

<u>INDEX OF APPLICATIONS BEING CONSIDERED</u>						
<u>MEETING DATE: 1 NOVEMBER 2018</u>						
	<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 ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR APPROVAL:					
					NONE	
C	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:					
					NONE	
D	APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED					
	3/2018/0500	1		AB	DEFER	Clitheroe Road Barrow
	3/2018/0688	16		RM	DEFER	Land off Henthorn Road Clitheroe
E	APPLICATIONS IN 'OTHER' CATEGORIES:					
					NONE	

LEGEND

AC Approved Conditionally
R Refused
M/A Minded to Approve

AB Adam Birkett
AD Adrian Dowd
HM Harriet McCartney
JM John Macholc

RB Rebecca Bowers
RM Robert Major
SK Stephen Kilmartin

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 1 NOVEMBER 2018
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

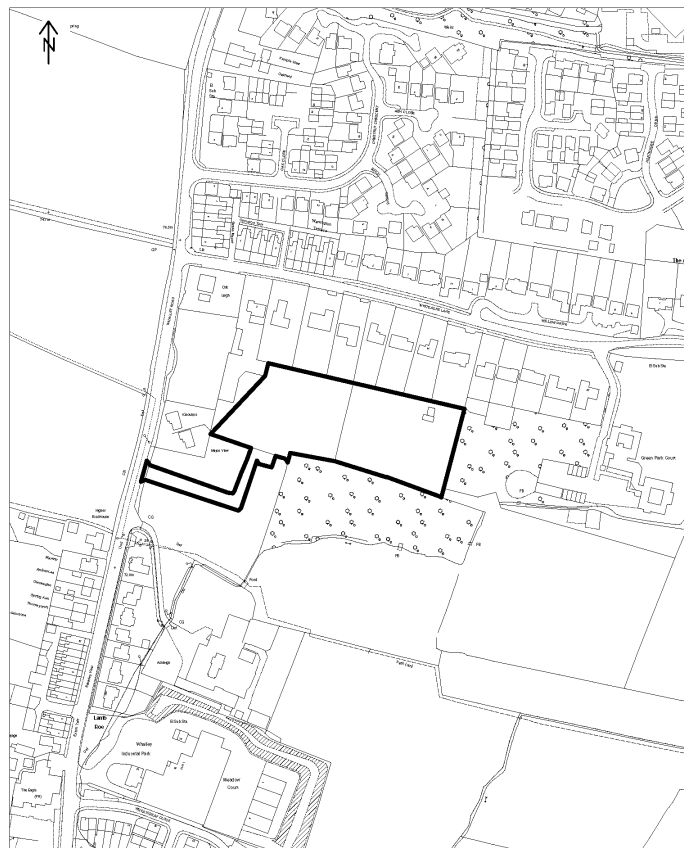
RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPLICATION REF: 3/2018/0500

GRID REF: SD 373731 437844

DEVELOPMENT DESCRIPTION:

ERECTION OF TEN BUNGALOWS AND ASSOCIATED WORKS AT LAND TO THE EAST OF CLITHEROE ROAD BARROW BB7 9BN



3/2018/0500 Land to the East of Clitheroe Road Barrow BB7 9BN

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Barrow Parish Council strongly objects to the proposal for the following reasons:

- Approval would lead to the creation of new residential dwellings in the open countryside contrary to key statements and policies of the Core Strategy.
- Proposal cannot be classed as infill development.
- Zero residual need for additional housing in Barrow. Whilst housing numbers do not represent upper limits, additional housing should only be considered in areas that have not already been exploited for residential development, disproportionate to other targeted areas in the borough.
- Granting consent to the proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals.
- The infrastructure plans do not demonstrate that additional housebuilding in Barrow is sustainable.
- Planning consents granted on appeal in other parishes do not mean that the same development principles should be applied to this application. Each application should be considered on its own merits and the threat of an appeal should be disregarded.
- The application should be placed on hold until legal action regarding the felling of trees covered by Tree Protection Orders is fully investigated. The parish council understands that trees were felled without the appropriate permissions to provide access to the site and this is unacceptable.
- The residential amenity of the properties on Whiteacre Lane is compromised by the proposals.
- The proposal would increase traffic flow onto Clitheroe Road, causing even more chaos on a narrow section of road that was not built for the current heavy traffic.
- Lancashire County Council's Flood Team must be fully consulted in order to minimise the flood risk of building yet more housing in the open countryside. The parish council understands that surface water is intended to be discharged into the beck. There have been many flooding incidents over the years where the beck has overtipped and flooded the area around the entrance to Whalley Industrial Park and Whalley Road. The application form incorrectly states that the site is not within 20 metres of a watercourse.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

Whilst the County Surveyor raises no objection to the scale and location of the proposed development there are a number of design issues that will require further attention for the proposed layout to be acceptable. Amended plans have been received and a turning head issue remains unresolved.

LEAD LOCAL FLOOD AUTHORITY:

Further information regarding surface water drainage has been requested by the LLFA before they provide representations.

UNITED UTILITIES:

The proposals are acceptable in principle to United Utilities.

LCC CONTRIBUTIONS:

Awaiting a response from the School Planning Team at LCC.

ADDITIONAL REPRESENTATIONS:

12 letters of objection have been received from neighbouring residents and raise the following:

- Acceleration of larger housing developments in the borough shows good progress towards housing land supply target.
- Justification of housing need is not robust.
- Need for over 55s properties refers to assessment from 2013.
- Proposed site lies outside the settlement area for Barrow.
- Granting this application on the back of Longridge appeal will create a precedent.
- Deliberate flouting of a tree protection order prior to removal of two mature poplar trees to create the site access. Granting consent would be tantamount to rewarding this practice.
- Tree Impact Assessment does not recognise the existence of these two trees as part of the original site. A request to plant two new trees is not a proportionate penalty for the offence.
- Building close to trees increases risk of serious damage or injury should branches fall.
- Development is bounded to the east by Green Park retirement apartments where elderly residents will be subjected to noise and dust nuisance.
- Council should carry out its duty with regard to the removal of protected trees, which was a premeditated wilful destruction of trees to facilitate access for residential development directly resulting in substantial financial gain.
- Two replacement black poplar trees have been planted and have been sited to allow vehicles to pass from Phase 2 to the application site.
- The tree preservation order and planning application should be treated separately. And the tree scenario is still ongoing at the time the Planning Committee hear the application, it should be postponed.
- In the last couple of years 17 bungalows have been built within 5 minutes of the application site.
- 30% of the bungalows would need to fall under the affordable housing category.
- Barrow and Whalley schools have no more capacity to take further students.
- Existing TPOs about the land and there is a limitation to how near any construction can go.
- Barrow is overloaded in terms of its infrastructure and has lost its character as a small village.
- Overlooking of gardens.
- The application site is full of wildlife – request a habitat survey and bat survey be carried out.
- TPO should be placed on all trees around the boundaries, irrespective of application outcome.
- The parish already offers a diverse range of housing options – terms ‘for the elderly’ and ‘for the over 55s’ are classifications being used by developers to improve their chances of obtaining planning permission.

1. Site Description and Surrounding Area

- 1.1 The site which is the subject of this planning application lies within the open countryside on the edge of the settlement of Barrow and comprises grassland with mature tree

planting along the southern and eastern boundaries. The land is located to the east of Clitheroe Road, Barrow. To the north is an established hedge beyond which are the rear gardens of dwellings along Whiteacre Lane. The existing access to the site is in the north western corner of the land and passes through the residential garden of the landowner, no.2 Whiteacre Lane.

- 1.2 The adjoining land to the south/south west is being developed for residential use for 10 bungalows (referred to as Phase 2) approved under planning consent 3/2017/0603. This application (referred to as Phase 3) is submitted by the same developer and would be accessed from Clitheroe Road through the Phase 2 development site. There are also two additional residential properties that bound the site to the immediate west. To the east, beyond the mature tree planting, is Green Park Court, a development of over 55s accommodation.

2. **Proposed Development for which consent is sought**

- 2.1 It is proposed to develop the application site to provide ten 2 and 3 bedroom detached bungalows, similar to those approved as part of the previous phase. The site takes direct access from the previous phase of development which is being built out presently.
- 2.2 The layout incorporates 10no. bungalows arranged around a cul-de-sac layout. The proposed dwellings would be built using stone and render and the roofs would be constructed in artificial slate. There would be a requirement to provide affordable and over 55s housing in accordance with the relevant policies of the Core Strategy.
- 2.3 It should be noted that the Council was notified of the removal of two protected mature trees at the application site in February 2017. The position where the two trees previous stood now forms the point of access for the application site. The landowner has provided 2no. replacement black Poplar trees as requested by the Council's Countryside Officer but the details submitted with the application indicate that the replacement trees plus one additional black Poplar tree need to be removed for access. The impact of the development proposals on trees will be considered below.

