

RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 18 SEPTEMBER 2014** at the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you can be there.

Yours sincerely

CHIEF EXECUTIVE

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

AGENDA

Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. To approve the minutes of the last meeting held on 21 August 2014 – copy enclosed.
3. Declarations of Interest (if any).
4. Public Participation (if any).

DECISION ITEMS

- ✓ 5. Planning Applications – report of Director of Community Services – copy enclosed.

- ✓ 6. Proposed Criteria for Revised Settlement Boundaries – report of Director of Community Services – copy enclosed

INFORMATION ITEMS

- ✓ 7. Housing Land Availability Update – report of Director of Community Services – copy enclosed.
- ✓ 8. Non-Determination Appeal – Kingsmill Avenue, Whalley – report of Director of Community Services – copy enclosed.
- ✓ 9. Revenue Outturn 2013/14 – report of Director of Resources – copy enclosed.
- ✓ 10. Revenue Monitoring 2014/15 – report of Director of Resources – copy enclosed.
- 11. Appeals (if any).
- 12. Reports from Representatives on Outside Bodies (if any).

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

None.

INDEX OF APPLICATIONS BEING CONSIDERED MEETING DATE 18 SEPTEMBER 2014						
<u>Application No:</u>	<u>Page:</u>		<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>	
A APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:						
				NONE		
B APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR APPROVAL:						
3/2014/0583/P	1		CS	AC	Black Bull Rimington	
3/2014/0624/P	11		DR	AC	Land off Parsonage Avenue Ribchester	
3/2014/0660/P	27		AB	AC	14 Clitheroe Road Whalley	
Q APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL:						
				NONE		
D APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED						
3/2014/0666/P	31		SW	DEFER	15 Parker Avenue Clitheroe	
E APPLICATIONS IN 'OTHER' CATEGORIES:						
				NONE		

LEGEND

AC Approved Conditionally
R Refused
M/A Minded to Approve

AB Adam Birkett
AD Adrian Dowd
CB Claire Booth
CS Colin Sharpe

DR Daniela Ripa
JM John Macholc
SK Stephen Kilmartin
SW Sarah Westwood

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 10m² 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 4th 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.

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| 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:
<ol style="list-style-type: none">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.2. The design and access statement distorts the existing parking situation on Parker Avenue.3. The new buildings will dominate existing buildings contrary to the submitted D&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. |

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 8th 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 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		<p>G5, H2, DS1, DMG2, DMH3 – Unjustified dwellings in the open countryside leading to unsustainable development</p> <p>G1, ENV3, ENV4, EN1, DMG1, DME2 – Design detrimental to visual amenities of the area</p> <p>G1,RT19, DMG1, DMB5 - Inadequate provisions for protection of the PROW through the site and unsuitable access provisions</p> <p>H20, H21, H3, DMG2, DMH1 – Inadequate information on affordable housing</p> <p>Create a harmful precedent</p>
3/2014/0605/P	Outline application including access for one dwelling	Land at Pendle Street East Sabden	<p>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.</p> <p>Create a harmful precedent for the acceptance of other similar schemes.</p>
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	<p>Policy G1 and policy DMG1 – Insufficient information to establish whether the proposed</p>

<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
<u>Non Housing</u>				
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 th 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

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 18 SEPTEMBER 2014
title: PROPOSED CRITERIA FOR REVISED SETTLEMENT BOUNDARIES
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: PHILIP DAGNALL

1 PURPOSE

1.1 To describe the proposed methodology to be used in the forthcoming revision of the boundaries of the “Defined Settlements” of the Core Strategy as a part of the evidence base that will inform the forthcoming Housing and Economic Development DPD which will contain future land allocations and more immediately to assist in relation to the determination of planning applications.

1.2 Relevance to the Council’s ambitions and priorities:

- Community Objectives – The matters covered in this report will contribute to several of the objectives of the Sustainable Community Strategy including appropriate housing, encouraging economic activity and aiding the regeneration of Market Towns.
- Corporate Priorities – The document that is the subject of this report relates to Council ambitions of making people’s lives safer and healthier and also helping to protect the environment, by directing future development into appropriate and sustainable locations.
- Other Considerations – This paper will help improve the evidence base of the Borough’s Local Plan thereby assisting its performance and consistency.

2 BACKGROUND

2.1 The Core Strategy seeks to guide future development into the most sustainable locations. Its overall Development Strategy (Key Statement DS1), as currently defined in the Main Modifications that have flowed from the Planning Inspectorate’s Examination in Public in January, describes how the majority of future housing, employment and retail development will be focused towards the larger settlements of the Borough on the basis of their greater sustainability. These settlements are given the term “Defined Settlements” to separate them from other smaller groupings of houses and hamlets in the area. The Defined Settlements are all listed in DS1 and the definition of a Defined Settlement is within the current Main Modifications (as MM18) as a proposed addition to the Core Strategy’s Glossary.

2.2 A fundamental part of the above approach will be to define in exact geographic terms where these Defined Settlements begin and end by placing a settlement boundary around them. This boundary will also logically define where the settlements relate to the surrounding areas of Open Countryside, Green Belt and Area of Outstanding Natural Beauty and their associated Core Strategy policies apply. The definition of settlement

boundaries is critical to the forthcoming process of formally allocating land for future development in the Housing and Economic Development Development Plan Document (HEDPD) and for the current consideration of planning applications. Ultimately the HEDPD allocations document will join the Core Strategy to form the overall Local Plan for the area.

- 2.3 The need for settlement boundaries was recognised in the current Districtwide Local Plan (DWLP) and a methodology was developed to define them. This is described in DWLP Chapter 3 paras 3.2.2 and 3.2.3. However this 1990's approach and the boundaries that were defined by it now need to be re-considered in the light of subsequent planning policy changes embodied in the Core Strategy and the physical development that has taken place since the DWLP came into force. This report therefore describes the issues involved in this re-consideration and the associated development of a new set of criteria to set updated settlement boundaries. The detailed document describing this work is called "Settlement Boundary Definition Topic Paper" and is appended to this report as a Background Paper.
- 2.4 The criteria are needed for two purposes, the first and more immediate is to bring boundaries up to date, for instance by plotting approved development since 1998. This will help Development Management staff in day to day decision making in relation to planning applications. In the slightly longer term it will also help in the definition of future land allocations as a part of the formal Local Plan allocations document referred to in 2.2 above.

3 ISSUES

- 3.1 The Topic Paper first outlines (Section 2) the relevant national planning policy background to boundary setting and the Core Strategy policies to which boundaries immediately relate. It concludes that, whilst the need for boundaries is stressed, it is up to each authority to define them for itself in a logical way that is appropriate to local circumstances. There is no set formula for boundary setting.
- 3.2 Section 3 then describes how a "defined settlement" is derived in Ribble Valley terms. This significantly lies on the pragmatic definition originally developed for the DWLP. This has been tested since 1998, was re-confirmed by evidence produced for the Core Strategy and was carried forward into the Core Strategy itself. It has not been subject to revision within the January 2014 Examination in Public. It is this definition that is laid out in Main Modification MM18 mentioned in para 2.1.
- 3.3 Chapter 3 goes on to describe how the area's various "Defined Settlements" were subjected to a series of sustainability tests to distinguish which were most appropriate to host further development. This work led to the production of a list of Defined Settlements into which future development will be focused that sits within Core Strategy Key Statement DS1. This Key Statement is part of a consultation on Main Modifications (see MM21 and 25) to the Core Strategy that has flowed from the January Examination. This consultation was on going at the time of writing this report and is due to close on 5th September 2014.
- 3.4 The core of the paper lies in Section 4 which considers in detail how a boundary can be defined around each of the Defined Settlements in DS1. It proposes a set of criteria, some of which were used in the DWLP and are considered to remain robust, and others

that reflect issues that have developed since 1998, such as the definition of Mineral Safeguarding Areas and revised Flood Zones guidance.

