategy (Including Proposed Main Modifications) and the principle of the development is therefore acceptable. In this respect, the NPPF requirement for development that accords with the development plan to be approved without delay is engaged.

Whilst the principle of local needs housing in this location is acceptable, the site is located in flood zone 2 in close proximity to Ribchester conservation area and the Roman Fort scheduled ancient monument. Ribchester is also an area of archaeological importance and these matters therefore require due consideration.

#### Access and Highways

The existing narrow access road would be widened to facilitate the development and 2 off road car parking spaces are proposed per dwelling, which all comprise two and three bedroom properties. The area of third party land immediately adjacent to the eastern boundary of the site will prevent the road being widened to 5.5m along its length to Church Street, however this will form a natural traffic calming feature and will slow vehicle speeds with an appropriate priority system. Whilst I note objectors are concerned about the increase in vehicles and the proximity to the playing fields, the local highway authority has raised no objection to the proposal subject to conditions and it is therefore considered that the proposal would be acceptable in respect of highway and pedestrian safety.

#### Flood Risk and Sequential Test

The site lies in flood zone 2, which has a medium probability of flooding. All development is subject to a sequential approach to site selection, which aims to steer new development to areas with the lowest probability of flooding. Where there are no reasonably available sites in Flood Zone 1, local planning authorities should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the

flood risk vulnerability of land uses. Flooding from all sources should be taken into account in decision making and the NPPG advises that both local planning authorities and developers should ensure that development in locations where there is a risk of flooding is appropriately flood resilient and resistant, safe for its users for the development's lifetime, and will not increase flood risk overall.

According to the Environment Agency's Flood Risk Vulnerability Classification, residential development is 'more vulnerable' but is classified as appropriate development in flood zone 2. The applicant has submitted a flood risk assessment and a sequential assessment. Whilst the Parish Council has expressed concern about the submitted documents, the Environment Agency is satisfied that the flood risk assessment, which includes mitigation measures, demonstrates the development would be safe for its lifetime without increasing flood risk elsewhere. I have no reason to disagree with the conclusions reached by the Environment Agency. The mitigation measures proposed include the floor levels of the dwellings being set above the flood levels and external ground levels to remain unchanged in accordance with environment agency requirements, which would ensure the risk of flooding is minimised and not increased elsewhere. All driveways and areas of hardstanding other than the access road will be permeable to allow surface water to infiltrate in line with sustainable urban drainage principles. A condition to require the submission of a drainage scheme based on sustainable drainage principles will ensure surface water is dealt with appropriately.

In relation to the sequential test assessment, the applicant has undertaken additional work since the previous application was withdrawn. Given the proposed development is for local meets housing, it was agreed that Ribchester was an appropriate area on which to base the test. The National Planning Practice Guidance (NPPG) advises that a pragmatic approach should be taken on the availability of alternatives. Paragraph 34 (Reference ID: 7-034-20140306) states:

*It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere.*

Given the nature of the development and considering that there are five bungalows proposed for older persons as well as accommodation for families, the application site is more suitably located in closer proximity to facilities in the village than sites 4, 6, 7 and 9. Sites 5 and 13 are within flood zone 3 and are not sequentially preferable to the application site. Sites 8, 10, 11 and 12 would not accommodate the proposed development or are unavailable. There are two sites within this assessment under the same ownership as the application site, but I attach no weight to the owner's preference to develop site 1 over sites 2 and 3 as I do not consider this to be relevant. Site 2 is primarily within flood zone 1, with parts in zones 2 and 3 and lies adjacent to the industrial estate. Site 3 is within flood zone 1 and comprises of 3 smaller sites, two of which were excluded from the SHLAA (2013) as one comprised garden land and the other had planning permission. Nevertheless, I consider that combined sites 2 and 3 are both, in part, suitable for a residential development of the size proposed from a sequential perspective.

It is however clear that only parts of these sites would be suitable for residential development. Parts of the land adjoin the industrial estate and as such, noise and outlook considerations would necessitate a buffer between the industrial premises and residential development, with

the result that residential development, particularly on site 2, would be visually detached from existing built form and part of site 3 adjacent to site 2 would also be inappropriate for residential development due to the presence of adjacent industrial uses. The available parts of site 3 include land with significant levels differentials adjacent to Preston Road and re-grading works or the erection of dwellings following the existing land levels would have an unacceptable visual impact and this would not therefore form an appropriate extension to the existing settlement. It appears that the remaining suitable areas of land within sites 2 and 3 may be of insufficient size to accommodate the proposed development.

Paragraph 102 of the NPPF states that if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed, it must be demonstrated that the development both; provides wider sustainability benefits to the community that outweigh flood risk; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The development would provide affordable housing, which is a wider sustainability benefit to the community and would meet local housing needs and whilst the development would not reduce flood risk overall, the environment agency is satisfied that the proposed development would be safe and would not lead to increased flood risk elsewhere. I therefore consider that the exception test is met and the application site is therefore suitable for the development proposed. Paragraph 103 of the NPPF requires that development that meets the exception test is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems. The environment agency have recommended flood resilience measures and sustainable drainage and these details should therefore be secured by condition to accord with the NPPF.

It is noted that a number of the objection letters have a notice of intent appended, which states that legal action will be taken against the developer and the Council if subsequent flooding caused by the development affects Dutton Brook House. The Head of Legal Services has confirmed that this is a separate legal matter, but it is noted that Dutton Brook House also lies within flood zone 2.

#### Archaeology, Design and Designated Heritage Assets

Ribchester developed as a Roman Fort known as Bremetenacum and is therefore of significant archaeological and historic importance. The Ribchester Roman fort (Bremetennacum) is on the English Heritage 'Heritage at Risk' register and in 2013 was identified as one of ten risk priority sites in the north west. The former burial area is the part of the site identified as a concern, which lies in proximity to church.

The development has the potential to impact on buried remains associated with the Roman Fort due to the proximity of the site to this scheduled ancient monument and initial archaeological investigations indicate the site could contain surviving archaeological features. A condition requiring appropriate archaeological investigations and recording during site works would ensure the impact of the development is acceptable in respect of archaeological considerations in accordance with Policy ENV14 of the Districtwide Local Plan, Policy DME4 and Key Statement EN5 of the emerging Core Strategy and the NPPF.