3. **Relevant Planning History**

(Phase 1)

3/2014/0725 - Proposed erection of 7 no. dwellings and associated works. Approved with conditions.

3/2012/0617 - Outline application for a proposed residential development of seven dwellings. Approved with conditions.

(Phase 2)

3/2017/0603 - Erection of nine dwellings and associated works. Approved with conditions.

3/2016/0374 - Erection of 9 dwellings and associated works. Approved with conditions.

3/2013/0511 - Outline application for residential development (nine dwellings). Approved with conditions.

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 –Landscape

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement H1 – Housing Provision

Key Statement H3 – Affordable Housing

Key Statement DMI1 – Planning Obligations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME1 – Protecting Trees and Woodlands

Policy DME2 – Landscape and Townscape Protection

Policy DME6 – Water Management

Policy DMH1 – Affordable Housing Criteria

Policy DMH3 – Dwellings in the Open Countryside and the AONB

Policy DMB4 – Open Space Provision

Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

UPDATE FOLLOWING OCTOBER 4 PLANNING AND DEVELOPMENT COMMITTEE

Members will recall that this planning application was reported to the most recent Planning and Development Committee meeting on 4th October 2018 where Members voted to support the Officer recommendation to Defer and Delegate the application for approval subject to the receipt of further information. Officers have since been informed that the ‘Development Description’ contained in the 4th October Report may have resulted in an element of uncertainty in relation to the housing offer. Thus, for the avoidance of doubt and to clarify the nature of the development it was considered practical to provide this update to Members.

As submitted, the scheme for 10.no bungalows was exclusively for over 55s. However, taking into account the policy position in Barrow and the Council’s housing land supply position there is no justification for the Council to secure 100% of the units for over 55s only. As set out at paragraph 5.6 of this report (which remains unaltered from that presented in the previous report), the applicant has agreed to provide a Policy compliant offer of affordable and over 55’s housing which would be secured by legal agreement. The remaining bungalows would be for open market sale with no occupancy restriction. The development description has been amended, the words ‘for the over 55s’ having been removed.

5. **Assessment of Proposed Development**

5.1 The main considerations in determining this application are the principle of the development, the impact of the development on the visual appearance of the surrounding area, its effect on the residential amenities of neighbouring occupiers, the ecological impact of the proposals, flooding and site drainage and its effect on highway safety.

5.2 Principle of Development

- 5.2.1 As Members will be aware, Key Statement DS1 of the Adopted Core Strategy states that:-

'The majority of new housing development will be concentrated within an identified strategic site located to the south of Clitheroe towards the A59 and the principal settlements of Clitheroe, Longridge and Whalley.'

- 5.2.2 In addition to the strategic site at Standen and the borough's principal settlements, development will be focused towards Tier 1 Villages, which are the more sustainable of the 32 defined settlements. Key Statement DS1 identifies Barrow as a Tier 1 Village and therefore some development will be directed towards the settlement. Key Statement DS1 confirms that:-

'the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area.'

- 5.2.3 It is relevant at this stage to note that the settlement boundaries for the Borough have been reviewed and are contained on the emerging Proposals Map that was formally submitted, alongside the Council's Housing and Economic Development (HED) DPD, to the Secretary of State on 28 July 2017. Prior to this the settlement boundaries used for Development Management purposes pre-dated the Core Strategy and were part of the District Wide Local Plan (Adopted June 1998). These settlement boundaries were not amended during consideration of the Core Strategy.

- 5.2.4 As part of the plan preparation for the HED DPD the settlement boundary for Barrow has been reviewed in accordance with the Interim Settlement Boundary Definition Topic Paper (March 2016) which formed part of the HED DPD evidence base.

- 5.2.5 The proposal site lies immediately adjacent to the emerging settlement boundary of the village of Barrow. In terms of the sites proximity to services, the site could be deemed to be a sustainable location. The provision of 10 additional dwellings adjacent to the settlement of Barrow would reflect the existing population size and would not result in any quantifiable or measurable harm to the Development Strategy presented by Key Statement DS1 of the Core Strategy, particularly given that it seeks to focus some new housing development towards the tier 1 settlements.

- 5.2.6 Table 4.12 of the Core Strategy illustrates the expected distribution of housing development in the Borough over the plan period including the residual number of houses needed in each settlement based on the requirement for 5,600 houses over the plan period. Table 4.12 apportions 710 dwellings to Barrow over the plan period (2008-2028). It is acknowledged that the figures contained with table 4.12 represent a minimum housing requirement. In the settlement of Barrow, the Council's position in terms of the combined number of dwellings with planning permission and homes completed since 2008 has fluctuated as a result of changes to house numbers on individual development sites. The Council's internal monitoring of residual requirements for both the Principal and Tier 1

settlements as of 12th September 2018 confirms that the residual remains unmet in Barrow with a housing requirement for an additional 43 units.

- 5.2.7 The application site lies outside the Barrow settlement boundary in an area defined as open countryside where Core Strategy Policies DMG2 (Strategic Considerations) and DMH3 (Dwellings in the Open Countryside & the AONB) apply. The settlement boundary of Barrow as shown on the current proposal maps shows that the opportunity for available land to come forward to meet any unmet need within the main settlement is somewhat limited and as such, on balance, the proposed development, on the edge of the main settlement, is considered to be acceptable in principle and the benefits of the scheme outweigh the conflict with policies DMG2 and DMH3 in this case.
- 5.2.8 The revised National Planning Policy Framework was published on 24 July 2018 and introduced changes to how local planning authorities calculate housing land supply. Paragraph 73 of the revised NPPF states that “*local planning authorities should identify and update annually a supply of specific deliverable site sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies...*”

The supply of specific deliverable site should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land*
 - b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
 - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply*
- 5.2.9 The latest published five year supply calculation is contained in the Housing Land Availability Schedule (HLAS) July 2018. This takes into account the changes introduced by the revised NPPF in terms of housing requirements and deliverability. Based on a baseline date of 30th June 2018 the (HLAS) states that the Council can demonstrate a 5.3 year supply of housing land with a 5% buffer. However, most recently the Council has conceded that currently it is unable to demonstrate a deliverable five year housing land supply and therefore the presumption in favour of sustainable development contained at paragraph 11 of the NPPF (2018) is triggered. This would render the policies which are most important for determining the application out-of-date and would require permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.

5.3 Design and visual appearance

- 5.3.1 The site is well-related to existing built form. It bounds residential development to the north and west. To the east is Green Park Court, an over-55s development. The site is bound along its southern boundary by an existing development site

(Phase 2) and woodland. From the public highway along Clitheroe Road and Whiteacre Lane the proposals would be seen in the context of existing development including the established residential properties along Whiteacre Lane. A public footpath (FP17) runs to the south of the site at a distance of approximately 150 metres but given the intervening dense woodland and single storey height of the development the proposals would be well-screened. Having regard to the above, the proposals would not be detrimental to the character of visual appearance of the countryside.

- 5.3.2 The design of the proposed dwellings would reflect those granted at the adjoining development site. The dwellings would be faced in stone and render with artificial slate roofs. The density of the site and the proposed house type designs are considered to be acceptable.

5.4 Impact on amenity of neighbouring residents

5.4.1 It is important to consider the impact of the development on the residential amenities of existing and future residents. The proposed development would bound existing residential plots to the north and west. Separation distances proposed between the new dwellings and existing properties on Whiteacre Lane are an average of around 35m which is sufficient to protect the privacy of residents. Whilst the rear gardens of plots 19-23 fall short of 10m, given the absence of first floor windows there would be no overlooking of the private gardens of properties along Whiteacre Lane. In the event that the application is approved, it would be recommended that permitted development rights be removed from plots 19-23 so that the Local Planning Authority retains control over future extensions/ alterations to the proposed dwellinghouses which may affect privacy.

5.4.2 The site layout would provide front separation distances of 14-17m. This accords with the recommendations of Manual for Streets. The gardens of plots 24-27 exceed 10m in length. There are therefore no concerns relating to the site layout insofar as it relates to residential amenity.

5.5 Effect of the development of trees and ecology

5.5.1 The application is supported by a Phase 1 Ecology Survey by Leigh Ecology Ltd. The majority of the site is improved grassland with a damp marshy area within the centre south area. Along the south and eastern boundary trees overhang the site. There are a number of small wooden structures within the site and two mature trees in the eastern section but neither the buildings nor trees contain potential roost features for bats. The adjacent woodland could offer some commuting and foraging habitat for bats and this should be considered in the landscape proposals for the site. Additionally, potential bird nesting habitat occurs within the hedgerows and a bird nest check and reasonable avoidance measures should be employed in work to be undertaken within the bird breeding season.