- 3.5 Sections 5 and 6 consider the implications for boundary setting of the Green Belt and the AONB. It should be noted that there is no indication within the Core Strategy that the boundaries of either of these designations will change.
- 3.6 The draft criteria were then pilot tested on a series of recent site visits around local settlements and were found to be useful and pragmatic.

4 RISK ASSESSMENT

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

- Resources – In-house staff and other in house resources will be required.
- Technical, Environmental and Legal – None.
- Political – No direct political implications.
- Reputation – It is important that the Council progress significant planning documents.
- Equality & Diversity – No implications identified.

5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Adopt the methodology outlined in the Topic Paper in relation to on-going work relating to settlement boundaries.
- 5.2 Agree to continue to use settlement boundaries within the Districtwide Local Plan where appropriate for development management purposes.

PHILIP DAGNALL
ASSISTANT PLANNING OFFICER

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

Settlement Boundary Definition Topic Paper

For further information please ask for Philip Dagnall, extension 4570

REF: PD/P&D/18 SEPTEMBER 2014

BACKGROUND PAPER

SETTLEMENT BOUNDARY DEFINITION TOPIC PAPER (September 2014)

1. Introduction.

This report is intended to establish a series of criteria that will enable the effective review of the current settlement boundaries around all the Core Strategy Defined Settlements. These boundaries are very important as it is to the Borough's Defined Settlements that most of the area's future development will be directed and that also much of the remaining parts of the area fall within restrictive designations of either AONB or Green Belt.

In the short term in relation to planning applications that may come forward it will enable the updating of the current boundaries to recognise development that has been permitted since 1998 and also recognise new policies set by bodies that may affect current development such as Mineral Safeguarding Areas.

In the slightly longer term setting new settlement boundaries will be an important part of the forthcoming Allocations DPD document that will eventually accompany the Core Strategy as a fundamental part of the Borough's Local Plan. This will carry the strategic policies of the Core Strategy into allocations of specific areas of land to a variety of new uses.

The re-consideration of settlement boundaries will involve the re-examination of the justifications underpinning the existing boundaries in the light of new planning policy and allow the boundaries to be adjusted, where necessary and justified, to allow for future land allocations and designations for a variety of purposes. It will also need to acknowledge the implications of the replacement of existing policies that will shortly become defunct on the adoption of the Core Strategy.

2. Policy Context

The original definitions of a settlement and the criteria established for the setting of settlement boundaries around them were originally developed for the District Wide Local Plan (DWLP) of 1998. While some of the detail and methodology of these DWLP definitions may still be relevant, as is outlined below in section 3, the overall national policy context of the 1998 plan has now significantly changed. It is necessary therefore to consider what current policy says about defining settlements and settlement boundaries.

The starting point is the National Planning Policy Framework (NPPF) and its associated web-based Planning Practice Guidance. It is equally important to consider how settlement boundaries relate to the various policies within the Core Strategy itself.

2.1 NPPF

The parts that have a general relevance to setting boundaries around different land uses within plans are set out below.

Para 157 bullet 4

Plans should “indicate broad locations for strategic development on a key diagram and land use designations on a proposals map.”

bullet 5

“allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate”

bullet 6

“identify areas where it may be necessary to limit freedom to change the use of buildings, and support such restrictions with a clear explanation.”

bullet 7

“identify land where development would be inappropriate, for instance because of its environmental or historic significance..”

Para 17 Core planning principles

bullet 5 states that the process should

“ take account of the different roles and character of different areas, promoting the vitality of our main urban areas...”

This is interpreted here as acknowledging the differentiation of areas for different uses such as settlements and the Open Countryside.

bullet 11

“actively manage patterns of growth to make fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable..”

This encourages the focusing of development into settlements as they are the most sustainable places.

Para 21 bullet 2

“Set criteria, or identify strategic sites, for local and inward investment to meet anticipated needs over the plan period”

This emphasises the need to consider the inclusion of employment land allocations within settlements, which potentially may influence the setting of settlement boundaries.

Para 23 bullet 6

“Local Planning Authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites” (for a wide range of economic activity).

Though this is mainly within the context of town centre uses bullet 7 goes on to indicate that this could involve sites outside town centres. This could also influence the position of a settlement boundary, especially in relation to the three principal settlements.

Para 28 bullet 3

Stresses that in supporting tourism and leisure developments in the wider rural economy this may involve possible development within rural service centres. This is interpreted as potentially including some of the area’s defined settlements and could therefore affect their settlement boundaries.

Para 47

Emphasises the need to plan for the full objectively assessed housing needs of the Borough, this will result in housing allocations that may influence the form of a settlement boundary.

Para 50 also emphasises the need to plan for a variety of types and mixes of housing that could also influence the location and shape of the above allocations.

2.2 Planning Practice Guidance

Local Plans Chapter, Para 002 states that,

“planning authorities should set out broad locations and specific allocations of land for different purposes; through designations showing areas where particular opportunities and considerations apply.... A Policies Map must illustrate geographically the application of policies in a development plan.”

Para 010 sub section 4 also states,

“Where sites are proposed for allocation, sufficient detail should be to provide clarity to developers, local communities and other interests about the nature and scale of developing (addressing the “what, where, when and how “ questions.”

This emphasises the need for allocations to be clearly set out and that may encompass parts of new settlement boundaries.

2.3. Core Strategy Policies

The Main Modifications to the Core Strategy flowing from the January 2014 Examination in Public involve commitments to detailed settlement boundaries within Main Modification MM26 which relates to the Strategy’s Introduction and Context

The two Core Strategy policies most directly relevant to settlement boundaries are DS1 and DMG2 (taking into account any changes to them within the Main Modifications currently subject to consultation). However there are also several others that involve the presence of a settlement boundary in their interpretation.

2.3.1 Key Statement DS1.

Settlement boundaries are most immediately relevant to the Core Strategy Key Statement DS1- Development Strategy, which outlines the status of the Borough's various defined settlements and their relationship to future development. This Statement lies within the Main Modifications 21 and 25 within the Proposed Main Modifications to the Submitted Core Strategy.

2.3.2 Development Management Policy DMG2- Strategic Considerations (as amended in the Main Modifications of 2014 MM54).

This policy refers directly to the defined settlements and mentions the terms rounding off, consolidation and expansion mentioned below and the treatment of areas outside the defined settlements. The position of a settlement boundary is therefore very important in the interpretation of this policy.

Other Core Strategy policies that could also involve land delineated by a settlement boundary include:

- **Key Statement H3** Affordable Housing – relates to sites and thresholds within Clitheroe and Longridge ie within their settlement boundaries.
- **Key Statement EC2** Development of Retail, Shops and Community Facilities and Services - specifically mentions the defined Principal Settlements of Clitheroe, Longridge and Whalley in terms of their role as service centres and in relation to the specific provision of amounts of new retail floorspace. The boundaries defining these settlements will obviously be important in this context.
- **Development Management Policy DME4** Protecting Heritage Assets - as mentioned in the settlement boundary criteria below (see Section 4), may also have implications for the position of a boundary, for instance in relation to Conservation Areas.
- **Development Management Policy DMB3** Recreation and Tourism Development - deals in part with proposals being well related to main settlements or villages.
- **Development Management Policy DMB4** Open Space - deals with types of recreational and formal and informal play uses that are significantly related to the area's settlements and therefore potentially may affect their boundaries.

2.3.3 Specific Adjustments to Clitheroe Settlement Boundary within Core Strategy Submission Documents in Relation to the Standen Strategic Site.