The application site forms the setting of designated heritage assets including Ribchester conservation area, St Wilfred's Church (Grade I listed) and the Roman Fort Scheduled Ancient Monument. Setting is defined as the surroundings in which heritage assets are experienced. English Heritage is satisfied that the proposed development would have no undue impact on the setting of these designated heritage assets, but advise that the impact on setting should be assessed using EH guidance entitled 'The Setting of Heritage Assets', which states:

*The significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting – the surroundings in which it is experienced. The careful management of change within the surroundings of heritage assets therefore makes an important contribution to the quality of the places in which we live.*

The tennis courts opposite the site are within the conservation area and the Roman Fort and Vicus. The application site is immediately adjacent to Ribchester conservation area and the Roman Fort and the development proposes the erection of two storey dwellings. I agree with the conclusions of English Heritage and consider that, subject to appropriate materials, the proposal would be acceptable in the setting of these designated heritage assets and would not undermine the significance of the conservation area and St Wilfred's Church, particularly given the existence of the tennis courts and play area within the conservation area, which lie between the site and the church. Notwithstanding this, the proposal would further urbanise the setting of the conservation area and the tree lined hedgerow also contributes to the character of the area. The proposed development must therefore respond to the site context and be of appropriate scale and design. The previous application was withdrawn following concerns raised by officers and English Heritage relating to the details of the scheme, particularly in relation to design. English Heritage raised concern initially as the previous application proposed the dwellings would be constructed of red brick and the inclusion of reconstituted stone in the current scheme has served to overcome the concerns of EH. Notwithstanding this, one of the threats to the conservation area identified in the Ribchester Conservation Area Appraisal is the Continuing loss of original architectural details and use of inappropriate modern materials or details. The materials to be used in the construction of the development are therefore important considerations given the site is adjacent to the conservation area. Amendments have been secured to introduce chimneys to all plots and the bungalows would be provided with mullions and jambs and also canopies to add interest. Subject to appropriate conditions, I consider the design of the proposals would be acceptable and would not undermine the significance of designated heritage assets.

### Ecology

The loss of the established tree lined hedgerow along the road frontage is necessary to enable the development to proceed, but its loss would be of detriment to the character and appearance of the area and would also result in the loss of foraging habitat. Amendments have been secured to the layout to omit the driveways proposed to serve the bungalows to secure a replacement linear hedgerow along the site frontage. A bat survey has been submitted and this confirms that mitigation measures can be employed to offset the loss of this hedgerow, including provision and enhancement of 125m of hedgerow to compensate for the loss of 61m of the hedge along the frontage. I consider that with appropriate replacement tree planting within the site, appropriate landscaping and boundary treatment and the inclusion of permanent bat and bird features would mitigate and enhance biodiversity in accordance with the NPPF and Key Statement EN4 of the emerging Core Strategy. Mitigation measures identified in the ecological report should be secured by appropriate conditions.

A resident has noted that there is a pond present and whilst it is not clear whether this is on the land or adjacent to it, the extended ecological report submitted with the application did not find any ponds within 250m of the site. The resident has also stated that a newt has been found previously in the garden of Dutton Brook House. It is possible that the pond observed by the resident is an ephemeral pond and it may not therefore have been present at the time the survey was undertaken. The applicant has been asked to provide clarification on this matter, which will be reported further in the late item.

### Amenity

There are habitable room windows in Dutton Brook House that face towards the site and amendments have been secured to minimise the impact on the occupants of Dutton Brook House. Whilst it is an established planning principle that there is no right to a view, outlook, privacy and loss of light are matters for consideration.

There are ground and first floor windows on the south west facing side elevation of Dutton Brook House adjacent to proposed plot 15 and these windows are in closest proximity to the site. The side wall of plot 15 would be 23.5m from the side wall of Dutton Brook House, significantly above recommended distances (15m) and as such, there would be no overbearing impact or overshadowing. No habitable room windows are proposed to the side elevation of plot 15 to prevent interlocking and ground floor views are proposed to be screened with fencing and landscaping, although objectors are concerned that the erection of a 1.7m high fence immediately opposite the ground floor habitable room window in Dutton Brook House would be overbearing. Whilst there would be some overlooking of the side garden of plot 15 from the first floor window in the side elevation of Dutton Brook House, the garden of this plot also extends to the rear and I consider that a wide landscaping buffer would mitigate the impact on plot 15 and the amenity of the occupants of Dutton Brook House. A condition requiring a landscaping scheme and details of boundaries to be agreed is recommended and this would enable further discussions with the applicant about the fencing proposed at this point to set the fence off the boundary. This would also ensure appropriate landscaping of the proposed car parking court to the rear of the bungalows.

There are also windows to the south east facing side elevation of Dutton Brook House, however a distance of 22.9m would remain between these windows and those proposed on the rear elevation of plot 1, which is above the 21m guideline and would ensure there is no loss of privacy to Dutton Brook House. Some overlooking of the garden of plot 1 would occur from the first floor windows however, subject to appropriate landscaping, I consider that the garden of plot 1 would be provided with adequate privacy given the benefits of this scheme to affordable housing provision.

### Conclusion

The proposal would provide 15 affordable housing units to meet local needs and the principle of the development accords with the Districtwide Local Plan and the emerging Core Strategy. I am satisfied that the development would be safe and would not increase flood risk elsewhere subject to appropriate conditions and furthermore, an appropriate landscaping scheme would compensate for the loss of the existing hedgerow and minimise the impact on species and the occupants of Dutton Brook House. Subject to conditions, the design of the proposal is considered to be acceptable and I therefore recommend accordingly.

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

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

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

2. The development shall be carried out in accordance with the amended plans received on 5th September 2014, unless otherwise required by condition of this permission, drawing references:

A 003 Proposed Site Plan Rev H  
808\_A017\_Indicative 85mm Window and Door Reveal Detail  
A 004 Rev B  
A 005 Rev B  
A 006 Rev B  
A 009 Rev A  
A 010 Rev A  
A 011 Rev A  
A 012 Rev A  
A 013 Rev A  
A 014 Rev A  
A 015 Rev A  
A 016 Rev A

REASON: To clarify the permission.

3. Notwithstanding the submitted plans, samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development. The development shall be carried out in accordance with the approved details prior to the first occupation of each dwelling.

REASON: To ensure the materials to be used are appropriate to the locality adjacent to Ribchester conservation area, in accordance with Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan, Key Statement EN5 and Policy DME4 of the emerging Ribble Valley Core Strategy (Including Proposed Main Modifications).

4. The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The residential units hereby permitted shall only be occupied by households or individuals in housing need used for the purposes of providing affordable housing accommodation as defined in Annex 2 of the National Planning Policy Framework (March 2012) or such replacement guidance.
  - (i) The type and tenure of affordable housing provision.
  - (ii) The arrangements for the transfer of affordable housing to an affordable housing provider. (or the management of the affordable housing) (if no RSL involved).
  - (ii) The arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of affordable housing.

- (iv) The occupancy criteria to be used for determining the identify of the occupiers of affordable housing and the means by which such occupancy criteria shall be enforced.

This condition shall not be binding upon any of the following:

- (i) A mortgagee or chargee (or any receiver appointed by such mortgagee or chargee) of the development or any part thereof (including any individual residential unit or group of residential units) together with the successors in title to such mortgagee, chargee or receiver;
- (ii) A tenant of a residential unit who exercises any statutory right to buy or right to acquire (or equivalent right) such residential unit together with the mortgagee or chargee (or any receiver appointed by such mortgagee or chargee) of such tenant and successors in title;
- (iii) A lessee of a residential unit held under a shared ownership lease who acquires 100% of the interest held under that lease together with the mortgagee or chargee (or any receiver appointed by such mortgagee or chargee) of such lessee and successors in title.