5.5.2 The survey concludes that the site is of low importance from a nature conservation perspective. Consideration must be given to potential bat usage of trees and the impact on foraging bats. This should be reflected in the landscaping proposals and artificial lighting schemes. Core Strategy Policy DME3 and the NPPF seeks to secure biodiversity enhancement and it is

recommended that bat and bird nest/roost features be incorporated within the site and be secured by planning condition.

- 5.5.3 As noted earlier in the report, this application is submitted following the illegal removal of two protected Black Poplar trees at the site. The trees were subject to TPO 71-1984 Whitacre School, Barrow. The Council reached an agreement with the landowner and developer to plant replacement trees at a ratio of 1:1. The Council's Countryside Officer has confirmed that the replanting has been undertaken to his satisfaction.
- 5.5.4 The proposed access road would result in the removal of 3no protected trees including the 2 recently planted Poplars in the south-west corner of the site. In other areas of the site hard surfaces would encroach slightly into the RPA of trees T2 and G2. In these circumstances, the work would be completed using 'no-dig' methods and materials. The proposed garage of plot 23 would encroach into the RPA of tree T6 and would be constructed using specially engineered foundations. The provision of a specification drawing detailing an appropriate foundation design could be conditioned, as would the submission of a suitably detailed arboricultural method statement and tree protection plan to describe and detail the procedures, working measures and protective measures to be used in relation to retained trees.
- 5.5.5 As denoted on the submitted landscaping plan, five areas within the site would be allocated for new tree planting and would result in the planting of a total of 31no trees. The Council's Countryside Officer is satisfied that, subject to minor changes to the proposed landscaping plan, the proposals would be acceptable. Amendments would include the substitution of tree species and alterations to the proposed garden areas to ensure that the canopies of protected trees do not overhang private residential gardens so avoiding the possibility of tree resentment issues which could potentially involve future tree applications being submitted which would affect the amenity value and balance of the retained trees. In addition, it is recommended that a landscape management plan setting out long-term design objectives, management responsibilities and maintenance schedules be submitted to the Council.

5.6 Affordable Housing and Developer Contributions

- 5.6.1 The application proposes the erection of 10 dwellinghouses and therefore there is a requirement for the development to provide affordable housing in accordance with the Council's affordable housing policies contained in the Core Strategy. Key Statement H3 of the Core Strategy requires 30% of dwellings to be affordable units. Providing for older people is a priority for the Council within the Housing Strategy and 15% of units would need to provide for older people in accordance with the Council definition of over 55s accommodation which includes accordance with the specifications and requirements of category 2 housing as defined in M4(2) of Approved Document M (volume 1 2015) of The Building regulations 201.
- 5.6.2 The development scheme as proposed included the offer of a financial contribution toward off-site affordable housing which has been calculated as £185,760. An off-site contribution was accepted by the Council on Phases 1 and 2 of the development based on the advice of the Council's Strategic Housing

Officer who confirmed there was no need for affordable housing units in Barrow at the time of determination.

- 5.6.3 However, circumstances have since changed and evidence collated from a neighbouring site has demonstrated that there is still an unmet need for discount sale bungalows. Key Statement H3 of the Core Strategy states that unless an agreement is reached between the Council and the developer that it is preferable to make a financial contribution, developers will be expected to provide affordable housing on site. As such, the developer has agreed to provide 3no bungalows (30% of the units) for discount sale and 50% of the affordable units would be secured for occupation by older people only. There remains a requirement for design of the discount sale units to be amended to accord with the Council's bungalow definition and also to ensure that the units would meet the affordability criteria.
- 5.6.4 The proposal would place pressure on existing sports and open space infrastructure in the Borough. Contributions would be necessary to mitigate the impact of the development and this has been calculated at £5,119.
- 5.6.5 Taking into account the revised housing offer Lancashire County Council (education) have been re-consulted and will advise on any requirement for a contribution towards school places in due course.

5.7 Other Considerations

- 5.7.1 The County Surveyor (Highways) has raised no objections to the development in principle. However, he has requested minor alterations to the site layout which the applicant has generally complied with. There remains the requirement for the applicant to provide amended plans which show a turning head to allow a refuse vehicle to enter and leave the cul-de-sac in a forward gear.
- 5.7.2 A drainage strategy has been provided which proposes to connect the development to the foul and surface water drainage systems provided in the Phase 2 development site. Surface water run-off from Phase 2 will discharge into a watercourse along the eastern and part of the southern boundary of the site which ultimately discharges into the River Calder. The drainage strategy for Phase 2 identified a discharge rate of 3l/s and there was a conditional requirement for the submission of final details of the design of the surface water drainage scheme including the requirement that it should not exceed run-off of 3l/s. The drainage strategy submitted with this application confirms that the surface water drainage for Phase 2 has been designed to accept a surface water discharge of 5l/s from Phase 3. The Lead Local Flood Authority (LLFA) have requested the submission of a detailed drainage strategy for Phases 2 and 3 to ensure that the development proposals would not result in flooding or flood risk from surface water, groundwater or from ordinary watercourses.

6. Conclusion

- 6.1 Having considered all of the above, it is recommended that the application be deferred and delegated for approval. The principle of the development is considered to be acceptable however there remains the need to secure minor changes to the layout, design and landscaping of the site as described above. Further drainage details are also required to establish whether the proposed surface water drainage provisions are

acceptable and a legal agreement is required in order to secure affordable housing and a financial contribution towards sports and open space infrastructure.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval subject to receipt of acceptable highway and drainage details, amended plans and 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 Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 3 months and subject to the following conditions:

Timings and Commencement

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. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Proposed Site Layout Drwg no.1218-PL03C received 04.10.18
Other Drawings TBC

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

Matters of Design

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. The development thereafter shall be constructed utilising the approved materials.

REASON: To ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

4. Prior to the commencement of the development details of the design and position of the external meter boxes shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall indicate that no meter boxes will be located on the primary elevations of the proposed dwellings or on locations that that are afforded a high level of visibility upon the streetscene. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and results in acceptable standard of appearance in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Landscape

5. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the alignment, height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development shall have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submitted details shall include the precise nature and location for the provision of measures to maintain and enhance wildlife movement within and around the site by virtue of the inclusion of suitable sized gaps/corridors at ground level. The development shall be carried out in strict accordance with the approved details.

REASON: To comply with Key Statement EN4 and Policies DMG1, DME3 of the Ribble Valley Core Strategy, to ensure a satisfactory standard of appearance in the interests of the visual amenities of the area and to minimise the potential impacts of the development through the inclusion of measures to retain and enhance habitat connectivity for species of importance.

6. The approved soft landscaping scheme (drg. no. TBC) shall be implemented in the first planting season following occupation or use of the development 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 shall be implemented in accordance with the approved details prior to the first occupation of the development and retained thereafter at all times.

REASON: To ensure the proposal is satisfactorily landscaped and appropriate to the locality in accordance with Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

7. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper long-term management and maintenance of the landscaped areas in the interests of visual amenity and biodiversity enhancement, in accordance with Policies DMG1, DME1 and DME3 of the Ribble Valley Core Strategy.

Highways

8. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

9. Each dwelling shall incorporate provision to charge electric vehicles and a scheme to provide these facilities shall be submitted to the local planning authority for approval prior to any building work commencing on site. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure that provision is made for electric powered cars and to support sustainable methods of travel in accordance with Key Statement DMI2 and Policy DMG3 of the Core Strategy.

10. No development approved by this permission shall commence until a Construction Method Statement/Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Statement/Management Plan shall be adhered to throughout the construction period and shall provide for:

- i) the routing of construction and delivery vehicles including periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- ii) parking of vehicles of site operatives and visitors within the site;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi) measures to ensure that construction and delivery vehicles do not impede access to adjoining properties;
- vii) a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures including measures to prevent pollution of habitats adjacent to development areas;
- viii) a scheme for recycling/disposing of waste resulting from construction works (there shall be no burning on site);
- ix) A scheme to control noise during the construction phase;
- x) details of lighting to be used during the construction period which should be directional and screened wherever possible;
- xi) Details of hours of working including delivery times for construction materials;
- xii) Pollution prevention measures to be adopted throughout the construction process to ensure watercourses on and adjacent to the works are adequately protected; and
- xiii) Contact details of the site manager.

REASON: In the interests of protecting the residential amenities of the locality and highway safety and to comply with Policy DMG1 of the Core Strategy.

11. Other Highways Conditions TBC

Residential Amenity

12. No building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and between 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.