In addition, and as a part of the suite of Core Strategy submission documents sent prior to the 2014 Examination, a specific adjustment to the Clitheroe Settlement Boundary was made in relation to the Standen Strategic site. This is described as a change to the Proposals Map within the document "Regulation 19 Publication Draft. Resultant Changes to the Proposals Map". This boundary has not been revised in terms of the post Examination Main Modifications.

2.4 Summary of Policy Position

It does not seem that national policy gives a particularly detailed steer on the definition of settlements or settlement boundaries. Given the variety of potential circumstances that would affect boundaries and the varying definitions of settlements across the country this may not be considered a great surprise. However there would appear to be general policy support for setting a clear boundary line as opposed to any other approach.

Therefore it is necessary to construct a set of robust and locally pragmatic guidelines from local experience and in relation to local circumstances. This would, among other matters, necessarily include the specific adjustment made to Clitheroe's boundary within the Core Strategy mentioned above in relation to the Standen Strategic Site (see 2.3.3 above).

3. What is a settlement in planning terms and which of the Borough's settlements should have a settlement boundary?

3.1 Defining a Settlement

There are many places within the Ribble Valley that locals call their settlement. A dictionary definition of a settlement is, "settlement; being settled; place occupied by settlers, small village...". This definition would encompass a wide variety of settings within the area in which people live close to each other in smaller or larger groups of dwellings that they would naturally call their settlement.

In planning terms however it is important to be able to define those places capable of hosting future development, and those that are not, on a logical basis. This is an important part of promoting overall sustainable development and of protecting sensitive parts of the area from excessive or inappropriate levels of development.

From that overall definition of what and what is not a settlement there is the further need to draw boundaries- termed settlement boundaries - around those settlements that could sustain, to varying degrees, some further growth to ensure that new development is genuinely physically linked to them and to prevent sprawl. In doing so this will also implicitly define those areas that are not in settlements ie are in the open countryside around them and define the settlement in terms of the AONB or Green Belt.

Given that over 70% of the Borough lies within AONB or Green Belt, both of which are relatively restrictive designations in terms of future development, the treatment and mutual definition of open countryside and the Borough's settlements is therefore very important. It is towards the Borough's Defined Settlements (see below) that the significant bulk of future development will be guided to deliver a more sustainable long term future. The relationships of AONBs and Green Belts to settlement boundaries are described in more detail below (see sections 5 and 6 below).

Also, as mentioned above, this will involve re-visiting the logic and justification of the current definition of a settlement. The 1998 District Wide Local Plan (DWLP) contained the following definition of a “settlement” to which a variety of its policies related and which was agreed at the DWLP’s Public Inquiry.

“A defined settlement is one which contains at least 20 dwellings and a shop or public house or place of worship or school or village hall ie they are of a size and form that justifies treatment as a settlement. Settlements smaller than this limit will not be given settlement boundaries as they are not considered to be large enough or to contain enough facilities to allow for growth beyond that delivering regeneration benefits or local needs housing.”

It was used to set boundaries around over 30 of the Borough’s settlements, including one based around the Calderstones ex-hospital site that related to a specific DWLP Area Based policy (Policy A3).

This definition has been tested over the period since 1998 through many planning applications without revision and has been re-examined in relation to current policy and the Core Strategy and is considered to remain a pragmatic and useful definition in Ribble Valley terms. It acknowledges the nature of local settlements in relation to their surroundings, their relative scales and, in sustainability terms, the importance of the facilities and services that they have.

3.2. Sustainability Issues and Settlements.

In terms of sustainability the Core Strategy Settlement Hierarchy evidence document (2008) revealed that the settlements with boundaries defined in the DWLP remained those that had the best combinations of facilities, services and access. More recent work following the Core Strategy Examination within the document “Defining the More Sustainable Settlements” (April 2014) also confirmed the above view. In short the DWLP definition appeared to remain workable on the ground in defining those places that were more sustainable.

The DWLP settlement definition (and the settlements that were defined by it) was subsequently carried through into various Core Strategy consultations without challenge. This definition is now included within the Core Strategy Glossary under the term “Defined Settlement” within theon-going Main Modifications as MM18.

The 2008 Settlement Hierarchy examined all the area’s settlements that fell within the definition in 3.1 above in terms of their detailed service provision and other attributes and helped define the position of the three Principal Settlements of Clitheroe, Longridge and Whalley into which the bulk of new development within the plan period would be guided.

Research also revealed that, since 2008, significant development within the permitted Brockhall site (also covered by a DWLP Area Policy A2 and subsequent planning permissions) has now produced a built form that justifies consideration as an additional settlement within the above definition and Brockhall has therefore been added to the existing list of settlements and is included within the Core Strategy as a Tier 2 defined settlement (see below).

In the Submission version of the Core Strategy that was examined in early 2014 was a group of 32 of the smaller Defined Settlements called “Other Settlements”. This group comprised those Defined Settlements excluding the three Principal Settlements of Clitheroe, Longridge and Whalley. Various levels of development were proposed for each of the three individual Principal

Settlements and one quantum of housing development collectively for the Other Settlement group to be apportioned in more detail within a future land allocations DPD.

Following the Core Strategy Examination more work was requested to elaborate individual levels of development for each of the settlements within the “Other Settlements” group as a recognition of their varying levels of sustainability. This work (within the document “Development Strategy – Defining the More Sustainable Settlements and Patterns of Housing Development” consulted on in May to July 2014) produced two separate tiers within the original Other Settlement group.

The first is a group of Tier 1 Settlements that were judged more sustainable and capable of hosting new development. The second is a larger Tier 2 group with less capacity for future growth and into which only local needs housing and those developments able to deliver appropriate regeneration benefits would be considered. These were listed within a revised Core Strategy Key Statement DS1 as Main Modifications 21 and 25 in the post-Examination consultations of 2014.

Within the Core Strategy therefore all the above settlements, the three Principal Settlements and the 32 Tier 1 and Tier 2 settlements, are together termed as “Defined Settlements” to distinguish them from the open countryside, AONB or Green Belt and the smaller groups of dwellings, hamlets and farms that lie within them.

4. Criteria for the Definition of a Settlement Boundary

The definition of Defined Settlement quoted in the Core Strategy’s Glossary within the Submission Version taken to Examination also included statements that were intended to help set a settlement boundary around them and these also flowed from original criteria within the 1998 DWLP. They were retained as they were also felt to remain robust in terms of future work. They were not challenged within associated consultations or within the 2014 Examination in Public and its subsequent Main Modifications consultations. These statements are:

A settlement boundary should:

- Include all properties physically linked to the main (built) part of the settlement
- Include all developed and undeveloped areas of existing planning consents relating to the settlement
- Include all residential curtilages
- Boundaries should not include properties separated from the main body of the settlement by areas of open land not forming a residential curtilage
- In most cases single depth development (ribbon development) along roads leading out of settlements will be excluded unless they are physically well related to the settlement.
- Include sites that are so damaged by visual intrusion as to be unworthy of designation in the open countryside beyond. An example of this approach could be a site on the boundary almost completely surrounded by built development. This was originally cited as a part of the DWLP boundary definition of Main Settlement boundaries but also could equally potentially apply to Core Strategy Principal and Tier 1 and 2 Defined Settlements.

Also within the DWLP the issues of “rounding off”, “consolidation” and “expansion” of settlements were set out. They also have a bearing on settlement boundaries, although in the DWLP these terms appeared linked to boundary setting around Wilpshire, Clitheroe, Billington, Longridge and Whalley that were then termed “main settlements” in the DWLP terminology. These were defined as “main settlements” within now superseded strategic planning documents. Within the Core Strategy and new planning policy Whalley, Clitheroe and Longridge are now termed Principal Settlements and Billington and Wilpshire are Tier 1 settlements.