REASON: For the avoidance of doubt as the development is for affordable housing units in accordance with Policy H20 of the Ribble Valley Districtwide Local Plan and Policy DMH3 of the emerging Ribble Valley Core Strategy (Including Proposed Main Modifications).

- 5. No site works shall take place until a scheme of investigation to secure the implementation of a programme of archaeological work has been submitted to and approved in writing by the local planning authority. Site works shall proceed in complete accordance with the approved scheme and the final report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological importance associated with the site in accordance with Policy ENV14 of the Ribble Valley Districtwide Local Plan and Policy DME4 and Key Statement EN5 of the emerging Ribble Valley Core Strategy (Including Proposed Main Modifications).

- 6. 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 during the actual construction of those individual dwellings identified on the submitted plan before each such dwelling 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 to 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 emerging Ribble Valley Core Strategy (Including Proposed Main Modifications).

7. Notwithstanding the submitted details and prior to the commencement of the development, a scheme for the hard and soft landscaping of the site, including boundary treatment, shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate the recommendations of the Bat Survey (report reference R-1684-02 July 2014) and the Ecology Appraisal (report reference R-1684-01.3) and shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and specifications of all fencing.

The approved soft landscaping scheme shall be implemented in the first planting season following occupation or use of the development unless otherwise required by the reports above, whether in whole or part and shall be maintained thereafter for a period of not less than 10 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. The hard landscaping and boundary treatment shall be implemented in accordance with the approved details prior to the first occupation of the development and retained thereafter at all times.

REASON: In the interests of visual amenity, habitats and species in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME1, DME2 and DME3 and Key Statement EN4 of the emerging Ribble Valley Core Strategy (Including Proposed Main Modifications).

8. The development shall be carried out in complete accordance with the recommendations and precautions in parts 1 and 2 of the Ecology Appraisal (report reference R-1684-01.3) and the Bat Survey (report reference R-1684-02 July 2014). For the avoidance of doubt, any works affecting vegetation, including trees and hedges, shall be undertaken outside the nesting bird season [March - August inclusive] unless preceded by a nesting bird survey, the results of which shall be submitted to and approved in writing by the local planning authority immediately prior to vegetation works taking place and works shall thereafter be carried out in accordance with the survey.

REASON: In the interests of protected species and to mitigate impacts on biodiversity in accordance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and DME3 and Key Statement EN5 of the emerging Ribble Valley Core Strategy (Including Proposed Main Modifications).

9. The development shall be carried out in complete accordance with the Flood Risk Assessment (Reference: 3957/FRA1C: updated 9 July 2014). Prior to the commencement of the development, a scheme of finished ground and floor levels and flood resilience measures shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, finished floor levels should be no lower than 27.5 metres above Ordnance Datum (AOD) and must be at least 300mm above developed ground level and existing ground levels must not be raised. The mitigation measures shall be fully implemented prior to occupation 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 of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and



future occupants in accordance with Policies G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME6 of the emerging Ribble Valley Core Strategy (Including Proposed Main Modifications).

10. Prior to the commencement of the development, a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. Surface water run-off shall be limited to a maximum of 5 litres per second so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. The drainage strategy 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 the run-off from the undeveloped site following the corresponding rainfall event. The development shall be completed in accordance with the approved scheme prior to first occupation and shall be maintained and managed in accordance with the approved details.

REASON: To ensure a satisfactory means of drainage to prevent the increased risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME6 of the emerging Ribble Valley Core Strategy (Including Proposed Main Modifications).

11. Prior to the commencement of the development, a foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system, no building shall be occupied until the approved scheme has been completed to serve that building, and the development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure a satisfactory means of drainage in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME6 of the emerging Ribble Valley Core Strategy (Including Proposed Main Modifications).

12. Prior to the commencement of site works, the following information shall be submitted to and approved in writing by the local planning authority:
  - (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 local planning authority 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 local planning authority 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 prevent 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 G1, ENV7 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DME3 of the emerging Ribble Valley Core Strategy (Including Proposed Main Modifications).

13. Site works shall be carried out in complete accordance with the Arboricultural Impact Assessment and Arboricultural Methods Statement dated 16th September 2013. 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.

REASON: In order to ensure that any trees are afforded maximum physical protection from the potential adverse impacts of development in order to comply with planning policies G1 and ENV13 of the District Wide Local Plan and Policies DMG1 and DME3 and Key Statement EN5 of the emerging Ribble Valley Core Strategy (Including Proposed Main Modifications).

14. Prior to commencement of development a Construction Method Statement/Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out otherwise than in accordance with the approved Construction Management Plan which shall include the following matters:
- a) The parking and turning for vehicles of site personnel, operatives and visitors;
  - b) programme of works (including measures for traffic management and operating hours including times for deliveries or vehicles involved in construction);
  - c) loading and unloading of plant and materials;
  - d) storage of plant and materials used in constructing the development;
  - e) erection and maintenance of security hoarding and lighting;
  - f) wheel washing facilities and a programme for cleaning;
  - g) a Management Plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
  - h) a scheme for recycling/disposing of waste resulting from construction works (there shall be no burning on site;)
  - i) a Management Plan to control noise and vibration during the construction phase (in accordance with BS: 5228 2009 code of Practice titled 'Noise and Vibration Control on Construction and Open Sites'). The Noise Management Plan for the development shall include details of acoustic heavy duty fencing and locations; location of site offices, compounds and storage and operation of the wheel wash;
  - j) details of lighting to be used during the construction period which should be directional and screened wherever possible

- k) The new estate road/access between the site and Parsonage Avenue shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site

REASON: In the interests of protecting the residential amenities of the locality and highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Submission Version as proposed to be modified.

15. Prior to commencement of development a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development hereby permitted from renewable or low carbon energy sources shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter.

REASON: In order to encourage renewable energy and to comply with Key Statement EN3 and Policy DME5 of the Core Strategy Submission Version as proposed to be modified.

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

REASON: In order to reduce carbon emissions and to comply with Key Statement EN3 and Policies DMG1 and DME5 of the Core Strategy Submission Version as proposed to be modified.

APPLICATION NO: 3/2014/0660/P (GRID REF: SD 373419 436516)  
DEMOLITION OF EXISTING SUN ROOM AND REAR PORCH TO CREATE A SINGLE STOREY REAR EXTENSION. FIRST FLOOR EXTENSION TO THE EXISTING BATHROOM AND ALTERATIONS TO THE ROOF AT THE REAR. LOFT CONVERSION WITH REAR DORMER CONSTRUCTION AT 14 CLITHEROE ROAD, WHALLEY

PARISH/TOWN COUNCIL: None received.

HIGHWAYS (LCC): None received.

ADDITIONAL REPRESENTATIONS: Two letters of objection has been received relating to:

- Does not follow roof line of adjoining house
- Loss of light and overshadowing
- The proposals would significantly alter the appearance and historic context of the row

### **Proposal**

This application relates to the erection of a single storey rear extension, first floor extension to the existing bathroom, alterations to the roof at the rear and loft conversion with rear dormer construction at 14 Clitheroe Road, Whalley. The proposed single storey rear extension would be similar in size and design to the single storey rear extension at the adjoining property, no.16

Clitheroe Road. It would project up to approximately 5.6m from the rear elevation of the existing dwelling and would have a maximum width of 5.6m. It would have a flat roof with a lantern light to match the design of the neighbouring dwelling and would have an eaves height of 3.2m.