REASON: In order to protect the amenities of existing residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Drainage and Flooding

13. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

14. Other Drainage Conditions TBC

Further Control over Development

15. Notwithstanding the provisions of Classes A, B, C and E of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that Order, plots 19-23 inclusive hereby permitted shall not be altered or extended and no buildings or structures shall be erected within the curtilage of the new dwellings unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm neighbour amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Ecology and Trees

16. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until an arboricultural method statement and tree protection plan has been submitted to and approved in writing by the Local Planning Authority. This must provide for the protection of all existing trees within the site except those identified for removal in the Arboricultural Impact Assessment by Bowland Tree Consultancy Ltd dated May 2018 and shall include details of the special materials and working methods for proposed construction within RPAs. Thereafter the development shall be implemented wholly in accordance with the approved details..

Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees to be retained shall be protected in accordance with the BS5837:2012 [Trees in Relation to Demolition, Design & Construction]. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

REASON: To protect trees and hedges on and adjacent to the site and to ensure the proposal is satisfactorily landscaped and appropriate to the locality in accordance with Policies DME1 and DME3 of the Ribble Valley Core Strategy.

17. The development shall be carried out in STRICT accordance with the recommendations of the submitted Ecological Appraisal dated 17 May 2018.

REASON: To minimise the impact on ecology in accordance with Policies DMG1 and DME3 of the Core Strategy.

18. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be

undertaken on site 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 to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall be submitted on a dwelling/building dependent bird/bat species 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 construction of those individual dwellings identified on the submitted plan and be made available for use before each such dwelling is occupied and thereafter retained. The development shall be carried out in strict accordance with the approved details.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and protected species in accordance with Section 9 of the NPPF, and Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

19. No part of development shall commence until the details of artificial lighting have been submitted to and agreed in writing by the local planning authority. The information shall include details on the type and intensity of lighting and how its impact on the natural roosting and foraging activity of protected/species of conservation concern shall be mitigated. The lighting thereafter shall be implemented in accordance with the approved details.

REASON: In order to mitigate impact on wildlife and habitat and to comply with Policies DMG1 and DME3 of the Ribble Valley Core Strategy Adopted Version.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0500

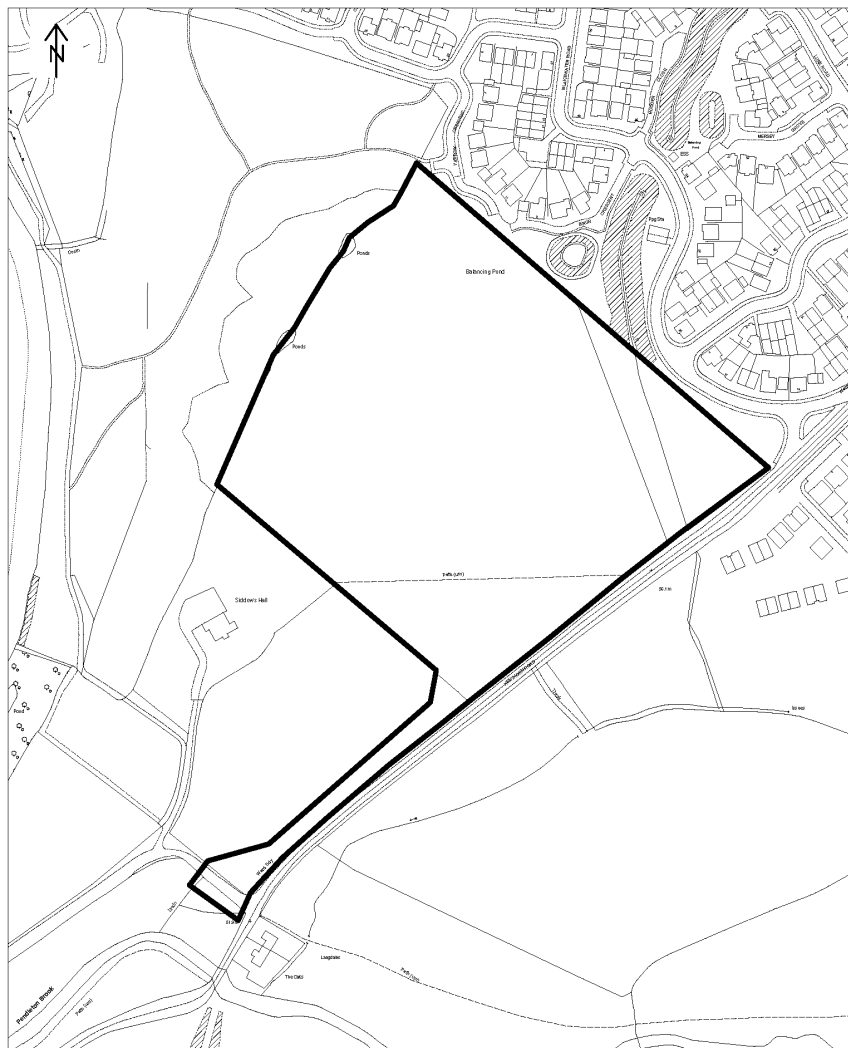
RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPLICATION REF: 3/2018/0688

GRID REF: SD 372823 440546

DEVELOPMENT DESCRIPTION:

OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 110 DWELLINGS WITH PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND VEHICULAR ACCESS POINT FROM HENTHORN ROAD. ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS. LAND OFF HENTHORN ROAD, CLITHEROE



3/2018/0688 land Land off Henthorn Road Clitheroe BB7 2QF

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Clitheroe Town Council:

Object to the application on the following grounds:

- The application site is located outside the settlement boundary of Clitheroe;
- The applicant claims that the Council does not have a five-year supply however the latest figures published by the Council states that it can demonstrate a 5.3 year supply;
- Highway congestion from additional dwellings which will be to the detriment of residential amenity;
- Highway safety concerns in relation to traffic speeds.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The proposed access point is accessible subject to its detailed design under a Section 278 agreement.

The proposed development is on the edge of the residential area and following recent housing development along Henthorn Road the perceived traffic levels have increased. However, the modelling shown within the submitted application has not shown that the impact of the existing and predicted traffic flows are such that it could be construed as being “severe” in respect of para 109 of the NPPF. As such the Highway Officer is satisfied that the development will not have a detrimental effect on the functioning of the highway network. Notwithstanding this, it is noted that there are existing areas where minor delays do occur but these are locally managed by highway users on a courtesy basis, and there are no mitigation that can be employed to minimise these delays without having a detrimental impact upon residential amenity.

The proposed development site lies at the extreme of acceptable walking distances for pedestrian to local amenities and in recognition of this the Highway Officer has requested a Section 106 contribution of £40,000 per annum (for five years) to sustain and promote local public transport.

Provided that the applicant agrees to the financial contribution the Highway Officer raises no objection to this application subject to conditions.

ENVIRONMENT DIRECTORATE (PUBLIC RIGHTS OF WAY):

No comments received

LCC EDUCATION:

On the indicative information provided there would be a requirement for the applicant to provide a contribution towards the provision of 19 primary and nine secondary school places at a total cost of £512,948.41 to be secured by way of a legal agreement. It must be noted that this figure is based on the information provided and may change depending on the housing mix submitted at reserved matters stage.

LCC ARCHAEOLOGY:

No objection subject to condition requiring archaeological programme be implemented prior to commencement of development.

ENVIRONMENT AGENCY:

No comments received

UNITED UTILITIES:

No objection subject to attachment of a condition that the development is carried out in accordance with the principles set out the submitted Flood risk Assessment.

LOCAL LEAD FLOOD OFFICER:

No objection to the application subject to conditions.

ADDITIONAL REPRESENTATIONS:

Letters of representation have been received from 12 individual households/addresses objecting to the application on the following grounds:

- Outside the settlement boundary of Clitheroe and therefore conflicts with the Ribble Valley Development Plan as the Council can demonstrate a five-year housing land supply;
- Future housing sites should be allocated/achieved via properly planned, strategic plan making, not via the determination of individual applications for unplanned development;
- Developers are manipulating the Council's five year supply;
- The approval of this will allow further building to the south to continue indefinitely;
- The Council already has an oversupply of houses for the plan period (until 2028);
- Highway safety concerns as the network is unable to take additional vehicle movements from already approved development in this area, notwithstanding the additional traffic that would be created by this application;
- Despite other applications for housing no highway improvements have been made in this area;
- LCC Highways have raised highway concerns in relation to previous applications for housing in this area and the network capacity;
- A bridge should be built over the railway line from these new housing estates;
- Lack of public transport and car parking facilities in Clitheroe;
- Visual impact – the proposal would not “round-off” the settlement and would create an imbalance on the landscape;
- The site is not appropriate for affordable houses given the distance from the town centre;
- This land is green belt and development would destroy it;
- Impact on wildlife and ecology;
- Removal of trees and hedgerow;
- Only affordable homes should be built on this site;
- Impact on infrastructure and amenities - shortage of school places and health facilities;
- The applicant (Gladman) have not done a full consultation;
- Lack of notices and consultation from LPA;