These three definitions were also re-examined in relation to the new settlement hierarchy proposed within the Core Strategy and were also considered to remain substantially relevant to general boundary setting ie could be applied to all the Core Strategy Defined Settlements. These amended terms were included within the Core Strategy (Submission Version) Glossary of Terms. They are shown below:

- **Rounding Off** – Development that is essentially part of rather than an extension to the built up part of the settlement. It can be defined as the development of land within the settlement boundary (which is not covered by any protected designation) where at least two thirds of the perimeter is already built up with consolidated development.
- **Expansion.** This is the limited growth of a settlement. Generally it should be development that is in scale and keeping with the existing urban area.
- **Consolidation** – Locating new development so that it adjoins the main built up area of a settlement and where appropriate both the main urban area and an area of sporadic or isolated development.

Additional Criteria

In setting clear and consistent future settlement boundaries it is therefore proposed to retain the criteria mentioned above together with a series of additional ones mentioned below. These flow from discussions with planning staff and post 1998 changes to wider planning policy. Note that the criteria below are not currently within the Core Strategy’s Glossary. These are:

- **General point** - Development boundaries should follow clearly defined physical features, such as walls, fences, hedgerows, roads and streams.
- **In terms of Conservation Areas and Listed Buildings (both lying within the overall term Heritage Assets) and their settings** - the re-positioning of the settlement boundary, for reasons of land allocation or for other reasons, may have some effect. This will have to be carefully assessed in the light of current legislation and specific Core Strategy Key Statement EN5 and Development Management Policy DME4.
- **Include necessary land – use allocations.** The settlement boundaries should not preempt new allocations but will need to take them into account.
- **Treatment of Calderstones and Brockhall** - The A3 and A2 Policy boundaries within the DWLP will not be replaced on adoption of the Core Strategy. New boundaries will need to be developed for these settlements and should include as a starting point the General Development Limit within the extant Permissions on these sites.

- **Presence of Mineral Safeguarding Areas (MSAs)** – these are defined by the County Council as the minerals planning authority. Comments should be made regarding the proximity of any new boundary to a MSA, but an MSA is not to be regarded as a fundamental constraint to development or allocation and therefore does not preclude a settlement boundary being placed over a part of it.
- **Flood Zone (FZ) boundaries** – a FZ is not an absolute constraint to settlement boundaries, as some defined settlements already have a settlement boundary and a built form that includes part of a FZ. The type of FZ is important and if necessary also the implications of any relevant Sequential and Exception tests within NPPF. The starting point should be to note the possible relationship of the FZ to a current and potential settlement boundary.
- **Neighbourhood Planning (NP)** – as yet no NP has emerged in the area, though one could during the Allocations DPD development period. It is possible that it could relate to a settlement boundary and any potential allocations. Liaison with localities progressing an NP will be needed.
- **Safeguarded Land** – the DWLP contains a small number of areas under policy ENV5 Open Land, eg adjacent to the current settlement boundaries of Wilpshire and Billington that were effectively safeguarded for development beyond the DWLP plan period. Policy ENV5 will not be replaced on adoption of the Core Strategy. If not covered in part or whole by current permissions, and therefore included within the settlement boundary, they should be considered to be outside the settlement boundary.
- **Open Space issues**- this in part involves the re-consideration of relevant DWLP policy G6 sites as this policy as it stands will not be carried forward into the Core Strategy. It is replaced by a series of Core Strategy Development Management Policies (EN5, DMG1, DME4, DME2 and DMB4). This re-consideration will be on the basis of the existing G6 Site Survey and the relationship of its sites to the replacement policies in the Core Strategy. Where the re-consideration indicates that a former G6 site that adjoins a settlement boundary may need to change its status this may also affect the line the settlement boundary may take. In addition there may also, depending on evidence base information, be the future need to allocate additional open space on the periphery of settlements and again this could affect a boundary's line.

Given the effective general presumption in favour of development within a settlement boundary, subject to other policies, it is proposed to exclude some areas (ie place them outside the settlement boundary) that would be regarded as a part of the settlement to protect them from the possibility of development. An example of this would be a school and its attached playing fields situated on the periphery of a settlement. Other uses to be excluded for the same reason could include formal or informal public recreational space.

- **Traditional rural buildings which have been converted to residential use**, together with their residential curtilages, will be included within the boundary. Modern agricultural buildings and working farms, where they relate to a boundary, will be excluded.

5. Green Belt

It is also important to clarify the relationship of any settlement boundary to the Green Belt boundaries which will also form a part of the Core Strategy and following land allocations DPD. It is important to be clear which of the area's defined settlements relate to the Green Belt and the exact status of Green Belts within the Core Strategy.

Of the Principal Settlements of Clitheroe, Longridge and Whalley only Whalley has a settlement boundary that partly adjoins the Green Belt.

Of the Tier 1 Defined Settlements only Barrow and Chatburn do **not** have significant parts of their current settlement boundary adjoining Green Belt. The stated position in the Core Strategy (see Key Statement EN1) is that the Authority does not propose to amend its Green Belt boundaries in relation to "exceptional substantial strategic changes". The supporting text of the Statement goes on to state that, "Some minor changes will be considered where appropriate to rationalise the existing Green Belt boundaries in response to the findings of the evidence base."

Given the above and that Strategic Housing Land Availability Assessment (SHLAA) sites have been excluded on the basis of their position within the Green Belt it is suggested that those specific parts of current settlement boundaries that adjoin Green Belt will not be extended into the Green Belt and are therefore likely to remain very similar to their current extent. This may also have implications for any future adjustments to the parts of settlement boundaries that do not adjoin Green Belt and issues such as future allocations.

None on the Tier 2 settlements have a boundary adjoining Green Belt.

6. AONB

A large part of the Borough's area is covered by the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and its relationship to and bearing on current and future revisions to settlement boundaries are also important. The following Tier 2 settlements lie wholly within the AONB:

- Bolton by Bowland
- Chipping
- Downham
- Dunsop Bridge
- Holden
- Newton
- Sabden
- Sawley
- Slaidburn
- Tosside

Of the remainder the following are significantly affected by it:

- Grindleton – nearly all (90%) lies within AONB, only southern boundary adjoins open countryside.
- Hurst Green - nearly all settlement within AONB
- Pendleton – eastern most part (c 20% of total) of settlement lies in AONB
- Waddington – northern and north-western part of settlement inside AONB
- West Bradford - roughly northern third of settlement lies in AONB

Also the north – western extremity of Gisburn’s settlement boundary adjoins the AONB.

Core Strategy Key Statement EN2: Landscape does not preclude development within the AONB, though it emphasises that the protection, conservation and enhancement of the AONB are the primary objectives. Therefore it is possible to consider the expansion of the settlement boundaries of the above settlements if considered necessary and justified in terms of any effect on the AONB and within the levels of development considered appropriate in these settlements.

7. Other Potential Considerations

It should also be noted that a significant part of the current settlement boundary of Longridge, the Borough’s second largest Principal Settlement, abuts the Borough boundary with Preston City Council and this section will therefore remain in its current position.

8. Initial Pilot of Boundary Criteria

The boundary criteria proposed in section 4 above were trialled by applying them to a small group of settlements on site visits by planning staff. They were found to be a useful and pragmatic guide and no major issues were encountered.

9. Next Steps

It is therefore proposed to apply the criteria above to all the Core Strategy Defined Settlement boundaries to initially provide an up to date boundary in relation to post 1998 development and policy changes. This will be helpful in the consideration of on- going planning applications.