It is proposed to extend the first floor of the existing rear outrigger by 1m to provide additional bathroom space. The existing cat slide roof would be replaced with a hipped roof design. As originally submitted a dormer window would be built on the rear roof slope and would have a height of 1.8m and a width of 5.5m. It is proposed to insert two velux windows on the front roof slope to provide additional light to the proposed loft conversion. The dormer window element has now been removed from the scheme.

### **Site Location**

The application property lies within the settlement boundary of Whalley. It lies within Whalley Conservation Area and is identified as a Building of Townscape Merit. Nos. 1-7 (odd) and nos. 4-18 (even) Clitheroe Road (Ebenezer Terrace) are two terraces of higher status stone houses, the later built in 1877. They retain many of their original features including slate roofs, canted ground floor bay windows, and in the case of nos. 1-7, small roof dormers with casement windows. Most importantly, both terraces have their original front boundary walls and small front gardens, set back from the pavement. They are all shown on the 1892 map.

### **Relevant History**

None.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan (RVDLP):*

Policy G1 - Development Control.

Policy H10 – Residential Extensions.

Policy ENV16 – Development within Conservation Areas.

Policy SPG – Extensions and Alterations to Dwellings.

*Ribble Valley Core Strategy (Regulation 22 Submission Draft Post Submission Version Including Proposed Main Changes):*

Policy DMG1 – General considerations.

Policy DME4 – Protecting Heritage Assets.

Policy DMH5 – Residential and Curtilage Extensions.

*Other relevant policy considerations:*

Whalley Conservation Area Appraisal.

Whalley Conservation Area Management Guidance.

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

The application property is located in Whalley Conservation Area and is identified as a Building of Townscape Merit. As such, RVDLP Policy 16 and Ribble Valley Core Strategy Policy DME4 apply. RVDLP Policy ENV16 states that 'within conservation areas development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials. In addition, Policy DME4 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft Post Submission Version Including Proposed Main Changes) requires

proposals to respect and safeguard the architectural and historic character of the area as set out in the relevant conservation area appraisal. Paragraph 132 of the NPPF notes that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.'

The proposed development would not be visible from Clitheroe Road and, as such, would not be a prominent feature in the street scene. However, it would be prominent in the context of the rear gardens of neighbouring dwellings. There would be public views of the rear of the terrace from public footpath no.29.

It is noted that the rear elevations of the terrace remain relatively unaltered. The proposed ground and first floor extensions would match the design of the rear elevation of no.16 Clitheroe Road and would be faced in materials to match the existing dwelling. With regards to the design and impact on the character and appearance of a Building of Townscape Merit and Conservation Area it is considered that the scale, size and design of the proposed ground and first floor extensions is acceptable.

The proposed ground floor extension would project to within 1.5m from the rear boundary wall of the application property. However, the house has an addition garden plot which extends beyond the rear access way to provide sufficient amenity space and, as such, would accord with the minimum 10m<sup>2</sup> accessible amenity space standard required by the Policy SPG – Extensions and Alterations to Dwellings.

The Whalley Conservation Area Management Guidance Document states that dormers and rooflights should be avoided, unless appropriate to the building, modestly sized and away from the public viewpoint. Dormers to houses in streets of terraced houses have far more impact than similar proposals in areas of lower density detached housing, particularly given the fact that the proposed dormer would cover much of the rear roof slope. Dormers are not a common feature in the locality and the front and rear roof slopes of the terrace remain somewhat unadorned. In addition to the proposed single storey and first floor extensions, the proposed dormer would impact on the character of the dwelling through increased mass to the rear.

The proposed dormer would conflict with guidance contained in the Policy SPG – Extensions and Alterations to Dwellings as it would dominate the rear roof slope due to its size and scale. It is considered that the proposed dormer would represent a dominant, unsympathetic and incongruous addition to this Building of Townscape Merit and would set a precedent, increasing the likelihood of similar developments. Furthermore, the proposal includes the insertion of two roof lights on the front roof slope which are considered unacceptable.

The applicant has resolved to revise the scheme by removing the rear dormer and velux windows on the front roof slope. Two velux windows would now be located on the rear roof slope which is considered acceptable. As such, the revised proposal would accord with RVDLP policies G1, H10, and ENV16, Core Strategy policies DMG1, DME4 and DMH5 and the design principles of the Council's SPG on Extensions and Alterations to Dwellings.

With regards to the potential impact on the residential amenity of the occupiers of nearby dwellings, the proposed single storey rear extension would not have an unacceptable impact on the amenity of neighbouring occupiers through loss of outlook, privacy or light given that it would not extend beyond the rear elevation of single storey elements at neighbouring dwellings.

However, the proposed first floor extension would result in some loss of light and privacy to the dining room and kitchen via the lantern light of no.16 Clitheroe Road given the increased mass on this side. Furthermore, the proposed extension at first floor level is likely to substantially reduce light to the rear bedroom window of no.16 causing significant harm to the amenity of these neighbouring residents.

Consequently, the applicant has revised the scheme to remove the proposed first floor extension. The rear elevation will remain as existing and it is considered that the introduction of a hipped roof to the existing rear outrigger would not result in significant additional harm when compared to the current situation. As such, the revised proposal would accord with RVDLP policies G1 and H10, Core Strategy policies DMG1 and DMH5 and the design principles of the Council's SPG on Extensions and Alterations to Dwellings.

A protected species survey has been submitted which found no evidence of bats using the property and concludes that the proposed works are unlikely to cause disturbance to bats, result in the loss of a bat roost or cause injury or death to bats.

The amended plans, for the erection of a single storey rear extension, hipped roof to the rear outrigger, and two velux windows on the rear roof slope would not result in any significant harm to the character and appearance of the existing dwelling or the surrounding area, and will not cause significant harm to the amenity of neighbouring residents. Accordingly, it is recommended that the application be approved.

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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. The permission shall relate to the development as shown on Plan Reference PHD/MB/200A – Proposed plans and elevations/sections - received 4<sup>th</sup> September 2014

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

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

**REASON:** To ensure that the materials to be used are appropriate to the locality in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan, the adopted Supplementary Planning Guidance - "Extensions and Alterations to Dwellings" and Policies DMG1 and DMH5 of the Ribble Valley Core Strategy 2008-2028 Regulation 22 Post Submission Version including Proposed Main Modifications (May 2014).

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

APPLICATION NO: 3/2014/0666/P (GRID REF: SD374011 440935)  
PROPOSED DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 15 HOUSES AND PUMPING STATION WITH ASSOCIATED ACCESS AND SERVICES AT 15 PARKER AVENUE, CLITHEROE

TOWN COUNCIL: Object on the grounds that the access to the site is poor, the development will impinge on a wildlife reserve and it will be detrimental to surrounding home owners.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections subject to imposition of conditions.