1. **Site Description and Surrounding Area**

- 1.1 The application relates to an agricultural field measuring 5.2 hectares off Henthorn Road in Clitheroe. The site located on the edge of, but outside, the settlement boundary of Clitheroe and is situated adjacent to a residential development for 270 dwellings on land to the north of Henthorn Road (approved under permission 3/2013/0035) which is nearing completion. On the opposite side of the road a further 130 dwellings are being constructed by Story Homes Ltd (planning ref: 3/2015/0446).
- 1.2 The boundaries of the application site are clearly defined by field hedging and some mature trees with two small ponds located along the north western boundary, however upon inspection during the late summertime site visit these ponds were completely dry. Two sets of overhead powerlines currently run through a section of the site and along the eastern side the land levels drop down to a ditch which passes through a small portion of the site. The land adjacent to this ditch is overgrown and contains a number of shrubs/bushes and it would appear that this part of the site is not currently farmed. The remainder of the site is however clear from vegetation, with the exception of the boundary hedging and trees. There is an existing field gate access from Henthorn Road into the application site.
- 1.3 As detailed above the application site is located outside of the settlement boundary of Clitheroe and is by definition identified as open countryside in accordance with the Ribble Valley Core Strategy. To the north east and south east of the site are the aforementioned residential development for 270 and 130 dwellings respectively. To the south west the boundary is shared with a detached residential property known as Siddows Hall, located within substantial grounds, and a field. To the north west, is a field and a community park associated with adjoining development and beyond this is the River Ribble. The river and part of this adjoining field are designated as a Biological Heritage Site (BHS), but the BHS does not directly adjoin any part of application site.

2. **Proposed Development for which consent is sought**

- 2.1 The application seeks outline consent, with all matters reserved except for access, for the erection of 110 dwellings on this plot of land. Access would be obtained via the existing field gate, however this access would need to be widened in order to meet the required standard. The submitted access arrangement plan shows that a 5.5m wide road would be provided at the access point/junction with Henthorn Road, with 2m wide footways either side. One of these proposed footways would continue onto Henthorn Road up to the recently formed junction some 120m to the north east. The submitted plan also details how a 100m section of Henthorn Road, between the site access and the above mentioned junction, would be widened to provide a 5.5m carriageway.
- 2.2 Whilst in outline form the application is accompanied by a "Framework Plan" which shows the broad location of where the dwellings would be sited within the site, with a landscape buffer provided along the boundaries. This plan also shows the potential location of an on-site play area, an attenuation pond and a proposed footpath/cycleway that would run around the edges of the site and provide pedestrian access to the neighbouring development and community park to the north. It must be reiterated however that this plan is purely indicative and matters relating to layout and landscaping would be considered at reserved matters stage.
- 2.3 In accordance with the Council's requirements the submitted application states that 30% would be affordable units and 15% would be housing specifically for over 55's. The

tenure mix and type of housing would be matters to be considered at reserved matters and secured through a Section 106 Agreement.

3. **Relevant Planning History**

N/A

4. **Relevant Policies**

Ribble Valley Core Strategy

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 H1 – Housing Provision

Key Statement H2 – Housing Balance

Key Statement H3 – Affordable Housing

Key Statement DMI1 – Planning Obligations

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMH1 – Affordable Housing Criteria

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DMB4 – Open Space Provision

Policy DME3 – Site and Species Protection and Conservation

Policy DME6 – Water Management

Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 This is an outline application with all detailed matters reserved for subsequent consideration at reserved matter application stage, except for the access which is considered later in the “Highways” section of this report. The main consideration in the determination of this application is therefore the principle of the development in this location. Others matters in relation to ecological interest, affordable housing, public open space and both visual and residential amenity, however, do have to be given some consideration (as per later in this report).

5.1.2 Core Strategy Key Statement DS1 states that as a part of the overall apportionment of future housing development in the Borough, Clitheroe is regarded as a principal settlement. Both Key Statement DS1 and DMG2 of the Core Strategy, when taken together, permit development proposals in the principal settlements, including Clitheroe, which accord with the development strategy and consolidate, expand or round-off development so that it is closely related to the main built up area.

- 5.1.3 The application site is located directly to the south-west of a committed housing site which is almost complete and just outside of, but adjoining, the settlement boundary of Clitheroe as outlined on the proposal map for the Borough, which will be taken to the Examination In Public (EIP) of the Housing and Economic Development Plan Document. Furthermore to the south east, on the opposite side of the road is a separate committed housing site for 130 dwellings which is under construction. As such the site is adjoined on two sides by built form/residential development.
- 5.1.4 The housing requirement set out in Key Statement H1 of the Core Strategy indicates that land for residential development will be made available to deliver 5,600 dwellings, estimated at an average annual completion target of at least 280 dwellings per year over the plan period. The supporting text to Key Statement DS1 at paragraph 4.11 and Appendix 2 of the Core Strategy include tables which identify the number of houses required for each settlement by 2028 to meet the housing requirement.
- 5.1.5 The LPA are mindful that a significant number of housing developments have been permitted within or adjacent to the settlement of Clitheroe within the last few years which have all contributed to the housing supply within this locality. Policy DS1 of the Core Strategy stresses that *'in general the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area'*.
- 5.1.6 The strategic harm is therefore measured against these factors. The resultant scale of growth generated from this level of development is considered to be modest overall, but does form part of the overall cumulative effect. Furthermore, the Core Strategy requirement is expressed as a minimum and not a target. Nevertheless, the LPA would like to make it clear that in confirming that the Core Strategy requirement is a minimum and not a target, this does not imply that unrestricted development will be approved within the Borough. Each proposed development has to be determined on a case by case basis.
- 5.1.7 In this particular case, the applied occupancy rate (as outlined on page 174 of the Core Strategy) estimates that the net addition of the 110 dwellings proposed by this application would result in a net population increase of 265 individuals. As such the key consideration in the determination of the principle of this development is as to whether the net increase in housing supply would result in substantial harm to the development strategy for the borough, and whether this projected increase in population (265 individuals) would have a significant impact upon local services and facilities.
- 5.1.8 In respect of this issue the Highway Officer has commented that the application site is on the extremity in terms of what is considered sustainable for walking distances to nearby services (schools, shops etc...) and has therefore raised no objection to the sustainability of the location, subject to a financial contribution of £200,000 (£40,000 per annum for five years) in respect of sustaining and promoting local public transport in this area. The applicant has agreed to this financial contribution. Objections have been received in respect of the extra demand for school places and health facilities as a result of this development and LCC Education have not objected on the grounds of school places, however would require a financial contributions for new school places.

- 5.1.9 With regard to health facilities, the LPA do not normally consult with the NHS on individual planning applications, however as a result of the concerns raised by objectors in this particular case, the LPA wrote to the Practice Manager at the Clitheroe Health Centre informing them of the application and inviting them to make comments in respect of patient capacity in this area. The LPA did not receive a response to this letter.
- 5.1.10 Furthermore, no objections have been received from the LLFA or United Utilities with regard to sewerage or drainage capacity relating to this proposal.
- 5.1.11 In view of the above it is considered that the addition of 110 dwellings in this location would not have a significant impact upon local services and facilities, and therefore represents sustainable development.
- 5.1.12 In addition to the above, the Council's most recent published Housing Land Availability Survey (at 30th June 2018) provides the most up to date baseline for establishing five-year supply. In the light of the Governments subsequent guidance the Council has re-assessed its supply position in the course of dealing with a recent Planning Appeal and has determined that the five-year supply of housing for the borough is 4.9 years (using a 5% buffer). As such the Council cannot presently demonstrate a five-year housing supply. In such circumstances (as detailed within Para 11 and footnote 7 on page 6 of the NPPF) the Council's development plan policies are considered to be out-of-date and therefore the NPPF requires the Council apply the titled balance contained within paragraph 11 of the NPPF when determining proposal, and this states planning permission should be granted unless:
- i) *The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*
- 5.1.13 With regard to the above, the application site, being an agricultural field on the edge of the settlement of Clitheroe is not a protected area or considered to be of any particular importance in landscape terms. Furthermore, for the reasons detailed earlier within this section of the report, it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits of a residential development on the edge of the principal settlement boundary of Clitheroe.
- 5.1.14 In summary, it is considered that the proposal represents sustainable development in accordance with the requirements of the NPPF by way of good access to services and facilities, and the principle of development is therefore considered to be acceptable.

5.2 Impact upon Residential Amenity:

- 5.2.1 Precise details of the layout will be considered at reserved matters application stage, however the indicative framework provided with the application shows that the proposed dwellings would be centrally located within the site with a landscape buffer provided along the outer edges.

5.2.2 On the indicative information provided it is considered that any future reserved matters application could achieve an acceptable relationship with existing neighbouring properties/uses in accordance with the relevant sections of Core Strategy Policy DMG1.