The criteria will also be important in the forthcoming Housing and Economic Development DPD which will translate the Core Strategy strategic commitments into land allocations relating to housing, employment, open space, environmental designations and other matters where they relate to the Defined Settlements.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 18 SEPTEMBER 2014
title: HOUSING LAND AVAILABILITY
submitted by: JOHN HEAP - DIRECTOR OF COMMUNITY SERVICES
principal author: JOANNE MACHOLC - SENIOR PLANNING OFFICER

1 PURPOSE

- 1.1 To provide Members with information on the results of the most recent Housing Land Availability Survey, which has a base date of 30 June 2014.
- 1.2 Relevance to the Council's ambitions and priorities:
 - Community Objectives – The information in this report relates to a number of community objectives but is particularly relevant to the broad objective of conserving our countryside and enhancing the local environment.
 - Corporate Priorities – This information is relevant to the Local Development Framework which is the spatial expression of the Community Strategy.
 - Other Consideration – None.

2 INFORMATION

- 2.1 The Council undertakes a Housing Land Survey on a quarterly basis and subsequently produces a housing land availability report which monitors housing development across the Borough and sets out the latest supply position in relation to the relevant strategic requirement. On occasion it also updates the information in the interim to inform major appeals.
- 2.2 Housing land monitoring continues to be critical to the process of determining planning applications and the Council's duty to ensure a 5 year supply as required by the NPPF. Whilst NPPF anticipates an annual update on the supply of deliverable land, the Council monitors Housing Land on a quarterly basis.
- 2.3 The Survey provides information on the number of dwellings completed detailed information on sites with planning permission, sites under construction and enables the Council to create a picture of construction trends and activity rates together with base line evidence on the amount of land that is available to be brought forward. The Report of Survey has been made available for reference in the Members' Room on Level D and on the Website.
- 2.4 Outputs from the survey show that 840 dwellings have been constructed since April 2008 (i.e. a 6.25 year period). In the monitoring year 2014-2015 to date (1 April – 30 June), 105 have been built.
- 2.5 The supply position at 30 June 2014 can be summarised as:

	<u>No. dwellings</u>
• Units with full planning permission – not started	360
• Units with outline planning permission – not started	1889
• Sites commenced, units remaining but not started	291
• Units under construction	290
• Conversions - not started	91
• Conversions –under construction	51
• Affordable Housing Sites (not started)	939
TOTAL	3911

(note: planning permissions granted since 30 June are not included)

- 2.6 In addition, at 30 June, 97 dwellings were the subject of planning applications awaiting the completion of Section 106 Agreements. They are not included in the table above as the sites do not yet have planning permission. However given that development of these sites has been agreed in principle and that the Council has put in place measures to monitor progress on the completion of Agreements, these are generally included in the supply. Any issues arising from delays in completing the Agreements are monitored and reflected in the calculations of supply.
- 2.7 In relation to the strategic requirement, the Planning and Development Committee resolved at its Special Meeting on the 8 May 2014 to confirm that the Core Strategy Housing requirement be set at 280. This is in response to matters arising from the Hearing Sessions of the Examination in Public of the Ribble Valley Core Strategy. A Main Modification to the Core Strategy is proposed to reflect this which is the subject of consultation (along with other Modifications) up to 5 September 2014. In addition it had previously resolved in October 2013 to use the Sedgfield method for calculating the housing land supply (Minute 369).
- 2.8 Sites with planning permission are normally considered deliverable in terms of the NPPF. However, some initial work was undertaken on deliverability in 2013 and related issues have been discussed at various appeals. As a result some sites were considered undeliverable in the five year period. The attached calculations include allowances for such sites. They are kept under review. The calculations continue to apply a 10% allowance for slippage until a full assessment of deliverability is complete.
- 2.9 In addition some very large sites are deliverable but due to their scale will not be fully developed in the five year period. In such cases only those elements considered deliverable in the five year period are included in the calculations. The remainder will be delivered in subsequent years. There are two such sites in the latest survey: Land at Higher Standen Farm and part Littlemoor Farm; and Land to the south and west of Whalley Road, Barrow as detailed in Appendix 1.
- 2.10 Using the requirement of 280 and the Sedgfield method, Appendix 1 shows the calculation of the five year requirement and the current supply position, taking account of sites known to be undeliverable in the 5 years; allowances for large sites; and 10%

slippage. In summary, based on a strategic requirement of 280 dwellings per year and Sedgefield method, the five year requirement is for 2590 dwellings (equivalent to 518 per year). The identified supply including allowances is 2642 dwellings. On this basis there is a 5.10 year supply.

3 **CONCLUSION**

3.1 The Council will continue to monitor housing development and supply.

JOANNE MACHOLC
SENIOR PLANNING OFFICER

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

July 2014 Housing Land Availability Schedule available at
https://www.ribblevalley.gov.uk/downloads/file/9600/housing_land_availability_survey_july_2014

For further information please ask for Joanne Macholc, extension 3200.

APPENDIX 1

Housing Land Position at 30 June 2014

Annualised requirement (based on 280 per year)¹

A	Planned provision 2008 - 2028	5600
B	Annual equivalent	280
C	Five year requirement (Bx5)	1400
D	Plus 20% buffer – NPPF para. 47 (B+C)	1680
E	Completions 1/4/2008 – 30/6/2014 (6.25 years)	840
F	Shortfall [(6.25x B)-E]	910
G	Total five year requirement (D+F)	2590
H	Annual requirement (G÷5)	518

Identified supply at 31 March 2014

Sites subject to Section 106 Agreements	97	
Sites with planning permission	2631	
Affordable Units not started	939	
	<i>Sub total:</i>	3667
Less sites not deliverable ² (107 market and 36 affordable)	143	
Less dwellings on large sites deliverable beyond 5 year period	944	
	<i>Sub total:</i>	2580
Less 10% slippage ³	258	
	<i>Sub total:</i>	2322
Plus sites under construction	341	
Less sites under construction not considered deliverable	21	
	TOTAL	2642

$$\begin{aligned} \text{Supply} &= 2642 \div 518 \\ &= 5.10 \text{ years} \end{aligned}$$

¹ Special Planning and Development Committee 8 May 2014

² sites as listed below

³ Until full assessment of deliverability complete

Sites excluded from supply

Sites with planning permission are usually considered deliverable. The following sites have the benefit of planning permission but are not considered deliverable in the 5 year period and so are excluded from the supply:

Sites with planning permission	Total no.	Market units	Affordable Units
Land off Dale View	23	23	0
Victoria Mill, Sabden	70	43	27
Victoria St Garage, Clitheroe	9	9	0
Barkers Garden Centre	32	23	9
Pack Horse Garage	9	9	0
total	143	107	36

Small sites/conversions under construction

A total of 22 dwellings are excluded. For full details, refer to the Housing Land Availability Schedule July 2014.