LCC (PLANNING CONTRIBUTIONS): This consultation response seeks to draw the Council's attention to impacts associated with the development and propose mitigation for these impacts through a planning obligation. The contribution described is directly linked to the development described and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development.

The latest information available at this time was based upon the 2014 annual pupil census and resulting projections.

Based upon the latest assessment, LCC will be seeking a contribution for 5 primary school places and 2 secondary school places.

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

Primary places:  
(£12,257 x 0.9) x BCIS Indexation (314.50 / 288.4 = 1.090499)  
= £12,029.62 per place

£12,029.62 x 5 places = **£60,148**

Secondary places:  
(£18,469 x 0.9) x BCIS Indexation (314.50 / 288.40 = 1.090499)

= £18,126.38 per place

£18,126.38 x 2 places = **£36,253**

Failure to secure the contributions sought would mean that the County Council cannot guarantee that children living on this development would be able to access a school place within a reasonable distance from their homes.

LCC is unable to specify the school(s) which would have additional places provided at this stage; this is due to the statutory processes surrounding school expansion and the need for consultation.

This response is based on the latest information available at the time of writing. Circumstances may change over time as other applications come forward. Consequently this response may require re-evaluation if the determination of the application is delayed significantly. The application is being assessed by the LCC Highways and Sustainable Transport teams. A response will be submitted in due course.

- |                             |   |
|-----------------------------|---|
| UNITED UTILITIES:           | No objections subject to the imposition of conditions.  |
| ENVIRONMENT AGENCY:         | Have no objection in principle subject to imposition of conditions.   |
| LCC (ARCHAEOLOGY):          | No significant archaeological implications.   |
| ELECTRICITY NORTH WEST:     | No comments received at the time of report preparation.   |
| ADDITIONAL REPRESENTATIONS: | 11 letters of objection have been received. Members are referred to the file for full details which can be summarised as follows:<br><ol style="list-style-type: none"><li>1. Concerns regarding highway safety both on Parker Avenue and where this meets Whalley Road. Parked cars reduce road widths and create visibility issues for emergence on to the main road with resultant queuing traffic trying to enter Parker Avenue and consequential congestion and risk to road safety. The situation will be exacerbated with the approved Aldi store and when housing developments are completed in other areas of Clitheroe.</li><li>2. The design and access statement distorts the existing parking situation on Parker Avenue.</li><li>3. The new buildings will dominate existing buildings contrary to the submitted D&amp;A and result in an overbearing development that is out of scale with current existing development in the vicinity which is made up of bungalows.</li></ol> |



4. Question the accuracy of information on the application form regarding drainage arrangements and uncertainty as to whether waste water disposal will be to the main sewer or septic tanks.
5. Question the accuracy of information contained in the land contamination assessment.
6. The validity of the submitted ecological report both its findings and recommendations is seriously disputed.
7. Difference in land levels between existing dwellings and the proposed access means it will by necessity slope up to Parker Avenue resulting in traffic noise and in the evening and at night headlights shining into habitable rooms.
8. Is the pumping station to be connected to the main sewers.
9. Loss of view and loss of privacy.
10. Impact on existing wildlife habitat.
11. Noise disturbance.
12. Objections raised to the original application have been ignored.
13. Adverse impact from lights from the additional traffic through the night.
14. Plans do not appear to allow for neighbours to maintain hedgerow boundaries.
15. This application should not be looked at in isolation but with applications 3/2013/1001 (3 houses on Parker Avenue) and 3/2014/0071 (Aldi) which cumulatively will have major impacts on Parker Avenue.

### **Proposal**

This is a full application for the demolition of an existing bungalow and erection of 15 houses, a pumping station and associated access and services on land to its rear – demolition of the existing property is necessary to enable an access from Parker Avenue into the proposed cul de sac.

The dwellings proposed are 5 x 3 bed five person affordable and 10 x 4 bed 6 person units. All dwellings are two storey in nature (maximum height of approximately 8.1m) constructed of reconstituted stone under a concrete roof with UPVC windows and doors. 10 of the dwellings will be detached with a pair of semis and terrace of three dwellings at the western corner. Three of the proposed units back on to the existing properties on Parker Avenue and two of them are gable on to existing curtilage areas.

### **Site Location**

The site extends to approximately 0.73 hectares and comprises an existing bungalow fronting on to Parker Avenue and an area of unmanaged land which has been colonised by scrub and woodland. To the north west lies Primrose Lodge (a County Biological Heritage Site), to the immediate north allotments, to the south and east residential dwellings on Parker Avenue and Beverley Drive. The site lies within the settlement limit of Clitheroe as defined in the Districtwide

Local Plan and also Policy A1 – an area policy concerning itself with the regeneration of the Primrose Lodge area.

### **Relevant History**

3/2012/0430/P – Demolition of existing bungalow and erection of 16 hours and pumping station with associated access and services. Withdrawn.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy A1 - Primrose Area Policy.

Policy ENV7 - Species Protection.

Policy ENV9 - Important Wildlife Site

Policy ENV10 - Development Affecting Nature Conservation.

Policy ENV13 - Landscape Protection.

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

Policy H21 - Affordable Housing - Information Needed.

*The Core Strategy Submission Version as proposed to be modified*

Key Statement DS1 – Development Strategy.

Key Statement DS2 – Presumption favour of Sustainable Development.

Key Statement EN4 – Biodiversity and Geodiversity.

Key Statement H2 – Housing Balance.

Key Statement H3 – Affordable Housing.

Key Statement DMI1 – Planning Obligations.

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMG3 – Transport Mobility.

Policy DME1 – Protecting Trees and Woodlands.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

Policy DME6 – Water Management.

Policy DMH1 – Affordable Housing Criteria.

National Planning Policy Framework.

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

Matters for consideration in the determination of this application are establishing whether the principle of development is acceptable, matters of highway safety, visual and residential amenity and the potential effects of this development on matters of ecological importance.

#### **Principle of Development**

The site in question lies within the settlement boundary for Clitheroe and within the Primrose area policy and therefore policies G2 and A1 of the saved Districtwide Local Plan (DWLP) are relevant.

Policy G2 states that *consolidation and expansion of development and rounding off development* will be approved. *In all cases this must be on sites wholly within the settlement boundary and must be appropriate to the town's size and form.* Policy A1 states that the Council will permit proposals for *limited residential development within the northern part of the defined policy area.* It is considered that the proposals are in accordance with both of these policies and as Members will be aware housing development has been permitted on the south western area of the Primrose Area Policy and is well advanced in its construction.

Whilst these DWLP policies remain relevant, the 'Core Strategy 2008-2028: A Local Plan for Ribble Valley' continues to progress through the Examination in Public (EiP) and has now progressed through the formal hearing stages. Public consultation has recently taken place on a series of main modifications to the Core Strategy following these hearing sessions. Members of this Committee ratified those modifications (on 8<sup>th</sup> May 2014) and the policies set out in the Core Strategy (as proposed to be modified) therefore represent the Council's proposed policy position. It is considered that the plan is at an advanced stage in the plan making process and the policies within the Core Strategy must therefore be afforded significant weight in the decision making process.