5.3 Density/Visual Amenity/External Appearance:

5.3.1 The site as a whole measures 5.2 hectares and in terms of density a standard approach to outline consents recommends a ratio of 30 dwellings per hectare. As such it is considered that 110 dwellings could be accommodated on this site whilst respecting the surrounding density of the area and providing sufficient green space and landscape buffers.

5.3.2 In respect of the visual impact, as with any development of a greenfield site the proposal will introduce changes to the area and result in an urbanising affect. The application is therefore accompanied by a Landscape Visual Impact Assessment (LVIA) which has assessed the landscape character and visual amenity of the area, and the resulting impact of the proposed development.

5.3.3 The LVIA states that the site is well related to the settlement edge and is contained within the local landscape context which comprises a Community Park to the north west, the neighbouring residential developments, trees and hedges. The wider landscape comprises undulating fields with good hedgerow boundaries, trees and woodlands which provide good screening from longer views.

5.3.4 The application proposes to retain existing landscape features, such as the ponds, hedging and trees, with the exception of the removal of some short sections of hedgerow to facilitate the widening of the existing access point and also to provide pedestrian access to the neighbouring site and Community Park, and the proposal includes the implementation of new Green Infrastructure within the landscape buffers along the edges of the site.

5.3.5 The LVIA concludes that the site's landscape character has the ability to absorb the proposed development and the proposal would not give rise to any unacceptable landscape and visual harm.

5.3.6 As detailed above the application site is adjoined to the north east by a recent residential development and houses are being constructed to the south, on the opposite side of Henthorn Road. As such the site is not visually isolated in the landscape and it is accepted that the residential development of this site can take place without any serious detriment to visual amenity in this area.

5.3.7 With regard to the final layout, scale and design/appearance of the proposed dwellings, these would be considered at reserved matters stage.

5.4 Highway Safety and Accessibility:

5.4.1 A number of objections have been received in respect of the impact this proposal would have upon the surrounding highway network, particularly given the amount of residential development that has taken place in the vicinity.

- 5.4.2 The application is accompanied by a Transport Assessment (TA) which has been reviewed by the Highway Officer, and the Highway Officer has also visited the site at peak times in the morning and evening to observe traffic patterns in order to fully assess the potential impacts of the proposal. The Highway Officer accepts that certain elements of the surrounding road network experience localised issues (notably the junctions at Eshton Terrace/Henthorn Road and Whalley Road/Greenacre Street) however the Highway Officer comments that these were effectively managed by the courteous nature of drivers which allowed traffic flows to be maintained through these junctions. The Highway Officer does accept that when closed the level crossing (Thorn Street/Eshton Terrace) causes queues, however the impact is not considered to be severe and clears quickly once the crossing is re-opened.
- 5.4.3 In summary, the Highway Officer does not consider that the proposed development would have a “severe” impact upon the surrounding highway network and thus offers no highway objection on these grounds.
- 5.4.4 With regard to sustainability, as detailed earlier in this report the Highway Officer has commented that the application site is on the extremity in terms of what is considered sustainable for walking distances to nearby services (schools, shops etc...) and has therefore raised no objection to the sustainability of the location, subject to a financial contribution of £200,000 (£40,000 per annum for five years) in respect of sustaining and promoting local public transport in this area.
- 5.4.5 In respect of the proposed access point onto Henthorn Road, the entrance would have a 5.5m wide carriageway with 2m footways either side and the proposed visibility splays at the site entrance would exceed those required by guidance. As such the access point into the site is considered to be acceptable. The proposal would involve localised carriageway widening between the proposed access to the site and the recently constructed junction approximately 100m to the east in order to provide a carriageway width of 5.5m and a 2m wide footway would also be provided along the northern side of this carriageway. The Highway Officer has no objection to these off-site highway works being undertaken, provided that full details of these works are submitted to and approved by the LPA prior to be undertaken on site.
- 5.4.6 In summary the Highway Officer has raised no objection to this application, subject to the applicant making a financial contribution in respect of sustaining and promoting local public transport in this area, and imposition of a number of highway related conditions attached to the recommendation.

5.4 Landscape/Ecology/Trees:

- 5.4.1 The site itself is not locally or nationally designated as an important ecological site, however there is a Biological Heritage Site to the north west of the site. An Ecological Appraisal has been provided in support of the application.
- 5.4.2 The submitted survey draws attention to six records of pipistrelle bat species within the search area, with the closest being 430m south-east of the site. Two mature trees on site were considered to have potential to be used by roosting bats and these trees are to be retained as part of the outline consent within areas of public open space and thus it is not anticipated that these would be impacted.

Should the reserved matters application result in any impact on these trees then a detailed inspection of these trees should be carried out.

- 5.4.3 During transect surveys bat activity was recorded across this site, albeit a small number of bats, and this is not unexpected given the rural edge setting of the site. The survey concludes that the site is considered to provide suboptimal value for foraging bats and its loss is considered unlikely to have a negative impact upon the favourable Conservation Status of local bat populations. In order to minimise the potential impacts the proposal seeks to retain all areas of higher value habitat resources (trees and hedgerows), including a green buffer around the field boundaries. This will maintain connectivity for bats (and other wildlife). The application does involve the removal of some small sections of hedging for the widening of the access, and to provide pedestrian access the adjacent community park. The amount of hedgerow to be removed is a very small proportion of the hedgerow that would be retained on site and there is no objection to this. The submitted ecology appraisal also recommends the introduction of bat boxes within retained trees and proposed dwellings.
- 5.4.4 Other mitigation measures detailed within the submitted report that would retain/improve habitat connectivity include the production of an ecological management plan, gaps provided under fencing to permit wildlife access, the production of deadwood piles to be created in areas of open space for amphibians and small mammals and the use of the proposed attenuation pond to provide habitat potential.
- 5.4.5 The Council's Countryside Officer has reviewed the ecological appraisal and raises no objection to its findings and recommendations. A condition has been attached requiring any reserved matters application to include full details of the recommendation mitigation measures.
- 5.4.6 With regard to trees an arboricultural survey has provided and as detailed earlier in this report all trees are located along the boundaries of the site, or within a section of land at the eastern edge which contains the ditch and is not shown on the indicative plan to be developed. As such there appears to be no reason for any trees to be removed in order to facilitate this development and the proposed green buffer along the outer edges would ensure that development would not take place within the root protection zones of any trees. A condition has been attached requiring the reserved matters application to full details of the root protection areas of retained trees, and measures that will be put in place to ensure that works do not take place within these root protection areas.

5.5 Flood Risk and Drainage:

- 5.5.1 Whilst relatively close to the River Ribble, the application site is located within Floodzone 1 (least vulnerable). Nevertheless, being a "major" development the application is accompanied by a Flood Risk Assessment and Foul Drainage Assessment. United Utilities (UU), the Environment Agency and Lead Local Flood Authority (LLFA) have all been consulted on the application. The EA have not provided any comments, however not being within Floodzone 2 or 3, the EA would unlikely provide comments. Both the LLFA and UU have provided comments, neither of which object to this application subject to conditions and further information being submitted as part of the reserved matters application.

5.6 Developer Contributions:

- 5.6.1 As mentioned above the applicant will be required to make a financial contribution of £200,000 (£40,000 per annum for five years) in respect of sustaining and promoting local public transport in this area.
- 5.6.2 The applicant will also be required to make financial contributions in respect of leisure facilities within the borough as a result of the increased demand these new dwellings would create, and also a contribution in respect of education. Both these contributions are calculated using the number of bedrooms within the proposed development and consequently the figure for both education and leisure is unknown at outline planning stage. The applicant, subject to approval of this application, will enter into a Section 106 Agreement to secure these contributions, as well as the highway contribution detailed above.
- 5.6.3 In respect of Public Open Space, the application and indicative plan shows that on-site public open space, including a play area, would be provided and a condition has been attached requiring details of this to be included within the reserved matters application.

5.7 Affordable Housing

- 5.7.1 In accordance with Policy DMH1, a development of this size would require 30% of the dwellings to be affordable (33 dwellings) and 15% of the units would specifically be for over 55s (17 units). These will be secured within the legal agreement (Section 106) with specific details shown within the reserved matters application. The Council will likely seek that this is provided via bungalows on site, but this is subject to further discussion and negotiation with the applicant by way of the legal agreement and reserved matters application.