Large sites

The Council considers that the following sites are deliverable but due to the scale, will not be fully developed in the five year period. The following allowances are made in the calculations:

Site	Reference	Status at 31/6/2014	Total dwelling capacity	Allowance in 5 year period	Remainder deliverable beyond 5 years
land at Higher Standen Farm & part Littlemoor Farm	3/2012/0942	Outline planning permission granted 17 April 2014 ⁴	1040	300	740
Land to the south and west of Barrow and west of Whalley Road, Barrow	3/2012/0630	Outline planning permission granted on appeal 20/2/2014	504	300	204
TOTAL			1544	600	944

⁴ There is currently an application for judicial review

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 18 SEPTEMBER 2014
title: REPORT RELATING TO AN APPEAL IN RESPECT OF THE NON-DETERMINATION OF PLANNING APPLICATION 3/2013/1023/P FOR THE ERECTION OF FOUR SEMI-DETACHED THREE BEDROOM DWELLINGS (TWO OPEN MARKET AND TWO AFFORDABLE DWELLINGS) WITH ASSOCIATED GARDEN AREAS AND PARKING (RESUBMISSION OF APPLICATION 3/2012/0702/P) ON LAND AT KINGSMILL AVENUE, WHALLEY
submitted by: JOHN HEAP – DIRECTOR OF COMMUNITY SERVICES
principal author: COLIN SHARPE – SENIOR PLANNING OFFICER

1 PURPOSE

- 1.1 To advise Committee of a recently received appeal against the non-determination of the planning application as described above, and to inform Committee of the decision that would have been taken on the application, under delegated powers, in the event that the appeal had not been submitted.
- 1.2 Relevance to the Council's ambitions and priorities:
 - Community Objectives – } The matters identified raise issues associated with protecting the local environment and the
 - Corporate Priorities – } amenities of local residents.
 - Other Considerations – None.

2 BACKGROUND

- 2.1 This application was accepted by the Council as a valid submission on 6 December 2013.
- 2.2 On 24 December 2013 a letter was received from United Utilities (UU) stating (amongst other things) that “as public sewers cross the site, a modification of the site layout or a diversion of the affected public sewers at the applicant's expense may be necessary”. To establish if a sewer diversion is feasible, it was advised in the letter that the applicant should discuss the matter at an early stage with a development engineer at United Utilities.
- 2.3 On 7 January 2014 an email was sent by the application case officer to the applicant's agent to which the United Utilities letter of 24 December 2013 was attached. The email requested the agent to respond to the UU letter, but it was suggested that discussions took place with the relevant officer at United Utilities before such a response was drafted.
- 2.4 In the same email on 7 January 2014 (and referring to a telephone conversation that had previously taken place between the case officer and the applicant's agent) the agent was requested to submit a further Supporting Statement which covered the matters of energy efficiency and affordable housing; and also to submit amended plans to address mistakes that have been made on the original plans in relation to the north/south notations on the elevational drawings.

- 2.5 On 20 May 2014, when the requested information, amended Supporting Statement and amended/corrected plans had not been received, the case officer telephoned the applicant's agent for an update/explanation. This resulted in an email from the agent to the case officer in which he made the following points:
- I can confirm that the delay in negotiations with UU are due to the Council's record supplied by UU are out of date and we are awaiting the new records to be sent to allow a sewer diversion plan to be approved.
 - Also the development with the eco houses to meet the 2016 regulations has altered as the technology has not advanced as fast as the claims of the manufacturer, so I have decided to change to a manufacturer with a track record of actual construction, though the house technology is not as advanced, it is proven. I will therefore submit the amended Supporting Statement shortly.
- 2.6 On 6 June 2014 United Utilities sent an email to the agent (cc'd to the case officer) in which they confirmed that, following a review of an onsite survey "the proposals do not interfere with the public sewers because a minimum of 3m easement has been maintained".
- 2.7 An amended Planning Justification Statement (PJS) was received by the Local Planning Authority on 18 June 2014. The contents of this document were site description and development proposal; appraisal of national planning policy and local planning policy; structural insulated panels and their sustainability; creating sustainable rural communities; and conclusions. There is a lot of detail in the PJS about the energy efficiency of the proposed construction method/materials. There was no explanation, however, of how two of the relatively large dwellings would be offered as "affordable" units of accommodation (as had been requested by the case officer on 7 January 2014). Corrected versions of the plans (as also requested on 7 January 2014) were also not submitted with the revised PJS (the plans submitted with the appeal to the Planning Inspectorate, however, do contain the correct north/south notations).
- 2.8 The Environment Agency made comments about the proposed means of foul drainage for the development (ie by the installation of a new package treatment plant) on 12 August 2014.
- 2.9 The case officer had therefore given the applicant and agent a considerable amount of time to submit supporting and explanatory information to assist in the proper consideration and determination of the application. However, at a time when all the required information had still not been received, and without warning or explanation, the applicant/agent submitted an appeal to the Planning Inspectorate in respect of the non-determination of the application on 7 August 2014. The Planning Inspectorate have confirmed the start date for the appeal as 29 August 2014.

3 ISSUES

- 3.1 In respect of non-determination appeals, the LPA needs to inform the Planning Inspectorate how the application would have been determined if the appeal had not been submitted. In this case, the application would have been determined under delegated powers. For the Committee's information, I outline below the relevant considerations and state the decision that would have been made on this application.

- 3.2 The application seeks permission for two pairs of semi-detached houses, one pair on each side of the cul-de-sac head at the western end of Kingsmill Avenue. A previous application (3/2012/0702/P) had sought permission for a similar development at the western end of the avenue but also included a terrace of five affordable dwellings, a detached house and a pair of semi-detached dwellings on each side of the avenue at its eastern end adjoining Mitton Road. That application was refused for four reasons. Three of the reasons related to detailed aspects of the development proposed at the eastern end of Kingsmill Avenue. The other reason, however, stated that the whole development (including the four proposed dwellings at the western end of the avenue) was unacceptable in principle. The precise reason for refusal is as follows:

The proposed development, due to its location in the open countryside, and not either within or immediately adjoining a settlement boundary, does not represent sustainable development as required by NPPF. It would therefore represent inappropriate development in the open countryside contrary to saved Policies H2 and G5 of the Ribble Valley Districtwide Local Plan and Policies DMH3 and DMG2 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

- 3.3 Since that decision was made in December 2012, the Core Strategy has been modified and is now at a stage such that it can be afforded more weight in the decision-making process. The modifications, however, do not change the fundamental reason for refusal of the previous application.

- 3.4 The site remains in the open countryside outside, and not close to, any settlement boundary. The Development Strategy as defined in Key Statement DS1 still seeks to direct the majority of new housing development to the strategic site at Standen; to the principal settlements of Clitheroe, Longridge and Whalley; and to the identified Tier 1 villages. In the open countryside, Policies DMG2 and DMH3 still restrict residential development to essential agricultural workers dwellings or development which meets an identified local need. In this application, two of the dwellings are stated to be “affordable” (although precise details of how such relatively large dwellings would be provided as such properties has not been submitted). Irrespective of this, the application remains contrary to the relevant Core Strategy policies by virtue of the two proposed market dwellings. However, I have not received any formal response in relation to the need or benefits of the affordable housing element.

- 3.5 Members are therefore informed that the application would have been refused under delegated powers for a reason similar to that given in respect of the previous application but updated to reflect the current version of the Core Strategy. In order to protect the Core Strategy, a reason relating to the setting of a harmful precedent is also now considered to be necessary and justified. The two reasons for refusal are therefore as follows:

1. The proposed development is contrary to Key Statement DS1 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy submission version as proposed to be modified as it would involve the construction of dwellings in an open countryside location that do not meet an identified local need. As such, the proposal would cause harm to the Development Strategy for the borough as set out in the emerging Core Strategy leading to unsustainable development.
2. Permission for the proposed development would create a harmful precedent for the acceptance of other similar proposals without sufficient justification which would have an adverse impact on the implementation of the emerging planning

policies of the Council contrary to the interests of the proper planning of the area in accordance with the core principles and policies of the NPPF.

4 RISK ASSESSMENT

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

- Resources – The appeal process is costly in terms of officer time required to provide all the relevant documentation to the Planning Inspectorate.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

5 **RECOMMENDED THAT COMMITTEE**

5.1 Note the content of the report.

COLIN SHARPE
SENIOR PLANNING OFFICER

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

None.

For further information please ask for Colin Sharpe, extension 4500.