When assessing the proposals against the Core Strategy policies at this stage, a central issue for consideration is whether the proposals would cause harm to the Development Strategy. Main Modification 54 of the Core Strategy Proposed Main Modifications (May 2014) outlines the proposed modifications to Policy DMG2: Strategic Considerations. This policy states that *development should be in accordance with the Core Strategy Development Strategy and should support the spatial vision. Development in the principal settlements of Clitheroe, Longridge and Whalley and the more sustainable defined settlements (Tier 1 Villages) should consolidate, expand or round off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with the existing settlement.* It is considered that the proposals would therefore comply with policy DMG2 of the Core Strategy.

In assessing the impact on the Development Strategy main modifications 21 and 25 of the Core Strategy Proposed Main Modifications (May 2014) also need to be considered which outline the proposed modifications to Key Statement DS1: Development Strategy. This sets out the overall number of residential units to be provided in Clitheroe over the plan period (2008-2028) as 2320 with the residual requirement at 30 June 2014 (the most recent monitoring period) being 226 units.

As discussed, the site lies within the existing settlement boundary for Clitheroe, within which it is clear that further development will be required to accommodate the residual residential requirement set out in the Core Strategy, making the proposals acceptable in housing numbers terms. Whilst DWLP policies G2 and A1 (set out above) remain as saved policies until such a time that the Core Strategy becomes adopted, it is not considered that the proposals conflict with these policies.

In addition to the Core Strategy, the NPPF also needs to be considered. Paragraph 55 of the National Planning Policy Framework (NPPF) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. As the site is located within the settlement boundary for Clitheroe it is close to a variety of services and is therefore considered to be a sustainable location in principle for development.

In terms of housing land supply, based upon the most up to date information available from the 30 June 2014 Housing Land Availability Schedule (which is published on the RVBC website) it is evident that RVBC can currently demonstrate a 5.10 year supply of housing land with an annual requirement of 280 units using the Sedgefield method of calculation. Whilst Ribble Valley can therefore demonstrate a 5 year supply of housing land, main modifications 21 and 25 of the Core Strategy Proposed Main Modifications (May 2014) outline the proposed modifications to Key Statement DS1: Development Strategy and, as discussed, indicates that further development is required in the Clitheroe area, to ensure the strategy is delivered

In conclusion therefore, it is considered that in planning policy terms, the proposals are acceptable in principle.

It should also be borne in mind that in accordance with RVBC guidelines, the scheme offers five of the proposed units as affordable housing – three for affordable rent and two as shared ownership. The Council's Housing Strategy Officer has commented that this offer meets the policy requirement of 30% affordable housing and provides a mix of tenure, and therefore accept the offer put forward and contribution it will make to meeting housing needs.

#### Highway Safety

Members will note from the consultation response of the County Surveyor that notwithstanding concerns expressed by residents no objections are raised to the development in terms of providing a safe and suitable means of access to the site or to the parking provision proposed. The scheme provides 40 spaces in the form of integral garages and forecourt parking within garden areas and highway engineers at LCC have made a professional evaluation of the operation of the road network under existing conditions and how this will be affected by the proposed development. As members are aware objections are only made by LCC on highway grounds if there is evidence of detrimental impacts on highway safety that can be robustly defended. In this particular instance, they have concluded that there would be no justifiable reason to resist the development and have thus recommended the imposition of a series of conditions should committee be minded to approve the application.

#### Ecological/Arboricultural Issues

NPPF identifies that as part of the environmental role of sustainable development, the planning system should contribute to protecting and enhancing the natural environment and help improve biodiversity. This site comprises one detached bungalow, four outbuildings, an overgrown garden and an unmanaged area to the west of the bungalow which the submitted ecological survey and assessment states was cleared in 2003 and which has since been colonized by scrub, tall herb and coarse grassland with a row of mature trees (Ash and Sycamore) along its western boundary. The appraisal presents the result of a desk top study, extended phase 1 habitat survey and a licensed bat survey carried out in March 2014 and updated in July 2014 and comes up with a number of recommendations.

The site layout proposed in this submission does pay consideration to the submitted tree survey and tree constraints plan and as these trees are considered to be of amenity value contributing to the value of Primrose Lodge CBH any works which would undermine their collective contribution should be avoided.

As mentioned previously, the land slopes from the back of existing dwellings to the lodge and the applicant has provided some sections through the site to illustrate how the proposed houses

would be set within the landform. The trees that align the sites western boundary are set lower than the proposed access road with the plan denoting that the land will need to be re-profiled to accommodate the development by building up in this area. The Council's Countryside Officer has examined the information submitted and commented that subject to the imposition of a condition requiring a detailed method statement of how these works would be carried out, suitable protection measures can be devised to limit the impact on existing tree coverage.

The details have also been shared with the Environment Agency given they have an easement running across the western boundary associated with access to Mearley Lodge and at the time of drafting this report their comments were still awaited.

When this site was previously considered under 3/2014/0430/P a concern was raised regarding the level of information submitted in respect of bats and breeding birds. As part of this application an updated ecological survey has been provided that gives due consideration to these and its findings have been discussed with the Council's Countryside Officer. Having regard to the relevant legislation it is considered that sufficient information has now been submitted in order to make an informed judgment on the likely implications of development and that subject to the imposition of conditions, no significant detriment would be caused in this respect.

#### Visual Amenity

Given the site is set behind existing properties on Parker Avenue, the development will not appear a dominant feature in that particular street scene. I am aware that the dwellings proposed are two storey whereas the properties on Parker Avenue that back on to the site are single storey but the respective land levels mean that the ridges of the new dwellings would not dominate the skyline. The site backs on to Primrose Lodge to the west and whilst there are plans to carry out environmental enhancement works to that area, I do not envisage that these would reduce the tree coverage to such an extent that the proposed dwellings would be unduly prominent in views from Woone Lane. Any views of the dwellings will have them set in the foreground of the established residential development that aligns and extends from Whalley Road.

In terms of the layout proposed I consider it provides for an acceptable balance between hard and soft landscaped areas and subject to appropriate detailing regarding boundary treatments to garden areas (front and side) facing on to the road and pavement network, no fundamental concerns are raised on the basis of the submitted information in terms of visual amenity.

#### Residential Amenity

In this respect I am mindful of the need to consider the relationship between proposed dwellings and existing properties that bound the site. As mentioned, the land levels of the site are lower than those on Parker Avenue and thus whilst two storey dwellings are proposed here, they would not, I consider, over dominate existing properties. There are distances of approximately 21.8m between the respective rear elevations and this is considered acceptable. Proposed blocks 1 and 5 are the first properties on entrance to the site and have gables facing the backs of properties of Parker Avenue at distances of 12m which is considered an appropriate distance to maintain privacy and not result in an overbearing and oppressive nature of development. Having regard to the internal relationship distances, these are again within acceptable limits. Regard should also be had to the relationship of blocks 11 and 12 with the rear garden areas of properties on Beverley Drive that are set to the south of the application site. These blocks total

five dwellings with windows in rear elevations that would provide views across the aforementioned rear garden areas. The new dwellings are set approximately 9-11m from the site boundary with there being some tree coverage on the boundary line. However, given the distances involved in conjunction with the angles of respective built form and garden areas, I do not consider that this would be so significant as to warrant a recommendation of refusal on this ground.