5.8 Other issues

- 5.8.1 A Phase 1 (desk study) Contaminated Land Study has been submitted and concludes that there is not considered to be a significant risk of contamination. The report (page 11) does however recommend that ground investigation works should be carried out and an appropriate condition has therefore been attached to the recommendation.
- 5.8.2 Lancashire County Council Archaeology Service have been consulted on this application and raised no objection subject to condition requiring an archaeological programme be implemented prior to commencement of development on site.
- 5.8.3 An objector has commented that the application site is within the green belt, however this is not the case. Additionally, concerns have been raised in respect of the level of public consultation undertaken by the applicant and the LPA. In respect of the applicant, there is no requirement for them to undertake any public consultation, however the LPA is aware that leaflets were sent out to some local residents notifying them of the application. In respect of the LPA, neighbour notification letters have been sent out, an advert taken out in the local press and three site notices have been erected along Henthorn Road. As such the LPA has gone beyond its statutory duty in publicising this application.

6. Conclusion

- 6.1 The application site is considered to be a sustainable location, adjoining the Draft Settlement Boundary of Clitheroe, and the proposal will contribute towards the supply of housing within the borough, and in particular contribute towards the provision of over 55s accommodation and affordable housing. Statutory consultees have raised no objection to this application and therefore in accordance with paragraph 11 of the NPPF, which states that planning permission should be granted unless the adverse impacts of this proposal would significantly and demonstrably outweigh the benefits, the outline planning application for residential development, with all matters reserved except for access, is considered to be acceptable.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval subject to 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 Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 3 months and subject to the following conditions:

CONDITIONS

Time limit, plans and details

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

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:- appearance; landscaping; layout; and scale.

REASON: To comply with Policy DMG1 of the Ribble Valley Core Strategy and in order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.

3. Unless explicitly required by condition within this consent, the vehicle access shall be constructed in complete accordance with the detailed shown on drawings:

1616/13 rev B (proposed access arrangements)

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

4. The details in respect of the submission of any reserved matters shall be generally in accordance with the design principles and parameters as set out in the following approved documentation:

Design and Access Statement (August 2016)
8439-L-02 rev C (Framework Plan)

REASON: To ensure the development accords with the agreed general principles in relation to design, green infrastructure and pedestrian, cycle and vehicular movement within the site in accordance with Policies DMG1, DMG3, DME1, DME2, DME3, DMB4, DMB5 and Key Statements EN3, EN4 and DMI2 of the Ribble Valley Core Strategy.

5. The development hereby permitted shall not exceed 110 dwellings (use class C3) in accordance with the submitted application form, location plan (8439-L-04 rev A) and indicative framework plan (8439-L-02 rev C).

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

6. The reserved matters application shall include details of all proposed boundary treatments/fencing/walling, refuse collection points and existing and proposed land levels, including proposed slab levels.

REASON: To comply with Policies DMG1 and DME1 of the Ribble Valley Core Strategy and in order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission. The development shall thereafter be carried out in accordance with the approved details.

7. The reserved matters application shall include full details of the proposed play area and a Play Space Management Plan including long term design objectives, timing of works, management responsibilities and maintenance schedules for the play area shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the Place Space Management Plan shall also provide precise details of all play equipment and its maintenance and indicate a timescale when the play area shall be provided and made available for use. The development shall be carried out in strict accordance with the approved details and the play area managed in accordance with the timings and methodology contained within the approved Management Plan.

REASON: To ensure that the application includes adequate areas on-site public open space provision in accordance with Policy DMB4 of the Ribble Valley Core Strategy.

Drainage and floodrisk:

8. The application for the approval of reserved matters shall be accompanied by full details of the proposed surface water attenuation pond. For the avoidance of doubt the submitted information shall include proposed sections through the pond including relevant existing and proposed land levels and details of all associated landscaping and boundary treatments where applicable. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure a satisfactory form of development in the interests of visual and residential amenities and to ensure the Local planning Authority can make an accurate

assessment of the details relating to matters of flood risk and sustainable drainage in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

9. As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority:
- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change – see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes, temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
 - b) The drainage scheme should demonstrate that the surface water run-off will not exceed the existing pre-development runoff rate for the corresponding return period. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) A plan showing any overland flow routes and flood water exceedance routes, both on and off site – flow routes must be directed away from property and infrastructure;
 - d) A timetable for implementation, including phasing where applicable;
 - e) Details of water quality controls, where applicable.
 - f) Details of an appropriate management and maintenance plan for the lifetime of the sustainable drainage system.

The scheme shall be implemented in accordance with the approved details and agreed timetable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

REASON: To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, to ensure that water quality is not detrimentally impacted by the development proposal and to reduce the flood risk to the development as a result of inadequate maintenance in accordance with Policy DME6 of the Ribble Valley Core Strategy national guidance within the NPPF.

10. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: SHF.1132.159.HY.R.001.A) and the following mitigation measures detailed within the FRA:
1. *Finished floor levels are set no lower than 150mm above external ground levels;*
 2. *Limiting the built development (including surface water attenuation) outside the mapped extent of surface water flow pathways;*
 3. *No below surface building (i.e. basements);*
 4. *Providing a 4m easement free from development along either side of the watercourse;*

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, in consultation with the lead local flood authority.

REASON: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding by ensuring the satisfactory disposal of surface water from the site in accordance with Policy DME6 of the Ribble Valley Core Strategy national guidance within the NPPF.

11. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. SHF.1132.159.HY.R.001.A, Dated July 2018 which was prepared by enzygo. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policy DME6 of the Ribble Valley Core Strategy national guidance within the NPPF.

Archaeology

12. No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. The programme of works shall include an initial phase of both geophysical survey and trial trenching, as well as the compilation of a report on the work undertaken and the results obtained. These works should aim to establish the presence or absence of buried archaeological remains and their nature, date, extent and significance. If remains are encountered then a subsequent phase of impact mitigation (which may include preservation in situ by the appropriate design or siting of new roads, structures and buildings, formal excavation of remains or other actions) and a phase of appropriate analysis, reporting and publication shall be developed and a further written scheme of investigation submitted to and agreed with the local planning authority before development commences. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site and buildings in accordance with Policy DME4 of the Ribble Valley Core Strategy and national guidance within the NPPF.

Contamination

13. Prior to the commencement of development, a ground investigation shall be carried out as recommended and described in Section 7 (Discussion and Recommendations) of the Phase I Geo-Environmental Report by enzygo (ref: SHF.1132.159.GE.R.001) that was

submitted with the outline application; and a report of the findings of the investigation shall be submitted for the written approval of the Local Planning Authority. Any mitigation measures that are found to be necessary shall be carried out to the satisfaction of the Local Planning Authority prior to the commencement of development.

REASON: In the interests of providing an appropriate environment for the end users of the development and to comply with Policy DMG1 of the Ribble Valley Core Strategy.

Ecology and trees

14. The landscaping scheme to be approved (pursuant to Condition 2 of this permission) shall be fully implemented in the first complete planting and seeding season following the first occupation of the dwellings within that parcel. Any trees of plants which, within a period of five years from planting, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: In the interests of biodiversity and visual amenity value in accordance with Policies DMG1 and DME1 of the Ribble Valley Core Strategy.

15. The submission of the reserved matters shall include an Arboricultural Impact Assessment and Tree Constraints Plan in respect of the existing trees situated within influencing distance of the development site and shall include details of all root protection measures to be undertaken during the construction process. The development shall be carried out in strict accordance with the approved details unless agreed in writing by the Local Planning Authority and the specified tree protection measures shall remain in place throughout the construction phase of the development.

REASON: To ensure the adequate protection of trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development in accordance with Policies DMG1 and DME1 of the Ribble Valley Core Strategy.

16. The reserved matters application shall include full details of proposed mitigation measures detailed/recommended within Section 5 of the submitted Ecological Appraisal (dated August 2018) and the development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development in accordance with Policies DMG1 and EN4 of the Ribble Valley Core Strategy.

17. Notwithstanding the requirements of condition 16 of this approval, no site clearance, preparation or development work shall take place until a Landscape/Habitat Management Plan to include long-term design objectives, timings of the works, habitat creation, enhancement, management responsibilities and maintenance schedules for all landscaped areas (other than privately-owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be informed by the submitted Ecological Appraisal (dated August 2018) and carried out as approved.

REASON: In the interests of biodiversity and to enhance opportunities for species of conservation concern and reduce the impact of development in accordance with Policies DMG1 and EN4 of the Ribble Valley Core Strategy.

18. The reserved matters application shall include 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 to, and approved in writing by the Local Planning Authority. The details shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

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

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development in accordance with Policies DMG1 and EN4 of the Ribble Valley Core Strategy.