REF: CS/CMS/P&D/18 SEPT 14

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 9

meeting date: 18 SEPTEMBER 2014
 title: REVENUE OUTTURN 2013/14
 submitted by: DIRECTOR OF RESOURCES
 principal author: TRUDY HOLDERNESS

1 PURPOSE

1.1 To inform members of the revenue outturn for this committee for the year ended 31 March 2014.

1.2 Relevance to the Council's ambitions and priorities:

- ❖ Community Objectives – none identified
- ❖ Corporate Priorities – to continue to be '*a well-managed Council providing efficient services based on identified customer need and meets the objective within this priority, of maintaining critical financial management controls, ensuring the authority provides council tax payers with value for money*'.
- ❖ Other Considerations – none identified.

2 BACKGROUND

2.1 The Council's Statement of Accounts have now audited and approved by Accounts and Audit Committee on 27 August 2014.

2.2 The information contained within the Statements is in a prescriptive format. However the service cost information is being reported to Committees for their own relevant services in our usual reporting format in the current cycle of meetings.

3 FINANCIAL INFORMATION

3.1 Shown below, by cost centre, is a comparison with the revised estimate. You will see an overall underspend of £158,781 on the net cost of services. After allowing for transfers to and from earmarked reserves, this underspend is reduced to £40,562. Please note that underspends are denoted by figures with a minus symbol.

Cost Centre	Cost Centre Name	Revised Estimate £	Actual £	Difference £
PLANG	Planning Control & Enforcement	375,310	325,957	-49,353
PLANP	Planning Policy	190,040	188,680	-1,360
CORES	Core Strategy	160,100	79,337	-80,763
BCSAP	Building Control SAP Fees	-1,880	-2,823	-943
BLDGC	Building Control	48,400	39,124	-9,276
CINTR	Clitheroe Integrated Transport Scheme	6,330	6,335	5
CONSV	Conservation areas	9,600	9,559	-41
AONBS	Area of Outstanding Natural Beauty	13,450	13,421	-29

Cost Centre	Cost Centre Name	Revised Estimate £	Actual £	Difference £
COMMG	Community Groups	19,900	19,750	-150
COUNT	Countryside Management	50,210	45,170	-5,040
FPATH	Footpaths & Bridleways	5,570	4,717	-853
HIGHH	High Hedges	2,140	2,127	-13
FORBW	Forest of Bowland Bridleways	5,000	5,000	0
PENDU	Pendle Hill Users	-190	-3,191	-3,001
PLSUB	Grants and Subscriptions	15,590	7,626	-7,964
Total net cost of services		899,570	740,789	-158,781

ITEMS ADDED TO / (TAKEN FROM) BALANCES AND RESERVES				
PLBAL H234	Building Control Reserve Fund	6,680	15,962	9,282
PLBAL H273	Pendle Hill User Reserve Fund	190	3,191	3,001
PLBAL H274	Forest of Bowland Bridleways Reserve Fund	-5,000	-5,000	0
PLBAL H336	Planning Reserve Fund	-141,910	-119,077	22,833
PLBAL H358	Core Strategy Reserve Fund	-160,100	-76,997	83,103
NET BALANCES AND RESERVES		-300,140	-181,921	118,219
NET EXPENDITURE		599,430	558,868	-40,562

3.2 We have extracted the main variations and shown them, with the budget holder's comments at Annex 1. However a summary of the main variations is given in the table below. However a summary of the main variations is given in the table below.

SERVICE AREA	DESCRIPTION OF VARIANCE	AMOUNT £
PLANG Planning Control	Planning consultancy fees on planning appeals and associated costs were anticipated to reach £150k in the financial year. The actual cost was £112k which was £38k less than anticipated, reducing the contribution taken from the planning earmarked reserve	-£37,806

SERVICE AREA	DESCRIPTION OF VARIANCE	AMOUNT £
PLANG Planning Control	The estimate for planning application fees included £89k towards the cost of temporary staff. Only £59k of this £89k was achieved resulting in reduced income of £27k. However the actual cost of the temporary staff was only £74k due to a vacant post, resulting in an actual shortfall in income required of £15k (£74k-£59k). This gap in resources has been funded from earmarked reserves.	£27,270
CORES Core Strategy	The underspend on core strategy expenditure is due to the examination not being completed. This has resulted in less being taken from the core strategy earmarked reserve established to fund the expenditure.	-£80,679
BLDGC Building Control	Reduced building control expenditure on training, professional fees, transport costs, microfilm maintenance, purchase of equipment & materials and subscription has resulted in more resources being required added to the building control earmarked reserve fund, reducing the deficit on this earmarked reserve.	-£7,544
PLSUB Planning Subscriptions	There has been a change in the method for charging for the Archaeological & Ecological advice. Also no subscriptions were due to the Lancashire Economic Partnership resulting in reduced expenditure	-£7,954

3.3 As can be seen from above, the key variances have been met from, or have been set aside in the council's earmarked reserves. A full detailed analysis of all variances can be seen in the Annex 1.

4 CONCLUSION

4.1 The comparison between actual and budgeted expenditure shows an underspend for the financial year 2013/14 of £158,781. After transfers to / from earmarked reserves this is reduced to £40,562.

4.2 The position is largely due to the reduced contribution of £80,679 taken from the core strategy earmarked reserve fund due to slippage of expenditure on the core strategy.

SENIOR ACCOUNTANT
PD6-14/TH/AC
4 September 2014

DIRECTOR OF RESOURCES

BACKGROUND PAPERS;
Planning and Development closedown 2013/14

For further information please ask for Trudy Holderness.

PLANNING & DEVELOPMENT COMMITTEE – VARIANCES 2013/14

	VARIANCE IN EXPENDITURE £	VARIANCE IN INCOME £	VARIANCE IN SUPPORT £	VARIANCE IN CAPITAL £	TOTAL VARIANCE £
<u>PLANG: Planning Control & Enforcement</u>					
The microfilm maintenance budget was underspent mainly due to time constraint on staff in preparing items for microfilming	-1,884				
When revised estimates were prepared in January, planning consultants fees on planning appeals and associated costs were anticipated to reach £150k in the financial year. The actual costs charged was £112k which was £38k less than anticipated, reducing the contribution required from the planning earmarked reserve.	-37,806				
Fewer agricultural consultation referrals were made to Lancashire County Council compared to 2012/13.	-2,870				
No expenditure took place on local plan budget provision due to work being focused on the core strategy. As a result of this underspending an additional contribution was made to the core strategy earmarked reserve.	-2,340				
Due to the uncertainty surrounding the ordnance survey / mapping service, the estimate was left as previous years. Little expenditure actually took place due to the continuing uncertainty surrounding the service.	-6,809				
The estimate for planning application fees included a provision to cover the cost of two senior planning officers and a temporary appeals officer. The additional budgeted income required to cover the additional staffing was not quite achieved resulting in a contribution being required from the planning earmarked reserve.		27,270			
Above average pre-application advice income received.		-7,545			
Reduction in support costs mainly from Community services, Legal and Chief Executives.			-19,360		
Total Planning Control & Enforcement					-51,344

	VARIANCE IN EXPENDITURE £	VARIANCE IN INCOME £	VARIANCE IN SUPPORT £	VARIANCE IN CAPITAL £	TOTAL VARIANCE £
<u>PLANP: Planning Policy</u>					
Reduction in support costs mainly from Chief Executives			-1,499		
Total Planning Policy					-1,499
<u>CORES: Core Strategy</u>					
Slippage on core strategy expenditure mainly on the purchase of equipment, postages, consultancy fees, legal and other administrations costs. This is due to the examination of the strategy not being completed within the financial year. This has resulted in a lower contribution being needed from the core strategy earmarked reserve.	-80,679				
Total Core Strategy					-80,679
<u>BCSAP: Building Control SAP Fees</u>					
The estimate for SAP fee income was based on actual income to October plus a 3 year average for the period November to March. The income received in the period November to March exceeded this 3 year average.		-1,159			
Total Building Control SAP Fees					-1,159
<u>BLDGC: Building Control</u>					
Expenditure on training, professional fees, transport costs, microfilm maintenance, purchase of equipment and materials, subscriptions etc. was kept to essential items only to help reduce the deficit on the fee earning account.	-7,544				
Reduction in support costs mainly from Chief Executives department			-2,394		
Total Building Control					-9,938