### Section 106 Agreement

A draft Section 106 Agreement was submitted with the app and is in the process of being checked by colleagues in the legal section. As planning contributions, as detailed earlier within this report, the Section 106 Agreement will need to cover the following matters:

#### 1. Affordable Housing

- 3 x 3 bed affordable rent properties
- 2 x 3 bed shared ownership properties
- Not more than 50% of the market dwellings to be occupied until before the affordable units are completed

#### 2. Education Contributions

- A commuted sum of £60,148 towards primary provision and £36,253 towards secondary provision to be paid to LCC as the statutory education authority for the specific purpose of funding local education requirements arising from the proposed development.

Therefore, having carefully assessed the scheme as submitted, I am of the opinion that the scheme should be given favourable consideration.

**RECOMMENDATION:** That planning permission 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 or delegated to the Director of Community Services in conjunction with the Chairman and Vice Chairman of Planning and Development Committee should exceptional circumstances exist beyond the period of 3 months 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 County Planning Act 1990

2. This permission shall relate to the development as detailed on drawings:

806/A/000 Location Plan

806/A/001 Proposed Site Plan RevO Amended plan received 1 September 2014

806/A/011 Site Sections RevC received 1 September 2014

806/A/A003 Blocks 1-4,7,8,9 RevB

806/A/A007 Block 11 RevB

806/A/A008 Block 12 RevB

806/A/A009 Block 5,6,10 RevB

806/A/A030 Tree Constraints Plan

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

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy submission version as proposed to be modified.

4. Notwithstanding the submitted details no development approved by this permission shall be commenced until design details and specifications of the internal streetscape and its associated lighting, street furniture, walls, fencing, boundary treatments (to be used throughout the entire development site) 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 Policy DMG1 of the Core Strategy Submission Version as proposed to be modified.

5. Notwithstanding the provisions of Class A Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure shall be erected within the curtilage of Block 4 on the approved Proposed Site Plan (ref: 806/A/001 RevO received on 1 September 2014) unless planning permission has first been granted by the Local Planning Authority.

REASON: To ensure that the 8m easement for the Environment Agency aligning Mearley Brook is not compromised in the interests of flood management in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME6 of the Core Strategy Submission Version as proposed to be modified.

6. Prior to commencement of development a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development hereby permitted from renewable or low carbon energy sources shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter.

REASON: In order to encourage renewable energy and to comply the with Key Statement EN3 and Policy DME5 of the Core Strategy Submission Version as proposed to be modified.

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

REASON: In order to reduce carbon emissions and to comply with Key Statement EN3 and Policies DMG1 and DME5 of the Core Strategy Submission Version as proposed to be modified.

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

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Submission Version as proposed to be modified.

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

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Parker Avenue to points measured 25m in each direction along the nearer edge of the carriageway of Parker Avenue, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To ensure adequate visibility at the street junction or site access in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Submission Version as proposed to be modified.

10. Prior to commencement of development a Construction Method Statement/Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out otherwise than in accordance with the approved Construction Management Plan which shall include the following matters:

- a) The parking and turning for vehicles of site personnel, operatives and visitors;
- b) programme of works (including measures for traffic management and operating hours including times for deliveries or vehicles involved in construction);
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) erection and maintenance of security hoarding and lighting;
- f) wheel washing facilities and a programme for cleaning;
- g) a Management Plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
- h) a scheme for recycling/disposing of waste resulting from construction works (there shall be no burning on site;)



- i) a Management Plan to control noise and vibration during the construction phase (in accordance with BS: 5228 : 2009 code of Practice titled 'Noise and Vibration Control on Construction and Open Sites') The Noise Management Plan for the development shall include details of acoustic heavy duty fencing and locations; location of site offices, compounds and storage and operation of the wheel wash;
- j) details of lighting to be used during the construction period which should be directional and screened wherever possible

REASON: In the interests of protecting the residential amenities of the locality and highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Submission Version as proposed to be modified.

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

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

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy submission version as proposed to be modified.

12. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the arboricultural constraints appraisal and plan dated April 2013 and 16 April 2014 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 surgery or pruning shall be implemented without prior written consent, which will only be granted when the local authority is satisfied that it is necessary is in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development and considered to be of visual, historic or botanical value are afforded maximum physical protection from the potential adverse effects of development. In order to comply with planning policies G1, ENV13 of the Districtwide Local Plan and Policy DMG1 of the Core Strategy Submission Version as proposed to be modified.

13. No part of the development hereby permitted shall commence until all the mitigation measures detailed in the Ecological and Assessment, dated July 2014 [including a licenced bat survey] have been fully implemented strictly in accordance with the Recommendations and Ecological Enhancement details [sections 5.1.1 to 5.8.10 inclusive]

The details of further pre-commencement surveys and assessments shall be submitted together with a copy of the Natural England Protected Species Licence as determined by Natural England. The mitigation measures as detailed in the Ecological and Assessment reports July 2014 shall be implemented in accordance with any specified time table and completed in full prior to the substantial completion or the first bringing into use of the development hereby approved, whichever is sooner.

REASON: In order to ensure that no species protected by the Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 [as amended] are protected against the adverse effects of development and in order to enhance the biodiversity value of the site in accordance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy Submission Version as proposed to be modified.

14. 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 have been submitted, and approved in writing by the Local Planning Authority. The details shall be submitted on a building dependent bird/bat species development site plan and include details of plot numbers and the numbers of 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 -north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats.

The artificial bird/bat boxes shall be incorporated into those dwellings/buildings during the actual construction of those individual identified on the submitted plan before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that bird and bat species are protected and their habitat enhanced, in accordance with the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 and with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy Submission Version as proposed to be modified.

15. Prior to the commencement of development a method statement outlining the works involved in the land re-profiling on the site, including details of the

removal/redistribution/storage of any excavated materials, measures to protect the trees as identified in condition 12 above, and precise specifications of any retaining structures necessary shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the details so approved.

REASON: In the interests of the amenities of the area in accordance with Policy G1 of the Ribble Valley Districtwide local Plan and Policy DMG1 of the Core Strategy Submission Version as proposed to be modified.

16. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To ensure the development does not pose a risk of pollution to controlled waters in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME6 of the Core Strategy Submission Version as proposed to be modified.

17. Prior to the commencement of any development, details of the foul drainage scheme (including specifications of the proposed pumping station) shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to reduce the risk of flooding & pollution to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME6 of the Core Strategy Submission Version as proposed to be modified.

18. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to reduce the risk of flooding & pollution to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME6 of the Core Strategy Submission Version as proposed to be modified.