19. The reserved matters application shall include details of a scheme for any external building or ground mounted lighting/illumination. For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.
20. The lighting schemes(s) shall be implemented in accordance with the approved details and retained as approved unless agreed in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area and to minimise/mitigate the potential impacts upon protected species resultant from the development in accordance with Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

21. Any removal of vegetation, including trees and hedges, should be undertaken outside the nesting bird season (March to August) unless an up-dated pre-clearance check has been carried out by a licensed ecologist on the day of removal.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities and reduce or remove the impact of development in accordance with Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

Highways

22. The application for the approval of reserved matters shall include details of the provision of domestic external or internal (within garages) sockets for the charging of electric/hybrid vehicles on all of the dwellings. Development shall be carried out in strict accordance with the approved details and the agreed charging points shall be installed

and be made available for use prior to first occupation of the dwelling(s) upon which they are to be located/are intended to serve.

REASON: To ensure that the development provides adequate and appropriate sustainable transport options and in the interest of lowering emissions resultant from vehicular movements associated with the development in accordance with Key Statements EN3 and DMI2 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

23. The new estate road/access of the development hereby permitted shall be constructed in accordance with a detailed scheme (including a timetable for implementation) which shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The estate road/access shall be constructed to adoptable standards in accordance with the Lancashire County Council Specification for Construction of Estate Roads and the scheme shall be implemented in accordance with the approved details and timetable.

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

24. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a Section 278 agreement, under the Highways Act 1980.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

25. No dwelling hereby approved shall be occupied until the approved scheme referred to in Condition 23 has been constructed and completed in accordance with the approved details.

REASON: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy

26. Prior to any dwelling hereby approved being brought into use, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall be implemented within the timescale set out in the approved details and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.

REASON: To promote and provide access to sustainable transport options in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy

27. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide details in respect of:

- Timing of delivery of all off site highway works
- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Wheel washing facilities and road sweeper
- Details of working hours
- Contact details for the site manager
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

REASON: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings and to ensure the development would not be of detriment to the safe operation of the immediate highway during the construction of the development in accordance with Policies DMG1, DMG3 and DMI2 of the Ribble Valley Core Strategy.

28. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

INFORMATIVES

- The LLFA encourages the applicant to maximise the use of sustainable drainage systems (SuDS) when designing the surface water drainage scheme for the development site. This is because sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk. Sustainable drainage systems can attenuate the rate and quantity of surface water runoff from a site, and they can also absorb diffuse pollutants and promote groundwater recharge. Ponds, reed beds and seasonally flooded grasslands are also particularly attractive features within public open space. The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Some SuDS features, for example rainwater harvesting and permeable paving used on roads and driveways, must not be included as part of the hydrological calculations for the site. This is because occupants may change or remove these features in the future and this could have the potential to increase surface water runoff from the site. Where SuDS features such as rainwater harvesting and permeable paving are included in the hydrological calculations, the local planning authority would be advised to consider the removal of permitted development rights.

- The LLFA notes from section 5.2 of the FRA that the applicant is considering constructing a bund feature along the right bank of the watercourse located in the north eastern corner of the site (referred to as drain 1). The purpose of the bund would be to prevent floodwater backing up and flooding into the site. As a LLFA, Lancashire County Council has the power to formally designate a structure or feature which it believes may have an effect on flood or coastal erosion risk. A designation acts as a form of legal protection for structures and features which have been identified as presenting a flood or coastal erosion risk. Schedule 1 of the FWMA, Paragraph 5(1) prohibits any person to: *'alter, remove or replace a designated structure or feature without the consent of the responsible authority.'* The LLFA will give further consideration to the proposed structure at Reserved Matters to determine whether formal designation would be required.
- The LLFA are the consenting body for works on Ordinary Watercourses. Under Section 23 of the Land Drainage Act 1991 (the "LDA") (as amended by paragraph 32 of Schedule 2 of the FWMA 2010) anyone who intends to carry out works which may obstruct or affect the flow of an ordinary watercourse needs written consent from Lancashire County Council.

It is important to note that Land Drainage Consent is a separate application process that lies outside the planning legislation. It should not be assumed therefore the grant of planning permission means that Land Drainage Consent will automatically be given. Parallel processing of Land Drainage Consent applications is advised, as any land drainage consenting issues could directly impact the suitability of the proposed site layout.

Land Drainage Consent applications can take up to eight weeks to process following receipt of all required information and payment (£50 per structure). Retrospective consent cannot be issued.

- Although the LLFA is satisfied at this stage that the proposed development could be allowed in principle, the applicant will still need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk on or off site. The applicant will therefore be expected to provide a detailed surface water drainage strategy as part of any reserved matters application and prior to the commencement of any development. This must comply with the requirements of the Planning Practice Guidance, National Planning Policy Framework and Standards 2, 4, 7, 8 and 9 of the non-statutory technical standards for sustainable drainage systems; March 2015. Suitable allowances should also be made for climate change and urban creep, and surface water should be managed as close to the surface as possible.

For the avoidance of any doubt, the LLFA is not able to assess or comment on the suitability of the proposed surface water runoff rates and volumes at this time. This is because the final rates and volumes are directly influenced by the amount of impermeable area within the proposed development site. Any agreement can therefore only be made once the final site layout has been agreed.

- This response does not cover highway drainage, matters pertaining to highway adoption (s38 Highways Act 1980) and/or off-site highway works (s278 Highways Act 1980). Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of those systems with the local highway authority.

- If there are any material changes to the submitted information which impact on surface water, the local planning authority is advised to consider re-consulting the LLFA. The LLFA also wishes to be formally consulted on all subsequent drainage strategies for this proposed development.
- The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by telephoning the Developer Support Section (Area South) on 0300 123 6780, or writing to Developer Support Section, Lancashire County Council, Environment Directorate, Cuerden Mill Depot, Cuerden Way, Cuerden, PR5 6BJ or email lhscustomerservice@lancashire.gov.uk
- The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0688

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2017/0653	Land at Chatburn Road Clitheroe	28/6/18	30	Out for signature
3/2018/0008	Peel Park Avenue Clitheroe	4/10/18	34	With Planning
3/2018/0500	Land to East Clitheroe Road Barrow	4/10/10	10	With Planning

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2018/0606	Change of use from a holiday let to a dwelling	School House Cottage Newton in Bowland
3/2018/0887	T1 Alder – cut back growth from site to 5.2m	Beeches Alderford Close, Clitheroe
3/2018/0655	Removal of existing shop front and insertion of domestic window and door to match neighbouring houses	3 Whalley Road Read

APPEALS UPDATE

<u>Application No and reason for appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Date of Inquiry/ Hearing if applicable</u>	<u>Progress</u>
3/2016/1192 R	16/11/17	Hammond Ground Whalley Road Read	Inquiry adjourned	09/10/18	Inquiry changed to a Hearing, resumed on 9 October – awaiting decision Awaiting Decision
3/2017/1139 Conditions disputed	13/08/18	Sands Cottage The Sands Whalley	WR		Awaiting Decision
3/2017/0857 R	13/08/18	Lowood Whins Lane, Read	WR		Awaiting Decision
3/2018/0113 Conditions not discharged	13/08/18	102 Lowergate Clitheroe	WR		Awaiting Decision
3/2018/0217 linked with 3/2018/0218 R of prior approval	29/08/18	Eastham House Fm Clitheroe Road Mitton	WR		Awaiting Decision
3/2017/0961 R (Variation of S106 Ag)	Awaiting start date from PINS	Land at Chapel Hill, Longridge	Hearing (to be confirmed by PINS)		

<u>Application No and reason for appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Date of Inquiry/ Hearing if applicable</u>	<u>Progress</u>
3/2017/0962 R	03/10/18	Land off Sheepfold Crescent, Barrow	Hearing	Wed 16/01/2019 Cttee Rm 1 booked	Statement and SoCG due 07/11/2018
3/2018/0159 R	16/07/18	5 Barn Croft Clitheroe	HH		Appeal Dismissed 05/10/2018 Costs application dismissed. Awaiting Decision
3/2018/0069 R	29/08/18	Land off Whalley Rd Mellor Brook	WR		Awaiting Decision
3/2018/0263 R	20/08/18	Showley Brook Rest Home 10 Knowsley Road Wilpshire	WR		Awaiting Decision
3/2018/0303 R	28/09/18	Croftlands Chipping	WR There is a costs application		Statement due 02/11/2018
3/2018/0537 R	28/09/18	Wiswell Brook Fm Moorside Lane	WR		Statement due 02/11/2018
3/2018/0079 R	23/07/18	New Ings Farm Hellifield Road Bolton by Bowland	WR		Awaiting Decision
3/2018/0480 R	Awaiting start date from PINS	The Tythe Barn Station Road Rimington	HH form submitted in error by appellant. Appellant has asked for WR Costs applied for HH appeal procedure		
3/2018/0474 R	Awaiting start date from PINS	Great Mitton Hall Mitton Road Mitton	Hearing requested (to be confirmed by PINS)		
3/2018/0468 R	Awaiting start date from PINS	Great Mitton Hall Mitton Road Mitton	LB Hearing (to be confirmed by PINS)		