	VARIANCE IN EXPENDITURE £	VARIANCE IN INCOME £	VARIANCE IN SUPPORT £	VARIANCE IN CAPITAL £	TOTAL VARIANCE £
<u>COUNT: Countryside Management</u>					
Reduced expenditure on purchase of equipment to be set aside in an earmarked reserve to help fund the WWI commemorations tree planting scheme.	-3,273				
Expenditure on grants to parish councils for parish lengths man schemes less than in previous years due to information not being supplied from a Parish Council to allow grant to be processed in the year.	-1,250				
Total Countryside Management					-4,823
<u>PENDU: Pendle Hill User Group</u>					
Contribution from Lancashire County Council set aside in an earmarked reserve to fund future projects.		-3,000			
Total Pendle Hill User Group					-3,000
<u>PLSUB: Planning Subscriptions</u>					
The reduction in subscriptions is due to a combination of a change to a fee based on usage for the Archaeological and Ecological advice. Also no subscriptions were due to the Lancashire Economic Partnership.	-7,954				
Total Planning Subscriptions					-7,954
Other	-1,361	3,984	-923	-1	1,699
Total Variances for Planning and Development Committee	-154,154	19,550	-24,176	-1	-158,781

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 10

meeting date: 18 SEPTEMBER 2014
 title: REVENUE MONITORING 2014/15
 submitted by: DIRECTOR OF RESOURCES
 principal author: TRUDY HOLDERNESS

1 PURPOSE

1.1 To let you know the position for the first four months of this year's revenue budget as far as this committee is concerned.

1.2 Relevance to the Council's ambitions and priorities:

- ❖ Community Objectives – none identified
- ❖ Corporate Priorities – to continue to be well managed Council providing efficient services based on identified customer need and meets the objective within this priority, of maintaining critical financial management controls, ensuring the authority provides council tax payers with value for money.
- ❖ Other Considerations – none identified

2 FINANCIAL INFORMATION

2.1 Shown below, by cost centre, is a comparison between actual expenditure and the original estimate for the period. You will see an overall underspend of £41,670 on the net cost of services. After allowing for estimated transfers to and from earmarked reserves this underspend is increased to £42,207. Please note that underspends are denoted by figures with a minus symbol.

Cost Centre	Cost Centre Name	Net Budget for the full year £	Net Budget to the end of the period £	Actual including Commitments to the end of the period £	Variance £	
CORES	Core Strategy	0	0	4,113	4,113	A
PLANG	Planning Control & Enforcement	223,570	-171,663	-207,095	-35,432	R
PLANP	Planning Policy	178,840	-86	-5,000	-4,914	A
BCSAP	Building Control SAP Fees	-1,550	-1,204	-1,203	1	G
BLDGC	Building Control	54,300	-49,843	-54,842	-4,999	A
AONBS	Area of Outstanding Natural Beauty	13,450	0	0	0	G
COMMG	Community Groups	22,480	4,098	4,000	-98	G
COUNT	Countryside Management	47,680	8,028	7,933	-95	G
FPATH	Footpaths & Bridleways	5,470	100	0	-100	G
HIGHH	High Hedges	2,060	0	0	0	G
CONSV	Conservation Areas	9,450	0	0	0	G
PLSUB	Grants and Subscriptions	16,070	0	0	0	G
CINTR	Clitheroe Integrated Transport Scheme	6,470	5,326	5,180	-146	G
Total net cost of services		578,290	-205,244	-246,914	-41,670	

Items added to / (taken from) balances and reserves					
PLBAL H234	Building Control Reserve Fund	1,770	54,280	57,856	3,576
PLBAL H358	Core Strategy Reserve Fund	0	0	-4,113	-4,113
Net Balances and Reserves		1,770	54,280	53,743	-537
Net Expenditure		580,060	-150,964	-193,171	-42,207

- 2.2 The variations between budget and actuals have been split into groups of red, amber and green variance. The red variances highlight specific areas of high concern, for which budget holders are required to have an action plan. Amber variances are potential areas of high concern and green variances are areas that currently do not present any significant concern.

Key to Variance shading	
Variance of more than £5,000 (Red)	R
Variance between £2,000 and £4,999 (Amber)	A
Variance less than £2,000 (Green)	G

- 2.3 We have then extracted the main variations for the items included in the red shaded cost centres and shown them with the budget holder's comments and agreed action plans, in Annex 1.
- 2.4 The main variations for items included in the amber shaded cost centres are shown with budget holders' comments at Annex 2.
- 2.5 In summary the main areas of variance which are unlikely to rectify themselves by the end of the financial year are summarised below. Please note favourable variances are denoted by figures with a minus symbol.

Description	Variance to end of July 2014 £
PLANG – Planning Control Additional income from large planning applications received such as Bowland Meadows, Longridge; Henthorn Rd, Clitheroe; and Dilworth Lane, Longridge. The additional income is offset by the budget requirement to cover temporary planning staff.	-30,603
PLANP – Planning Policy Grant received on designation of a neighbourhood plan, resources intended for the planning authority use in support of the neighbourhood planning process.	-5,000

3 CONCLUSION

- 3.1 The comparison between actual and budgeted expenditure shows an overall underspend of £41,670 on the net cost of services. After allowing for estimated transfers to and from earmarked reserves this underspend is increased to £42,207 for the first four months of the financial year 2014/15.
- 3.2 The main reasons for the underspend is the increase in income of £30,603 from planning applications. However this situation can fluctuate greatly depending on whether any applications are received for a major development.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PD7-14TH/AC
8 AUGUST 2014

BACKGROUND WORKING PAPERS

Planning & Development Committee budget monitoring working papers 2014/15

For further information please ask for Trudy Holderness.

PLANNING & DEVELOPMENT COMMITTEE

RED VARIANCES

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance		Reason for Variance	Action Plan as agreed between the Budget Holder and Accountant
PLANG/8404u	Planning Control / Planning Fees	-540,070	-180,166	-210,769	-30,603	R	Additional income mainly from large planning application received such as Bowland Meadows, Longridge; Henthorn Rd, Clitheroe; and Dilworth Lane, Longridge. The additional income is offset by budget requirement to cover temporary staffing costs	No action at present
PLANG/8495n	Planning Control / Pre-Application advice	-33,660	-11,228	-17,911	-6,683	R	Above average income received in period May to July	No action at present
PLANP/8052z	Planning Policy / DCLG - Neighbourhood Planning	0	0	-5,000	-5,000	R	Grant received on designation of a neighbourhood plan, resources intended for the planning authority use in support of the neighbourhood planning process.	Estimate to be revised

PLANNING & DEVELOPMENT COMMITTEE

AMBER VARIANCES

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance		Reason for Variance
PLANG/3085	Planning Control & Enforcement / Consultants	8,310	2,772	5,663	2,891	A	Professional fees incurred on planning applications for land at Higher Standen and Littlemoor Farm, Clitheroe
CORES/3085	Core Strategy / Consultants	0	0	2,500	2,500	A	Work continuing on Core strategy, budget provision to be established, funded from the earmarked reserve set aside for this purpose.