## INFORMATIVES

1. This permission shall be read in conjunction with the accompanying Section 106 Agreement which details provisions for affordable housing and a commuted sum for education provision.
2. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact Customer Services at [highways@lancashire.gov.uk](mailto:highways@lancashire.gov.uk) and on 0300 1236780 and quote the planning application number.
3. A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.
4. A water main crosses the site and would be located beneath two of the proposed properties and will require to be abandoned to permit the development.
5. The existing nearby water mains have inadequate capacity to supply the development and United Utilities network will need extending to serve this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.
6. The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning authority has worked proactively and positively at formal app stage in order to secure amendments to the proposal that, subject to the imposition of appropriate conditions, will deliver a sustainable form of development.

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>
3/2014/0512/P	Proposed single storey rear extensions and replacement garages at	5 & 7 Kestor Lane Longridge
3/2014/0515/P	Alterations/extensions to currently approved dwelling	Plot 1 Whins Lane, Read
3/2014/0534/P	Detached annex within rear garden area	77 Mitton Road Whalley
3/2014/0548/P	Discharge of conditions 4 (Tree Protection Measures) and 5 (bat survey) of planning permission 3/2013/0910/P	14 The Hawthorns Wilpshire
3/2014/0557/P	Proposed new two bedroom dwelling within the curtilage of St James House with shared access	St James House St James Street, Clitheroe
3/2014/0563/P	Two storey extension	The Lodge Clitheroe Road, Whalley
3/2014/0664/P	Two no. roof lights. Resubmission of application 3/2014/0275/P	14 Goose Lane Cottages Chipping
3/2014/0681/P	Change of use from public house to retail outlet	Victoria, 1 Market Place Clitheroe
3/2014/0682/P	Advertisement consent for two illuminated fascia signs and one projecting sign	Victoria, 1 Market Place Clitheroe
3/2014/0683/P	Change of use from public house to retail outlet	Victoria, 1 Market Place Clitheroe
3/2014/0699/P 3/2014/0700/P	Planning permission and listed building consent to involve new entrance to car park to the rear of the building and relocation of existing fire escape staircase and various internal alterations	The White Bull Hotel Main Street Gisburn

APPLICATIONS REFUSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2014/0395/P	Erection of a new build house within the garden curtilage	58 Bushburn Drive Langho	G1/ DMG1 – Harmful to both residential amenity and visual amenity.
3/2014/0602/P	Demolition of a range of farm buildings and the erection of 8 dwellings associated garages and	Broadhead Farm Ramsgreave	ENV4, EN1 – Inappropriate development in the Green Belt
Cont/			

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...	creation of garden areas		G5, H2, DS1, DMG2, DMH3 – Unjustified dwellings in the open countryside leading to unsustainable development G1, ENV3, ENV4, EN1, DMG1, DME2 – Design detrimental to visual amenities of the area G1,RT19, DMG1, DMB5 - Inadequate provisions for protection of the PROW through the site and unsuitable access provisions H20, H21, H3, DMG2, DMH1 – Inadequate information on affordable housing Create a harmful precedent
3/2014/0605/P	Outline application including access for one dwelling	Land at Pendle Street East Sabden	Policy G4 DWLP not infill development and Key Statement DS1 and Policy DMG2 of the Core Strategy Submission Version as proposed to be modified - Creation of a new dwelling in a Tier 2 village without sufficient justification which would cause harm to the Development Strategy for the borough as set out in the emerging Core Strategy leading to unsustainable development. Create a harmful precedent for the acceptance of other similar schemes.
3/2014/0632/P Cont/	Change of use from Sui Generis (Nail and Beauty Salon) to Class A3 (Café and Restaurant)	1 Victoria Street Clitheroe	Policy G1 and policy DMG1 – Insufficient information to establish whether the proposed

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...			café use would adversely affect adjoining and nearby residents.
3/2014/0634/P	Rear extension including raising of rear eaves to create loft bedroom with ensuite	11 Lower Lane Longridge	Policies G1, H10/ DMG1, DMH5 and SPG – Dominant extension detrimental to the host dwelling and street scene. Policies G1, H10/ DMG1, DMH5 and SPG – Detrimental to neighbours residential amenity due to first floor window overlooking rear garden areas.
3/2014/0692/P	Erection of single storey extension to the rear	11 The Old Stables Mitton Road Whalley	Policies G1, ENV3 and H17 of the Districtwide Local Plan and Policy DMG1, Key Statement EN2 and Policy DMH4 of the Core Strategy Submission version as proposed to be modified – detrimental visual impact upon the traditional character of the property to the visual detriment of the open countryside.

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 PARTS 6 & 7 PRIOR NOTIFICATION OF AGRICULTURAL AND FORESTRY BUILDINGS AND ROADS PRIOR APPROVAL **NOT** REQUIRED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0523/P	Two single span portal frame buildings for cattle handling, storage of straw and storage of machinery	Scridbles Farm Smalden Lane Grindleton

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0485/P	Detached double garage on front of dwelling	High Head Farm Tosside

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0586/P	Spiral stair to allow access to first floor of property	22 Wellgate Clitheroe
3/2014/0564/P	Extension to side and above garage to form enlarged utility room, wc and first floor bedroom and en-suite	Beck Top Simonstone

#### SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	6/12/12	57	With Applicants Solicitor
3/2013/0771	Land off Middle Lodge Road Barrow	13/2/14 24/7/14	102	With Applicants Solicitor for signature
3/2014/0981	Land at Chatburn Road Clitheroe	13/2/14	23	With Agent
<b><u>Non Housing</u></b>				
3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures, draft 106 received from Lancashire County Council

#### 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>
3/2013/0445 R	29/04/14	Higher Flass Farm	Hearing	30 <sup>th</sup> July 2014	Awaiting decision
3/2013/0722 Non Det	16/05/14	Englands Head Farm Paythorne	WR		Awaiting decision
3/2013/0448 R	05/06/14	Oakfield Longsight Road Clayton le Dale	WR		Awaiting decision
3/2014/0319 R	23/06/14	Land at Whitehall Lane Grindleton	WR		Awaiting decision
3/2014/0116 R	30/06/14	Blue Trees Copster Green	WR		Awaiting decision
3/2014/0204 R	09/07/14	The Warren Hurst Green	WR		Awaiting decision
3/2014/0394 R	23/07/14	Stoneroyd, Haugh Ave Simonstone	HH		Awaiting decision
3/2014/0175 R	30/07/14	20 Brookside Old Langho	WR		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>
3/2014/0307 R	29/07/14	Land at Albany Drive, Salesbury	Hearing	16/09/14	Awaiting hearing
3/2014/0401 R	24/07/14	Boococks Barn	WR		Awaiting decision
3/2014/0235 R	29/07/14	20 Chapel Hill Longridge	HH		Awaiting decision
3/2014/0258 R	01/08/14	1 Main Street, Bolton by Bowland	HH		Awaiting decision
3/2014/0298 R	11/08/14	Rose Cottage Main Street Grindleton	HH		Awaiting decision
3/2014/0146 R	21/08/14	The Coach House 1 Ashcroft Cottages Clitheroe Road West Bradford	WR		Awaiting decision
3/2014/0342 R	27/08/14	11 Primrose Road Clitheroe	HH		Awaiting decision
3/2013/1023 U	29/08/14	Land off Kingsmill Avenue, Whalley	WR		Awaiting decision